



CITY COUNCIL MEETING
City Hall—Council Chambers, 3989 Central Ave NE
Monday, August 26, 2024
6:00 PM

Mayor
Amáda Márquez Simula
Councilmembers
Connie Buesgens
Kt Jacobs
Rachel James
Justice Spriggs
City Manager
Aaron Chirpich

AMENDED AGENDA

AGENDA AMENDED ON AUGUST 26TH TO REMOVE ITEM 7

ATTENDANCE INFORMATION FOR THE PUBLIC

Members of the public who wish to attend may do so in-person, or by using Microsoft Teams Meeting at columbiaheightsmn.gov/joinameeting: **287 822 303 488**, Passcode **MGP9KV**. Additionally, members of the public may view the meeting live at columbiaheightsmn.gov/watch. For questions, please call the Administration Department at 763-706-3610.

Auxiliary aids or other accommodations for individuals with disabilities are available upon request when the request is made at least 72 hours in advance. Please contact Administration at 763-706-3610 to make arrangements.

WELCOME/CALL TO ORDER/ROLL CALL

MISSION STATEMENT

Columbia Heights is a vibrant, healthy and connected City. We are here to actively support the community, deliver equitable services, build and strengthen connections, improve upon our past, and uphold our successes. We strive to be better and ensure Columbia Heights is a great place for everyone, today and in the future.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

APPROVAL OF AGENDA

(The Council, upon majority vote of its members, may make additions and deletions to the agenda. These may be items submitted after the agenda preparation deadline.)

PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS

A. 2024 Outstanding Business of the Year Award Presentation.

Columbia Heights Pizza Man

B. Suicide Prevention Awareness Month Proclamation.

C. Recognition of the 2024 Northern Lights Award.

CONSENT AGENDA

These items are considered to be routine by the City Council and will be enacted as part of the Consent

Agenda by one motion. Items removed from consent agenda approval will be taken up as the next order of business. (The City Council will make motion to approve the Consent Agenda following the statement of all items.)

1. Approve the August 12, 2024 City Council Meeting Minutes.

MOTION: Move to approve the August 12, 2024 City Council Meeting minutes.

2. Accept the June 11 & July 9, 2024 Sustainability Commission Minutes.

MOTION: Move to accept the June 11 & July 9, 2024 Sustainability Commission minutes.

3. License Agenda.

MOTION: Move to approve the items as listed on the business license agenda for August 26th, 2024, as presented.

4. Partnership with CHPS on Mentorship Program.

MOTION: Move to authorize the Police Chief and City Manager to partner with Columbia Heights Public Schools on the creation of a volleyball program with a police mentorship component. Up to \$28,528 in 2023 Public Safety Aid is authorized for this purpose.

5. Rental Occupancy Licenses for Approval.

MOTION: Move to approve the items listed for rental housing license applications for August 26, 2024, in that they have met the requirements of the Property Maintenance Code.

6. Review of Bills.

MOTION: Move that in accordance with Minnesota Statute 412.271, subd. 8 the City Council has reviewed the enclosed list to claims paid by check and by electronic funds transfer in the amount of \$1,438,579.83.

PUBLIC HEARINGS

This is the public's opportunity to speak regarding this matter. Speakers that are in-person are asked to complete a Speaker Form and submit it to the City Clerk. Speakers attending virtually should send a request to speak with this information to the moderator using the chat function and wait to be called on to speak. When speaking, virtual attendees should turn their camera on. Any comments made after the public hearing is closed will not be considered by the City Council and will not be included as part of the formal record for this matter as the item will have been voted on and the item formally closed by the Council.

~~7. — Consideration of Resolution 2024-59, revocation of the license to operate rental units within the city of Columbia Heights against the rental property at 1087/1089 Polk Circle NE for failure to meet the requirements of the Residential Maintenance Codes.~~

8. First Reading of Ordinance No. 1704, an Ordinance to Amend Chapter 12, Article IV – 1583: Granting a Franchise to Comcast Of Minnesota, Inc. to Construct, Operate and Maintain a Cable System in The City Of Columbia Heights.

MOTION: Move to close the hearing and waive the reading of Ordinance No. 1704, there

being ample copies available to the public.

MOTION: Move to set the second reading of Ordinance 1704, being an ordinance to amend Chapter 12, Article IV – 1583: Granting a Franchise to Comcast Of Minnesota, Inc. to Construct, Operate and Maintain a Cable System in The City Of Columbia Heights for September 9th, 2024 at approximately 6:00pm in the City Council Chambers.

ITEMS FOR CONSIDERATION

Ordinances and Resolutions

9. Second Reading of Ordinance No. 1700, an Ordinance to Amend Chapter 9 - Land Use: 9.103 Definitions, 9.104 Administration and Enforcement, 9.105 Nonconformities, 9.106 General Development Standards, 9.107 Specific Development Standards, 9.109 Residential Districts, 9.110 Commercial Districts, and 9.111 Industrial Districts.

MOTION: Move to waive the reading of Ordinance No. 1700, there being ample copies available to the public.

MOTION: Move to approve Ordinance 1700, being an ordinance to amend Chapter 9 - Land Use: 9.103 Definitions, 9.104 Administration and Enforcement, 9.105 Nonconformities, 9.106 General Development Standards, 9.107 Specific Development Standards, 9.109 Residential Districts, 9.110 Commercial Districts, and 9.111 Industrial Districts, and direct staff to send the summary ordinance for publication in the legal newspaper.

10. First Reading of Ordinance No. 1701, an Ordinance to amend 5.607 Pet Shops and Commercial Kennels.

MOTION: Move to waive the reading of Ordinance No. 1701, there being ample copies available to the public.

MOTION: Move to set the second reading of Ordinance 1701, being an ordinance to amend 5.607 Pet Shops and Commercial Kennels in the City of Columbia Heights for September 9, 2024 at approximately 6:00pm.

Bid Considerations

No New Bid Considerations.

New Business and Reports

No New Business or Reports.

CITY COUNCIL AND ADMINISTRATIVE REPORTS

Report of the City Council

Report of the City Manager

COMMUNITY FORUM

The Community Forum is the public's opportunity to address the Council regarding any matter that has not had a public hearing earlier in the meeting.

Speakers that are in-person are asked to complete a Speaker Form and submit it to the City Clerk.

Once called to the podium, the speaker should state their name and connection to Columbia Heights.

Speakers attending virtually should send a request to speak as well as their address and connection to Columbia Heights to the moderator using the chat function and wait to be called on to speak.

When speaking, virtual attendees should turn their camera on.

All speakers should limit their comments to five (5) minutes.

Personal attacks, threats, the use of profanity, and other disrespectful comments are prohibited.

The City Council will listen to the public comments, ask clarifying questions, and if needed, request staff to follow up or direct the matter to be added to an upcoming agenda. Generally, the City Council will not take official action on items raised at the Community Forum at the meeting on which they are raised.

ADJOURNMENT

Auxiliary aids or other accommodations for individuals with disabilities are available upon request when the request is made at least 72 hours in advance. Please contact Administration at 763-706-3610 to make arrangements.



PROCLAMATION

Suicide Prevention Awareness Month: September 2024

September is National Suicide Prevention Awareness Month, a time to raise awareness of the resources available to prevent suicide and support those in our community. Our goal is to learn how to help and talk about suicide without increasing harm.

Suicidal thoughts can affect anyone, regardless of age, gender, race, orientation, income, religion, or background. According to the American Foundation for Suicide Prevention (AFSP), suicide is the second leading cause of death among individuals aged 10 to 34, with over 48,000 people dying by suicide annually in the United States.

Columbia Heights stands with local educators, mental health professionals, coaches, leaders, police officers, and parents in supporting our community. Local and national organizations, like the National Alliance on Mental Illness (NAMI), are at the forefront of this critical issue.

We urge all residents to check in on the well-being of family, friends, and neighbors. A simple gesture – a call, message, handshake, or hug – can make a significant difference.

NOW, THEREFORE, I, Amáda Márquez Simula, Mayor of Columbia Heights, proclaim September 2024 as National Suicide Prevention Month.

Amáda Márquez Simula, Mayor

August 26, 2024



CITY COUNCIL MEETING

AGENDA SECTION	RECOGNITION
MEETING DATE	8/26/2024

ITEM:	Recognition of the 2024 Northern Lights Award							
DEPARTMENT:	Administration	BY/DATE: Will Rottler / August 20, 2024						
<p>CORE CITY STRATEGIES: <i>(please indicate areas that apply by adding an "X" in front of the selected text below)</i></p> <table> <tr> <td><input type="checkbox"/> Healthy and Safe Community</td> <td><input type="checkbox"/> Thriving and Vibrant Destination Community</td> </tr> <tr> <td><input checked="" type="checkbox"/> Equitable, Diverse, Inclusive, and Friendly</td> <td><input type="checkbox"/> Strong Infrastructure and Public Services</td> </tr> <tr> <td><input type="checkbox"/> Trusted and Engaged Leadership</td> <td><input type="checkbox"/> Sustainable</td> </tr> </table>			<input type="checkbox"/> Healthy and Safe Community	<input type="checkbox"/> Thriving and Vibrant Destination Community	<input checked="" type="checkbox"/> Equitable, Diverse, Inclusive, and Friendly	<input type="checkbox"/> Strong Infrastructure and Public Services	<input type="checkbox"/> Trusted and Engaged Leadership	<input type="checkbox"/> Sustainable
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BACKGROUND

Every year, the Minnesota Association of Government Communicators (MAGC), a statewide non-profit composed of communications and community engagement staff from all government organizations within the state, holds the Northern Lights Awards to honor special achievements in a range of categories. Out-of-state judges score all entry submissions and choose to recognize winning entries in one of three awards categories: bronze, silver, and Northern Lights. In July, the City of Columbia Heights won the Northern Lights award for Community Engagement in the small entity category for its Central Place Room Community Poster series project.

PRESENTATION ITEMS

Administration staff will present the MAGC award and speak briefly on the winning submission.



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MINUTES

The following are the minutes for the Meeting of the City Council held at 6:00 pm on Monday, August 12, 2024, in the City Council Chambers, City Hall, 3989 Central Avenue NE, Columbia Heights, Minnesota

WELCOME/CALL TO ORDER/ROLL CALL

Mayor Márquez Simula called the meeting to order at 6:00 pm.

Present: Mayor Márquez Simula; Councilmember Buesgens; Councilmember Jacobs; Councilmember Spriggs; Councilmember James

Also Present: Andrew Boucher, City Planner; Aaron Chirpich, City Manager; Sara Ion, City Clerk; Scott Lepak, City Attorney; Charlie Thompson, Fire Chief; Julie Zapp, City resident; Cathy Gomez, City resident

MISSION STATEMENT

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PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

APPROVAL OF AGENDA

Motion by Councilmember Buesgens, seconded by Councilmember James, to approve the Agenda as presented. All Ayes, Motion Carried 5-0.

PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS

A. Monarch Butterfly Day Proclamation.

Mayor Márquez Simula mentioned that the Monarch Festival was last Thursday and that it is a bilingual event. Part of the Mayor's Monarch Pledge is that every year there is a proclamation which highlights the work the City does to protect and sustain monarchs.

Mayor Márquez Simula proclaimed August 8, 2024, as Monarch Butterfly Day and read the City's proclamation.

Mayor Márquez Simula explained that the event is bilingual because the butterflies migrate to Mexico in the winter. She expressed appreciation for Staff's support and help with the festival. There were over a dozen different community organizations at the festival including the Anoka County Master Gardeners, the extensions office, and other groups.

B. Senior Citizen Day Proclamation.

Mayor Márquez Simula shared that she wanted to honor the senior citizens for being a part of the community, noting senior citizens carry the history, share their wisdom, and remain pillars of strength. She explained that she is saddened by the insensitive remarks made about elders, particularly regarding dementia, Alzheimer's, and even the president. She encouraged the community to challenge ageism and celebrate the immense value our seniors bring. She mentioned that she invited people from the Legends to receive the proclamation.

Mayor Márquez Simula proclaimed August 21, 2024, as Senior Citizen Day and read the City's proclamation.

Julie Zapp, City resident, accepted the proclamation and explained that she was accepting the proclamation on behalf of the residents of the Legends in Columbia Heights and other senior citizens in the City. She expressed her appreciation for the support of the City Council, Staff, School Board members, and many others. She noted that there is a wonderful group of residents at the Legends who work diligently to give back to the community.

CONSENT AGENDA

Motion by Councilmember Jacobs, seconded by Councilmember Spriggs, to approve the Consent Agenda as presented. All Ayes, Motion Carried 5-0.

- 1. Approve the July 22, 2024 City Council Meeting Minutes.**
MOTION: Move to approve the July 22, 2024 City Council Meeting minutes.
- 2. Approve the August 4, 2024 City Council Work Session Meeting Minutes.**
MOTION: Move to approve the August 4, 2024 City Council Work Session Meeting minutes.
- 3. Accept April 18, 2024 Charter Commissioner Meeting Minutes.**
MOTION: Move to accept the April 18, 2024 Charter Commission Meeting minutes.
- 4. Accept July 1st EDA Meeting Minutes.**
Motion: Move to accept the July 1st, 2024, EDA Meeting minutes.
- 5. Accept May 7, 2024 Planning Commission Meeting Minutes.**
MOTION: Move to accept the May 7, 2024 Planning Commission Meeting minutes.

- 6. Accept June 5, 2024 Library Board Minutes.**
MOTION: Move to Accept the Library Board minutes from June 5, 2024
- 7. Adopt Resolution 2024-58, Appointing Park and Recreation Commission Member Brian Timm.**
MOTION: Move to waive the reading of Resolution 2024-58, there being ample copies available to the public.
MOTION: Move to adopt Resolution 2024-58, appointing City of Columbia Heights Board and Commission Member Brian Timm.
- 8. Corrective Resolution of a Minor Subdivision (Lot Line Adjustment) 334 and 344 40th Avenue NE.**
MOTION: Move to waive the reading of Resolution 2024-56, there being ample copies available to the public.
MOTION: Move to approve Resolution 2024-56, a resolution approving a Minor Subdivision for the properties located at 334 and 344 40th Avenue NE, within the City of Columbia Heights, Minnesota, subject to certain conditions stated in the resolution.
- 9. Renew Lease Agreement for Mailing Equipment With Quadiant Leasing.**
MOTION: Move to approve renewal of the mailing equipment lease with Quadiant leasing at the nationally bid price of \$418.63 per month
- 10. License Agenda.**
MOTION: Move to approve the items as listed on the business license agenda for August 12th, 2024, as presented.
- 11. Rental Occupancy Licenses for Approval.**
MOTION: Move to approve the items listed for rental housing license applications for August 12, 2024, in that they have met the requirements of the Property Maintenance Code.
- 12. Review of Bills.**
MOTION: Move that in accordance with Minnesota Statute 412.271, subd. 8 the City Council has reviewed the enclosed list to claims paid by check and by electronic funds transfer in the amount of \$2,811,325.58.

PUBLIC HEARINGS

- 13. Consideration of Resolution 2024-050, Revocation of the License to Operate Rental Units Within the City of Columbia Heights against the rental property at 3849 Edgemoor Place NE for failure to meet the requirements of the Residential Maintenance Codes.**
Fire Chief Thompson explained that this item was a continuation of the June 24, 2024 Council meeting. On June 25, 2024, Staff scheduled a re-inspection of the property but due to an incident response that day, Staff were unable to make it to the property. The inspection was rescheduled for July 1, 2024. When Staff arrived, they found units one and two were under construction due to a water main break inside the building. Staff re-

inspected the property on August 1st and the inspectors were unable to gain access. To date, the fire extinguishers were completed which was one of the violations. He explained that he does not know the status of violation two due to not having access to the property. Violation three is a storage violation and is still not completed.

Mayor Márquez Simula opened the public hearing. There were no public comments.

Motion by Councilmember Jacobs, seconded by Councilmember Buesgens, to close the public hearing and waive the reading of Resolution 2024-050, there being ample copies available to the public. All Ayes, Motion Carried 5-0.

Motion by Councilmember Jacobs, seconded by Councilmember Buesgens, to adopt Resolution 2024-050, being a Resolution of the City Council of the City of Columbia Heights approving revocation, pursuant to City Code, of the rental license listed. All Ayes, Motion Carried 5-0.

14. Consideration of Resolution 2024-57, Revocation of the License to Operate Rental Units Within the City of Columbia Heights against the rental property at 4207/4209 2nd Street NE for failure to meet the requirements of the Residential Maintenance Codes.

Chief Thompson stated on May 30, 2024, inspection office staff sent a letter requesting the owner of the property submit the rental license application for this property. The letter was mailed by regular mail to the owner at the address listed in the property records. On July 15, 2024, inspection office staff reviewed the property file and noted that the property remained unlicensed. A Statement of Cause was mailed by regular mail to the owner at the address listed in the property records. To date, Staff have not had any contact with the homeowner or had an application submitted. Therefore, the renewal process has not been initiated. There are outstanding fees that have not been paid.

Councilmember James asked if the address had prior revocation. Chief Thompson replied that he did not see a previous revocation.

Mayor Márquez Simula opened the public hearing. There were no public comments.

Motion by Councilmember Jacobs, seconded by Councilmember James, to close the public hearing and waive the reading of Resolution 2024-57, there being ample copies available to the public. All Ayes, Motion Carried 5-0.

Motion by Councilmember Jacobs, seconded by Councilmember Buesgens, to adopt Resolution 2024-57, being a Resolution of the City Council of the City of Columbia Heights approving revocation, pursuant to City Code, of the rental license listed. All Ayes, Motion Carried 5-0.

ITEMS FOR CONSIDERATION

Ordinances and Resolutions

15. First Reading of Ordinance No. 1700, an Ordinance to Amend Chapter 9 - Land Use: 9.103 Definitions, 9.104 Administration and Enforcement, 9.105 Nonconformities, 9.106 General Development Standards, 9.107 Specific Development Standards, 9.109 Residential Districts, 9.110 Commercial Districts, and 9.111 Industrial Districts.

City Planner Boucher stated at the July Work Session, Staff briefed the City Council on discussed potential amendments and updates to the City Zoning Code – Chapter 9 Land Use based on observations, feedback, and recommendations from Staff and community members to provide more flexibility in the Zoning Code that reflect the needs of the community while encouraging consistency as future development occurs. The Council directed Staff to prepare a zoning text amendment application for the August 7, 2024, Planning Commission meeting, which was approved unanimously 6-0.

City Planner Boucher mentioned some of these updates include 9.103 Definitions for uses that are presently allowed in residential, commercial, and industrial districts and have specific development standards but are not currently defined in code such as: arcade, billiards hall, consignment/secondhand store, firearms dealer, professional service, professional studio, etc. These definitions will also more accurately reflect housing and family trends as currently there are no definitions for single-family dwelling, two-family dwellings, and rental unit. Other changes will include an amendment to the existing definition of “Family” to remove unrelated occupancy maximums, new definitions for “Dwelling Unit, Accessory” and “Family, Shared Living Arrangement” to reflect current housing trends and a growing need to reduce housing expenses while encouraging social contact, mutual support, and assistance amongst diverse communities.

City Planner Boucher explained that 9.104 Administration and Enforcement includes language to allow minor subdivisions (lot line adjustments) to be approved through administrative review if the proposal does not require additional right-of-way or alters utility easements. Language in 9.105 Nonconformities is proposed to be amended to be consistent with MN Statute 934.36 Nonconformities Subd. 4. Nonconformities; certain classes of property. 9.105 Non-Conformities is being proposed to be amended to be consistent with Minnesota Statute 462.357, official controls regarding the damage or destruction of non-conforming uses.

City Planner Boucher stated 9.106 General Development Standards includes language to clarify the square footage requirement for building permits for accessory structures from 120 sq. ft. to 200 sq. ft. as well as introducing standards for accessory dwelling units. Other sections of 9.106 General Development Standards being updated include establishing a process for reviewing artificial turf through the existing code for Land Alteration to demonstrate that the proposed turf is permeable, the types of materials used, and whether there is a potential for illicit discharge, and Tree Preservation and Planting Standards will address turf as an impervious surface unless a land disturbance permit is issued and approved. Off-street parking and loading clarifies the parking requirements for residential care facilities (six or fewer) and (seven or more) to reflect the single-family parking requirements for facilities serving (six or fewer). A maximum paving of 50% of the

front yard setback for residential properties is being introduced. Building Design and Sign Regulations are being updated to allow for painted public art and murals.

City Planner Boucher noted 9.107 Specific Development Standards includes removing any seasonal sales stands that explicitly have development standards and including these uses under “Seasonal Sales Stands”; updating the outdoor play area requirements for “Day Care, Home” to reflect the language for Adult and Child Day Care Centers; and amending the Residential Care Facility standards to exempt facilities serving six or fewer residents from the distance radius and zoning regulations except as otherwise required by law.

City Planner Boucher explained 9.109 Residential Districts includes streamlining the list of permitted accessory uses in all residential districts as well as allowing accessory dwelling units as a permitted accessory use for single-family properties and for shared family living arrangements. One significant change is to establish an impervious surface coverage maximum for residential lots instead of building coverage maximum; these percentages are the same as was required for building coverage; 35% impervious surface coverage for lots less than 6,500 sq. ft. and 30% for lots greater than 6,500 sq. ft. Another significant change is to utilize the language used to address minimum lot areas for duplexes in the R-2B district and use that same language to address the minimum lot area and lot width for single-family residences in the R-2A, R-2B, R-3, and R-4 districts to remove the legal nonconforming status for properties below that minimum lot area of 6,500 sq. ft. as this significantly restricts these properties. For the R-2A and R-2B, One/Two Family Residential and Built-As-Duplex districts, twin homes and duplexes are proposed to be permitted uses by law.

City Planner Boucher stated 9.110 Commercial Districts and 9.111 Industrial Districts will include adjustments to uses that were previously conditional uses, but did not have specific development standards or standards that are being addressed through performance standards as well as allowing Seasonal Sales Stands as permitted accessory uses.

Councilmember Jacobs mentioned during the Council work session, the Mayor said she would like the accessory building to be a footprint instead of the total square footage. She added that it sounded like it would be the total square footage of the existing residents. City Planner Boucher replied that it would be a maximum of 50% of the total floor area of the primary house up to 1,000 square feet.

Councilmember Jacobs noted that 50% of the front yard can be paved. She asked if that would be holding the setback. City Planner Boucher agreed and explained it is specifically the setback. The backyard setback can be paved up to 50%.

Councilmember Buesgens explained that this topic had been brought to the Council years ago but it did not go anywhere. She added that people from various cultures came to the Planning Commission and expressed their happiness in seeing the item discussed since many people have multi-generational families. She suggested adding greenhouses to streamline, permitted, and accessible uses. She noted that chicken coops were already

allowed. She asked the Council if they were fine adding greenhouses as long as requirements are met.

Councilmember Buesgens noted two inconsistencies on page 278, section 6, number A which lists carports but she had heard they were not allowed in the City. There was an additional conflict with the number of people that could be in a house boarding or renting rooms which is list on page 278, item D. It conflicts with removing the limited number of people.

Councilmember Buesgens asked what the Council thought about adding greenhouses. Councilmember Jacobs asked if there was a limit on how many outbuildings could be on a property. City Planner Boucher replied that the City has limits to accessory structures per property. Councilmember Jacobs noted that someone could not have an accessory building, greenhouse, and chicken coop all on their property. City Planner Boucher replied that there is language in the City's development standards that says that residential greenhouses do not count toward the number of accessory structures. Councilmember Jacobs stated she was fine with the greenhouses as long as there were not a lot of structures on a small property. City Planner Boucher added there would potentially be an impervious surface requirement which would limit the number of buildings that could be constructed on a property. Councilmember Jacobs replied that she was fine with greenhouses as long as the requirement was honored and conditional use permits did not get issued each time someone wanted to add a structure.

Councilmember James thanked the Staff and Planning Commission for their work regarding accessory dwelling units. She asked the definition of sufficient parking. City Planner Boucher replied it means the current parking requirements for single-family houses need to be met. The requirement is two per unit, two enclosed with a potential additional spot for the ADU.

Councilmember James asked why carve-out dates for the legal non-conforming status do not apply for R1. City Planner Boucher replied most of those properties are not present in R1 since they are bigger lots and typically meet the requirements already. Councilmember James asked if they should all be consistent. She stated she would like to know of any R1 lots that do not have a 70-foot requirement so it can have the same rights as the rest of the City.

Councilmember James expressed her excitement about the public art that is being included. She asked if there would be any standards adopted for public art. City Planner Boucher replied that it would be case by case.

Councilmember James noted that community members have expressed concern about ADU'S and have asked if the City is maintaining the current setbacks for neighbors. She explained that the City is maintaining the borders about homes to protect neighborhoods.

Mayor Márquez Simula stated she supported the greenhouses. She expressed her surprise that carports were not allowed. City Planner Boucher replied that it is a contradiction in the

zoning code. They are prohibited because they do not meet the material standards of an accessory structure, but in the permitted accessory uses it says that it allows private garages and carports. He asked what the Council would like to do to make the requirement consistent.

Mayor Márquez Simula replied that she would not want to take car ports away from people but most of them are seasonal and could be taken down. City Manager Chirpich mentioned there is a distinction between a temporary structure like a carport and a permanent carport that is attached to a garage that meets building code. He added there is sufficient code language to prohibit the temporary structure. The building official has concerns regarding wind load on temporary carports if they are allowed to be kept up year-round. He explained the Council would need to decide if they would like to keep the permanent building code-compliant carport versus a temporary structure. Mayor Márquez Simula agreed that the code should be cleared up.

Councilmember Jacobs agreed with the temporary structure if the structure is meeting building code and is existing and would have no problem grandfathering them in. She asked if canopies that are over boats and recreational vehicles fell under the same standards. City Manager Chirpich replied that it would be placed into a temporary structure similar to one that would cover a car. He added that all temporary carports of all sizes are not prohibited from being up year-round but are seasonal. Mayor Márquez Simula stated it would be good to have an additional definition.

Mayor Márquez Simula asked how the Council could add the greenhouses to the Ordinance. City Manager Chirpich replied that after consulting with the City Attorney, moving the greenhouses to a year-round permitted accessory use would be acceptable to change between the first and second reading and bring it back to the Council with the changes.

City Planner Boucher asked if the Council would like to make any changes with the board and renting language in the permit accessory uses. He asked if the Council would like to remove it. Councilmember Buesgens agreed.

Mayor Márquez Simula noted on page 222, there is a pronoun for “him” referring to the inspector and asked that it would be changed to be gender neutral. City Planner Boucher replied that he would make sure it is updated for the next reading.

Motion by Councilmember Jacobs, seconded by Councilmember Spriggs, to waive the reading of Ordinance No. 1700, there being ample copies available to the public. All Ayes, Motion Carried 5-0.

Motion by Councilmember Jacobs, seconded by Councilmember Spriggs, to set the second reading of Ordinance 1700, being an ordinance to amend Chapter 9 - Land Use: 9.103 Definitions, 9.104 Administration and Enforcement, 9.105 Nonconformities, 9.106 General Development Standards, 9.107 Specific Development Standards, 9.109 Residential Districts,

9.110 Commercial Districts, and 9.111 Industrial Districts, in the City of Columbia Heights for August 26, 2024 at approximately 6:00 pm. All Ayes, Motion Carried 5-0.

16. Approval of Ordinance 1703, Establishing a Moratorium on Cannabis Retail Businesses.

City Manager Chirpich stated at the July 2024 Council work session, Staff spoke with the Council about creating a cannabis business ordinance establishing rules and regulations for businesses that are involved with the newly established cannabis market. After that meeting, Staff began working with the City Attorney to draft an ordinance to meet the goals outlined by the Council. Staff have a draft ordinance that's nearly ready to proceed, but it won't officially take effect until October 2024 at the earliest. Normally this would not be an issue, as State licensing will commence in January of 2025. However, equity applicant preliminary approvals are set to start locating prospective business locations sometime after August 12th. To buy the City time to establish its cannabis retailer registration and regulation process, Staff are proposing Ordinance 1703 which establishes a temporary moratorium on cannabis retailers. This moratorium will stay in effect until the proper ordinance changes can be put in place. This action is similar to the moratorium placed on hemp-derived THC items when those products were legalized in 2022.

Motion by Councilmember Spriggs, seconded by Councilmember Jacobs, to waive the reading of Ordinance No. 1703, there being ample copies available to the public. All Ayes, Motion Carried 5-0.

Motion by Councilmember Spriggs, seconded by Councilmember Jacobs, to approve Interim Ordinance 1703, being an interim ordinance establishing a moratorium on cannabis retail businesses within the City of Columbia Heights. All Ayes, Motion Carried 5-0.

CITY COUNCIL AND ADMINISTRATIVE REPORTS

Report of the City Council

Councilmember James mentioned she volunteered with the Columbia Heights booster's wagon and attended the Police eat and greet at McKenna Park. She explained she was a member of the Metro City's Housing Policy Committee with Councilmember Buesgens. She attended the EDA meeting and Council work session. She highlighted that the Council received a presentation from the auditor and finance director and noted that residents in the City can look online for a copy of the audit. She visited National Night Out parties with Councilmember Spriggs. She added that she attended the League of Minnesota Women Voter's Summer Social meeting. She mentioned that the Council is working on the winter parking process and encouraged community members to provide feedback.

Councilmember Buesgens stated she attended the Crestview picnic, the school garden farmers' market, Music in the Park, the Blooming Sunshine Garden potluck, the grand opening for Golden Nuts, the Metro Counseling and Economic Committee, INCA relief charity event, and National Night out with City Manager Chirpich and Police Chief Markham. She added she volunteered at Xcel Energy Planning Committee and the garden tours. She added that she continues to volunteer with Blooming Sunshine Garden.

Councilmember Jacobs noted she attended National Night Out at 12 different locations, the Crestview picnic, two area parades, and a virtual presentation on private farms. She added that she facilitated five resident reach outs.

Councilmember Spriggs explained he went to National Night Out with Councilmember James. He mentioned he attended the Council work session, the EDA meeting, and the Library Board meeting. He gave an update from the Library Board meeting and noted they discussed mid-year usage comparisons and the 2025 budget. He mentioned that tomorrow is the primary election and encouraged the community to vote. City Clerk Ion added that if community members do not know where to go to vote, they can visit the Minnesota Secretary of State website and type in “find my precinct”.

Mayor Márquez Simula stated she attended National Night Out, the Crestview picnic, the Joint Law Enforcement Committee for Anoka County meeting, the Parks and Recreation meeting, the backpack giveaway at Keys, the potluck event for the Columbia Heights/Fridley Rotary Club with HeightsNext and the Sister Cities, the grand opening for the Golden Nuts, the Metro Cities Transportation and General Governance meeting, the Art to Change the World Board meeting, the EDA meeting, and the Council work session. She mentioned that the Council decided to update the proclamation wording to remove the formal statements of “whereas” because it is hard to translate that for other languages. She noted she attended the Monarch Festival and thanked the Staff for their help. She also thanked City Planner Boucher for coordinating the Xcel Energy Committee.

Report of the City Manager

City Manager Chirpich thanked all of the organizations and entertainers that participated in the Monarch Festival. The City is getting close to finishing the Comprehensive Plan amendment with the Metropolitan Council with a final revised deadline of August. A parks master plan is needed for Sullivan Lake Park since the City is contemplating a sport court to be constructed there. The plans for the sport court and authorization of the contract will come before the Council in September.

City Manager Chirpich stated there would be two Music in the Park concerts on Wednesday, August 14, 2024, with one being at 11:00 am and the other at 6:30 pm at Huset Park East. Movie in the Park series will kick off with Back to the Future on August 16, 2024, at 8:30 pm, at Huset Park West. The Police Department is hosting cone with a cop on Wednesday, August 14, 2024, from 5:00-7:00 at Dairy Queen. Cuts with a cop will be on Saturday, August 17, 2024, at the Moler Barber School in Fridley from 11:00 am to 3:00 pm.

City Manager Chirpich explained the fall newsletter should be in mailboxes in the next couple of weeks. September 1, 2024, is the deadline to adopt a boulevard tree and is free for residents. September 13, 2024 is the deadline for youth to apply for the revamped Youth Commission program in Columbia Heights. Information can be found on the City’s website.

City Manager Chirpich provided an update on the Rainbow site. Discussions are starting to pick up with the development partner Alatus. The plan would hopefully be a grocery store but the City has agreed that the project needs to move forward. The first phase would begin in the spring of 2025.

COMMUNITY FORUM

Cathy Gomez, City resident, stated the vent next to Ratio apartments makes a lot of noise. City Manager Chirpich apologized that the vent was not fixed sooner and explained there was a plan in place. The City is working with the engineering firm that created the HVAC for the building to create a solution. He added that there is fan noise on the northeast corner of the building which occurs during the summer season and the City knows that it needs to be addressed. The City is telling residents that there will be a solution by next summer.

Ms. Gomez asked if the alley next to the vent was where City Staff parked. She added that people from Ratio apartments are parking there and throwing garbage in the area. She asked if the City could do anything about it. City Manager Chirpich replied that the parking area is the City's and plans will be presented to the Council in September to pave the gravel area. The area would be for City use and would not allow Ratio tenants to park there.

ADJOURNMENT

Motion by Councilmember James, seconded by Councilmember Jacobs, to adjourn. All Ayes, Motion Carried 5-0.

Meeting adjourned at 7:39 pm.

Respectfully Submitted,

Sara Ion, City Clerk/Council Secretary



CITY COUNCIL MEETING

AGENDA SECTION	CONSENT
MEETING DATE	AUGUST 26, 2024

ITEM:	Accept June 11 & July 9, 2024 Sustainability Commission Minutes.							
DEPARTMENT:	Public Works	BY/DATE: Assistant City Engineer / August 21, 2024						
CORE CITY STRATEGIES: <i>(please indicate areas that apply by adding an "X" in front of the selected text below)</i>								
<table> <tr> <td>X_ Healthy and Safe Community</td> <td>_ Thriving and Vibrant Destination Community</td> </tr> <tr> <td>_ Equitable, Diverse, Inclusive, and Friendly</td> <td>_ Strong Infrastructure and Public Services</td> </tr> <tr> <td>_ Trusted and Engaged Leadership</td> <td>X_ Sustainable</td> </tr> </table>			X_ Healthy and Safe Community	_ Thriving and Vibrant Destination Community	_ Equitable, Diverse, Inclusive, and Friendly	_ Strong Infrastructure and Public Services	_ Trusted and Engaged Leadership	X_ Sustainable
X_ Healthy and Safe Community	_ Thriving and Vibrant Destination Community							
_ Equitable, Diverse, Inclusive, and Friendly	_ Strong Infrastructure and Public Services							
_ Trusted and Engaged Leadership	X_ Sustainable							

BACKGROUND: The June 11 & July 9, 2024 Sustainability Commission minutes were approved by the Sustainability Commission at the August 14, 2024 meeting.

RECOMMENDED MOTION(S):
MOTION: Move to accept the June 11 & July 9, 2024 Sustainability Commission minutes.

ATTACHMENT: June 11 & July 9, 2024 Sustainability Commission Minutes



SUSTAINABILITY COMMISSION
 City Hall—Shared Vision Room, 3989 Central Ave NE
 Tuesday, June 11, 2024
 6:00 PM

APPROVED MINUTES

1. CALL TO ORDER/ROLL CALL

The meeting was called to order by Chairperson Ahmadvand at 6:03 p.m.

Members present: Commissioners Ahmadvand, Evenson, Finkelson, Groseth, Johnson, LaPlante, Kurek, Leoni-Helbacka

Staff present: Andrew Boucher, City Planner
 Liam Genter, Urban Forestry Specialist
 Sulmaan Khan, Interim City Engineer

Council Liaison: Connie Buesgens

2. Approval of Minutes

Motion by Ahmadvand, seconded by Groseth to approve the minutes of May 14, 2024, as presented. Motion passed unanimously.

OLD BUSINESS

3. Sustainable Purchasing Policy Update

The City's existing purchasing policy was examined in relation to the proposed draft policy by city staff as well as the Commission and it was expressed that instead of creating a new policy that the proposed draft be incorporated into the existing policy. Interim City Engineer, Sulmaan Khan states that he intends to solicit initial comments from City Division Heads on the proposed policy and will incorporate those comments into the first round of wording of the document.

4. Complete Streets Policy Update

Complete Streets policy draft was discussed prior to the June meeting between Interim City Engineer Sulmaan Khan, City Planner Andrew Boucher, and Commissioner Finkelson in preparation for a future workshop with Nissa Tupper, Transportation and Public Health Planning Director at MNDOT. The group achieved consensus that the policy had been discussed enough for staff to prepare the item for a future work session after the meeting with MNDOT. Citywide transportation safety plan and Safe Streets for All were discussed.

5. Partners in Energy Update

City Planner, Andrew Boucher provided an update on the recruitment of individuals interested in participating on the Energy Action Team as part of Xcel Energy's Partners in Energy program. It was

desired to include a member of the City Council (Councilmember Buesgens as the Sustainability Liaison) as well as members of the other boards and commissions; Planning Commission, Sustainability Commission, Parks and Recreation, Economic Development Authority, etc. Commissioner Leoni-Helbacka and Chair Ahmadvand expressed interest in participating on the Energy Action Team. Other community groups and organizations such as HeightsNext, the Multi-Cultural Advisory Committee, Columbia Heights School District, SACA, and places of worship were identified as potential stakeholders along with homeowners, landlords, and businessowners. The Sustainability Commission involvement in promotional and marketing material was discussed.

6. Sustainable Collaborations Sub-Committee Update and Sustainability Commission Newsletter Submission

The City e-newsletter was discussed with a deadline of June 27, 2024 for submissions for the July edition to be received by. The fall newsletter was mentioned and has a deadline of July 22, 2024.

NEW BUSINESS

7. Deeproot Green Infrastructure Presentation by Nicole Peterson

Urban Forestry Specialist, Liam Genter introduced former Parks and Recreation Commissioner and licensed landscape architect Nicole Peterson to discuss the importance of soil volume in fully developed cities and present on behalf of her employer, Deeproot, in relation to their Silva Cell product, which is designed to accommodate health, mature tree growth by allowing for greater amounts of space beneath pavement. Examples of these products in other cities were demonstrated including at the City of Shakopee, MN.

8. Xcel Energy Upper Midwest Energy Plan Public Meeting and Comment Period (Midwest Energy Plan | Xcel Energy)

Commissioner Kurek informed the Commission and staff of Xcel Energy's clean energy plan for the Upper Midwest and encouraged people to participate in the public engagement in-person or virtually as well as a discussed submitting written comments.

9. Round Robin

Future City events such as the Arts and Info Fair and the Jamboree were discussed as potential opportunities for tabling if interested or desired.

ADJOURNMENT

Motion by Ahmadvand, seconded by LaPlante to adjourn the meeting at 7:35 p.m. Motion passed unanimously.

Respectfully submitted,

Andrew Boucher,
City Planner



SUSTAINABILITY COMMISSION
City Hall—Shared Vision Room, 3989 Central Ave NE
Tuesday, July 09, 2024
6:00 PM

APPROVED MINUTES

Members Present: Commissioners Ahmadvand, Evenson, Finkelson, Groseth, Jensen Christen, Connie council member came late. Mayor’s assistant- Fabricio was present.

Members Absent: Johnson, Kurek, LaPlante, Leoni-Helbacka

CALL TO ORDER Ahmadvand called to the meeting to order at 6:02pm

1. **Roll Call**
2. **Review of Minutes – Delayed minutes for approval for June until next month**

OLD BUSINESS

3. **Sustainable Purchasing Policy Update**

Environmental Preferable Purchasing agreement- needs to be reviewed by city staff. Asking for Finance to have a Point person. Sulmaan said he would help draft the first round of wording of the document based on comments received from City Division Heads. Using Amazon to filter items that are Environmentally preferable is available. Discussion about how we recycle used technology.

Advertise on website how we use our solar panels for Energy.

Sulmaan will provide revised policy document a week before August meeting.

Trying to nail down current city practices for sustainability.

Green Corp- help with efforts – Andrew volunteered

4. **Complete Streets Policy Update**

Sulmaan, Andrew and Jared met with MNDOT. – Received resources from them to help update our policy. Feedback on INPUT map for SS4A. Will talk more about having something similar as an ongoing software.

Posted on our website. Safety action Plan.- project has started and is currently in the phase of community feedback and identifying problem area’s in the city.

Working on final draft. Talked about bringing it to the Council work session for approval. Jared Finkelson will attend the August Council work session to discuss plan.

5. Partners in Energy Update

Andrew sent spreadsheet in teams which captures potentials members to be a part of the team working on partners in energy plan. Need 15-20 people. To have on the board. Discussed people who are interested.

Andrew will send out letters to seek out interested parties.

6. Sustainable Collaborations Sub-Committee Update

Mayor wanted us to attend Monarch pollinator habitat festival. – Maybe set up a table. Information Located on city website. Contact Heights Next at news@heightsnext.org. Interactive map to see where pollinator habitats within the city are located on the Heights Next website.

Want to have their own GIS map which shows the varies effort the city is involved with related to sustainability.

NEW BUSINESS

7. Round Robin

Conflict on August 13th meeting. Will send out a poll to see what dates work. Talked about August 14TH?

Conflict on November 12th. Will send out a poll closer to the date.

Andrew brought up about Ratio – talked about drive throughs

ADJOURNMENT

Motion by Kurek. Second by Jensen Christen.



CITY COUNCIL MEETING

AGENDA SECTION	CONSENT AGENDA
MEETING DATE	08/26/2024

ITEM:	License Agenda.	
DEPARTMENT:	Community Development	BY/DATE: Sarah LaVoie 08/20/2024
CORE CITY STRATEGIES:	<i>(please indicate areas that apply by adding an "X" in front of the selected text below)</i>	
	XHealthy and Safe Community	_Thriving and Vibrant Destination Community
	_Equitable, Diverse, Inclusive, and Friendly	_Strong Infrastructure and Public Services
	_Trusted and Engaged Leadership	_Sustainable

BACKGROUND

Attached is the business license agenda for the August 26th, 2024, City Council meeting. This agenda consists of applications for 2024: Tree services and Contractor licenses.

At the top of the license agenda there is a phrase stating "*Signed Waiver Form accompanied application", noting that the data privacy form has been submitted as required. If not submitted, certain information cannot be released to the public.

STAFF RECOMMENDATION

RECOMMENDED MOTION(S):
MOTION: Move to approve the items as listed on the business license agenda for August 26th, 2024, as presented.

ATTACHMENT(S):

- 1. License Agenda 08/26/2024

TO CITY COUNCIL August 26th 2024

*Signed Waiver Form accompanied application

<u>CONTRACTOR LICENSES – 2024</u>		
*Mespo Heating and Cooling Inc	1904 Glenwood Ave N Minneapolis MN 55405	\$80
*Admiral Radon and Mechanical	13816 Utah Ave Savage MN 55378	\$80
*Professional Mechanical Services	19640 200 th Ave NW Big Lake MN 55309	\$80
*Heating and Cooling Two Inc	18550 Cty rd. 81 Maple Grove MN 55369	\$80
*Install This Sign and Awning Co	4835 Lyndale Ave S Minneapolis MN 55430	\$80

<u>TREE SERVICES – 2024</u>		
*Arbortech Stump and Tree Removal	5416 84 th Ave N Brooklyn Park MN 55443	\$80



CITY COUNCIL MEETING

AGENDA SECTION	CONSENT
MEETING DATE	AUGUST 26, 2024

ITEM:	Partnership with CHPS on Mentorship Program.	
DEPARTMENT:	Police Department	BY/DATE: Chief Matt Markham, 08/19/2024
<p>CORE CITY STRATEGIES: <i>(please indicate areas that apply by adding an "X" in front of the selected text below)</i></p> <p> <input checked="" type="checkbox"/>_Healthy and Safe Community <input type="checkbox"/>_Thriving and Vibrant Destination Community <input checked="" type="checkbox"/>_Equitable, Diverse, Inclusive, and Friendly <input type="checkbox"/>_Strong Infrastructure and Public Services <input type="checkbox"/>_Trusted and Engaged Leadership <input type="checkbox"/>_Sustainable </p>		

BACKGROUND

For several years, the Columbia Heights Police Department has partnered with the Columbia Heights Public Schools to conduct a mentoring program with the CHHS Basketball team. The program has partnered mentor police officers with youth athletes in both group and individual settings and has helped to build positive relationships with the students and the police department. In addition, studies have shown that engaging youth in quality mentoring programs with positive role models can help reduce criminal activity.

As part of police department outreach to the multi-cultural community, we have learned of a high level of interest in volleyball among local Hispanic youths. There has been a high Hispanic influx in the City of Columbia Heights and one of their favorite activities is volleyball. The Columbia Heights Public School currently does not have a volleyball program, and the district does not have available budget funds to start a program.

In 2023, the city received one-time Public Safety Aid Funding from the State of MN. Among the authorized uses of this funding are Community Violence Prevention and Intervention Programs and Community Engagement. The police department is proposing to use a portion of these funds to partner with the school district to help start up a high school volleyball program.

The program will include staff from CHPD, students, administration, coaches, and school staff. Each police officer will be assigned mentees from the volleyball program. The staff will schedule one day to meet, talk, and eat with their mentee bi-weekly on school grounds. The staff will show continued support throughout the program by attending volleyball games and support in other areas needed such as academic and social activities. Each meeting will begin with time for homework completion/help. The presentations will guide the student athletes through small discussions. The students will break out into small groups sessions and have separate discussions related to the topic presented.

This partnership with the school will include an active mentorship program with the department members and the student athletes in a positive and supporting environment. The mentorship program is designed to help increase life skills including additional help with homework, leadership, conflict management, career opportunities, academic skills, and post-high school success. The program will include guest speakers and

provide students and parents an opportunity to get to know police department officers and build positive relationships. The student athletes will have an added layer of support through the CHPD and the potential to break down barriers with one another. We hope that by creating this partnership we can continue to grow our relationship with the entire city. This relationship would be beneficial as the Hispanic population continues to grow. This program could help to gain the trust of the Hispanic community and help create a positive sense of the community for all partners involved.

A cost breakdown of the program is included in the attached proposal. The expenses include supplies for the mentoring portion of the program as well as the expenses for the school district to initiate the program for the first year. The total cost of the program will be approximately \$28,528.00. Additionally, the police department has reached out to community organizations regarding potential donations to help offset the costs but has not received any commitments at this time.

SUMMARY OF CURRENT STATUS

The police department would work with the Columbia Heights High School to get the program functioning by 2025.

STAFF RECOMMENDATION

It is the recommendation of the Columbia Heights Police Department to move forward with this opportunity and to use the 2023 Public Safety Funds to cover the cost of the program.

RECOMMENDED MOTION(S):

MOTION: Move to authorize the Police Chief and City Manager to partner with Columbia Heights Public Schools on the creation of a volleyball program with a police mentorship component. Up to \$28,528 in 2023 Public Safety Aid is authorized for this purpose.

ATTACHMENT(S):

Volleyball Mentoring Program

Volleyball Mentoring Program Proposal

What:

A mentoring program, like the CHHS Basketball Program, will be held for the possible boys CHHS Volleyball team. The mentoring program will consist of various topics related to the student-athletes with suggested topics from students, administration, coaches, and school staff.

The program will include staff from the CHPD, and each police officer will be assigned mentees from the volleyball program. The staff will schedule one day bi-weekly to meet, talk, and eat with their mentee on the school grounds. Also, volunteers will show continued support throughout the program by attending volleyball games and support in other areas as needed such as academic and social activities.

Each meeting will begin with a small time for homework completion/help. Afterward, food will be provided for the student-athletes as we prepare and present our topic of the day. Each day a different volunteer will speak or present. These presentations are very interactive and will guide us through small discussions and dialogues with the students. Afterward, we will break out into small group sessions and have separate discussions related to the topic presented.

CHPD will also reach out to and provide guest speakers for the students. These guest speakers will have various backgrounds and career paths that we hope will open the minds of the students to different career paths and interests.

Where:

The program will be held at Columbia Heights High School.

When:

We can begin the mentoring program in early February 2025.

Why:

As mentioned previously, we participated in a mentoring program with the boys' CHHS basketball team and received positive reviews and relationships built during our time. For the same reason, we hope to be able to have a mentoring program with the volleyball team. There has been a high Hispanic influx in Columbia Heights, and one of their favorite activities is volleyball. We expect to have many Hispanic students on the volleyball team and hope to begin building a connection/relationship with them and their families. This mentoring program gives not only the students but also the parents an opportunity to get to know CHPD officers through a different lens other than patrol and call response. We hope to grow this relationship with the entire city. This relationship will be beneficial as the population continues to grow. It will be needed to gain the trust of the Hispanic community and to partner with one another and assist with creating a positive sense of community for all.

This will also benefit the student-athletes through learning the various topics being presented and receiving additional help with homework. The volleyball players will have an added layer of support through the CHPD and the potential to break barriers with one another. The overall goal of the mentoring program is to try to guide and mentor the students to further their perspective outside of high school to look at college possibilities, careers, and academic success. Throughout the program, the use of guest speakers allows them to see different careers and open their minds to the possibilities and spark different interests.

The Columbia Heights High School does not currently have a varsity boys volleyball team. The boy's sport is growing in Minnesota and the school district does not currently have the financial ability to start a team. CHPD would use the one-time public safety funds to start the program with a potential donation from the VFW to offset some of the cost.

Police Mentoring Budget:

Food/Meeting Expenses: \$1500.00

Supplies (Books): \$150.00

Mentoring Program Costs: \$1650.00

Itemized Costs from CHPS to start a program:

Boys Volleyball Expense:

Equipment	\$ 2,500.00
Transportation	\$ 5,178.00
Officials/Game Workers	\$ 3,000.00
Uniforms	\$ 6,000.00
Coach Stipends	\$ 10,200.00

Total \$ 26,878.00

Grand Total \$28,528.00



CITY COUNCIL MEETING

AGENDA SECTION	CONSENT
MEETING DATE	AUGUST 26, 2024

ITEM:	Rental Occupancy Licenses for Approval							
DEPARTMENT:	Fire Department	BY/DATE: Assist. Fire Chief Dan O'Brien/8-26-24						
<p>CORE CITY STRATEGIES: <i>(please indicate areas that apply by adding an "X" in front of the selected text below)</i></p> <table style="width: 100%;"> <tr> <td><input checked="" type="checkbox"/> Healthy and Safe Community</td> <td><input type="checkbox"/> Thriving and Vibrant Destination Community</td> </tr> <tr> <td><input type="checkbox"/> Equitable, Diverse, Inclusive, and Friendly</td> <td><input checked="" type="checkbox"/> Strong Infrastructure and Public Services</td> </tr> <tr> <td><input type="checkbox"/> Trusted and Engaged Leadership</td> <td><input type="checkbox"/> Sustainable</td> </tr> </table>			<input checked="" type="checkbox"/> Healthy and Safe Community	<input type="checkbox"/> Thriving and Vibrant Destination Community	<input type="checkbox"/> Equitable, Diverse, Inclusive, and Friendly	<input checked="" type="checkbox"/> Strong Infrastructure and Public Services	<input type="checkbox"/> Trusted and Engaged Leadership	<input type="checkbox"/> Sustainable
<input checked="" type="checkbox"/> Healthy and Safe Community	<input type="checkbox"/> Thriving and Vibrant Destination Community							
<input type="checkbox"/> Equitable, Diverse, Inclusive, and Friendly	<input checked="" type="checkbox"/> Strong Infrastructure and Public Services							
<input type="checkbox"/> Trusted and Engaged Leadership	<input type="checkbox"/> Sustainable							

BACKGROUND:

Consideration of approval of attached list of rental housing license applications.

RECOMMENDED MOTION:
MOTION: Move to approve the items listed for rental housing license applications for August 26, 2024, in that they have met the requirements of the Property Maintenance Code.

ATTACHMENT:

Rental Occupancy Licenses for Approval 8-26-24



COLUMBIA HEIGHTS

PROPERTY MAINTENANCE

825 41st Avenue NE • Columbia Heights, MN 55421 • Ph: (763) 706-8156 • Email: fireinspections@columbiaheightsmn.gov • heightsfire.com

Rental Occupancy Licenses for Approval 8/26/24

LICENSEE	LICENSE ADDRESS	LICENSE INFORMATION
Fernandez-Cuzco, Tomas 4636 Taylor St NE Columbia Heights, MN 55421	4636 Taylor St NE #Up	24-0007758 Family Exempt Rental License Number of licensed units: 1 \$225.00
Ahmed, Sohail 1274 Circle Terrace Blvd NE Columbia Heights, MN 55421	1272 Circle Terrace Blvd NE	24-0007691 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
Alvarado, Jose 3828 Jackson St NE Columbia Heights, MN 55421	1331 Circle Terrace Blvd NE 1333 Circle Terrace Blvd NE	24-0007823 Rental License [1 - 3 Units] Number of licensed units: 2 \$300.00
Arcos Martinez, Carlos 5228 4th St. NE Columbia Heights, MN 55421	5230 4th St NE	24-0007781 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
Berg, Tea 3526 3rd St NE Minneapolis, MN 55418	4613 Taylor St NE 4615 Taylor NE St	24-0007675 Rental License [1 - 3 Units] Number of licensed units: 2 \$300.00
Blaha, Kyle 4002 Cleveland St NE Columbia Heights, MN 55421	4000 Cleveland St NE 4002 Cleveland St NE	24-0007842 Rental License [1 - 3 Units] Number of licensed units: 2 \$300.00
Buecksler, Caleb 517 Heinel Drive Roseville, MN 55113	3815 Pierce St NE 3813 Pierce St NE	24-0007839 Rental License [1 - 3 Units] Number of licensed units: 2 \$300.00
Cifuno, Ada 139 Eldorado Drive Racine, WI 53402	3953 Tyler St NE	24-0007721 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
Corbin, David 2158 131st Avenue NW Coon Rapids, MN 55448	1015 43 1/2 Ave NE 1013 43 1/2 Ave NE	24-0007803 Rental License [1 - 3 Units] Number of licensed units: 2 \$300.00
Cordell, Andrew 225 Sherwood Road Shoreview, MN 55126	3719 Hayes St NE	24-0007833 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00

LICENSEE	LICENSE ADDRESS	LICENSE INFORMATION
Driver, Kenneth 979 Nottingham Lane NE Brookhaven, GA 30319	4121 4th St NE	24-0007850 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
Dunleavy, Thomas Mark Dunleavy Realty LLC 5912 Independence Ave N New Hope, MN 55428	3725 Main St NE	24-0007705 Rental License [Over 3 Units] Number of licensed units: 4 \$338.00
Field, William 4435 Main St. NE Columbia Heights, MN 55421	4433 Main St NE	24-0007603 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
Filho, Rene LOX Properties, LLC 1395 Commerce Dr Mendota Heights, MN 55120	1070 Grandview Ct NE #208	24-0007682 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
Fragale, Pasquale CB Commons, LLC 13570 Grove Drive#314 Maple Grove, MN 55311	1300 Circle Terrace Blvd NE 1302 Circle Terrace Blvd NE	24-0007693 Rental License [1 - 3 Units] Number of licensed units: 2 \$300.00
Fragale, Pasquale C B Commons, LLC 13570 Grove Drive#314 Maple Grove, MN 55311	1313 Circle Terrace Blvd NE 1315 Circle Terrace Blvd NE	24-0007695 Rental License [1 - 3 Units] Number of licensed units: 2 \$300.00
Hardy, Adam 4800 C Heights LLC 10508 Major Ave N Brooklyn Park, MN 55443	1106 44th Ave NE	24-0007813 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
<i>*New License</i>		
Hassan, Tawfik 443 Taylor St. NE Minneapolis, MN 55413	160 40th Ave NE	24-0007793 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
Hoover, Martha 7121 15th Ave S Richfield, MN 55423	5024 Madison St NE	24-0007629 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
Johnson, Clifford 1549 Berne Road Fridley, MN 55421	1029 43 1/2 Ave NE 1027 43 1/2 Ave NE Columbia Heighrts	24-0007807 Family Exempt Rental License Number of licensed units: 2 \$75.00
Kix, Logan P&L Real Estate 2 LLC 3312 Highland Drive Burnsville, MN 55337	5109 Washington St NE 5111 Washington St NE	24-0007776 Rental License [1 - 3 Units] Number of licensed units: 2 \$300.00
Loen, Doris 907 10th Street South Benson, MN 56215	4842 Monroe St NE	24-0007888 Family Exempt Rental License Number of licensed units: 1 \$75.00

LICENSEE	LICENSE ADDRESS	LICENSE INFORMATION
MacDonald, Jason I.V.V. LLC 1845 Stinson Pkwy NE#212 Minneapolis, MN 55418	4041 Hayes St NE	24-0007845 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
Mariuci, Fabio 4248 Washington St NE Columbia Heights, MN 55421	5148 4th St NE	24-0007897 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
Marquette, Joel 4300 Reservoir Blvd NE Columbia Heights, MN 55421	1037 43 1/2 Ave NE 1035 43 1/2 Ave NE	24-0007810 Rental License [1 - 3 Units] Number of licensed units: 2 \$300.00
McClellan, Duncan 4420 Monroe St NE Columbia Heights, MN 55421	4420 Monroe St NE 4422 Monroe St NE	24-0007865 Rental License [1 - 3 Units] Number of licensed units: 2 \$300.00
McCracken, Corey Empower Funding LLC 2400 Grand St NE Minneapolis, MN 55418	4232 5th St NE	24-0007735 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
Musatau, Filipp 13132 Tilden Ave N Champlin, MN 55316	4201 6th St NE #1	24-0007589 Rental License [1 - 3 Units] Number of licensed units: 2 \$300.00
Ngongang, Rasponi 1355 Circle Terrace Blvd NE Columbia Heights, MN 55421	1357 Circle Terrace Blvd NE	24-0007698 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
Outlaw, Lacey 639 Driftwood Court New Brighton, MN 55112	4424 6th St NE	24-0007866 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
Oyugi, Jehoshaphat 6344 154th Ct NW Ramsey, MN 55303	4610 Washington St NE 4612 Washington St NE	24-0007609 Rental License [1 - 3 Units] Number of licensed units: 2 \$300.00
Palmberg, Patricia 3330 Edinborough Way#1707 Edina, MN 55435	3720 Tyler St NE	24-0007834 Family Exempt Rental License Number of licensed units: 1 \$75.00
Peske, Richard 5444 Colfax Ave S Minneapolis, MN 55419	4242 2nd St NE	24-0007737 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
Piper, Maria 181 Oldcastle Lane Alameda, CA 94502	4540 Tyler St NE Up/Down	24-0007751 Rental License [1 - 3 Units] Number of licensed units: 2 \$300.00
Plaza, Freddy 2530 Jackson St Minneapolis, MN 55418	4117 7th St NE	24-0007849 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00

LICENSEE	LICENSE ADDRESS	LICENSE INFORMATION
Rowe, Jason 18573 Tristram Way Eden Prairie, MN 55346	1843 39th Ave NE	24-0007828 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
Rozman, Michael Lynde Investment Company, LLP 3435 Oakton Drive Minnetonka, MN 55305	4120 4th St NE	24-0007728 Rental License [Over 3 Units] Number of licensed units: 17 \$624.00
Rozman, Michael Lynde Investment Company, LLP 3435 Oakton Drive Minnetonka, MN 55305	4441 University Ave NE	24-0007744 Rental License [Over 3 Units] Number of licensed units: 11 \$492.00
Saletis, Anna 901 46 1/2 Ave NE Hilltop, MN 55421	4650 Washington St NE 4652 Washington St NE	24-0007881 Rental License [1 - 3 Units] Number of licensed units: 2 \$300.00
Sandsness, Patsy 1216 43 1/2 Ave NE Columbia Heights, MN 55421	1214 43 1/2 Ave NE	24-0007817 Family Exempt Rental License Number of licensed units: 1 \$75.00
Schreiber, Austin 3809 Pierce St NE Columbia Heights, MN 55421	3809 Pierce St NE 3807 Pierce St NE	24-0007837 Rental License [1 - 3 Units] Number of licensed units: 2 \$300.00
Sieger, Martin 1239 43 1/2 Ave NE Columbia Heights, MN 55421	1237 43 1/2 Ave NE	24-0007819 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
Solls, Mark IH2 Property Illinois, LP 1717 Main St#2000 Dallas, TX 75201	3942 Polk St NE	24-0007841 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
Solls, Mark IH2 Property Illinois, LP 1717 Main St#2000 Dallas, TX 75201	3962 Van Buren St NE	24-0007576 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
Thul, David & Karin 3518 Pheasant Run NE Blaine, MN 55449	4429 Main St NE 4427 Main St NE	24-0007867 Rental License [1 - 3 Units] Number of licensed units: 2 \$300.00
Troy, Terrence Real Estate Equities Management LLC 579 Selby Ave. Saint Paul, MN 55102	841 41st Ave NE	24-0007786 Rental License [Over 3 Units] Number of licensed units: 21 \$712.00
Ukatu, Edward E&H Properties 685 Iona Lane Roseville, MN 55113	615 40th Ave NE	24-0007902 Rental License [Over 3 Units] Number of licensed units: 5 \$360.00

LICENSEE**LICENSE ADDRESS****LICENSE INFORMATION**

Item 5.

Xu, Bill Golden Point Estate LLC 229 Minnetonka Ave#843 Wayzata, MN 55391	3938 Main St NE	24-0007719 Rental License [1 - 3 Units] Number of licensed units: 1 \$300.00
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CITY COUNCIL MEETING

AGENDA SECTION	CONSENT AGENDA
MEETING DATE	AUGUST 26, 2024

ITEM:	Review of Bills.	
DEPARTMENT:	Finance Department	BY/DATE: August 26, 2024
CORE CITY STRATEGIES: <i>(please indicate areas that apply by adding an "X" in front of the selected text below)</i>		
<input type="checkbox"/> Healthy and Safe Community <input type="checkbox"/> Thriving and Vibrant Destination Community		
<input type="checkbox"/> Equitable, Diverse, Inclusive, and Friendly <input type="checkbox"/> Strong Infrastructure and Public Services		
<input checked="" type="checkbox"/> Trusted and Engaged Leadership <input type="checkbox"/> Sustainable		

BACKGROUND

The Finance Department prepares a list of all payments made for approval of the Council.

STAFF RECOMMENDATION

Approve payments since previous City Council Meeting.

RECOMMENDED MOTION(S):
MOTION: Move that in accordance with Minnesota Statute 412.271, subd. 8 the City Council has reviewed the enclosed list to claims paid by check and by electronic funds transfer in the amount of \$1,438,579.83.

ATTACHMENT(S):

List of Claims

CHECK DISBURSEMENT REPORT FOR CITY OF COLUMBIA HEIGHTS
 CHECK DATE FROM 08/09/2024 - 08/22/2024

Item 6.

Check Date	Bank	Check #	Invoice	Payee	Description	GL #	Amount
08/15/2024	MAIN	1452 (A)	3701196	ARTISAN BEER COMPANY	080224 INV	609.0000.14500	359.60
		1452 (A)	3701195		080224 INV	609.0000.14500	86.15
		1452 (A)	3701194		080224 INV	609.0000.14500	1,946.60
							2,392.35
08/15/2024	MAIN	1453 (A)	0108696400	BELLBOY BAR SUPPLY	073124 INV	609.0000.14500	20.00
		1453 (A)	0108696400		073124 INV	609.9791.42171	105.50
							125.50
08/15/2024	MAIN	1454 (A)	0204507900	BELLBOY CORPORATION	073124 INV	609.0000.14500	4,560.50
		1454 (A)	0204507900		073124 INV	609.9791.42199	78.00
							4,638.50
08/15/2024	MAIN	1455 (A)	117055456	BREAKTHRU BEVERAGE MN W&S LI	080224 INV 700297717	609.0000.14500	3,583.55
		1455 (A)	117055457		080224 INV 700297717	609.0000.14500	2,111.95
		1455 (A)	117055455		080224 INV 700297717	609.0000.14500	2,700.00
		1455 (A)	117055468		080224 INV 700297782	609.0000.14500	340.95
		1455 (A)	117055465		080224 INV 700297782	609.0000.14500	248.46
		1455 (A)	412595954		080824 INV 700297736	609.0000.14500	(1.90)
		1455 (A)	412595953		080824 INV 700297736	609.0000.14500	(3.80)
		1455 (A)	117055456		080224 INV 700297717	609.9791.42199	18.40
		1455 (A)	117055457		080224 INV 700297717	609.9791.42199	10.35
		1455 (A)	117055455		080224 INV 700297717	609.9791.42199	28.75
		1455 (A)	412595954		080824 INV 700297736	609.9792.42199	(0.10)
		1455 (A)	412595953		080824 INV 700297736	609.9792.42199	(0.20)
		1455 (A)	117055468		080224 INV 700297782	609.9793.42199	17.25
		1455 (A)	117055465		080224 INV 700297782	609.9793.42199	2.30
08/15/2024	MAIN	1456 (A)	3016872	CAPITOL BEVERAGE SALES LP	073124 INV	609.0000.14500	9,982.10
		1456 (A)	28861062		073124 INV	609.0000.14500	(14.90)
							9,967.20
08/15/2024	MAIN	1457 (A)	INV395259	COORDINATED BUSINESS SYSTEM:MAINT 071624-081524		101.1940.44000	855.95
08/15/2024	MAIN	1458 (A)	2594353	JOHNSON BROTHERS LIQUOR CO.	073124 INV	609.0000.14500	80.00
		1458 (A)	2595233		080124 INV	609.0000.14500	4,200.00
		1458 (A)	2595234		080124 INV	609.0000.14500	225.00
		1458 (A)	2593833		073124 INV	609.0000.14500	348.75
		1458 (A)	2593832		073124 INV	609.0000.14500	337.50
		1458 (A)	2593829		073124 INV	609.0000.14500	110.00
		1458 (A)	2593827		073124 INV	609.0000.14500	4,9
		1458 (A)	2593830		073124 INV	609.0000.14500	

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		1458 (A)	2596236		080224 INV	609.0000.14500	966.96
		1458 (A)	2596238		080224 INV	609.0000.14500	1,815.76
		1458 (A)	2596237		080224 INV	609.0000.14500	679.00
		1458 (A)	2596239		080224 INV	609.0000.14500	480.00
		1458 (A)	2596240		080224 INV	609.0000.14500	112.00
		1458 (A)	2596241		080224 INV	609.0000.14500	288.00
		1458 (A)	2596242		080224 INV	609.0000.14500	875.00
		1458 (A)	2593839		073124 INV	609.0000.14500	490.00
		1458 (A)	2593828		073124 INV	609.0000.14500	198.00
		1458 (A)	2595233		080124 INV	609.9791.42199	77.00
		1458 (A)	2593831		073124 DEL	609.9791.42199	0.47
		1458 (A)	2595234		080124 INV	609.9791.42199	4.20
		1458 (A)	2593833		073124 INV	609.9791.42199	9.80
		1458 (A)	2593832		073124 INV	609.9791.42199	4.20
		1458 (A)	2593829		073124 INV	609.9791.42199	1.40
		1458 (A)	2593827		073124 INV	609.9791.42199	32.20
		1458 (A)	2593830		073124 INV	609.9791.42199	1.40
		1458 (A)	2596236		080224 INV	609.9791.42199	22.40
		1458 (A)	2596238		080224 INV	609.9791.42199	21.70
		1458 (A)	2596237		080224 INV	609.9791.42199	11.20
		1458 (A)	2596239		080224 INV	609.9791.42199	7.00
		1458 (A)	2596240		080224 INV	609.9791.42199	1.40
		1458 (A)	2596241		080224 INV	609.9791.42199	1.52
		1458 (A)	2596242		080224 INV	609.9791.42199	11.20
		1458 (A)	2593839		073124 INV	609.9792.42199	7.00
		1458 (A)	2593828		073124 INV	609.9792.42199	1.40
		1458 (A)	2594353		073124 INV	609.9793.42199	2.80
							16,467.05
08/15/2024	MAIN	1459 (A)	505798395	MIDWEST TAPE	DVD ORDER	240.5500.42189	54.70
		1459 (A)	505819260		DVD ORDER	240.5500.42189	47.98
		1459 (A)	505857863		DVD ORDER	240.5500.42189	131.93
							234.61
08/15/2024	MAIN	1460 (A)	6821406	PHILLIPS WINE & SPIRITS INC	072624 INV	609.0000.14500	572.00
		1460 (A)	6825110		080224 INV	609.0000.14500	572.00
		1460 (A)	6825107		080224 INV	609.0000.14500	159.08
		1460 (A)	6825109		080224 INV	609.0000.14500	1,215.00
		1460 (A)	6825113		080224 INV	609.0000.14500	107.50
		1460 (A)	6825112		080224 INV	609.0000.14500	516.35
		1460 (A)	6825111		080224 INV	609.0000.14500	1
		1460 (A)	6825114		080224 INV	609.0000.14500	1
		1460 (A)	6817704		071924 INV	609.0000.14500	376.80

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		1460 (A)	6825115		080224 INV	609.0000.14500	440.00
		1460 (A)	6825119		080224 INV	609.0000.14500	128.00
		1460 (A)	6825118		080224 INV	609.0000.14500	90.00
		1460 (A)	6825117		080224 INV	609.0000.14500	166.50
		1460 (A)	6825116		080224 INV	609.0000.14500	556.60
		1460 (A)	6821414		072624 INV	609.0000.14500	308.00
		1460 (A)	6821406		072624 INV	609.9791.42199	18.20
		1460 (A)	6825110		080224 INV	609.9791.42199	25.20
		1460 (A)	6825107		080224 INV	609.9791.42199	0.47
		1460 (A)	6825109		080224 INV	609.9791.42199	16.80
		1460 (A)	6825113		080224 INV	609.9791.42199	1.40
		1460 (A)	6825112		080224 INV	609.9791.42199	7.70
		1460 (A)	6825111		080224 INV	609.9791.42199	7.00
		1460 (A)	6825114		080224 INV	609.9791.42199	1.40
		1460 (A)	6817704		071924 INV	609.9791.42199	7.00
		1460 (A)	6825115		080224 INV	609.9792.42199	21.00
		1460 (A)	6825119		080224 INV	609.9792.42199	2.80
		1460 (A)	6825108		080224 DEL	609.9792.42199	1.40
		1460 (A)	6825118		080224 INV	609.9792.42199	1.40
		1460 (A)	6825117		080224 INV	609.9792.42199	1.40
		1460 (A)	6825116		080224 INV	609.9792.42199	7.70
		1460 (A)	6821414		072624 INV	609.9792.42199	9.80
							5,568.50
08/15/2024	MAIN	1461 (A)	2320008130	POMP'S TIRE SERVICE INC	TIRE #0086	884.5200.42281	783.06
08/15/2024	MAIN	1462 (A)	2511556	SOUTHERN GLAZER'S	080124 INV	609.0000.14500	540.60
		1462 (A)	2511554		080124 INV	609.0000.14500	318.60
		1462 (A)	2511555		080124 INV	609.0000.14500	283.96
		1462 (A)	2508544		072524 INV	609.0000.14500	1,218.92
		1462 (A)	2505721		071824 INV	609.0000.14500	354.00
		1462 (A)	2505724		071824 INV	609.0000.14500	983.60
		1462 (A)	2511382		080124 INV	609.0000.14500	728.76
		1462 (A)	2511381		080124 INV	609.0000.14500	298.00
		1462 (A)	2511378		080124 INV	609.0000.14500	364.38
		1462 (A)	2511387		080124 INV	609.0000.14500	571.50
		1462 (A)	2511376		080124 INV	609.0000.14500	245.22
		1462 (A)	2511385		080124 INV	609.0000.14500	792.00
		1462 (A)	2511380		080124 INV	609.0000.14500	2,102.52
		1462 (A)	2508546		072524 INV	609.0000.14500	942.75
		1462 (A)	2508547		072524 INV	609.0000.14500	1,037.95
		1462 (A)	2508545		072524 INV	609.0000.14500	1,544.40
		1462 (A)	2500137		070324 INV	609.0000.14500	4

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		1462 (A)	2508544		072524 INV	609.9791.42199	12.80
		1462 (A)	2505721		071824 INV	609.9791.42199	5.12
		1462 (A)	2505724		071824 INV	609.9791.42199	11.52
		1462 (A)	2511382		080124 INV	609.9791.42199	8.96
		1462 (A)	2511381		080124 INV	609.9791.42199	7.68
		1462 (A)	2511378		080124 INV	609.9791.42199	5.12
		1462 (A)	2511387		080124 INV	609.9791.42199	0.64
		1462 (A)	2511376		080124 INV	609.9791.42199	0.64
		1462 (A)	2511385		080124 INV	609.9791.42199	14.08
		1462 (A)	2511380		080124 INV	609.9791.42199	42.24
		1462 (A)	2508546		072524 INV	609.9791.42199	14.08
		1462 (A)	2508547		072524 INV	609.9791.42199	19.20
		1462 (A)	2508545		072524 INV	609.9791.42199	30.72
		1462 (A)	2511375		080124 DEL	609.9791.42199	6.40
		1462 (A)	2500137		070324 INV	609.9791.42199	6.40
		1462 (A)	2511556		080124 INV	609.9793.42199	7.68
		1462 (A)	2511554		080124 INV	609.9793.42199	1.28
		1462 (A)	2511555		080124 INV	609.9793.42199	6.40
							13,052.96
08/15/2024	MAIN	1463 (A)	7482596	WINE MERCHANTS	073124 INV	609.0000.14500	1,548.66
		1463 (A)	7482596		073124 INV	609.9791.42199	14.00
							1,562.66
08/15/2024	MAIN	199918	38	1-800-GOT-JUNK?	OUTSIDE STORAGE RMVL 070324 - 07102415.6450.44000		2,820.98
		199918	39		OUTSIDE STORAGE RMVL 071224 - 07192415.6450.44000		2,897.74
							5,718.72
08/15/2024	MAIN	199919	5626756	56 BREWING LLC	073024 INV	609.0000.14500	80.00
		199919	5626755		073024 INV	609.0000.14500	144.00
							224.00
08/15/2024	MAIN	199920	22407181	A DYNAMIC DOOR CO INC	PREVENTATIVE MAINT, REPAIRS - FD	101.2200.44000	2,082.94
08/15/2024	MAIN	199921	3955278	ADAM'S PEST CONTROL, INC	PEST CONTROL LIB 0724	240.5500.44020	90.00
08/15/2024	MAIN	199922	10024082024	AI TECHNOLOGIES, LLC.	BSWIFT 0824	101.1320.43050	781.44
08/15/2024	MAIN	199923	CI00053972	ALLINA HEALTH SYSTEMS	MED DIRECTORSHIP Q3 0724-0924	101.2200.43105	1,060.50
08/15/2024	MAIN	199924	4850200247	AMERICAN BOTTLING COMPANY	080524 INV	609.0000.14500	409.95
08/15/2024	MAIN	199925	072524	ANDREWS/TERRY S	UMPIRE MENS SOFTBALL 050924-072524	101.5001.43050	512.00
08/15/2024	MAIN	199926	521	ARISE OUTDOOR SERVICES LLC	LONG GRASS / WEED RMVL 3907 2ND ST	415.6450.44000	1

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		199926	537		LONG GRASS/SCRUB RMVL & HAUL 4440	7415.6450.44000	275.00
		199926	538		TRIP CHARGE 4243 5TH ST	415.6450.44000	40.00
		199926	539		LONG GRASS/SCRUB RMVL & HAUL 4125 Q	415.6450.44000	1,350.00
		199926	540		LONG GRASS/SCRUB RMVL & HAUL 4400 C	415.6450.44000	975.00
		199926	541		LONG GRASS/SCRUB RMVL & HAUL 4444	6415.6450.44000	665.00
		199926	542		LONG GRASS/SCRUB RMVL & HAUL 4437	6415.6450.44000	1,350.00
							4,815.00
08/15/2024	MAIN	199927	336841	ASPEN MILLS, INC.	PATCHES	101.2100.42172	32.00
		199927	335709		UNIFORM	101.2100.42172	127.90
		199927	337217		VEST CARRIER, EMBROIDERY, HOLDER, H	101.2100.42172	179.64
		199927	337158		EMBROIDERY	101.2100.42172	35.00
		199927	337215		PANTS, SHIRT, PATCHES, POLO	101.2100.42172	429.04
		199927	335879		PANTS	101.2200.42172	74.90
		199927	336728		SHIRTS, EMBROIDERY, PATCHES	101.2300.42172	117.60
							996.08
08/15/2024	MAIN	199928	236750	ASSURED SECURITY INC	INTERIOR DOOR LOCK REPAIR	101.2100.44000	196.00
08/15/2024	MAIN	199929	01P117164	ASTLEFORD INTERNATIONAL	VALVE	701.0000.14120	130.33
08/15/2024	MAIN	199930	2038437298	BAKER & TAYLOR	BOOK ORDER	240.5500.42180	21.18
		199930	2038436298		BOOK ORDER	240.5500.42180	270.19
		199930	2038441318		BOOK ORDER	240.5500.42180	469.99
		199930	2038443918		BOOK ORDER	240.5500.42180	642.08
		199930	2038457457		BOOK ORDER	240.5500.42180	567.58
							1,971.02
08/15/2024	MAIN	199931	5096	BARREL THEORY BEER COMPANY	072224 INV	609.0000.14500	159.00
08/15/2024	MAIN	199932	123670	BENEFIT EXTRAS, INC.	COBRA ADMIN 0724; RETIREE BILLING	0101.1320.43050	223.75
		199932	123670		COBRA ADMIN 0724; RETIREE BILLING	0887.9250.43050	43.65
							267.40
08/15/2024	MAIN	199933	85410720	BOUND TREE MEDICAL LLC	GLUCAGON, ADRENALIN, ASPIRIN, NITRO	101.2200.42171	1,434.24
08/15/2024	MAIN	199934	23788	BRADLEY LAW LLC	CABLE FRANCHISE REVIEW - 0724	225.9844.43050	811.25
		199934	23742		CABLE FRANCHISE REVIEW - 0624	225.9844.43050	73.75
							885.00
08/15/2024	MAIN	199935	8977	BROKEN CLOCK BREWING COOP	073124 INV	609.0000.14500	248.00
08/15/2024	MAIN	199936	7635722695	CENTURYLINK	763 572-2695	609.9791.43210	66.42
08/15/2024	MAIN	199937	478615-01	CHAMBERLAIN OIL COMPANY INC	REAR WIPER BLADE	701.0000.14120	

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08/15/2024	MAIN	199938	4200358913	CINTAS INC	MOPS JPM 073024	101.5129.44020	38.29
		199938	4201078086		MOPS, MATS JPM 080624	101.5129.44020	120.77
		199938	4200952144		UNIFORM RENTAL 080524	701.9950.42172	33.16
							192.22
08/15/2024	MAIN	199939	734158	CITY WIDE WINDOW SERVICE IN	WINDOW CLEANING 0524	609.9791.44020	48.66
		199939	735267		WINDOW CLEANING 0624	609.9791.44020	48.66
		199939	736364		WINDOW CLEANING 0724	609.9791.44020	48.66
		199939	734148		WINDOW CLEANING 0524	609.9792.44020	27.09
		199939	735258		WINDOW CLEANING 0624	609.9792.44020	27.09
		199939	736356		WINDOW CLEANING 0724	609.9792.44020	27.09
							227.25
08/15/2024	MAIN	199940	24-HALL-8	CLEAN BEVERAGE LINE	BEER LINE CLEANING 0824	101.5129.44020	63.00
08/15/2024	MAIN	199941	06282024	CONNIE BUESGENS	OUT OF TOWN TRAVEL EXPENSES FOR C.	101.1110.43320	742.19
08/15/2024	MAIN	199942	747	CRYSTAL SPRINGS ICE LLC	073124 INV	609.0000.14500	243.52
		199942	794		080524 INV	609.0000.14500	360.48
		199942	759		080124 INV	609.0000.14500	145.36
		199942	705		072924 INV	609.0000.14500	296.40
		199942	846		080824 INV	609.0000.14500	116.16
		199942	880		081224 INV	609.0000.14500	263.28
		199942	832		080724 INV	609.0000.14500	106.87
		199942	833		080724 INV	609.0000.14500	183.28
		199942	794		080524 INV	609.9791.42199	4.00
		199942	759		080124 INV	609.9791.42199	4.00
		199942	705		072924 INV	609.9791.42199	4.00
		199942	846		080824 INV	609.9791.42199	4.00
		199942	880		081224 INV	609.9791.42199	4.00
		199942	747		073124 INV	609.9792.42199	4.00
		199942	833		080724 INV	609.9792.42199	4.00
		199942	832		080724 INV	609.9793.42199	4.00
							1,747.35
08/15/2024	MAIN	199943	E4-62533	CUMMINS INC	RADIATOR HOSE	701.0000.14120	342.23
08/15/2024	MAIN	199944	217	CURBSIDE PRODUCTIONS LLC	MOVIE IN THE PARK 081624	101.1110.44376	976.25
08/15/2024	MAIN	199945	407359/1	DELEGARD TOOL CO INC	BATTERY, TRANSFER PUMP	701.9950.42010	231.60
08/15/2024	MAIN	199946	5523152	DISCOUNT STEEL INC	STEEL ROD	701.0000.14120	34.81
08/15/2024	MAIN	199947	1010931	ECM PUBLISHERS INC	FREQUENCE DISPLAY/GEO/PREROLL 08012	609.9791.43420	7
		199947	1010932		STREAMING AUDIO 080124	609.9791.43420	2

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		199947	1005069		TOP VALU - 2024 JAMBOREE 062124	609.9791.43420	176.25
		199947	1007039		FREQUENCE DISPLAY/GEO/PREROLL 07012	609.9791.43420	799.00
		199947	1007040		STREAMING AUDIO 070124	609.9791.43420	235.00
		199947	1010931		FREQUENCE DISPLAY/GEO/PREROLL 08012	609.9792.43420	629.00
		199947	1010932		STREAMING AUDIO 080124	609.9792.43420	185.00
		199947	1005069		TOP VALU - 2024 JAMBOREE 062124	609.9792.43420	138.75
		199947	1007039		FREQUENCE DISPLAY/GEO/PREROLL 07012	609.9792.43420	629.00
		199947	1007040		STREAMING AUDIO 070124	609.9792.43420	185.00
		199947	1010931		FREQUENCE DISPLAY/GEO/PREROLL 08012	609.9793.43420	272.00
		199947	1010932		STREAMING AUDIO 080124	609.9793.43420	80.00
		199947	1005069		TOP VALU - 2024 JAMBOREE 062124	609.9793.43420	60.00
		199947	1007039		FREQUENCE DISPLAY/GEO/PREROLL 07012	609.9793.43420	272.00
		199947	1007040		STREAMING AUDIO 070124	609.9793.43420	80.00
							4,775.00
08/15/2024	MAIN	199948	1513	EMERGENCY TECHNICAL DECON	TURNOUT GEAR CLEANING	101.2200.43050	129.00
08/15/2024	MAIN	199949	0532710	FERGUSON WATERWORKS INC	VALVE BOX TOPS, VALV BOX ADAPTERS	601.9600.42160	973.29
		199949	0532240-1		REPAIR CLAMP	601.9600.42160	539.03
		199949	0532714		HOSE NOZ RNR, TP, CAP & CAP GASKET	601.9600.42160	1,219.71
							2,732.03
08/15/2024	MAIN	199950	463830	FIRST STUDENT INC	BUSSING CASCADE BAY 071024	261.5029.44100	622.80
		199950	463937		BUSSING VALLEYFAIR 071724	261.5029.44100	712.80
		199950	461870		BUSSING WILD MOUNTAIN 062624	261.5029.44200	697.50
							2,033.10
08/15/2024	MAIN	199951	118723066	FLEETPRIDE INC	FILTERS	701.0000.14120	147.26
		199951	118739004		FILTERS	701.0000.14120	179.37
		199951	118723066		FILTERS	701.9950.42010	83.67
							410.30
08/15/2024	MAIN	199952	ORD-10989	GLOBAL RESERVE LLC	080524 INV	609.0000.14500	294.00
08/15/2024	MAIN	199953	16067	GROUP HEALTH PLAN INC	PRE-EMPLOYMENT SERVICES 0724	101.1320.43050	2,746.00
08/15/2024	MAIN	199954	134197-01	HANCO CORP.	TIRE	701.0000.14120	276.06
08/15/2024	MAIN	199955	739807	HOHENSTEINS INC	080224 INV	609.0000.14500	404.50
		199955	739808		080224 INV	609.0000.14500	2,565.85
		199955	737745		072624 INV	609.0000.14500	4,717.25
							7,687.60
08/15/2024	MAIN	199956	3973353	HOME DEPOT #2802	PRY BAR	601.9600.42171	

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08/15/2024	MAIN	199957	4267783	IMPERIAL DADE	BATTERY CHARGER	101.5129.42010	250.00
08/15/2024	MAIN	199958	2413073-F	J. BECHER & ASSOC INC	INSTALL LIGHT SWITCH-CH	101.1940.44020	310.91
		199958	2413071-F		PARKING RAMP LIGHT	415.6400.44000.2406	561.37
							872.28
08/15/2024	MAIN	199959	418073	JEFF BELZER'S ROSEVILLE AUT	CAP, FILTER	701.0000.14120	27.41
08/15/2024	MAIN	199960	1215	LEE CARLSON CENTER FOR MENT	COMMUNITY MENTAL HEALTH CARE	101.2100.43050	5,000.00
08/15/2024	MAIN	199961	01/17/2023	LIVLI HOLDINGS LLC	UB refund for account: 101-0520-00-	603.0000.20120	210.07
08/15/2024	MAIN	199962	387728	M AMUNDSON CIGAR & CANDY CO	080924 INV	609.0000.14500	2,381.42
		199962	387726		080924 INV	609.0000.14500	33.18
		199962	387725		080924 INV	609.0000.14500	6,080.79
		199962	387727		080924 INV	609.0000.14500	12,432.00
							20,927.39
08/15/2024	MAIN	199963	2827	MARIE RIDGEWAY LICSW LLC	THERAPY SESSIONS 0724	101.2200.43050	800.00
08/15/2024	MAIN	199964	16279	MARTIN-MCALLISTER INC	PUBLIC SAFFETY ASSESSMENTS	101.2100.43050	1,250.00
08/15/2024	MAIN	199965	760974	MCDONALD DISTRIBUTING CO	080224 INV	609.0000.14500	481.26
08/15/2024	MAIN	199966	IN-13928	MEGA BEER LLC	073124 INV	609.0000.14500	110.00
08/15/2024	MAIN	199967	12760	MENARDS CASHWAY LUMBER-FRID	WASP SPRAY, LAUNDRY SOAP, FLOOR TIL	101.5129.42171	28.20
		199967	12071		24" LONG PRY BAR	601.9600.42171	19.98
		199967	13195		LIGHT BULBS	609.9792.42171	11.99
							60.17
08/15/2024	MAIN	199968	2122	METRO-INET	IT SUPPORT 0824	101.2100.44030	321.00
08/15/2024	MAIN	199969	840937	MIDWAY FORD	BATTERY	701.0000.14120	202.36
		199969	836748		BATTERY	701.0000.14120	213.96
		199969	836264		FILTER, ELEMENT, BRACKET (AC)	701.0000.14120	334.06
		199969	839499		KIT-TP, FILTER	701.0000.14120	162.80
		199969	840142		FRONT BRAKES PADS	701.0000.14120	59.99
							973.17
08/15/2024	MAIN	199970	182585	MINNEAPOLIS SAW CO INC	PIPE, TANK CAP	701.0000.14120	30.98
		199970	179917		WHEEL KIT #0018	884.5200.42281	203.00
							233.98
08/15/2024	MAIN	199971	P62045	MINNESOTA EQUIPMENT INC	AIR FILTER	701.0000.14120	111.78
08/15/2024	MAIN	199972	11049	MN REC & PK ASSOC - MRPA	SOFTBALL TEAM REGISTRATIONS, SOFTBA	101.5000.42170	1,1

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		199972	11049		SOFTBALL TEAM REGISTRATIONS, SOFTBA	101.5001.44330	225.00
							1,395.00
08/15/2024	MAIN	199973	5345	MNDRIVERSMANUALS.COM	CDL DRIVERS MANUALS	240.5500.42180	34.95
08/15/2024	MAIN	199974	E-52593	MODIST BREWING CO LLC	080124 INV	609.0000.14500	181.00
08/15/2024	MAIN	199975	1440317-00	MTI DISTRIBUTING	HYDRAULIC HOSE ASM	701.0000.14120	675.10
		199975	1441282-00		LATCH	701.0000.14120	86.00
		199975	1440605-00		HYDRAULIC HOSE	701.0000.14120	908.05
							1,669.15
08/15/2024	MAIN	199976	5027	NORTHLAND REFRIGERATION INC	VRF PIPING INSULATION ADD	101.1940.44000	481.41
		199976	3751		REPAIR UNIT 1 COIL	101.5129.44020	2,461.60
		199976	5026		WALK IN COOLER PAN REPAIR	609.9792.44000	525.00
							3,468.01
08/15/2024	MAIN	199977	PSO103302-2	NUSS TRUCK & EQUIPMENT	FILTER	701.0000.14120	54.85
08/15/2024	MAIN	199978	376213215001	OFFICE DEPOT	HP M554 TONER (CYAN/MAGENTA)	240.5500.42171	811.18
		199978	376211853001		HP M554 TONER (BLACK)	240.5500.42171	308.30
		199978	376213216001		HP M554 TONER (YELLOW)	240.5500.42171	402.86
							1,522.34
08/15/2024	MAIN	199979	375732851001	OFFICE DEPOT	PAPER, SURGE OUTLET	101.2100.42000	118.33
		199979	375732851001		PAPER, SURGE OUTLET	101.2100.42171	14.50
							132.83
08/15/2024	MAIN	199980	243033	PAUSTIS & SONS WINE COMPANY	073024 INV	609.0000.14500	2,696.00
		199980	243033		073024 INV	609.9791.42199	42.00
							2,738.00
08/15/2024	MAIN	199981	992843145	POPP.COM INC	073024 -10010429	101.1110.43210	13.78
		199981	992843145		073024 -10010429	101.1320.43210	13.78
		199981	992843145		073024 -10010429	101.1510.43210	13.78
		199981	992843145		073024 -10010429	101.1940.43210	101.65
		199981	992843145		073024 -10010429	101.5000.43210	12.85
		199981	992843145		073024 -10010429	101.5129.43210	56.80
		199981	992843145		073024 -10010429	204.6314.43210	13.78
		199981	992843145		073024 -10010429	720.9980.43210	13.78
							240.20
08/15/2024	MAIN	199982	20240801	POSITIVE SERVICES LLC	NETWORK ENGINEERING CONSULTANT	0724 720.9980.43050	1
08/15/2024	MAIN	199983	310238759	PREMIUM WATERS INC	073124 COOLER RENTALS	101.0000.20815	(0.55)

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		199983	310238760		073124 COOLER RENTAL	101.0000.20815	(0.30)
		199983	310238761		073124 COOLER RENTAL	101.0000.20815	(0.30)
		199983	310238759		073124 COOLER RENTALS	609.9791.42171	9.23
		199983	310253872		080524 WATER	609.9791.42171	9.72
		199983	310238760		073124 COOLER RENTAL	609.9792.42171	4.62
		199983	310235941		080124 WATER	609.9792.42171	19.44
		199983	310238761		073124 COOLER RENTAL	609.9793.42171	4.62
		199983	310253881		080524 WATER	609.9793.42171	9.72
							56.16
08/15/2024	MAIN	199984	W-80781	PRYES BREWING COMPANY LLC	080224 INV	609.0000.14500	252.08
08/15/2024	MAIN	199985	4181	REPLACE INC	IT LOGO DESIGN	225.9844.43050	600.00
08/15/2024	MAIN	199986	072524	REPTILE & AMPHIBIAN DSCVR	TRAD ZOO PROGRAM 072524	883.5500.43050	310.00
08/15/2024	MAIN	199987	0000069918	ROSENBAUER MINNESOTA LLC	AIR COMPRESSOR 12V	701.9950.42010	902.72
08/15/2024	MAIN	199988	8106654780	SCHINDLER ELEVATOR CORP INC	PREVENT MAINT 0824	101.2100.44020	79.97
		199988	8106654780		PREVENT MAINT 0824	101.2200.44020	79.96
							159.93
08/15/2024	MAIN	199989	24-102897	SCHMIT TOWING	TOWING-PROJECT 2401 071724-071824	212.3190.43050.2401	495.00
08/15/2024	MAIN	199990	129090013	SOULO COMMUNICATIONS	AP CHECKS	101.1510.42030	1,253.40
		199990	129108012		BUSINESS CARDS	101.2100.42030	400.00
		199990	129078012		REQUEST FOR LEAVE FORMS	101.3100.42030	48.55
		199990	129078012		REQUEST FOR LEAVE FORMS	101.3121.42030	48.55
		199990	129078012		REQUEST FOR LEAVE FORMS	101.5200.42030	48.53
		199990	129078012		REQUEST FOR LEAVE FORMS	601.9600.42030	48.55
		199990	129078012		REQUEST FOR LEAVE FORMS	602.9600.42030	48.55
		199990	129078012		REQUEST FOR LEAVE FORMS	701.9950.42030	48.55
							1,944.68
08/15/2024	MAIN	199991	I1708980	STREICHER'S GUN'S INC/DON	9MM PRACTICE & DUTY AMMO	101.2100.42070	2,109.31
		199991	I1708980		9MM PRACTICE & DUTY AMMO	101.2100.42171	928.00
		199991	I1708364		GLOCK HOLSTERS	272.2100.42010	4,437.00
							7,474.31
08/15/2024	MAIN	199992	76778	SUREFITTERS	VAN LAYOUT & INSTALLATION #0405	101.3100.44000	5,780.52
		199992	76778		VAN LAYOUT & INSTALLATION #0405	415.6400.44000.2406	2,890.00
		199992	76778		VAN LAYOUT & INSTALLATION #0405	415.6400.44000.2506	2,890.00
							11,560.52
08/15/2024	MAIN	199993	24TS2565	TAHO SPORTSWEAR	SOFTBALL UNIFORMS	881.5000.42170	1

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08/15/2024	MAIN	199994	080324	TAKGBAJOUAH/NAI	REFUND DAMAGE DEP LESS LATE FEE	101.0000.20810	46.71
		199994	080324		REFUND DAMAGE DEP LESS LATE FEE	101.0000.34781	666.79
							713.50
08/15/2024	MAIN	199995	155982	THE MCDOWELL AGENCY, INC.	BACKGROUND CHECKS 0724	101.1320.43050	180.40
08/15/2024	MAIN	199996	2022275	TWIN CITIES NORTH CHAMBER	OIMEMBERSHIP 080124-073125	204.6314.44330	375.00
08/15/2024	MAIN	199997	072424	ULTIMATE MARTIAL ARTS INC	TAE KWON DO &LITTLE TIGERS SUMMER 0	101.5001.43050	641.75
08/15/2024	MAIN	199998	6128789	UNIQUE MANAGEMENT SERVICES	:0724 PLACEMENTS	240.5500.43050	46.60
08/15/2024	MAIN	199999	9968768986	VERIZON WIRELESS	071024 742128747-00001	101.2100.43250	886.10
08/15/2024	MAIN	200000	9970590537	VERIZON WIRELESS	080324 442044911-00002	609.9791.43250	56.82
		200000	9970590537		080324 442044911-00002	609.9792.43250	56.83
		200000	9970590537		080324 442044911-00002	609.9793.43250	56.83
							170.48
08/15/2024	MAIN	200001	2500501507	VESTIS SERVICES. LLC	080624 MOPS,MATS,TOWELS	609.9791.44020	120.67
		200001	2500499296		080124 MOPS,MATS,TOWELS	609.9792.44020	135.10
		200001	2500499233		080124 MOPS,MATS,TOWELS	609.9793.44020	77.91
							333.68
08/15/2024	MAIN	200002	1025-F369584	VIKING AUTOMATIC SPRINKLER	ANNUAL FIRE ALARM INSPECTION-JPM	101.5129.44020	290.00
		200002	1025-F369583		ANNUAL FIRE ALARM INSPECTION-LIB	240.5500.44020	290.00
		200002	1025-F369586		ANNUAL FIRE ALARM INSPECTION-TV1	609.9791.44020	324.12
		200002	1025-F369578		ANNUAL FIRE ALARM INSPECTION-TV2	609.9792.44020	265.00
							1,169.12
08/15/2024	MAIN	200003	1438	WARNING LITES OF MINNESOTA	:BARRICADES	101.5200.44100	1,900.00
		200003	7248		BARRICADES-PARADE	101.5200.44100	2,104.05
							4,004.05
08/15/2024	MAIN	200004	SPI151709	WHEELER HARDWARE COMPANY	CUT MEDECO KEYS	101.2100.42171	192.80
08/15/2024	MAIN	200005	1120901711	XCEL ENERGY (N S P)	51-4217828-3	101.2200.43810	9.99
		200005	1120859491		51-0013562395-2	101.3160.43810	10.53
		200005	1120860336		51-4159572-0	101.3160.43810	9.59
		200005	1121956204		51-4174399-1	101.3160.43810	10.58
		200005	1121657874		51-4941920-1	101.3160.43810	10.57
		200005	1121113328		51-8042065-3	101.5200.43810	43.96
		200005	1122745816		51-0011136455-0	240.5500.43810	1,292.06
							1,347.00

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08/20/2024	MAIN	1466 (E)	02773Q	WELLS FARGO CREDIT CARD	PARK PROGRAM PRIZES AND ACTIVITIES	101.0000.20815	(9.22)
		1466 (E)	02847Q		CANDY-JAMBOREE PARADE	101.0000.20815	(20.67)
		1466 (E)	02856Q		CANDY-JAMBOREE PARADE	101.0000.20815	(3.92)
		1466 (E)	1690337401		LMC CONFERENCE HOTEL-AMS	101.1110.43320	326.96
		1466 (E)	113-6588784-401786		HAND TALLY COUNTER-EVENTS	101.1110.44376	7.79
		1466 (E)	113-1559503-097384		MEMORY CARD HOLDER,TAPE DNPNSR,TABL	101.1110.44376	38.44
		1466 (E)	01932Q		CUPS-ART AND INFO FAIR	101.1110.44376	5.78
		1466 (E)	27427836		SUMMER GIVEAWAY ITEMS	101.1110.44376	727.56
		1466 (E)	1656-2219		BINGO CARDS-ART & INFO FAIR	101.1110.44376	30.00
		1466 (E)	02084Q		SAMBUSAS-ART & INFO FAIR	101.1110.44376	1,260.00
		1466 (E)	114-1212855-28682C		REFUND-TIE DYE KIT	101.1110.44376	(18.25)
		1466 (E)	114-1029601-430665		REFUND-FABRIC MARKERS	101.1110.44376	(13.98)
		1466 (E)	00494078		FUNERAL FLOWERS J. KEMP FAMILY	101.1110.48200	75.00
		1466 (E)	00494077		FUNERAL FLOWERS S. SARTWELL FAMILY	101.1110.48200	75.00
		1466 (E)	113-2746739-93242C		STANDING DESK MAT	101.1320.42171	79.99
		1466 (E)	00000037		DONUTS-BRING YOUR KID TO WORK DAY	101.1320.44374	35.50
		1466 (E)	01367Q		BRING YOUR KID TO WORK DAY-SUPPLIES	101.1320.44374	52.67
		1466 (E)	01457Q		BRING YOUR KID TO WORK DAY-SUPPLIES	101.1320.44374	43.20
		1466 (E)	00886300		PIZZA-BRING YOUR KID TO WORK DAY	101.1320.44374	128.88
		1466 (E)	15477379910		SUMMER STAFF LUNCHEON DEPOSIT	101.1320.44374	500.00
		1466 (E)	041848		RETURN SHIRTS-BRING YOUR KID TO WOR	101.1320.44374	(36.80)
		1466 (E)	00021075		2023 COA APPLICATION FEE	101.1510.43050	530.00
		1466 (E)	113-6335114-218584		CLOROX WIPES, TEA	101.1940.42171	9.09
		1466 (E)	113-8798678-686265		TEA, CIDER	101.1940.42175	13.98
		1466 (E)	113-5031002-281703		COFFEE SYRUP	101.1940.42175	17.15
		1466 (E)	113-6335114-218584		CLOROX WIPES, TEA	101.1940.42175	19.41
		1466 (E)	112-4467468-543781		OFFICE SUPLIES-OFFICER WOOD	101.2100.42000	74.78
		1466 (E)	112-7308437-592024		BIKE RACK, BATTERIES, CHARGING STAT	101.2100.42000	170.47
		1466 (E)	112-8851940-841305		AAA BATTERIES	101.2100.42000	33.84
		1466 (E)	112-8537613-369782		RECHARGEABLE SPEAKER-PUBLIC EVENTS	101.2100.42010	1,199.00
		1466 (E)	112-8232950-103386		EARPIECE-RICARDO	101.2100.42010	94.99
		1466 (E)	112-3858554-171701		SMALL REFRIGERATOR	101.2100.42010	149.99
		1466 (E)	112-0459163-430982		HARD CASE AND LOCK	101.2100.42010	143.22
		1466 (E)	112-9560045-172743		FOLDING BIKE LOCKS FOR PATROL	101.2100.42010	54.70
		1466 (E)	112-4674419-118584		30 RADIO EAR PIECES	101.2100.42010	2,564.70
		1466 (E)	10757658462		LAPTOP FOR NEW SERGEANT	101.2100.42011	1,827.10
		1466 (E)	10756650100		DOCK FOR OFFICE SUPERVISOR	101.2100.42011	262.49
		1466 (E)	10756650098		KEYBOARD FOR NEW SERGEANT	101.2100.42011	78.62
		1466 (E)	906495429		REPORT WRITING TV	101.2100.42012	390.00
		1466 (E)	906579180		ROLL CALL TV	101.2100.42012	390.00
		1466 (E)	112-4021958-832343		BBALL CLIPBOARDS,BOOKS FOR TRAINING	101.2100.42070	
		1466 (E)	112-7642861-779544		BRAVING THE WILDERNESS-DEPT TRNG	101.2100.42070	

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		1466 (E)	112-4021958-832343		BBALL CLIPBOARDS,BOOKS FOR TRAINING	101.2100.42170	55.93
		1466 (E)	1234		SHIRTS-YOUTH OUTREACH BASKETBALL CA	101.2100.42170	894.75
		1466 (E)	27603879		SLAP BANDS AND SPORTPACK	101.2100.42170	908.16
		1466 (E)	147988		BACKPACKS-PD EAT AND GREET	101.2100.42170	396.25
		1466 (E)	73024		FACEPAINT-PD EAT AND GREET	101.2100.42170	378.56
		1466 (E)	112-4808328-013620		CHARGERS & BIKE LIGHTS	101.2100.42171	307.38
		1466 (E)	19362		RETIREMENT AWARD KAREN OLSON	101.2100.42171	281.00
		1466 (E)	112-7237811-407945		EGO POWER AND BATTERY	101.2100.42171	508.00
		1466 (E)	112-9998921-516822		FIRST AID KIT-PD OFFICE	101.2100.42171	229.78
		1466 (E)	1042		SHADOW BOX-SGT HANSON RETIREMENT	101.2100.42171	399.09
		1466 (E)	112-2520609-094425		HELMETS-SCU	101.2100.42172	159.84
		1466 (E)	822013010001		DINNER-MULTI-CULTURAL ADVISORY COMM	101.2100.42175	119.20
		1466 (E)	821080487001		BASKETBALL CAMP SNACKS	101.2100.42175	197.27
		1466 (E)	666966		COFFEE-CAPT INTERVIEW PANEL	101.2100.42175	21.63
		1466 (E)	061324		CHIEF LUNCH WITH SHAWNA CURTIS, SGT	101.2100.42175	51.53
		1466 (E)	240614-16-5		MARKHAM LUNCH-CAPT INTERVIEW PANELI	101.2100.42175	66.23
		1466 (E)	22		PIZZA-YOUTH BASKETBALL PROGRAM	101.2100.42175	483.32
		1466 (E)	821111789001		RETIREMENT CAKE-HANSON	101.2100.42175	41.99
		1466 (E)	417818001326		FOOD-KAREN OLSONS RETIREMENT	101.2100.42175	332.81
		1466 (E)	140463846192098180		JAMBOREE SNACKS	101.2100.42175	167.66
		1466 (E)	820132781001		SWEARING IN CAKE	101.2100.42175	41.99
		1466 (E)	120508500408		FIELD TRAINING OFFICER COURSE BOSKO	101.2100.43105	599.00
		1466 (E)	15862		CLEO AND COMMAND ACADEMY-URBANIAK	101.2100.43105	825.00
		1466 (E)	15861		MEMBERSHIP URBANIAK	101.2100.43105	286.00
		1466 (E)	48153		BCA CONFERENCE KELLY SCHOSTAG	101.2100.43105	300.00
		1466 (E)	FRID30293937		CEILING TILES FOR PSC	101.2100.44020	31.96
		1466 (E)	20240706-000723		TIME IQ SUBSC 070624-080524	101.2100.44030	78.00
		1466 (E)	3161456905		2YR GODADDY DOMAIN RENEWALS	101.2100.44030	70.32
		1466 (E)	1523900		2 MO RENTAL-2 SECURITY CAM TRAILERS	101.2100.44100	3,840.00
		1466 (E)	04204-32965580		CANVA PRO ANNUAL SUBSCRIPTION	101.2100.44330	119.99
		1466 (E)	34CFARC		DRONE REGISTRATION FEE	101.2100.44390	5.00
		1466 (E)	2110		HOSE STRAPS FOR TRAINING	101.2200.42010	84.95
		1466 (E)	111-6286191-141622		PORTABLE RADIO ANTENNAS X 10	101.2200.42010	114.50
		1466 (E)	112-6187641-702261		ZIP TIES,PAPER FOLDER,SCISSORS,VACU	101.2200.42010	64.99
		1466 (E)	16909		MAGNET POUCHS, LARGE STANDARD CARDS	101.2200.42170	200.64
		1466 (E)	CSC-4348		BP CUFF-MEDICAL KIT	101.2200.42171	182.00
		1466 (E)	112-0178461-286506		TOWELS, COLD PACKS	101.2200.42171	54.68
		1466 (E)	112-0178461-286506		SUCTION RINGS	101.2200.42171	13.79
		1466 (E)	112-7209834-446423		AVIATOR EYEGLASSES, BATH TOWELS	101.2200.42171	70.66
		1466 (E)	112-4656691-614823		12 PACK MIRRORED LENS EYEGLASSES	101.2200.42171	30.97
		1466 (E)	112-7209834-446423		REFUND - 12 PACK AVIATOR EYEGLASSES	101.2200.42171	
		1466 (E)	43741		PIZZA-FIRE EXPLORER EVENT	101.2200.42175	

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		1466 (E)	181710		LODGING-WITNESS TESTIMONY CLASS ZP	101.2200.43320	292.82
		1466 (E)	FRID30293937		CEILING TILES FOR PSC	101.2200.44020	31.96
		1466 (E)	113-2317083-137226		OFFICE CHAIR CUSHION	101.2300.42000	35.99
		1466 (E)	112-6187641-702261		ZIP TIES,PAPER FOLDER,SCISSORS,VACU	101.2300.42000	40.15
		1466 (E)	111-2671522-238903		1 - MITEL WIRELESS DECT HEADSET	101.3100.42011	92.94
		1466 (E)	841425		CONSTRUCTION SITE MANAGER-L.LETSCH	101.3100.43105	225.00
		1466 (E)	2791511165		ADOBE ACROBAT PRO - CORRINE HANSON	101.3100.44030	194.50
		1466 (E)	2795054037		ACROBAT PRO-REFUND	101.3100.44030	(239.88)
		1466 (E)	2802337581		TAX REFUND	101.3100.44030	(14.62)
		1466 (E)	C2963471		LICENSE TABS 2020 CHEV TRV PLATE EV	101.3100.44310	0.35
		1466 (E)	03379683		LICENSE TAB # HXT053 - 2022 FORD MU	101.3100.44310	14.35
		1466 (E)	BSL-331917		YEARLY SUBSCRIPTION 2024	101.3100.44330	72.00
		1466 (E)	C2963471		LICENSE TABS 2020 CHEV TRV PLATE EV	101.3100.44390	16.25
		1466 (E)	03379683		LICENSE TAB # HXT053 - 2022 FORD MU	101.3100.44390	667.25
		1466 (E)	114-2197742-161302		PORTABLE GUN SAFE,MESSAGE BOOK	101.3121.42010	57.87
		1466 (E)	113-0703224-111220		KEY LOCK BOX-ADMIN OFFICE AREA	101.3121.42010	12.33
		1466 (E)	10871		BUSINESS CARDS - CORRINE HANSON	101.3121.42030	8.07
		1466 (E)	112-2755578-640982		LETTER OPENERS	101.3121.42171	6.98
		1466 (E)	2466825168		ADOBE ACROBAT PRO FOR TEAMS	101.3121.44030	311.27
		1466 (E)	87A891F4-0011		CHAT GPT SUBSC 0707-080724	101.3121.44330	20.00
		1466 (E)	114-0128731-264584		PITCHNG MACHINE TIRE REPLACEMENT	101.5001.42010	122.00
		1466 (E)	114-4661320-692903		BASEBALL-DRY ERASE CLIPBOARDS,WHIST	101.5001.42170	58.30
		1466 (E)	114-5514127-532266		FOAM BASEBALLS-TBALL TRAINING	101.5001.42170	17.99
		1466 (E)	114-5449945-332981		FOAM BASEBALLS AND SPORTS CONES	101.5001.42170	37.98
		1466 (E)	114-2378034-236822		FOAM BASEBALLS-POPPLIES BASEBALL TE	101.5001.42170	17.99
		1466 (E)	114-5701214-840425		RUBBER BATTING TEE	101.5001.42170	27.98
		1466 (E)	114-1389306-970341		CLOROX WIPES,FIDGET TOYS,DODGEBALLS	101.5001.42171	49.98
		1466 (E)	418100628103		ACTIVE AGERS SUPPLIES	101.5004.42170	22.46
		1466 (E)	02773Q		PARK PROGRAM PRIZES AND ACTIVITIES	101.5004.42170	206.13
		1466 (E)	114-1389306-970341		CLOROX WIPES,FIDGET TOYS,DODGEBALLS	101.5004.42171	62.61
		1466 (E)	02847Q		CANDY-JAMBOREE PARADE	101.5004.42175	321.40
		1466 (E)	02856Q		CANDY-JAMBOREE PARADE	101.5004.44378	60.89
		1466 (E)	418100628103		ACTIVE AGERS SUPPLIES	101.5040.42000	6.87
		1466 (E)	111-4604650-531701		ACTIVE AGERS EVENTS FOOD & SUPPLIES	101.5040.42170	62.45
		1466 (E)	111-5291744-202342		SUMMER DECOR-ACTIVE AGERS	101.5040.42170	6.99
		1466 (E)	111-6211774-435706		LATEX MASKING FLUID-ART CLASSES	101.5040.42170	7.79
		1466 (E)	111-7624355-914506		PHOTO PROP-BINGO EVENT	101.5040.42170	10.50
		1466 (E)	134054 2024		ANNUAL STAR TRIBUNE DAILY PAPER	101.5040.42170	254.70
		1466 (E)	111-4604650-531701		ACTIVE AGERS EVENTS FOOD & SUPPLIES	101.5040.42175	6.36
		1466 (E)	418100628103		ACTIVE AGERS SUPPLIES	101.5040.42175	45.33
		1466 (E)	946496		TREATS-IN HOUSE ACTIVE AGER PROGRAM	101.5040.42175	
		1466 (E)	357553		FOOD-GAZPACHO DAY LUNCH	101.5040.42175	

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		1466 (E)	01194Q		FOOD-GAZPACHO DAY EVENT ACTIVE AGER	101.5040.42175	11.66
		1466 (E)	418100628103		ACTIVE AGERS SUPPLIES	101.5040.44200	33.93
		1466 (E)	070824 CUB		TREATS-ACTIVE AGERS ACTIVITIES	101.5040.44200	22.79
		1466 (E)	822013872001		FOOD-GAZPACHO DAY	101.5040.44200	30.05
		1466 (E)	AAA5JMBAACAV		LUNCH OUTING WITH ACTIVE AGERS	101.5040.44200	10.54
		1466 (E)	0000507211		LUNCH OUTING WITH ACTIVE AGERS	101.5040.44200	18.99
		1466 (E)	11898		DINNER-OUTING WITH ACTIVE AGERS	101.5040.44200	15.83
		1466 (E)	RPEC40D7B		LODGING-OVRNGHT OUTING WITH ACTIVE	101.5040.44200	104.85
		1466 (E)	P73728483		BATTERIES FOR FIRE ALARM	101.5129.42010	50.30
		1466 (E)	3161456905		2YR GODADDY DOMAIN RENEWALS	101.5129.44030	70.32
		1466 (E)	114-2197742-161302		PORTABLE GUN SAFE,MESSAGE BOOK	101.5200.42010	57.87
		1466 (E)	113-0703224-11122C		KEY LOCK BOX-ADMIN OFFICE AREA	101.5200.42010	12.33
		1466 (E)	10871		BUSINESS CARDS - CORRINE HANSON	101.5200.42030	8.07
		1466 (E)	112-2755578-640982		MEASURING CUPS,RULER	101.5200.42170	5.91
		1466 (E)	WEB1014457		ISA CERT MSR & ARBORIST RECERT-L.GE	101.6102.43105	185.00
		1466 (E)	2801467334		ADOBE ACROBAT PRO-L.GENTER	101.6102.44030	259.37
		1466 (E)	2795054038		REFUND SALES TAX CHARGED	101.6102.44030	(19.49)
		1466 (E)	3465149		A BOUCHER-APA AND AICP MEMBERSHIP	201.2400.44330	618.00
		1466 (E)	101814747		BUILDING OFFICIAL ICC MEMBER RENEWA	201.2400.44330	125.00
		1466 (E)	113-9125978-406823		MEMORY CARD FOR PODCAST	225.9844.42171	26.99
		1466 (E)	113-1559503-097384		MEMORY CARD HOLDER,TAPE DNPNSR,TABL	225.9844.42171	8.99
		1466 (E)	MC19668346		MAILCHIMP SUBSC JUNE 2024	225.9844.44030	26.50
		1466 (E)	01771		ROTTLER - NORTHERN LIGHTS CEREMONY	225.9844.44330	40.00
		1466 (E)	112-7605391-60970C		POWER SUPPLY, BRUSHES, PAINT	240.5500.42011	67.95
		1466 (E)	10756650119		REPLACEMENT MONITOR FOR PAC	240.5500.42011	332.49
		1466 (E)	112-7605391-60970C		POWER SUPPLY, BRUSHES, PAINT	240.5500.42170	20.28
		1466 (E)	112-0103712-200507		MINI CANVASES, ACRYLIC PAINTS	240.5500.42170	90.34
		1466 (E)	114-1651912-330582		SPARKS & TNT-ACTIVITIES SUPPLIES	261.5029.42171	129.12
		1466 (E)	2353634		CASCADE BAY ADMISSION YOUTH TRIP	261.5029.44200	270.32
		1466 (E)	2380347		FNL PMT-CASCADE BAY YOUTH TRIP	261.5029.44200	129.75
		1466 (E)	111-8155188-576746		OTTERBOX IPHONE 14	601.9600.42011	17.28
		1466 (E)	112-3348793-773302		UNI-BALL BLUE GEL PENS	601.9600.42171	10.42
		1466 (E)	111-9029545-69850C		CHEST WADERS	601.9600.42173	178.99
		1466 (E)	10307936		OPERATOR EXPO-JEFF OLSON	601.9600.43105	175.00
		1466 (E)	58479753		OPERATOR EXPO-KYLE BURNS	601.9600.43105	175.00
		1466 (E)	38773247		OPERATOR EXPO-DON GRANS	601.9600.43105	175.00
		1466 (E)	114-2197742-161302		PORTABLE GUN SAFE,MESSAGE BOOK	602.9600.42010	57.88
		1466 (E)	113-0703224-11122C		KEY LOCK BOX-ADMIN OFFICE AREA	602.9600.42010	12.33
		1466 (E)	111-8155188-576746		OTTERBOX IPHONE 14	602.9600.42011	17.27
		1466 (E)	10871		BUSINESS CARDS - CORRINE HANSON	602.9600.42030	8.07
		1466 (E)	92479618		OPERATOR EXPO-J. FISH	602.9600.43105	1
		1466 (E)	93489145		OPERATOR EXPO-D. HOPKINS	602.9600.43105	1

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		1466 (E)	66895716		OPERATOR EXPO-P.KNOPIK	602.9600.43105	175.00
		1466 (E)	1161240895		GARBAGE CAN GALV 10 GA	603.9530.42010	46.82
		1466 (E)	FRID85694		6-GALLON CALVANIZED STEEL PAILS	603.9530.42171	201.44
		1466 (E)	FRID82509		6-GALLON CALVANIZED STEEL PAIL	603.9530.42171	201.44
		1466 (E)	00680		2024 MEMBERHIP RENEWAL DAVIES	603.9530.44330	200.00
		1466 (E)	3161456905		2YR GODADDY DOMAIN RENEWALS	609.9791.44030	23.44
		1466 (E)	3161456905		2YR GODADDY DOMAIN RENEWALS	609.9792.44030	23.44
		1466 (E)	3161456905		2YR GODADDY DOMAIN RENEWALS	609.9793.44030	23.44
		1466 (E)	113-5710227-801065		AIR FRESHERS- BATHROOMS	705.9970.42000	123.64
		1466 (E)	111-1385867-719941		UPS AND CABLE FOR NEW IT STAFF	720.9980.42011	127.94
		1466 (E)	111-5442438-167144		DOCKS AND ETHERNET ADAPTERS-NEW IT	720.9980.42011	413.73
		1466 (E)	111-2292523-146980		USB RECEIVERS FOR MICE AND KEYBOARD	720.9980.42171	56.97
		1466 (E)	TEC240619-3549-797		CAMTASIA UPGRADE & SUPPORT	720.9980.44030	56.79
		1466 (E)	TEC240705-3683-725		SNAG-IT UPGRADE & SUPPORT	720.9980.44030	12.49
		1466 (E)	S21VA-083140645		SUBSCRIPTION-1 USER PRORATED	720.9980.44030	17.75
		1466 (E)	S-00393 R-40		SOFTBALL BAT-16U GIRLS	881.5000.42170	449.99
		1466 (E)	114-4816517-735781		SLIME ACTIVATOR, CONTAINERS,SPOONS	883.5500.42170	53.40
		1466 (E)	114-2905579-283861		GLOW BEADS	883.5500.42170	23.40
		1466 (E)	114-1615741-337383		BEADS, PEGBOARDS, TWEEZER SET	883.5500.42170	43.39
		1466 (E)	02602Q		GLITTER	883.5500.42170	26.35
							34,389.53
08/20/2024	MAIN	1467 (E)	1-525-620-576	MINNESOTA DEPARTMENT OF REV	JULY LIQUOR SALES TAX	609.0000.20810	88,175.00
08/20/2024	MAIN	1468 (E)	1-857-888-096	MINNESOTA DEPARTMENT OF REV	JULY SALES/USE TAX	101.0000.20810	1,094.00
		1468 (E)	1-857-888-096		JULY SALES/USE TAX	101.0000.20815	32.00
							1,126.00
08/20/2024	MAIN	1469 (E)	0-841-031-520	MINNESOTA DEPARTMENT OF REV	JULY UB SALES TAX 2024	601.0000.20810	25,124.00
08/22/2024	MAIN	1470 (A)	3699844	ARTISAN BEER COMPANY	073024 INV	609.0000.14500	234.60
		1470 (A)	3701636		080624 INV	609.0000.14500	55.40
		1470 (A)	3702969		080924 INV	609.0000.14500	361.80
		1470 (A)	3702970		080924 INV	609.0000.14500	272.00
		1470 (A)	3701637		080624 INV	609.0000.14500	1,946.60
							2,870.40
08/22/2024	MAIN	1471 (A)	0108718000	BELLBOY BAR SUPPLY	080724 INV	609.0000.14500	21.60
		1471 (A)	0108723500		080724 INV	609.0000.14500	78.03
		1471 (A)	0108723100		080724 INV	609.0000.14500	180.00
		1471 (A)	0108696700		073124 INV	609.0000.14500	65.12
		1471 (A)	0108723500		080724 INV	609.9791.42171	1
		1471 (A)	0108723100		080724 INV	609.9792.42171	1
		1471 (A)	0108696700		073124 INV	609.9792.42171	321.25

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		1471 (A)	0108718000		080724 INV	609.9793.42171	296.50
							1,160.75
08/22/2024	MAIN	1472 (A)	0204574400	BELLBOY CORPORATION	080724 INV	609.0000.14500	1,085.45
		1472 (A)	0204587000		080724 INV	609.0000.14500	2,202.00
		1472 (A)	0204508000		073124 INV	609.0000.14500	2,794.00
		1472 (A)	0204587000		080724 INV	609.9791.42199	22.00
		1472 (A)	0204508000		073124 INV	609.9792.42199	56.00
		1472 (A)	0204574400		080724 INV	609.9793.42199	16.00
							6,175.45
08/22/2024	MAIN	1473 (A)	116967639	BREAKTHRU BEVERAGE MN BEER	1073024 INV 700297782	609.0000.14500	9,120.75
		1473 (A)	117077888		080624 INV 700297782	609.0000.14500	33.85
		1473 (A)	117078871		080624 INV 700297717	609.0000.14500	199.00
		1473 (A)	117157273		080924 INV 7001297717	609.0000.14500	247.00
		1473 (A)	117106925		080724 INV 700297736	609.0000.14500	536.10
		1473 (A)	117106927		080724 INV 700297736	609.0000.14500	86.40
		1473 (A)	116993711		073124 INV 700297736	609.0000.14500	119.75
		1473 (A)	116997245		073124 INV 700297736	609.0000.14500	512.00
		1473 (A)	116885922		072424 INV 700297736	609.0000.14500	15,011.40
		1473 (A)	116885923		072424 INV 700297736	609.0000.14500	346.90
		1473 (A)	116890145		072424 INV 700297736	609.0000.14500	168.00
		1473 (A)	116890144		072424 INV 700297736	609.0000.14500	216.00
		1473 (A)	116993710		073124 INV 700297736	609.0000.14500	13,337.25
		1473 (A)	117106926		080724 INV 700297736	609.0000.14500	8,817.35
		1473 (A)	117211881		081424 INV 700297736	609.0000.14500	215.75
		1473 (A)	117213542		081424 INV 700297736	609.0000.14500	30.80
		1473 (A)	412585912		080624 INV 700297782	609.0000.14500	(95.60)
		1473 (A)	412532046		072224 INV 700297736	609.0000.14500	(10.80)
		1473 (A)	412560499		073024 INV 700297736	609.0000.14500	(100.00)
		1473 (A)	412538163		072424 INV 700297736	609.0000.14500	(19.60)
		1473 (A)	412538164		072424 INV 700297736	609.0000.14500	(14.40)
		1473 (A)	412538165		072424 INV 700297736	609.0000.14500	(10.40)
		1473 (A)	412538162		072424 INV 700297736	609.0000.14500	(25.20)
		1473 (A)	412572054		080124 INV 700297736	609.0000.14500	(233.65)
		1473 (A)	412572055		080124 INV 700297736	609.0000.14500	(2.23)
		1473 (A)	412579304		080224 INV 700297736	609.0000.14500	(12.80)
		1473 (A)	412585909		080624 INV 700297736	609.0000.14500	(13.60)
		1473 (A)	412585907		080624 INV 700297736	609.0000.14500	(488.95)
		1473 (A)	412615193		081424 INV 700297736	609.0000.14500	(102.70)
							47,8
08/22/2024	MAIN	1474 (A)	117055467	BREAKTHRU BEVERAGE MN W&S	LJ080224 INV 700297782	609.0000.14500	2,095.10

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		1474 (A)	117055466		080224 INV 700297782	609.0000.14500	840.10
		1474 (A)	117159715		080924 INV 700297717	609.0000.14500	206.16
		1474 (A)	117159712		080924 INV 700297717	609.0000.14500	218.25
		1474 (A)	117159713		080924 INV 700297717	609.0000.14500	800.00
		1474 (A)	117055462		080204 INV 700297736	609.0000.14500	348.00
		1474 (A)	117055463		080224 INV 70029736	609.0000.14500	450.15
		1474 (A)	117055460		080224 INV 700297736	609.0000.14500	1,163.04
		1474 (A)	117055459		080224 INV 700297736	609.0000.14500	4,648.60
		1474 (A)	117055461		080224 INV 700297736	609.0000.14500	0.02
		1474 (A)	117055458		080224 INV 700297736	609.0000.14500	800.00
		1474 (A)	412595955		080824 INV 700297782	609.0000.14500	(528.10)
		1474 (A)	117159715		080924 INV 700297717	609.9791.42199	6.90
		1474 (A)	117159712		080924 INV 700297717	609.9791.42199	1.15
		1474 (A)	117159713		080924 INV 700297717	609.9791.42199	12.65
		1474 (A)	117055462		080204 INV 700297736	609.9792.42199	6.90
		1474 (A)	117055463		080224 INV 70029736	609.9792.42199	6.90
		1474 (A)	117055460		080224 INV 700297736	609.9792.42199	5.75
		1474 (A)	117055459		080224 INV 700297736	609.9792.42199	24.15
		1474 (A)	117055461		080224 INV 700297736	609.9792.42199	2.30
		1474 (A)	117055458		080224 INV 700297736	609.9792.42199	12.65
		1474 (A)	117055467		080224 INV 700297782	609.9793.42199	10.35
		1474 (A)	117055466		080224 INV 700297782	609.9793.42199	13.80
		1474 (A)	412595955		080824 INV 700297782	609.9793.42199	(2.30)
							11,142.52
08/22/2024	MAIN	1475 (A)	30199933	CAPITOL BEVERAGE SALES LP	080724 INV	609.0000.14500	3,102.50
		1475 (A)	3019868		080724 INV	609.0000.14500	7,726.40
		1475 (A)	28861068		080724 INV	609.0000.14500	(25.15)
		1475 (A)	28861069		080724 INV	609.0000.14500	(59.60)
							10,744.15
08/22/2024	MAIN	1476 (A)	185949	GRANICUS LLC	CAPTIONLIVE BASIC 040624-040525	225.9844.43050	5,393.00
08/22/2024	MAIN	1477 (A)	2	IDC AUTOMATIC, LLC	2024 CONCRETE ALLEY PROJECT 2406	415.0000.20610	(22,038.25)
		1477 (A)	2		2024 CONCRETE ALLEY PROJECT 2406	415.6400.45185.2406	435,765.00
		1477 (A)	2		2024 CONCRETE ALLEY PROJECT 2406	653.9699.45185.2406	5,000.00
							418,726.75
08/22/2024	MAIN	1478 (A)	2596243	JOHNSON BROTHERS LIQUOR CO.	080224 INV	609.0000.14500	942.00
		1478 (A)	2596244		080224 INV	609.0000.14500	97.00
		1478 (A)	2596245		080224 INV	609.0000.14500	1,967.74
		1478 (A)	2595235		080124 INV	609.0000.14500	4,211.11
		1478 (A)	2593843		073124 INV	609.0000.14500	1

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		1478 (A)	2593842		073124 INV	609.0000.14500	56.40
		1478 (A)	2593841		073124 INV	609.0000.14500	181.50
		1478 (A)	2593840		073124 INV	609.0000.14500	336.50
		1478 (A)	2593844		073124 INV	609.0000.14500	206.41
		1478 (A)	2598574		080724 INV	609.0000.14500	112.00
		1478 (A)	2598572		080724 INV	609.0000.14500	4,381.10
		1478 (A)	2598570		080724 INV	609.0000.14500	204.00
		1478 (A)	2599704		080824 INV	609.0000.14500	240.00
		1478 (A)	2598576		080724 INV	609.0000.14500	1,599.00
		1478 (A)	2598575		080724 INV	609.0000.14500	2,554.99
		1478 (A)	2599707		080824 INV	609.0000.14500	224.00
		1478 (A)	2599706		080824 INV	609.0000.14500	108.00
		1478 (A)	2599705		080824 INV	609.0000.14500	536.50
		1478 (A)	2598569		080724 INV	609.0000.14500	45.05
		1478 (A)	2598577		080724 INV	609.0000.14500	249.45
		1478 (A)	2600769		080924 INV	609.0000.14500	1,341.50
		1478 (A)	2600768		080924 INV	609.0000.14500	322.00
		1478 (A)	2600767		080924 INV	609.0000.14500	490.00
		1478 (A)	2598574		080724 INV	609.9791.42199	1.64
		1478 (A)	2598572		080724 INV	609.9791.42199	53.22
		1478 (A)	2598570		080724 INV	609.9791.42199	4.20
		1478 (A)	2599704		080824 INV	609.9791.42199	4.20
		1478 (A)	2598576		080724 INV	609.9791.42199	9.10
		1478 (A)	2598575		080724 INV	609.9791.42199	21.00
		1478 (A)	2599707		080824 INV	609.9791.42199	5.60
		1478 (A)	2599706		080824 INV	609.9791.42199	4.20
		1478 (A)	2599705		080824 INV	609.9791.42199	11.20
		1478 (A)	2596243		080224 INV	609.9792.42199	22.40
		1478 (A)	2596244		080224 INV	609.9792.42199	1.40
		1478 (A)	2596245		080224 INV	609.9792.42199	23.10
		1478 (A)	2595235		080124 INV	609.9792.42199	77.00
		1478 (A)	2593843		073124 INV	609.9792.42199	1.40
		1478 (A)	2593842		073124 INV	609.9792.42199	1.40
		1478 (A)	2593841		073124 INV	609.9792.42199	4.20
		1478 (A)	2593840		073124 INV	609.9792.42199	4.20
		1478 (A)	2593844		073124 INV	609.9792.42199	5.60
		1478 (A)	2598569		080724 INV	609.9793.42199	2.63
		1478 (A)	2598577		080724 INV	609.9793.42199	7.88
		1478 (A)	2600769		080924 INV	609.9793.42199	12.61
		1478 (A)	2600768		080924 INV	609.9793.42199	5.60
		1478 (A)	2600767		080924 INV	609.9793.42199	

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08/22/2024	MAIN	1479 (A)	W06248	MAC QUEEN EQUIPMENT LLC	DECK GUN, SEAT SWITCH, COOLANT PROB	101.2200.42280	2,548.95			
		1479 (A)	P59010		HYD OIL FILTER- INVENTORY	701.0000.14120	343.97			
							2,892.92			
08/22/2024	MAIN	1480 (A)	6828654	PHILLIPS WINE & SPIRITS INC	080924 INV	609.0000.14500	479.50			
		1480 (A)	6828653		080924 INV	609.0000.14500	352.00			
		1480 (A)	6828656		080924 INV	609.0000.14500	297.60			
		1480 (A)	6828655		080924 INV	609.0000.14500	268.50			
		1480 (A)	6828657		080924 INV	609.0000.14500	308.05			
		1480 (A)	6828658		080924 INV	609.0000.14500	99.20			
		1480 (A)	6828654		080924 INV	609.9791.42199	4.20			
		1480 (A)	6828653		080924 INV	609.9791.42199	11.20			
		1480 (A)	6828656		080924 INV	609.9791.42199	8.40			
		1480 (A)	6828655		080924 INV	609.9791.42199	9.80			
		1480 (A)	6828657		080924 INV	609.9791.42199	2.80			
		1480 (A)	6828658		080924 INV	609.9793.42199	2.80			
									1,844.05	
		08/22/2024	MAIN		1481 (A)	2514279	SOUTHERN GLAZER'S	080824 INV	609.0000.14500	215.40
1481 (A)	2514280			080824 INV	609.0000.14500	1,583.37				
1481 (A)	2511390			080124 INV	609.0000.14500	364.38				
1481 (A)	2508562			072524 INV	609.0000.14500	427.05				
1481 (A)	2508558			072524 INV	609.0000.14500	462.11				
1481 (A)	2511392			080124 INV	609.0000.14500	773.80				
1481 (A)	2511400			080124 INV	609.0000.14500	1,189.32				
1481 (A)	2511397			080124 INV	609.0000.14500	298.00				
1481 (A)	2511386			080124	609.0000.14500	735.75				
1481 (A)	2511383			080124 INV	609.0000.14500	1,091.71				
1481 (A)	2511384			080124 INV	609.0000.14500	539.85				
1481 (A)	2511377			080124 INV	609.0000.14500	2,446.39				
1481 (A)	2508551			072524 INV	609.0000.14500	107.82				
1481 (A)	2511399			080124 INV	609.0000.14500	1,560.84				
1481 (A)	2511398			080124 INV	609.0000.14500	792.00				
1481 (A)	2511394			080124 INV	609.0000.14500	823.25				
1481 (A)	2511393			080124 INV	609.0000.14500	276.00				
1481 (A)	2508563			072524 INV	609.0000.14500	213.82				
1481 (A)	2511389			080124 INV	609.0000.14500	1,268.95				
1481 (A)	2505732			071824 INV	609.0000.14500	1,010.00				
1481 (A)	2514292			080824 INV	609.0000.14500	323.10				
1481 (A)	2514285	080824 INV	609.0000.14500	2,038.18						
1481 (A)	2514288	080824 INV	609.0000.14500	2						
1481 (A)	2514290	080824 INV	609.0000.14500							
1481 (A)	2514289	080824 INV	609.0000.14500	300.00						

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		1481 (A)	2514281		080824 INV	609.0000.14500	3,060.00
		1481 (A)	5115258		081224 INV	609.0000.14500	339.32
		1481 (A)	2514279		080824 INV	609.9791.42199	2.56
		1481 (A)	2514280		080824 INV	609.9791.42199	10.24
		1481 (A)	2511379		080124 DEL	609.9791.42199	1.28
		1481 (A)	2511386		080124	609.9791.42199	8.96
		1481 (A)	2511383		080124 INV	609.9791.42199	20.48
		1481 (A)	2511384		080124 INV	609.9791.42199	3.84
		1481 (A)	2511377		080124 INV	609.9791.42199	26.88
		1481 (A)	2508551		072524 INV	609.9791.42199	1.28
		1481 (A)	2514285		080824 INV	609.9791.42199	19.20
		1481 (A)	2514288		080824 INV	609.9791.42199	7.68
		1481 (A)	2514290		080824 INV	609.9791.42199	0.75
		1481 (A)	2514289		080824 INV	609.9791.42199	7.68
		1481 (A)	2514281		080824 INV	609.9791.42199	5.12
		1481 (A)	2514278		080824 DEL	609.9791.42199	11.52
		1481 (A)	2514286		080824 DEL	609.9791.42199	6.40
		1481 (A)	5115258		081224 INV	609.9791.42199	7.68
		1481 (A)	2511390		080124 INV	609.9792.42199	5.12
		1481 (A)	2511391		080124 DEL	609.9792.42199	1.28
		1481 (A)	2508562		072524 INV	609.9792.42199	6.40
		1481 (A)	2511388		080124 DEL	609.9792.42199	1.28
		1481 (A)	2508558		072524 INV	609.9792.42199	6.40
		1481 (A)	2511392		080124 INV	609.9792.42199	6.40
		1481 (A)	2511400		080124 INV	609.9792.42199	17.92
		1481 (A)	2511397		080124 INV	609.9792.42199	7.68
		1481 (A)	2511399		080124 INV	609.9792.42199	17.92
		1481 (A)	2511398		080124 INV	609.9792.42199	14.08
		1481 (A)	2511394		080124 INV	609.9792.42199	16.64
		1481 (A)	2511393		080124 INV	609.9792.42199	7.68
		1481 (A)	2508563		072524 INV	609.9792.42199	3.84
		1481 (A)	2511389		080124 INV	609.9792.42199	7.68
		1481 (A)	2505732		071824 INV	609.9792.42199	11.52
		1481 (A)	2514292		080824 INV	609.9792.42199	3.84
							22,879.60
08/22/2024	MAIN	1482 (A)	7483542	WINE MERCHANTS	080724 INV	609.0000.14500	1,232.00
		1482 (A)	7483958		080924 INV	609.0000.14500	1,518.00
		1482 (A)	7483542		080724 INV	609.9791.42199	15.40
		1482 (A)	7483958		080924 INV	609.9791.42199	33.60
							2,7
08/22/2024	MAIN	200006	C28793	AARP	DEFENSIVE DRIVER COURSE 081324	101.5040.43050	170.00

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08/22/2024	MAIN	200007	419-21510176	AEP ENERGY INC	SOLAR POWER	101.2100.43810	888.03
		200007	419-21510176		SOLAR POWER	101.2200.43810	888.03
		200007	419-21510176		SOLAR POWER	240.5500.43810	3,668.18
		200007	419-21510176		SOLAR POWER	701.9950.43810	1,803.22
							7,247.46
08/22/2024	MAIN	200008	08082024	AMADA MARQUEZ SIMULA	MAYOR MARQUEZ SIMULA RENTAL CAR, GA	101.1110.43320	381.67
08/22/2024	MAIN	200009	4849600368	AMERICAN BOTTLING COMPANY	080924 INV	609.0000.14500	371.39
08/22/2024	MAIN	200010	35796	AMERICAN LEGAL PUBLISHING I	INTERNET 091624-091625	101.1410.43050	550.00
08/22/2024	MAIN	200011	543	ARISE OUTDOOR SERVICES LLC	LONG GRASS / SCRUB RMVL & HAUL 999	415.6450.44000	2,100.00
		200011	544		LONG GRASS/ SCRUB RMVL & HAUL 4517	415.6450.44000	275.00
							2,375.00
08/22/2024	MAIN	200012	500584671	ASCAP	ANNUAL LICENSE 2024	225.9844.44390	442.17
08/22/2024	MAIN	200013	285629	BARNA GUZY & STEFFEN LTD	CIVIL CHGS 0724	101.1610.43041	4,209.00
		200013	285632		PROSECUTION 0724	101.1610.43042	9,318.00
		200013	285633		IN CUSTODY 0724	101.1610.43042	1,275.00
		200013	285630		PERSONNEL MATTERS 0724	101.1610.43045	2,865.00
							17,667.00
08/22/2024	MAIN	200014	10354193-00	BUILDING FASTENERS INC	FASTENERS	101.3170.42171	156.22
08/22/2024	MAIN	200015	17990	CARLSON COMMUNITY SOLAR LLC	SOLAR POWER	101.9200.43810	246.56
		200015	17990		SOLAR POWER	602.9600.43810	148.30
		200015	17990		SOLAR POWER	701.9950.43810	1,391.83
							1,786.69
08/22/2024	MAIN	200016	SP49813	CDW-G INC	FORTIMAIL SUPPORT RENEWAL 2024	720.9980.44030	1,500.00
08/22/2024	MAIN	200017	6403204114-3	CENTERPOINT ENERGY	6403204114-3	101.1940.43830	17.10
		200017	10570341-7		10570341-7	101.1940.43830	74.10
		200017	5452216-4		5452216-4	101.5200.43830	17.10
		200017	5467671-3		5467671-3	101.5200.43830	17.10
		200017	10802324-3		10802324-3	101.5200.43830	17.10
		200017	11299887-7		11299887-7	602.9600.43830	26.99
							169.49
08/22/2024	MAIN	200018	333954365	CENTURYLINK	080424 333954365	101.2100.43210	161.79
		200018	333954365		080424 333954365	101.2200.43210	161.80

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08/22/2024	MAIN	200019	480987-00	CHAMBERLAIN OIL COMPANY INC	OIL- INVENTORY	701.0000.14120	146.03
08/22/2024	MAIN	200020	14409	CITY OF COON RAPIDS	PLASTIC BAGS & STYROFOAM RECYCLE	0 603.9530.42920	100.00
08/22/2024	MAIN	200021	080924	CORDOVA/YULIZA	REFUND DAMAGE DEPOSIT LESS SECURITY	101.0000.20810	59.00
		200021	080924		REFUND DAMAGE DEPOSIT LESS SECURITY	101.0000.34781	726.09
							785.09
08/22/2024	MAIN	200022	17991	CORNILLIE 2 COMMUNITY SOLAR	SOLAR POWER	101.5129.43810	1,918.13
		200022	17991		SOLAR POWER	604.9600.43810	79.51
							1,997.64
08/22/2024	MAIN	200023	216	CURBSIDE PRODUCTIONS LLC	MUSIC IN THE PARK 082824	101.1110.44376	391.25
08/22/2024	MAIN	200024	218	CURBSIDE PRODUCTIONS LLC	MOVIE IN THE PARK 082324	101.1110.44376	976.25
08/22/2024	MAIN	200025	IN6663	DEMARS SIGNS INC	TROUBLESHOOTING TV2 LED SIGN	609.9792.44020	165.00
08/22/2024	MAIN	200026	802248253	DIAMOND VOGEL PAINTS	BEADS, TOP STRAINER	101.3170.42171	52.94
08/22/2024	MAIN	200027	0136946-IN	EARL F ANDERSEN INC	ADVISORY SIGNS	101.5200.42171	244.30
08/22/2024	MAIN	200028	1009202	ECM PUBLISHERS INC	PHN ORD #1699 072624	101.1110.43500	57.50
		200028	1011788		TOP VALU LIQUOR AUG 24 PRINT AD	609.9791.43420	94.00
		200028	1011788		TOP VALU LIQUOR AUG 24 PRINT AD	609.9792.43420	74.00
		200028	1011788		TOP VALU LIQUOR AUG 24 PRINT AD	609.9793.43420	32.00
							257.50
08/22/2024	MAIN	200029	94760077	ENVIRONMENTAL SYSTEMS RESEAI	ARCGIS SERVER BASIC	101.3100.44030	1,531.64
		200029	94760077		ARCGIS SERVER BASIC	101.3121.44030	1,531.64
		200029	94760077		ARCGIS SERVER BASIC	101.5200.44030	765.82
		200029	94760077		ARCGIS SERVER BASIC	601.9600.44030	1,531.64
		200029	94760077		ARCGIS SERVER BASIC	602.9600.44030	1,531.64
		200029	94760077		ARCGIS SERVER BASIC	604.9600.44030	765.81
							7,658.19
08/22/2024	MAIN	200030	ORD-11009	GLOBAL RESERVE LLC	080624 INV	609.0000.14500	376.00
08/22/2024	MAIN	200031	4070309	GOPHER STATE ONE CALL INC	CALL OUT TICKETS	601.9600.43050	71.55
		200031	4070309		CALL OUT TICKETS	602.9600.43050	71.55
		200031	4070309		CALL OUT TICKETS	604.9600.43050	71.55
							214.65
08/22/2024	MAIN	200032	MN00152406	GRAPE BEGINNINGS INC	080824 INV	609.0000.14500	285.00
08/22/2024	MAIN	200033	741871	HOHENSTEINS INC	080924 INV	609.0000.14500	1,1
		200033	741716		080924 INV	609.0000.14500	3,0

Check Date	Bank	Check #	Invoice	Payee	Description	GL #	Amount
		200033	739810		080224 INV	609.0000.14500	2,560.05
							6,756.70
08/22/2024	MAIN	200034	5013269	HOME DEPOT #2802	BEGONIAS	101.5200.42171	79.68
08/22/2024	MAIN	200035	TCOINV08581	INFINITE HEALTH COLLABORATI	PROVICTA WELLNESS TRAINING	101.2100.43105	4,500.00
08/22/2024	MAIN	200036	INV4598628	INNOVATIVE OFFICE SOLUTIONS	PENS, PAPER, FORKS	101.3100.42000	93.10
		200036	INV4598628		PENS, PAPER, FORKS	101.3100.42171	23.75
							116.85
08/22/2024	MAIN	200037	17327	INSIGHT BREWING COMPANY, LL	080724 INV	609.0000.14500	269.75
08/22/2024	MAIN	200038	IN316700	JEFFERSON FIRE & SAFETY INC	MILWAUKEE SUPERVAC 16" FANS	431.2200.45180	10,576.80
08/22/2024	MAIN	200039	582018	KROMER COMPANY	FILTERS #0216	701.0000.14120	402.00
08/22/2024	MAIN	200040	43008292	MARTIN MARIETTA MATERIALS,	MV4 WEAR ASPHALT	101.3121.42160	410.67
		200040	42974296		MV4 WEAR ASPHALT	101.3121.42160	752.89
		200040	43129298		MV4 WEAR ASPHALT	101.3121.42160	428.92
		200040	43129205		MV4 WEAR ASPHALT	101.3121.42160	276.14
		200040	43201212		MV4 WEAR ASPHALT	101.3121.42160	307.85
							2,176.47
08/22/2024	MAIN	200041	13257	MENARDS CASHWAY LUMBER-FRID	IRETURN LINK CORD, INSTALLATION CORD	101.3100.42171	(19.98)
		200041	12856		PAINT BRUSHES, GLOVES, RAGS	101.5200.42171	103.63
		200041	12852		PLIERS, CHANNELLOCK WRENCH, SCREWDR	101.5200.42171	118.87
		200041	13208		MINERAL SPIRITS, BRUSH SET	101.5200.42171	9.98
		200041	12746		TROWEL, SPEEDBOR BIT, 6QT STORAGE B	601.9600.42171	22.59
		200041	13076		CHALK REEL	601.9600.42171	19.99
		200041	13255		SHELF	701.9950.42171	7.47
							262.55
08/22/2024	MAIN	200042	080624	MINNEAPOLIS FINANCE DEPT.	WATER PURCHASE 0724	601.9400.42990	183,089.58
08/22/2024	MAIN	200043	183820	MINNEAPOLIS SAW CO INC	STRING TRIMMER HEADS	101.5200.42171	83.97
		200043	183171		SCREW #0071	701.0000.14120	15.58
		200043	183170		GASKET #0071	701.0000.14120	7.48
							107.03
08/22/2024	MAIN	200044	89428	MINNESOTA ROADWAYS	SLOW SET ASPHALT EMULSION	101.3121.42160	213.60
08/22/2024	MAIN	200045	4160	MINNESOTA SOFTBALL	FALL LEAGUE TEAMS, BALLS	881.5000.42170	2,600.00
08/22/2024	MAIN	200046	1441282-01	MTI DISTRIBUTING	PRE-FILTER	701.0000.14120	
		200046	1442887-00		DAMPER, SPACER	701.0000.14120	

CHECK DISBURSEMENT REPORT FOR CITY OF COLUMBIA HEIGHTS
 CHECK DATE FROM 08/09/2024 - 08/22/2024

Item 6.

Check Date	Bank	Check #	Invoice	Payee	Description	GL #	Amount
							246.69
08/22/2024	MAIN	200047	072524	O'DONNELL/KELLY	YOGA, MEDITATION 052024-062424	101.5001.43050	306.00
08/22/2024	MAIN	200048	243849	PAUSTIS & SONS WINE COMPANY	080824 INV	609.0000.14500	587.50
		200048	243028		073024 INV	609.0000.14500	776.00
		200048	243849		080824 INV	609.9791.42199	10.50
		200048	243028		073024 INV	609.9792.42199	12.00
							<u>1,386.00</u>
08/22/2024	MAIN	200049	2097	PICTURES AND GIFTS LLC	SAFTEY VESTS	101.3121.42173	221.76
		200049	2097		SAFTEY VESTS	101.3170.42173	50.00
		200049	2097		SAFTEY VESTS	101.5200.42173	350.00
		200049	2097		SAFTEY VESTS	101.6102.42173	50.00
		200049	2097		SAFTEY VESTS	601.9600.42173	221.67
		200049	2097		SAFTEY VESTS	602.9600.42173	221.67
							<u>1,115.10</u>
08/22/2024	MAIN	200050	W-80961	PRYES BREWING COMPANY LLC	080724 INV	609.0000.14500	523.67
08/22/2024	MAIN	200051	3403642-00	REINDERS INC	RANGER PRO GLYPHOSATE	101.5200.42160	792.58
08/22/2024	MAIN	200052	0028869	ROHN INDUSTRIES INC	SHREDDING 072924	101.1410.44000	18.85
08/22/2024	MAIN	200053	IA27661	RUFFRIDGE-JOHNSON EQUIP. INC	FELT SHOES	101.3121.42171	90.00
08/22/2024	MAIN	200054	2024CI-90775	SAVE ON EVERYTHING INC	SEPT HALF PAGE AD	609.9791.43420	258.50
		200054	2024CI-90775		SEPT HALF PAGE AD	609.9792.43420	203.50
		200054	2024CI-90775		SEPT HALF PAGE AD	609.9793.43420	88.00
							<u>550.00</u>
08/22/2024	MAIN	200055	8891-1	SHERWIN WILLIAMS	PAINT, BRUSHES	101.5200.42171	392.94
		200055	8908-3		PT SHIELDS	101.5200.42171	5.07
		200055	8230-7		GRAY PRIMER	101.5200.42171	13.58
		200055	8892-9		GALLON CAN W/LID	101.5200.42171	12.90
		200055	8131-7		BOARD, PT SHIELDS, BRUSHE, STRAINE	101.5200.42171	155.31
		200055	8809-3		PAINT	101.5200.42171	615.15
							<u>1,194.95</u>
08/22/2024	MAIN	200056	PB016-2024	SHOREVIEW HUNKS LLC	BULK PICK UP 072224-080224	603.9510.42910	3,563.00
		200056	PB016-2024		BULK PICK UP 072224-080224	603.9510.42920	1,374.00
		200056	PB016-2024		BULK PICK UP 072224-080224	603.9540.43050	153.00
							<u>5,090.00</u>
08/22/2024	MAIN	200057	H0318950T	SPOK INC	080124 0318950-3	601.9600.43250	
		200057	H0318950T		080124 0318950-3	602.9600.43250	23.59

Check Date	Bank	Check #	Invoice	Payee	Description	GL #	Amount
							47.19
08/22/2024	MAIN	200058	8007921733	STERICYCLE, INC.	INFECTIOUS MEDICAL WASTE DISPOSAL	101.2100.43050	126.79
08/22/2024	MAIN	200059	58478	STORMWIND LLC	ULTIMATE ACCESS+ 2024, CYBERRANGE	2720.9980.43105	1,000.00
08/22/2024	MAIN	200060	70357	T A SCHIFSKY & SONS INC	AC 3/8" AGGREGATE MIXES	101.3121.42160	161.19
		200060	70377		AC 3/8" AGGREGATE MIXES	101.3121.42160	483.20
							644.39
08/22/2024	MAIN	200061	M29359	TIMESAVER OFF SITE SECRETR	:COUNCIL MINUTES 072224	101.1410.43050	171.25
08/22/2024	MAIN	200062	20725	TWIN CITY WATER CLINIC INC	COLIFORM TESTING 0724	601.9600.43050	220.00
08/22/2024	MAIN	200063	9970396857	VERIZON WIRELESS	081424 542000689-00001	101.2100.43211	1,884.47
		200063	9970396857		081424 542000689-00001	101.2200.43211	252.38
		200063	9970396857		081424 542000689-00001	101.5000.43211	41.23
							2,178.08
08/22/2024	MAIN	200064	2500505304	VESTIS SERVICES. LLC	081324 MOPS,MATS,TOWELS	609.9791.44020	120.67
		200064	2500507186		081524 MOPS,MATS,TOWELS	609.9792.44020	135.10
		200064	2500503055		080824 MOPS,MATS,TOWELS	609.9792.44020	135.10
		200064	2500507121		081524 MOPS,MATS,TOWELS	609.9793.44020	77.91
		200064	2500502994		080824 MOPS,MATS,TOWELS	609.9793.44020	77.91
							546.69
08/22/2024	MAIN	200065	INVUS0039	VIALYTICS AMERICAS INC.	ROAD MANAGEMENT SYSTEM	101.3100.42011	3,266.50
		200065	INVUS0039		ROAD MANAGEMENT SYSTEM	101.3121.42011	3,266.50
		200065	INVUS0039		ROAD MANAGEMENT SYSTEM	212.3190.42011	3,266.50
		200065	INVUS0039		ROAD MANAGEMENT SYSTEM	430.3100.45185	3,266.50
							13,066.00
08/22/2024	MAIN	200066	9811197-0500-3	WASTE MANAGEMENT OF WI-MN	ITREE & YARD WASTE DISPOSAL	101.5200.44300	572.81
		200066	9811197-0500-3		TREE & YARD WASTE DISPOSAL	101.6102.43050	404.04
							976.85
08/22/2024	MAIN	200067	081024	WELTER/GRACE	REFUND DAMAGE DEP & REMAINING SECUR	101.0000.20810	64.69
		200067	081024		REFUND DAMAGE DEP & REMAINING SECUR	101.0000.34781	796.09
							860.78
08/22/2024	MAIN	200068	1122693443	XCEL ENERGY (N S P)	51-5047554-2	101.2100.43810	2,653.85
		200068	1122703714		51-4217828-3	101.2200.43810	36.10
		200068	1122693443		51-5047554-2	101.2200.43810	2,653.84
							5,343.79

08/22/2024 09:14 AM
User: heathers
DB: Columbia Heights

CHECK DISBURSEMENT REPORT FOR CITY OF COLUMBIA HEIGHTS
CHECK DATE FROM 08/09/2024 - 08/22/2024

Item 6.

Check Date	Bank	Check #	Invoice	Payee	Description	GL #	Amount
				TOTAL - ALL FUNDS	TOTAL OF 180 CHECKS		1,188,297.92

Check Register Report For City Of Columbia Heights
 For Check Dates 07/27/2024 to 08/22/2024

Item 6.

Check Date	Bank	Check Number	Name	Check Gross	Physical Check Amount	Direct Deposit	Status
08/09/2024	PR	100486	LELS #311 OFFICERS UNION	1,551.00	1,551.00	0.00	Open
08/09/2024	PR	100487	LELS #342 SERGEANT UNION	141.00	141.00	0.00	Open
08/09/2024	PR	100488	FIDELITY SECURITY LIFE INSURANCE COMPANY	352.44	352.44	0.00	Open
08/09/2024	PR	EFT1316	COL HTS LOCAL 1216	150.00	150.00	0.00	Open
08/09/2024	PR	EFT1317	COLHTS FIREFIGHTER ASSN	90.00	90.00	0.00	Open
08/09/2024	PR	EFT1318	MSRS MNDP PLAN 650251	1,342.92	1,342.92	0.00	Open
08/09/2024	PR	EFT1319	HSA BANK	8,522.90	8,522.90	0.00	Open
08/09/2024	PR	EFT1320	PMA UNION DUES	70.00	70.00	0.00	Open
08/09/2024	PR	EFT1321	COL HGTS POLICE ASSN	135.00	135.00	0.00	Open
08/09/2024	PR	EFT1322	IRS	101,362.57	101,362.57	0.00	Open
08/09/2024	PR	EFT1323	MISSION SQUARE 401 (ROTH)	2,424.76	2,424.76	0.00	Open
08/09/2024	PR	EFT1324	MISSION SQUARE 457(B)	20,353.21	20,353.21	0.00	Open
08/09/2024	PR	EFT1325	MISSION SQUARE RHS	770.59	770.59	0.00	Open
08/09/2024	PR	EFT1326	PERA 397400	92,110.27	92,110.27	0.00	Open
08/09/2024	PR	EFT1327	STATE OF MN TAX	20,904.25	20,904.25	0.00	Open
Totals:				Number of Checks: 015	250,280.91	250,280.91	0.00
Total Physical Checks:			3				
Total Check Stubs:			12				



CITY COUNCIL MEETING

AGENDA SECTION	PUBLIC HEARING
MEETING DATE	AUGUST 26TH 2024

ITEM:	First Reading of Ordinance No. 1704, an Ordinance to Amend Chapter 12, Article IV – 1583: Granting a Franchise to Comcast Of Minnesota, Inc. to Construct, Operate and Maintain a Cable System in The City Of Columbia Heights.	
DEPARTMENT:	IT Department	BY/DATE: IT Director Jesse Hauf / August 19, 2024
CORE CITY STRATEGIES: <i>(please indicate areas that apply by adding an "X" in front of the selected text below)</i>		
X_Healthy and Safe Community		X_Thriving and Vibrant Destination Community
X_Equitable, Diverse, Inclusive, and Friendly		X_Strong Infrastructure and Public Services
_Trusted and Engaged Leadership		_Sustainable

BACKGROUND

The City and Comcast entered into a cable television franchise agreement through the adoption and execution of Ordinance No. 1583 in 2010. That agreement was extended in 2015 through 2020 as part of a Settlement Agreement related to a proposed franchise transfer that ultimately was terminated. Since then, the term of the franchise expired, although Comcast continued to operate under the terms of the agreement.

The City and Comcast agreed to use the informal cable franchise renewal process to reach an agreement. This process is essentially a contract negotiation. The City and Comcast have reached a tentative agreement, subject to the City Council’s approval. In your packet is a Cable Franchise Agreement Ordinance for your consideration.

SUMMARY OF CURRENT STATUS

The following is a high-level deal point summary of the Comcast Cable Franchise under consideration.

1. Non-exclusive. This franchise agreement is non-exclusive, the City has the right to grant additional cable franchises to other cable providers on similar terms.
2. Prior Agreements. Incorporates prior agreements on renewal terms.
 - a. Gross Revenues Definition
 - b. Auditing Provisions
3. Term. 10 year franchise term.
4. Franchise Fee. The consideration for the use of the public right-of-way is the franchise fee. The franchise fee will remain 5% of Comcast’s gross revenues from the provision of cable services. While Comcast derives a significant amount of revenues from its non-cable services, the City is

presently preempted from including those revenues in the franchise fee. Franchise fees also now include the marginal cost of non-monetary franchise requirements due to somewhat recent changes in FCC regulations.

5. PEG Funding. 2% PEG Fee.
6. HD PEG Channels. Provision to provide the City with 3 SD/HD public, educational, governmental access television channels. Within ninety (90) days of the Effective Date of this Franchise, and upon notice from the City, Comcast will make available a minimum of four (4) Standard Definition (“SD”) PEG Channels and three (3) High Definition (“HD”) PEG Channels. Throughout the term of this Franchise Comcast shall provide the PEG Channels on every service tier offered by Grantee that includes the Basic Cable Service in accordance with Applicable Law.
7. Complimentary Services. Comcast will continue to provide cable service to nearly all government buildings currently receiving service and the City will receive an additional 10 HD boxes to be used at the City’s discretion.
8. Network Services to the City.
 - a. Comcast will continue to provide PEG Video Origination Feeds from the City.
 - b. Comcast will continue to allow PEG Video Sharing with neighboring jurisdictions through the existing network known as the PRISMA network.
9. Compliance with City Code. Right-of-way provisions requiring compliance with the City’s code provisions.
10. Equal and Uniform Service. Comcast must provide equal and uniform service to all residents.
11. Consumer Protection. Provisions protecting local consumers relating to billing practices, privacy, and service.
12. Bond/Security/Liquidated Damages. Provisions to provide performance security and incentives.
13. Level Playing Field. Requirement to treat competitors similarly related to Franchise Fees, PEG Funding, PEG Channels, and Customer Service.
14. Customer Service. Standard FCC customer service provisions and reporting.
15. Audit. Mutually acceptable audit and dispute resolution procedures and provisions.
16. Administration and Regulation. The City has the right to enforce the franchise agreement and reserves the right to regulate rates. Currently Congress and the FCC has preempted the City’s right to regulate cable rates. The franchise agreement prohibits rate discrimination however.
17. Indemnification and Insurance. The franchise agreement has updated insurance requirements and requires Comcast to indemnify and hold harmless the City for any damages caused by Comcast.

Comcast is also required to maintain a Letter of Credit as performance security in the amount of \$20,000 and a performance bond in the amount of \$50,000.

STAFF RECOMMENDATION

Staff recommends waiving the reading of Ordinance No. 1704 and set the second reading of Ordinance No. 1704 for September 9th 2024.

RECOMMENDED MOTION(S):
MOTION: Move to close the hearing and waive the reading of Ordinance No. 1704, there being ample copies available to the public. MOTION: Move to set the second reading of Ordinance 1704, being an ordinance to amend Chapter 12, Article IV – 1583: Granting a Franchise to Comcast Of Minnesota, Inc. to Construct, Operate and Maintain a Cable System in The City Of Columbia Heights for September 9 th , 2024 at approximately 6:00pm in the City Council Chambers.

ATTACHMENT(S):

Cable Franchise Agreement

CITY OF COLUMBIA HEIGHTS, MINNESOTA

ORDINANCE GRANTING A CABLE TELEVISION FRANCHISE

TO

COMCAST OF MINNESOTA, INC.

September 9, 2024

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ORDINANCE NO. 1704

AN ORDINANCE GRANTING A FRANCHISE TO COMCAST OF MINNESOTA, INC., TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE SYSTEM IN THE CITY OF COLUMBIA HEIGHTS, MINNESOTA, FOR THE PURPOSE OF PROVIDING CABLE SERVICE; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM AND THE RIGHTS-OF-WAY IN CONJUNCTION WITH THE CITY’S RIGHT-OF-WAY ORDINANCE, IF ANY; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREIN.

The City Council of the City of Columbia Heights, Minnesota ordains:

STATEMENT OF INTENT AND PURPOSE

The City of Columbia Heights, Minnesota (the “City”) intends, by the adoption of this Franchise, to bring about the further development of a Cable System and the continued operation of it. Such development can contribute significantly to the communication needs and interests of the residents and citizens of the City and the public generally. Further, the City may achieve better utilization and improvement of public services and enhanced economic growth with the development and operation of a Cable System.

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

FINDINGS

In the review of the request and proposal for renewal by Grantee and negotiations related thereto, and as a result of a public hearing, the City Council makes the following findings:

1. The Grantee’s technical ability, financial condition, legal qualifications, and character were considered and approved in a full public proceeding after due notice and a reasonable opportunity to be heard;
2. Grantee’s plans for constructing and operating the System were considered and found adequate and feasible in a full public proceeding after due notice and a reasonable opportunity to be heard;
3. The Franchise granted to Grantee by the City complies with the existing applicable Minnesota Statutes, federal laws, and regulations; and
4. The Franchise granted to Grantee is nonexclusive.

SECTION 1 DEFINITIONS

For the purpose of this Franchise, the following, terms, phrases, words, derivations and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory. The word “may” is directory and discretionary and not mandatory.

1.1 “Affiliate” means any Person who owns or controls, is owned or controlled by, or is under common ownership or control with Grantee.

1.2 “Applicable Law(s)” means any law, statute, charter, ordinance, rule, regulation, code, license, certificate, franchise, permit, writ, ruling, award, executive order, directive, requirement, injunction (whether temporary, preliminary or permanent), judgment, decree or other order issued, executed, entered or deemed applicable by any governmental authority of competent jurisdiction.

1.3 “Basic Cable Service” means any service tier which includes the lawful retransmission of local television broadcast.

1.4 “Cable Act” means the Cable Communications Policy Act of 1984, 47 U.S.C. §§ 521 et seq., as amended by the Cable Television Consumer Protection and Competition Act of 1992, as further amended by the Telecommunications Act of 1996, as further amended from time to time.

1.5 “Cable Operator” means any Person or group of Persons (A) who provides Cable Service over a Cable System and directly or through one or more Affiliates owns a significant interest in such Cable System, or (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a Cable System.

1.6 “Cable Service” means (a) the one-way transmission to Subscribers of (i) Video Programming or (ii) other programming service, and b) Subscriber interaction, if any, which is required for the selection or use of such Video Programming or other programming service, as set forth in Applicable Law, currently 47 U.S.C. § 522(6). For the purposes of this definition, “other programming service” means information that a Cable Operator makes available to all Subscribers generally, as set forth in Applicable Law, currently 47 U.S.C. § 522(14).

1.7 “Cable System” or “System” means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes Video Programming and which is provided to multiple Subscribers within a community, but such term does not include:

- (a) a facility that serves only to retransmit the television signals of one (1) or more television broadcast stations;
- (b) a facility that serves Subscribers without using any Right-of-Ways;

- (c) a facility of a common carrier which is subject, in whole or in part, to the provisions of 47 U.S.C. § 201 et seq., except that such facility shall be considered a Cable System (other than for purposes of 47 U.S.C. § 541(c)) to the extent such facility is used in the transmission of Video Programming directly to Subscribers, unless the extent of such use is solely to provide interactive on-demand services;
- (d) an open video system that complies with 47 U.S.C. § 573; or
- (e) any facilities of any electric utility used solely for operating its electric utility system.

Unless otherwise indicated by the context, it shall in this document refer to the Cable System constructed and operated in the City under this Franchise.

1.8 “Channel” means a portion of the electromagnetic frequency spectrum which is used in a Cable System and which is capable of delivering a television channel as defined by the FCC by regulation, as set forth in Applicable Law, currently 47 U.S.C. § 522(4).

1.9 “City” means the City of Columbia Heights, a municipal corporation in the State of Minnesota, acting by and through its City Council, or its lawfully appointed designee.

1.10 “City Code” means the Municipal Code of the City of Columbia Heights, Minnesota, as may be amended from time to time.

1.11 “Converter” means an electronic device, including digital transport adapters, which converts signals to a frequency not susceptible to interference within the television receiver of a Subscriber, and by an appropriate Channel selector also permits a Subscriber to view all Cable Service signals.

1.12 “City Council” means the governing body of the City of Columbia Heights, Minnesota.

1.13 “Day” means a calendar day, unless otherwise specified.

1.14 “Drop” means the cable that connects the Subscriber terminal to the nearest feeder cable of the cable.

1.15 “FCC” means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.

1.16 “Franchise” means the authorization granted by this Franchise Ordinance and the regulatory and contractual relationship established hereby.

1.17 “Franchise Area” means the entire geographic area within the City as it is now constituted or may in the future be constituted.

1.18 “Franchise Fee” means the fee assessed by the City to Grantee, in consideration of Grantee’s right to operate the Cable System within the City’s Right-of-Ways, determined in amount as a percentage of Grantee’s Gross Revenues and limited to the maximum percentage

allowed for such assessment by federal law. The term Franchise Fee does not include the exceptions noted in 47 U.S.C. §542(g)(2)(A-E).

1.19 “GAAP” means generally accepted accounting principles as promulgated and defined by the Financial Accounting Standards Board (“FASB”), Emerging Issues Task Force (“EITF”) and/or the U.S. Securities and Exchange Commission (“SEC”).

1.20 “Gross Revenues” means and shall be construed broadly to include all amounts, in any form and from all sources, derived directly or indirectly by Grantee and/or an Affiliate from the operation of Grantee’s Cable System to provide Cable Services within the City.

- (a) Gross Revenues include, by way of illustration and not limitation:
- (i) monthly fees for Cable Services, regardless of whether such Cable Services are provided to residential or commercial customers, including revenues derived from the provision of all Cable Services (including but not limited to pay or premium Cable Services, pay-per-view, pay-per-event, and video-on-demand Cable Services) and other video products that are found to be subject to franchise fees in accordance with Applicable Law;
 - (ii) fees paid to Grantee for Channels or bandwidth designated for commercial/leased access use, which shall be allocated on a pro rata basis using total Cable Service Subscribers within the City;
 - (iii) Converter, digital video recorder, remote control, and all other Cable Service equipment rentals, leases, or sales;
 - (iv) installation, disconnection, reconnection, change-in service, “snow-bird” fees;
 - (v) Advertising Revenues as defined herein;
 - (vi) late fees, convenience fees, and administrative fees;
 - (vii) other service fees such as HD fees, convenience fees, broadcast fees, regional sports fees, home tech support fees, bill payment fees for in-person or phone payments, additional outlet fees, and related charges relating to the provisions of Cable Service;
 - (viii) revenues from program guides and electronic guides;
 - (ix) Franchise Fees;
 - (x) All federal regulatory fees (*e.g.*, FCC regulatory fees);
 - (xi) except as provided in subsection (c) below, any fee, tax or other charge assessed against Grantee by municipality, which Grantee chooses to pass through and collect from its Subscribers; and

(xii) commissions from home shopping channels and other Cable System revenue sharing arrangements, which shall be allocated on a pro rata basis using total Cable Service Subscribers within the City.

(b) “Advertising Revenues” shall mean revenues received or derived by Grantee and/or Affiliates from sales of advertising that are made available to Grantee’s Cable System Subscribers within the City, which shall be allocated on a pro rata basis using total Cable Service Subscribers reached by the advertising. Additionally, Grantee agrees that Gross Revenues subject to Franchise Fees shall include, but not limited to, all commissions, representative fees, Affiliated entity fees, or rebates paid to National Cable Communications and Effectv or their successors associated with sales of advertising available on the Cable System within the City allocated according to this paragraph using total Cable Service Subscribers reached by the advertising.

(c) “Gross Revenues” shall not include:

(i) actual bad debt write-offs, except any portion that is subsequently collected, which shall be allocated on a *pro rata* basis using Cable Services revenue as a percentage of total Subscriber revenues within the City; and

(ii) unaffiliated third-party advertising sales agency fees which are reflected as a deduction from revenues.

(d) Grantee shall allocate fees and revenues generated from bundled packages and services to cable revenues pro rata based on current published rate card for the packaged services delivered on a stand-alone basis as follows:

(i) To the extent revenues are received by Grantee for the provision of a discounted bundle of services which includes Cable Services and non-Cable Services, Grantee shall calculate revenues to be included in Gross Revenues using a GAAP methodology that allocates revenue, on a pro rata basis when comparing the bundled service price and its components to the sum of the published rate card, except as expressly required by specific federal, state or local law (for example, it is expressly understood that equipment may be subject to inclusion in the bundled price at full rate card value). The City reserves its right to review and to challenge Grantee’s calculations.

(ii) Grantee reserves the right to change the allocation methodologies set forth in this section in order to meet the standards required by governing accounting principles as promulgated and defined by the Financial Accounting Standards Board (“FASB”), Emerging Issues Task Force (“EITF”) and/or the U.S. Securities and Exchange Commission (“SEC”). Grantee will explain and document the required changes to the City upon request or as part of any audit or review of Franchise Fee payments, and any such changes shall be subject to subsection (iii) below.

(iii) Resolution of any disputes over the classification of revenue should first be attempted by agreement of the parties, but should no resolution be reached, the

parties agree that reference shall be made to GAAP as promulgated and defined by the FASB, EITF and/or the SEC. Notwithstanding the foregoing, the City reserves its right to challenge Grantee’s calculation of Gross Revenues, including the interpretation of GAAP as promulgated and defined by the FASB, EITF and/or the SEC.

1.21 “Normal Business Hours” means those hours during which most similar businesses in the City are open to serve customers. In all cases, “Normal Business Hours” must include some evening hours, at least one (1) night per week and/or some weekend hours.

1.22 “Normal Operating Conditions” means those Service conditions which are within the control of Grantee. Those conditions which are not within the control of Grantee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of Grantee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the Cable System.

1.23 “PEG” means public, education and government.

1.24 “Person” means any natural person and all domestic and foreign corporations, closely-held corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, businesses, common law trusts, societies and/or any other legal entity.

1.25 “Public Right-of-Way or Right-of-Way” means the area on, below, or above a public roadway, alleyway, highway, street, cartway, bicycle lane or public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the City, but only to the extent the City has the right, interest or authority to authorize use thereof for the installation of a Cable System for the provision of Cable Service. A Right-of-Way does not include the airwaves above a Right-of-Way with regard to cellular or other nonwire telecommunications or broadcast service.

1.26 “Subscriber” means a Person who lawfully receives Cable Service.

1.27 “Video Programming” means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

SECTION 2 FRANCHISE

2.1 **Grant of Franchise.** The City hereby authorizes Grantee to occupy or use the City’s Right-of-Ways to construct a Cable System to provide Cable Service within the City subject to: 1) the provisions of this non-exclusive Franchise; and 2) all applicable provisions of the City Code. Unless this Franchise has expired pursuant to Section 2.8 herein or this Franchise is otherwise terminated pursuant to Section 11.2 herein, said Franchise shall constitute both an authorization and an obligation to provide Cable Services as required by the provisions of this Franchise. Nothing in this Franchise shall be construed to prohibit Grantee from: (1) providing services, other than the Cable Services authorized by this Franchise, to the extent permitted by Applicable Law; or (2) challenging any exercise of the City’s legislative or regulatory authority in an appropriate forum. The City hereby reserves all of its rights to regulate such other services to the extent not

prohibited by Applicable Law and no provision herein shall be construed to limit or give up any right to regulate.

2.2 Reservation of Authority. The Grantee specifically agrees to comply with the lawful provisions of the City Code and applicable regulations of the City. Subject to the police power exception below, in the event of a conflict between: A) the lawful provisions of the City Code or applicable regulations of the City; and B) this Franchise, the express provisions of this Franchise shall govern. Subject to express federal and state preemption, the material terms and conditions contained in this Franchise may not be unilaterally altered by the City through subsequent amendments to the City Code, ordinances or any regulation of City, except in the lawful exercise of City's police power. Grantee acknowledges that the City may modify its regulatory policies by lawful exercise of the City's police powers throughout the term of this Franchise. Grantee agrees to comply with such lawful modifications to the City Code; however, Grantee reserves all rights it may have to challenge such modifications to the City Code whether arising in contract or at law. The City reserves all of its rights and defenses to such challenges whether arising in contract or at law. Nothing in this Franchise shall (A) abrogate the right of the City to perform any public works or public improvements of any description, (B) be construed as a waiver of any codes or ordinances of general applicability promulgated by the City, or (C) be construed as a waiver or release of the rights of the City in and to the Right-of-Ways.

2.3 Franchise Term. The term of this Franchise shall be ten (10) years from the Effective Date, unless extended by mutual written consent in accordance with Section 16.7 or terminated sooner in accordance with this Franchise.

2.4 Franchise Area. This Franchise is granted for the Franchise Area defined herein. Grantee shall extend its Cable System to provide Service to any residential unit in the City in accordance with Section 6.7 herein.

2.5 Franchise Nonexclusive. The Franchise granted herein shall be nonexclusive. The City specifically reserves the right to grant, at any time, such additional franchises for a Cable System as it deems appropriate provided, however, such additional grants shall not operate to materially modify, revoke, or terminate any rights previously granted to Grantee other than as described in Section 16.19. The grant of any additional franchise shall not of itself be deemed to constitute a modification, revocation, or termination of rights previously granted to Grantee. Any additional cable franchise grants shall comply with Minnesota Statutes § 238.08 and any other applicable federal level playing field requirements.

2.6 Periodic Public Review of Franchise. The City may conduct a public review of the Franchise. The purpose of any such review shall be to ensure, with the benefit of full opportunity for public comment that the Grantee continues to effectively serve the public in accordance with Applicable Law, and considering any new cable technology, Grantee's performance with the requirements of this Franchise, local regulatory environment, community needs and interests, and other such factors. So long as Grantee receives reasonable notice, Grantee shall cooperate in good faith. The review shall not operate to modify or change any provision of this Franchise without mutual written consent in accordance with Section 16.7 of this Franchise. The City and Grantee shall each be responsible for their own costs regarding the conduct of, or cooperation with, any such periodic review.

2.7 **Transfer of Ownership.**

- (a) No sale, transfer, assignment or “fundamental corporate change”, as defined in Minn. Stat. § 238.083, of this Franchise shall take place until the parties to the sale, transfer, or fundamental corporate change files a written request for, and receives approval from, City, provided, however, that said approval shall not be required where Grantee grants a security interest in its Franchise and assets to secure an indebtedness.
- (b) City shall approve or deny in writing the sale or transfer request. City shall set forth in writing with particularity its reason(s) for denying approval. City shall not unreasonably withhold its approval.
- (c) Any sale or transfer of stock in Grantee so as to create a new controlling interest in the System shall be subject to the requirements of this Section 2.7. The term “controlling interest” as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.
- (d) In no event shall a transfer or assignment of ownership or control be approved without the transferee becoming a signatory to this Franchise and assuming all authority and obligations thereunder, and assuming all other authority and obligations of the transferor to the City.
- (e) In accordance with Minnesota Statutes § 238.084, Subd. 1(y), the City shall have the right to purchase the System in the event the Franchise or System is proposed to be transferred or sold on the same terms and conditions as the offer pursuant to which transfer notice was provided pursuant to this section. The City shall have thirty (30) Days from receipt of an application for consent under this Section 2.7 in which to give notice of its intention to consider exercising such right.
- (f) The approval of any transfer of ownership pursuant to this section shall not be deemed to waive any rights of the City to subsequently enforce noncompliance issues relating to this Franchise even if such issues predated the approval, whether known or unknown to the City.
- (g) Grantee shall pay upon request the City’s incidental costs and fees and any other lawful fees and costs associated with reviewing and/or acting on a request filed under subsection (a) of this Section 2.7.

2.8 **Expiration.** Upon expiration of the Franchise, the City shall have the right at its own election and subject to Grantee’s rights under Section 626 of the Cable Act to:

- (a) extend the Franchise, though nothing in this provision shall be construed to require such extension;
- (b) renew the Franchise, in accordance with Applicable Laws;
- (c) invite additional franchise applications or proposals;

- (d) terminate the Franchise subject to any rights Grantee has under Section 626 of the Cable Act; or
- (e) take such other action as the City deems appropriate.

2.9 Right to Require Removal of Property. At the expiration of the term for which this Franchise is granted, provided no renewal is granted, or upon its forfeiture or revocation as provided for herein, the City shall have the right to require Grantee to remove, at Grantee's own expense, all or any part of the Cable System from all Public Right-of-Ways within the Franchise Area within a reasonable time. If Grantee fails to do so, the City may perform the work and collect the cost thereof from Grantee. However, Grantee shall have no obligation to remove the Cable System where it utilizes the System to provide other non-Cable Services and has express authority under Applicable Law to maintain facilities in the Public Rights-of-Way, or where Grantee is able to find a purchaser of the Cable System who holds such authorization.

2.10 Continuity of Service Mandatory. It shall be the right of all Subscribers to receive Cable Service in accordance with the terms of this Franchise and Applicable Law. In the event that Grantee elects to overbuild, rebuild, modify, or sell the System, or the City revokes or fails to renew the Franchise, Grantee shall make its best effort to ensure that all Subscribers receive continuous uninterrupted service, regardless of the circumstances, while the Franchise remains effective. In the event of expiration, revocation/termination, purchase, lease-purchase, condemnation, acquisition, taking over or holding of plant and equipment, sale, lease, or other transfer to any other Person, including any other grantee of a cable franchise, the current Grantee shall cooperate fully to operate the System in accordance with the terms and conditions of this Franchise for a temporary period sufficient in length to maintain continuity of service to all Subscribers.

SECTION 3 OPERATION IN STREETS AND RIGHTS-OF-WAY

3.1 Use of Right-of-Ways.

(a) Grantee may, subject to the terms of this Franchise and the City Code, erect, install, construct, repair, replace, reconstruct and retain in, on, over, under, upon, across and along the Right-of-Ways within the City such lines, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, pedestals, attachments and other property and equipment as are necessary and appurtenant to the operation of a Cable System to provide Cable Service within the City. Without limiting the foregoing, Grantee expressly agrees that it will construct, operate and maintain its Cable System in compliance with, and subject to, the requirements of the City Code, including by way of example and not limitation, those requirements governing the placement of Grantee's Cable System, and with other applicable City Codes, and will obtain, pay for and maintain all permits and bonds required by the City Code in addition to those required in this Franchise.

(b) All wires, conduits, cable and other property and facilities of Grantee shall be so located, constructed, installed and maintained as not to endanger or unnecessarily interfere with the usual and customary trade, traffic and travel upon, or other use of the Right-of-Ways of City. Grantee shall keep and maintain all of its property in good condition, order

and repair so that the same shall not menace or endanger the life or property of any Person. Grantee shall affix to its above ground facilities a label or marker that identifies the specific facility as Grantee's. Consistent with the mapping requirements in Section 4.5 of this Franchise, Grantee shall keep accurate maps and records of all of its wires, conduits, cables and other property and facilities located, constructed and maintained in the City.

(c) All wires, conduits, cables and other property and facilities of Grantee, shall be constructed and installed in an orderly and professional manner in accordance with all applicable requirements of the City Code and Applicable Law. All wires, conduits and cables shall be installed, where possible, parallel with electric and telephone lines. Multiple cable configurations shall be arranged in parallel and bundled with due respect for engineering considerations.

(d) Nothing in this Franchise shall be construed to prevent the City from constructing, maintaining, repairing or relocating sewers; grading, paving, maintaining, repairing, relocating and/or altering any Right-of-Way; constructing, laying down, repairing, maintaining or relocating any water mains; or constructing, maintaining, relocating, or repairing any sidewalk or other public work.

3.2 **Construction or Alteration.** Grantee shall in all cases comply with applicable sections of the City Code, City resolutions and City regulations regarding the acquisition of permits and/or such other items as may be reasonably required in order to construct, alter or maintain the Cable System. Grantee shall, upon request, provide information to the City regarding its progress in completing or altering the Cable System.

3.3 **Non-Interference.** Grantee shall exert its best efforts to construct and maintain a Cable System so as not to interfere with other uses of Right-of-Ways. Grantee shall, where possible in the case of above ground lines, make use of existing poles and other facilities available to Grantee. When residents receiving underground service or who will be receiving underground service will be affected by proposed construction or alteration, Grantee shall provide such notice as set forth in the permit or in City Code of the same to such affected residents.

3.4 **Consistency with Designated Use.** Notwithstanding the above grant to use Right-of-Ways, no Right-of-Way shall be used by Grantee if the City, in its sole opinion, determines that such use is inconsistent with the terms, conditions or provisions by which such Right-of-Way was created or dedicated, or presently used under Applicable Laws.

3.5 **Undergrounding.** Grantee shall in all cases comply with applicable sections of the City Code, City resolutions and City regulations when installing facilities underground.

(a) Grantee shall place underground all of its transmission lines which are located or are to be located above or within the Right-of-Ways of the City in the following cases:

- (i) all other existing utilities are required to be placed underground by statute, resolution, policy or other Applicable Law;
- (ii) Grantee is unable to get pole clearance;

(iii) underground easements are obtained from developers of new residential areas; or

(iv) utilities are overhead but residents prefer underground (undergrounding provided at cost paid by benefitted residents).

(b) If an ordinance is passed which involves placing underground certain utilities including Grantee's cable plant which is then located overhead, Grantee shall participate in such underground project and shall remove poles, cables and overhead wires if requested to do so and place facilities underground. Nothing herein shall mandate that City provide reimbursement to Grantee for the costs of such relocation and removal. However, if the City makes available funds for the cost of placing facilities underground, nothing herein shall preclude the Grantee from participating in such funding to the extent consistent with the City Code or Applicable Laws. If non-City funds, such as funds from state or federal grant funding, are made available to place electric or telephone lines underground, nothing herein shall prohibit Grantee from participating in such funding.

(c) Grantee shall use conduit or its functional equivalent to the greatest extent possible for undergrounding, except for Drops from pedestals to Subscribers' homes and for cable on other private property where the owner requests that conduit not be used. Cable and conduit shall be utilized which meets the highest industry standards for electronic performance and resistance to interference or damage from environmental factors. Grantee shall use, in conjunction with other utility companies or providers, common trenches for underground construction wherever available.

3.6 **Maintenance and Restoration.**

(a) **Restoration.** In case of disturbance of any Right-of-Way, paved area or public improvement, Grantee shall, at its own cost and expense and in accordance with the requirements of the City Code, restore such Right-of-Way, paved area or public improvement to substantially the same condition as existed before the work involving such disturbance took place. All requirements of this section pertaining to public property shall also apply to the restoration of private easements and other private property. Grantee shall perform all restoration work within a reasonable time and with due regard to seasonal working conditions. If Grantee fails, neglects or refuses to make restorations as required under this section and any applicable City Code provision, then the City may do such work or cause it to be done, and the cost thereof to the City shall be paid by Grantee. If Grantee causes any damage to private property in the process of restoring facilities, Grantee shall repair such damage.

(b) **Maintenance.** Grantee shall maintain all above ground improvements that it places on City Right-of-Ways pursuant to the City Code and any permit issued by the City. In order to avoid interference with the City's ability to maintain the Right-of-Ways, Grantee shall provide such clearance as is required by the City Code and any permit issued by the City. If Grantee fails to comply with this provision, and by its failure, property is damaged, Grantee shall be responsible for all damages caused thereby.

(c) Disputes. In any dispute over the adequacy of restoration or maintenance relative to this section, final determination shall be the prerogative of the City, Department of Engineering and consistent with the City Code and any permit issued by the City.

3.7 **Work on Private Property.** Grantee, with the consent of property owners, shall have the authority, pursuant to the City Code, to trim trees upon and overhanging Right-of-Ways, alleys, sidewalks, and public ways so as to prevent the branches of such trees from coming in contact with the wires and cables of Grantee, except that at the option of the City, such trimming may be done by it or under its supervision and direction at the reasonable expense of Grantee.

3.8 **Relocation.**

(a) Public Property. Grantee shall relocate its System and facilities in accordance with the City Code. In addition, if, during the term of the Franchise, the City or any government entity elects or requires a third party to alter, repair, realign, abandon, improve, vacate, reroute or change the grade of any Right-of-Way or other public property; or to construct, maintain or repair any public improvement; or to replace, repair install, maintain, or otherwise alter any cable, wire, conduit, pipe, line, pole, wire-holding structure, structure, or other facility, including a facility used for the provision of utility or other services or transportation of drainage, sewage or other liquids, for any public purpose, Grantee shall, upon request, except as otherwise hereinafter provided, at its sole expense remove or relocate as necessary its poles, wires, cables, underground conduits, vaults, pedestals, manholes and any other facilities which it has installed. Nothing herein shall mandate that City provide reimbursement to Grantee for the costs of such relocation and removal. However, if the City makes available funds for the cost of placing facilities underground, nothing herein shall preclude the Grantee from participating in such funding to the extent consistent with the City Code or Applicable Laws. If non-City funds, such as funds from state or federal grant funding, are made available to place electric or telephone lines underground, nothing herein shall prohibit Grantee from participating in such funding.

(b) Utilities and Other Franchisees. If, during the term of the Franchise, another entity which holds a franchise or any utility (other than the City) requests Grantee to remove or relocate such facilities to accommodate the construction, maintenance or repair of the requesting party's facilities, or their more efficient use, or to "make ready" the requesting party's facilities for use by others, or because Grantee is using a facility which the requesting party has a right or duty to remove, Grantee shall do so. The companies involved may decide among themselves who is to bear the cost of removal or relocation, pursuant to City Code, and provided that the City shall not be liable for such costs.

(c) Notice to Remove or Relocate. Any Person requesting Grantee to remove or relocate its facilities shall give Grantee no less than forty-five (45) Days' advance written notice advising Grantee of the date or dates removal or relocation is to be undertaken, unless Applicable Law provides for a different period of time; provided that no advance written notice shall be required in emergencies or in cases where public health and safety or property is endangered.

(d) **Failure by Grantee to Remove or Relocate.** If Grantee fails, neglects or refuses to remove or relocate its facilities as directed by the City; or in emergencies or where public health and safety or property is endangered, the City may do such work or cause it to be done, and the cost thereof to the City shall be paid by Grantee. If Grantee fails, neglects or refuses to remove or relocate its facilities as directed by another franchisee or utility, that franchisee or utility may do such work or cause it to be done, and if Grantee would have been liable for the cost of performing such work, the cost thereof to the party performing the work or having the work performed shall be paid by Grantee.

(e) **Procedure for Removal of Cable.** Grantee shall not remove any underground cable or conduit which requires trenching or other opening of the Right-of-Ways along the extension of cable to be removed, except as hereinafter provided. Grantee may remove any underground cable from the Right-of-Ways which has been installed in such a manner that it can be removed without trenching or other opening of the Right-of-Ways along the extension of cable to be removed. Subject to Applicable Law, Grantee shall remove, at its sole cost and expense, any underground cable or conduit by trenching or opening of the Right-of-Ways along the extension thereof or otherwise which is ordered to be removed by the City based upon a determination, in the sole discretion of the City, that removal is required in order to eliminate or prevent a hazardous condition. Underground cable and conduit in the Right-of-Ways which is not removed shall be deemed abandoned and title thereto shall be vested in the City.

(f) **Movement of Buildings.** Grantee shall, upon request by any Person holding a building moving permit, franchise or other approval issued by the City, temporarily remove, raise or lower its wire to permit the movement of buildings. The expense of such removal, raising or lowering shall be paid by the Person requesting same, and Grantee shall be authorized to require such payment in advance. The City shall require all building movers to provide not less than fifteen (15) Days' notice to the Grantee to arrange for such temporary wire changes.

SECTION 4 REMOVAL OR ABANDONMENT OF SYSTEM

4.1 **Removal of Cable System.** In the event that: (1) the use of the Cable System to provide Cable Service is discontinued for any reason for a continuous period of twelve (12) months; or (2) the Cable System has been installed in a Right-of-Way without complying with the requirements of this Franchise or the City Code, Grantee, at its expense shall, at the demand of the City remove promptly from the Right-of-Ways all of the Cable System other than any which the City may permit to be abandoned in place. In the event of any such removal Grantee shall promptly restore the Right-of-Way to a condition as nearly as possible to its prior condition or other public places in the City from which the System has been removed. However, Grantee shall have no obligation to remove the Cable System where it utilizes the System to provide other non-Cable Services and has express authority under Applicable Law to maintain facilities in the Right-of-Way, which includes authority under Minn. Stat. § 237.162, to the extent applicable, or where Grantee is able to find a purchaser of the Cable System who holds such authorization.

4.2 **Abandonment of Cable System.** In the event of Grantee's abandonment of the Cable System, City shall have the right to require Grantee to conform to the state right-of-way rules,

Minnesota Rules, Chapter 7819. The Cable System to be abandoned in place shall be abandoned in the manner prescribed by the City. Grantee may not abandon any portion of the System without having first given three (3) months written notice to the City. Grantee may not abandon any portion of the System without compensating the City for damages resulting from the abandonment.

4.3 Removal after Abandonment or Termination. If Grantee has failed to commence removal of System, or such part thereof as was designated by City, within thirty (30) Days after written notice of City’s demand for removal consistent with Minnesota Rules, Chapter 7819, is given, or if Grantee has failed to complete such removal within twelve (12) months after written notice of City’s demand for removal is given, City shall have the right to apply funds secured by the performance bond required by Section 9 and the Letter of Credit required by Section 10 of this Franchise, toward removal and/or declare that the City shall have all right, title, and interest in and to the Cable System, with all rights of ownership including, but not limited to, the right to operate the Cable System or transfer the Cable System to another for operation by it.

4.4 City Options for Failure to Remove Cable System.

(a) If Grantee has failed to complete such removal within the time given after written notice of the City’s demand for removal is given, the City shall have the right to exercise one of the following options:

- (i) Declare all right, title and interest to the System for the City or its designee with all rights of ownership including, but not limited to, the right to operate the System or transfer the System to another for operation by it; or
- (ii) Declare the System abandoned and cause the System, or such part thereof as the City shall designate, to be removed at no cost to the City. The cost of said removal shall be recoverable from the performance bond, Letter of Credit, indemnity and penalty section provided for in this Franchise or from Grantee directly.

(b) Upon termination of service to any Subscriber, Grantee shall promptly remove all facilities and equipment from within the dwelling of a Subscriber who owns such dwelling upon his or her written request, except as provided by Applicable Law. Such Subscribers shall be responsible for any costs incurred by Grantee in removing the facilities and equipment.

4.5 System Maps and Layout. In addition to any generally applicable mapping requirements included in the City Code and required of other utilities, Grantee shall maintain complete and accurate system maps, which shall include trunks, distribution lines, and nodes. Such maps shall include up-to-date route maps showing the location of the Cable System adjacent to the Right-of-Ways. Grantee shall make all maps available for review by the appropriate City personnel.

SECTION 5 SYSTEM DESIGN AND CAPACITY

5.1 Availability of Signals and Equipment.

(a) The Cable System utilizes a fiber to the fiber node architecture, with fiber optic cable deployed from Grantee's headend to Grantee's fiber nodes, tying into Grantee's coaxial Cable System serving Subscribers. The System shall pass a minimum of 750 MHz (with a minimum passband of between 50 and 750 MHz) and shall be maintained to provide to Subscribers a minimum of at least two hundred (200) or more activated downstream video Channels, or such comparable video viewing capability as is provided in light of developing technologies and video distribution practices in the future.

(b) The entire System shall be technically capable of transmitting industry-standard digital television signals in a manner and quality consistent with applicable FCC regulations.

(c) Grantee agrees to maintain the Cable System in a manner consistent with, or in excess of the specifications in Section 5.1 (a) and (b) throughout the term of the Franchise with sufficient capability and technical quality to enable the implementation and performance of all requirements of this Franchise, including the exhibits hereto, and in a manner which meets or exceeds FCC technical quality standards at 47 C.F.R. § 76 Subpart K, regardless of the particular format in which a signal is transmitted.

5.2 Equal and Uniform Service. Grantee shall provide access to equal and uniform Cable Service throughout the City consistent with Applicable Law.

5.3 System Specifications.

(a) **System Maintenance.** In all construction and service provision activities, Grantee shall meet or exceed the construction, technical performance, extension and service requirements set forth in this Franchise and in applicable FCC rules and regulations.

(b) **Emergency Alert Capability.** At all times during the term of this Franchise, Grantee shall provide and maintain an Emergency Alert System ("EAS") consistent with Applicable Law and regulations including 47 C.F.R., Part 11, and any Minnesota State Emergency Alert System requirements. The City may identify authorized emergency officials for activating the EAS insofar as the City's process is consistent with the Minnesota State Emergency Statewide Plan ("EAS Plan"). The City may also develop a local plan containing methods of EAS message distribution, insofar as the local plan is consistent with Applicable Laws and the EAS Plan.

(c) **Standby Power.** Grantee shall provide standby power generating capacity at the Cable System control center and at all hubs. Grantee shall maintain standby power system supplies, rated for at least two (2) hours' duration, throughout the trunk and distribution networks. In addition, Grantee shall have in place throughout the Franchise term a plan, and all resources necessary for implementation of the plan, for dealing with outages of more than two (2) hours.

(d) **Technical Standards.** The technical standards used in the operation of the Cable System shall comply, at minimum, with the technical standards promulgated by the FCC relating to Cable Systems pursuant to Title 47, Section 76, Subpart K of the Code of Federal Regulations, as may be amended or modified from time to time, which regulations are

expressly incorporated herein by reference. The Cable System shall be installed and maintained in accordance with standard engineering practices and shall conform with the National Electric Code, National Electrical Safety Code and all other Applicable Laws governing the construction of the Cable System, including the FCC's rules and regulations.

5.4 Performance Testing. Grantee shall perform all system tests at the intervals required by the FCC, and all other tests reasonably necessary to determine compliance with technical standards required by this Franchise. These tests may include, at a minimum:

- (a) Initial proof of performance for any construction;
- (b) Semi-annual compliance tests;
- (c) Tests in response to Subscriber complaints; and
- (d) Tests reasonably requested by the City to demonstrate Franchise compliance.
- (e) Written records of all system test results performed by or for Grantee shall be maintained, and shall be available for City inspection upon request.

5.5 Special Testing.

(a) Throughout the term of this Franchise, City shall have the right to inspect all construction or installation work performed pursuant to the provisions of the Franchise. In addition, City may require special testing of a location or locations within the System if there is a particular matter of controversy or unresolved complaints regarding such construction or installation work or pertaining to such location(s). Demand for such special tests may be made on the basis of complaints received or other evidence indicating an unresolved controversy or noncompliance. Such tests shall be limited to the particular matter in controversy or unresolved complaints. City shall endeavor to so arrange its request for such special testing so as to minimize hardship or inconvenience to Grantee or to the Subscribers impacted by such testing.

(b) Before ordering such tests, Grantee shall be afforded thirty (30) Days following receipt of written notice to investigate and, if necessary, correct problems or complaints upon which tests were ordered. City shall meet with Grantee prior to requiring special tests to discuss the need for such and, if possible, visually inspect those locations which are the focus of concern. If, after such meetings and inspections, City wishes to commence special tests and the thirty (30) Days have elapsed without correction of the matter in controversy or unresolved complaints, the tests shall be conducted at Grantee's expense by Grantee's qualified engineer. The City shall have a right to participate in such testing by having an engineer of City's choosing, and at City's expense, observe and monitor said testing.

SECTION 6 PROGRAMMING AND SERVICES

6.1 Categories of Programming Service. Grantee shall provide Video Programming services in at least the following broad categories:

Local Broadcast (subject to federal carriage requirements)
 Public Broadcast
 News and Information
 Sports
 General Entertainment
 Arts/Performance/Humanities
 Science/Technology
 Children/Family/Seniors
 Foreign Language/Ethnic Programming
 PEG Programming (to the extent required by the Franchise)
 Movies
 Leased Access, as required by Applicable Law

6.2 Changes in Programming Services. Grantee shall provide at least thirty (30) Days' prior written notice to Subscribers and to the City of Grantee's request to effectively delete any broad category of programming or any Channel within its control, including all proposed changes in bandwidth or Channel allocation and any assignments including any new equipment requirements that may occur as a result of these changes.

6.3 Parental Control Device or Capability. Upon request by any Subscriber, Grantee shall make available, at no additional cost to any Subscriber, a parental control or lockout device or functionality that will enable the Subscriber to block all access to any and all Channels without affecting those not blocked. Grantee shall inform Subscribers of the availability of the lockout device or functionality at the time of original subscription and annually thereafter.

6.4 FCC Reports. The results of any tests required to be filed by Grantee with the FCC shall also be copied to City within ten (10) Days of the conduct of the date of the tests.

6.5 Free Cable Service to Public Buildings.

(a) The parties acknowledge that as of the Effective Date of this Franchise, Grantee continues to provide, free of charge, Basic Cable Service (including the PEG Channels) to certain schools, libraries and public institutions within the Franchise Area as set forth in Exhibit A ("Complimentary Services"). Subject to subsection (b) of this Section 6.5, Grantee shall continue to provide the Complimentary Services to the schools, libraries and public institutions listed in Exhibit A at their current or any future locations throughout the term of this Franchise.

(b) In the event Grantee elects, to the extent permitted by Applicable Laws, to deduct the cost of Complimentary Services from Franchise Fees, the Grantee agrees that it will do so only after providing City with ninety (90) days prior written notice. The amount deducted shall be consistent with Applicable Law, which as of the Effective Date is defined as the Grantee's marginal cost to provide the Complimentary Services. Grantee will disclose in writing its calculation of the amount to be deducted, including documentation to support that calculation, if requested by the City. Grantee and the City shall agree in writing on the amount of the deduction before Grantee takes any deductions from the Franchise Fee. The amount to be deducted may include all applicable fees and taxes only

to the extent Grantee remits such fees and taxes to a regulatory or taxing entity. City may remove locations or change the level of Cable Service indicated on Exhibit A at any time upon written notice to Grantee. For any locations no longer receiving Complimentary Service, Grantee shall immediately cease all deductions from the Franchise Fee related to such locations. For changes to the level of Cable Service, Grantee and the City shall follow the process set forth in this subsection (b) to agree in writing on the new amount of the deduction before Grantee takes any deductions from the Franchise Fee.

6.6 Annexation. Unless otherwise provided by Applicable Law, including the City Code, upon the annexation of any additional land area by City, the annexed area shall thereafter be subject to all the terms of this Franchise upon sixty (60) Days written notification to Grantee of the annexation by City. Unless otherwise required by Applicable Laws, nothing herein shall require the Grantee to expand its Cable System to serve, or to offer Cable Service to any area annexed by the City if such area is then served by another Cable System.

6.7 Line Extension.

(a) Grantee shall construct and operate its Cable System so as to offer and provide Cable Service to all Persons within the Franchise Area as of the Effective Date of this Franchise, upon request, without charging such Persons more than the Standard Installation charges for the individual Drop. Notwithstanding anything to the contrary in this Franchise, the Grantee shall continue to offer Cable Service to all locations serviceable prior to the Effective Date of this Franchise. The requirements of this paragraph may be waived in writing by the City, in its sole discretion, upon request.

(b) Except as otherwise provided herein, Grantee shall be given a reasonable period of time to construct and activate cable plant to service annexed or newly developed areas in the City, but in no event shall the applicable timeframe exceed twelve (12) months from notice thereof by the City to Grantee.

6.8 Nonvoice Return Capability. Grantee is required to use cable and associated electronics having the technical capacity for nonvoice return communications.

SECTION 7 LOCAL PEG PROGRAMMING

7.1 Number of PEG Channels.

(a) Grantee shall continue to make available a minimum of three (3) PEG Channels carried in Standard Definition (“SD”) and two (2) PEG Channels in High Definition (HD). Throughout the term of this Franchise Grantee shall provide the PEG Channels on every Cable Service tier offered by Grantee, including the Basic Cable Service, in accordance with Applicable Law.

7.2 HD PEG Channels.

(a) Within ninety (90) Days of a written request, Grantee shall make one (1) of the existing PEG Channels available in both SD and HD format, for a total of three (3) SD

PEG Channels and three (3) HD PEG Channels. The City shall have the sole discretion to determine whether and which of its Channels will be simulcast in HD

(b) Nothing herein shall diminish any rights of the City to secure additional PEG Channels pursuant to Minnesota Statutes Section 238.084, which is expressly incorporated herein by reference.

(c) If Grantee terminates all SD Channels and SD Cable Services and provides all Cable Services to all Subscribers in HD only, and after ninety (90) Days written notice to Commission, Grantee shall provide four (4) PEG Channels in HD.

(d) The City acknowledges that receipt of an HD format PEG Channel may require Subscribers to buy or lease special equipment or pay additional HD charges applicable to all HD services.

(e) The City is responsible for acquiring all equipment necessary to produce programming in HD, which equipment may be paid for out of PEG funds.

(f) Grantee shall have the right to use any technology to deploy or deliver HD signals (including selection of compression, utilization of IP and other processing characteristics) so long as it produces signal quality for the consumer that is comparable (from the viewer's standpoint) and functionally equivalent to similar commercial HD signals carried on the Cable System.

7.3 Control of PEG Channels. The control and administration of the PEG Channels shall rest with the City. The City may delegate, from time to time over the term of this Franchise, such control and administration to various entities as determined in City's sole discretion.

7.4 Transmission of PEG Channels. PEG Channels may be used for transmission of non-video signals in compliance with Applicable Laws. This may include downstream transmission of data using a protocol such as TCP/IP or current industry standards. Should Grantee develop the capability to provide bi-directional data transmission, spectrum capacity shall be sufficient to allow Subscribers to transmit data to PEG facilities.

7.5 PEG Channel Locations.

(a) PEG Channels shall be carried on the Basic Cable Service tier as set forth in Section 7.1 herein. Nothing herein precludes the Grantee from charging Subscribers for equipment needed for Basic Cable Service. Grantee shall continue cablecasting PEG access programming on the Cable System on the same Channel designations as such programming is cablecast within the City as of the Effective Date unless circumstances beyond Grantee's reasonable control require relocation. In no event shall any PEG Channel relocations be made prior to ninety (90) Days written notice to the City by Grantee, except for circumstances beyond Grantee's reasonable control. If relocated, the PEG Channels will be located on consecutive Channel numbers in the SD Channel lineups as applicable and within reasonable proximity to other local broadcast Channels, excluding pay-per-view programming offered by Grantee in the City. For new HD PEG Channels that are provided pursuant to this Franchise, Grantee shall make reasonable commercial efforts to assign the

PEG Channels a number near the other HD local broadcast Channels if such Channel positions are not already taken, or if that is not possible, near HD news/public affairs programming Channels if such Channel positions are not already taken, or if not possible, as reasonably close as available Channel numbering will allow. As of the Effective Date, the PEG Channels are located on Channels 16, 18 and 19.

(b) Grantee agrees not to encrypt the PEG Channels differently than other commercial Channels available on the Cable System.

(c) Grantee shall make reasonable efforts to locate both SD and HD PEG Channels in its lineup in a manner that is easily accessible to Subscribers. In the event an SD PEG Channel is moved, Grantee shall provide a rebranding reimbursement grant of One Thousand Five Hundred and No/100 Dollars (\$1,500) per relocated Channel.

7.6 Navigation to PEG Channels and Electronic Programming Guide. Grantee agrees that if it utilizes any navigation interfaces under its control on its Cable System for all Channels, the PEG Channels shall be treated in a non-discriminatory fashion consistent with Applicable Laws so that Subscribers will have ready access to PEG Channels. Grantee will maintain the existing ability of the City to place PEG Channel programming information on the interactive Channel guide via the electronic programming guide (“EPG”) vendor (“EPG provider”) that Grantee utilizes to provide the guide service. Grantee will be responsible for providing the designations and instructions necessary for the PEG Channels to appear on the EPG. All costs and operational requirements of the EPG provider shall be the responsibility of the City. City acknowledges that the EPG may not be technically possible for all PEG programming, and that Grantee is not responsible for operations of the EPG provider.

7.7 Ownership of PEG Channels. Grantee does not relinquish its ownership of or ultimate right of control over a Channel by designating it for PEG use. A PEG access user, whether an individual, education or government user, acquires no property or other interest by virtue of the use of a Channel position so designated. Grantee shall not exercise editorial control over any public, education, or government use of a Channel position, except Grantee may refuse to transmit any public access program or portion of a public access program that contains obscenity, indecency, or nudity in violation of Applicable Law.

7.8 PEG Monitoring. Grantee shall provide the capability, without charge, for the locations listed in Exhibit B to monitor and verify the audio and visual quality of PEG Channels received by Subscribers. This will include equipment comparable to that deployed to residential cable Subscribers that will allow the City to verify the accuracy of EPG listings for the PEG Channels. Grantee shall also maintain one (1) feed to the City Hall to provide the ability to monitor Subscriber services and address Subscriber concerns, which feed shall include all cable boxes and platforms (i.e. Xfinity X1).

7.9 PEG Transport. During the term of this Franchise, Grantee will provide PEG transport as follows:

(a) Grantee shall maintain the existing fiber paths/equipment and existing PEG connectivity to the locations listed in Exhibit B to permit the City to transport PEG

programming during the term of this Franchise, without additional charge and with no recurring, monthly costs or offsets, except that, to the extent permitted under Applicable Law, Grantee may recover from the City any marginal costs of necessary repairs or maintenance, which shall not exceed Five Thousand and No/100 Dollars (\$5,000) per year and which shall be estimated to the City in advance whenever possible. Grantee shall document its marginal costs and work with the City should there be any dispute regarding the amount of such costs. The City may opt, in its sole discretion, to be invoiced by Grantee for such costs or to allow Grantee to deduct such costs from its Franchise Fee payment to the extent permitted under Applicable Law.

(b) In addition to the deduction permitted in subsection (a), Grantee reserves any rights it may have under Applicable Law to deduct from Franchise Fees other costs of PEG transport and associated equipment as outlined in this paragraph, but only to the extent such deductions are also taken by Grantee in all other Minnesota local franchising authorities where Grantee has similar PEG transport obligations. In the event Grantee elects to take a deduction, the amount deducted shall be consistent with Applicable Law, which as of the Effective Date is defined as the Grantee's marginal cost to provide the PEG transport, and Grantee and the City shall follow the process set forth in Section 6.5(b) to agree on the amount of the deduction. Grantee agrees that any costs incurred by the City under this Section 7.9 shall be considered a PEG capital cost unless prohibited by Applicable Law.

7.10 **Future PEG Transport.** At such time that the City determines:

(a) that the City desires the capacity to allow Subscribers in the City to receive PEG programming (video or character generated) which may originate from schools, City facilities, other government facilities or other designated facilities (other than those indicated in Section 7.9); or

(b) that the City desires to establish or change a location from which PEG programming is originated; or

(c) that the City desires to upgrade the connection to Grantee from an existing signal point of origination,

the City will give Grantee written notice detailing the point of origination and the capability sought by the City. Grantee will implement any necessary Cable System changes within a reasonable period of time. Nothing herein prevents the City, or a private contractor retained by the City, from constructing said connection, which shall be a PEG capital cost.

7.11 **Interconnection.** Grantee shall make the fiber loop known as the PRIMSA Ring available to the City until the network equipment servicing the PRIMSA Ring as of the Effective Date is at the end of life. The City can use the PRIMSA Ring to send and receive live and recorded programming for playback. Grantee shall provide the City access to the PRIMSA Ring at an agreed upon Demarcation Point. Grantee will provide use of and maintain the PRIMSA Ring free of charge, but Grantee will not be obligated to replace network equipment on the PRIMSA Ring or for any equipment on the City's side of the Demarcation Point. To the extent technically feasible, Grantee will allow necessary interconnection with any newly constructed City and school fiber for

noncommercial programming to be promoted and administered by the City as allowed under Applicable Laws and at no additional cost to the City or schools. This may be accomplished through a patch panel or other similar facility and each party will be responsible for the fiber on their respective sides of the Demarcation Point. Grantee reserves its right to review on a case-by-case basis the technical feasibility of the proposed interconnection. Based on this review Grantee may condition the interconnection on the reasonable reimbursement of Grantee's incremental costs, with no markup for profit, to recoup Grantee's construction costs only.

7.12 **PEG Channel Carriage.**

- (a) Grantee shall provide all necessary transmission equipment, at no cost to the City, from the demarcation point and throughout Grantee's distribution system in order to deliver the PEG Channels. Any and all costs associated with any modification of the PEG Channels or signals after the PEG Channels/signals leave the City's designated playback facilities, or any designated playback center authorized by the City, shall be borne entirely by Grantee. Grantee shall not cause any programming to override PEG programming on any PEG Channel, except by oral or written permission from the City, with the exception of emergency alert signals.
- (b) The City or its designee shall be responsible for developing, implementing, interpreting and enforcing rules for PEG Channel use.
- (c) The Grantee shall monitor the PEG Channels for technical quality to ensure that they meet FCC technical standards including those applicable to the carriage of PEG Channels, provided however, that the Grantee is not responsible for the production quality of PEG programming productions. The City, or its designee, shall be responsible for the production and quality of all PEG programming. Grantee shall carry all components of the SD/HD PEG Channel(s) including, but not limited to, closed captioning, stereo audio and other elements associated with the programming.

7.13 **PEG Programming Financial Support.**

- (a) During the term of the Franchise, Grantee shall pay quarterly to the City a PEG Fee in an amount equal to two percent (2.0%) of its quarterly Gross Revenues, for the duration of this Franchise. Payments pursuant to this subsection shall be paid to the City on the same schedule and including the same payment worksheets as the Franchise Fee payments set forth in Section 15.1 of this Franchise.
- (b) The PEG Fee may be used by City to fund PEG expenditures in accordance with Applicable Law.
- (c) The PEG Fee is not part of the Franchise Fee and instead falls within one or more of the exceptions in 47 U.S.C. § 542. The PEG Fee may be categorized, itemized, and passed through to Subscribers as permissible, in accordance with 47 U.S.C. § 542 or other Applicable Laws.

(d) Any PEG Fees owing pursuant to this Franchise that remain unpaid more than twenty-five (25) Days after the date the payment is due shall be delinquent and shall thereafter accrue interest at ten percent (10%) per annum.

7.14 **PEG Technical Quality and Support.**

(a) Grantee will deliver the SD/HD PEG Channels to Subscribers so that they are viewable without degradation, provided that it is not required to deliver a PEG Channel at a resolution higher than the highest resolution used in connection with the delivery of local broadcast signals to the public. Grantee shall not be required to carry a PEG Channel in a higher quality format than that of the Channel signal delivered to Grantee, but Grantee shall not implement a change in the method of delivery of PEG Channels that results in a material degradation of signal quality or impairment of viewer reception of PEG Channels, provided that this requirement shall not prohibit Grantee from implementing new technologies also utilized for broadcast Channels carried on its Cable System. Grantee shall meet FCC signal quality standards when offering PEG Channels on its Cable System and shall continue to comply with closed captioning pass-through requirements. There shall be no significant deterioration in a PEG Channels signal from the point of origination upstream to the point of reception (hub or head end) or downstream to the Subscriber on the Cable System.

(b) Within eight (8) hours of a written or e-mailed request from City to the Grantee identifying a technical problem with a PEG Channel and requesting assistance, Grantee will provide technical assistance or diagnostic services to determine whether or not a problem with a PEG signal is the result of matters for which Grantee is responsible and if so, Grantee will take prompt corrective action. If the problem persists and there is a dispute about the cause, then the parties shall meet with engineering representation from Grantee and the City in order to determine the course of action to remedy the problem.

(c) If changes in the technology used by the Grantee require additional equipment for reception of PEG Channels, the Grantee shall make such equipment available free of charge and at no cost to the City.

7.15 **Change in Technology.** In the event Grantee makes any change in the Cable System and related equipment and facilities or in its signal delivery technology, which requires the City to obtain new equipment in order to be compatible with such change for purposes of transport and delivery of the PEG Channels, Grantee shall, at its own expense and free of charge to City or its designated entities, purchase such equipment as may be necessary to facilitate the cablecasting of the PEG Channels in accordance with the requirements of the Franchise.

7.16 **Relocation of Grantee's Headend.** In the event Grantee relocates its headend, Grantee will be responsible for replacing or restoring the existing dedicated fiber connections at Grantee's cost so that all the functions and capacity remain available, operate reliably and satisfy all applicable technical standards and related obligations of the Franchise free of charge to the City or its designated entities.

7.17 **Regional Channel Six.** Grantee shall make available Regional Channel Six as long as it is required to do so by Applicable Law.

7.18 **Compliance with Minnesota Statutes Chapter 238.** In addition to the requirements contained in this Section 7 of this Franchise, Grantee and City shall comply with the PEG requirements mandated by Minnesota Statutes § 238.084.

SECTION 8 REGULATORY PROVISIONS

8.1 **Intent.** The City shall have the right to administer and regulate activities under the Franchise to the full extent permitted by Applicable Law. The City may delegate to any other body or Person authority to administer the Franchise and to monitor the performance of Grantee pursuant to the Franchise. Grantee shall cooperate with any such delegates of the City.

8.2 **Delegation of Authority to Regulate.** The City reserves the right to delegate its regulatory authority wholly or in part to agents of the City, including, but not limited to, an agency which may be formed to regulate several franchises in the region in a manner consistent with Applicable Laws. As of the Effective Date of this Franchise, the City, or any designee thereof, shall have continuing regulatory jurisdiction and supervision over the Cable System and Grantee's operation under the Franchise.

8.3 **Regulation of Rates and Charges.**

(a) **Right to Regulate.** The City reserves the right to regulate rates or charges for any Cable Service within the limits of Applicable Law, to enforce rate regulations prescribed by the FCC, and to establish procedures for said regulation or enforcement.

(b) **Notice of Change in Rates and Charges.** Throughout the term of this Franchise, Grantee shall give the City and all Subscribers within the City at least thirty (30) Days' notice of any intended modifications or additions to Subscriber rates or charges. Nothing in this subsection shall be construed to prohibit the reduction or waiving of rates or charges in conjunction with promotional campaigns for the purpose of attracting Subscribers or users.

(c) **Rate Discrimination Prohibited.** Within any category of Subscribers, Grantee shall not discriminate among Subscribers with regard to rates and charges made for any service based on considerations of race, color, creed, sex, marital or economic status, national origin, sexual preference, or (except as allowed by Applicable Law) neighborhood of residence, except as otherwise provided herein; and for purposes of setting rates and charges, no categorization of Subscribers shall be made by Grantee on the basis of those considerations. Nevertheless, Grantee shall be permitted to establish (1) discounted rates and charges for providing Cable Service to low-income, disabled, or low-income elderly Subscribers, (2) promotional rates, and (3) bulk rate and package discount pricing. Access to Cable Service shall not be denied to any group of potential cable Subscribers because of the income of the residents of the area in which such group resides.

SECTION 9 BOND

9.1 **Performance Bond.** Upon the Effective Date of this Franchise and at all times thereafter, Grantee shall file with the City at its own expense, and maintain in full force and effect, a bond in the sum of Fifty Thousand and No/100 Dollars (\$50,000.00) in such form and with such sureties

as shall be acceptable to City, conditioned upon the faithful performance by Grantee of this Franchise and upon the further condition that in the event Grantee shall fail to comply with any law, ordinance or regulation, there shall be recoverable jointly and severally from the principal and surety of the bond, any damages or losses suffered by City as a result, including the full amount of any compensation, indemnification or cost of removal of any property of Grantee, including a reasonable allowance for attorneys' fees and costs (with interest at two percent (2%) in excess of the then prime rate), up to the full amount of the bond, and which bond shall further guarantee payment by Grantee of all claims and liens against City, or any public property, and taxes due to City, which arise by reason of the construction, operation, maintenance or use of the Cable System.

9.2 **Rights.** The rights reserved by City with respect to the bond are in addition to all other rights the City may have under this Franchise or any other law, and no action, proceeding or exercise of a right with respect to the performance bond shall affect any other right the City may have.

9.3 **Reduction of Bond Amount.** City may, in its sole discretion, reduce the amount of the bond.

9.4 **Procedure to Draw on Bond.**

(a) The City shall provide Grantee thirty (30) Days written notice of its intent to draw on the performance bond together with the reason for such draw. Grantee shall have the right to cure or petition for additional time.

(b) The time for Grantee to correct any violation or liability, shall be extended by the City if the necessary action to correct such violation or liability is, in the sole determination of the City, of such a nature or character as to require more than thirty (30) Days within which to perform, provided Grantee provides written notice that it requires more than thirty (30) Days to correct such violations or liability, commences the corrective action within the thirty (30) Day period and thereafter uses reasonable diligence to correct the violation or liability.

(c) In the event this Franchise is revoked by reason of default of Grantee in accordance with the procedure set forth in Section 11, the City shall be entitled to collect from the performance bond any damages incurred by the City as a result of said default or revocation.

(d) Grantee shall be entitled to the return of the performance bond, or portion thereof, as remains sixty (60) Days after the expiration of the term of the Franchise or revocation for default thereof, provided the City has not notified Grantee of any damages incurred by the City as a result of Grantee's operations pursuant to the Franchise or as a result of said default.

SECTION 10 LETTER OF CREDIT

10.1 **Letter of Credit.** If there is an uncured breach by Grantee of a material provision of this Franchise or a pattern of repeated violations of any provision(s) of this Franchise, then Grantee shall, upon written request, establish and provide to the City, as security for the faithful

performance by Grantee of all of the provisions of this Franchise, a letter of credit from a financial institution satisfactory to the City in the amount of Twenty Thousand and No/100 Dollars (\$20,000.00) (“Letter of Credit”). In no event shall Grantee fail to post a Twenty Thousand and No/100 Dollars (\$20,000.00) Letter of Credit within ten (10) Days following receipt of a notice of franchise violation pursuant to this Section 10.1. The form, manner and content of the Letter of Credit shall be subject to the approval of the City. Failure to post said Letter of Credit shall constitute a separate material violation of this Franchise, unless the breach is cured within such ten (10) Day period. The Letter of Credit shall serve as a common security for the faithful performance by Grantee of all the provisions of this Franchise and compliance with all orders, permits and directions of the City and the payment by Grantee of any claim, liens, costs, expenses and taxes due the City which arise by reason of the construction, operation or maintenance of the Cable System. The obligation to establish the security fund required by this paragraph is unconditional. The fund must be established in those circumstances where Grantee disputes the allegation that it is not in compliance and maintained for the duration of the dispute. If Grantee fails to establish the Letter of Credit as required, the City may take whatever action is appropriate to require the establishment of that fund and may recover its costs, reasonable attorneys’ fees, and an additional penalty of Five Thousand Dollars (\$5,000) in that action.

10.2 Withdrawal of Funds. The Letter of Credit shall permit the City to withdraw funds upon demand (sight draft). Grantee shall not use the Letter of Credit for other purposes and shall not assign, pledge or otherwise use the Letter of Credit as security for any purpose.

10.3 Restoration of Funds. Within ten (10) Days after notice to it that any amount has been withdrawn by the City from the Letter of Credit pursuant to Section 10.8, Grantee shall deposit a sum of money sufficient to restore such the Letter of Credit to the required amount.

10.4 Liquidated Damages. In addition to recovery of any monies owed by Grantee to City or damages to City as a result of any acts or omissions by Grantee pursuant to the Franchise, City in its sole discretion may charge to and collect from the Letter of Credit the following liquidated damages:

- (a) For failure to provide data, documents, reports or information or to cooperate with City during an application process, audit, or System review, the liquidated damage shall be Two Hundred Fifty Dollars (\$250.00) per Day for each Day, or part thereof, such failure occurs or continues.
- (b) For failure to comply with any of the provisions of this Franchise for which a penalty is not otherwise specifically provided pursuant to this Section 10.4, the liquidated damage shall be Two Hundred Fifty Dollars (\$250.00) per Day for each Day, or part thereof, such failure occurs or continues.
- (c) For failure to test, analyze and report on the performance of the System following a request by City, the liquidated damage shall be Two Hundred Fifty Dollars (\$250.00) per Day for each Day, or part thereof, such failure occurs or continues.
- (d) Forty-five Days following notice from City of a failure of Grantee to comply with construction, operation or maintenance standards, the liquidated damage shall be Five

Hundred Dollars (\$500.00) per Day for each Day, or part thereof, such failure occurs or continues.

(e) For failure to provide the services Grantee has proposed, including but not limited to the implementation and the utilization of the PEG Channels, the liquidated damage shall be Two Hundred Fifty (\$250.00) per Day for each Day, or part thereof, such failure occurs or continues.

(f) For failure to provide or replenish the Letter of Credit required by this Section 10, the liquidated damage shall be Two Hundred Fifty (\$250.00) per Day for each Day, or part thereof, such failure occurs or continues.

10.5 Each Violation a Separate Violation. Each violation of any provision of this Franchise shall be considered a separate violation for which separate liquidated damages can be imposed.

10.6 Maximum 120 Days. Any liquidated damages for any given violation shall be imposed upon Grantee for a maximum of one hundred twenty (120) Days. If after that amount of time Grantee has not cured or commenced to cure the alleged breach to the satisfaction of the City, the City may pursue all other remedies.

10.7 Withdrawal of Funds to Pay Taxes. If Grantee fails to pay to the City any taxes due and unpaid, or fails to repay to the City any damages, costs or expenses, which the City shall be compelled to pay by reason of any act or default of the Grantee in connection with this Franchise; or fails, after thirty (30) Days' notice of such failure by the City to comply with any provision of the Franchise which the City reasonably determines can be remedied by an expenditure of the Letter of Credit, the City may then withdraw such funds from the Letter of Credit. Payments are not Franchise Fees as defined in Section 15 of this Franchise.

10.8 Procedure for Draw on Letter of Credit. Whenever the City finds that Grantee has allegedly violated one (1) or more terms, conditions or provisions of this Franchise, a written notice shall be given to Grantee. The written notice shall describe in reasonable detail the alleged violation so as to afford Grantee an opportunity to remedy the violation. Grantee shall post the Letter of Credit within ten (10) Days of the date of receipt of a written notice of violation, Grantee shall have thirty (30) Days subsequent to receipt of the notice in which to correct the violation before the City may require Grantee to make payment of damages, and further to enforce payment of damages through the Letter of Credit. Grantee may, within ten (10) Days of receipt of notice, notify the City that there is a dispute as to whether a violation or failure has, in fact, occurred. Such notice by Grantee shall specify with particularity the matters disputed by Grantee and shall stay the running of the thirty (30) Day cure period but shall not serve to delay Grantee's obligation to post the Letter of Credit within said ten (10) Day period following receipt of the notice of violation.

(a) City shall hear Grantee's dispute at the next regularly scheduled or specially scheduled City Council meeting. Grantee shall have the right to speak and introduce evidence. The City shall determine if Grantee has committed a violation and shall make written findings of fact relative to its determination. If a violation is found, Grantee may petition the City Council for reconsideration.

(b) If after hearing the dispute, the claim is upheld by the City, then Grantee shall have thirty (30) Days within which to remedy the violation before City may require payment of all liquidated damages due it.

10.9 Time for Correction of Violation. The time for Grantee to correct any alleged violation may be extended by the City if the necessary action to correct the alleged violation is of such a nature or character as to require more than thirty (30) Days within which to perform provided Grantee commences corrective action within fifteen (15) Days and thereafter uses reasonable diligence, as determined by the City, to correct the violation.

10.10 Grantee’s Right to Pay Prior to Letter of Credit Draw. Grantee shall have the opportunity to make prompt payment of any assessed liquidated damages and if Grantee fails to promptly remit payment to the City, the City may resort to a draw from the Letter of Credit in accordance with the terms of this Section 10 of the Franchise.

10.11 Failure to so Replenish Letter of Credit. If any Letter of Credit is not replaced as required in this section, City may draw on said security fund for the whole amount thereof and hold the proceeds, without interest, and use the proceeds to pay costs incurred by City in performing and paying for any or all of the obligations, duties and responsibilities of Grantee under this Franchise that are not performed or paid for by Grantee pursuant hereto, including attorneys’ fees incurred by the City in so performing and paying. The failure to so replace any Letter of Credit may also, at the option of City, be deemed a default by Grantee under this Franchise. The drawing on the Letter of Credit by City, and use of the money so obtained for payment or performance of the obligations, duties and responsibilities of Grantee which are in default, shall not be a waiver or release of such default.

10.12 Collection of Funds Not Exclusive Remedy. The collection by City of any damages or monies from the Letter of Credit shall not affect any other right or remedy available to City, nor shall any act, or failure to act, by City pursuant to the Letter of Credit, be deemed a waiver of any right of City pursuant to this Franchise or otherwise. Notwithstanding this section, however, should the City elect to impose liquidated damages, that remedy shall remain the City’s exclusive remedy for the one hundred twenty (120) Day period set forth in Section 10.6, provided that Grantee has provided the City the Letter of Credit as required in this Section 10. If Grantee fails to provide or, if needed, replenish the Letter of Credit, then the City may impose liquidated damages and also pursue any other right or remedy available to City pursuant to this Franchise or otherwise.

SECTION 11 DEFAULT

11.1 Basis for Default. City shall give written notice of default to Grantee if City, in its sole discretion, determines that Grantee has:

- (a) Violated any material provision of this Franchise or the acceptance hereto or any rule, order, regulation or determination of the City, state or federal government, not in conflict with this Franchise;
- (b) Attempted to evade any provision of this Franchise or the acceptance hereof;

- (c) Practiced any fraud or deceit upon City or Subscribers;
- (d) Made a material misrepresentation of fact in the application for or negotiation of this Franchise; or
- (e) Incurred a twelve (12) month or more delay in the construction schedule.

11.2 Default Procedure. If Grantee fails to cure such default within thirty (30) Days after the giving of such notice (or if such default is of such a character as to require more than thirty (30) Days within which to cure the same, and Grantee fails to commence to cure the same within said thirty (30) Day period and thereafter fails to use reasonable diligence, in City's sole opinion, to cure such default as soon as possible), then, and in any event, such default shall be a substantial breach and City may elect to terminate the Franchise. The City may place the issue of revocation and termination of this Franchise before the City Council at a regular meeting. If City decides there is cause or reason to terminate, the following procedure shall be followed:

- (a) City shall provide Grantee with a written notice of the reason or cause for proposed termination and shall allow Grantee a minimum of thirty (30) Days subsequent to receipt of the notice in which to correct the default.
- (b) Grantee shall be provided with an opportunity to be heard at a public hearing prior to any decision to terminate this Franchise.
- (c) If, after notice is given and an opportunity to cure, at Grantee's option, a public hearing is held, and the City determines there was a violation, breach, failure, refusal or neglect, the City may declare by resolution the Franchise revoked and of no further force and effect unless there is compliance within such period as the City may fix, such period may not be less than thirty (30) Days. No opportunity for compliance need be granted for fraud or misrepresentation.

11.3 Failure to Enforce. Grantee shall not be relieved of any of its obligations to comply promptly with any provision of the Franchise by reason of any failure of the City to enforce prompt compliance, and City's failure to enforce shall not constitute a waiver of rights or acquiescence in Grantee's conduct.

11.4 Compliance with the Laws.

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

(b) If any term, condition or provision of this Franchise or the application thereof to any Person or circumstance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition or provision to Persons or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Franchise and all the terms, provisions and conditions hereof shall, in all other respects, continue to be effective and complied with, provided the loss of the invalid or unenforceable clause does not substantially alter the agreement between the parties. In the event such law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision which had been held invalid or modified is no longer in conflict with the law, rules and regulations then in effect, said provision shall thereupon return to full force and effect and shall thereafter be binding on Grantee and City.

SECTION 12 FORECLOSURE AND RECEIVERSHIP

12.1 **Foreclosure.** Upon the foreclosure or other judicial sale of the Cable System, Grantee shall notify the City of such fact and such notification shall be treated as a notification that a change in control of Grantee has taken place, and the provisions of this Franchise governing the consent to transfer or change in ownership shall apply without regard to how such transfer or change in ownership occurred.

12.2 **Receivership.** The City shall have the right to cancel this Franchise subject to any applicable provisions of state law, including the Bankruptcy Act, one hundred twenty (120) Days after the appointment of a receiver or trustee to take over and conduct the business of Grantee, whether in receivership, reorganization, bankruptcy or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) Days, or unless:

(a) Within one hundred twenty (120) Days after his election or appointment, such receiver or trustee shall have fully complied with all the provisions of this Franchise and remedied all defaults thereunder; and,

(b) Such receiver or trustee, within said one hundred twenty (120) Days, shall have executed an agreement, duly approved by the Court having jurisdiction in the premises, whereby such receiver or trustee assumes and agrees to be bound by each and every provision of this Franchise.

SECTION 13 REPORTING REQUIREMENTS

13.1 **Quarterly Reports.** Within forty (45) Days after the end of each calendar quarter, Grantee shall submit to the City along with its Franchise Fee payment, a report showing the basis for computation of the Franchise Fee and PEG Fee payments signed by an authorized representative of Grantee in form and substance substantially equivalent to Exhibit C attached hereto. This report shall separately indicate Grantee's Gross Revenues within the City including, but not limited to such items as listed in the definition of "Gross Revenues" at Section 1.20 of this Franchise.

13.2 Monitoring and Compliance Reports. Upon request, but no more than once a year, Grantee shall provide a written report of any and all FCC technical performance tests for the residential network required in FCC rules and regulations as now or hereinafter constituted.

13.3 Other Reports. Upon request of the City and in no event later than thirty (30) Days from the date of receipt of such request, Grantee shall, free of charge, prepare and furnish to the City, at the times and in the form prescribed, such additional reports with respect to its operation, affairs, transactions, or property, as may be reasonably necessary to ensure compliance with the terms of this Franchise. Grantee and City may in good faith agree upon taking into consideration Grantee’s need for the continuing confidentiality as prescribed herein. Neither City nor Grantee shall unreasonably demand or withhold information requested pursuant to the terms of this Franchise.

13.4 Open Records. Grantee shall manage the operation of its Cable System in accordance with a policy of keeping its records open and accessible to the City. The City, upon reasonable notice, which shall be no less than ten (10) and no more than thirty (30) days, shall have the right to receive copies of all records of the Grantee and Affiliates necessary to determine compliance by Grantee with its obligations under this Franchise in a format reasonably required by the City. Grantee shall not deny the City access to Grantee’s records on the basis that Grantee’s records are under the control of an Affiliate or a third party, rather than the Grantee.

13.5 Confidential and Trade Secret Information. The City shall follow all Applicable Laws and procedures for protecting any confidential and trade secret information of Grantee that may be provided to City. Grantee shall not be relieved of its obligation to provide information or data required under this Franchise simply because the City may not be able to guarantee its confidentiality. Grantee acknowledges that the City shall at all times comply with the Minnesota Government Data Practices Act (“MGDPA”) related to the release of information and nothing herein shall be read to modify the City’s obligations under the MGDPA.

13.6 Communications with Regulatory Agencies.

(a) Upon written request, Grantee shall submit to City copies of any pleading, applications, notifications, communications and documents of any kind, submitted by Grantee or its Affiliates to any federal, state or local courts, regulatory agencies and other government bodies if such documents directly relate to the operations of Grantee’s Cable System within the Franchise Area. Grantee shall submit such documents to City no later than thirty (30) Days after receipt of City’s request. Grantee shall not claim confidential, privileged or proprietary rights to such documents unless under Applicable Law such documents have been determined to be confidential by a court of competent jurisdiction, or a federal or state agency. With respect to all other reports, documents and notifications provided to any federal, state or local regulatory agency as a routine matter in the due course of operating Grantee’s Cable System within the Franchise Area, Grantee shall make such documents available to City upon City’s written request.

(b) In addition, Grantee and its Affiliates shall within ten (10) Days of any communication to or from any judicial or regulatory agency regarding any alleged or actual violation of this Franchise, City regulation or other requirement relating to the System, use

its best efforts to provide the City a copy of the communication, whether specifically requested by the City to do so or not.

SECTION 14 CUSTOMER SERVICE POLICIES

14.1 Response to Customers and Cooperation with City. Grantee shall promptly respond to all requests for service, repair, installation and information from Subscribers. Grantee acknowledges the City's interest in the prompt resolution of all cable complaints and shall work in close cooperation with the City to resolve complaints. Grantee shall provide the City with the name, address and telephone number of an office that will act as the Grantee's agent to receive complaints regarding quality of service, equipment malfunctions, billings, and similar matters. Grantee will maintain an "escalated complaint process" to address unresolved complaints from Subscribers. A team of specifically identified employees of Grantee shall be available to the City via email for reporting issues. These specifically identified employees of Grantee will have the ability to take actions, and will do so in a timely manner, to resolve Subscriber complaints relating to billing, property or service restoration, technical appointments, or any other Subscriber matters when necessary. Grantee will follow-up with the City in writing by email (and by phone when necessary) with a summary of the results of the complaint(s).

14.2 Customer Service Agreement and Written Information. Grantee shall provide to Subscribers a comprehensive service agreement and information in writing for use in establishing Subscriber service. Written information shall, at a minimum, contain the following information:

- (a) Services to be provided and rates and charges for such services.
- (b) Billing procedures.
- (c) Service termination procedure.
- (d) Change in service notifications.
- (e) Converter/Subscriber terminal equipment policy.
- (f) How complaints are handled including Grantee's procedure for investigation and resolution of Subscriber complaints.
- (g) The name, address, and phone number of the Person identified by the City as responsible for handling cable questions and complaints for the City. This information shall be prominently displayed, and Grantee shall submit the information to the City for review and approval as to its content and placement on Subscriber billing statements. A copy of the written information shall be provided to each Subscriber at the time of initial connection and any subsequent reconnection.

14.3 Reporting Complaints.

- (a) The requirements of this Section 14.3 shall be subject to federal law regarding Subscriber privacy. Grantee shall maintain all Subscriber data available for City inspection. Subscriber data shall include the date, name, address, and telephone number

of Subscriber complaints as well as the subject of the complaint, date and type of action taken to resolve the complaint, any additional action taken by Grantee or the Subscriber. The Grantee shall provide City with reasonable access to the information maintained by Grantee pursuant to this Section 14.3, subject to federal law regarding Subscriber privacy.

(b) Subject to federal law and upon reasonable request by the City, Grantee shall, within a reasonable amount of time, provide City with such Subscriber data for its review.

14.4 **Customer Service Standards.**

(a) The City hereby adopts the customer service standards set forth in Part 76, (§76.309) of the FCC's rules and regulations, as amended.

(b) Grantee shall, upon request, provide City with information which shall describe in detail Grantee's compliance with each and every term and provision of this Section 14.

(c) Grantee shall comply in all respects with the customer service requirements established by the FCC and those set forth herein. The City reserves the right to enact additional consumer protection laws or requirements as provided in 47 U.S.C. § 552(d).

14.5 **Local Office.** Grantee shall maintain a convenient local customer service and bill payment location for matters such as receiving Subscriber payments, handling billing questions, equipment replacement and customer service information.

14.6 **Cable System Office Hours and Telephone Availability.** Grantee shall comply with the standards and requirements for customer service set forth below during the term of this Franchise.

(a) Grantee will maintain a local, toll-free or collect call telephone access line which will be available to its Subscribers twenty-four (24) hours a Day, seven (7) days a week.

(i) Trained Grantee representatives will be available to respond to customer telephone inquiries during Normal Business Hours.

(ii) After Normal Business Hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after Normal Business Hours must be responded to by a trained Grantee representative on the next business day.

(b) Under Normal Operating Conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety percent (90%) of the time under Normal Operating Conditions, measured on a quarterly basis.

(c) Grantee shall not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply.

- (d) Under Normal Operating Conditions, the customer will receive a busy signal less than three percent (3%) of the time.
- (e) Customer service center and bill payment locations will be open at least during Normal Business Hours and will be conveniently located.
- (f) The Grantee shall utilize such equipment and software and keep such records as are necessary or required to enable the City to determine whether the Grantee is complying with all telephone answering standards required by applicable customer service regulations and laws, as amended from time to time.

14.7 Installations, Outages and Service Calls. Under Normal Operating Conditions, each of the following standards will be met no less than ninety-five percent (95%) of the time measured on a quarterly basis:

- (a) Standard Installations will be performed within seven (7) business days after an order has been placed. "Standard" Installations are those that are located up to one hundred twenty-five (125) feet from the existing distribution system.
- (b) Excluding conditions beyond the control of Grantee, Grantee will begin working on "service interruptions" promptly and in no event later than twenty-four (24) hours after the interruption becomes known. Grantee must begin actions to correct other Service problems the next business day after notification of the Service problem.
- (c) The "appointment window" alternatives for installations, Service calls, and other installation activities will be either a specific time or, at maximum, a four (4) hour time block during Normal Business Hours. (Grantee may schedule Service calls and other installation activities outside of Normal Business Hours for the express convenience of the customer.)
- (d) Grantee may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.
- (e) If Grantee's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

14.8 Communications between Grantee and Subscribers.

- (a) Refunds. Refund checks will be issued promptly, but no later than either:
 - (i) The customer's next billing cycle following resolution of the request or thirty (30) Days, whichever is earlier, or
 - (ii) The return of the equipment supplied by Grantee if Cable Service is terminated.

(b) Credits. Credits for Cable Service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

14.9 **Billing:**

(a) Consistent with 47 C.F.R. § 76.1619, bills will be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, Basic Cable Service and premium Cable Service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

(b) In case of a billing dispute, Grantee must respond to a written complaint from a Subscriber within thirty (30) Days.

14.10 **Subscriber Information.**

(a) Grantee will provide written information on each of the following areas at the time of installation of Cable Service, at least annually to all Subscribers, and at any time upon request:

- (i) Products and services offered;
- (ii) Prices and options for programming services and conditions of subscription to programming and other services;
- (iii) Installation and service maintenance policies;
- (iv) Instructions on how to use the Cable Service;
- (v) Channel positions of programming carried on the System; and
- (vi) Billing and complaint procedures, including the address and telephone number of the City's office.

(b) Subscribers shall be advised of the procedures for resolution of complaints about the quality of the television signal delivered by Grantee, including the address of the responsible officer of the City. Subscribers will be notified of any changes in rates, programming services or Channel positions as soon as possible in writing. Notice must be given to Subscribers a minimum of thirty (30) Days in advance of such changes if the change is within the control of Grantee. In addition, Grantee shall notify Subscribers thirty (30) Days in advance of any significant changes in the information required by this Section 14.10.

14.11 **Notice of Rate or Programming Changes.** Grantee shall give thirty (30) Days written notice to both Subscribers and the City before implementing any rate or Service change, unless the change results from circumstances outside of Grantee's control (including failed retransmission consent or program carriage negotiations during the last 30 days of a contract), in which case notice shall be provided as soon as possible using any reasonable written means at the operator's sole

discretion, including Channel Slates. Notice of rate changes shall include the precise amount of the rate change and explain the reason for the change in readily understandable terms. Notice of changes involving the addition or deletion of channels shall individually identify each channel affected. For purposes of the carriage of digital broadcast signals, Grantee need only identify for Subscribers the television signal added and not whether that signal may be multiplexed during certain dayparts.

14.12 Subscriber Contracts. Grantee shall, upon written request, provide the City with any standard form residential Subscriber contract utilized by Grantee. If no such written contract exists, Grantee shall file with the City a document completely and concisely stating the length and terms of the Subscriber contract offered to customers. The length and terms of any standard form Subscriber contract(s) shall be available for public inspection during Normal Business Hours. A list of Grantee's current Subscriber rates and charges for Cable Service and a current Channel line-up showing all Channels available in the City shall be maintained on file with City and shall be available for public inspection. Grantee shall also provide on a monthly basis a copy of a sample Subscriber bill to the City.

14.13 Refund Policy. If a Subscriber's Cable Service is interrupted or discontinued, without cause, for twenty-four (24) or more consecutive hours, Grantee shall, upon request by the Subscriber, credit such Subscriber pro rata for such interruption. For this purpose, every month will be assumed to have thirty (30) Days.

14.14 Late Fees. Grantee shall comply with all Applicable Laws with respect to any assessment, charge, cost, fee or sum, however characterized, that Grantee imposes upon a Subscriber for late payment of a bill. The City reserves the right to enforce Grantee's compliance with all Applicable Laws to the maximum extent legally permissible.

14.15 Disputes. All Subscribers and members of the general public may direct complaints, regarding Grantee's service or performance to the chief administrative officer of the City or the chief administrative officer's designee, which may be a board or a commission of the City.

14.16 Subscriber Bills. Subscriber bills shall be designed in such a way as to present the information contained therein clearly and comprehensibly to Subscribers, and in a way that: (A) is not misleading; and (B) does not omit material information. Grantee may, in its sole discretion, consolidate costs on Subscriber bills as may be permitted by 47 U.S.C. § 542(c).

14.17 Failure to Resolve Complaints. Grantee shall resolve a complaint within thirty (30) Days in a manner deemed reasonable by the City under the terms of the Franchise.

14.18 Notification of Complaint Procedure. Grantee shall have printed clearly and prominently on each Subscriber bill and in the customer service agreement provided for in Section 14.2, the twenty-four (24) hour Grantee phone number for Subscriber complaints. Additionally, Grantee shall provide information to Subscriber concerning the procedures to follow when they are unsatisfied with measures taken by Grantee to remedy their complaint. This information will include the phone number of the City office or Person designated to handle complaints. Additionally, Grantee shall state that complaints should be made to Grantee prior to contacting the City.

14.19 **Subscriber Privacy.**

- (a) Grantee shall comply with the Subscriber privacy provisions of 47 U.S.C. §551, as amended from time to time.
- (b) To the extent required by Minnesota Statutes § 238.084 Subd. 1(s) Grantee shall comply with the following:
- (i) No signals including signals of a Class IV Channel may be transmitted from a Subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of the Subscriber. The request for permission must be contained in a separate document with a prominent statement that the Subscriber is authorizing the permission in full knowledge of its provisions. Such written permission shall be for a limited period of time not to exceed one (1) year which may be renewed at the option of the Subscriber. No penalty shall be invoked for a Subscriber's failure to provide or renew such permission. The permission shall be revocable at any time by the Subscriber without penalty of any kind whatsoever.
 - (ii) No information or data obtained by monitoring transmission of a signal from a Subscriber terminal, including but not limited to lists of the names and addresses of Subscribers or any lists that identify the viewing habits of Subscribers shall be sold or otherwise made available to any party other than to Grantee or its agents for Grantee's business use, and also to the Subscriber subject of that information, unless Grantee has received specific written permission from the Subscriber to make such data available. The request for permission must be contained in a separate document with a prominent statement that the Subscriber is authorizing the permission in full knowledge of its provisions. Such written permission shall be for a limited period of time not to exceed one (1) year which may be renewed at the option of the Subscriber. No penalty shall be invoked for a Subscriber's failure to provide or renew such permission. The permission shall be revocable at any time by the Subscriber without penalty of any kind whatsoever.
 - (iii) Written permission from the Subscriber shall not be required for the conducting of system wide or individually addressed electronic sweeps for the purpose of verifying System integrity or monitoring for the purpose of billing. Confidentiality of such information shall be subject to the provision set forth in subparagraph (ii) of this section.

14.20 **Grantee Identification.** Grantee shall provide all customer service technicians and all other Grantee employees entering private property with appropriate picture identification so that Grantee employees may be easily identified by the property owners and Subscribers.

14.21 **Subscriber Rates.** There shall be no charge for disconnection of any installation or outlet. If any Subscriber fails to pay a properly due monthly Subscriber fee, or any other properly due fee or charge, Grantee may disconnect the Subscriber's service outlet, provided, however, that such disconnection shall not be affected until after the later of: (i) forty-five (45) Days after the original

due date of said delinquent fee or charge; or (ii) ten (10) Days after delivery to Subscriber of written notice of the intent to disconnect. If a Subscriber pays before expiration of the later of (i) or (ii), Grantee shall not disconnect. After disconnection, upon payment in full of the delinquent fee or charge and the payment of a reconnection charge, Grantee shall promptly reinstate the Subscriber's Cable Service.

14.22 Refunds. Refunds to Subscribers shall be made or determined in the following manner:

(a) If Grantee fails, upon request by a Subscriber, to provide any service then being offered, Grantee shall promptly refund all deposits or advance charges paid for the service in question by said Subscriber. This provision does not alter Grantee's responsibility to Subscribers under any separate contractual agreement or relieve Grantee of any other liability.

(b) If any Subscriber terminates any monthly service because of failure of Grantee to render the service in accordance with this Franchise, Grantee shall refund to such Subscriber the proportionate share of the charges paid by the Subscriber for the services not received. This provision does not relieve Grantee of liability established in other provisions of this Franchise.

(c) If any Subscriber terminates any monthly service prior to the end of a prepaid period, a proportionate amount of any prepaid Subscriber service fee, using the number of days as a basis, shall be refunded to the Subscriber by Grantee.

SECTION 15 COMPENSATION AND FINANCIAL PROVISIONS

15.1 Franchise Fees.

(a) During the term of the Franchise, Grantee shall pay to the City a Franchise Fee in an amount equal to five percent (5%) of its Gross Revenues. If any law, regulation or valid rule alters the five percent (5%) Franchise Fee ceiling established by the Cable Act, then the City shall have the authority (but shall not be required) to increase the Franchise Fee accordingly, provided such increase is for purposes not inconsistent with Applicable Law.

(b) Franchise Fees shall be paid quarterly. The payments shall be made to the City within forty-five (45) Days following the end of each calendar quarter. Grantee shall include with each quarterly payment a Franchise Fee payment worksheet, in form and substance substantially similar to Exhibit C, signed by an authorized representative of Grantee. No acceptance of any payment shall be construed as an accord that the amount paid is in fact, the correct amount, nor shall such acceptance of payment be construed as a release of any claim which the City may have for further or additional sums payable under the provisions of this section.

(c) Neither current nor previously paid Franchise Fees shall be subtracted from the Gross Revenue amount upon which Franchise Fees are calculated and due for any period, unless otherwise required by Applicable Law.

(d) Any Franchise Fees owing pursuant to this Franchise which remain unpaid after the due dates specified herein shall be delinquent and shall immediately begin to accrue interest at twelve percent (12%) per annum or two percent (2%) above prime lending rate as quoted by the Wall Street Journal, whichever is greater.

15.2 Auditing and Financial Records. Throughout the term of this Franchise, the Grantee agrees that the City or its designee, upon reasonable prior written notice of twenty (20) Days to the Grantee, may review such of the Grantee's books and records regarding the operation of the Cable System and the provision of Cable Service in the Franchise Area which are reasonably necessary to monitor and enforce Grantee's compliance with the provisions of this Franchise. Grantee shall provide such requested information as soon as possible and in no event more than twenty (20) Days unless Grantee explains that it is not feasible to meet this timeline and provides a written explanation for the delay and an estimated reasonable date for when such information will be provided. All such documents pertaining to financial matters that may be the subject of an inspection by the City shall be retained by the Grantee for a minimum period of seven (7) years, pursuant to Minnesota Statutes § 541.05. The Grantee shall not deny the City access to any of the Grantee's records on the basis that the Grantee's records are under the control of any parent corporation, Affiliate or a third party. The City may request in writing copies of any such records or books that are reasonably necessary, and the Grantee shall provide such copies within thirty (30) Days of the receipt of such request. One (1) copy of all reports and records required under this or any other section shall be furnished to the City at the sole expense of the Grantee. If the requested books and records are too voluminous, or for security reasons cannot be copied or removed, then the Grantee may request, in writing within ten (10) Days of receipt of such request, that the City inspect them at the Grantee's local offices or at one of Grantee's offices more convenient to City or its duly authorized agent. If any books or records of the Grantee are not kept in such office and not made available in copies to the City upon written request as set forth above, and if the City determines that an examination of such records is necessary for the enforcement of this Franchise, then all reasonable travel expenses incurred in making such examination shall be paid by the Grantee.

15.3 Review of Record Keeping Methodology. Upon request, Grantee agrees to meet with a representative of the City or its designee to review its methodology of record-keeping, financial reporting, computing Franchise Fee obligations, and other procedures the understanding of which the City deems necessary for understanding the meaning of reports and records.

15.4 Audit of Records. The City or its authorized agent may at any time and at the City's own expense conduct an independent audit or review of the revenues of Grantee in order to verify the accuracy of Franchise Fees or PEG Fees paid to the City. Grantee and each parent company of Grantee shall cooperate fully in the conduct of such audit or review. In the event it is determined through such audit or review that Grantee has underpaid Franchise Fees in an amount of five percent (5%) or more than was due the City, then Grantee shall reimburse the City for the entire cost of the audit or review within thirty (30) Days of the completion and acceptance of the audit or review by the City. Grantee shall pay to the City any additional amounts due as a result of the audit or review, including interest as set forth in Section 15.1, within thirty (30) days following written notice to Grantee by the City of the underpayment, provided that nothing in this sentence limits Grantee's ability to dispute the results of any audit or review.

15.5 **Records to be reviewed.** The City agrees to request access to only those books and records, in exercising its rights under this section, which it deems reasonably necessary for the enforcement and administration of the Franchise.

15.6 **Indemnification by Grantee.** Grantee shall, at its sole expense, fully indemnify, defend and hold harmless the City, and in their capacity as such, the officers, agents and employees thereof (collectively the “Indemnified Parties”), from and against any and all claims, suits, actions, demands, liability and judgments for damage or otherwise except those arising wholly from negligence on the part of the Indemnified Parties; for actual or alleged injury to Persons or property, including loss of use of property due to an occurrence, whether or not such property is physically damaged or destroyed, in any way arising out of or through or alleged to arise out of or through the acts or omissions of Grantee or its officers, agents, employees, or contractors or to which Grantee’s or its officers, agents, employees or contractors acts or omissions in any way contribute, and whether or not such acts or omissions were authorized or contemplated by this Franchise or Applicable Law; arising out of or alleged to arise out of any claim for damages for Grantee’s invasion of the right of privacy, defamation of any Person, or the violation or infringement of any copyright, trademark, trade name, service mark or patent, or of any other right of any Person; arising out of or alleged to arise out of Grantee’s failure to comply with the provisions of any Applicable Law. Nothing herein shall be deemed to prevent the Indemnified Parties from participating in the defense of any litigation by their own counsel at such parties’ expense. Such participation shall not under any circumstances relieve Grantee from its duty of defense against liability or of paying any judgment entered against the Indemnified Parties.

15.7 **Grantee Insurance.** Upon the Effective Date, Grantee shall, at its sole expense, take out and maintain during the term of this Franchise public liability insurance with a company licensed to do business in the State of Minnesota with a rating by A.M. Best & Co. of not less than “A-” that shall protect the Grantee, City and its officials, officers, directors, employees and agents from claims which may arise from operations under this Franchise, whether such operations be by the Grantee, its officials, officers, directors, employees and agents or any subcontractors of Grantee. This liability insurance shall include, but shall not be limited to, protection against claims arising from bodily and personal injury and damage to property, resulting from Grantee’s vehicles, products and operations. The amount of insurance for single limit coverage applying to bodily and personal injury and property damage shall not be less than Four Million Dollars (\$4,000,000). The liability policy shall include:

- (a) The policy shall provide coverage on an “occurrence” basis.
- (b) The policy shall cover personal injury as well as bodily injury.
- (c) The policy shall cover blanket contractual liability subject to the standard universal exclusions of contractual liability included in the carrier’s standard endorsement as to bodily injuries, personal injuries and property damage.
- (d) Broad form property damage liability shall be afforded.
- (e) City shall be named as an additional insured on the policy.

- (f) An endorsement shall be provided which states that the coverage is primary insurance with respect to claims arising from Grantee's operations under this Franchise and that no other insurance maintained by the City will be called upon to contribute to a loss under this coverage.
- (g) Standard form of cross-liability shall be afforded.
- (h) An endorsement stating that the policy shall not be canceled without thirty (30) Days' notice of such cancellation given to City.
- (i) City reserves the right to adjust the insurance limit coverage requirements of this Franchise no more than once every three (3) years. Any such adjustment by City will be no greater than the increase in the State of Minnesota Consumer Price Index (all consumers) for such three (3) year period.
- (j) Upon the Effective Date, Grantee shall submit to City a certificate documenting the required insurance, as well as any necessary properly executed endorsements. The certificate and documents evidencing insurance shall be in a form acceptable to City and shall provide satisfactory evidence that Grantee has complied with all insurance requirements. Renewal certificates shall be provided to City prior to the expiration date of any of the required policies. City will not be obligated, however, to review such endorsements or certificates or other evidence of insurance, or to advise Grantee of any deficiencies in such documents and receipt thereof shall not relieve Grantee from, nor be deemed a waiver of, City's right to enforce the terms of Grantee's obligations hereunder. City reserves the right to examine any policy provided for under this paragraph or to require further documentation reasonably necessary to form an opinion regarding the adequacy of Grantee's insurance coverage.

SECTION 16 MISCELLANEOUS PROVISIONS

16.1 Posting and Publication. This Franchise shall be published in accordance with Applicable Law. Grantee shall assume the cost of posting and publication of the Franchise as such posting and publication is required by law and such is payable upon Grantee's filing of acceptance of this Franchise.

16.2 Guarantee of Performance. Grantee agrees that it enters into this Franchise voluntarily in order to secure and in consideration of the grant from the City of a ten (10) year Franchise. Performance pursuant to the terms and conditions of this Franchise is guaranteed by Grantee.

16.3 Entire Agreement. This Franchise contains the entire agreement between the parties, supersedes all prior agreements or proposals except as specifically set forth herein, and cannot be changed orally but only by an instrument in writing executed by the parties. This Franchise is made pursuant to Minnesota Statutes Chapter 238 and the City Code and is intended to comply with all requirements set forth therein.

16.4 Consent. Wherever the consent or approval of either Grantee or the City is specifically required in this agreement, such consent or approval shall not be unreasonably withheld.

16.5 **Prior Franchise Terminated.** The cable franchise originally granted by Ordinance No. 1583 is hereby terminated. Nothing herein shall serve to waive any rights the parties may have under previous agreements subject only to the applicable state statute of limitations.

16.6 **Franchise Acceptance and Effective Date.** No later than thirty (30) Days following City Council approval of this Franchise, Grantee shall execute and return to the City two (2) original franchise agreements. The date Grantee executes the Franchise shall be the “Effective Date,” provided that Grantee returns the executed agreements to the City accompanied by performance bonds, evidence of insurance and any other conditions precedent as provided in this Franchise. In the event Grantee fails to accept this Franchise, or fails to provide the required documents, this Franchise shall be null and void.

16.7 **Amendment of Franchise.** Grantee and City may agree, from time to time, to amend this Franchise. Such written amendments may be made to address technology changes or advances subsequent to a review session pursuant to Section 2.6 or at any other time if City and Grantee agree that such an amendment will be in the public interest or if such an amendment is required due to changes in federal, state or local laws; provided, however, nothing herein shall restrict City’s exercise of its police powers.

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

If to City: City Manager
City of Columbia Heights
3989 Central Avenue NE
Columbia Heights, MN 55421

With copies to: Michael R. Bradley
Bradley Werner, LLC
2145 Woodlane Drive
Suite 106
Woodbury, MN 55125

If to Grantee: General Manager
Comcast
10 River Park Plaza
St. Paul, MN 55107

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

Recognizing the widespread usage and acceptance of electronic forms of communication, emails will be acceptable as formal notification related to the conduct of general business amongst the parties to this contract, including but not limited to programming and price adjustment

communications. Such communication should be addressed and directed to the Person of record as specified above.

16.9 Force Majeure. In the event that either party is prevented or delayed in the performance of any of its obligations, under this Franchise by reason of acts of God, floods, fire, hurricanes, tornadoes, earthquakes, or other unavoidable casualties, insurrection, war, riot, vandalism, strikes, delays in receiving permits where it is not the fault of Grantee, sabotage, acts or omissions of the other party, or any other similar event beyond the reasonable control of that party, it shall have a reasonable time under the circumstances to perform such obligation under this Franchise, or to procure a substitute for such obligation to the reasonable satisfaction of the other party.

16.10 Work of Contractors and Subcontractors. Work by contractors and subcontractors is subject to the same restrictions, limitations and conditions as if the work were performed by Grantee. Grantee shall be responsible for all work performed by its contractors and subcontractors, and others performing work on its behalf as if the work were performed by it and shall ensure that all such work is performed in compliance with this Franchise, the City Code and other Applicable Law, and shall be jointly and severally liable for all damages and correcting all damage caused by them. It is Grantee's responsibility to ensure that contractors, subcontractors or other Persons performing work on Grantee's behalf are familiar with the requirements of this Franchise, the City Code and other Applicable Laws governing the work performed by them.

16.11 Governing Law. This Franchise shall be deemed to be executed in the State of Minnesota, and shall be governed in all respects, including validity, interpretation and effect, and construed in accordance with, the laws of the State of Minnesota, as applicable to contracts entered into and performed entirely within the state.

16.12 Nonenforcement by City. Grantee shall not be relieved of its obligation to comply with any of the provisions of this Franchise by reason of any failure of the City or to enforce prompt compliance.

16.13 Captions. The paragraph captions and headings in this Franchise are for convenience and reference purposes only and shall not affect in any way the meaning of interpretation of this Franchise.

16.14 Calculation of Time. Where the performance or doing of any act, duty, matter, payment or thing is required hereunder and the period of time or duration for the performance is prescribed and fixed herein, the time shall be computed so as to exclude the first and include the last Day of the prescribed or fixed period or duration of time. When the last Day of the period falls on Saturday, Sunday or a legal holiday that Day shall be omitted from the computation and the next business Day shall be the last Day of the period.

16.15 Rights Reserved to City. In addition to any rights specifically reserved to the City by this Franchise, the City reserves to itself every right and power to which is entitled under Applicable Law.

16.16 Rights Cumulative. All rights and remedies given to the City by this Franchise or retained by the City herein shall be in addition to and cumulative with any and all other rights and remedies, existing or implied, now or hereafter available to the City, at law or in equity, and such rights and

remedies shall not be exclusive, but each and every right and remedy specifically given by this Franchise or otherwise existing or given may be exercised from time to time and as often and in such order as may be deemed expedient by the City and the exercise of one or more rights or remedies shall not be deemed a waiver of the right to exercise at the same time or thereafter any other right or remedy.

16.17 Grantee Acknowledgment of Validity of Franchise. Grantee acknowledges that it has had an opportunity to review the terms and conditions of this Franchise and that under current law Grantee believes that said terms and conditions are not unreasonable or arbitrary, and that Grantee believes the City has the power to make the terms and conditions contained in this Franchise. Grantee agrees that it will not, at any time, set up against the City in any claim or proceeding, any condition or term of the Franchise as unreasonable, arbitrary, void as of the Effective Date of this Franchise or that the City had no power or authority to make such term or condition.

16.18 Survival of Terms. Upon the termination or forfeiture of the Franchise, Grantee shall no longer have the right to occupy the Right-of-Ways for the purpose of providing Cable Service. However, Grantee's obligations to the City (other than the obligation to provide service to Subscribers) shall survive according to their terms.

16.19 Competitive Equity.

(a) The City reserves the right to grant additional franchises or similar authorizations to provide Cable Services via Cable Systems. The City intends to treat Cable Operators in a nondiscriminatory manner to the extent permissible under Applicable Law. If, following the Effective Date of this Franchise, the City grants such an additional franchise or authorization to a Cable Operator and Grantee believes the City has done so on terms materially more favorable than the obligations under this Franchise, then the provisions of this Section 16.19 will apply.

(b) As part of this Franchise, the City and Grantee have mutually agreed upon the following terms as a condition of granting the Franchise, which terms may place the Grantee at a significant competitive disadvantage if not required of another Cable Operator: the obligation to pay to the City a Franchise Fee, Gross Revenues as provided for and defined in this Franchise, and the obligation to comply with the requirements in this Franchise regarding PEG funding, PEG Channels, records and reports, security instruments, audits, dispute resolution, remedies, notice and opportunity to cure, and customer service obligations (hereinafter "Material Obligations"). The City and Grantee further agree that this provision shall not require a word for word identical franchise or authorization for competitive equity so long as the regulatory and financial burdens on each entity are materially equivalent.

(c) Within one (1) year of the adoption of another Cable Services franchise or similar authorization, Grantee must notify the City in writing of the Material Obligations in this Franchise that Grantee believes exceed the Material Obligations of the competitor Cable Operator's franchise or similar authorization. The City and Grantee agree that they will use best efforts in good faith to negotiate Grantee's proposed Franchise modifications, and that such negotiation will proceed and conclude within a ninety (90) Day time period,

unless that time period is reduced or extended by mutual agreement of the parties. If the City and Grantee reach agreement on the Franchise modifications pursuant to such negotiations, then the City shall amend this Franchise to include the modifications. If the City and Grantee fail to reach agreement in such negotiations, Grantee may, at its option, notify the City that it elects to immediately commence the renewal process under 47 U.S.C. § 546 and to have the remaining term of this Franchise shortened to not more than thirty-six (36) months. Notwithstanding anything contained in this section to the contrary, the City shall not be obligated to amend or replace this Franchise unless the new entrant makes Cable Services available for purchase by Subscribers or customers in the Franchise Area served by Grantee.

(d) In the event the City disputes that the Material Obligations are different, Grantee may bring an action in federal or state court for a determination as to whether the Material Obligations are different and as to what franchise amendments would be necessary to remedy the disparity. Alternatively, Grantee may notify the City that it elects to immediately commence the renewal process under 47 U.S.C. § 546 and to have the remaining term of this Franchise shortened to not more than thirty (30) months.

(e) Nothing in this Section 16.19 is intended to alter the rights or obligations of either party under Applicable Law, and it shall only apply to the extent permitted under Applicable Law and FCC orders. In no event will the City be required to refund or to offset against future amounts due the value of benefits already received.

16.20 In-Kind Cable-Related Contributions. In the event the FCC Section 621 Order (*Third Report and Order in MB Docket No. 05-311 adopted by the FCC on August 1, 2019*) (herein “621 Order”) is overturned in whole or in part by action of the FCC or through judicial review, and franchise-mandated Complimentary Services to public buildings as set forth in Section 6.5 herein and the PEG transport as provided in Section 7.9(a) and (c) herein are no longer considered to be “Franchise Fees” under 47 U.S.C. §542, then for the remaining Franchise term, Grantee shall provide, free of charge, complimentary Basic Cable Service to the Complimentary Service locations listed in Exhibit A and the PEG transport as provided in Section 7.9(a) and (c).

Passed and adopted this 9th day of September, 2024.

ATTEST

CITY OF COLUMBIA HEIGHTS, MINNESOTA

By: _____
Its: City Clerk

By: _____
Its: Mayor

ACCEPTANCE

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

COMCAST OF MINNESOTA, INC.

Date: _____

By: _____

Its: _____

SWORN TO BEFORE ME this
_____ day of _____, 2024.

NOTARY PUBLIC

Exhibit A
LIST OF FREE SERVICE TO BUILDINGS

	Building Name	Address	
1.	Columbia Heights Public Library	3939 Central Avenue, NE	
2.	Columbia Heights City Hall	3989 Central Avenue, NE	.
3.	John P. Murzyn Hall	530 Mill street, NE	
4.	Columbia Heights Municipal Service Center	637 38 th Avenue, NE	
5.	Public Safety Facility	825 41 st Avenue, NE & Jackson Street	
6.	City Gymnasium	1300 49 th Avenue, NE	
7.	Columbia Heights High School	1400 49 th Avenue, NE	
8.	Central Middle School	900 49 th Avenue, NE	
9.	Highland Elementary School	1500 49 th Avenue, NE	
	Valley View Elementary School	800 49 th Avenue, NE	
10.	District Facilities	1460 49 th Avenue, NE	
11.	District Center	1440 49 th Avenue, NE	
12.	School District Gymnasium	1440 49 th Avenue, NE	
13.	Immaculate Conception School	4030 Jackson Street, NE	

Exhibit B
PEG Transport

	Building Name	Address
1.	Columbia Heights City Hall	3989 Central Avenue.
2.	Columbia Heights Public Library	3939 Central Avenue NE
3.	Columbia Heights High School	1400 49 th Avenue NE

Exhibit C
Franchise Fee Payment Worksheet
TRADE SECRET – CONFIDENTIAL

*****CONFIDENTIAL*****

COMCAST

System Name: Comcast of Minnesota, Inc.
Email: Prasant_Nadella@cable.comcast.com
Phone: 610-665-2579

Vendor ID: XXXXX
Contract Name: St Louis Park
Statement Period: Jan - Mar, 20XX
Payment Amount: \$X XXXXXX
Statement: XXXXXX XXXX
Number: CUID: XXXX
System ID: XXXX

This statement represents your payment for the period listed above.

Revenue Category	Amount
Expanded Basic Video Service	\$
Listed Basic Video Service	\$
Digital Video Service	\$
Pay	\$
PPV / VOD	\$
Video Equipment	\$
Digital Video Equipment	\$
Video Installation / Activation	\$
Franchise Fees	\$
Guide	\$
Other	\$
Late Fees	\$
Write-offs / Recoveries	\$
Ad Sales	\$
Home Shopping Commissions	\$
Total	\$
Franchise Fee %	%
Franchise Fee	\$

PEG Fee Factor: 2%

PEG Fee

Nothing in this Franchise Fee Payment Worksheet shall serve to modify the definition of “Gross Revenues” set forth in the Franchise



AGENDA SECTION	ORDINANCE AND RESOLUTIONS
MEETING DATE	AUGUST 26, 2024

ITEM:	Second Reading of Ordinance No. 1700, an Ordinance to Amend Chapter 9 - Land Use: 9.103 Definitions, 9.104 Administration and Enforcement, 9.105 Nonconformities, 9.106 General Development Standards, 9.107 Specific Development Standards, 9.109 Residential Districts, 9.110 Commercial Districts, and 9.111 Industrial Districts.	
DEPARTMENT:	Community Development	BY/DATE: Andrew Boucher, City Planner, August 13, 2024
CORE CITY STRATEGIES: <i>(please indicate areas that apply by adding an "X" in front of the selected text below)</i>		
<input checked="" type="checkbox"/> Healthy and Safe Community	<input type="checkbox"/> Thriving and Vibrant Destination Community	
<input type="checkbox"/> Equitable, Diverse, Inclusive, and Friendly	<input type="checkbox"/> Strong Infrastructure and Public Services	
<input checked="" type="checkbox"/> Trusted and Engaged Leadership	<input type="checkbox"/> Sustainable	

BACKGROUND

At the July Work Session, staff briefed City Council on discussed potential amendments and updates to City Zoning Code – Chapter 9 Land Use based on observations, feedback, and recommendations from staff and community members to provide more flexibility in the Zoning Code that reflect the needs of the community while encouraging consistency as future development occurs.

Some of these updates include Definitions for uses allowed in the City and have specific development standards but are not currently defined in code. The existing definition of “Family” amended to remove unrelated occupancy maximums and introduce new definitions for “*Dwelling Unit, Accessory*” and “*Family, Shared Living Arrangement*”. 9.104 Administration and Enforcement includes language to allow administrative approval of minor subdivisions if the proposal does not alter the infrastructure. Language in 9.105 Nonconformities is proposed to be amended to be consistent with MN Statute 934.36 Nonconformities Subd. 4. Nonconformities. 9.106 General Development Standards corrects language for building permits for accessory structures and establishes standards for accessory dwelling units. Other updates to 9.106 includes a process for reviewing artificial turf and setting a limit for paving in the front yard setback as well as updating Building Design and Sign Regulations to allow for painted public art and murals. 9.107 Specific Development Standards removes any seasonal sales that have development standards and includes these uses under “Seasonal Sales Stands”; updates the outdoor play area requirements for “Day Care, Home” to reflect the language for Adult and Child Day Care Centers; and amending the Residential Care Facility standards to exempt facilities serving six or fewer residents from the distance radius and zoning regulations except as otherwise required by law. 9.109 Residential Districts streamlines permitted accessory uses in all residential districts and allows accessory dwelling units as a permitted accessory use for single-family properties and for shared family living arrangements. One major change is to establish an impervious surface coverage maximum for residential lots; these percentages are the same as was required for building coverage; 35% impervious surface coverage for lots less than 6,500 sq. ft. and 30% for lots greater than 6,500 sq. ft. Another significant change is to utilize the language used to address minimum lot areas for duplexes in the R-2B district and us

that same language to address the minimum lot area and lot width for single family residences in the R-2A, R-2B, R-3, and R-4 districts to remove the legal nonconforming status for properties below that minimum lot area of 6,500 sq. ft.. For the R-2A and R-2B, One/Two Family Residential and Built-As-Duplex districts, twinhome and duplexes are proposed to be permitted uses by law. 9.110 Commercial Districts and 9.111 Industrial Districts will include adjustments to uses that were previously conditional uses, but did not have specific development standards or standards that are being addressed through performance standards as well as allowing Seasonal Sales Stands as permitted accessory uses.

At the First Reading of Ordinance 1700, Council identified issues with Section 5 and 6 regarding Residential Greenhouses as well as rooming and boarding language restricting the number of people that can be boarded or rented to also in Section 6. Additionally, gendered pronouns were identified and requested to be removed along with the renting and boarding language and seasonal restrictions on residential greenhouses as an interim use, instead proposing that residential greenhouses be permitted accessory uses. Furthermore, permanent car ports were found to be allowed within the City so long as the materials used are similar to the existing structure. In working with the City Attorney, staff concluded that these were not significant structural changes that would require Planning Commission consideration, and Council voted (5-0) to approve the First Reading of Ordinance 1700 as modified.

RECOMMENDED MOTION(S):
MOTION: Move to waive the reading of Ordinance No. 1700, there being ample copies available to the public.
MOTION: Move to approve Ordinance 1700, being an ordinance to amend Chapter 9 - Land Use: 9.103 Definitions, 9.104 Administration and Enforcement, 9.105 Nonconformities, 9.106 General Development Standards, 9.107 Specific Development Standards, 9.109 Residential Districts, 9.110 Commercial Districts, and 9.111 Industrial Districts, and direct staff to send the summary ordinance for publication in the legal newspaper.

ATTACHMENT(S):
Draft Ordinance No. 1700
1700 Summary Ordinance

**AN ORDINANCE AMENDING CHAPTER 9 – LAND USE OF THE CITY CODE OF 2005
TO AMEND 9.103 DEFINITIONS, 9.104 ADMINISTRATION AND ENFORCEMENT, 9.105 NONCONFORMITIES,
9.106 GENERAL DEVELOPMENT STANDARDS, 9.107 SPECIFIC DEVELOPMENT STANDARDS, 9.109
RESIDENTIAL DISTRICTS, 9.110 COMMERCIAL DISTRICTS, AND 9.111 INDUSTRIAL DISTRICTS.**

The City of Columbia Heights does ordain:

Section 1

The following definitions are introduced, amended, or deleted as provided in Section 9.103 of the City Code of 2005, is hereby established to read as follows:

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

ABANDONMENT. To discontinue a use or activity for any reason, but excluding temporary interruptions to the use during periods of building or remodeling where a valid building permit has been issued or during periods of routine seasonal closure.

ACCESSORY BUILDING OR STRUCTURE. A building or structure or portion of a structure subordinate to and serving the principal structure on the same lot.

ACCESSORY USE. A use that is reasonably necessary and incidental to the conduct of the primary use of the principal building or buildings.

ADDITION. Any change or modification in construction or occupancy of an existing structure. The enclosure of an existing screened porch, deck, roofed deck, patio, or roofed patio shall be considered an addition.

ADJACENT or CONTIGUOUS. Bordering, touching or adjoining. If two lots are separated by a public street, they shall not be deemed adjacent. If two lots are separated by a public walkway, they shall be deemed adjacent.

ADULT USE. Adult uses include adult bookstores, adult motion picture theaters, adult motion picture sales/rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public. Activities classified as obscene as defined by M.S. § 617.241, as it may be amended from time to time, are not included.

ADULT USE, ACCESSORY. The offering of retail goods for sale which are classified as adult uses on a limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include the sale of adult magazines, the sale or rental of adult motion pictures, the sale of adult novelties, and the like.

ADULT USE, PRINCIPAL. The offering of goods and/or services which are classified as adult uses as a primary or sole activity of a business or establishment and include, but are not limited to adult body painting studios, adult bookstores, adult cabarets, adult companionship establishments, adult conversation parlors, adult health clubs, adult theaters, adult modeling studios, and adult saunas and massage parlors.

ALLEY. A public right-of-way or private way that affords a secondary means of access to abutting property.

ANNEXATION. The incorporation of a land area into the city with a resulting change to the corporate limits of the city.

ARCADE. A place or facility where pinball or other similar electronic games are played for amusement only. Shall not be construed so as to include bingo games nor shall it be construed so as to include gambling devices or any other devices prohibited by law.

ASSEMBLY, MANUFACTURING AND/OR PROCESSING. Any manufacturing or industrial production which by the nature of the materials, equipment, and process utilized are not objectionable by reason of odor, radiation, noise, vibration, gas fumes, dust, smoke, refuse matter or water-carried waste.

ASSISTED LIVING. A facility licensed by the MnDOH where individualized home care aide services or home management services are provided to residents either by management or by providers under contract with the management.

AUDITORIUM/PLACE OF ASSEMBLY. An open, partially enclosed, or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions, and other public gatherings. Typical uses include convention and exhibition halls, sports arenas, and amphitheaters.

AUTO REDUCTION YARD. A lot or yard where one or more unlicensed motor vehicles or the remains thereof are kept for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment.

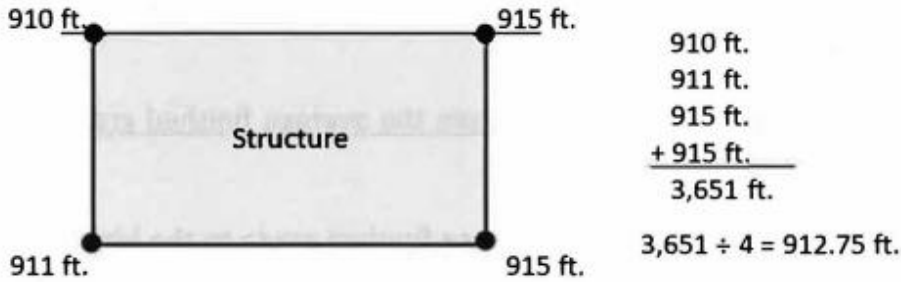
AUTOMOBILE AND MOTORCYCLE SALES/RENTAL NEW. The use of any building, land area, or other premises or portion thereof, for the display, sale, or lease of new automobiles, panel trucks or vans, trailers, or recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.

AUTO AND TRUCK SALES LOT, USED. Any land used or occupied for the purpose of buying and selling secondhand passenger cars or trucks, and the storing of such vehicles prior to sale.

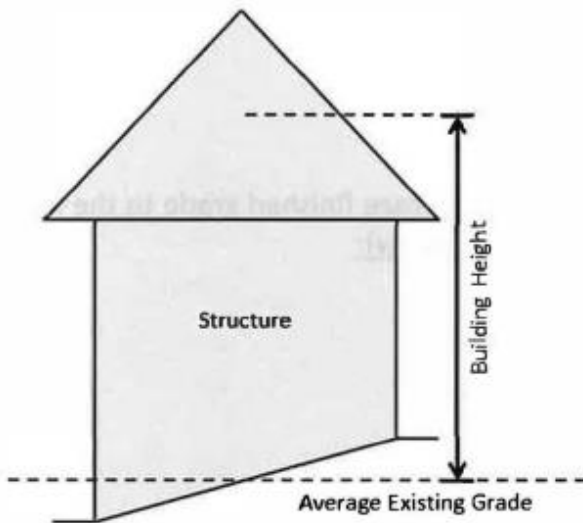
AUTOMOBILE, USED. Any secondhand, previously owned passenger vehicle, car, or truck.

AVERAGE EXISTING GRADE. The average existing grade is measured as the existing elevation (prior to any construction alterations) at each corner of the structure and calculating an average.

AVERAGE FINISHED GRADE. The average finished grade is measured by taking the finished elevation (after any construction alterations) at each corner of the structure and calculating an average; see example images below:



The structure's average existing grade is 912.75 feet



BANNER, FLAG or PENNANT. A sign made of a flexible material, such as cloth, paper, or plastic, however and wherever affixed.

BANQUET HALL. A building for the purpose of hosting a party, banquet, wedding, reception or other social events.

BASEMENT. A portion of a building located partially, up to 50% underground or below grade.

BAY. Cantilevered portion of a building.

BED AND BREAKFAST RESIDENCE. An owner-occupied, single-family residence that provides lodging and meals to registered guests.

BEDROOM. Any room used principally for sleeping purposes and does not contain separate kitchen and sanitary facilities.

BILLIARDS HALL. A business establishment containing more than two pool or billiard tables for the use of patrons.

BOARD OF ADJUSTMENTS. The Columbia Heights Planning Commission.

BOARDING HOUSE. A building other than a motel or hotel where, for compensation and by pre- arrangement for definite periods, meals and/or lodgings are provided for three or more persons, but not to exceed eight persons.

BODY PIERCING SHOP. The practice of physical body adornment by establishments and artists using the techniques of body piercing,

BOWLING ALLEY. Indoor facility for the sport of ten-pin or duck-pin bowling, with customary accessory uses such as snack bars.

BREW PUB. A restaurant that conducts the retail of on-sale malt liquor consumed and brewed on the premise.

BREWER TAPROOM. A facility on the premises of, or adjacent to, a malt liquor manufacturer intended for on-sale and consumption of malt liquor produced by the brewer.

BUFFER. A landscaped area intended to separate and/or partially obstruct the view of adjacent land uses or properties from one another.

BUILDABLE AREA. The area of the lot remaining after the minimum yard or setback requirements of this article have been established.

BUILDING. Any roofed structure that may provide shelter or enclosure of persons, animals or chattel.

BUILDING LINE. A line parallel with the street right-of-way, or any 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 or other property line.

BULK REGULATIONS. Standards and controls that establish the maximum size of structures and the buildable area within which the structure can be located, including height, floor area ratio, gross floor area, lot area, lot coverage, impervious surface area and yard requirements, but excluding residential density regulations.

BUSINESS. Any occupation, employment, or enterprise wherein merchandise is exhibited, rented or sold or which occupies time, attention labor and/or materials or where services or goods are offered for compensation.

BUSINESS FRONTAGE. The property lines or lease lines at the front of the building or the location of the main public entrance of said building.

CANOPY, AWNING or MARQUEE. A projection or extension of a structure, building or place of assembly, erected in such a manner as to provide a shelter or cover over the approach to any entrance of such structure, building, or place of assembly.

CARETAKER'S RESIDENCE. An accessory dwelling on a nonresidential premises, occupied by the person who oversees the nonresidential operation 24 hours a day, and their family.

CARPORT. An automobile shelter having one or more sides open.

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.

CERTIFICATE OF OCCUPANCY. A document issued by the Building Official allowing for the occupancy or use of a building, and certifying that the structure or use has been constructed or will be used in compliance with all the applicable codes and ordinances.

CLINIC, MEDICAL. 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.

CLINIC, VETERINARY. A place used for the diagnosis and treatment of sick or injured animals and those animals in need of medical attention within a completely enclosed building with soundproofing and odor control, does not include outdoor kennels.

CLUB OR LODGE. An organization and its premises catering exclusively to members and their guests for social, intellectual, recreational, or athletic purposes that are conducted for profit; includes lodge.

COFFEE SHOP. An establishment engaged principally in the sale of coffee and other non-alcoholic beverages for consumption on the premises or for carryout, which may also include the sale of a limited number of food items.

COLOR. Any hue or combination of values of these. Black and white, shall not be considered colors.

COMMERCIAL USE. A use of land, building or structure intended, designed or arranged for a business, occupation, trade, or profession, including entertainment, services or sale of goods.

COMMUNITY CENTER. An establishment operated by a non-profit organization or government agency, which includes recreational facilities, meeting rooms, social service facilities, and public health facilities, or any combination thereof.

COMPREHENSIVE PLAN. The policies, statements, goals and interrelated plans for private and public use of land and water, transportation, and community facilities including recommendations for plan execution, documented texts, ordinances, maps which constitute the guide for the future development of the city.

CONCRETE, ASPHALT, ROCK CRUSHING OPERATION. A plant for the manufacture, mixing, and crushing of concrete, cement, and concrete and cement and rock products, including any apparatus and uses incident to such manufacturing and mixing.

CONDITIONAL USE PERMIT. A permit specially and individually granted by the City Council after public hearing thereon by the Planning Commission for any conditional use so permitted in any use district.

CONSIGNMENT/SECONDHAND STORE. Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.

CONVENIENCE STORE. A retail establishment, having a maximum gross floor area of 7,500 square feet, offering for sale prepackaged food products, household items and other goods commonly associated with this type of store. This use may also be combined with a motor vehicle service station.

COUNCIL. The Columbia Heights City Council.

CURB. A stone, asphalt or concrete boundary marking the edge of a roadway or paved area.

CURB LEVEL. The grade elevation as established by the city, of the curb in front of the center of the building. Where no curb level has been established, the City Engineer shall determine a curb level or its equivalent for the purpose of this article.

CURB LINE. The line at the face of the curb nearest the street or roadway. In the absence of a curb, the curb line shall be established by the City Engineer.

CURRENCY EXCHANGE. Any person, except a bank, trust company, savings bank, savings and loan association, credit union, or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders, or travelers' checks for a fee. Does not include a person who provides these services incidental to the person's primary business if the charge for cashing a check or draft does not exceed one dollar or 1 percent of the value of the check or draft, whichever is greater.

DAY CARE, ADULT. A facility that provides care to functionally impaired adults on a regular basis for periods of less than 24 hours in a structure that is not the residence of the person being served or the facility operator.

DAY CARE, FAMILY. A facility that provides care, protection and supervision of children in a private residence for periods of less than 24 hours. The size of the outdoor play area, the maximum number of children who may be served, and the number and qualifications of required outside teachers and helpers are set forth in Minnesota Statutes. This use may be licensed by other agencies.

DAY CARE, GROUP. A non-residential facility where child care, protection and supervision services are provided on a regular basis for periods of less than 24 hours. A group day care facility may also be referred to as a NURSERY.

DECK, ATTACHED. A structure six feet or more attached to the main building that may or may not have a railing or access to the ground, but does not have a roof or contain walls.

DECK, DETACHED. A free-standing structure that is directly adjacent or attached to the principal building that may or may not have a railing, but does not have a roof or contain walls.

DENSITY. The number of dwellings or principal buildings or uses permitted per net acre of land. Net acre of land shall not include any land required for public streets or other rights-of-way.

DEVELOPMENT. All structures and other human modifications of the landscape.

DRINKING ESTABLISHMENT. Any premise where alcohol or non-alcoholic beverages are sold at retail for consumption on the premises.

DRIP LINE. A vertical line extending from the outermost branches of a tree to the ground.

DRIVE-IN FACILITY. Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle. Such use may also be referred to as a drive-through.

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.

DROP-IN FACILITY. A facility operated by an organization which provides services such as training, counseling, health, or the distribution of food or clothing. This term includes but is not limited to a facility offering life skills training, substance abuse counseling, housing services, or a neighborhood recovery center. This term does not include an emergency residential shelter.

DWELLING. A building or one or more portions thereof occupied or intended to be occupied exclusively by a family, but not including rooms in motels, hotels, nursing homes, boardinghouses, nor trailers, tents, cabins, or trailer coaches.

DWELLING UNIT, ACCESSORY. A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an internal, attached or detached extension to an existing single-family structure.

DWELLING, ATTACHED. A dwelling that is joined to another dwelling on one or more sides by a common wall.

DWELLING, MULTIPLE. A building so designed as to contain three or more dwellings as the principle use.

DWELLING, SINGLE-FAMILY. Any building that contains one dwelling unit used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied or occupied for living purposes.

DWELLING, TOWNHOUSE. A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from the foundation to the roof and having open space on at least two sides of each unit. Each single-family dwelling unit shall be considered to be a separate building. Separate building service utilities shall be provided to each single-family dwelling unit when required by other chapters of the State Building Code.

DWELLING, TWO-FAMILY. Any building that contains two separate dwelling units with separation either horizontal or vertical on one lot that is used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or occupied for living purposes.

EASEMENT, UTILITY. A grant by a property owner for the use of a portion or strip of land for the purposes of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric liners, telephone lines, storm sewers or storm drainage ways, and gas lines.

EMERGENCY SHELTER. A non-profit, charitable, or religious organization providing boarding and/or lodging and ancillary services on the premises primarily to indigent, needy, homeless or transient persons.

EQUAL DEGREE OF ENCROACHMENT. A method of determining the location of encroachment lines so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This as determined by considering the effect of encroachment on the hydraulic efficiency of the flood plain along both sides of a stream for a significant reach.

ESSENTIAL SERVICE. Underground or overhead gas, electrical, steam, or water distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including telecommunication towers.

FACADE. The exterior wall of a building exposed to public view.

FAMILY. Any number of persons living together as a single housekeeping unit under a common housekeeping management plan.

FAMILY, SHARED LIVING ARRANGEMENT. The occupancy of a dwelling unit by persons of more than one family in order to reduce housing expenses and to provide social contact, mutual support, and assistance.

FENCE. A fence is any partition, structure, wall or gate erected as a dividing marker along property lines or within the required yard.

FILLING. The placement of sand, gravel, earth or other materials of any composition on a parcel of land.

FIREARM. Any device, designed to be used as a weapon, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or other form of combustion, but excluding a stud or nail gun used in the construction industry or a toy gun.

FIREARMS DEALER. Any person engaged in the sale, lease, trade, or other transfer of firearms or ammunition at wholesale or retail. Firearms dealer shall not include any person engaged only in the business of repairing firearms.

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

FLOOD FREQUENCY. The average frequency, statistically determined, for which it is expected that a specific flood state or discharge may be equaled or exceeded.

FLOOD FRINGE. That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term floodway fringe used in the Flood Insurance Study.

FLOOD PLAIN. The areas adjoining a watercourse that have been or hereafter may be covered by the regional flood.

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.

FLOODWAY. The channel of the watercourse and those portions of the adjoining flood plain that is reasonably required to carry and discharge the regional flood.

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors measured to the outside of exterior walls.

FLOOR AREA, NET. The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines and basements, but excepting that area primarily devoted to window display, fitting rooms, stairs, escalators, unenclosed porches, dead storage, heating and utility rooms, inside off-street parking or loading space. Measurements shall be made from the outside of exterior walls.

FLOOR AREA RATIO. The numerical value obtained through dividing the gross floor area of a building or buildings by the lot area on which such building or buildings are located.

FREIGHT TERMINAL. A transportation facility in which quantities of goods or container cargo are stored without undergoing any manufacturing processes, transferred to other carriers, or stored outdoors in order to transfer them to other locations

FRONTAGE. The distance for which a lot line coincides with the right-of-way line of a public street or the boundary of a private street.

FUNERAL HOME. A building or part of a building thereof used for human funeral services. Such building may contain space and facilities for embalming and other services used to prepare the dead for burial,

performance of autopsies, storage of caskets, funeral urns and other related funeral supplies and the storage of other funeral supplies, but excluding crematoriums.

GARAGE, PRIVATE. A detached accessory building or portion of principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or one truck of a rate capacity not in excess of 9,000 pounds.

GARAGE SALE. Any display of used goods and/or salesmen samples and sale of said goods on a property used primarily as a dwelling. The person conducting the sale shall be a member of the family occupying the dwelling.

GLARE, DIRECT. That part of the visible light reaching an observer directly in a straight line from the source of its principal diffuser and/or its associated focusing reflector.

GLARE, INDIRECT. Light described in the definition for direct glare, but reaching an observer by reflection from a surface or surfaced which either:

- (1) Move periodically under power of the wind, electricity, burning fossil fuel, or similar energy source; or
- (2) Reflect 70% or more of the light incident upon them; or
- (3) Produce by imaging the effect of the conditions of subdivision (a) above.

GOLF COURSE. A tract of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses.

GOVERNMENT PROTECTIVE SERVICE FACILITY. An establishment for training state and local law enforcement, fire safety, national guard, or transit personnel and accessory facilities including but not limited to: (1) dining and overnight accommodations; (2) classrooms; (3) indoor shooting ranges; (4) auto test tracks; and (5) fire suppression simulations.

GRADE. The elevation or level of the street closest to the building, structure or sign to which reference is made, measured at the street's centerline.

GRAPHICS. An illustration or rendering which is not for an advertising purpose and which is applied directly to a building or structure.

GREENHOUSE, RESIDENTIAL. An accessory building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

HEALTH/FITNESS CLUBS. An establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports, and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

HEIGHT, BUILDING. Building height is measured as the distance from the average finished grade to the tallest point of a flat roof; or the peak of a pitched or mansard roof; or the highest point on all other roof types.

HEIGHT, SIGN. Sign height is measured as the distance from the average existing grade to the tallest point on the structure or sign, whichever is taller. For pylon signs, the average existing grade is taken from the elevation where the pole meets the existing grade.

HEIGHT, STRUCTURE. Structure height is measured as the distance from the average finished grade to the tallest point on the structure.

HOME OCCUPATION. Any gainful occupation or profession engaged in by an occupant of a dwelling unit. Such use must be clearly incidental and secondary to the principal use of the dwelling for residential purposes and shall not change the residential character of the dwelling or have an adverse effect on adjacent properties nor constitute a nuisance or safety hazard.

HOTEL. A building containing eight or more guest rooms in which lodging is provided with or without meals for compensation and which is open to transient, permanent guests or both, and where no provision is made

for cooking in any guest room, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

IMPERVIOUS SERVICE. A surface that is occupied by buildings or structures, or has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

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. An area where used, waste, discarded or salvaged materials are bought, sold, exchanged, stored baled, cleaned, packed, disassembled or handled including but not limited to scrap, iron, and other metals, paper, rags, rubber products, bottles and lumber. Storage of such material in conjunction with a permitted manufacturing process when within an enclosed area or building shall not be included.

KENNEL, ANIMAL (ANIMAL SHELTER). Any premises where three or more non-caged domestic animals over six months of age are kept, except for an animal hospital, pet shop or veterinary clinic. "Animal kennels" and "animal shelters" include animal daycare uses such as "doggie daycare" and incidental grooming, walking and/or training services.

LAND ALTERATION. Depositing or removing 400 cubic yards or more of material after the effective date of this article so as to modify the existing grade, excluding excavations for the placement of footings or the construction of basements.

LIQUOR STORE, OFF-SALE. Establishments engaged in the sale of alcoholic beverages for off-premises consumption.

LOT. A parcel of land occupied or used or intended for occupancy or use by a use permitted in this article, abutting on a public street, and of sufficient size to provide the yard required by this article.

LOT AREA. The area of a lot in a horizontal plan bounded by the lot lines, but not including any area occupied by the waters of a duly recorded lake or area which has been dedicated as a public right-of-way.

LOT AREA PER DWELLING UNIT. The number of square feet of lot area required per dwelling unit.

LOT, CORNER. A lot situated at the junction of, and abutting on two or more intersecting streets or other public rights-of-way, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line of a lot.

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

LOT LINE. A lot line is the property line bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way shown on a recorded official map, the line of such public right-of-way shall be deemed the lot line.

LOT LINE, FRONT. That boundary of a lot that abuts a public street. In the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the city.

LOT LINE, REAR. That boundary of a lot that is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any boundary of a lot that is not a front lot line or a rear lot line.

LOT OF RECORD. Any lot which is one unit of a plat heretofore or hereafter duly approved and filed, or one unit of an auditor's subdivision or a registered land survey, or a parcel of land not so platted, subdivided or registered for which a deed, auditor's subdivision or registered land survey has been recorded in the office of the Register of Deeds or Registrar of Titles for Anoka County, Minnesota prior to the effective date of this article.

LOT, SUBSTANDARD. A lot or parcel of land that has less than the required minimum area or width as established by this article as a buildable parcel.

LOT, THROUGH. A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this article.

LOT WIDTH. The minimum horizontal distance between the side lot lines as measured at the median point of the front yard setback line.

MAINTENANCE FACILITY. An establishment providing routine maintenance of buildings. This term includes but is not limited to an establishment performing window washing, building cleaning, pest extermination or a disinfecting service.

MANUFACTURED HOME. A manufactured home means a factory-built structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units without a permanent foundation. The phrase “without a permanent foundation” indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner.

MANUFACTURED HOME PARK. A parcel of land so designed and improved with utilities, parking pads, walks, access roads, and other facilities to accommodate manufactured homes that are to be used as dwellings and that have received state approval.

MEDICAL LABORATORY. A facility offering diagnostic or pathological testing and analysis of blood, blood fluids, pathological specimens, DNA sampling and analysis, and any other diagnostic test generally recognized in the healthcare industry.

MOTEL. A building containing eight or more guest rooms in which lodging is provided with or without meals for compensation and which is open to transient, permanent guests or both, and where no provision is made for cooking in any guest room, and in which ingress and egress to and from all rooms is made directly from the outside.

MOTOR FREIGHT TERMINAL. A building or area where freight arrives and/or is removed for routing in intra-state or inter-state shipment by motor truck.

MOTOR FUEL STATION. A retail place of business engaged primarily in the sale of motor fuels, but may also be engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles.

MOTOR FUEL STATION, MAJOR. A primarily retail place of business which may engage in major motor vehicle repair and may include auto wash or convenience store as an accessory use.

MOTOR FUEL STATION, MINOR. A retail place of business which shall have no more than two service bays, and may engage in minor motor vehicle repair.

MOTOR VEHICLE PARTS STORE. Any building or premise used for the purpose of selling and storing any component, product or system of an automobile, motorcycle or truck vehicle.

MOTOR VEHICLE REPAIR, MAJOR. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, frame work and major painting service.

MOTOR VEHICLE REPAIR, MINOR. The replacement of any part or repair of any part including the removal of the engine head or pan, engine, transmission or differential; incidental body and fender work; minor painting and upholstering service when said service above stated is applied within an enclosed building.

MUSEUM/GALLERY. A room or structure in which original works of art or limited editions of original art are bought, sold, loaned, appraised, or exhibited to the general public.

NONCONFORMITY. Nonconformity shall have the meaning given in the M.S. § 394.22, subd. 8, or successor statutes.

NOXIOUS MATTER OR MATERIAL. Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well being of individuals.

NURSING HOME. A place, residence, or home used for the boarding and care of elderly or infirm that are dependent upon the services of others.

OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area 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, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

OFFICE. A building or portion of a building wherein services are performed involving predominantly administration, professional or clerical operations.

OFFICE/SHOWROOM. A structure designed for the display of goods for sale, such as appliances, cars, or furniture with an office as an accessory use.

OFFICE/WAREHOUSE. Facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

OFFICIAL CONTROL. Means legislatively defined and enacted policies, standards, precise detailed maps, and other criteria all of which control the physical development of a municipality or a county or any part thereof or any detail thereof, and are the means of translating into ordinances all or any part of the general objections of the comprehensive plan. Such official controls may include but are not limited to ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes and official maps.

OFFICIAL MAP. Means a map adopted in accordance to Minnesota Statutes which may show existing roads and highways, future roads and highways and the area needed for widening existing public land and facilities and other land needed for future parks, playgrounds, schools, and other public buildings, civic centers, travel service facilities.

OPAQUE. Impervious to the passage of light.

OPEN SALES LOT. Land devoted to the display of goods for sale, rent, lease, advertising or trade where such goods are not enclosed within a building but not including new or used cars or trucks.

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 or the public at large.

ORDINARY HIGH WATER MARK. Shall have the meaning given in M.S. § 103G.005, subd. 14; or successor statutes.

OUTDOOR SALES/DISPLAY. An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service.

OUTSIDE STORAGE. The keeping in an unroofed area of any goods, bulk material, other material, merchandise, or products for more than 24 hours.

OVERLAY DISTRICT. A zoning district that encompasses one or more primary zoning districts, or portions thereof, and that imposes additional requirements above and beyond those required by the primary zoning district.

PARCEL. An area of land that may be designated by platting, by metes and bounds descriptions, by a registered land survey, by auditor's subdivision, or other acceptable means, which distinguishes it from other parcels.

PARKING, JOINT. The development and use of a parking space or parking lot by two or more separate uses.
PARKING RAMP. A structure designed and used for the storage of motor vehicles at, below, or above grade or a combination thereof that does not consist solely of an at grade outdoor parking area.

PAWNBROKER. A person who loans money on deposit or pledge of personal property or other valuable items or who deals in the purchasing of personal property or other valuable items on condition of selling the same

back again at a stipulated price or who loans money secured by security interest on personal property or any part thereof.

PAWN SHOP. A business establishment operated by a pawnbroker.

PEDESTRIAN WAY. A public or private right-of-way, across or within a block that provides access for pedestrians.

PERFORMANCE STANDARD. Criterion established to control noise, odor, radiation, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

PERSONS. Any individual, firm, partnership, corporation, company, association, joint stock association or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.

PLACE OF WORSHIP. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which buildings and uses are maintained and controlled by a religious body organized to sustain regular public worship. May include a convent, monastery, or other religious residence when accessory to a place of worship or religious facility.

PLANNED UNIT DEVELOPMENT. Planned unit development means a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and usually involving a mix of land use, structure types and other design development details specific to the site or project goals.

PLAT. A map depicting the division or subdivision of land into lots, blocks, parcels, tracts or other portions thereof.

PLAT, FINAL. A drawing of a permanent nature showing the precise location and dimensions of such features as streets, lots, easements and other elements pertinent to transfer of ownership and prepared for permanent record.

PLAT, PRELIMINARY. A drawing showing the proposed general pattern of streets, lots, and land uses within a tract of land to be subdivided.

PLAYGROUND. An area developed for active play and recreation that may contain courts for such games as basketball or tennis

PRECIOUS METALS. Gold, silver or platinum.

PRECIOUS METALS DEALER. Any person, partnership or corporation, either as principal or agent, who engages in the business of buying or selling secondhand items containing precious metal, including but not limited to jewelry, watches, coins, eating utensils, candlesticks, decorative objects and ingots.

PRECIOUS METALS DEALERSHIP. Any business establishment operated by a precious metals dealer.

PRINTING/PUBLISHING. An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

PROFESSIONAL SERVICE. An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, shoe repair shops, and tailor shops.

PROFESSIONAL STUDIO. Work space for artists or other commercial professional, including individuals practicing one of the fine arts or skilled in an applied art, craft, or trade that requires a working area.

PUBLIC ART. A fountain, sculpture, painting, mural, or similar object that is sited within a planned development as a focal point and is intended for the enjoyment of the general public.

PUBLIC PARK. A natural or landscaped area, buildings, or structures, provided by a unit of government, to meet the active or passive recreational needs of people.

PUBLIC WATERS. Public waters shall have the meaning given in M.S. § 103G.005, subd. 15, or successor statutes.

RADIO AND TELEVISION, STUDIO. All uses related to the production of motion pictures and television film and tape as well as radio recordings, including motion picture and television stages; exterior sets; laboratories; construction, repair, and storage facilities; caretaker and temporary housing; all vehicles used to transport this equipment and other related commercial vehicles; and accessory fabrication activities.

RAMP. A structure attached to a principle or accessory building which is constructed at a slope that meets the Uniform Building Code requirements for the purposes of providing access to a building.

REACH. A hydraulic engineering term 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.

RECREATIONAL FACILITY (INDOOR AND OUTDOOR). Clubhouses, swimming pools, tennis courts, trails and similar facilities used by the general public for exercise, sports or entertainment.

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term base flood used in the flood insurance study.

RENTAL UNIT. A licensed dwelling designed for use and occupancy by persons other than the owners.

RESIDENTIAL CARE FACILITY. A licensed public or private facility, which, for gain or otherwise, regularly provides one or more dependents with 24-hour-a-day substitute for the care, food, lodging, training, supervision, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the dependent's own home. The term includes facilities that are licensed by the Minnesota Department of Health, foster homes, residential treatment facilities, maternity shelters, group homes, schools for challenged children, and homes for battered children or spouses. Such term shall not include any facility eligible for licensure by the Minnesota Department of Corrections. Residential care facilities serving six or fewer dependents are considered permitted uses in all residential zoning districts where single family residences are permitted subject to the same regulations.

RESIDENTIAL CARE FACILITY, CORRECTIONAL. A licensed public or private facility, which, for gain or otherwise, regularly provides one or more dependents with 24-hour-a-day substitute for the care, food, lodging, training, supervision, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the dependent's own home. The term includes facilities that are licensed by the Minnesota Department of Health, foster homes, residential treatment facilities, maternity shelters, group homes, schools for challenged children, and homes for battered children or spouses. Such term shall also include any facility eligible for licensure by the Minnesota Department of Corrections.

RESIDENTIAL USE BUILDING. A dwelling, boarding, lodging, rooming, fraternity or sorority house, or a dormitory unit.

RESTAURANT. An establishment engaged in the preparation and retail sale of food and beverages, which is characterized by table service to customers and does not meet the definition of a fast food restaurant.

RESTAURANT, FAST FOOD. An establishment whose design or principal method of operation includes at least five of the following characteristics.

- (1) Less than 50% of the gross floor area is devoted to customer dining.
- (2) A permanent menu board is provided from which to select and order food.
- (3) If a chain or franchised restaurant, standardized floor plans are used over several locations.
- (4) Customers pay for food before consuming it.
- (5) A self-serve condiment bar is provided.
- (6) Trash receptacles are provided for self-serve bussing.
- (7) Furnishing plan indicates hard-finished stationary seating arrangement.

(8) Most main course food items are substantially cooked on the premises and packaged in individual, non-reusable containers.

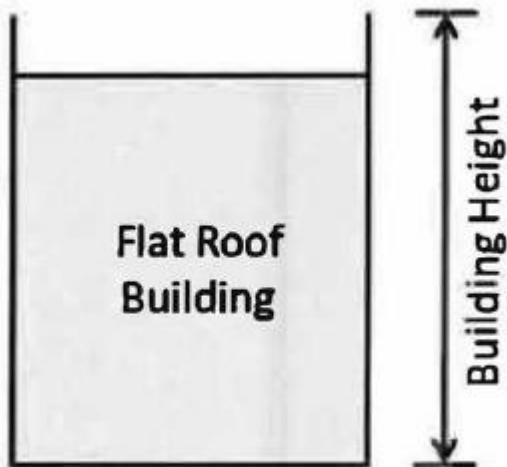
(9) In addition, any restaurant with a drive-through facility shall be considered a fast food restaurant.

RETAIL SALES, LIMITED (LIMITED RETAIL SALES). Retail sales of products manufactured, process, or delivered in bulk and repackaged for sale on the site, provided that the sales area does not exceed 20% of the gross floor area of the principal building and must adhere to the performance standards set forth in section 9.106.

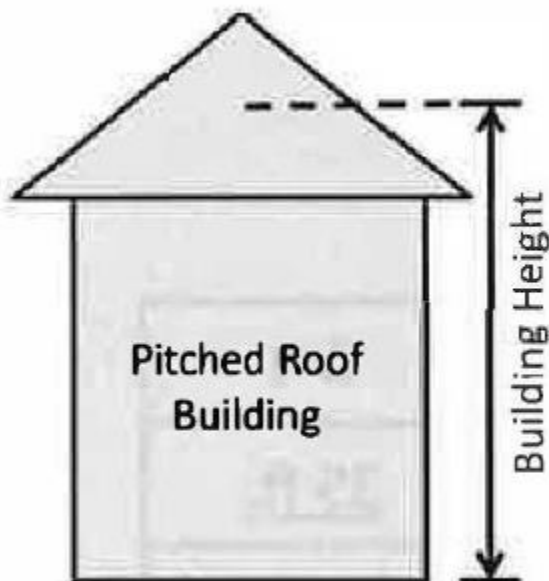
RIGHT-OF-WAY. An area or strip of land, either public or private, upon which a right-of-passage has been recorded for the use of vehicles, including trains, or pedestrians or both.

ROAD. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, service road, place or however otherwise designated.

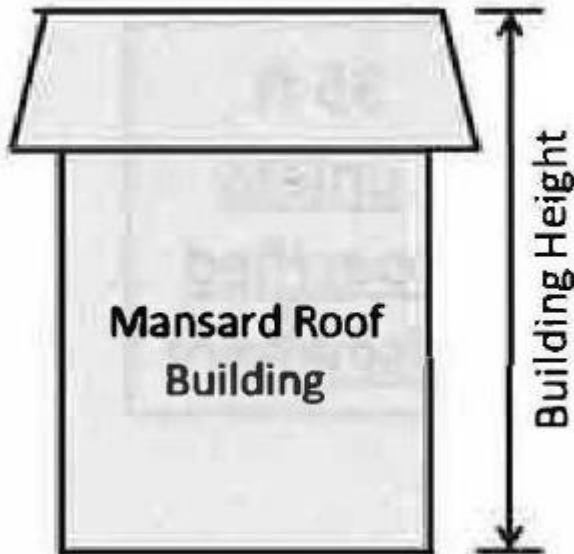
ROOF HEIGHT, FLAT. The height of a flat roof is measured as the average finished grade to the highest point on the roof (see example below):



ROOF HEIGHT, PITCHED. The height of a pitched roof is measured at the average finished grade to the mean distance between the eaves and the highest point of the roof (see example below):



ROOF HEIGHT, MANSARD. The height of a mansard roof is measured as the average finished grade to the highest peak on the mansard roof (see example below):



ROOF HEIGHT, OTHER. All other roof heights are measured as the average finished grade to the highest point or area on the roof.

ROOF LINE. The uppermost line of the roof of a building or, in the case of an extended facade, the uppermost height of said facade.

ROOMER. A person who is not a member of the family occupying a room for a charge.

ROOMING HOUSE. A residential structure that offers a room or rooms without kitchen facilities for rent.

SALVAGE OPERATION/TRANSFER STATION. Structures or systems designed for the collection, processing, or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

SAMPLING, TOBACCO. The lighting, inhalation, or combination thereof of tobacco, tobacco paraphernalia, or tobacco-related products for the purpose of testing a tobacco product prior to the sale of such product.

SCHOOL, K-12. A public, private, or parochial school offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the [state].

SCHOOL, PERFORMING/VISUAL/MARTIAL ARTS. A school where classes in the various arts (e.g. dance, painting, theater, martial) are taught to four or more persons at a time.

SCHOOL, VOCATIONAL/BUSINESS. A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills.

SEASONAL SALES STANDS. An open-air facility which sells seasonal products directly to customers on site. These products include, but are not limited to, produce, fireworks, greenhouses containing trees and plants or other seasonal goods.

SELF-SERVICE STORAGE FACILITY. A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated facilities

SEMI-PUBLIC USE. The use of land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

SETBACK. The minimum horizontal distance between a building or structure and a right-of-way, property line, ordinary high water level, or other specified facility.

SEWER SYSTEM. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial wastes or other wastes to a point of ultimate disposal and/or treatment.

SHOPPING CENTER. A group of four or more commercial uses that has either common management or ownership, or has a contiguous gross retail area of 20,000 square feet or more.

SHORE IMPACT ZONE. The land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the required structure setback for the applicable lake or river classification.

SHORELAND. Shoreland shall have the meaning given in M.S. § 103F.205, subd. 4, or successor statutes.

SHOOTING RANGE. Any building or premises where there are facilities of any sort for the firing of handguns, rifles, or other firearms.

SIGN. A structure, device, advertisement, advertising device or visual representation intended to advertise, identify or communicate information to attract the attention of the public for any purpose and without prejudice to the generality of the foregoing. A sign includes any symbols, letters, figures, graphics, or forms painted or otherwise affixed to a building or structure intended to attract the attention of the public for any purpose. This definition includes a structural or nonstructural device that borders, illuminates, animates or projects the visual representation. Signage displayed through public art displays or murals shall be subject to the sign area requirements identifying a single continuous perimeter enclosing the extreme limits of such sign.

(1) **SIGN AREA.** The entire area within a single continuous perimeter enclosing the extreme limits of such sign. Such perimeter shall, in no case, pass through or between any adjacent elements of such sign. In the case of a sign designed with more than one exterior surface, the area shall be computed as including only the maximum single display surface, which is visible from any ground position at one time, except when the signage includes a public art display or mural component. The supports, uprights, or structures on which any sign is supported, which do not form an integral part of the display, are not included in the sign area.

(2) **SIGN, MAXIMUM HEIGHT.** Refers to the vertical distance measured from the nearest finished grade to the top of such a sign.

(3) **SIGN, MINIMUM HEIGHT.** Shall refer to the vertical distance measured from the nearest finished grade to the lower limit of such sign.

(4) **SIGN STRUCTURE.** The structure which supports or is capable of supporting any sign, including the framework, braces, uprights, and supports of such signs. Said definition shall not include a building to which the sign is attached.

SIGN ALTERATION. A change of copy area, size, or location exclusive of routine maintenance, painting or change of the copy itself.

SIGN, ANIMATED. A sign that includes action or motion effected through mechanical or electrical means or wind, exclusive of flashing, changing and indexing signs.

SIGN, AREA IDENTIFICATION. A sign identifying a shopping center or multiple dwelling units.

SIGN, BILLBOARD. A non-accessory sign for the purpose of advertising a product, event, person, subject or service not entirely or directly related to the premises on which said sign is located, including a sign for the purpose of advertising the availability for rental or sale of the sign itself.

SIGN, CANOPY, AWNING OR MARQUEE. A sign suspended from or forming part of the canopy, awning, or marquee that does not extend horizontally beyond such canopy, awning or marquee.

SIGN, CHANGEABLE COPY. A sign employing detachable copy, letters or symbols which may be altered, substituted or rearranged to convey varying messages, regardless of method of attachment.

SIGN, CHANGING. A sign which displays copy changes, such as an electronically or electrically controlled public service, time and temperature sign, message center or reader-board.

SIGN, COPY. The letters, symbols, or other representatives used on a sign to convey a message.

SIGN, COPY AREA. That portion of the sign which contains the copy and to which the copy is applied.

SIGN, DIRECTIONAL. An on-premise sign designed to guide or direct pedestrian or vehicular traffic.

SIGN, DYNAMIC LED. Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any moving, flashing, blinking, or animated display and any display that incorporates LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

SIGN, ELECTRIC. A sign that uses electrical wiring on, in or near such sign to effect illumination.

SIGN, FLASHING. A sign that contains flashing lights or exhibits discernable and purposeful changes in light intensity or color.

SIGN, FREE-STANDING. A permanent sign which is not affixed to any part of a building or structure and which is supported by upright brace(s) or post(s) placed in the ground.

SIGN, IDENTIFICATION. A sign which is limited to the name, address and number of a building, structure, institution, or person in addition to the activity carried on in the building, structure or institution, or the occupation of the person.

SIGN, ILLUMINATED. A sign designed to give forth or reflect any artificial light, either directly from a source of light incorporated in or connected with such sign, or indirectly from an artificial source in the immediate proximity thereof.

SIGN, INCIDENTAL. A small sign less than two square feet in area of a noncommercial nature, intended primarily for the convenience of the public, including signs designating rest areas and public telephones.

SIGN, INSTITUTIONAL. A sign used by an institution.

SIGN, MONUMENT. A permanent freestanding sign which is not affixed to any part of a building or structure and which is typically constructed of masonry, concrete, wood or other decorative type material to complement the surrounding area.

SIGN, POLITICAL. A sign which states the name, slogan and/or picture of an individual seeking election to a public office, or which pertains to a public election or referendum, or which relates to or advocates political views or policies.

SIGN, PORTABLE. A sign that is not permanently attached to the ground or to a building or structure.

SIGN, PROJECTING. A sign which extends outward from the wall of a building or structure more than 18 inches, and is supported by or suspended from such wall.

SIGN, REAL ESTATE. A sign offering land and/or buildings for sale, lease or rental, located on such property.

SIGN, REVOLVING. A sign, any part of which turns, rotates, or revolves.

SIGN, ROOF. A sign which is painted on, affixed to, or erected upon the roof or parapet of a building or structure of which any portion is situated on or above the roof level of such building or structure and is wholly or partially supported by said building or structure.

SIGN, SANDWICH BOARD. A freestanding "A" frame sign, not requiring staking to the ground, placed near the entrance of a retail store to direct pedestrians to that business.

SIGN, TEMPORARY. A sign, banner, pennant, valance, or advertising device intended to be displayed for a limited period of time, whether portable or attached to the principal structure.

SIGN, TIME AND TEMPERATURE. A sign that displays only time and temperature information.

SIGN, VARIABLE ELECTRONIC MESSAGE. A dynamic LED sign that changes its message more frequently than once every ten seconds for commercial and industrial properties located in the LB, GB, CBD, I-1 and I-2 zoning

districts and a dynamic LED sign that changes its message more frequently than once every 10 minutes for religious and/or educational institutions located in the R-1, R-2A, R-2B, R-3, R-4, LB and PO zoning districts.

SIGN, WALL. An identification sign affixed to or painted on the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of said wall.

SIGN, WINDOW. A sign painted on, placed in, or affixed to any window, exclusive of merchandise on display.

SIGNIFICANT HISTORIC SITE. An archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites or is determined to be an unplatted cemetery that falls under the provisions of the M.S. § 307.08; or successor statutes. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the director of the Minnesota Historical Society.

SMOKE SHOP. A retail establishment that has obtained an appropriate license, in which greater than 90% of the business's gross revenue must be from the sale of tobacco, tobacco products or smoking related accessories.

SPECIFIED ANATOMICAL AREAS. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Activities including: (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or, (2) Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or, (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or, (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or, (5) Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or, (6) Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or, (7) Human excretion, urination, menstruation, vaginal or anal irrigation.

STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it; or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story.

STREET. A public right-of-way not less than 50 feet in width which affords a primary means of access to abutting property.

STRUCTURAL ALTERATION. Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, column beams, girders, or foundations.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. When a structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure.

SUBDIVISION. Land that is divided for the purposes of sale, rent, or lease and including planned unit developments.

SWIMMING POOL, ABOVE-GROUND. All swimming pools that are constructed so that the edge of the pool is greater than three and one-half feet above ground grade or has a capacity of more than 3,000 gallons of water.

SWIMMING POOL, HOT TUB. All pools that are intended for hydro-therapeutic massage and relaxation purposes that have a capacity of less than 750 gallons of water, including such pools generally constructed

with a filter unit(s), pump(s), water jet(s), molded seating and a heating unit(s). Any hot tub greater than 750 gallons of water shall be considered an above-ground pool for regulatory purposes.

SWIMMING POOL, IN-GROUND. All swimming pools constructed so that the pool edge is level with the ground grade.

SWIMMING POOL, PORTABLE. Any temporary pool designed for easy construction and removal with a maximum height of 3.5 feet or a capacity of less than 3,000 gallons of water.

TATTOO SHOP. Any room or space where tattooing is performed for compensation. Tattooing means a placement in human tissue of any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or any design, letter, scroll, figure, or symbol done by scarring upon or under the skin.

THEATER, LIVE PERFORMANCE/MOVIE. An establishment for the performing arts with open-air seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions.

TRANSITIONAL/EMERGENCY HOUSING. A facility, other than a community living arrangement, managed by a public or nonprofit agency that provides short-term housing and a protective sanctuary for victims of fire, natural disaster, economic hardship, crime, abuse, or neglect, including emergency housing during crisis intervention for victims of rape, child abuse, or physical beatings which contains individual sleeping rooms and may or may not have food preparation facilities and private shower or bath facilities.

TWINHOME. A single-family residential dwelling on an individual lot, sharing a common wall with another single-family residential dwelling.

USE. The purpose or activity for which the land, structure or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

USE, CONDITIONAL. Either a public or private use as listed which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district.

USE, INTERIM. A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

USE, PERMITTED. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards of such district.

USE, PRINCIPAL. The main use of land or buildings.

VENDING MACHINE. Any coin operated device that dispenses a product or service without an attendant.

WALL SURFACE. The total horizontal area of the building face, including windows and door areas, measured to the extreme outer limits of such wall surface.

WAREHOUSING AND/OR DISTRIBUTION. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

YARD. A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky except as expressly permitted in this article. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

YARD, FRONT. A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the district in which such lot is located.

YARD, REAR. A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

YARD, SIDE. A yard extending along a side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

ZONING ADMINISTRATOR. Person appointed by the City Manager as provided by this article.

ZONING DISTRICT. An area or areas within the limits of the city for which the regulations and requirements governing use are uniform.

Section 2

The following administrative processes are amended or deleted as provided in Section 9.104 of the City Code of 2005, is hereby established to read as follows:

(A) General provisions.

(1) Purpose. This article sets forth the procedures required for the administration of this article, outlines the powers and duties of the officials and bodies charged with such administration, establishes standards for required approvals, and provides enforcement in a manner which protects the public health, safety and general welfare.

(2) Concurrent review. In order to provide for the efficient: administration of this article, all applications for a single project or proposal that require multiple actions shall be processed concurrently.

(3) Substantially similar uses. Whenever an application contains a use not specifically included in this article, the Zoning Administrator shall issue a statement of clarification, finding that the use is either substantially similar in character and impact to a use regulated in this article or that the use is not substantially similar to any other use regulated in this article. If the use is not substantially similar to any other use regulated in this article, the use shall be prohibited.

(B) Authority and duties for administration.

(1) Authority. The following city officials and bodies, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this article:

(a) Zoning Administrator;

(b) Development Review Committee;

(c) Planning Commission;

(d) City Council.

(2) Zoning Administrator.

(a) Authority. The Zoning Administrator shall be appointed by the City Manager to administer and enforce the provisions of this article.

(b) Duties. The Zoning Administrator shall have the following responsibilities:

1. Conduct inspections of buildings and uses of land to determine compliance with the provisions of this article.

2. Maintain permanent and current records of this article, including, but not limited to, all associated maps, amendments, conditional uses, variances, and appeals.

3. Receive, file and forward all applications for appeals, variances, conditional use permits, interim use permits, zoning ordinance amendments, vacations, minor subdivisions, preliminary plats, final plats or other matters to the appropriate decision-making body.

4. Make a determination of compliance with this article on all applications for building permits and certificates of occupancy.

5. Provide zoning information to residents and others upon request.

6. Interpret the provisions of this article.

(3) Development Review Committee.

(a) Authority. The membership of the Development Review Committee shall be city staff members as appointed by the City Manager.

(b) Duties. The Development Review Committee shall have the following responsibilities:

1. Review plans and plats for conformance with the technical requirements of this article.

2. Make recommendation to the Planning Commission and City Council regarding applications for development or land use approvals.

(4) Planning Commission.

(a) Authority. The Planning Commission shall be appointed by the City Council.

(b) Duties. The Planning Commission shall have the following responsibilities:

1. Hear and make recommendations to the City Council regarding all applications for a conditional use permit or an amendment to a conditional use permit.

2. Hear and make the final decisions on all applications for an interim use as defined in this article.

3. Hear and make recommendations to the City Council regarding all applications for an amendment to this article, both text amendments and amendments to the district boundaries on the official zoning map.

4. Hear and make recommendations to the City Council regarding all applications for minor subdivisions, preliminary plats and final plats.

5. Review, hold public hearings, and prepare recommendations on any changes to the City's Comprehensive Plan.

6. Review this article from time to time and make recommendations to the City Council that changes be initiated.

7. Hear and make recommendations on any other matter referred to it by the City Council.

(c) Board of Appeals and Adjustment duties. In accordance with M.S. § 462.354, as it may be amended from time to time, the City Council has designated the Planning Commission as the Board of Appeals and Adjustments. As such, the Planning Commission shall have the following additional responsibilities:

1. Hear and make decisions on all applications for an appeal of any administrative order, requirement, determination or final decision made by the Zoning Administrator or other official in the administration of this article.

2. Hear and make decisions on all applications for a variance from the literal provisions of this article.

(5) City Council.

(a) Authority. The City Council shall have the authority given to it by state statutes.

(b) Duties. The City Council shall hear and make the final decision on all matters identified as requiring City Council action in this article.

(C) General application procedures.

(1) Applications. All applications for land use or development approval shall be made on the appropriate application, as approved by the city and available from the Community Development Department. The application shall be accompanied by detailed written and graphic materials fully explaining the proposed development or land use change, as required by the Zoning Administrator. The application shall also be accompanied by the appropriate fee, proof of legal interest in the property, and two copies of a list of property owners within 350 feet of the subject property or as otherwise defined in state statutes, in the format required by the Zoning Administrator.

(2) Additional information. The Zoning Administrator may require applicants for land use or development approval to submit additional information as may be necessary to evaluate the application. Such additional information may include, but shall not be limited to, traffic studies, engineering studies and environmental studies. The costs of such studies shall be the responsibility of the applicant, with the person or firm preparing the study approved by the Zoning Administrator.

(3) Pre-application conference. A pre-application conference with the Zoning Administrator shall be required prior to the submission of any application for land use or development approval. The purpose of the conference is to review application procedures and ordinance requirements with the applicant, to exchange information regarding the proposed project, and to identify potential opportunities and constraints for development of the site under consideration.

(4) Completeness of application. No application for land use or development approval shall be deemed complete until all items that are required in support of the application, including any additional studies or information required by the Zoning Administrator, have been submitted.

(5) Application fees. Fees for all applications for development or land use approval shall be a flat rate and established by resolution of the City Council. The city retains the right to require an escrow and additional payment for any out-of-pocket expenses for consultants and professional services and/or to obtain an escrow for cases that are extraordinary in size or complexity. Remaining escrowed funds not spent in reviewing the application shall be returned to the applicant. Payment of all fees is a condition of application approval. The Community Development Department will keep a record of current fees for all land use applications.

(6) Required action. Pursuant to M.S. § 15.99, as it may be amended from time to time, all applications for land use or development approval shall be approved or denied as per state statute, unless extended pursuant to statute or unless a time waiver has been granted by the applicant.

(7) Reconsideration of applications. No application for land use or development approval that has been denied by the City Council, in whole or in part, shall be reconsidered for a period of six months from the date of City Council action on the application.

(8) Expiration of approval. If substantial development or construction has not taken place within one year of the date of City Council approval of an application for land use or development approval, the approval shall be considered void unless a petition for time extension has been granted by the City Council. Such extension shall be submitted in writing at least 30 days prior to the expiration of the approval and shall state facts showing a good faith effort to complete the work permitted under the original approval. This provision shall not apply to zoning amendments or vacations of streets, alleys or public rights-of-way.

(D) Public hearings.

(1) Notice of public hearing. For all development or land use applications requiring a public hearing, notice of the public hearing shall be as follows:

(a) Official publication. The Zoning Administrator shall publish notice of the time, place and purpose of the public hearing at least once in the official city newspaper, not less than 10 days nor more than 30 days before the hearing.

(b) Notice to affected property owners. The Zoning Administrator shall mail a written notice of the time, place and purpose of the public hearing to all owners of record of property located in whole or in part within 350 feet of the boundaries of the subject property, or as otherwise defined in state statutes, not less than 10 days nor more than 30 days before the hearing. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this requirements has been made.

(c) Notice to Department of Natural Resources. When a land use or development application relates to property within the Floodplain Management or Shoreland Management Overlay District, the Zoning Administrator shall mail a written notice of public hearing to the Commissioner of Natural Resources at least 21 days before the hearing.

(2) Hearing procedure. All hearings shall be open to the public. Any person may appear and testify at a hearing in person or by representative. Upon conclusion of the public testimony, the decision-making body shall announce its decision or recommendation, or shall continue the matter to a subsequent meeting.

(E) Appeals.

(1) Right of appeal. At any time within 30 days after a written order, requirement, determination or final decision has been made by the Zoning Administrator or other official in interpreting or applying this article, except for actions taken in connection with prosecutions for violations thereof, the applicant or any other person affected by such action may appeal the decision.

(2) Application for appeal. An appeal must be made by filing a written notice of appeal addressed to the Zoning Administrator and Planning Commission, and stating the action appealed as well as the specific grounds upon which the appeal is made.

(3) Public hearing. The Planning Commission, sitting as the Board of Appeals and Adjustments, shall hold a public hearing on the appeal in accordance with the requirements of this section. After the close of the hearing, the Planning Commission shall render its findings.

(F) Zoning amendments.

(1) Right of application. Amendments to the text of this article or to the district boundaries on the official zoning map may be initiated by the City Council, the Planning Commission, or by application of any person with a legal interest in the affected property.

(2) Application for amendment. An application for an amendment to change the district boundaries on the official zoning map or the text of this article shall be filed with the Zoning Administrator on the approved form and shall be accompanied by a map or plat showing the lands proposed to be changed, a concept development plan and any other information determined by the Zoning Administrator to be necessary.

(3) Public hearing. The Planning Commission shall hold a public hearing on the complete application for a zoning amendment and all amendments initiated by the City Council or Planning Commission in accordance with the requirements of this section. After the close of the hearing, the Planning Commission shall make findings and submit its recommendation to the City Council.

(4) City Council action. The City Council shall make the final decision regarding an application for a zoning amendment. Amendments of this article or the district boundaries on the official zoning map shall require a four-fifths majority vote of the City Council.

(5) Required findings. The City Council shall make each of the following findings before granting approval of a request to amend this article or to change the district boundaries on the official zoning map:

(a) The amendment is consistent with the comprehensive plan.

(b) The amendment is in the public interest and is not solely for the benefit of a single property owner.

(c) Where the amendment is to change the zoning classification of a particular property, the existing use of the property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification.

(d) Where the amendment is to change the zoning classification of a particular property, there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its current zoning classification.

(G) Variances.

(1) Purpose. The purpose of a variance is to provide a means of departure from the literal provisions of this article. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. It is not the intent of this section to allow a variance for a use that is not permitted within a particular zoning district.

(2) Right of application. Any person with a legal interest in the property may file an application for one or more variances.

(3) Application for variance. An application for a variance shall be filed with the Zoning Administrator on the approved form and shall be accompanied by a site plan and any other information determined by the Zoning Administrator to be necessary.

(4) Public hearing. The Planning Commission, sitting as the Board of Appeals and Adjustments, shall hold a public hearing on the complete application for a variance in accordance with the requirements of this section. After the close of the hearing, the Planning Commission shall make findings and submit its recommendation to the City Council.

(5) City Council action. The City Council shall make the final decision regarding an application for a variance from the provisions of this article. Approval of a variance shall require a simple majority vote of the City Council.

(6) Required findings. The City Council shall make each of the following findings before granting a variance from the provisions of this article:

(a) Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the provisions of this article would cause practical difficulties in conforming to the zoning ordinance. The applicant, however, is proposing to use the property in a reasonable manner not permitted by the zoning ordinance.

(b) The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classification.

(c) The practical difficulties are caused by the provisions of this article and have not been created by any person currently having a legal interest in the property.

(d) The granting of the variance is in harmony with the general purpose and intent of the Comprehensive Plan.

(e) The granting of the variance will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

(7) Conditions of approval. The City Council may establish any reasonable conditions of approval that are deemed necessary to mitigate adverse impacts directly associated with granting of the variance and to protect neighboring properties.

(H) Conditional use permits.

(1) Purpose. The conditional use permit process is intended as a means of reviewing uses which, because of their unique characteristics, cannot be permitted as a right in a specific zoning district, but may be allowed upon demonstration that such use meets identified standards established in this article. A conditional use permit is granted for a specific use of a specific property, and may be transferred to subsequent owners as long as the conditions agreed upon are observed.

(2) Right of application. Any person with a legal interest in the property may file an application for a conditional use permit, provided said conditional use is identified as a conditional use within the zoning district in which the property is located.

(3) Application for conditional use permit. An application for a conditional use shall be filed with the Zoning Administrator on the approved form and shall be accompanied by a site plan, a detailed written description of the proposed use and any other information determined by the Zoning Administrator to be necessary.

(4) Public hearing. The Planning Commission shall hold a public hearing on the complete application for a conditional use permit in accordance with the requirements of this section. After the close of the hearing, the Planning Commission shall make findings and submit its recommendation to the City Council.

(5) City Council action. The City Council shall make the final decision regarding an application for a conditional use permit. Approval of a conditional use permit shall require a simple majority vote of the City Council.

(6) Required findings. The City Council shall make each of the following findings before granting a conditional use permit:

(a) The use is one of the conditional uses listed for the zoning district in which the property is located, or is a substantially similar use as determined by the Zoning Administrator.

(b) The use is in harmony with the general purpose and intent of the comprehensive plan.

(c) The use will not impose hazards or disturbing influences on neighboring properties.

(d) The use will not substantially diminish the use of property in the immediate vicinity.

(e) The use will be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.

(f) The use and property upon which the use is located are adequately served by essential public facilities and services.

(g) Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.

(h) The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.

(i) The use complies with all other applicable regulations for the district in which it is located.

(7) Conditions of approval. The City Council may establish any reasonable conditions of approval that are deemed necessary to mitigate adverse impacts associated with the conditional use, to protect neighboring properties, and to achieve the objectives of this article.

(8) Revocation. Failure to comply with any condition set forth as part of a conditional use permit shall be a violation of this article and is subject to the enforcement process identified in this section. Continued noncompliance shall be grounds for revocation of the conditional use permit, as determined by the City Council following a public hearing on the issue.

(9) Discontinuance. When a conditional use has been established and is discontinued for any reason for a period of one year or longer, or where a conditional use has been changed to a permitted use or any other conditional use, the conditional use permitted shall be considered abandoned.

(l) Interim uses.

(1) Purpose. The interim use process provides for a temporary use of land for a specific period of time, and may be allowed upon demonstration that such use meets identified standards established in this article. It is intended that the interim use of land does not run with the land, and would need to be approved upon each subsequent use.

(2) Right of application. Any person with a legal interest in the property may file an application for an interim use, provided said interim use is identified as an interim use within the zoning district in which the property is located.

(3) Application for interim use. An application for an interim use shall be filed with the Zoning Administrator on the approved form and shall be accompanied by a site plan, a detailed written description of the proposed use and any other information determined by the Zoning Administrator to be necessary.

(4) Public hearing. The Planning Commission shall hold a public hearing on the complete application for an interim use in accordance with the regulations of this section. After the close of the public hearing, the Planning Commission shall make findings and make the final decision regarding the application.

(5) Required findings. The Planning Commission shall make each of the following findings before granting an interim use:

(a) The use is one of the interim uses listed for the zoning district in which the property is located, or is a substantially similar use, as determined by the Zoning Administrator.

(b) The use is in harmony with the general purpose and intent of the Comprehensive Plan.

(c) The use will not impose hazards or disturbing influences on neighboring properties.

(d) The use will not substantially diminish the use of property in the immediate vicinity.

(e) The use will be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.

(f) Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.

(g) The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.

(6) Conditions of approval. The Planning Commission may establish any reasonable conditions of approval that are deemed necessary to mitigate adverse impacts associated with the interim use, to protect neighboring properties, and to achieve the objectives of this article.

(7) Time duration. An interim use shall be granted for a maximum of 90 days per calendar year, unless otherwise specified in this article.

(8) Discontinuance. An interim use shall be deemed discontinued after the specified time duration has elapsed. Upon discontinuance of an interim use, all subsequent interim uses shall require an interim use permit.

(J) Vacations.

(1) Purpose. The vacation process allows for the vacation of public streets, alleys or other public rights-of-way when it is demonstrated that the public reservation of the land no longer serves a clearly identified public purpose.

(2) Right of application. Any person or persons who own property adjoining both sides of the street, alley or other public right-of-way to be vacated may file an application for vacation. In the event that the person or persons making the request do not own all of the adjoining parcels, the application shall be accompanied by affidavits from all such property owners indicating their consent.

(3) Application for vacation. An application for the vacation of a street, alley or other public right-of-way shall be filed with the Zoning Administrator on the approved form and shall be accompanied by a legal description, a survey depicting the area to be vacated, a list of all property owners with land adjacent to the area to be vacated, and any other information determined by the Zoning Administrator to be necessary.

(4) Public hearing. The Planning Commission shall hold a public hearing on the completed application for the vacation of a street, alley or other public right-of-way in accordance with the requirements of this section. After the close of the hearing, the Planning Commission shall make findings and submit its recommendation to the City Council.

(5) City Council action. The City Council shall make the final decision regarding an application for the vacation of a street, alley or other public right-of-way. Approval of the vacation shall require a four-fifths majority vote of the City Council.

(6) Required findings. The City Council shall make each of the following findings before vacating a street, alley or other public right-of-way:

- (a) No private rights will be injured or endangered as a result of the vacation.
- (b) The public will not suffer loss or inconvenience as a result of the vacation.

(K) Minor subdivisions (lot splits).

(1) Purpose. The purpose of this process is to provide for approval of subdivisions that meet specific criteria and for the waiver of standard platting requirements specified elsewhere in this article. It is intended to enable administrative approval of minor subdivisions that facilitate the further division of previously platted lots, the combination of previously platted lots into fewer lots, or for the adjustment of an existing lot line by relocation of a common boundary.

(2) Right of application. Any person having a legal interest in the property may file an application for a minor subdivision. For an adjustment of an existing lot line, the application shall be accompanied by affidavits from all affected property owners indicating their consent.

(3) Application for minor subdivision. An application for a minor subdivision shall be filed with the Zoning Administrator on the approved form and shall be accompanied by an accurate boundary survey and legal description of the original parcel, a survey and legal description of the resulting parcels, and any other information determined by the Zoning Administrator to be necessary.

(4) Required findings. The Zoning Administrator shall make each of the following findings before approving a minor subdivision:

- (a) The proposed subdivision of land will not result in more than three lots.
- (b) The proposed subdivision of land does not involve the vacation of existing easements.

(c) All lots to be created by the proposed subdivision conform to lot area and width requirements established for the zoning district in which the property is located.

(d) The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property or additional dedication of public right-of-way.

(e) The proposed subdivision does not include a change in existing streets, alleys, water, sanitary or storm sewer or other public improvements.

(f) The property has not previously been divided through the minor subdivision provisions of this article.

(g) The proposed subdivision does not hinder the conveyance of land.

(h) The proposed subdivision does not hinder the making of assessments or the keeping of records related to assessments.

(i) The proposed subdivision meets all of the design standards specified in the § 9.116.

(5) Conditions of approval. The Zoning Administrator may establish any reasonable conditions of approval that are deemed necessary to protect the public interest and ensure compliance with the provisions of this article, including, but not limited to, the following:

(a) The applicant shall provide required utility and drainage easements for all newly created lots and be responsible for the cost of filing and recording written easements with the Anoka County Recorder's Office.

(b) The applicant shall pay parkland dedication fees for each lot created beyond the original number of lots existing prior to subdivision, except when such fees have been applied to the property as part of a previous subdivision.

(6) Recording of minor subdivision. Upon approval of a minor subdivision, the applicant shall be responsible for filing the subdivision survey with the Anoka County Recorder's Office. Any minor subdivision approved under this section shall become invalid if the minor subdivision is not filed with the Anoka County Recorder within one year of the date of the City Council action.

(L) Preliminary plats.

(1) Purpose. A preliminary plat is a drawing intended to illustrate the proposed subdivision of land within the city. Preliminary plat approval is required for all subdivisions of land not specifically exempted in this article. Approval of a preliminary plat is authorization to proceed with the final plat and does not constitute approval of the subdivision.

(2) Right of application. Any person having a legal interest in the property may file an application for a preliminary plat.

(3) Application for preliminary plat. An application for a preliminary plat shall be filed with the Zoning Administrator on the approved form and shall be accompanied by an accurate boundary survey and legal description of the original parcel, five copies of the preliminary plat, and any other information determined by the Zoning Administrator to be necessary.

(4) Public hearing. The Planning Commission shall hold a public hearing on the completed application for a preliminary plat in accordance with the requirements of this section. After the close of the hearing, the Planning Commission shall make findings and submit its recommendation to the City Council.

(5) City Council action. The City Council shall make the final decision regarding an application for a preliminary plat. Approval of a preliminary plat shall require a simple majority vote of the City Council.

(6) Required findings. The City Council shall make each of the following findings before approving a preliminary plat:

(a) The proposed preliminary plat conforms with the requirements of § 9.116.

(b) The proposed subdivision is consistent with the comprehensive plan.

(c) The proposed subdivision contains parcel and land subdivision layout that is consistent with good planning and site engineering design principles.

(7) Expiration of preliminary plat. An approved preliminary plat shall be valid for a period of one year from the date of City Council approval. In the event that a final plat is not submitted within this time period, the preliminary plat will become void.

(M) Final plats.

(1) Purpose. A final plat is a drawing representing the proposed subdivision of land within the city and serves as the document for recording purposes, as required by the Anoka County Recorder's Office.

(2) Right of application. Any person having a legal interest in the property may file an application for a final plat. A preliminary plat for the property must have been approved within the past year for a final plat application to be accepted by the city.

(3) Application for final plat. An application for a final plat shall be filed with the Zoning Administrator on the approved form and shall be accompanied by five copies of the final plat and any other information determined by the Zoning Administrator to be necessary.

(4) Public hearing. The Planning Commission shall hold a public hearing on the complete application for a final plat in accordance with the requirements of this section. After the close of the hearing, the Planning Commission shall make findings and submit its recommendation to the City Council.

(5) City Council action. The City Council shall make the final decision regarding an application for a final plat. Approval of a final plat shall require a simple majority vote of the City Council.

(6) Required findings. The City Council shall make each of the following findings before approving a final plat:

(a) The final plat substantially conforms to the approved preliminary plat.

(b) The final plat conforms with the requirements of § 9.116.

(7) Recording of final plats. Upon approval of a final plat, the applicant shall be responsible for filing and recording the final plat with the Anoka County Recorder's Office within one year of the date of City Council action. In the event that a final plat is not recorded within this time period, the final plat will become void.

(N) Site plan review.

(1) Purpose. The purpose of the site plan review process is to promote the efficient use of land and visual enhancement of the community, ensure that newly developed and redeveloped properties are compatible with adjacent development, and that traffic conflicts, public safety and environmental impacts are minimized to the greatest extent possible.

(2) Site plan review required. All site development plans for new development, or additions to existing structures other than one- and two-family residences, shall be reviewed and approved by the Planning and Zoning Commission and Development Review Committee prior to the issuance of a building permit.

(3) Required information. An application for site plan review shall be filed with the Zoning Administrator on the approved form and shall be accompanied by a vicinity map; an accurately scaled site plan showing the location of proposed and existing buildings, existing and proposed topography, vehicular access and parking areas, landscaping, and other site features; elevation views of all proposed buildings and structures; and any other information determined by the Zoning Administrator to be necessary.

(4) Required findings. The Development Review Committee shall conduct the administrative review of all site plan approval requests. All findings and decisions of the Committee shall be forwarded to the Planning and Zoning Commission for final decision, unless the Zoning Administrator determines that Development Review Committee approval of site plan is sufficient. The Planning and Zoning Commission shall make each of the following findings before approving a site plan:

(a) The site plan conforms to all applicable requirements of this article.

(b) The site plan is consistent with the applicable provisions of the city's comprehensive plan.

(c) The site plan is consistent with any applicable area plan.

(d) The site plan minimizes any adverse impacts on property in the immediate vicinity and the public right-of-way.

(5) Conditions of site plan approval. The Development Review Committee and the Planning and Zoning Commission may impose conditions of approval on any site plan and require guarantees deemed necessary to ensure compliance with the requirements of this section.

(6) Changes to approved site plan. An approved site plan may not be changed or modified without the approval of the City Zoning Administrator. If the proposed change is determined by the Zoning Administrator to be minor in nature, a revised site plan may not be required. In all other cases, a revised site plan shall be submitted for review and approval in accordance with this section.

(7) Expiration of site plan approval. The approval of a site plan by the Planning and Zoning Commission shall be valid for a period of one year.

(O) Other development approvals and permits.

(1) Building permits. Building permits are required in accordance with the adopted building code. No building permit shall be issued unless the proposed construction or use is in conformance with the requirements of this article and all necessary zoning approvals have been granted.

(2) Sign permits. All signs displayed within the city are required to obtain a sign permit from the Zoning Administrator in accordance with § 9.106, unless herein excluded.

(3) Site plan approval. All site development plans for development, other than one- and two-family residences, shall be reviewed and approved by the Development Review Committee prior to the issuance of a building permit.

(P) Enforcement.

(1) Complaints. The Zoning Administrator shall have the authority to investigate any complaint alleging a violation of this article or the conditions of any zoning or plat approval, and take such action as is warranted in accordance with the provisions set forth in this article.

(2) Procedure.

(a) Notice of violation. The Zoning Administrator shall provide a written notice to the property owner or to any person responsible for such violation, identifying the property in question, indicating the nature of the violation, and ordering the action necessary to remedy the violation, including a reasonable time period for action. Additional written notices may be provided at the Zoning Administrator's discretion.

(b) Enforcement without notice. Whenever the Zoning Administrator finds that an emergency exists in relation to the enforcement of the provisions of this article, which requires immediate action to protect the health, safety or welfare of the occupants of any structure, or the public, the Zoning Administrator may seek immediate enforcement without prior written notice.

(3) Violation and penalties. Any person, firm or corporation violation any of the provisions of this article or any amendments thereto is guilty of a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 3

The following language for Nonconforming Uses is amended and deleted as provided in Section 9.105 of the City Code of 2005, is hereby established to read as follows:

(A) General Provisions.

(1) Purpose.

(a) This section regulates and limits the continued existence of uses, structures, lots and signs that were lawfully established prior to the effective date of this article but do not conform to the regulations set forth in this article.

(b) The zoning districts established in this article are designed to guide the future use of land within the city by encouraging the development and maintenance of desirable residential, commercial, industrial and public uses in specific locations throughout the city. The continued existence of nonconformities is inconsistent with the purposes for which the zoning districts are established and the gradual elimination of nonconformities is generally desirable.

(2) Continuation of nonconformities.

(a) Legal nonconformities shall be allowed to continue as long as they remain otherwise lawful, subject to the provisions of this section. Nonconformities that were not lawfully in existence on the effective date of this article shall be prohibited.

(b) Nothing contained in this section shall be construed to permit a violation of any provision of the Columbia Heights City Code or the continuation of any unsafe or unsanitary condition.

(3) Change of ownership. A change in tenancy, management or ownership of a nonconformity shall be allowed, provided there is no change in the nature or character of the nonconformity, except as otherwise provided by this section.

(B) Nonconforming uses.

(1) Nonconformity established. Any use of land that is not identified as a permitted, provisional or conditional use within the zoning district in which the property is located shall be deemed a nonconforming use of land.

(2) Right to continue. A legal nonconforming use of land may be continued as it existed on the effective date of this article, except as provided for herein.

(3) Expansion prohibited. A nonconforming use of land shall not be enlarged, increased, expanded or changed in any manner or dimension except to comply with the provisions of this article.

(4) Intensification prohibited. A nonconforming use of land shall not be intensified in character or operation, including, but not limited to, increased hours of operation and the expansion of the use to a portion of the property not previously used.

(5) Repair and maintenance. Minor repairs and routine maintenance of a structure containing or related to a nonconforming use of land that are necessary to keep the structure in a sound and safe condition are permitted.

(6) Discontinuation of use. A nonconforming use of land that has been discontinued for a period of six months shall not be re-established.

(7) Change of use. A nonconforming use of land that has been changed to a conforming use shall not thereafter be changed back to any nonconforming use. A change in the use of land from one nonconforming use to another nonconforming use is prohibited.

(8) Reduction of nonconformity. A nonconforming use that is reduced in size, intensity or otherwise becomes more conforming may not again be expanded or become less conforming. Removal of a structure, relocation of the use, and reduction or elimination of any site element (such as outdoor storage) is deemed a reduction in intensity.

(9) Damaged or destroyed. Any nonconforming use destroyed by fire or other peril to the extent that the value is greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged, the use loses its legal nonconforming status. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

(10) Uses in Floodway District. Nonconforming uses located in the Floodway District shall be eliminated or brought into conformity with the standards contained in this article within a reasonable period of time as determined by the City Council, after a hearing for each such nonconforming use. The Board shall make its determination upon the basis of the normal useful life of any improvement upon the premises. In addition, the monetary value of any competitive advantage derived by the operation of such nonconforming use, by reason of

the limitation on establishment of competing businesses as a result of this article, shall be considered as a reduction of losses resulting from the requirement of termination of the use under this article.

(C) Nonconforming structures.

(1) Nonconformity established. Any building or structure that does not conform to the setback, dimensional or density standards of the zoning district in which the property is located shall be deemed a nonconforming structure.

(2) Right to continue. A legal nonconforming structure may be continued as it existed on the effective date of this article, except as provided for herein.

(3) Expansion prohibited. A nonconforming accessory building shall not be enlarged, altered or expanded in any manner or dimension. A nonconforming principal structure shall not be enlarged, altered or expanded in any manner or dimension, unless the alteration or expansion: 1) does not increase the degree of nonconformity; 2) does not further infringe upon established setbacks or building restrictions; 3) does not exceed 50% of the assessed value of the structure over the life of the structure at the time it became nonconforming; and 4) would substantially reduce potential flood damages for the entire structure.

(4) Repair and maintenance. Minor repairs and routine maintenance necessary to keep a nonconforming structure in a sound and safe condition are permitted.

(5) Damaged or destroyed. A nonconforming structure that is damaged or destroyed by fire or natural causes, to the extent that the cost of repair is more than 50% of the assessed value, shall not be restored unless it is brought into conformance. However, any principal residential structure located in a LB (Limited Business District), which falls within the "Town Square Concept" (adopted August, 2000) of the Columbia Heights Downtown Master Plan, and is damaged or destroyed by fire or natural causes over 50% of the assessed value, the dwelling may be reconstructed in the same footprint as the original structure, but may not be expanded in size.

(6) Increased livability. Alterations may be made to a building containing nonconforming residential units when the alteration will improve the livability thereof, provided it will not increase the number of dwelling units nor the outside dimensions of the building.

(D) Nonconforming lots.

(1) Nonconformity established. A lot of record that does not: conform to the width, depth, lot area or frontage requirements of the zoning district in which the property is located is deemed a nonconforming lot.

(2) Combination of lots required. If two or more nonconforming lots are contiguous and under common ownership on the effective date of this article, such lots shall be combined for the purposes of development in order to satisfy the requirements of this article.

(3) Lot developable. A nonconforming lot that can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the minimum required in the applicable zoning district, can be used as proposed just as if it were conforming.

(4) Variance required. Development of a nonconforming lot that will be conforming with all applicable regulations, except for applicable setback requirements, shall require a variance in accordance with the provisions found in § 9.104.

(E) Nonconforming signs.

(1) Nonconformity established. A sign that was installed prior to July 13, 1981, and does not conform to the requirements of § 9.106 is deemed a nonconforming sign.

(2) Right to continue. A legal nonconforming sign may be continued as it existed on the effective date of this article, except as provided for herein.

(3) Expansion prohibited. A nonconforming sign shall not be enlarged, reconstructed or altered in any manner or dimension except to comply with the provisions of this article.

(4) Repair and maintenance. Minor repairs and routine maintenance of a nonconforming sign that are necessary to keep the structure in a sound and safe condition are permitted. If the nonconforming sign requires significant repairs or replacement, the Zoning Administrator may require its removal.

(5) Discontinuation of use. A nonconforming sign that has not been used for a period of six months shall be removed from the property.

(6) Damaged or destroyed. A nonconforming sign that is damaged or destroyed by any cause or means, to the extent that the cost of repair is more than 50%, of the assessed market value, shall not be restored unless to a conforming sign.

Section 4

The following language for General Development Standards is added, amended and deleted as provided in Section 9.106 of the City Code of 2005, is hereby established to read as follows:

§ 9.106 GENERAL DEVELOPMENT STANDARDS.

(A) General provisions.

(1) Purpose. The purpose of this section is to establish regulations of general applicability to property throughout the city, to promote the orderly development and use of land, to minimize conflicts between uses of land, and to protect the public health, safety and welfare.

(2) Applicability. The regulations set forth in this section shall; apply to all structures and uses of land, except as otherwise provided in this article.

(B) Lot controls.

(1) Purpose. Lot controls are established to provide for the orderly development and use of land, and to provide for adequate light, air, open space and separation of uses.

(2) Use of lots. All lots shall be used in a manner consistent with the requirements of the zoning district in which the property is located. No part of any existing lot shall be used as a separate lot or for the use of another lot, except as otherwise provided in this article.

(3) Lot divisions. No lot shall be divided into two or more lots unless all lots resulting from such division conform to all applicable regulations of this article.

(4) Lots of record. A lot of record shall be deemed a buildable lot provided it has frontage on a public right-of-way and meets the setback and area requirements for the district in which it is located, or adjusted to conform as follows: a lot or lot of record upon the effective date of this article which is in a residential district and which does not meet the requirements of this article as to area or width, may be utilized for single-family detached dwelling purposes provided the measurements of such lot meets 100% of the front yard, side yard and rear yard setback requirements for the district in which it is located and 60% of the minimum lot area or lot width requirements for the district in which it is located.

(5) Principal buildings in residential districts. There shall be no more than one principal building on a lot in any residential district, unless otherwise provided for through a mixed use planned development.

(6) Principal buildings in non-residential districts. There may be more than one principal building on a lot in non-residential districts, provided each building meets all of the requirements, including setbacks, of the district in which it is located.

(7) Required yards. Yard requirements shall be as specified for the zoning district in which the lot is located. No yard or other open space shall be reduced in area or dimension so as to make such yard or other open space less than the minimum required by this article. If the existing yard or other open space is less than the minimum required, it shall not be further reduced. In addition, no required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, open space, or minimum lot area requirements for any other structure or lot.

(8) Setback exception in residential districts. In any residential district where the average depth of the front yard for buildings within 200 feet of the lot in question and within the same block front is lesser or greater than that required by article, the required front yard for the lot in question shall be the average plus or minus 10% of the depth; however, the depth of the required front yard shall not be less than 10 feet nor more than 50 feet.

(9) Corner lots. For corner lots, the shorter lot line abutting a public street shall be deemed the front lot line for purposes of this article, and the longer lot line abutting a public street shall be deemed a side lot line.

(10) Through lots. For through lots, both lot lines that abut a public street or other right-of-way shall be deemed front lot lines for purposes of this article, and the required front yard shall be provided along each front lot line.

(11) Yard encroachments. The following uses shall not be considered as encroachments into required yards, provided they are not located closer than one foot to the property line, except for fences:

(a) Cornices, canopies, awnings, eaves, bay windows and other ornamental features, provided they do not extend more than three feet into the required yard.

(b) Chimneys, air conditioning units, fire escapes, uncovered stairs, ramps and necessary landings, provided they do not extend more than four feet into the required yard.

(c) Fences constructed and maintained in accordance with the applicable provisions of this article.

(d) Driveways and parking areas constructed and maintained in accordance with the applicable provisions of this article.

(e) Accessory buildings constructed and maintained in accordance with the applicable provisions of this article.

(f) Mechanical equipment constructed and maintained in accordance with the applicable provisions of this article.

(g) Signs constructed and maintained in accordance with the applicable provisions of this article.

(h) Private swimming pools, tennis courts, basketball courts or other private recreational facilities constructed and maintained in accordance with the applicable provisions of this article.

(12) Traffic visibility. No planting, structure or other obstruction shall be placed or allowed to grow on corner lots in a manner that will impede vision on the intersecting rights-of-way, in accordance with the following sight triangles:

(a) Street intersections. No planting or structure in excess of 30 inches above the abutting curb line shall be permitted within the sight triangle, defined as the area beginning at the intersection of the projected curb line of two intersecting streets, then 30 feet along one curb line, diagonally to a point 30 feet from the point of beginning on the other curb line, then back to a point of beginning.

(b) Street and alley intersections. No planting or structure in excess of 30 inches above the abutting curb line shall be permitted within the sight triangle, defined as the area beginning at the point of intersection of the projected curb line and the alley right-of-way, then 30 feet along the street curb line, diagonally to a point 15 feet from the point of beginning along said alley right-of-way or projection of the alley right-of-way, then back to the point of beginning.

(c) Alley and alley intersections. No planting or structure in excess of 30 inches above the nearest edge of the traveled right-of-way shall be permitted within the sight triangle, defined as the area beginning at the point of intersection of the two alley right-of-way lines, then 15 feet along one alley right-of-way line, then diagonally to a point 15 feet from the point of beginning along the second alley right-of-way line, then back to the point of beginning. Any structures existing within this sight triangle shall be deemed nonconforming structures in accordance with the provisions of § 9.105.

(13) Height limitations. The building and structure height limitations established for each zoning district shall apply to all buildings and structures, except that such height limitations may be increased by 50% when applied to the following:

(a) Church spires, steeples or belfries.

(b) Chimneys or flues.

(c) Cupolas and domes which do not contain usable space.

(d) Towers, poles or other structures for essential services.

(e) Flag poles.

(f) Mechanical or electrical equipment, provided said equipment does not occupy more than 25% of the roof area.

(g) Television and ham radio antennas.

(h) Monuments.

(i) Telecommunication towers constructed in accordance with the provisions of § 9.106(O).

(C) Accessory uses and structures.

(1) Accessory structures, residential uses. The following standards shall regulate the construction and maintenance of residential accessory structures:

(a) Each residentially zoned parcel shall be allowed two detached accessory structures.

(b) No accessory structure shall be constructed or located within any front yard.

(c) Accessory structures for one- and two-family dwellings shall be set back a minimum of three feet from the side lot line, and a minimum of three feet from the rear lot line, a minimum of five feet from any other building or structure on the same lot, and behind the principal structure building line in the front yard.

(d) An accessory structure shall be considered an integral part of the principal structure if it is connected to the principal building by a covered passageway.

(e) An accessory structure, or any combination of accessory structures, storage sheds and attached garages, shall not exceed 1,000 square feet in area.

(f) Unless a height limitation is specifically stated, the height of an accessory structure shall not exceed the lesser of:

1. The height of the principal structure;
2. 12 feet above average finished grade for flat roofs;
3. 18 feet above average finished grade for pitched roofs, mansard roofs, and all other roofs.

(g) Where the natural grade of the lot is 10 feet or more above or below the established curb level at the front building setback and access from an alley is not available, an accessory structure for the storage of not more than two automobiles may be constructed within any yard, provided that at least one-half of the height is below grade level and the accessory structure is set back a minimum of 20 feet from any right-of-way.

(h) The exterior color and design of an accessory structure shall be similar to the principal structure. Corrugated metal siding and roofs shall be prohibited.

(i) Whenever a garage is so designed that the vehicle entry door(s) are facing a street or alley, the distance between the door(s) and the lot line shall be no less than 20 feet for lots greater than 6,500 square feet, and shall be no less than 15 feet for lots 6,500 square feet or less.

(j) Accessory structures for multiple-family dwellings shall be placed in the rear yard and shall be subject to the same height and exterior finish regulations as the principal structure for the district in which it is located, in addition to the requirements of this section.

(k) Any accessory structure capable of storing one or more motorized vehicle shall be provided with a hard-surfaced access driveway, no less than 12 feet in width, to an adjacent public street or alley, and shall be no less than 20 by 20 in size.

(l) Accessory buildings shall not be located within any utility or drainage easement.

(2) Accessory structures, non-residential uses. The following standards shall regulate the construction and maintenance of non-residential accessory structures:

(a) All accessory structures shall be subject to the same setback, height and exterior finish regulations as a principal structure for the district in which it is located.

(b) The height of an accessory structure shall not exceed the height of the principal structure.

(c) All multiple story and accessory structures over 200 square feet in area shall require a building permit from the city.

(3) Home occupations. Home occupations are allowed in residential districts, subject to the following standards:

(a) The home occupation shall be clearly incidental and subordinate to the residential use of the property. Exterior alterations or modifications that change the residential character or appearance of the dwelling, any accessory building or the property itself shall not be allowed.

(b) Only persons residing on the premises and no more than one nonresident employee shall be engaged in the conduct of the home occupation on the premises at any given time.

(c) There shall be no outside storage of products, materials or equipment used in conjunction with the home occupation.

(d) The home occupation must be conducted within the principal residential structure and/or up to 30% of the floor area of an accessory building or attached garage.

(e) The required off-street parking for the residential use shall not be reduced or made unusable by the home occupation.

(f) The home occupation shall not generate excessive traffic or parking that is detrimental to the character of the neighborhood.

(g) Shipment and delivery of products, merchandise or supplies shall be by single rear axle straight trucks or similar delivery trucks normally used to serve residential neighborhoods.

(h) There shall be no indications of offensive noise, odor, smoke, heat, glare, vibration, or electrical interference at or beyond the property line of the home occupation.

(i) Signage for the home occupation shall be limited to one non-illuminated sign, not exceeding two square feet in area and attached to the wall of the residential dwelling.

(j) The home occupation shall meet all applicable fire and building codes, as well as any other applicable city, state or federal regulations.

(k) The following home activities shall be prohibited as home occupations:

1. The operation of any wholesale or retail business unless it is conducted entirely by mail and does not involve the sale, shipment or delivery of merchandise on the premises. The sale of products incidental to the delivery of a service is allowed.

2. Any manufacturing, welding, machine shop or similar use.

3. Motor vehicle repair, either major or minor.
4. The sale, lease, trade or transfer of firearms or ammunition.
5. Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.

(l) All home occupations shall be subject to a one-time registration with the city, on a form as required by the Zoning Administrator and with a fee as determined by the City Council.

(4) Private swimming pools and courts. All private swimming pools, tennis courts, ball courts and other private recreational facilities are subject to the following standards:

- (a) The facility is not operated as a business or private club.
- (b) The facility is not located within any required front or side yard.

(c) The facility is set back at least five feet from any property line, including any walks, paved areas or related structures or equipment.

(d) For swimming pools, the pool itself, the rear yard, or the entire property shall be enclosed by a non-climbable wall, fence or combination thereof at least six feet in height, with a self-closing gate capable of being secured with a lock so as to prevent uncontrolled access by children. If the only access is through a principal or accessory structure, such point of access shall be lockable. In the case of above-ground pools, pool sides that are vertical may contribute to the required fencing, provided all points of access are controlled to prevent access by children, including the removal of all ladders or stairs whenever the pool is not in use.

(e) For in-ground pools, the pool is set back at least six feet from the principal structure.

(f) Hot tubs shall not be located within five feet of any side yard or rear lot line, or within any required front yard. Such pools may be equipped with a child-resistant, lockable cover in lieu of a six-foot tall fence. Hot tubs are permitted on attached or detached decks if it can be proven that the deck is engineered to be structurally sound enough to support the bearing load of the hot tub.

(g) Portable pools shall not be located within five feet of any side or rear lot line, or within any required front yard. Such pools may be equipped with a child resistant cover in lieu of a six-foot tall fence. Any ladder or other means of entry into a portable pool shall be detachable and placed so that no child can gain entry into the pool without the owner's consent. Portable pools shall not be in place longer than six months in a calendar year.

(h) Lighting shall be so oriented so as not to cast light on adjacent properties.

(i) The facility shall not be located within any drainage or utility easement.

(j) Any accessory mechanical apparatus shall be located at least 30 feet from any residential structure on an adjacent lot.

(k) All swimming pools containing more than 3,000 gallons or with a depth in excess of 42 inches (3.5 feet) shall require a building permit from the city.

(5) Trash handling equipment. For all uses other than one- and two-family dwellings, trash and/or recycling collection areas shall be enclosed on at least three sides by an opaque screening wall or fence no less than six feet in height. The open side of the enclosure shall not face any public street or the front yard of any adjacent property.

(6) Mechanical equipment. Mechanical equipment, other than that accessory to one- and two- family dwellings, shall be placed and/or screened so as to minimize the visual impact on adjacent properties and from public streets. Screening may be accomplished through the use of walls or other design features that are architecturally compatible with the principal structure, screening vegetation, integrated parapet walls of sufficient height, or other means as approved by the Zoning Administrator.

(D) Dwellings.

(1) General requirements. The following standards shall apply to all dwelling units within the city:

- (a) All single-family dwelling units shall be a minimum of 20 feet wide at the narrowest point.
- (b) No recreational vehicle shall be used at any time as a dwelling unit.
- (c) No basement dwelling (basements without upper floors) shall be used at any time as a dwelling unit.

(2) Floor area requirements. The following floor area requirements shall apply to all dwelling units within the city:

(a) One-story dwellings shall have a minimum floor area of 1,020 square feet, plus 120 square feet for each additional bedroom over three. The floor area may be reduced to 960 square feet if the lot size is 6,500 square feet or less.

(b) One and one-half and two story dwellings shall have a minimum floor area of 550 square feet on the main floor, with a total above grade minimum finished floor area of 1,020 square feet.

(c) Split-level dwellings shall have a minimum floor area of 1,020 square feet, plus 120 square feet for each additional bedroom over three. The floor area may be reduced to 960 square feet if the lot is 6,500 square feet or less.

(d) Split entry dwellings shall have a minimum floor area of 1,020 square feet, plus 120 square feet for each additional bedroom over three. The floor area may be reduced to 960 square feet if the lot is 6,500 square feet or less.

(e) Two-family dwellings (duplexes) and town homes shall have a minimum floor area of 750 square feet per unit, plus 120 square feet for each additional bedroom over two.

(f) Efficiency apartments shall have a minimum floor area of 400 square feet per unit.

(g) One-bedroom apartments shall have a minimum floor area of 600 square feet per unit.

(h) Two-bedroom apartments shall have a minimum floor area of 720 square feet per unit.

(i) Apartments with more than two bedrooms shall have a minimum floor area of 720 square feet per unit, plus 120 square feet for each additional bedroom over two.

(3) *Accessory Dwelling Units*

- (a) An accessory dwelling unit shall only be a permitted accessory use to any lot with a detached single-family dwelling.
- (b) No accessory dwelling unit shall be permitted upon a lot on which more than one residential dwelling is located and no more than one accessory dwelling unit shall be permitted per lot.
- (c) The accessory dwelling unit shall not be sold or conveyed independently of the principal residential dwelling and may not be on a separate tax parcel or subdivided through any means.
- (d) Either the ADU or the principal dwelling shall be occupied by the property owner and a restriction shall be recorded against the property requiring owner occupancy for at least one of the units; a rental license for the non-owner-occupied unit is required.
- (e) Both the single-family dwelling and the accessory dwelling unit, together, shall provide adequate off-street parking on the lot; parking spaces may be garage spaces or paved outside parking spaces.
- (f) Accessory dwelling units must be a minimum of 250 square feet and a maximum of 50% of the total floor area of the principal dwelling up to 1,000 square feet.
- (g) ADUs in Minnesota must adhere to the Minnesota State Building Code, which includes fire separation for attached units, safe egress and entrances, and proper water and sewer connections.
- (h) Accessory dwelling units within or attached to the principal structure shall conform to Zoning Code standards for single family dwellings, including but not limited to setback, height, impervious surface, curb cut and driveway, and accessory structure standards if the unit is detached. The accessory dwelling unit is subject to current Building, Plumbing, Electrical, Mechanical, and Fire Code provisions including maintaining emergency access to both units.

(E) Fences.

(1) General requirements. The following standards shall apply to all fences:

- (a) Fences may be constructed, placed or maintained in any yard or adjacent to a lot line in accordance with the requirements of this section.
- (b) The owner of the property upon which the fence is located shall be responsible for locating all property lines prior to constructing said fence.
- (c) All fence posts and supporting members shall be placed within the property lines of the property on which they are located.
- (d) All fences shall be situated so that they can be maintained from within the property boundaries of the property on which they are located.
- (e) All fences shall be constructed so that the finished side or more attractive side of the fence faces the adjacent property or right-of-way.
- (f) Fences, freestanding walls, and retaining walls shall be constructed in a substantial and workmanlike manner to withstand conditions of soil, weather and use, and of substantial material reasonably suited for the purpose for which the fence, freestanding wall or retaining wall is proposed to be used. No previously used materials may be used in any fence. All fences shall be constructed of the following approved fencing materials:

1. Galvanized or vinyl coated woven fabric - minimum 11 1/2 gauge, with two-inch minimum mesh, with knuckles up and cut edge down.
 2. Approved vinyl fencing materials.
 3. Treated wood or wood of natural materials resistant to decay.
- (g) Retaining walls or freestanding walls shall be constructed in the following manner:
1. Retaining walls and cribbing shall be used to stabilize steep slopes or prevent erosion.
 2. They shall be designed in accordance with sound engineering practice; including, but not limited to, a minimum four-inch concrete footing of appropriate width and drains of appropriate type, size and spacing.
 3. Cribbed slopes shall be appropriately planted if open-faced cribbing is used.
 4. The retaining wall or freestanding wall shall be constructed in a manner that presents a finished appearance to the adjoining property where applicable.
- (h) All fences shall be maintained and kept in good condition.
- (i) Fence height shall be measured from the average grade to the top of the fence. In situations where a grade separation exists at the property line, the height of the fence shall be based on the measurement from the average point between the highest and lowest grade.
- (j) Barbed wire, razor wire and electric fences shall not be permitted in any zoning district. However, barbed wire may be permitted in industrially zoned districts and property used for public purposes through a Conditional Use Permit process.
- (k) Fences exceeding six feet in height shall require a building permit from the city.
- (2) Residential fences. The following standards shall apply to all fences constructed in any residential zoning district or directly adjacent to any residential zoning district:
- (a) No fence shall exceed seven feet in height. Fences exceeding six feet in height shall be deemed structures and shall require a Conditional Use Permit.
 - (b) Fences along any rear property line that abut a public alley or street shall be located no closer than three feet from the alley or street right-of-way.
 - (c) It shall be the responsibility of property owners with fences within recorded city easements to remove such fence at any time when access to the recorded city easement would require the removal of the fence.
 - (d) A fence extending across or into the required front yard setback shall not exceed 42 inches (3.5 feet) in height; however, fences that are less than 50% opaque may be up to 48 inches (4 feet) in height.
- (3) Non-residential fences. The following standards shall apply to all fences constructed in any commercial or industrial zoning district:
- (a) No fence shall exceed eight feet in height. Fences exceeding seven feet in height shall be deemed structures and shall require a Conditional Use Permit.
 - (b) A fence extending across or into the required front yard setback shall not exceed four feet in height.

(c) A fence required to screen a commercial or industrial use from an adjacent residential use shall not exceed eight feet in height or be less six feet in height. In addition, said screening fence shall be no less than 80% opaque on a year round basis.

(4) Fencing of play areas. For parks and playgrounds, either public or private and located adjacent to a public right-of-way or railroad right-of-way, a landscaped yard area no less than 30 feet in width, or a fence no less than 4 feet in height, shall be installed between the facility and the right-of- way.

(F) Essential services.

(1) Purpose. The purpose of this section is to provide for the installation of essential services in a manner that does not adversely affect the public health, safety or welfare.

(2) Essential services allowed by permit. The following essential services, when installed in any location in the city and installed primarily for the use of city residents, shall only require a permit from the City Engineer:

(a) All communication lines.

(b) Underground electrical transmission lines, overhead utility lines and electrical transmission lines intended to serve properties within the city.

(c) Pipelines for distribution to individual properties within the city.

(d) Substations with less than 33 KV.

(e) Radio receivers and transmitters accessory to an essential service, when placed on an existing utility pole, tower or light standard.

(3) Essential services requiring conditional use permit. The following essential services, when installed in any location in the city and not primarily for the use of city residents, shall require a conditional use permit in accordance with the provisions of § 9.104:

(a) All overhead and underground transmission lines not required for the local distribution network.

(b) All transmission pipelines.

(c) Substations in excess of 33 KV.

(d) Any pole or tower used exclusively for the placement of radio receivers or transmitters accessory to an essential service.

(e) Any essential service of which 75% of the service provided or produced is not intended to serve properties within the city.

(f) Any essential service requiring a structure that exceeds the maximum height for the zoning district in which it is located.

(g) Any essential service requiring easements other than easements granted to the public.

(G) Temporary uses and structures. The following temporary uses and structures shall be permitted in all zoning districts unless specified otherwise, provided such use or structure complies with the regulations of the zoning district in which it is located and all other applicable provisions of this article:

(1) Garage sales. Residential garage sales shall be limited to no more than two garage sales per property per calendar year, with the duration of each garage sale not to exceed three consecutive days at any residential location.

(2) Construction sites. Storage of building materials and equipment or temporary building for construction purposes may be located on the site under construction for the duration of the construction.

(3) Amusement events. Temporary amusement events, including the placement of tents for such events, may be allowed as a temporary use for a maximum of 15 days per calendar year. In residential districts, such temporary amusements shall be located on public or semi-public property only.

(4) Promotional activities. Promotional activities involving the outdoor sale or display of merchandise may be allowed as a temporary use in non-residential districts for a maximum of 30 days per calendar year.

(5) Other temporary uses. In addition to the temporary uses and structures listed above, the Zoning Administrator may allow other temporary uses and structures for a maximum of 15 days per calendar year, provided the said use or structure is substantially similar to the uses and structures listed herein.

(H) Performance standards.

(1) Purpose. These performance standards are established to minimize conflict between land uses, to preserve the use and enjoyment of property, and to protect the public health, safety and welfare. These standards shall apply to all uses of land and structures, and are in addition to any requirements applying to specific zoning districts.

(2) In general. No use or structure shall be operated or occupied so as to constitute a dangerous, injurious or noxious condition because of noise, odors, glare, heat, vibration, air emissions, electromagnetic disturbance, fire, explosion or other hazard, water or soil pollution, liquid or solid waste disposal, or any other substance or condition. No use or structure shall unreasonably interfere with the use or enjoyment of property by any person of normal sensitivities. In addition, no use or structure shall be operated or occupied in a manner not in compliance with any performance standard contained in this article or any other applicable regulation.

(3) Noise. All uses shall comply with the standards governing noise as adopted and enforced by the Minnesota Pollution Control Agency.

(4) Odor emissions. All uses shall comply with the standards governing the odor emissions as adopted and enforced by the Minnesota Pollution Control Agency.

(5) Vibration. Uses producing vibration shall be conducted in such a manner as to make the vibration completely imperceptible from any point along the property line. In addition, all uses shall comply with the standards governing vibrations as adopted and enforced by the Minnesota Pollution Control Agency.

(6) Air emissions. All uses shall comply with the standards governing air emissions as adopted and enforced by the Minnesota Pollution Control Agency.

(7) Glare and heat. Uses producing glare or heat shall be conducted within a completely enclosed building in such a manner as to make such glare and heat completely imperceptible from any point along the property line. In addition, all uses shall comply with the standards governing glare and heat as adopted and enforced by the Minnesota Pollution Control Agency.

(8) Radiation and electrical emissions. All uses shall comply with the standards governing radiation and electrical emissions as adopted and enforced by the Minnesota Pollution Control Agency.

(9) Waste material. All uses shall comply with the standards governing waste disposal as adopted and enforced by the Minnesota Pollution Control Agency.

(10) Explosive and flammable materials. All uses involving the manufacture, storage or use of explosive or flammable materials shall comply with all applicable regulations, including, but not limited to, the Minnesota Building Code and the Uniform Fire Code, and shall meet the following requirements:

(a) All uses involving the manufacture, storage or use of explosive or flammable materials shall employ best management practices and the provision of adequate safety devices to guard against the hazards of fire and explosion, and adequate fire-fighting and fire-suppression devices standard in the industry.

(b) The manufacture or storage of any explosive or blasting agent, as defined in the Uniform Fire Code, shall be prohibited in all districts except the I-2, General Industrial District.

(c) The storage of any flammable liquid shall be subject to the requirements established by the Uniform Fire Code and shall be reviewed by the State Fire Marshal.

(11) Hazardous materials. All uses shall comply with the standards governing hazardous waste as adopted and enforced by the Minnesota Pollution Control Agency.

(l) Storm water management.

(1) Purpose. The purpose of this division is to promote, preserve and enhance the natural resources within the city and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land alterations or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land alterations and development activities and water quality and environmentally sensitive lands; and by requiring detailed review standards and procedures for land alterations or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas.

(2) Definitions. For the purposes of this section, the following terms, phrases, words, and their derivatives shall have the meaning stated below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directive.

APPLICANT. Any person who wishes to obtain a building permit, preliminary plat approval or an excavation permit.

CONTROL MEASURE. A practice or combination of practices to control erosion and attendant pollution.

DETENTION FACILITY. A permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.

EXCAVATION ACTIVITIES. Any excavation or filling activity as regulated by § 9.106(J).

FLOOD FRINGE. The portion of the floodplain outside of the floodway.

FLOODPLAIN. The areas adjoining a watercourse or water basin that have been or may be covered by a regional flood.

FLOODWAY. The channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplain that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood.

HYDRIC SOILS. Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

HYDROPHYTIC VEGETATION. Macrophytic plantlife growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

LAND ALTERATION. Any change of the land surface including, but not limited to, removing vegetative cover, excavating, filling, grading, and the construction of utilities, roadways, parking areas and structures.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345.

PERSON. Any individual, firm, corporation, partnership, franchisee, association or governmental entity.

PUBLIC WATERS. Waters of the state as defined in M.S. § 1036.005, subd. 15, as it may be amended from time to time.

REGIONAL FLOOD. A flood that 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 a 100-year recurrence interval.

RETENTION FACILITY. A permanent natural or man-made structure that provides for the storage of storm water runoff by means of a permanent pool of water.

SEDIMENT. Solid matter carried by water, sewage, or other liquids.

STRUCTURE. Any manufactured, constructed or erected building including portable structures and earthen structures.

SURFACE WATER MANAGEMENT DESIGN STANDARDS (SWMDS). Document stating the design criteria and specifications for the city's storm water management program.

WETLANDS. Lands transitional between terrestrial and aquatic: systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following attributes:

1. Have a predominance of hydric soils;
 2. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
 3. Under normal circumstances support a prevalence of such vegetation.
- (3) Scope and effect.

(a) Applicability. This section shall apply to any land alteration requiring any of the following permits or approvals:

1. A building permit for new multiple-family residential (three or more attached dwelling units), commercial, industrial, or institutional development;
2. A preliminary plat;
3. Land alteration permit as regulated by § 9.106 (J);
4. A building permit for a single-family or two-family residential dwelling except that only subdivisions (3) through (7) of this division shall apply; or
5. Public improvement projects.

6. No building permit, preliminary plat, excavation permit or public improvement project shall be approved until approval of a storm water management plan has been obtained in strict conformance with the provisions of this section.

7. All projects disturbing one acre or greater of land will require the submittal of a storm water management plan.

(b) Exemptions. The provisions of this section do not apply to:

1. Construction of a single-family or two-family dwelling or any structure or land alteration accessory thereto except that the provisions of subdivisions (3) through (7) of this division shall apply;
2. Any currently valid building permit, preliminary plat, excavation permit, or public improvement project approved prior to the effective date of this article;
3. Construction of agricultural structures or land alterations associated with agricultural uses unless an excavation permit is required by § 9.106(J);
4. Installation of a fence, sign, telephone, and electric poles and other kinds of posts or poles; or
5. Emergency work to protect life, limb, or property.

(4) Submission requirements—storm water management plan. A storm water management plan shall be submitted with all permit applications identified in § 9.106(I)(3). Storm water management plan submittal requirements are outlined in the city's SWMDS. No building or land disturbing activity will be approved unless it includes a storm water management plan, detailing how runoff and associated water quality impacts resulting from development will be controlled or managed.

(5) Plan review procedure.

(a) Process. Storm water management plans meeting the requirements of § 9.106(I) and the city's SWMDS shall be reviewed by the Engineering Division in accordance with the standards of § 9.106(I)(6) and the city's SWMDS. The Director of Public Works, or designee, shall approve, approve with conditions, or deny the storm water management plan.

(b) Duration. A storm water plan approved in accordance with this section shall become void if the corresponding building permit, excavation permit, preliminary plat, or public improvement project expires or becomes invalid.

(c) Conditions. A storm water management plan may be approved, subject to compliance with conditions reasonable and necessary to insure that the requirements contained in this article are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering, and require the conveyance, for storm water management purposes, to the city or other public entity of certain lands or interests therein.

(d) Letter of credit. Prior to approval of any storm water management plan, the applicant shall submit a letter of credit or cash escrow to cover the estimated cost of site restoration. The letter of credit or cash escrow amount shall be in the amount specified by the current city SWMDS.

(e) Amendment. A storm water management plan may be revised in the same manner as originally approved.

(6) Approval standards. No storm water management plan which fails to meet the standards contained in this section shall be approved by the city.

(a) General criteria for storm water management plans.

1. An applicant shall install or construct all storm water management facilities according the criteria outlined in the city's SWMDS.

2. The applicant shall give consideration to reducing the need for storm water management facilities by incorporating the use of natural topography and land cover, such as wetlands, ponds, natural swales and depressions, as they exist before development, to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.

3. The following storm water management practices shall be investigated in developing a storm water management plan in the following descending order of preference:

- a. Infiltration of runoff on-site, if suitable soil conditions are available for use;
- b. Flow attenuation by use of open vegetated swales and natural depressions;
- c. Storm water retention facilities; and
- d. Storm water detention facilities.

4. A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subdivision 3. above. Justification shall be provided by the applicant for the method selected.

(b) Specifications. At a minimum, applicants shall comply with all of the NPDES general construction storm water permit requirements.

(c) Wetlands. Existing wetlands may be used for storm water management purposes, provided the following criteria are met:

1. The wetland shall not be classified as a Group I or II water within the City Water Resource Management Plan.
 2. A protective buffer strip of natural vegetation, at least ten feet in width, shall surround all wetlands.
 3. A sediment trapping device or area that is designed to trap sediments 0.5 millimeters in size or greater, with a trap volume size based upon a prescribed maintenance schedule, shall be installed prior to discharge of storm water into the wetlands.
 4. The natural outlet control elevation of the wetlands, if it is not a DNR public water, shall not be changed, except when either i) the outlet is intended to restore the wetland to its original elevation, ii) the wetland basin is landlocked and the artificial outlet control is placed no lower than 1.5 feet below the ordinary high water mark, iii) the proposed level control is identified in the City Water Resource Management Plan, or iv) the level change is approved by a technical evaluation panel convened pursuant to the state Wetland Conservation Act of 1991 (WCA).
 5. The water fluctuation from storm water shall not be increased over what occurs naturally, except as provided in subdivision 4.c. above.
 6. The wetland shall not be a protected fen.
 7. Wetlands shall not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas in accordance with the WCA. When wetland replacement is required, it shall be guided by the following principles in descending order of priority:
 - a. Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
 - b. Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and
 - e. Compensating for the impact by replacing or providing substitute wetland resources or environments.
 8. If the wetland is a DNR public water, all necessary permits from the DNR shall be obtained.
 - (d) Models/methodologies/computations. Hydrologic models and design methodologies used for the determination of runoff and analysis of storm water management structures shall be approved by the Director of Public Works. Plans, specifications and computations for storm water management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the Director of Public Works.
 - (e) Watershed management plans/groundwater management plans. Storm water management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with M.S. §§ 103B.231 and 103B.255, respectively, as they may be amended from time to time, and as approved by the Minnesota Board of Water and Soil Resources in accordance with the state law.
- (7) Storm water management fee.

(a) When required. In lieu of the storm water management facilities required in § 9.106(I), the city may allow an applicant to make a monetary contribution to the development and maintenance of community storm water management facilities, designed to serve multiple land disturbing and development activities, when consistent with the City's Water Resource Management Plan.

(b) Calculation of fee. The amount of monetary contribution shall be found in the SWMDS. For preliminary plats, an estimated impervious coverage per lot, subject to the approval of the Director of Public Works, shall be included in the total impervious surface area calculation.

(c) Payment of fee. Payment of a monetary contribution shall occur as follows:

1. Building permit—upon issuance of building permit.
2. Excavation permit—upon issuance of excavation permit.
3. Preliminary plat—upon approval of final plat or commencement of land alteration, whichever occurs first.

(8) Inspection and maintenance. All storm water management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes, and to be structurally sound. In addition, the following maintenance standards shall apply:

(a) All storm water detention periods shall be maintained to ensure continued effective removal of pollutants from storm water runoff. In addition, upon 50% of the pond's original design volume being filled with sediment, the sediment shall be removed and the pond restored to its original design.

(b) The Director of Public Works, or designated representative, shall inspect all storm water management facilities during construction, during the first year of operation, and at least once every five years thereafter.

(c) All permanent storm water management facilities must provide a maintenance agreement with the city that documents all responsibilities for operation and maintenance of long-term storm water management facilities. Such responsibilities shall be documented in a maintenance plan and executed through a maintenance agreement. All maintenance agreements must be approved by the city and recorded at the County Recorder's office prior to final plan approval. At a minimum, the maintenance agreement shall describe the inspection and maintenance obligations:

1. The responsible party who is permanently responsible for inspection and maintenance of the structural and nonstructural measures.
2. Pass responsibilities for such maintenance to successors in title.
3. Allow the city and its representatives the right of entry for the purposes of inspecting all permanent storm water management systems.
4. Allow the city the right to repair and maintain the facility, if necessary maintenance is not performed after proper and reasonable notice to the responsible party of the permanent storm water management system.
5. Include a maintenance plan that contains, but is not limited to, the following:
 - a. Identification of all structural permanent storm water management systems.

b. A schedule for regular inspections, monitoring, and maintenance for each practice. Monitoring shall verify whether the practice is functioning as designed and may include, but is not limited to, quality, temperature, and quantity of runoff.

c. Identification of the responsible party for conducting the inspection, monitoring and maintenance for each practice.

d. Include a schedule and format for reporting compliance with the maintenance agreement to the city.

e. Right of entry. The issuance of a permit constitutes a right of entry for the city or its contractor to enter upon the construction site. The applicant shall allow the city and its authorized representatives, upon presentation of credentials, to:

i. Enter upon the permitted site for the purpose of obtaining information, examining records, conducting investigations or surveys.

ii. Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations.

iii. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of the permit.

iv. Inspect the storm water pollution control measures.

v. Sample and monitor any items or activities pertaining to storm water pollution control measures.

vi. Correct deficiencies in storm water, erosion and sediment control measures.

(d) Storm water management facilities serving a single-family residential area or subdivision, but more than one single-family lot, shall be maintained by the city. The cost incurred by the city for maintenance of said facilities shall be assessed, levied through a special storm water taxing district against the properties contributing storm water runoff to or through the facility, or by the city's storm water utility.

(e) Storm water management facilities serving a multiple-family residential building or development; a commercial, industrial or institutional building or development; or an individual parcel shall be maintained by the property owner on which the facility is located, unless it is determined by the Director of Public Works that it is in the best interests of the city for the city to maintain such facilities. If the city is to maintain the storm water management facilities, the cost incurred by the city for the maintenance may be assessed or levied as described in subsection (d) above.

(9) Penalty. Any person, firm or corporation violating any provision of this section shall be fined not less than deemed committed on each day during or on which a violation occurs or continues.

(10) Other controls. In the event of any conflict between the provisions of this section and the provisions of the city code, the more restrictive standard prevails.

(J) Land alterations.

(1) Purpose. The purpose of this section is to manage land alterations within the city and provide for the review and approval of proposed grades prior to land alteration activities.

(2) In general. No person, firm or corporation may engage in any excavation, grading or filling of any land in the city without first having secured a permit from the Public Works Director in accordance with this section.

(3) Exemption. The removal of material for the purpose of constructing a basement or placement of footings is exempt from the provisions of this section, provided a grading plan was submitted and approved as part of the review and approval process. Grading of new subdivisions or developments is also exempt from the provisions of this section, provided a grading plan was submitted and approved as part of the review and approval process.

(4) Land alteration permit required. A land alteration permit from the Public Works Director is required for any of the following activities:

(a) Placement, removal or grading of more than ten cubic yards of earthen material on steep slopes adjacent to a lake or wetland, or within the shore or bluff impact zone of a lake or wetland.

(b) Placement, removal or grading of more than 50 cubic yards of earthen material anywhere in the city.

(c) Placement, removal or grading of earthen material within ten feet of any property line, or when such activity alters the drainage patterns of adjacent property.

(d) Placement, removal or grading of any property for the purposes of installing artificial turf or other surface that may require additional review of permeability and potential for illicit discharge.

(5) Conditional use permit required. A conditional use permit is required for any of the following activities:

(a) Placement, removal or grading of more than 500 cubic yards of earthen material on developed property zoned R-1 or R-2.

(b) Placement, removal or grading of more than 1,000 cubic yards of earthen material on undeveloped property zoned R-1 or R-2.

(c) Placement, removal or grading of more than 1,500 cubic yards of earthen material on property zoned R-3, R-4 or LB.

(d) Placement, removal or grading of more than 2,000 cubic yards of earthen material on property zoned GB, CBD, I-1, I-2, or MXD.

(6) Submittal requirements. An application for a land alteration permit shall include the following:

(a) A legal description of the land to be altered.

(b) The nature of the proposed alteration and future use of the property.

(c) The starting date and completion date of the land alteration.

(d) The names and addresses of all the owners of all the land to be altered.

(e) Scaled plans, showing the existing and proposed topography with two-foot contour intervals, and signed by a registered surveyor or engineer in the State of Minnesota.

(f) A scaled plan, showing existing and proposed vegetation and ground cover.

(g) An erosion and sedimentation control plan.

(h) Product specification sheet showing permeability, materials used, and potential for illicit discharge.

(K) Exterior lighting.

(1) In general. No use shall be operated or occupied so as to create light or glare in such an amount or to such a degree of intensity as to constitute a hazardous condition or a public nuisance. Lighting shall not create a sense of brightness that is substantially greater than the ambient lighting conditions so as to cause annoyance, discomfort, decreased visibility or a hazard for vehicular or pedestrian traffic.

(2) Lighting fixtures. Lighting fixtures shall be of a downcast with flat lens, cut-off type that conceals the light source from view and prevents light from shining on adjacent property. At no time should a fixture be aimed and/or tilted above a horizontal plane in commercial or industrial districts, with the exception of architectural up-lighting or landscape lighting.

(3) Lighting intensity. Lighting shall not directly or indirectly cause illumination or glare in excess of one-half footcandle as measured at the closest residential property line and three footcandles as measured at the closest street curb line or non-residential property line. Lighting shall be maintained stationary and constant in intensity and color, and shall not be of a flashing, moving or intermittent type.

(4) Submission. Detailed plans showing fixture type, wattage, light source, location and elevation along with site point by point showing footcandles must be submitted.

(5) Lighting of buildings. Lighting of building facades or roofs shall be located, aimed and shielded so that the light is directed only onto the facade or roof.

(6) Exceptions. The following uses are exempt from the provisions of this section:

(a) Publicly controlled or maintained street lighting, warning lights, emergency lights, or traffic signals.

(b) Athletic fields and other outdoor recreational facilities serving or operated by an institutional or public use that is operated in accordance with all other applicable provisions of this article.

(L) Off-street parking and loading.

(1) Purpose. The purpose of off-street parking and loading requirements is to alleviate or prevent congestion of the public right-of-way, to provide for the parking and loading needs of specific uses, to minimize the incompatibility between parking and loading areas and adjacent uses, and to regulate the size, design, maintenance and location of required off street parking and loading areas.

(2) Change of use. If the use of a building or site is changed or intensified, parking and loading facilities shall be provided for the changed or intensified use in accordance with the provisions of this section.

(3) Existing facilities. Existing off-street parking and loading facilities shall not be reduced below the requirements for a similar new use or, if less than the requirements for a similar new use, shall not be reduced further.

(4) Use of facilities.

(a) Required parking and loading spaces and driveways providing access to such spaces shall not be used for storage, display, sales, rental or repair of motor vehicles or other goods, or for the storage of inoperable vehicles or snow.

(b) Off-street parking facilities accessory to residential uses shall be utilized solely for the parking of passenger automobiles and/or one truck not to exceed 9,000 pounds gross capacity for each dwelling unit. Under no circumstances, shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants or customers of nearby business or manufacturing establishments.

(5) Location of facilities. Required off-street parking spaces in the R-1 and R-2 Zoning Districts shall be located on the same lot as the principal building. Required off-street parking and loading facilities in all other zoning districts shall be located on the same lot or development site as the use served, except as follows:

(a) Off-site parking for multiple-family and institutional uses shall be located no more than 200 feet from the main entrance of the use being served.

(b) Off-site parking for commercial or industrial uses shall be located no more than 400 feet from the main entrance of the use being served.

(c) Reasonable and improved access shall be provided from the off-site parking facility to the use being served.

(d) The site used for off-site parking shall be under the same ownership as the principal use being served or use of the off-site parking facility shall be protected by a recordable instrument acceptable to the city.

(6) Calculation of requirements. Calculating the number of parking or loading required shall be in accordance with the following:

(a) Gross floor area. The term "gross floor area" for the purpose of calculating the number of off-street parking spaces required shall be determined based on the exterior floor dimensions of the building, structure or use times the number of floors, minus 10%.

(b) Places of public assembly. In places of worship, stadiums, sports arenas and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each three feet of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this section.

(c) Capacity. In cases where parking requirements are based on capacity of persons, the capacity shall be based on the maximum number of persons that may occupy a place, as determined under the building code and posted within the establishment.

(d) Employees. When parking requirements are based on employee counts, such calculations shall be based on the maximum number of employees on the premises at any one time.

(e) Calculating space. When calculating the number of off-street parking spaces required results in fraction, each fraction of one-half or more shall require another space.

(f) Garage or carport. A garage or carport shall be considered a parking space. However, a building permit shall not be granted to convert a garage or carport to living space unless other acceptable provisions are made to provide the required parking space.

(g) Joint parking. Except for shopping centers or where a shared parking arrangement has been approved by the city, the off-street parking requirements for each use in a multi-use structure or site shall be calculated separately in determining the total spaces required.

(h) Proof of parking. In cases where the future potential use of a building may generate additional parking demand, the city may require a proof of parking plan for the site that shows how the anticipated parking demand will be met.

(7) Design and maintenance of parking facilities. Off-street parking facilities are subject to the following design and maintenance requirements:

(a) Size of parking spaces. Each parking space shall be not less than 9 feet wide and 20 feet in length, exclusive of an adequately designed system of access drives. In the case where the parking space is abutting a curb at its narrowest dimension, the parking stall length may be reduced to 18 feet. In parking lots with more than 300 spaces, up to 40% of such spaces may be designated and clearly marked as compact car parking spaces with signage that is reasonably visible year round. A compact car parking space shall not be less than 8 feet wide and 18 feet in length, exclusive of the adequately designed system of access drives.

(b) Access and circulation. Except for parking accessory to one- and two-family dwellings, each required off-street parking space shall have direct access to an aisle or driveway no less than 24 feet in width and designed to provide safe and efficient means of vehicular access to and from the parking space without using public right-of-way for maneuvering.

(c) Surfacing. All off-street parking areas, all driveways leading to such parking areas and all other areas upon which motor vehicles may be located shall be surfaced with a dustless all-weather hard surface material. Acceptable materials include asphalt, concrete, brick, cement pavers or similar material installed and maintained per industry standards. Crushed rock shall not be considered an acceptable surfacing material.

(d) Drainage. Driveways shall not exceed a grade of 6% and all parking lots except those for less than four vehicles shall be graded according to a drainage plan that has been approved by the City Engineer. Catch basins, sumps and underground storm sewers may be required.

(e) Curbing. Except for one-, two-, three- and four-family residential uses, all off-street parking areas, all driveways leading to such parking areas, landscape islands, and other areas upon which motor vehicles may be located shall have six-inch non-surmountable poured in place concrete perimeter curbing. In cases where existing circumstances or area practices make such curbing impractical, the requirement may be waived subject to submittal and approval of a parking area drainage plan by the City Engineer.

(f) Lighting. Lighting used to illuminate an off-street parking area shall comply with the performance requirements of this section. The height of parking lot light poles or standards shall be no less than 12 feet and no more than the maximum height established for structures in the district in which the lights will be installed.

(g) Setbacks. Except for one-, two-, three- and four-family residential uses, parking lots and loading areas shall be subject to the same setbacks as a structure for the district in which such parking is located. One-, two-, three- and four-family residential uses are subject to the following setback requirements:

1. Residential lots platted prior to the effective date of this section and having a lot width of 60 feet or less, shall maintain a minimum side yard setback of one foot in all districts.

2. Residential lots platted after the effective date of this section or having a lot width greater than 60 feet shall maintain a minimum side yard setback of three feet in all districts.

3. The creation of a joint driveway use between adjoining property owners shall require a conditional use permit.

4. No more than 50% of the front yard setback shall be paved for parking purposes.

(h) Residential driveway locations. Driveways may only lead directly to, or be contiguous to driveways leading to, and attached or detached garage.

(i) Minimum driveway widths. In all zoning districts, driveways shall be no less than 12 feet in width.

(j) Parking lots and loading areas shall be subject to the same setbacks as a structure for the district in which such parking is located.

(k) Signs. No sign shall be located in any parking area except as necessary for the orderly operation of traffic movement or parking regulation.

(l) Screening. All off-street parking areas containing six or more parking spaces and located next to a residential use shall be screened with fencing or landscaping no less than six feet in height that is 80% opaque on a year round basis.

(m) Landscaping. All setback areas shall be landscaped with grass, vegetation or other landscape material. The front yard setback area of all off-street parking areas containing six or more parking spaces shall have a vegetative screen no less than 30 inches in height that is 80% opaque on a year round basis.

(n) Striping. All off-street parking areas containing six or more parking spaces shall have the parking spaces and aisles clearly painted on the pavement according to the plan approved by the city.

(o) Maintenance. Parking areas and driveways shall be kept free of dirt, dust and debris, and the pavement shall be maintained in good condition. In winter months, required parking areas for commercial businesses shall be cleared of snow. Landscaping, lighting, fencing or other features installed in conjunction with parking areas shall also be maintained and kept in good condition at all times.

(8) Off-street parking district.

(a) Should the city establish a public off-street parking district, those uses located within the district shall be exempt from providing off-street parking spaces as required herein.

(b) The CBD, Central Business District, is established as a public off-street parking district, so that nonresidential uses are exempt from providing off-street parking spaces as required herein. Residential uses, including those in mixed-use buildings, shall provide off-street parking as required herein.

(9) Shared parking. The City Council may approve the use of a required off-street parking area for more than one principal use on the same or an adjacent site if the following conditions are met:

(a) Location. The use for which application for shared parking is being made is located within 300 feet of the use providing the parking facilities.

(b) Nighttime uses. Up to 50% of the off-street parking facilities required for a bowling alley, nightclub, school auditorium, theater or similar nighttime use may be supplied by off-street parking facilities provided primarily for a daytime use.

(c) Sunday use. Up to 75% of the off-street parking facilities required for a place of worship or similar Sunday use may be supplied by off-street parking facilities provided primarily for a daytime use.

(d) Daytime use. For the purposes of this provision, the following uses are considered primarily daytime uses: financial institutions, offices, retail stores, personal service facilities and similar uses.

(e) Contract. A legally binding instrument for the shared use of off-street parking facilities shall be approved by the City Attorney and filed with the Anoka County Recorder’s Office within 60 days after approval of the shared parking use.

(10) *Off-street parking requirements.* Off-street parking shall be provided as specified in the following table, except as otherwise provided in this section.

Use	Minimum Spaces Required
Use	Minimum Spaces Required
<i>Residential Uses</i>	
Single-family	2 per unit, two must be enclosed (garage)
Two-family	2 per unit, two must be enclosed (garage)
Townhome/Twinhome	2 per unit, two must be enclosed (garage)
Multiple-family	
One-bedroom units	1 per unit, must be enclosed (garage)
Two-bedroom or larger units	2 per unit, two must be enclosed (garage)
Manufactured home park	2 per unit
Residential care facility (6 or fewer)	2 per unit, two must be enclosed (garage)
Residential care facility (7 or more)	1 per employee, 1 per every 6 residents
Convent/monastery	1 per every 3 beds
Rooming house/group living quarters	2 per every 3 residents
Nursing home	1 per every 2 beds
Senior housing/assisted living	1 per every 2 units
Transitional/emergency housing	1 per employee, plus 1 per every 6 residents
Bed and breakfast home	2 plus 1 per every room rented
<i>Public/Institutional Uses</i>	
Community center	Determined by staff-based on parking study
Drop-in facility	30% of building capacity
Golf course	5 per hole, plus 30% of capacity of club house
Government facility	Based on type of use
Religious facilities/places of worship	1 per every 3.5 seats, capacity of main assembly area
School–elementary/junior high	10 plus 1 per classroom
School–senior high	10 plus 1 per every 6 students

School–vocational or business	Determined by staff–based on parking study
School–performing/visual/martial arts	30% of building capacity
<i>Commercial Uses</i>	
Retail sales/services	1 per 300 sf, gross floor area
Retail sales, outdoor	1 per 1,000 sf of sales/display area
Auditorium/places of assembly	1 per 3.5 seats, based on design capacity
Automobile convenience facility	6 spaces, plus 1 per 300 sf, gross floor area
Automobile repair	1 per 300 sf, gross floor area, plus 2 per service bay
Automobile sales/rental	1 per 300 sf, gross floor area, plus 1 per 1,000 sf of outdoor sales/display area
Banquet hall	1 per 3.5 seats, based on design capacity
Billiards hall	30% of building capacity
Bowling alley	5 per lane, plus 30% of capacity for related uses
Car wash	2 spaces per bay, plus 4 stacking spaces per bay
Clinic, medical and dental	1 per 300 sf, gross floor area
Clinic, veterinary	6 per veterinarian
Club or lodge	30% of building capacity
Consignment/thrift store	1 per 300 sf, gross floor area
Currency exchange	1 per 300 sf, gross floor area
Day care center	1 per every employee, plus 1 drop off space for every 5 enrollees
Financial institution	1 per 300 sf, gross floor area, plus 6 stacking spaces for each drive-through lane
Food service, convenience	6 plus 1 per 40 sf of dining/service area, plus 6 stacking spaces for each drive-through lane
Food service, limited	30% of building capacity
Food service, full-service	30% of building capacity
Funeral home	1 per 5 seats, plus 1 per 300 sf of non-eating area
Greenhouse/garden center	1 per 300 sf, gross floor area, plus 1 per 1,000 sf of outside sales/display area
Health/fitness club	Determined by staff–based on parking study
Hospital	Determined by staff–based on parking study
Hotel/motel	1 per unit, plus 30% of capacity for meeting rooms
Laboratory, medical	1 per 300 sf, gross floor area
Liquor store, off-sale	1 per 300 sf, gross floor area
Museum/gallery	30% of building capacity
Office	1 per 300 sf, gross floor area
Pawnshop	1 per 300 sf, gross floor area
Personal services	1 per 300 sf, gross floor area or 2 per station, whichever is greater
Professional services	1 per 300 sf, gross floor area
Recreational facility, indoor	1 per 150 sf of rink, court, pool area, and the like
Recreational facility, outdoor	30% of facility capacity
Recreation vehicle sales	1 per 300 sf, gross floor area, plus 1 per 1,000 sf of outdoor sales/display area
Shopping center	1 per 300 sf, gross floor area

Studio, professional	1 per 300 sf, gross floor area
Studio, radio and television	Determined by staff—based on design capacity
Theater, live performance or movie	1 per 3.5 seat, based on design capacity
<i>Industrial Uses</i>	
Assembly/manufacturing/processing	2 per every 3 employees or 1 per 1,000 sf, gross floor area, whichever is greater
Concrete, asphalt or rock crushing	2 per every 3 employees
Freight terminal	1 per 3,000 sf, gross floor area of storage/warehousing, plus 1 per 300 sf, gross floor area of office area
Maintenance facility	1 per 3,000 sf, gross floor area, plus 1 per 300 sf, gross floor area of office
Office/showroom	1 per 300 sf, gross floor area of office/showroom, plus 1 per 3,000 sf, gross floor area of storage
Office/warehouse	1 per 300 sf, gross floor area of office, plus 1 per 3,000 sf, gross floor area of storage
Outdoor sales/display	1 per 1,000 sf of sales/display area
Outdoor storage	1 per 3,000 sf of storage area
Printing/publishing	2 per every 3 employees or 1 per 1,000 sf, gross floor area, whichever is greater
Salvage operation	2 per 3 employees
Self-service storage facility	1 per 3,000 sf, gross floor area of storage, plus 1 per 300 sf, gross floor area of office
Warehouse/distribution	1 per 3,000 sf, gross floor area of storage/warehousing, plus 1 per 300 sf, gross floor area of office/sales area

(11) Stacking requirements. Drive-up and drive-through facilities shall provide adequate stacking space for vehicles in accordance with the following table. Stacking spaces shall require a minimum pavement width of 12 feet, a length of 20 feet per vehicle, and shall be exclusive of any other required parking spaces or drive aisles.

Use	Minimum Stacking Spaces
Automobile washing facility—self-service	4 spaces per bay at entrance, 1 space per bay at exit
Automobile washing facility—automatic	4 spaces per bay at entrance, 1 space per bay at exit
Food service—fast food drive-through	4 spaces behind menu board, 4 space behind first window
Financial institution	4 spaces per teller window, 2 spaces per ATM kiosk
Other drive-up or drive-through uses	2 spaces per window

(12) Off-street loading requirements. Off-street loading space shall be provided for any non-residential use that receives or distributes materials or merchandise by trucks or similar vehicles and has a gross floor area of 5,000 square feet or more, in accordance with the following standards:

(a) Dimensions. Loading berths shall be no less than 12 feet in width, 50 feet in length and 14 feet in height, exclusive of aisle and maneuvering space.

(b) Location. Loading berths shall be located on the site and shall be separate from any required off-street parking. Loading berths shall not be located less than 50 feet from the property line of any residential property or residentially zoned property. Loading berths shall not be located within the front yard setback area.

(c) Access. Each loading berth shall be located with appropriate means of vehicular access to and from a public street or alley and shall not interfere with automobile or pedestrian traffic either on the site or adjacent to the site.

(d) Surfacing. All loading berths and access driveways shall be surfaced with a dustless all-weather material and constructed to control drainage according to a plan approved by the City Engineer.

(e) Use. Any space designated as a loading berth or access drive in accordance with the terms of this section shall not be used for the storage of goods, inoperable vehicles or required off-street parking.

(f) Number. For facilities with less than 20,000 square feet gross floor area, the off-street loading requirements may be met by providing a designated loading zone on site, as opposed to constructing a loading berth. For facilities with 20,000 square feet gross floor area or greater, one off-street loading berth shall be provided for every 30,000 square feet gross floor area or fraction thereof.

(M) *Tree Preservation and Planting Standards for Landscaping and Screening.*

- (1) *Purpose.* The City of Columbia Heights recognizes the great value trees, landscaping, and screening provide to all residents of the City. A healthy, resilient, and robust urban forest enhances the aesthetic, environmental, and economic well-being of the City. Tree preservation and planting standards, landscaping and screening requirements are established to buffer non-compatible land uses, screen unsightly views, reduce noise and glare, minimize storm water runoff, and generally enhance the quality and appearance of development within the community.
 - a. Preserve and increase the tree canopy cover of Columbia Heights by protecting mature trees throughout the City.
 - b. Protect and enhance property values by conserving trees.
 - c. Improve quality of life for all stakeholders, including residents, visitors, and wildlife.
 - d. Preserve and increase the environmental services provided by the urban forest including sequestration of CO₂, erosion and stormwater mitigation, reduction of air pollutants, reduction of the urban heat island effect, and reduction of noise pollution.
 - e. Protect and maintain healthy trees in the development and building permit process. Protect and maintain healthy trees by ensuring best tree protection practices during construction and development.
- (2) Preservation, protection, and replacement of Protected Trees:
 - a. This ordinance applies to all demolition, building permit applications, and land alteration permits, public or private, that require a survey.
 - b. Definitions:
 - i. Protected Tree: Any tree variety on the List of Protected Tree Varieties as maintained and published by City staff with a diameter of 6" or greater as measured at 4.5' above ground (DBH, Diameter at Breast Height). The List of Protected Tree Varieties may be amended from time to time.
 - ii. Removable Tree: Any tree not defined as a Protected Tree.

- iii. City-Owned Tree: Any tree originating within the City right-of-way or originating from a City park or City-owned property.
- c. Demolition and building permit applications must include a construction tree inventory plan indicating the location, species, and diameter of the trunk at 4.5' above the ground (DBH) for all Protected Trees on the property and City-Owned Trees on or adjacent to the construction site. The plan must also indicate any Protected Trees that are proposed to be removed, as well as their replacement tree(s) location, species, and size. Applications must also include a tree protection plan describing in detail how Protected Trees and City-Owned Trees will be preserved and protected during construction. The tree protection plan shall follow the standards as presented in the most recent version of the following publications:
 - i. ANSI A300 Part 5- Management of Trees and Shrubs During Site Planning, Site Development, and Construction
 - ii. ISA Best Management Practices- Managing Trees During Construction
- d. The construction tree inventory plan and tree protection plan must be reviewed and approved by the City Forester. Approved tree protection measures shall be fully installed and inspected by City staff prior to commencement of any construction activities or vehicular traffic on site.
- e. During the demolition and building process, the permit holder shall not leave any Protected Tree or adjacent City-owned tree without sufficient guards and protections to prevent injury to the protected tree during construction. Tree protection shall follow the standards as presented in the publications listed above (3.b.). City Forestry Staff monitoring is required for all projects with affected Protected Trees and/or replacement trees. Replacement trees will be monitored for three (3) years to ensure proper establishment.
- f. Protected Tree varieties that are less than 6" in caliper must be moved to another location on the property if possible. Exceptions must be granted in writing by the City Forester.
- g. If a Protected Tree is removed, except as allowed for in paragraph 5 below, it is subject to a size-based replacement policy.
 - i. Protected trees with DBH 6"-15" are subject to a 2:1, "two for one" replacement requirement.
 - ii. Protected trees with DBH 15"-20" are subject to a 3:1, "three for one" replacement requirement.
 - iii. Protected trees with DBH 20"-25" are subject to a 4:1, "four for one" replacement requirement.
 - iv. Protected trees with DBH >25" are subject to a 5:1, "five for one" replacement requirement.
 - v. Replacement trees must be varied by species and are subject to approval by the City Forester.
 - vi. Replacement trees are subject to the size and diversity requirements as outlined below.
 - vii. A payment of \$400 for each tree may be made to the City in lieu of planting replacement trees where sufficient space does not exist on the property. Payments will support the planting of replacement trees by City staff on City property.
 - viii. Replacement trees shall be planted according to the standards set forth in the MN Department of Natural Resources publication "A Pocket Guide to Planting Trees". All replacement trees are subject to inspection by City staff for a period of 2 years

- beginning the day of planting. Any trees determined to be unhealthy or poorly established during this period shall be subject to replacement.
- (3) Removal of Protected and Removable Trees:
- a. Protected Trees may be removed in the following areas:
 - i. Within the footprint of the building pad of a new or remodeled building, or within a 10' radius of the footprint.
 - ii. Within driveways and parking areas meeting all other City ordinance requirements.
 - b. Protected Trees removed in accordance with sections (i.) and (ii.) above are required to be replaced at a rate of 1:1, "one for one." Replacement trees are subject to all requirements listed in paragraph (3.) above.
 - c. Removable Trees may be removed for any development or building permit without replacement.
 - d. If Protected Trees are dead, diseased, or hazardous their removal must be approved in writing by the City Forester before removal. Dead, diseased, or hazardous trees are not subject to replacement requirements.
- (4) Exemptions from Tree Preservation Ordinance: Tree removal on property with an existing building or structure that is not being modified is exempt from this ordinance.
- (5) Standards for Newly Planted Trees and Replacement Trees
- a. *Landscaping and screening.*
 - i. *Landscape plan required.* A landscape plan is required for all new commercial, industrial, institutional, and multi-family development. For development having an anticipated construction value in excess of \$750,000, the landscape plan must be prepared by a landscape architect registered in the State of Minnesota. Said landscape plan shall include the location, size, quantity, and species of all existing and proposed plant materials.
 - ii. *Design considerations.* The following design concepts and requirements should be considered when developing a landscape plan for submittal to the city:
 1. To the maximum extent possible, the landscape plan shall incorporate existing vegetative features on the site.
 2. The overall composition and location of landscaped areas should complement the scale of the development and its surroundings.
 3. The use of native species is preferred in all landscaping choices, and a minimum of 80% of all plants used shall be native to MN.
 4. The City of Columbia Heights is committed to enhancing the diversity and resiliency of its urban forest. A variety of trees and shrubs shall be used to provide visual interest year-round and meet diversity requirements. No more than 25% of the required number of trees or shrubs may be comprised of any one species or genus. No less than 50% of the required number of trees shall be over-story deciduous trees and no less than 10% shall be coniferous. New trees and replacement trees shall be planted according to the standards set forth in the MN Department of Natural Resources publication "A Pocket Guide to Planting Trees". All replacement trees are subject to inspection by City staff for a period of 3 years beginning the day of planting. Any trees determined to be unhealthy or poorly established during this period shall be subject to replacement.

5. Final slopes greater than 3:1 will not be permitted without special treatment such as terracing, retaining walls or special ground covers.
6. All plant materials shall meet the minimum size standards listed in Table 1; all planting locations shall meet the soil volume requirements for the plant material listed in Table 2. Soil volume requirements must be met by contiguous, uncompacted soil suitable for the plant type. Soil depth beyond 3 feet shall not be counted towards soil volume requirements. Landscaped areas should be of adequate size to allow proper plant growth, protect plantings from both pedestrian and vehicular traffic, and provide adequate area for plant maintenance. Definitions and rules for calculating soil volume provided in Appendix B. All exceptions to soil volume requirements must be approved by the City Forester in writing.

Table 1: Plant Size Requirements

Plant Type	Minimum Size at Planting
Trees	
Evergreen-over-story	6 feet in height
Evergreen-ornamental	6 feet in height
Deciduous-over-story	2.5 inches diameter, measured 2 feet from base
Deciduous-ornamental	2 inches diameter, measured 2 feet from base
Shrubs	
Evergreen	2 feet in height
Deciduous	2 feet in height
Screening shrubs-either	3 feet in height

Table 2: Soil Volume

Requirements

Expected Tree Size at Maturity	Minimum Soil Volume Requirement (ft ³)
Small trees: 10-25 ft crown spread, 8-12" mature DBH	300
Medium trees: 25-35 ft crown spread, 12-18" mature DBH	700
Large trees: 35+ ft crown spread, 18"+ mature DBH	1100

Appendix A: List of Protected Tree Varieties

Common Name	Botanical Name
Birch	<i>Betula spp.</i>
Buckeye, Ohio	<i>Aesculus glabra</i>

Catalpa, Northern	<i>Catalpa speciosa</i>
Cedar, Eastern Red	<i>Juniperus virginiana</i>
Cedar, Northern White	<i>Thuja occidentalis</i>
Elm (except Siberian/Asian elms)	<i>Ulmus spp. (Except U. pumila)</i>
Fir, White	<i>Abies concolor</i>
Hackberry	<i>Celtis occidentalis</i>
Hemlock, Eastern	<i>Tsuga canadensis</i>
Hickory	<i>Carya spp.</i>
Honey locust	<i>Gleditsia triacanthos</i>
Ironwood	<i>Ostrya virginiana</i>
Kentucky coffee	<i>Gymnocladus dioica</i>
Linden	<i>Tilia spp.</i>
Maple, Black	<i>Acer nigrum</i>
Maple, Red	<i>Acer rubrum</i>
Maple, Sugar	<i>Acer saccharum</i>
Mountain ash	<i>Sorbus spp.</i>
Oak	<i>Quercus spp.</i>
Pine, Red	<i>Pinus resinosa</i>
Pine, White	<i>Pinus strobus</i>
Spruce, Norway	<i>Picea abies</i>
Spruce, White	<i>Picea glauca</i>
Walnut, Black	<i>Juglans nigra</i>

Appendix B: Definitions and Rules for Calculating Soil Volume

The following definitions apply to soil media for newly planted trees in the City of Columbia Heights:

Open soil. Exclusively refers to either uncompacted native soils (no greater than 80% Proctor), or amended soils meeting the Minnesota Department of Transportation standards for approved topsoil, that are not covered by hardscape or paved surfaces.

Available open soil. The uncovered length by width of a planting bed, multiplied by depth of preparation up to 36 inches deep. Most unprepared urban subgrade is highly compacted and does not qualify as available.

Covered soil. Soil volume provided below hardscape or paved surfaces in the form of suspended soil cells or structural soil. Only 25% of the volume of structural soils may be counted towards soil volume requirements. All covered soil used in cell-type systems or suspended pavement systems shall be loam.

Shared soil. Soil media shared by more than one tree in a planting bed sharing open soil, or an individual tree in a planting bed that is connected to other open soils via Soil Cells or Structural Soil. Areas of shared soil must have a continuous root path that does not restrict to less than 4 feet wide or 2 feet deep. Trees in shared soil spaces received a 30% credit towards total soil volume requirements.

Isolated soil. Soil media in a tree well or small enclosed planting bed that is

connected to other prepared soil volumes and is totally isolated by hardscape such as driveways, sidewalks, or vaults.

Connected soil. Two or more areas of open soil that are connected below hardscape with either soil cells or structural soil. These connected beds can now qualify as shared soil.

The following standards and exceptions apply to calculating soil volumes:

- 1) The total soil volume provided for a tree shall be calculated in cubic feet by adding the available open soil volume to the available covered soil volume within a 50-foot radius of the tree.
 - 2) When total soil volume consists of more than one planter bed or open soil area, those areas must be connected by continuous root paths at least 4 feet wide and 2 feet deep.
 - 3) Soil volumes for covered soil shall be calculated by using only the space available to roots and may not include the components providing structure. 90% of the volume of cell-type hardscape suspension systems may be counted towards total soil volume; 25% of the volume of structural soils may be counted towards total soil volume. A maximum depth of 36" may be used when calculating total soil volume; depths beyond 36" may not be counted towards soil volume requirements. Trees in shared soil spaces receive a 30% credit towards total soil volume requirements.
- (6) *Landscaping requirements.* Landscaping shall be provided in accordance with the following requirements:
- a. All required setbacks shall be landscaped with turf grass, native grasses, trees, shrubs, vines, perennial flowering plants, or other pervious ground cover. Artificial turf shall not be considered a pervious ground cover unless a land disturbance permit is issued and approved by the Public Work Director.
 - b. A minimum of one tree shall be planted for every 50 feet of street frontage or fraction thereof. The trees shall be planted within the front yard and may be arranged in a cluster or placed at regular intervals to best complement existing landscape design patterns in the area.
 - c. A minimum of four trees shall be planted for every one acre of lot area covered by buildings, parking areas, loading areas, exterior storage areas and other impervious surfaces.
 - d. Parking areas shall have a minimum of 100 square feet of landscape area and one over-story tree for each 20 spaces or, fraction thereof. The remainder of the landscape area shall be covered with turf grass, native grasses, trees, shrubs, vines, perennial flowering plants, or other pervious ground cover.
- (7) *Screening requirements.* Screening shall be provided in accordance with the following requirements:
- a. All off-street parking areas containing six or more parking spaces and located adjacent to a residential or residentially zoned property, the parking area shall be screened along the boundary with the residential use. Where any commercial or industrial use is located adjacent to or across a public alley from a residential or a residentially zoned property, the commercial or industrial use shall be screened along the boundary with the residential use.

- b. Exterior storage of materials or equipment, except for allowed retail sales and temporary placement of equipment, shall be screened from all adjacent non-industrial uses and from the public right-of-way.
 - c. Required screening shall consist of a fence, wall, earthen berming and/or vegetation no less than six feet in height and no less than 80% opaque on a year round basis. Said screening shall be located as close to the property line as practicable and no closer than 15 feet from the edge of a public right-of-way.
- (8) *Installation and maintenance.* The following regulations shall govern the installation and maintenance of landscaping and screening materials.
- a. All landscaping materials and screening materials shall be installed in conjunction with site development and prior to issuance of a final certificate of occupancy.
 - b. A letter of credit or other security as acceptable to the city shall be deposited with the Zoning Administrator, in an amount equal to 100% of the estimated cost of landscaping and/or screening. The letter of credit or other security as acceptable to the city, or portions thereof, shall be forfeited to maintain and/or replace materials for a period of time to include at least two growing seasons. A portion of the letter of credit or other security as acceptable to the city may be released after one growing season as determined by the Zoning Administrator. The property owner shall be responsible for continued maintenance of landscaping and screening materials to remain in compliance with the requirements of this section. Plant materials that show signs of disease or damage shall be promptly removed and replaced within the next planting season.
 - c. The property owner shall be responsible for continued maintenance of landscaping and screening materials to remain in compliance with the requirements of this section. Plant materials that show signs of disease or damage shall be promptly removed and replaced within the next planting season.
- (9) *Screening of parking areas from adjacent properties.* All parking and loading areas (including drive-through facilities, pump island service areas and stacking spaces) abutting a public street or sidewalk shall provide:
- a. A landscaped frontage strip at least five feet wide along the public street or sidewalk. If a parking area contains over 100 spaces, the minimum required landscaped frontage strip shall be increased to eight feet in width.
 - b. Screening consisting of either a masonry wall, fence, berm or hedge or combination that forms a screen a minimum of three feet in height, a maximum of four and one half feet in height, and not less than 50% opaque on a year-round basis. For reasons of personal safety and security, parking lot screening should allow clear visibility of pedestrians above the three-foot high viewing range.
 - c. Trees shall be planted at regular intervals of no greater than 50 feet within the frontage strip.

(N) Building design standards.

(1) Purpose. The purpose of this section is to promote quality development throughout the community that is attractive and visually compatible with adjacent development.

(2) Design review required. Approval of building elevations is required for all new commercial, industrial, institutional and multi-family development. Building design approval is also required for any remodeling or expansion activity that increases the overall size of the building by 10% or more.

(3) Building materials and design. The following material and design standards shall be adhered to:

(a) Building materials for all projects shall be durable, require low maintenance and be of the same or better quality than that used on surrounding properties; and shall consist of any of the following materials: Brick; natural stone; stone treated concrete panels; glass curtain wall panels; wood, provided surfaces are finished for exterior use and only woods of proven exterior durability are used such as cedar, redwood, and cypress; factory fabricated and finished metal frame paneling; or other materials of high architectural quality as approved by staff.

(b) Building elevations and facades should include a variety of architectural features and building materials to provide visual interest and give each project a distinct character. Building facades shall contain windows at the ground level or first floor in order to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility. Special care should be given to building elevations that face a public right-of-way or a residential area. Doors, window frames, screening walls, and other architectural features should be finished to complement the color and material of the principal building. At least 20% of the first floor facade that faces a public street, sidewalk or parking lot shall be windows or doors for residential uses. At least 20% of the first floor facade that faces a public street, sidewalk or parking lot shall be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level for non-residential uses. Windows shall be distributed in a more or less even manner. Minimum window area shall be measured between the height of two feet and ten feet above the finished level of the first floor.

(c) All additions, exterior alterations or accessory buildings constructed after the original buildings shall be of the same material and design as the original structure. However, this provision shall not prohibit the upgrading of the quality of materials used in a remodeling or expansion activity, provided said upgraded material complements the original.

(d) All structures over 120 square feet shall have full perimeter footings.

(e) Steel frame structures with metal siding and roof are allowed in commercial and industrial districts provided 50% or more of the front of the structure is masonry type veneer and windows, and the side walls shall be at least four feet from grade with the same type of masonry veneer.

(4) Application of master plan district provisions. Properties located within the district boundaries of master plan area shall also be subject to the district provisions of the master plan.

(5) Design guidelines. The City Council may adopt by resolution design guidelines that shall apply to designated areas or districts of the city with greater specificity than the standards in this section. Where there is a conflict between the design guidelines and the standards in this section, the guidelines shall apply. The design guidelines shall not prohibit public art. Public art shall be allowed to be incorporated into building design and may include but is not limited to; painted block, landscaping and tree plantings, and ornamental structures, etc. Public art shall be encouraged as an alternative to traditional design guideline requirements.

(O) Telecommunication towers/antennae.

(1) Purpose.

(a) The purpose of this division is to provide a uniform and comprehensive set of standards for the development and installation of wireless communications towers, antennas and related facilities. The regulations and requirements contained herein are intended to: (i) regulate the placement, construction and modification of wireless communications towers and related wireless communications facilities in order to protect the health, safety, and welfare of the public and the aesthetic quality of the city; and (ii) encourage managed development of wireless communications infrastructure, while at the same time not unreasonably interfering with the development of the competitive wireless communications marketplace in the City of Columbia Heights.

(b) It is intended that the city shall apply these regulations to accomplish the following:

1. Minimize the total number of towers throughout the community through siting standards;
2. Encourage the location of towers in non-residential areas and with compatible uses;
3. Provide for the appropriate location and development of wireless communications towers, antennas and related facilities within the city, to the extent possible, to minimize potential adverse impacts on the community;
4. Minimize adverse visual impacts of wireless communications towers and related facilities through careful design, siting, landscape screening, and innovative camouflaging techniques utilizing current and future technologies;
5. Promote and encourage shared use/co-location of towers and antenna support structures;
6. Maintain and preserve the existing residential character of the City of Columbia Heights and its neighborhoods and to promote the creation of a convenient, attractive and harmonious community;
7. Promote the public safety and avoid the risk of damage to adjacent properties by ensuring that wireless communications towers and related wireless communications facilities are properly designed, constructed, modified, maintained and removed;
8. Ensure that wireless communications towers and related wireless communications facilities are compatible with surrounding land uses;
9. Encourage the use of alternative support structures, co-location of new antennas on existing wireless communications towers, camouflaged towers, and construction of towers with the ability to locate three or more providers;
10. Maintain and ensure that a non-discriminatory, competitive and broad range of wireless communications services and high-quality wireless communications infrastructure consistent with federal law are provided to serve the community; and
11. Ensure that wireless communications facilities comply with radio frequency emissions standards as promulgated by the Federal Communications Commission.

(c) This section is not intended to regulate satellite dishes, satellite earth station antennas, residential television antennas in private use, multichannel multipoint distribution service antennas, or amateur radio antennas.

(2) Definitions. For the purposes of this division the following terms and phrases shall have the meaning ascribed to them herein:

ACCESSORY STRUCTURE. Means a structure or portion of a structure subordinate to and serving the principal structure on the same lot.

ACCESSORY USE. Shall have the meaning set forth in the Chapter 9.

ANTENNA. Means a device fabricated of fiberglass, metal or other material designed for use in transmitting and/or receiving communications signals and usually attached to a wireless communications tower or antenna support structure.

ANTENNA SUPPORT STRUCTURE. Any building or structure, excluding towers, used or useable for one or more wireless communications facilities.

BUFFER or BUFFERING. A natural or landscaped area or screening device intended to separate and/or partially obstruct the view of adjacent land uses or properties from one another so as to lessen the impact and adverse relationship between dissimilar, unrelated or incompatible land uses.

CITY. The City of Columbia Heights, Minnesota, and any and all departments, agencies and divisions thereof.

CITY CODE. The Columbia Heights City Code, as amended from time to time.

CITY COUNCIL or COUNCIL. The Columbia Heights City Council or its designee.

CITY MANAGER. The City Manager of the City of Columbia Heights, Minnesota or the City Manager's designee.

CO-LOCATION. The use of a single wireless communications tower, antenna support structure and/or site by more than one provider.

CONDITIONAL USE. Those uses that are generally compatible with other uses permitted in a zoning district, but that require individual review of their location, design, configuration, intensity and structures, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness of the use at a particular location. This definition shall only apply to this specific division and shall not apply to other sections or provisions of the land use and development regulations.

CONDITIONAL USE PERMIT. A permit specially and individually granted by the Council after a public hearing thereon by the Planning Commission for any conditional use so permitted in any zoning district. In approving a conditional use permit, the Council may impose reasonable conditions to accomplish the objectives of this division with respect to use, screening, lighting, hours of operation, noise control, maintenance, operation or other requirements.

EQUIPMENT CABINET or SHELTER. A structure located near a wireless communications facility that contains electronics, back-up power generators and/or other on-site supporting equipment necessary for the operation of the facility.

EXISTING TOWER. Any tower designated as an existing tower by division (O)(6) for which a permit has been properly issued prior to the effective date of this division, including permitted towers that have not yet been constructed so long as such approval is current and not expired. After the effective date of this division, any tower approved and constructed pursuant to the provisions of this division shall thereafter be treated as an existing tower for purposes of regulation pursuant to this division and the land use and development regulations.

GUYED TOWER. A wireless communications tower that is supported, in whole or in part, by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

LAND USE AND DEVELOPMENT REGULATIONS. Chapter 9 of the Columbia Heights Code, as it may be amended from time to time.

MICROWAVE DISH ANTENNA. A dish-like antenna used to transmit and/or receive wireless communications signals between terminal locations.

MONOPOLE TOWER. A wireless communications tower consisting of a single pole or spire supported by a permanent foundation, constructed without guy wires and ground anchors.

NONCONFORMITY. Shall have the meaning given in M.S. § 394.22, subd. 8, or successor statutes, and shall be governed by the provisions of the land use and development regulations (nonconformities).

PANEL ANTENNA. An array of antennas designed to direct, transmit or receive radio signals from a particular direction.

PICO CELL. A low-power cell whose coverage area extends 300 to 500 yards.

PLANNING COMMISSION. The Columbia Heights Planning and Zoning Commission.

PROVIDER. (When used with reference to a system) means a person or entity that provides wireless communications service over a wireless communications facility, whether or not the provider owns the facility. A person that leases a portion of a wireless communications facility shall be treated as a provider for purposes of this division.

SATELLITE DISH. An antenna device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia-shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

SELF-SUPPORT/LATTICE TOWER. A tower structure requiring no guy wires for support.

STEALTH or CAMOUFLAGED TOWER, EQUIPMENT CABINET or FACILITY. Any wireless communications tower, equipment cabinet or facility designed to hide, obscure or conceal the presence of the tower, antenna, equipment cabinet or other related facility. The stealth technology used must incorporate the wireless communications tower, equipment cabinet and facility into and be compatible with the existing or proposed uses of the site. Examples of stealth facilities include, but are not limited to: architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and wireless communications towers designed to look like light poles, power poles, trees, flag poles, clocks, steeples or bell towers.

UTILITY POLE-MOUNTED FACILITY. A wireless communications facility attached, without regard to mounting, to or upon an electric transmission or distribution pole, street light, traffic signal, athletic field light, utility support structure or other similar facility located within a public right-of-way or utility easement approved by the Planning Commission. The facility shall include any associated equipment shelters regardless of where they are located with respect to the mount.

WHIP ANTENNA. An omni-directional antenna used to transmit and/or receive radio signals.

WIRELESS COMMUNICATIONS FACILITY. A facility that is used to provide one or more wireless communications services, including, without limitation, arrays, antennas and associated facilities used to transmit and/or receive wireless communications signals. This term does not include wireless communications towers, over-the-air reception devices that deliver or receive broadcast signals, satellite dishes regulated by 47 C.F.R. § 25.104,

devices that provide direct-to home satellite services (“DBS”) or devices that provide multichannel multi-point distribution services (“MMDS”) as defined and regulated by 47 C.F.R. § 1.4000, as amended.

WIRELESS COMMUNICATIONS SERVICES. Those services specified in 47 U.S.C. §§ 332(c)(7)(C) and 332(d)(1)-(2), and any amendments thereto.

WIRELESS COMMUNICATIONS TOWER. A guyed, monopole or self-support/lattice tower, or extension thereto, constructed as a freestanding structure, supporting one or more wireless communications facilities used in the provision of wireless communications services.

ZONING ADMINISTRATOR. The person appointed by the City Manager as provided in the land use and development regulations.

(3) **Applicability.** The requirements of this division apply to the extent provided herein to all new, existing, replacement, re-located or expanded and/or modified wireless communications towers and wireless communications facilities. The requirements of this division apply throughout the city. It is the express intent of the city to impose, to the extent permitted by applicable law, all requirements of this division to all land within the city, whether publicly or privately held, including, without limitation, private property, city property, church property, utility property and school property.

(a) **Non-essential services.** Wireless communications towers and wireless communications facilities will be regulated and permitted pursuant to this division and not regulated or permitted as essential services, public utilities or private utilities.

(b) **Attempt to locate on existing tower or antenna support structure.** Every owner/operator seeking to locate a wireless communications facility within the city must attempt to locate on an existing wireless communications tower or antenna support structure as required by division (O)(7) and (8).

(4) **Exempt from city review.** The following activities shall be permitted without city approvals:

(a) **Amateur radio.** The installation of any antenna and its supporting tower, pole or mast to the extent city regulation is preempted by state or federal law.

(b) **Residential television antennas.** The installation of residential television antennas in private use to the extent preempted by state and federal law.

(c) **Satellite dishes.** The installation of satellite dishes to the extent preempted by state or federal law.

(d) **Mobile news.** The use of mobile services equipment providing public information coverage of news events of a temporary or emergency nature.

(5) **Permitted locations.** The following applies to all wireless communications towers, including re-located or expanded and/or modified towers, but not to existing towers:

(a) **Wireless communications towers less than 120 feet in height** shall be a permitted use in the I-1 and I-2 zoning districts.

(b) **Wireless communications towers greater than or equal to 120 feet in height** shall be a conditional use in the I-1 and I-2 zoning districts.

(c) Wireless communications towers less than 80 feet in height shall be a permitted use in the RB, CBD and GB zoning districts.

(d) Wireless communications towers greater than or equal to 80 feet in height shall be a conditional use in the RB, CBD and GB zoning districts.

(e) Wireless communications towers less than 80 feet in height shall only be allowed as a conditional use in the R-1, R-2, R-3, R-4 and LB zoning districts.

(f) Wireless communications towers greater than or equal to 80 feet in height shall not be a permitted use in the R-1, R-2, R-3, R-4 and LB zoning districts.

(g) Except where superseded by the requirements of county, state or federal regulatory agencies possessing jurisdiction over wireless communications towers, equipment cabinets and wireless communications facilities, such towers, equipment cabinets and facilities shall be stealth towers, stealth equipment cabinets and stealth facilities camouflaged to blend into the surrounding environment using stealth technology in a manner pre-approved by the city on a case-by-case basis.

(h) Utility pole-mounted facilities shall be permitted as accessory uses in all zoning districts. Applications for such facilities shall be subject to the conditions set forth in this division.

(6) Existing towers.

(a) Except where otherwise noted, existing towers shall not be rendered nonconforming uses by this division. The city encourages the use of these existing towers for purposes of co-locating additional wireless communications facilities. Any and all towers erected and in use or approved on or before the effective date of this division shall be treated as existing towers. These towers shall be considered conforming uses with respect to this division and the city shall allow co-location on these towers subject to the requirements of division (O)(7) so long as the providers utilize the most visually unobtrusive equipment that is technologically feasible.

(b) Owners of existing towers shall be required to comply with the requirements and procedures set forth in division (O)(13) and (14) to replace an existing tower.

(c) Owners of existing towers shall be required to comply with the applicable requirements and procedures set forth in division (O)(6), (7), (8) and (13) to modify or relocate an existing tower or to co-locate a wireless communications facility on an existing tower.

(d) Increases in height of an existing wireless communications tower, modification of an existing wireless communications tower or conversion of an existing wireless communications tower to a stealth or camouflage structure shall be treated as a new tower and subject to all the applicable requirements of this division.

(e) Owners of existing wireless communications towers shall be required to comply with the requirements set forth in division (O)(15) and (16).

(7) Co-location use, modification and relocation of existing towers.

(a) Any owner of an existing tower or antenna support structure containing additional capacity suitable for installation or co-location of wireless communications facilities shall permit providers to install or co-locate said facilities on such towers or antenna support structures; provided that no existing tower or antenna support structure shall be used to support wireless communications facilities for more than three separate providers. Any

co-location of wireless communications facilities shall be subject to mutually agreeable terms and conditions negotiated between the parties.

(b) Any existing tower may be modified or relocated to accommodate co-location of additional wireless communications facilities as follows:

1. An application for a wireless communications permit to modify or relocate a wireless communications tower shall be made to the Zoning Administrator. The application shall contain the information required by division (O)(14)(b) and (c). The Zoning Administrator shall have the authority to issue a wireless communications permit without further approval by the Council or the Planning Commission, except as provided in this division. Any denial of an application for a wireless communications permit to modify or relocate a wireless communications tower for purposes of co-location shall be made in accordance with division (O)(14)(e).

2. The total height of the modified tower and wireless communications facilities attached thereto shall not exceed the maximum height allowed for a permitted wireless communications tower in the zoning district in which the tower is located, unless a conditional use permit is granted by the city.

3. Permission to exceed the existing height shall not require an additional distance separation from designated areas as set forth in this division. The tower's pre-modification height shall be used to calculate such distance separations.

4. A tower which is being rebuilt to accommodate the co-location of additional wireless communications facilities may be moved on the same parcel subject to compliance with the requirements of this division.

5. A tower that is relocated on the same parcel shall continue to be measured from the original tower location for the purpose of calculating the separation distances between towers as provided herein.

(8) Application to locate wireless communications facility on existing tower.

(a) An application for a wireless communications permit to locate or re-locate a wireless communications facility on an existing tower must be submitted to the Zoning Administrator on the designated form and shall, at a minimum, contain the following:

1. Name, address and telephone number of the applicant;
2. Location of the existing tower, along with the tower owner's name and telephone number;
3. Number of applicant's wireless communications facilities to be located on the subject tower;
4. A sworn and certified statement in writing by a qualified engineer that the wireless communications facility will conform to any and all other construction standards set forth by the city code, and federal and state law;
5. An application fee in the amount set by the Council for each wireless communications facility listed on the application;
6. A copy of all licenses and/or franchises required by federal, state or local law for the construction and/or operation of a wireless communications system in the city;
7. A scaled site plan clearly indicating the location, type and height of the proposed wireless communications facility, on-site land uses and zoning, elevation and stealth design drawings of the proposed

wireless communications facility and the supporting tower, topography, and any other information deemed by the city to be necessary to assess compliance with this division and the land use and development regulations;

8. An inventory of the applicant's existing towers and wireless communications facilities, if any, that are either within the jurisdiction of the city or within one mile of the city limits, including specific information about the location, height, and design of each wireless communications facility or tower;

9. A certification that the applicant will comply with all applicable federal, state or local laws including all the provisions of the land use and development regulations; and

10. A certification that the site described in the application is located on an existing tower and the owner/operator agrees to the co-location of the subject wireless communications facility.

(b) An application for a wireless communications permit to locate or re-locate a wireless communications facility that proposes to co-locate said facility on an existing tower and that satisfies the requirements set forth in this division, shall receive expedited treatment in the review process.

(c) So as to further expedite the permitting process and to promote the efficient use of existing sites, the city encourages the users of existing towers to submit a single application for approval of multiple users on a single existing site. Applications for approval at multiple user sites shall be given priority in the review process. The fee to be submitted with a multiple user application shall be the fee specified in this subsection multiplied by the number of users listed in such application.

(d) A petitioner shall submit any additional information requested by the city for purposes of evaluating the permit request.

(e) In granting or denying a wireless communications permit to locate or re-locate a wireless communications facility on an existing tower, the Zoning Administrator shall prepare a written record of decision including findings of fact.

(9) Wireless communications facilities on antenna support structures.

(a) All wireless communications facilities to be located on antenna support structures shall be subject to the following minimum standards:

1. Wireless communications facilities shall only be permitted on buildings which are at least 35 feet tall.

2. Wireless communications facilities shall be permitted on the city's water tower; provided that the city may impose reasonable conditions which ensure that such facilities do not interfere with access to or maintenance of the tower.

3. If an equipment cabinet associated with a wireless communications facility is located on the roof of a building, the area of the equipment cabinet shall not exceed 10 feet in height, 400 square feet in area nor occupy more than 10% of the roof area. All equipment cabinets shall be constructed out of nonreflective materials and shall be designed to blend with existing architecture and located or designed to minimize their visibility.

(b) Antenna dimensions.

1. Unless a conditional use permit is obtained from the city, whip antennas and their supports must not exceed 25 feet in height and 12 inches in diameter and must be constructed of a material or color which matches the exterior of the antenna support structure.

2. Unless a conditional use permit is obtained from the city, panel antennas and their supports must not exceed 8 feet in height or 2.5 feet in width and must be constructed of a material or color which matches the exterior of the building or structure, so as to achieve maximum compatibility and minimum visibility.

3. Unless a conditional use permit is obtained from the city, microwave dish antennas located below 65 feet above the ground may not exceed 6 feet in diameter. Microwave dish antennas located 65 feet and higher above the ground may not exceed 8 feet in diameter.

(c) Notwithstanding anything to the contrary, wireless communications facilities and related equipment shall not be installed on antenna support structures in residential zoning districts, unless a conditional use permit is obtained from the city.

(d) Wireless communications facilities located on antenna support structures, and their related equipment cabinets, shall be located or screened to minimize the visual impact of such facilities and equipment cabinets upon adjacent properties. Any such screening shall be of a material and color that matches the exterior of the building or structure upon which it is situated. Wireless communications facilities and related equipment cabinets shall be of a stealth design, and shall have an exterior finish and/or design as approved by the city.

(10) Application to locate wireless communications facility on antenna support structure.

(a) An application for a wireless communications permit to locate or re-locate a wireless communications facility on an antenna support structure must be submitted to the Zoning Administrator on the designated form and shall, at a minimum, contain the following:

1. Name, address and telephone number of the applicant;
2. Location of the antenna support structure, along with the property owner's name and telephone number;
3. Number of applicant's wireless communications facilities to be located on the subject property;
4. A sworn and certified statement in writing by a qualified engineer that the wireless communications facility will conform to any and all requirements and standards set forth in the city code, and federal and state law;
5. An application fee in an amount set by the Council for each wireless communications facility listed on the application;
6. A copy of all licenses and/or franchises required by federal, state or local law for the construction and/or operation of a wireless communications system in the city;
7. A scaled site plan clearly indicating the location, type and height of the proposed wireless communications facility, on-site land uses and zoning, elevation and stealth design drawings of the proposed wireless communications facility and the rooftop and building, topography, a current survey, landscape plans, and any other information deemed by the city to be necessary to assess compliance with this division and the land use and development regulations;
8. An inventory of the applicant's existing towers and wireless communications facilities, if any, that are either within the jurisdiction of the city or within one mile of the city limits, including specific information about the location, height, and design of each wireless communications facility or tower;

9. A certification that the applicant will comply with all applicable federal, state or local laws including all the provisions of this division and the land use and development regulations; and

10. A certification that the site described in the application is located on an existing antenna support structure and the owner/operator agrees to the location or co-location of the subject wireless communications facility.

(b) An application for a wireless communications permit to locate or re-locate a wireless communications facility that proposes to co-locate said facility on an antenna support structure and that satisfies the requirements set forth in this division, shall receive expedited treatment in the review process.

(c) So as to further expedite the permitting process and to promote the efficient use of existing sites, the city encourages the users of antenna support structures to submit a single application for approval of multiple users on a single existing site. Applications for approval at multiple user sites shall be given priority in the review process. The fee to be submitted with a multiple user application shall be the fee described in this division multiplied by the number of users listed in such application.

(d) An applicant must submit a proposed stealth design for camouflaging its wireless communications facility, unless this requirement is preempted by the operation of applicable laws or regulations.

(e) A petitioner shall submit any additional information requested by the city for purposes of evaluating the permit request.

(f) In granting or denying a wireless communications permit to locate or re-locate a wireless communications facility on an antenna support structure, the Zoning Administrator shall prepare a written record of decision including findings of fact.

(11) Utility pole-mounted wireless communications facilities.

(a) Utility pole-mounted wireless communications facilities may be permitted as accessory uses in all zoning districts if the provider uses pico cell equipment. Such facilities shall only be permitted in public rights-of-way that are at least 100 feet in width. To the greatest practical extent, utility pole-mounted wireless communications facilities shall be sited where they are concealed from public view by other objects such as trees or buildings. When it is necessary to site such a facility in public view, to the greatest practical extent it shall be designed to limit visual impact on surrounding land uses, which design must be approved by the city.

(b) The height of a utility pole-mounted facility shall not exceed two feet above the pole structure.

(c) Equipment cabinets associated with utility pole-mounted wireless communications facilities which are located within the public right-of-way shall be of a scale and design that make them no more visually obtrusive than other types of utility equipment boxes normally located within the right-of-way and shall be located in a manner and location approved by the city. To the greatest practical extent, equipment cabinets associated with utility pole-mounted facilities which are located outside of the public right-of-way shall be concealed from public view or shall be architecturally designed using stealth technology or buffered to be compatible with surrounding land uses, except that such shelters located in residential zoning districts must be screened from the view of residents and pedestrians.

(d) Equipment cabinets associated with utility pole-mounted wireless communications facilities which are located outside the public right-of-way shall meet the setback requirements for accessory buildings and structures for the zoning district in which the equipment cabinet is located.

(e) Generators associated with equipment shelters must meet with the requirements of the city code.

(12) Application for utility pole-mounted wireless communications facility.

(a) An application for a wireless communications permit to locate or re-locate a utility pole-mounted wireless communications facility must be submitted to the Zoning Administrator on the designated form and shall, at a minimum, contain the following:

1. Name, address and telephone number of the applicant;
2. Location of the utility pole-mount, along with the property owner's name and telephone number;
3. Number of applicant's wireless communications facilities to be located on the subject property;
4. A sworn and certified statement in writing by a qualified engineer that the wireless communications facility will conform to any and all requirements and standards set forth in the city code, and federal and state law;
5. An application fee in the amount set by the Council for each wireless communications facility listed on the application;
6. A copy of all licenses and/or franchises required by federal, state or local law for the construction and/or operation of a wireless communications system in the city;
7. A scaled site plan clearly indicating the location, type and height of the proposed wireless communications facility, on-site land uses and zoning, elevation and stealth design drawings of the proposed wireless communications facility and utility pole-mount, topography, a current survey, landscape plans, and any other information deemed by the city to be necessary to assess compliance with this division and the land use and development regulations;
8. An inventory of the applicant's existing towers and wireless communications facilities, if any, that are either within the jurisdiction of the city or within one mile of the city limits, including specific information about the location, height, and design of each wireless communications facility or tower;
9. A certification that the applicant will comply with all applicable federal, state or local laws including all the provisions of this division and the land use and development regulations; and
10. A certification that the site described in the application is located on a utility pole-mount and the owner/operator agrees to the location of the wireless communications facility.

(b) An application for a wireless communications permit to locate or re-locate a wireless communications facility that proposes to co-locate said facility on an already existing utility pole-mount and that satisfies the requirements set forth in this division, shall receive expedited treatment in the review process.

(c) A petitioner shall submit any additional information requested by the city for purposes of evaluating the permit request.

(d) In granting or denying a wireless communications permit to locate or re-locate a utility pole-mounted wireless communications facility, the Zoning Administrator shall prepare a written record of decision including findings of fact.

(13) Construction of new towers.

(a) Conditions of approval for wireless communications towers.

1. Setback.

a. The distance between the base of any proposed wireless communications tower, measured from the center of a tower, and the nearest lot line shall be at least equal to the height of the tower, provided that this distance may be reduced to a specified amount if an applicant provides a certification from the tower manufacturer or a qualified engineer stating that the tower is designed and constructed in such a way as to crumple, bend, collapse or otherwise fall within the specified distance.

b. In no event shall the distance between the base of a proposed wireless communications tower, measured from the center of the tower, and the nearest lot line be less than 20% of the tower height.

2. Structural requirements. All wireless communications tower designs must be certified by a qualified engineer specializing in tower structures and licensed to practice in the State of Minnesota. The certification must state the tower design is structurally sound and, at a minimum, in conformance with the city's building code, the State Building Code, and any other standards outlined in the land use and development regulations, as amended from time to time.

3. Height. The height of permitted wireless communications towers shall be as specified in division (O)(5).

(b) Requirements for separation between towers.

1. Except for wireless communications facilities located on roof-tops or utility pole-mounted facilities, the minimum wireless communications tower separation distance shall be calculated and applied irrespective of jurisdictional boundaries.

2. Measurement of wireless communications tower separation distances for the purpose of compliance with this division shall be measured from the base of a wireless communications tower to the base of the existing or approved wireless communications tower.

3. Proposed towers must meet the following minimum separation requirements from existing towers or towers previously approved but not yet constructed at the time a development permit is granted pursuant to this division:

MINIMUM TOWER SEPARATION DISTANCE		
Height of Existing Tower	Height of Proposed Tower	Minimum Separation
MINIMUM TOWER SEPARATION DISTANCE		
Height of Existing Tower	Height of Proposed Tower	Minimum Separation
Less than 50 feet	Less than 50 feet	100 feet
	50-100 feet	200 feet
	101-150 feet	400 feet
	151-200 feet	800 feet

50-100 feet	Less than 50 feet	100 feet
	50-100 feet	400 feet
	101-150 feet	600 feet
	151-200 feet	800 feet
101-150 feet	Less than 50 feet	100 feet
	50-100 feet	400 feet
	101-150 feet	600 feet
	151-200 feet	800 feet
151-200 feet	Less than 50 feet	100 feet
	50-100 feet	600 feet
	101-150 feet	800 feet
	151-200 feet	1,000 feet

4. For the purpose of this subsection, the separation distances shall be measured by drawing or following a straight line between the center of the base of the existing or approved structure and the center of the proposed base, pursuant to a site plan of the proposed wireless communications tower.

(c) Standards for co-location. This subsection is designed to foster shared use of wireless communications towers.

1. Construction of excess capacity. Any owner of a wireless communications tower shall permit other providers to install or co-locate antennae or wireless communications facilities on such towers, if available space and structural capacity exists; provided, however, that no wireless communications tower shall be used to support wireless communications facilities for more than three separate providers. Any co-location of wireless communications facilities shall be subject to mutually agreeable terms and conditions negotiated between the parties. All new wireless communications towers shall be constructed with excess capacity for co-location as follows:

- Less than 80 feet in height One additional user
- 80 feet to 119 feet in height Two or more additional users (up to a maximum of three users)
- 120 feet in height or greater Three additional users

2. Notwithstanding anything to the contrary, all new monopole towers over 80 feet in height and existing monopole towers that are extended to a height over 80 feet shall be designed and built to accommodate at least two providers, and up to a maximum of three providers if technically possible.

3. Notwithstanding anything to the contrary, all new guyed towers, and existing guyed towers that are replaced or modified shall be designed and built to accommodate three providers.

4. Site area. The site or leased footprint shall contain sufficient square footage to accommodate the equipment/mechanical facilities for all proposed providers based upon the structural capacity of the tower.

5. Setbacks. If it is determined that a proposed wireless communications tower cannot meet setback requirements due to increases in tower height to accommodate the co-location of at least one additional wireless communications service provider, minimum setback requirements may be reduced by a maximum of 15 feet, unless such a reduction would decrease the distance between the base of the tower and the nearest lot line to less than 20% of the tower height, in which case set-back requirements may be reduced to a distance that is equal to or greater than 20% of the tower height.

(d) Tower design and type.

1. All proposed wireless communications towers shall be monopole towers or stealth towers. Self-supporting towers or guyed lattice towers shall only be permitted as a replacement of like structures.

2. Utility pole-mounted facilities or extensions on utility poles to accommodate the mounting of wireless communications facilities shall be of the monopole type.

3. Antennas shall be of the uni-cell variety whenever feasible or mounted internal to the wireless communications tower structure.

4. Stealth wireless communications towers, equipment cabinets and related facilities shall be required in all zoning districts.

(e) Landscaping minimum requirements. Wireless communications towers shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from surrounding property. The standard buffer shall consist of a landscaped strip at least 10 feet wide outside the perimeter of the compound. Existing mature growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as wireless communications towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer. All areas disturbed during project construction shall be replanted with vegetation. The owner of a wireless communications tower is responsible for all landscaping obligations and costs. A landscaping plan for the purpose of screening the base of the tower from view shall be submitted to the Zoning Administrator for approval prior to the issuance of a building permit for the tower. The city may waive the enforcement of this condition if it is deemed unnecessary.

(f) Visual impact standards. To assess the compatibility with and impact on adjacent properties of a proposed wireless communications tower site, an applicant seeking to construct, relocate or modify a wireless communications tower may be required to submit a visual impact analysis. The requirements of this subsection shall be required for any application to construct a tower greater than 80 feet in height. The applicant may request a review of a proposed wireless communications tower location, prior to submission of an application, to determine whether or not a visual impact analysis will be required. The applicant shall be advised of the requirement to submit a visual impact analysis by the city within ten working days following the city's receipt of the applicant's application for construction of a new wireless communication tower or the relocation or modification of an existing tower.

1. Whenever a visual impact analysis is required, an applicant shall utilize digital imaging technology to prepare the analysis in a manner acceptable to the city. At a minimum, a visual impact analysis must provide the following information:

a. The location of the proposed wireless communications tower illustrated upon an aerial photograph at a scale of not more than one inch equals 300 feet (1 inch = 300 feet). All adjacent zoning districts within a 3,000-foot radius from all property lines of the proposed wireless communications tower site shall be indicated; and

b. A line of site analysis which shall include the following information:

i. Certification that the proposed wireless communications tower meets or exceeds standards contained in this division;

ii. Identification of all significant existing natural and manmade features adjacent to the proposed wireless communications tower site and identification of features which may provide buffering and screening for adjacent properties and public rights-of-way;

iii. Identification of at least three specific points within a 2,000-foot radius of the proposed wireless communications tower location, subject to approval by the Zoning Administrator, for conducting the visual impact analysis;

iv. Copies of all calculations and a description of the methodology used in selecting the points of view and collection of data submitted in the analysis;

v. Graphic illustration of the visual impact of the proposed wireless communications tower, at a scale that does not exceed five degrees of horizontal distance, presented from the specific identified points;

vi. Identification of all screening and buffering materials under the permanent control of the applicant (only screening and buffering materials located within the boundaries of the proposed site shall be considered for the visual impact analysis); and

vii. Identification of all screening and buffering materials that are not under the permanent control of the applicant but are considered of a permanent nature due to ownership or use patterns, such as a public park, vegetation preserve, required development buffer, and the like.

2. Screening and buffering materials considered in the visual impact analysis shall not be removed by future development on the site. However, screening and buffering materials considered in the visual impact analysis shall be replaced if they die.

3. An applicant shall provide any additional information that may be required by the Zoning Administrator to fully review and evaluate the potential impact of the proposed wireless communications tower.

(14) Application process for new towers.

(a) The use of existing structures to locate wireless communications facilities shall be preferred to the construction of new wireless communications towers. To be eligible to construct a new wireless communications tower within city limits, an applicant must establish to the satisfaction of the city that the applicant is unable to provide the service sought by the applicant from available sites, including co-locations within the city and in neighboring jurisdictions; and the applicant must demonstrate to the reasonable satisfaction of the city that no other suitable existing tower or antenna support structure is available, including utility poles; and that no reasonable alternative technology exists that can accommodate the applicant's wireless communications facility due to one or more of the following factors:

1. The structure provides insufficient height to allow the applicant's facility to function reasonably in parity with similar facilities;
2. The structure provides insufficient structural strength to support the applicant's wireless communications facility;
3. The structure provides insufficient space to allow the applicant's wireless communications facility to function effectively and reasonably in parity with similar equipment;
4. Use of the existing structure would result in electromagnetic interference that cannot reasonably be corrected;
5. The existing structure is unavailable for lease under a reasonable leasing agreement;
6. Use of the structure would create a greater visual impact on surrounding land uses than the proposed alternative or otherwise would be less in keeping with the goals, objectives, intent, preferences, purposes, criteria or standards of this division, the land use and development regulations and land development regulations; and/or
7. Other limiting factors.

(b) An applicant must submit any technical information requested by the city or its designated engineering consultant as part of the review and evaluation process.

(c) An application for a wireless communications permit to construct a wireless communications tower must be submitted to the Zoning Administrator on the designated form and shall contain, at a minimum, the following information:

1. Name, address and telephone number of the applicant;
2. Proposed location of the wireless communications tower, along with all studies, maps and other information required by division (O)(13) and (14) (applicant shall submit information for only one proposed tower per application);
3. Number of applicant's wireless communications facilities to be located on the subject tower and the number of spaces available for co-location;
4. A sworn and certified statement in writing by a qualified engineer that the wireless communications tower will conform to all requirements set forth in the city code, and federal and state law;
5. An application fee in the amount set by the Council;
6. A copy of all licenses and/or franchises required by federal, state or local law for the construction and/or operation of a wireless communications system in the city;
7. A scaled site plan clearly indicating the location, type and height of the proposed wireless communications tower, on-site land uses and zoning, elevation and stealth design drawings of the proposed tower, topography, and any other information deemed by the Zoning Administrator to be necessary to assess compliance with this division and the land use and development regulations;

8. An inventory of the applicant's existing towers and wireless communications facilities, if any, that are either within the jurisdiction of the city or within one mile of the city limits, including specific information about the location, height, and design of each wireless communications facility or tower;

9. The names, addresses and telephone numbers of all owners of existing towers or antenna support structures within an area equal to 100% of the search ring for the wireless communications facility proposed to be located on the proposed new tower;

10. Written documentation in the form of an affidavit that the applicant made diligent, but unsuccessful efforts for permission to install or co-locate the proposed wireless communications facility on all existing towers or antenna support structures located within an area equal to 100% of the search ring for the proposed site of the wireless communications facility;

11. Written, technical evidence from a qualified engineer that the proposed wireless communications facility cannot be installed or co-located on an existing tower or antenna support structure located within the city and must be located at the proposed site in order to meet the coverage requirements of the proposed wireless communications service, together with a composite propagation study which illustrates graphically existing and proposed coverage in industry-accepted median received signal ranges;

12. A written statement from a qualified engineer that the construction and placement of the proposed wireless communications tower will comply with Federal Communications Commission radiation standards for interference and safety and will produce no significant signal interference with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and non-residential properties; and

13. A certification that the applicant will comply with all applicable federal, state or local laws including all the provisions of this division and the land use and development regulations.

(d) A proposed wireless communications tower that exceeds the height limitations for a permitted tower in the GB, RB, CBD, I-1 or I-2 zoning districts, or any proposed wireless communications tower under 80 feet in the R-1, R-2, R-3, R-4, or LB districts, shall only be allowed upon approval of a conditional use permit. The City Council may establish any reasonable conditions for approval that are deemed necessary to mitigate adverse impacts associated with the conditional use, to protect neighboring properties, and to achieve the objectives of this division and the land use and development regulations. Such a conditional use permit shall be required in addition to a wireless communications permit.

(e) In granting or denying a wireless communications permit to construct a wireless communications tower, the Zoning Administrator shall prepare a written record of decision including findings of fact. Proposed wireless communication towers that meet the standards and requirements contained herein, including location and height limitations, may be approved administratively by the Zoning Administrator. Proposed wireless communication towers that do not meet the standards and requirements contained herein, including location and height limitations, may be denied administratively by the Zoning Administrator, provided that the written record of decision including findings of fact is accepted by the Council.

(15) Annual registration requirement.

(a) Wireless communications facilities.

1. To enable the city to keep accurate, up-to-date records of the location of wireless communications facilities within city limits, on an annual basis, no later than February 1 of each year, or upon change in ow

of wireless communications facilities, the owner/operator of such facilities shall submit documentation to the Zoning Administrator providing:

a. Certification in writing that the wireless communications facility conforms to the requirements, in effect at the time of construction of the facility, of the State Building Code and all other requirements and standards set forth in the city code, and federal and state law by filing a sworn and certified statement by a qualified engineer to that effect. A wireless communications facility owner/operator may be required by the city to submit more frequent certification should there be reason to believe that the structural and/or electrical integrity of the wireless communications facility is jeopardized. The city reserves the right upon reasonable notice to the owner/operator of the wireless communications facility to conduct inspections for the purpose of determining whether the wireless communications facility complies with the State Building Code and all requirements and standards set forth in local, state or federal laws; and

b. The name, address and telephone number of any new owner, if there has been a change of ownership of the wireless communications facility.

2. Annual payment of a registration fee, as set by the Council, for each wireless communications facility located within the city shall be submitted to the city at the time of submission of the documentation required above.

(b) Wireless communications towers.

1. To enable the city to keep accurate, up-to-date records of the location and continued use of wireless communications towers within city limits, on an annual basis, no later than February 1 of each year, or upon change in ownership of a wireless communications tower, the owner/operator of each tower shall submit documentation to the Zoning Administrator providing:

a. Certification in writing that the wireless communications tower is structurally sound and conforms to the requirements, in effect at the time of construction of the tower, of the State Building Code and all applicable standards and requirements set forth in the city code, and federal and state law, by filing a sworn and certified statement by a qualified engineer to that effect. The tower owner may be required by city to submit more frequent certifications should there be reason to believe that the structural and/or electrical integrity of the tower is jeopardized;

b. The number of providers located on the tower and their names, addresses and telephone numbers;

c. The type and use of any wireless communications facilities located on the tower; and

d. The name, address and telephone number of any new owner of the tower, if there has been a change of ownership of the tower.

2. An annual payment of a registration fee, as set by the Council, for each tower located within the city shall be submitted to the city at the time of submission of the documentation required above.

(16) General requirements. The following conditions apply to all wireless communications towers and wireless communications facilities in the city:

(a) Duration of permits. If substantial construction or installation has not taken place within one year after city approval of a wireless communications permit, the approval shall be considered void unless a petition for time extension has been granted by the City Council. Such a petition shall be submitted in writing at least 30 days prior

to the expiration of the approval and shall state facts showing a good faith effort to complete the work permitted under the original permit.

(b) Assignment and subleasing. No wireless communications facility, tower or antenna support structure or wireless communications permit may be sold, transferred or assigned without prior notification to the city. No sublease shall be entered into by any provider until the sublessee has obtained a permit for the subject wireless communications facility or tower or antenna support structure. No potential provider shall be allowed to argue that a permit should be issued for an assigned or subleased wireless communications facility or tower or antenna support structure on the basis of any expense incurred in relation to the facility or site.

(c) Aesthetics. Wireless communications towers and wireless communications facilities shall meet the following requirements:

1. Signs. No commercial signs or advertising shall be allowed on a wireless communications tower or a wireless communications facility.

2. Lighting. No signals, lights, or illumination shall be permitted on a wireless communications tower or a wireless communications facility, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least obtrusiveness to the surrounding community. However, an applicant shall obtain approval from the city if the Federal Aviation Administration requires the addition of standard obstruction marking and lighting (i.e., red lighting and orange and white striping) to the tower. An applicant shall notify the Zoning Administrator prior to making any changes to the original finish of the tower.

3. Graffiti. Any graffiti or other unauthorized inscribed materials shall be removed promptly or otherwise covered in a manner substantially similar to, and consistent, with the original exterior finish. The city may provide a wireless communications tower or equipment cabinet owner and/or operator written notice to remove or cover graffiti within a specific period of time or as required by other appropriate sections of the city code as presently existing or as may be periodically amended. In the event the graffiti has not been removed or painted over by the owner and/or operator within the specified time period, the city shall have the right to remove or paint over the graffiti or other inscribed materials. In the event the city has to remove or paint over the graffiti, then the owner and/or operator of the wireless communications tower or equipment cabinet or structure on which the graffiti existed, shall be responsible for all costs incurred.

(d) Federal and state requirements. All wireless communications towers and wireless communications facilities must meet or exceed the standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the state or federal government with the authority to regulate wireless communications towers and facilities. If such standards and regulations change, then the owners of the wireless communications towers and wireless communications facilities subject to such standards and regulations must bring such towers and facilities into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to maintain or bring wireless communications towers and wireless communications facilities into compliance with such revised standards and regulations shall constitute a violation of this division and shall be subject to enforcement under the city code. Penalties for violation may include fines and removal of the tower or wireless communications facility at the owner's expense.

(e) Licenses or franchise. An owner of a wireless communications tower or wireless communications facility must notify the city in writing within 48 hours of any revocation or failure to renew any necessary license or franchise.

(f) Discontinued use. In the event the use of a wireless communications tower or wireless communications facility is discontinued, the owner and/or operator shall provide written notice to the city of its intent to discontinue use and the date when the use shall be discontinued.

(g) Abandoned tower or antenna. The city may require removal of any abandoned or unused wireless communications tower or wireless communications facility by the tower or facility owner within 30 days after notice from the city of abandonment. A wireless communications tower or wireless communications facility shall be considered abandoned if use has been discontinued for 180 consecutive days.

1. Removal by city. Where a wireless communications tower or wireless communications facility is abandoned but not removed within the specified time frame, the city may remove the facility or remove or demolish the tower and place a lien on the property following the procedures (but not the criteria) for demolition of an unsafe building/structure of the city's housing code.

2. Towers utilized for other purposes. Where a wireless communications tower is utilized for other purposes, including but not limited to light standards and power poles, it shall not be considered abandoned; provided, however, that the height of the tower may be reduced by the city so that the tower is no higher than necessary to accommodate previously established uses.

3. Restoration of area. Where a wireless communications tower or facility is removed by an owner, said owner, at no expense to the city, shall restore the area to as good a condition as prior to the placement of the tower or facility, unless otherwise instructed by the city.

4. Surety or letter of credit for removal. Prior to the issuance of a building permit, a surety or letter of credit shall be submitted by the property owners or tower operators to ensure the removal of abandoned wireless communications towers. The surety or letter of credit shall be utilized to cover the cost of removal and disposal of abandoned towers and shall consist of the following:

a. Submission of an estimate from a certified structural engineer indicating the cost to remove and dispose of the tower; and

b. Either a surety or a letter of credit, equivalent to 100% of the estimated cost to remove and dispose of the tower. The form of the surety or the letter of credit shall be subject to approval by the Zoning Administrator and the City Attorney.

(h) FCC emissions standards. At all times, owners and/or operators of wireless communications facilities shall comply with the radio frequency emissions standards of the Federal Communications Commission.

1. Testing required. All existing and future wireless communications facilities shall be tested in accordance with applicable laws and regulations. Such testing, to the extent it is required, shall comply with standards and procedures prescribed by the Federal Communications Commission.

2. Inspections. The city reserves the right to conduct random radio frequency emissions inspections. The cost for such random inspections shall be paid from the wireless communications annual registration fees, unless an owner and/or operator is found to be in noncompliance with Federal Communications Commission RF emissions

standards, whereupon the noncompliant owner and/or operator shall reimburse the city in full for the cost of the inspection.

(i) **Maintenance.** All wireless communications facilities, wireless communications towers and antenna support structures shall at all times be kept and maintained in good condition, order, and repair, and, maintained in stealth condition (if stealth or camouflage is a permit requirement). The same shall not menace or endanger the life or property of any person, and shall retain original characteristics. All maintenance or construction on a wireless communications tower, wireless communications facility or antenna support structure shall be performed by licensed maintenance and construction personnel. The city shall notify a provider in writing regarding any specific maintenance required under this division. A provider shall make all necessary repairs within 30 days of such notification. Failure to effect noticed repairs within 30 days may result in revocation of a tower owner's or provider's permit and/or removal of the tower, wireless communications facility or antenna support structure.

(j) **Emergency.** The city reserves the right to enter upon and disconnect, dismantle or otherwise remove any wireless communications tower or wireless communications facility should the same become an immediate hazard to the safety of persons or property due to emergency circumstances, as determined by the Zoning Administrator or their designee, such as natural or manmade disasters or accidents, when the owner of any such tower or facility is not available to immediately remedy the hazard. The city shall notify any said owner of any such action within 24 hours. The owner and/or operator shall reimburse the city for the costs incurred by the city for action taken pursuant to this subsection.

(k) **Equipment cabinets.** Equipment cabinets located on the ground shall be constructed out of non-reflective materials and shall be screened from sight by mature landscaping and located or designed to minimize their visibility. All equipment cabinets shall be no taller than ten feet in height, measured from the original grade at the base of the facility to the top of the structure, and occupy no more than 400 square feet in area, unless a waiver is granted by the city upon written request from a provider.

(l) **Equipment on site.** No mobile or immobile equipment or materials of any nature shall be stored or parked on the site of a wireless communications tower or wireless communications facility, unless used in direct support of a wireless communications tower or wireless communications facility or for repairs to the wireless communications tower or wireless communications facility currently underway.

(m) **Inspections.** The city reserves the right upon reasonable notice to the owner/operator of a wireless communications tower or antenna support structure, including utility poles and rooftops, to conduct inspections for the purpose of determining whether the tower or other support structure and/or related equipment cabinet complies with the State Building Code and all applicable requirements and standards set forth in local, state or federal law and to conduct radiation measurements to determine whether all antenna and transmitting equipment are operating within Federal Communications Commission requirements.

(n) **Security.**

1. An owner/operator of a wireless communications tower shall provide a security fence or equally effective barrier around the tower base or along the perimeter of the wireless communications tower compound.

2. If high voltage is necessary for the operation of the wireless communications tower or antenna support structure, "HIGH VOLTAGE - DANGER" warnings signs shall be permanently attached to the fence or barrier and shall be spaced no more than 20 feet apart, or on each fence or barrier frontage.

3. "NO TRESPASSING" warning signs shall be permanently attached to the fence or barrier and shall be spaced no more than 20 feet apart.

4. The letters for the "HIGH VOLTAGE - DANGER" and "NO TRESPASSING" warning signs shall be at least six inches in height. The two warning signs may be combined into one sign. The warning signs shall be installed at least 4.5 feet above the finished grade of the fence or barrier.

(o) Advances in technology. All providers shall use and apply any readily available advances in technology that lessen the negative aesthetic effects of wireless communications facilities and wireless communications towers to the residential communities within the city. Every five years, the city may review existing structures and compare the visual impact with available technologies in the industry for the purpose of removal, relocation or alteration of these structures in keeping with the general intent of this division. Such removal, relocation or alteration may be required by the city pursuant to its zoning power and authority.

(17) Review of applications. The city shall process all applications for wireless communications towers and wireless communications facilities in a timely manner and in accordance with established procedures. The reason for the denial of any application filed in accordance with this provision shall be set forth in writing, and shall be supported by substantial evidence in a written record.

(18) Appeals. At any time within 30 days after a written order, requirement, determination or final decision has been made by the Zoning Administrator or other official in interpreting or applying this division, except for actions taken in connection with prosecutions for violations thereof, the applicant or any other person affected by such action may appeal the decision in accordance with the provisions of the land use and development regulations.

(19) Revocation. A material breach of any terms and conditions of a permit issued for a wireless communications tower or wireless communications facility under this division and the land use and development regulations may result in the revocation by the city of the right to operate, utilize or maintain the particular tower or wireless communications facility within the city following written notification of the violation to the owner or operator, and after failure to cure or otherwise correct said violation within 30 days. A violation of this division shall be subject to enforcement in accordance with the land use and development regulations. Penalties for a violation of a permit or this division may include fines and removal of the wireless communications tower or wireless communications facility at the owner's expense.

(Ord. 1424, passed 12-11-00)

(P) Sign regulations.

(1) Purpose. The purpose of this division is to allow effective signage appropriate to the character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse impacts on nearby property and protect the public health, safety and general welfare.

(2) Application. The sign regulations set forth in this division shall apply to all structures and all land uses, except as otherwise prohibited by this article. All signs allowed by this division shall be limited to on-premise signs.

(3) Permits.

(a) Permit required. It shall be unlawful for any person to erect, build, construct, attach, hang, place, suspend, affix, structurally alter, or relocate any sign within the city without having first obtained a permit from the city unless herein excluded.

(b) Application for sign permit. An application for a sign permit shall be filed with the Zoning Administrator on the approved form and shall be accompanied by such information as may be required to ensure compliance with the provisions of this division, including but not limited to, the following:

1. A drawing showing the proposed location of the sign for which the permit is being requested and the location of all existing signage on the premises.
2. A drawing indicating the size, color, content and materials of the sign, as well as the method of construction and attachment to the building or to the ground.
3. Engineering data showing the structure is designed to accommodate dead load and wind pressure, in any direction, in the amount required within this division, when specifically requested by the Zoning Administrator.

(c) Application fee. Fees for all sign permits shall be established by resolution of the City Council.

(d) Issuance of permit. Upon the filing of a completed application for a sign permit, the Zoning Administrator shall examine all accompanying drawing and supplemental data to determine compliance with the requirements of this division. Upon approval, the sign permit shall remain valid for a period of one year. If no work has commenced within such time period, a new permit shall be required even if no changes have been made to the original site plan.

(e) Exemptions. The following changes shall not require a sign permit. These exceptions shall not be construed as relieving the owner of the sign from the responsibility for its proper erection and maintenance and its compliance with the provisions of this article or any other law or ordinance regulating the same.

1. The changing of the advertising copy or message of a painted or printed sign. Except for theater marquees and changeable copy signs specifically designed for the use of replaceable copy, electric signs shall not be included in this exception.

2. Painting, repainting or cleaning of an advertising structure or the changing of the advertising copy or message thereon, unless a structural change is made.

(4) General sign standards.

(a) Construction requirements. All signs shall be constructed and maintained in such a manner so as to present a professional appearance and maintained in accordance with the applicable provisions of the Uniform Building and Electrical Codes. The site on which the sign is constructed shall utilize existing finished grade, and shall not be raised, bermed, or otherwise elevated above surrounding grade to achieve a greater height than allowed by this article.

(b) Maintenance. All signs, including temporary signs, together with all of their supports, braces, guys, and anchors, shall be kept in good repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted. Every sign and the immediate surrounding premises shall be maintained by the owner or person in charge thereof in a safe, clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

(c) Inspection. All signs for which a permit is required shall be subject to inspection by the Zoning Administrator. The Zoning Administrator, or any other official of the municipality who may be appointed by them is hereby authorized to enter upon any property or premises to ascertain whether the provisions of this division are being obeyed.

- (5) Exempt signs. In all districts, the provisions of this section shall not apply to the following signs:
- (a) Signs of any governmental unit designed for regulatory and safety purposes;
 - (b) Memorial plaques, cornerstones and historical tablets;
 - (c) Political signs regulated per state statute;
 - (d) Direction signs not more than two in number identifying the location and nature of a building, structure, or use which is not readily visible from the street, serving such building, structure, or use on lands forming part of the site of such buildings, structure, or uses, provided that each such sign is not more than ten square feet in total area;
 - (e) Signs not exceeding nine square feet in area located upon private property and directed toward the prevention of trespassing;
 - (f) Window signage that does not exceed 25% of the total area of the window on or in which it is displayed;
 - (g) Temporary signs pertaining to drives or events of charitable, educational or religious organizations, and governmental signs used for the promotion of citywide functions and/or events, provided that such signs shall not be erected or posted for a period of more than 14 days prior to the date of the event and shall be removed within three days thereafter;
 - (h) Flags or emblems of political, civic, philanthropic, educational or religious organizations;
 - (i) In residential districts, one temporary on-site, freestanding real estate sign advertising the sale, lease, or rental of the lot or premises upon which such sign is situated, provided the sign does not exceed six feet in height and 15 square feet in area. On corner lots, a second such sign may be located on the property if said sign abuts a second street right-of-way. No such temporary on-site sign shall remain seven days past the date of termination of such offering.
 - (j) In commercial or industrial districts, one temporary on-site, freestanding real estate sign advertising the sale, lease, or rental of the lot or premises upon which such sign is situated, provided the sign does not exceed six feet in height and 32 square feet in area. On corner lots, a second such sign may be located on the property if said sign abuts a second street right-of-way. No such temporary on-site sign shall remain seven days past the date of termination of such offering.
 - (k) One on-site temporary sign advertising a group of lots for sale within a subdivision or a group of homes for sale within a project along each street frontage which bounds such subdivision or project, provided that the total area of such sign shall not exceed the greater of 64 square feet with no single dimension in excess of 16 feet or eight square feet per lot or house for sale. No such on-site temporary sign shall remain past the date of sale of the last lot within the subdivision or the last house within the housing project.
 - (l) Temporary on-site signs indicating the name and nature of a construction or demolition project, plus the names of the contractors, subcontractors and professional advisors, provided the combined area of such signs fronting upon each street which bounds such project shall not exceed a ratio of two square feet of sign area for each 1,000 square feet of lot area. In no case shall the combined area of such signs fronting upon each street exceed the greater of 64 square feet with no single dimension in excess of 16 or eight square feet per house or lot on which such construction or demolition is located. The display of such sign shall be limited to a period not to exceed the duration of the said construction or demolition project, at which time such signs shall be removed.

(m) One wall sign per dwelling for permitted home occupations not to exceed two square feet per surface and limited to one surface.

(n) Time and temperature signs not to exceed 20 square feet per sign and one sign per side of building.

(o) In commercial or industrial districts, one temporary on-site banner or pennant advertising the sale of the lot or premises on which such a banner or pennant is situated, or one temporary on-site banner or pennant advertising the lease or rental of a tenant space, provided that the banner or pennant shall not exceed 48 square feet in area when advertising the sale of the lot or premises, and 32 square feet in area when advertising the lease or rental of a tenant space. No such banner or pennant shall remain past the date of the offering.

(p) Public art shall not count towards any signage regulations and only the portion of the artwork displaying the name of the business shall count towards the overall signage area.

(6) Prohibited signs. Signs that are not specifically permitted in this division are hereby prohibited in all districts unless criteria is presented to allow the Planning Commission to deem that the sign design preserves and maintains the community's unique historical and cultural elements. Without restricting or limiting the generality of the provisions of the foregoing, the following signs are specifically prohibited:

(a) A balcony sign and a sign mounted or supported on a balcony.

(b) Any sign that obstructs any part of a doorway or fire escape.

(c) Any sign which, because of its position, movement, shape, illumination or color constitutes a traffic hazard because it obstructs free and clear vision, or interrupts, confuses or misleads traffic.

(d) A private sign containing words or symbols, which might reasonably be construed as traffic controls.

(e) An animated or rotating sign, except barber poles and signs displaying time and temperature information only in the animated or rotating portion thereof.

(f) A flashing sign, including indoor flashing, electrical signs visible from the public right-of-way, other than time and temperature signs limited to such time and temperature information.

(g) Any roof sign, unless attached to mansard roof or similar decorative style roof that is vertical in nature.

(h) A projecting sign which either extends more than 18 inches from the building or structure to which it is attached, or which is larger than three feet in vertical height, other than canopy or marquee signs.

(i) Any sign that does not display the name of the manufacturer or maker permanently attached to, or painted or printed on, the exterior or structural supports of the sign.

(j) Any sign that is erected, placed or maintained by any person on a rock, fence, or trees.

(k) Any sign that interferes with any electric light, or power, telephone, telecommunications, or telegraph wires, or the supports thereof.

(l) Any sign containing electrical wiring which does not conform to the Electrical Code or the components thereof do not bear the label of an approved testing agency.

(m) Any window sign or signs which exceed 25% of the total area of the window on or in which it is displayed.

(n) Portable signage, excluding sandwich board signs.

(o) Temporary signage stuck into the ground, excluding political signs regulated per state statute, professional real estate signs, garage sale signs, and any listed in division (P)(5).

(p) Variable electronic message signs.

(7) Temporary signs. The following standards shall apply to temporary signs in all zoning districts:

(a) Each temporary sign, with the exception of sandwich board signs, shall require a sign permit from the City of Columbia Heights.

(b) No more than four temporary sign permits may be issued per business per calendar year.

(c) No more than two temporary signs shall be displayed per business at any given time. When two temporary signs are displayed, each sign shall require a permit and each sign will count toward the allotment of temporary signage permitted per business per calendar year. If the business is located within a shopping center, nor more than four temporary signs may be displayed throughout the shopping center at any given time.

(d) Any sign not considered permanent shall be considered temporary.

(e) Temporary signage may not be used as permanent wall signage for the business.

(f) Temporary signs or pennants shall not exceed 32 square feet in area for businesses located in the CBD, Central Business District, and shall not exceed 48 square feet in area throughout the remainder of the city and shall be directly and fully attached to the wall of the building.

(g) Each temporary sign shall be limited to a 30-day display period per permit.

(h) Grand opening signs.

1. Each new business is permitted one grand opening sign, at the time when the new business is established in the city.

2. Grand opening signs do not require a permit.

3. The signs do not count against the total number of temporary signs allowed per property per calendar year.

4. Grand opening signs are allowed for no more than 60 consecutive days.

5. Grand opening signs must display a message consistent with the promotion of the grand opening on the new business.

6. Grand opening signs shall be no greater than 50 square feet in area.

7. The signs must meet all other applicable regulations for temporary signage in the city pertaining to placement on the property, maintenance, and the like.

(i) No temporary sign shall extend over or into any street, alley, sidewalk or other public thoroughfare, and may not cover more than 25% of window area such that 75% of the total window area is kept clear at all times.

(j) No temporary sign shall be erected so as to prevent free ingress to or egress from any door, window or fire escape, nor shall such sign be attached to any standpipe or fire escape.

(k) Unauthorized use of temporary signage shall be subject to the other sanctions as provided herein.

(l) Sandwich board signs.

1. Permitted in the LB, Limited Business, GB, General Business, and CBD, Central Business District only.
2. One sandwich board sign is permitted per business.
3. Sandwich board signs are limited to eight square feet in area per side.
4. Sandwich board signs are limited to five feet in height.
5. The sign shall be professionally painted and maintained in a neat and readable manner.
6. Signs shall be placed on private property only, and shall be set back at least five feet from all property lines.
7. Signs shall not obstruct vehicular or pedestrian traffic or visibility and shall not create a safety hazard.
8. Signs shall not be lighted and shall not utilize noise amplifiers.
9. In the CBD, Central Business District only, sandwich board signs may be placed on public sidewalks, directly in front of the business being advertised.

(8) Dynamic LED signage.

(a) Regulations. Dynamic LED signage is allowed as a conditional use in those zoning districts specified in this code. All dynamic LED signage is subject to the following conditions:

1. Dynamic LED signs are allowed only on monument signs for conditionally permitted uses in all zoning districts, with the exception of the PO, Public District, in which LED signage may be utilized in existing pylon signs. Motor fuel stations may display dynamic LED signs as part of the pylon sign to promote motor fuel prices only. Such motor fuel price signs do not require a conditional use permit. All dynamic LED signs may occupy no more than 60% of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic LED signs, even if not used. Only one, contiguous dynamic display area is allowed on a sign face.
2. A dynamic LED sign may not change or move more often than once every ten seconds for commercial, industrial uses, or public uses, and no more than once every ten minutes for religious and/or educational institution uses, except one for which changes are necessary to correct hour-and-minute, date, or temperature information.
3. A display of time, date or temperature information may change as frequently as once every five seconds, however information displayed not relating to the date, time or temperature must not change or move more often than once every ten seconds for commercial, industrial uses, or public uses, and no more than once every ten minutes for religious and/or educational institution uses.
4. The images and messages displayed must be static, and the transition from one state display to another must be instantaneous without any special effects. Motion, animation and video images are prohibited on dynamic LED sign displays.

5. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.

6. Dynamic LED signs must be designed and equipped to freeze the device in one position if a malfunction shall occur. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this section.

7. Dynamic LED signs may not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness. Dynamic LED signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half hour before sunset and one half-hour after sunrise.

8. Dynamic LED signs existing on the effective date of Ordinance 1593, passed April 25, 2011, must comply with the operational standards listed above. An existing dynamic LED sign that does not meet the structural requirements may continue as a non-conforming sign subject to § 9.105(E).

(9) Signs in Residential Districts R-1, R-2A and R-2B.

(a) Permitted signs. In the R-1, Single-Family Residential District, and the R-2, Two-Family Residential District, the following signs shall be permitted:

1. One identification sign per dwelling unit not to exceed two square foot per surface, and limited to one surface attached directly to the structure.

2. One wall or ground sign for each conditional use other than the residential use, not to exceed 16 square feet per surface, and limited to two surfaces.

3. One institutional sign not to exceed 40 square feet per surface, limited to two surfaces, and set back a minimum of ten feet from any property line.

4. In case of multiple structures on one parcel, a second institutional sign may be installed provided there is a minimum distance of 75 feet between the two sign structures.

(b) Restrictions on permitted signs. Permitted signs in the R-1, Single-Family Residential, and R-2A and R-2B, Two-Family Residential Districts are subject to the following restrictions:

1. The maximum height of a sign, including its structures, shall not exceed eight feet above the grade at street level or at the base of the sign, whichever is greater.

2. No animated sign shall be permitted.

3. All illuminated signs shall be shielded in such a way as to protect the rights of adjacent property owners from nuisance.

4. The sign number and area permitted by this division are considered maximums. These maximums, or any portions thereof which are not utilized by the owner, occupant or user of property are non-transferable to any other property owned by such persons, or to any other owner, occupant or user of property in the same or other districts.

(c) Conditional use signs. In the R-1, R-2A and R-2B Districts, the following signs shall require a conditional use permit:

1. A dynamic LED sign used in conjunction with a religious institution.
2. A dynamic LED sign used in conjunction with an educational institution.

(d) Restrictions on conditional use signs. Signs requiring a conditional use permit in the R-1, Single-Family Residential, and R-2A and R-2B, Two-Family Residential Districts are subject to the following restrictions:

1. All signage must be approved through the conditional use permit process as outlined in § 9.104(H) above.
2. All signage must meet the requirements for dynamic LED signs as outlined in division (P)(8) above.
3. A dynamic LED sign may change its message with a frequency of no less than one message for each ten minutes of display time.

(10) Signs in Residential Districts R-3 and R-4.

(a) Permitted signs. In the R-3, Limited Multiple-Family Residential District, and the R-4, Multiple-Family Residential District, the following signs shall be permitted:

1. One identification sign per dwelling unit not to exceed two square feet per surface, limited to one surface, and attached directly to the structure for each single- and two-family residence.
2. One area identification sign per lot line facing a public street not to exceed 16 square feet per surface and limited to two surfaces, for each multiple dwelling.
3. One institutional sign not to exceed 40 square feet per surface, limited to two surfaces, and set back a minimum of ten feet from any property line.
4. In case of multiple structures on one parcel, a second institutional sign may be installed provided there is a minimum distance of 75 feet between the two sign structures.

(b) Restrictions on permitted signs. Permitted signs in the R-3, Limited Multiple-Family Residential, and R-4, Multiple-Family Residential Districts are subject to the following restrictions:

1. The maximum height of a sign, including its structures, shall not exceed eight feet above the grade at street level or at the base of the sign, whichever is greater.
2. No animated signs shall be permitted.
3. All illuminated signs shall be shielded in such a way as to protect the rights of adjacent property owners from nuisance.
4. The sign number and area permitted by this division are considered maximums. These maximums, or any portions thereof which are not utilized by the owner, occupant or user of property are non-transferable to any other property owned, occupied or used by such persons, or to any other persons, or to any other owners, occupant or user of property in the same or other districts.

(c) Conditional use signs. In the R-3 and R-4 Districts, the following signs shall require a conditional use permit:

1. A dynamic LED sign used in conjunction with a religious institution.
2. A dynamic LED sign used in conjunction with an educational institution.

(d) Restrictions on conditional use signs. Signs requiring a conditional use permit in the R-3, Limited Multiple-Family Residential, and R-4, Multiple-Family Residential Districts are subject to the following restrictions:

1. All signage must be approved through the conditional use permit process as outlined in § 9.104(H) above.
2. All signage must meet the requirements for dynamic LED signs as outlined in division (P)(8) above.
3. Dynamic LED signs may change its message with a frequency of no less than one message for each ten minutes of display time.

(11) Signs in LB, Limited Business District.

(a) Permitted signs. In the LB, Limited Business District, the following signs shall be permitted:

1. Any number of wall signs on any side of a building not to exceed 50 square feet of total surface area for all sign surfaces and limited to one surface per sign. Provided, however, that if a parcel of land on which a building is located directly abuts residentially zoned land, no wall sign may be located on the side of the building that faces the abutting residential parcel.

2. One freestanding pylon sign only if the building or structure is located adjacent to a state trunk highway and located 20 feet or more from the front lot line, not to exceed 40 square feet per surface, and limited to two surfaces.

3. If not located adjacent to a state trunk highway and/or where the 20-foot setback cannot be met, one monument sign not to exceed 40 square feet in size, limited to two sides, not to exceed 8 feet in height, and set a minimum of 5 feet from any property line.

4. Any pylon or monument sign must be a minimum of five feet from any building or structure on the same lot.

5. One wall sign on each side of the building which faces a public alley, not to exceed four square feet per surface and limited to one surface per sign.

6. One area identification sign for each shopping center not to exceed 50 square feet per surface, and limited to four surfaces, in addition to one wall sign for each primary use business not to exceed 50 square feet per surface, limited to one surface.

7. One identification sign for each use other than primary use not to exceed two square, feet per surface, and limited to one surface.

8. One wall sign per building with an area of the lesser of 20 square feet or 1/2 square foot for each front foot of a building or structure provided that the said sign is located on the same side of the building as an entrance approved by the City Building Official as a public entrance and provided that the said public entrance and sign faces a parking facility designated by the city as approved public parking.

(b) Restrictions on permitted signs. Permitted signs in the LB, Limited Business District, are subject to the following restrictions:

1. Total sign area shall not exceed two square feet for each front foot of the building or structure. In the case of multiple occupancy, the wall surface for each tenant, user or owner shall include only the surface area on the exterior facade of the premises occupied by such tenant, user or owner.

2. The maximum height of a pylon sign including its structure shall not exceed 20 feet above grade at street level or at the base of the sign, whichever is greater. The maximum height of a monument sign including its structure shall not exceed 8 feet above grade at street level or at the base of the sign, whichever is greater.

3. The sign number and area permitted by this section are considered maximums. These maximums, or any portion thereof, which are not utilized by the owner, occupant or user of property are non-transferable to any other property owned, occupied or used by such persons, or to any other owner, occupant or user of property in the same or other districts.

(c) Conditional use signs. In the LB District, the following signs shall require a conditional use permit:

1. A dynamic LED sign used in conjunction with a commercial business.
2. A dynamic LED sign used in conjunction with a religious institution.
3. A dynamic LED sign used in conjunction with an educational institution.

(d) Restrictions on conditional use signs. Signs requiring a conditional use permit in the LB, Limited Business District, are subject to the following restrictions:

1. All signage must be approved through the conditional use permit process as outlined in § 9.104(H) above.
2. All signage must meet the requirements for dynamic LED signs as outlined in division (P)(8) above.
3. Dynamic LED signs may change its message with a frequency of no less than one message for each 10 seconds of display time for commercial businesses.
4. Dynamic LED signs may change its message with a frequency of no less than one message for each ten minutes of display time for religious or educational institutions.

(12) Signs in CBD, Central Business District.

(a) Permitted signs. In the CBD, Central Business District, the following signs shall be permitted:

1. Any number of wall signs on any side of a building not to exceed 100 square feet of total surface area for all wall sign surfaces and limited to one surface per sign. Provided, however, that if a parcel of land on which a building is located directly abuts residentially zoned land, no wall sign may be located on the side of the building that faces abutting residential parcel.

2. One monument sign not to exceed 50 square feet in size, limited to two sides, not to exceed ten feet in height, and set a minimum of five feet from any property line.

3. Any monument sign must be a minimum of five feet from any building or structure on the same lot.

4. One wall sign on each side of the building that faces a public alley, not to exceed four square feet per surface and limited to one surface per sign.

5. One area identification sign for each shopping center not to exceed 100 square feet per surface, and limited to four surfaces; one wall sign for each primary use business, not to exceed 100 square feet per surface and limited to one surface.

6. One identification sign for each user other than the primary use, not to exceed two square feet per surface, and limited to one surface.

7. One wall sign per building with an area of the lesser of 20 square feet or one-half square foot for each front foot of a building or structure provided that the said sign is located on the same side of the building as an entrance approved by the City Building Official as a public entrance and provided that the said public entrance and sign faces a parking facility designated by the city as approved public parking.

(b) Restrictions on permitted signs. Permitted signs in the CBD, Central Business District, are subject to the following restrictions:

1. Total sign area shall not exceed two square feet for each front foot of building or structure. In the case of multiple occupancy, the wall surface for each tenant, user or owner shall include only the surface area on the exterior facade of the premises occupied by such tenant, user or owner.

2. The maximum height of a monument sign, including its structures, shall not exceed eight feet above grade at street level or at the base of the sign, whichever is greater.

3. The sign number and area permitted by this division are considered maximums. These maximums, or any portion thereof, which are not utilized by the owner, occupant or user of property are non-transferable to any other property owned, occupied or used by such persons or any other owner, occupant or user of property in the same or other districts.

(c) Conditional use signs. In the CBD District, the following signs shall require a conditional use permit: dynamic LED signage.

(d) Restrictions on conditional use signs. Signs requiring a conditional use permit in the CBD, Central Business District, are subject to the following restrictions:

1. All signage must be approved through the conditional use permit process as outlined in § 9.104(H) above.

2. All signage must meet the requirements for dynamic LED signs as outlined in division (P)(8) above.

3. Dynamic LED signs may change its message with a frequency of no less than one message for each ten seconds of display time.

(13) Signs in the GB, General Business District.

(a) Permitted signs. In the GB, General Business District, the following signs shall be permitted:

1. Any number of walls signs on any side of a building not to exceed 200 square feet of total surface area for all wall sign surfaces and limited to one surface per sign. Provided, however, that if a parcel of land on which a building is located directly abuts residentially zoned land, no wall sign may be located on the side of the building that faces the abutting residential parcel.

2. One freestanding pylon sign only if the building or structure is located adjacent to a state trunk highway and located 20 feet or more from the front lot line, not to exceed 75 square feet per surface and limited to two surfaces. Provided, however, that:
 - a. If the building contains more than 80,000 square feet of gross floor area or the site on which the building is located contains more than 90,000 square feet of surface area;
 - b. If the street frontage of the site on which the building or structure is located exceeds 150 feet in length; and
 - c. If the building is located 20 feet or more from the front lot line and is located adjacent to a state trunk highway, a second freestanding sign not to exceed 75 square feet and limited to two surfaces shall be permitted at a location at least 50 feet distant from any other freestanding sign and at least 25 feet distant from the lot line of any adjoining parcel of and other than a street or alley.
3. If not located adjacent to a state trunk highway where the 20-foot building setback cannot be met, one monument sign not to exceed 50 square feet in size, limited to two sides, not to exceed ten feet in height, and setback a minimum of five feet from any property line.
4. Any pylon or monument sign must be a minimum of five feet from any building or structure on the same lot.
5. One wall sign on each side of the building that faces a public alley, not to exceed four square feet per surface and limited to one surface per sign.
6. One area identification sign for each shopping center, not to exceed 100 square feet per surface, limited to four surfaces, in addition to one wall sign for each primary use business, not to exceed 100 square feet per surface, limited to one surface.
7. One identification sign for each use other than primary use, not to exceed two square feet per surface, and limited to one surface.
8. One wall sign per building with an area of the lesser of 20 square feet or 1/2 square foot for each front foot of a building or structure provided that the said sign is located on the same side of the building as an entrance approved by the City Building Official as a public entrance and provided that the said public entrance and sign faces a parking facility designated by the city as approved public parking.
 - (b) Restrictions on permitted signs. Permitted signs in the GB, General Business District, are subject to the following restrictions:
 1. Total signage shall not exceed two square feet for each front foot of building or structure. In the case of multiple occupancy, the wall surface for each tenant, user or owner shall include only the surface area on the exterior facade of the premises occupied by such tenant, user or owner.
 2. The maximum height of a sign, including its structures, shall include only the surface area on the exterior façade of the premises occupied by such tenant, user or owner.
 3. The maximum height of a pylon sign, including its structures, shall not exceed 25 feet above the grade at street level or at the base of the sign, whichever is greater. The maximum height of a monument sign, including its structures, shall not exceed eight feet above grade at street level or at the base of the sign, whichever is greater, unless the monument sign is located in the Design Overlay Highway District. In this case, the maximum height may

be increased to ten feet above grade at street level or at the base of the sign, whichever is greater, if the principal structure is greater than or equal to 22 feet in height.

4. The sign number and area permitted by this section are considered maximum. These maximums, or any portion thereof, which have not been utilized by the owner, occupant or user of property are non-transferable to any other property owned, occupied or used by such persons or to any other owner, occupant or user of property in the same or other districts.

(c) Conditional use permits. In the GB District, the following signs shall require a conditional use permit: dynamic LED signage.

(d) Restrictions on conditional use signs. Signs requiring a conditional use permit in the GB, General Business District, are subject to the following restrictions:

1. All signage must be approved through the conditional use permit process as outlined in § 9.104(H) above.
2. All signage must meet the requirements for dynamic LED signs as outlined in division (P)(8) above.
3. Dynamic LED signs may change its message with a frequency of no less than one message for each ten seconds of display time.

(14) Signs in I-1 and I-2 Industrial Districts.

(a) Permitted signs. In the I-1, Light Industrial District, and the I-2, General Industrial District, the following signs shall be permitted:

1. Any number of wall signs on any side of a building to exceed 100 square feet of total surface area for all wall sign surfaces and limited to one surface per sign. Provided, however, that if a parcel of land on which a building is located directly abuts residentially zoned land, no wall sign may be located on the side of building that faces abutting residential parcels.

2. One freestanding pylon sign only if the building or structure is located 20 feet or more from the front lot line, not to exceed 100 square feet per surface, and limited to two surfaces. Where the 20-foot setback cannot be met, one monument sign not exceed 50 square feet in size, limited to two sides, not to exceed 10 feet in height, and set a minimum of 5 feet from any building or structure on the same lot.

3. Any pylon or monument sign must be a minimum of five feet from any building or structure on the same lot.

4. One identification sign for each use other than primary use, not to exceed two square feet per surface and limited to one sign.

5. Billboards located adjacent to public streets with speed limits of 45 miles per hour or more, placed at a minimum of 1,500-foot intervals, not to exceed 100 square feet per surface and limited to two surfaces.

(b) Restrictions on permitted signs. Permitted signs in the I-1, Light Industrial District, and the I-2, General Industrial District, are subject to the following restrictions:

1. Total sign area shall not exceed two square feet for each front foot of building or structure. In the case of multiple occupancy, the wall surface for each tenant, user or owner shall include only the surface area on the exterior facade of the premises occupied by such tenant, user or owner.

2. The maximum height of a sign including its structures shall not exceed 25 feet above the grade at street level or at the base of the sign, whichever is greater. The maximum height of a monument sign, including its structures, shall not exceed 10 feet above grade at street level or at the base of the sign, whichever is greater.

3. The sign number and area permitted by this division are considered maximums. These maximums, or any portion thereof, which are not utilized by the owner, occupant or user of property are non-transferable to any other property owned, occupied or used by such person or to any other owner, occupant or user of property located in the same or other districts.

(c) Conditional use signs. In the I-1 and I-2 Industrial Districts, the following signs shall require a conditional use permit: dynamic LED signage.

(d) Restrictions on conditional use signs. Signs requiring a conditional use permit in the I-1, Light Industrial District, and the I-2, General Industrial District, are subject to the following restrictions:

1. All signage must be approved through the conditional use permit process as outlined in § 9.104(H) above.
2. All signage must meet the requirements for dynamic LED signs as outlined in division (P)(8) above.
3. Dynamic LED signs may change its message with a frequency of no less than one message for each ten seconds of display time.

(15) Signs in the PO, Public and Open Space District.

(a) Permitted signs. In the PO, Public and Open Space District, the following signs shall be permitted:

1. Any number of wall signs on any side of a building not to exceed 200 square feet of total surface area for all wall sign surfaces and limited to one surface per sign. Provided, however, that if a parcel of land on which a building is located directly abuts a residentially zoned land, no wall sign may be located on the side of the building that faces the abutting residential parcel.

2. One monument sign per street frontage for those public facility parcels that include governmental offices. Such signs shall not exceed 50 square feet in area, and shall be located no closer than five feet from any property line.

3. Any number of freestanding identification signage used to promote the name of a public city, regional or state park. Such signs shall be no greater than 40 square feet in area, shall not exceed ten feet in height, and shall be located no closer than five feet from any property line.

(b) Restrictions on permitted signs. Permitted signs in the PO, Public and Open Space District are subject to the following restrictions:

1. Total signage shall not exceed two square feet for each front foot of building or structure.
2. The maximum height of a monument sign shall not exceed ten feet in height.
3. The sign number and area permitted by this section are considered maximum. These maximums, or any portion thereof, which are not utilized by the owner or user of the property are non-transferable to any other property owned, occupied or used by such persons or to any other owner or user of property located in the same or other districts.

(c) Conditional use signs. In the PO District, the following signs shall require a conditional use permit: a dynamic LED sign used in conjunction with a governmental facility.

(d) Restrictions on conditional use signs. Signs requiring a conditional use permit in the PO, Public and Open Space District, are subject to the following restrictions:

1. All signage must be approved through the conditional use permit process as outlined in § 9.104(H) above.
2. All signage must meet the requirements for dynamic LED signs as outlined in division (P)(8) above.
3. Dynamic LED signs may change its message with a frequency of no less than one message for each ten minutes of display time.

(16) Signs for nonconforming residential uses. Sign number and area for residential uses in commercial, business or industrial zones are limited to the maximum number and area for the actual use of the subject property.

(17) Minimum yard requirements—freestanding signs. The minimum front, side and rear yard requirements for freestanding signs shall be ten feet from any property line or as otherwise stated in this article. When the bottom edge of the freestanding pylon sign is eight feet or more above grade, the leading edge of the sign may extend within one foot of the property line. Provided, however, no freestanding sign shall invade the area required for traffic visibility by this division.

(Q) Erosion and sediment control.

(1) Purpose.

(a) During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes.

(b) As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the city. This division will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the city. This division is to be used in supplement to the City Zoning Code, § 9.106 and to any other regulations as required by state agencies.

(2) Definitions. For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AS-BUILT PLANS. Record drawings of approved and as-constructed improvements.

BEST MANAGEMENT PRACTICES (BMPs). Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, construction phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

CLEARING. Any activity that removes the vegetative surface cover.

CONSERVATION EASEMENT. Legal land preservation agreement between a landowner and a municipality or a qualified land protection organization. The easement confers the transfer of usage rights from one party to another.

CONSTRUCTION ACTIVITY. A disturbance to the land that results in a change in the topography, or the existing soil cover (both vegetative and non-vegetative). Examples of construction activity may include clearing, grading, filling and excavating.

CONTRACTOR. The party who signs the construction contract. Where the construction project involves more than one contractor, the general contractor shall be the contractor that is responsible pursuant to the obligations set forth in this division.

DEVELOPER. The party who signs the development agreement with the city to construct a project.

DEWATERING. The removal of water for construction activity. It can be a discharge of appropriated surface or groundwater to dry and/or solidify a construction site. Minnesota Department of Natural Resources permits are required to be appropriated, and if contaminated, may require other MPCA permits to be discharged.

EROSION. The wearing away of the ground surface as a result of movement of wind, water, ice and/or land disturbance activities.

EROSION CONTROL. A measure that prevents erosion, including, but not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover, and construction phasing.

EROSION CONTROL INSPECTOR. A designated agent given authority by the city to inspect and maintain erosion and sediment control practices.

FINAL GRADE. Excavation or fill of material to final plan elevation. Final grade completed as part of individual site development.

FINAL STABILIZATION. All soil disturbing activities at the site have been completed and a uniform (evenly distributed, without large bare areas) perennial vegetative cover, with a density of 70% of approved vegetative cover, for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed.

GRADING. Excavation or fill of material, including the resulting conditions thereof.

GRADING, DRAINAGE AND EROSION CONTROL PERMIT. A permit issued by the municipality for the construction or alteration of the ground and for the improvements and structures for the control of erosion, runoff, and grading. Hereinafter referred to as GRADING PERMIT.

GRADING, DRAINAGE AND EROSION CONTROL PLANS. A set of plans prepared by or under the direction of a licensed professional engineer. Plans are required to indicate the specific measures and sequencing to be used to control grading, sediment and erosion on a development site during and after construction as detailed in the "Zoning Ordinance" and City SWPPP.

IMPERVIOUS SURFACE. 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 rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

LAND DISTURBING ACTIVITY. Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within the city's jurisdiction, including, but not limited to, clearing, grubbing, grading, excavating, transporting and filling.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345.

PERIMETER SEDIMENT CONTROL. A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

PERMANENT COVER. Final site stabilization. Examples include turf, gravel, asphalt, and concrete.

PHASING. Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

PUBLIC WATERWAY. Any body of water, including, but not limited to, lakes, ponds, rivers, streams, and bodies of water delineated by the city or other state or federal agency.

PUBLIC WORKS DIRECTOR. A registered professional engineer with the State of Minnesota who has received training and is given authority by the city to review, authorize, approve, inspect, and maintain erosion and sediment control plans and practices.

ROUGH GRADE. Excavation or fill of material to a condition suitable for general maintenance.

SEDIMENT. The product of an erosion process; solid material, both mineral and organic, that is in suspension, is being transported, or has been moved by water, air, or ice, and has come to rest on the earth's surface, either above or below water level.

SEDIMENT CONTROL. Measures and methods employed to prevent sediment from leaving the site. Sediment control practices may include, but are not limited to, silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

SITE. A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

STABILIZED. The exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, wood fiber blanket, or other material that prevents erosion from occurring. Grass seeding is not stabilization.

STANDARD PLATES. General drawings having or showing similar characteristics or qualities that are representative of a construction practice or activity.

START OF CONSTRUCTION. The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, excavation and filling.

STORM WATER. Defined under Minn. Rules, part 7077.0105, subp. 41(b), and includes precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage.

STORM WATER POLLUTION PREVENTION PROGRAM (SWPPP). A program for managing and reducing storm water discharge that includes erosion prevention measures and sediment controls that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site nonpoint pollution.

SURFACE WATER or WATERS. All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems, whether natural or artificial, public or private.

TEMPORARY EROSION CONTROL. Methods employed to prevent erosion. Examples of temporary cover include: straw, wood fiber blanket, wood chips, and erosion netting.

WATERWAY. A channel that directs surface runoff to a watercourse or to the public storm drain.

WATER CONVEYANCE SYSTEM. Any channel that conveys surface runoff throughout the site.

WETLAND or WETLANDS. Defined in Minn. Rules, part 7050.0130, subp. F, and includes those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state.

ZONING ORDINANCE. City code detailing city specifications for all plan requirements.

(3) Permits.

(a) Approval. No person shall be granted a grading permit for land-disturbing activity that would require the uncovering or distributing of material in excess of any of the following measurements without the approval of a Grading, Erosion and Sediment Control, and Storm Water Management Plan by the city.

1. Ten thousand square feet.
2. Five hundred cubic yards undeveloped land, or 50 cubic yards developed land.
3. Within 1,000 feet of a waterway.

(b) Exception. No grading permit is required for land disturbances under the amounts specified above, or for the following activities:

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
2. General establishment of new construction lawns, or the addition of four or fewer inches of topsoil.
3. Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(c) Application requirements.

1. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm.
2. A filing fee and security as outlined by the city's Zoning Ordinance and subdivision (d) below.

3. A Grading, Erosion and Sediment Control, and Storm Water Management Plan meeting the requirements of this division. Each application shall include the required number of plans and other required materials as specified on the application form.

4. The application form shall include a statement by the applicant that any land clearing, construction, or development involving the movement of earth shall be in accordance with the approved Grading, Erosion and Sediment Control, and Storm Water Management Plan.

(d) Security.

1. The permittee will be required to file with the city an irrevocable, automatically renewing letter of credit, or other improvement security in the amount specified by the current city SWMDS for fee schedule.

a. The security shall cover all costs of engineering and inspection, site improvements, street sweeping, repairs to erosion control measures, and maintenance of improvements for such period as specified by the city. Such deposit shall be provided prior to the release of the grading permit.

b. Deposit shall be released after final stabilization is complete, erosion control measures have been removed, and their removal area inspected.

2. Individual lot developers shall be required to provide a bond with a building permit application.

a. The security shall cover city costs for street sweeping, installation, maintenance and repairs to erosion control measures. The bond will be in an amount as specified by the current city SWMDS for fee schedule.

b. The security shall be released after turf is established as specified in the City Zoning Ordinance.

(e) Procedure. The city will review each application for grading permit to determine its conformance with the provisions of this regulation and other applicable requirements. The city requires complete application no less than 15 working days in advance of the desired grading permit date. Upon complete application, the city shall, in writing:

1. Approve the permit application;

2. Approve the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or

3. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission;

4. Appeals of denial of permit shall be processed in accordance with appeal to the City Zoning Ordinance.

(4) Grading, Erosion and Sediment Control, and Storm Water Management Plan requirements.

(a) Plan requirements. Grading, erosion control practices, sediment control practices, storm water management practices, and waterway crossings shall meet the design criteria set forth in the Grading, Erosion and Sediment Control, and Storm Water Management Plan, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the city. No land shall be disturbed until the plan is approved by the Public Works Director, and conforms to the standards set forth herein.

(b) The Grading, Erosion and Sediment Control, and Storm Water Management Plan shall comply with all of the NPDES general construction storm water permit requirements and the city's SWMDS for temporary erosion and sediment control, waste control, final stabilization and permanent water quality.

(5) Construction requirements. Construction specifications, waterway and watercourse protections requirements, and pollution prevention management measures shall comply, at a minimum, with all of the NPDES general construction storm water permit requirements, in addition to the city's SWMDS.

(6) Inspection. Notification, procedures, material requirements, permittee inspection, authorization, and record keeping shall comply, at a minimum, with all of the NPDES general construction storm water permit requirements, in addition to the city's SWMDS.

(7) Site maintenance. Responsibilities, maintenance requirements, and lapses regarding site maintenance shall comply, at a minimum, with all of the NPDES general construction storm water permit requirements, in addition to the city's SWMDS.

(8) Final stabilization requirements. Final stabilization is not complete until the criteria laid out in the NPDES general construction storm water permit and the city's SWMDS are met.

(9) Post-construction storm water management. All post-construction storm water management plans must be submitted to the Public Works Director prior to the start of construction activity. Standards for post-construction storm water management shall be as follows:

(a) Specifications. At a minimum, applicants shall comply with all of the NPDES general construction storm water permit requirements.

(b) Design criteria. Permanent storm water management systems shall meet the design criteria as provided in the city's SWMDS.

(c) Maintenance agreement. The applicant shall enter into a maintenance agreement with the city that documents all responsibilities for operation and maintenance of long-term storm water treatment BMPs. Such responsibilities shall be documented in a maintenance plan and executed through a maintenance agreement. All maintenance agreements must be approved by the city and recorded at the County Recorder's office prior to final plan approval. At a minimum, the maintenance agreement shall describe the following inspection and maintenance obligations:

1. The responsible party who is permanently responsible for inspection and maintenance of the structural and nonstructural measures.

2. Pass responsibilities for such maintenance to successors in title.

3. Allow the city and its representatives the right of entry for the purposes of inspecting all permanent storm water management systems.

4. Allow the city the right to repair and maintain the facility, if necessary maintenance is not performed, after proper and reasonable notice to the responsible party of the permanent storm water management system.

5. Include a maintenance plan that contains, but is not limited to, the following:

a. Identification of all structural permanent storm water management systems.

- b. A schedule for regular inspections, monitoring, and maintenance for each practice. Monitoring shall verify whether the practice is functioning as designed and may include, but is not limited to, quality, temperature, and quantity of runoff.
 - c. Identification of the responsible party for conducting the inspection, monitoring, and maintenance for each practice.
 - d. Include a schedule and format for reporting to the city compliance with the maintenance agreement.
6. The issuance of a permit constitutes a right of entry for the city or its contractor to enter upon the construction site. The applicant shall allow the city and its authorized representatives, upon presentation of credentials, to:
- a. Enter upon the permitted site for the purpose of obtaining information, examining records, conducting investigations or surveys.
 - b. Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations.
 - c. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of the permit.
 - d. Inspect the storm water pollution control measures.
 - e. Sample and monitor any items or activities pertaining to storm water pollution control measures.
 - f. Correct deficiencies in storm water and erosion and sediment control measures.

(10) Certification.

(a) Approved Grading, Erosion and Sediment Control, and Storm Water Management Plan. Plans for grading, stripping, excavating, and filling work, bearing the approval of the Public Works Director, shall be maintained at the site during the progress of the work.

(b) Procedure. The city will withhold issuance of building permits until the approved certified Grading Plan and Site Development Plan are on file with the city, all securities as required by this division are received, conservation posts are installed, and all erosion control measures are in place as determined by the Public Works Director.

(c) As-built Grading Plan and Development Plan. Within 60 days after completion of site development, as per the approved Grading, Erosion and Sediment, and Storm Water Management Plan, the developer shall provide the city with an As-built Grading Plan and Development Plan as defined in the City Zoning Ordinance.

(d) Removal of erosion control measures. The above-specified requirements will be authorized for removal upon the sodding of the rear yards, completion of punch list items involving ponds and slopes, final stabilization, completion of proper turf establishment, and placement of the proper conservation easement posts and signs as specified. Inspection is required after the removal of erosion control measures to verify proper restoration. Please refer to City Zoning Ordinance for specifications.

(11) Enforcement.

(a) Notice of violation.

1. In the event that any work on the site does not conform to the approved erosion and sediment control plan, or any of the requirements listed in the provisions of this article, the Public Works Director, or their or them designee, shall issue a written notice of violation to the applicant, detailing the corrective actions necessary for compliance.

2. The applicant shall conduct the corrective actions within the time period determined by the city and stated in the notice.

3. If an imminent hazard exists, the city may require that the corrective work begin immediately.

(b) Stop work order/revocation of site development permit.

1. In the event that any person holding a site development permit pursuant to this article violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, environment, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the city may suspend or revoke the site development permit through the issuance of a stop work order, or the revocation of the site development or building permit.

2. The city may draw down on the grading permit security, with 30 days written notice to developer, for any violation of the terms of this contract related to landscaping, if the violation is not cured within such 30-day period, or if the security is allowed to lapse prior to the end of the required term. If the security is drawn down, the proceeds shall be used to cure the default.

3. No development, utility or street construction will be allowed and no building permits will be issued unless the development is in full compliance with the requirements of this subdivision.

(c) Violation and penalties.

1. No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this division. Any person violating any of the provisions of this division shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this division is committed, continued, or permitted, shall constitute a separate offense.

2. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine as specified by the city ordinance for fee schedule for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this division shall be required to bear the expense of such restoration.

(R) Small wireless facilities.

(1) Purpose.

(a) The purpose of this division is to establish specific requirements for obtaining a small wireless facility permit for the installation, mounting, modification, operation, and replacement of small wireless facilities and installation or replacement of wireless support structures by commercial wireless providers on public and private property, including in the public right-of-way.

(b) This division does not apply to any wireline facilities, including wireline backhaul facilities. A wireless provider must obtain a small cell pole attachment permit pursuant to or other applicable authorization for use of the public right-of-way to construct, install, replace, or modify any wireline backhaul facility, such as fiber optic cable. The granting of a small wireless facility permit pursuant to this division is not a grant of such authorization.

(2) Definitions. In this division, the following terms shall have the meaning ascribed to them below:

APPLICABLE LAW. All applicable federal, state, and local laws, codes, rules, regulations, orders, and ordinances, as the same be amended or adopted from time to time.

APPLICANT. Any person submitting a small wireless facility permit application under this division.

CITY. The City of Columbia Heights, Minnesota.

COLLOCATE or COLLOCATION. To install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure that is owned privately or by the city.

DAYS. Counted in calendar days unless otherwise specified. When the day, or the last day, for taking any action or paying any fee falls on Saturday, Sunday, or a federal holiday, the action may be taken, or the fee paid, on the next succeeding secular or business day.

DECORATIVE POLE. A utility pole owned, managed, or operated by or on behalf of the city or any other governmental entity that:

1. Is specifically designed and placed for an aesthetic purpose; and
2. a. On which a nondiscriminatory rule or code prohibits an appurtenance or attachment, other than:
 - i. A small wireless facility;
 - ii. A specialty designed informational or directional sign; or
 - iii. A temporary holiday or special event attachment; or
- b. On which no appurtenance or attachment has been placed, other than:
 - i. A small wireless facility;
 - ii. A specialty designed informational or directional sign; or
 - iii. A temporary holiday or special event attachment.

DEPARTMENT. The Department of Public Works of the city.

DESIGN DISTRICT. Any district within the city within which architectural design elements are required.

DIRECTOR. The Director of the department.

EXCAVATE. To dig into or in any way remove, physically disturb, or penetrate a part of a public right-of-way.

FCC and COMMISSION. The Federal Communications Commission.

HISTORIC DISTRICT. A geographically definable area, urban or rural, that possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical

development. A district may also comprise individual elements separated geographically during the period of significance but linked by association or function.

MICRO WIRELESS FACILITY. A small wireless facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and whose exterior antenna, if any, is no longer than 11 inches.

OBSTRUCT. To place a tangible object in a public right-of-way so as to hinder free and open passage over that or any part of the public right-of-way.

PERMITTEE. A person that has been granted a small wireless facility permit by the department.

PERSON. Any individual, group, company, partnership, association, joint stock company, trust, corporation, society, syndicate, club, business, or governmental entity. PERSON shall not include the city.

PUBLIC RIGHT-OF-WAY. The area on, below, or above a public roadway, highway, street, cartway, bicycle lane, and public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easement of the city.

SMALL WIRELESS FACILITY.

1. A wireless facility that meets both of the following qualifications:

a. Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than six cubic feet; and

b. All other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than 28 cubic feet in volume; or

2. A micro wireless facility.

SMALL WIRELESS FACILITY PERMIT. A permit issued by the department authorizing the installation, mounting, maintenance, modification, operation, or replacement of a small wireless facility or installation or replacement of a wireless support structure in addition to collocation of a small wireless facility on the wireless support structure.

UTILITY POLE. A pole that is used in whole or in part to facilitate telecommunications or electric service. It does not include a traffic signal pole.

WIRELINE BACKHAUL FACILITY. A facility used to transport communications data by wire from a wireless facility to a communications network.

WIRELESS FACILITY.

1. Equipment at a fixed location that enables the provision of wireless service between user equipment and a wireless service network, including:

a. Equipment associated with wireless service;

b. A radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration; and

c. A small wireless facility.

2. WIRELESS FACILITY does not include:

a. Wireless support structures;

b. Wireline backhaul facilities; or

c. Coaxial or fiber-optic cables between utility poles or wireless support structures, or that are not otherwise immediately adjacent to or directly associated with a specific antenna.

WIRELESS PROVIDER. A provider of wireless service, including, but not limited to, radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves and which permits a user generally to receive a call that originates and/or terminates on the public switched network or its functional equivalent, regardless of the radio frequencies used.

WIRELESS SERVICE. Any service using licensed or unlicensed wireless spectrum, including the use of wi-fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. WIRELESS SERVICE does not include services regulated under Title VI of the Communications Act of 1934, as amended, including a cable service under United States Code, Title 47, Section 522, Clause (6).

WIRELESS SUPPORT STRUCTURE. A new or existing structure in a public right-of-way designed to support or capable of supporting small wireless facilities, including, but not limited to, a utility pole or a building, as reasonably determined by the department.

(3) Small wireless facility permit applications.

(a) Application form. The Director shall develop and make publicly available a form application. To the extent possible, the Director shall allow for applications to be consolidated pursuant to this division. A complete application must be submitted for each small wireless facility permit desired.

(b) Consolidated applications. A wireless provider may apply for up to 15 small wireless facility permits in a consolidated application, provided all small wireless facilities in the consolidated application are located within a two-mile radius, consist of substantially similar equipment, and are to be collocated on similar types of wireless support structures. The department shall review a consolidated application as allowed by this division. If necessary, the applied-for small wireless facility permits in a consolidated application may be approved or denied individually, but the department may not use the denial of one or more permits as a basis to deny all small wireless facility permits in a consolidated application. Any small wireless facility permits denied in a consolidated application shall be subject to a single appeal.

(c) Information not required. The department shall not require an applicant to provide any information that:

1. Has previously been provided to the department by the applicant in a small wireless facility permit application, if the applicant provides specific reference to the previous application containing the information sought by the department and the previous information remains unchanged; and

2. Is not reasonably necessary to review a small wireless facility permit application for compliance with generally applicable and reasonable health, safety, and welfare regulations, and to demonstrate compliance with

applicable Federal Communications Commission regulations governing audio frequency exposure, or other information required by this division.

(4) Establishment of general standards.

(a) General standards. The Director shall establish and maintain a set of standards for the installation, mounting, maintenance, modification, operation, or replacement of small wireless facilities and placing new or replacement wireless support structures in the public right-of-way applicable to all permittees under this division. The general standards shall include, but not be limited to, information to be required in a small wireless facility permit application, design standards, construction standards, aesthetic standards, a form application, permitting conditions, insurance and security requirements, and rates and fees.

(b) Design standards. Any design standards established by the Director shall be:

1. Reasonable and nondiscriminatory; and

2. Include additional installation and construction details that do not conflict with this division, including, but not limited to, a requirement that:

a. An industry standard pole load analysis be completed and submitted to the city, indicating that the wireless support structure to which the small wireless facility is to be attached will safely support the load; and

b. Small wireless facility equipment on new and existing wireless support structures be placed higher than 15 feet above ground level.

3. The Director shall additionally include the following in any design standards established under this division.

a. Any wireless support structure installed in the public right-of-way after May 31, 2017, may not exceed 50 feet above ground level, unless the city agrees to a greater height, subject to local zoning regulations, and may be subject to separation requirements in relation to other wireless support structures;

b. Any wireless support structure replacing an existing wireless support structure that is more than 50 feet above ground level may be placed at the height of the existing wireless support structure, unless the city agrees to a greater height, subject to zoning regulations;

c. Wireless facilities constructed in the public right-of-way after May 31, 2017, may not extend more than ten feet above an existing wireless support structure in place as of May 31, 2017;

d. If necessary to collocate a small wireless facility, a wireless provider may replace a decorative pole if the replacement pole reasonably conforms to the design and aesthetic qualities of the displaced decorative pole, subject to the approval of the Director of Public Works;

e. A wireless provider shall comply with the city's requirements to install facilities underground, including, without limitation, in compliance with § 6.301 of the City Code; and

f. All small wireless facilities collocated or wireless support structures installed in a Design District or Historic District shall comply with any design or concealment or other measures required by the city.

(c) Construction standards. Any construction standards established by the Director shall include at least the following terms and conditions:

1. Compliance with applicable law. To the extent this requirement is not preempted or otherwise legally unenforceable, a permittee shall comply with all applicable law and applicable industry standards.

2. Prevent interference. A permittee shall collocate, install, and continuously operate any authorized small wireless facilities and wireless support structures in a manner that prevents interference with other wireless facilities and other facilities in the right-of-way and the operation thereof. With appropriate permissions from the department, a permittee shall, as is necessary for the safe and reliable operation, use, and maintenance of an authorized small wireless facility or wireless support structure, maintain trees as prescribed by standards promulgated by the department.

3. Other rights not affected. A permittee shall not construe a contract, permit, correspondence, or other communication from the city as affecting a right, privilege, or duty previously conferred or imposed by the department to or on another person.

4. Restoration. A permittee, after any excavation of a public right-of-way, shall provide for restoration of the affected public right-of-way and surrounding areas, including the pavement and its foundation, to the same condition that existed before the excavation. If a permittee fails to adequately restore the public right-of-way within a specified date, the department may:

a. Itself restore the public right-of-way and recover from the permittee the reasonable costs of the surface restoration; or

b. Recover from the permittee a reasonable degradation fee associated with a decrease in the useful life of the public right-of-way caused by the excavation.

5. A permittee that disturbs uncultivated sod in the excavation or obstruction of the public right-of-way shall plant grasses that are native to Minnesota and, wherever practicable, that are of the local eco-type, as part of the restoration required under this division, unless the owner of the real property over which the public right-of-way traverses objects. In restoring the public right-of-way, the permittee shall consult with the Department of Wildlife Conservation regarding the species of native grasses that conform to the requirements of this division.

6. Permittee's liability. A permittee is solely responsible for the risk and expense of the collocation of the permittee's small wireless facility and installing or replacing the permittee's wireless support structure. The city neither warrants nor represents that any area within the public right-of-way is suitable for such collocation or installation or replacement. A permittee shall accept the public right-of-way as is and where is and assumes all risks related to any use. The city is not liable for damage to small wireless facilities due to an event of damage to a wireless support structure in the public right-of-way.

(5) Small wireless facility application review process.

(a) Eligibility for review. An application shall be eligible for review if the application conforms to the general standards adopted by the Director.

(b) Authorization. A small wireless facility permit issued pursuant to any application processed hereunder shall authorize:

1. The installation, mounting, modification, operation, and replacement of a small wireless facility in the public right-of-way or city-owned property; or

2. Construction of a new, or replacement of an existing, wireless support structure, and collocation of a small wireless facility on the wireless support structure.

(c) Review process. An application submitted pursuant to this section shall be reviewed as follows:

1. Submission of application. Applicant shall submit a complete application accompanied by the appropriate application fee as set forth in § 9.106(R)(15) to the department. Prior to submitting a small wireless facility permit application, an applicant shall inspect any wireless support structure on which it proposes to collocate a small wireless facility and determine, based on a structural engineering analysis by a Minnesota registered professional engineer, the suitability of the wireless support structure for the proposed collocation. The structural engineering analysis shall be submitted to the department with the application, and shall certify that the wireless support structure is capable of safely supporting the proposed small wireless facility considering conditions at the proposed location, including the condition of the public right-of-way, hazards from traffic, exposure to wind, snow and/or ice, and other conditions affecting the proposed small wireless facility that may be reasonably anticipated.

2. Application review period. The department shall, within 60 days after the date a complete application for the collocation is submitted to the department, issue or deny a small wireless facility permit pursuant to the application. The department shall, within 90 days after the date a complete application for a new or replacement wireless support structure in addition to the collocation of a small wireless facility is submitted to the department, issue or deny a small wireless facility permit pursuant to the application. If the department receives applications within a single seven-day period from one or more applicants seeking approval of small wireless facility permits for more than 30 small wireless facilities or ten wireless support structures, the department may extend the 90-day review period of this division by an additional 30 days. If the department elects to invoke this extension, it must inform in writing any applicant to whom the extension will be applied.

3. Completeness determination. The department shall review a small wireless facility permit application for completeness following submittal. The department shall provide a written notice of incompleteness to the applicant within ten days of receipt of the application, clearly and specifically delineating all missing documents or information. Information delineated in the notice is limited to documents or information publicly required as of the date of application and reasonably related to the department's determination of whether the proposed equipment falls within the definition of a small wireless facility and whether the proposed deployment satisfies all health, safety, and welfare regulations applicable to the small wireless facility permit request and complies with this division and applicable standards promulgated by the department. If an applicant fails to respond to the department's notice of incompleteness within 90 days, the application shall be deemed expired and no small wireless facility permit shall be issued. Upon an applicant's submittal of additional documents or information in response to a notice of incompleteness, the department shall within ten days of submission notify the applicant in writing of any information requested in the initial notice of incompleteness that is still missing. Second or subsequent notices of incompleteness may not specify documents or information that were not delineated in the original notice of incompleteness.

4. Reset and tolling of review period. In the event that a small wireless facility permit application is incomplete, and the department has provided a timely and complete written notice of incompleteness, then the applicable review period shall be reset, pending the time between when a notice is mailed and the submittal of information in compliance with the notice. Subsequent notices shall toll the applicable review period. An applicant and the department can mutually agree in writing to toll the applicable review period at any time.

5. Moratorium prohibited. Notwithstanding any applicable law to the contrary, including, but not limited to, M.S. §§ 394.34 and 462.355, the department shall not establish any moratorium with respect to the filing,

receiving, or processing of applications for small wireless facility permits, or issuing or approving small wireless facility permits.

6. Nondiscriminatory processing of applications. The department shall ensure that any application processed under this division is performed on a nondiscriminatory basis.

7. Permit not required. A permittee shall provide 30 days advance written notice to the department, but shall not be required to obtain a small wireless facility permit, or pay an additional small wireless facility permit fee for:

a. Routine maintenance;

b. The replacement of a small wireless facility with a small wireless facility that is substantially similar to or smaller in size; or

c. The installation, placement, maintenance, operation, or replacement of a micro wireless facility that is strung on a cable between existing utility poles, in compliance with the National Electrical Safety Code.

(6) Small wireless facility permit conditions.

(a) General conditions of approval. In processing and approving a small wireless facility permit, the department shall condition its approval on compliance with:

1. Generally applicable and reasonable health, safety, and welfare regulations consistent with the city's public right-of-way management;

2. Reasonable accommodations for a decorative pole;

3. Any reasonable restocking, replacement, or relocation requirements when a new wireless support structure is placed in the public right-of-way;

4. Construction of the proposed small wireless facility within six months from the date the small wireless facility permit is issued;

5. Obtaining additional authorization for use of the public right-of-way for the construction of wireline backhaul facilities or any other wired facilities;

6. Compliance with the city's general standards; and

7. Compliance with all applicable law.

(b) Generally applicable and reasonable health, safety, and welfare regulations. Generally applicable and reasonable health, safety, and welfare regulations for the purposes of this division include, without limitation, the following:

1. A structural engineering analysis by a Minnesota registered professional engineer certifying that a wireless support structure can reasonably support a proposed small wireless facility considering the conditions of the street, the anticipated hazards from traffic to be encountered at the proposed location, and any wind, snow, ice, or other conditions that may be reasonably anticipated at the proposed location;

2. A determination by the department that, based upon reasonable engineering judgment, a proposed small wireless facility is of excessive size or weight or would otherwise subject a wireless support structure to an unacceptable level of stress;

3. A determination by the department that, based upon reasonable engineering judgment, a proposed small wireless facility would cause undue harm to the reliability or integrity of the city's electrical infrastructure or would likely violate generally applicable electrical or engineering principles;

4. A determination by the department that a proposed small wireless facility presents an unreasonable safety hazard as specifically and reasonably identified by the department;

5. A determination by the department that a proposed small wireless facility impairs the city's ability to operate or maintain the public right-of-way;

6. A determination by the department that a proposed small wireless facility cannot be placed due to insufficient capacity and the infrastructure cannot be modified or enlarged consistent with the requirements of this division and the department's general standards; or

7. A determination by the department that a proposed small wireless facility is in violation of the National Electric Safety Code or applicable law.

(c) Authorized use. An approval of a small wireless facility permit under this division authorizes the collocation of a small wireless facility on an existing wireless support structure to provide wireless services, or the installation or replacement of a wireless support structure and collocation of a small wireless facility, and shall not be construed to confer authorization to:

1. Provide any service other than wireless service;
2. Construct, install, maintain, or operate any small wireless facility or wireless support structure in a right-of-way other than the approved small wireless facility or wireless support structure; or
3. Install, place, maintain, or operate a wireline backhaul facility in the right-of-way.

(d) Other permits required. Any person desiring to obstruct or perform excavation in a public right-of-way within the city for purposes of collocating a small wireless facility or installing or replacing a wireless support structure shall, consistent with § 6.301 of City Code, obtain the necessary permit from the city prior to conducting any such activities.

(e) Exclusive arrangements prohibited. The city shall not enter into an exclusive arrangement with any person for use of a public right-of-way for the collocation of a small wireless facility or for the installation or operation of a wireless support structure.

(f) Unauthorized small wireless facility. No person shall install, mount, modify, operate, or replace a small wireless facility in the public right-of-way or on city-owned property, or install or replace a wireless support structure without first obtaining a small wireless facility permit from the city.

1. If an unauthorized small wireless facility or wireless support structure is discovered, the department shall provide written notice to the owner of the unauthorized small wireless facility within five days of discovery of the unauthorized small wireless facility. If an owner of an unauthorized small wireless facility or wireless support structure cannot be reasonably identified, the department need not provide any written notice.

2. If the owner of an unauthorized small wireless facility or wireless support structure can be reasonably identified, the department may remove the unauthorized small wireless facility or wireless support structure without incurring liability to the owner of the small wireless facility or wireless support structure and at the owner's sole expense no sooner than five days after providing notice of the department's discovery of the unauthorized small wireless facility or wireless support structure to the owner.

3. If the owner of an unauthorized small wireless facility or wireless support structure cannot be reasonably identified, the department may remove the unauthorized small wireless facility or wireless support structure without incurring liability to the owner of the small wireless facility or wireless support structure and at the owner's sole expense.

(g) Relocation. The department may require a permittee to relocate or modify a small wireless facility or wireless support structure in a public right-of-way or on city-owned property in a timely manner and at the permittee's cost if the department determines that such relocation or modification is required to protect public health, safety and welfare, or to prevent interference with other facilities authorized pursuant to this division, or to prevent interference with public works projects of the department.

(h) Security required. Each permittee shall submit and maintain with the department a bond, cash deposit, or other security acceptable to the department, in a form and amount determined by the department in accordance with the general standards, securing the faithful performance of the obligations of the permittee and its agents under any and all small wireless facility permits issued to the permittee under this division. If, in accordance with this division, the department deducts any amounts from such security, the permittee must restore the full amount of the security prior to the department's issuance of any subsequent small wireless facility permit. The department shall return or cancel the security should the permittee cease to operate any small wireless facilities in the right-of-way.

(i) Payment of fees required. A small wireless facility permit shall not be issued prior to the complete payment of all applicable fees.

(j) Notice of assignment required. A permittee upon or within ten calendar days after transfer, assignment, conveyance, or sublet of an attachment that changes the permit and/or billing entity or ownership responsibilities shall provide written notification to the department.

(7) Small wireless facility permit term. A small wireless facility permit for a small wireless facility in the public right-of-way shall have a term equal to the length of time that the small wireless facility is in use, unless the small wireless facility permit is revoked under this division or is otherwise allowed to be limited by applicable law. The term for all other small wireless facility permits shall be for a period of up to ten years.

(8) Denial or revocation of a small wireless facility permit.

(a) Permit denial. The department may deny any small wireless facility permit if the applicant does not comply with all provisions of this division, or if the department determines that the denial is necessary to protect public health, safety, and welfare, or when necessary to protect the public right-of-way and its current use.

(b) Permit revocation. The department may revoke a small wireless facility permit, with or without refund, in the event of a substantial breach of the terms and conditions of any statute, ordinance, rule, or regulation, or any material condition of the small wireless facility permit. A substantial breach includes, but is not limited to, the following:

1. A material violation by act or omission of a provision of a small wireless facility permit;
2. An evasion or attempt to evade any material provision of a small wireless facility permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;
3. A material misrepresentation of fact in a small wireless facility permit application;
4. A failure to correct, in a timely manner, collocation of a small wireless facility or installation or replacement of a wireless support structure that does not conform to applicable standards, conditions, or codes, upon inspection and notification by the department of the faulty condition;
5. A permittee fails to make timely payments of any fees due, and does not correct such failure within 20 days after receipt of written notice by the city of such failure;
6. A permittee becomes insolvent, unable or unwilling to pay its debts, is adjudged bankrupt, or all or part of its small wireless facilities or wireless support structures are sold under an instrument to secure a debt and is not redeemed by the permittee within 60 days; or
7. A failure to complete collocation of a small wireless facility or installation, modification, or replacement of a wireless support structure within 270 days of the date a small wireless facility permit authorizing such activity is granted, unless the department and the permittee agree to extend the 270 day period or there is a lack of commercial power or communications transport infrastructure to the installation site.

(c) Written notice required. Any denial or revocation of a small wireless facility permit shall be made in writing and shall document the basis for the denial or revocation. The department shall notify the applicant or permittee in writing within three days of a decision to deny or revoke a small wireless facility permit. If a small wireless facility permit application is denied, the applicant may cure the deficiencies identified by the department and submit its application. If the applicant resubmits the application within 30 days of receiving written notice of the denial, it may not be charged an additional filing or processing fee. The department must approve or deny the revised application within 30 days after the revised application is submitted. If small wireless facility permit or wireless support structure permit is revoked, the small wireless facility or wireless support structure shall be subject to removal in accordance with § 9.106(R)(11).

(9) City inspection of a small wireless facility or wireless support structure.

(a) Inspection permitted. The department may inspect, at any time, a permittee's collocation of a small wireless facility or installation or replacement of a wireless support structure. The department shall determine during an inspection whether the permittee's small wireless facility or wireless support structure is in accordance with the requirements of the permittee's applicable small wireless facility permit and other applicable law.

(b) Suspension of activities. During an inspection, if the department determines that a permittee has violated any material term of the permittee's small wireless facility permit or this division, the department may suspend the permittee's small wireless facility permit. The department shall provide prompt written notice of any suspension to a permittee, including the violations giving rise to the suspension. A suspension under this division is effective until a permittee corrects the alleged violation(s), at the permittee's sole expense. If the violation(s) are not corrected within 30 days after the date of such notice, the small wireless facility or wireless support structure shall be subject to removal in accordance with § 9.106(R)(11). A permittee may appeal any suspension issued under this division to the department as provided in § 9.106(R)(12).

(10) Abandoned small wireless facilities and wireless support structures. Where a small wireless facility or wireless support structure is not properly maintained or has not been used for the primary purpose of providing wireless services for 12 consecutive months, the department may designate the small wireless facility or wireless support structure as abandoned. The department shall provide written notice to a permittee within ten days of the permittee's small wireless facility or wireless support structure being designated as abandoned.

(11) Removal of a small wireless facility or wireless support structure.

(a) Removal permitted. The department may remove, at permittee's expense, or require a permittee to remove, any small wireless facility or wireless support structure if:

1. The small wireless facility permit or wireless support structure permit is revoked under this division or expires without renewal; or

2. The small wireless facility or wireless support structure is designated by the department as abandoned under § 9.106(R)(10).

(b) Notice to permittee; time to remove. The department shall provide written notice to the permittee that it must remove a small wireless facility or wireless support structure under this division, including the reasons therefor. If the permittee does not remove the small wireless facility or wireless support structure within 30 days after the date of such notice, the department may remove it at the permittee's expense without further notice to the permittee.

(12) Appeals. An applicant or permittee may have the denial or revocation of a small wireless facility permit, or fees and costs required by this division reviewed, upon written request, by the City Council or its designee. The City Council or its designee shall act on a timely written request at its next regularly scheduled meeting. A decision by the City Council or its designee affirming a denial, revocation, or fee shall be in writing and supported by written findings establishing the reasonableness of the decision.

(13) Insurance.

(a) Minimum coverage. The department shall require that each permittee maintain in full force and effect, throughout the term of a small wireless facility permit, an insurance policy or policies issued by an insurance company or companies satisfactory to the city's Risk Manager. Such policy or policies shall, at a minimum, afford insurance covering all of the permittee's operations, vehicles, employees, agents, subcontractors, successors, and assigns as follows:

1. Workers' compensation, in statutory amounts, with employers' liability limits not less than \$1,000,000 each accident, injury, or illness;

2. Commercial general liability insurance with limits not less than \$2,000,000 each occurrence combined single limit for bodily injury and property damage, including contractual liability, personal injury, products and completed operations;

3. Commercial automobile liability insurance with limits not less than \$2,000,000 each occurrence combined single limit for bodily injury and property damage, including owned, non-owned and hired auto coverage, as applicable; and

(b) Insurance requirements. Each permittee's insurance policy or policies are subject to the following:

1. Said policy or policies shall include the city and its officers and employees jointly and severally as additional insureds, shall apply as primary insurance, shall stipulate that no other insurance effected by the city will be called on to contribute to a loss covered thereunder, and shall provide for severability of interests.

2. Said policy or policies shall provide that an act or omission of one insured, which would void or otherwise reduce coverage, shall not reduce or void the coverage as to any other insured. Said policy or policies shall afford full coverage for any claims based on acts, omissions, injury, or damage which occurred or arose, or the onset of which occurred or arose, in whole or in part, during the policy period.

3. Said policy or policies shall be endorsed to provide 30 calendar days advance written notice of cancellation or any material change to the department.

4. Should any of the required insurance be provided under a claims-made form, a permittee shall maintain such coverage continuously throughout the term of a small wireless facility permit, and, without lapse, for a period of three years beyond the expiration or termination of the small wireless facility permit, to the effect that, should occurrences during the term of the small wireless facility permit give rise to claims made after expiration or termination of the small wireless facility permit, such claims shall be covered by such claims-made policies.

5. Should any of the required insurance be provided under a form of coverage that includes a general annual aggregate limit or provides that claims investigation or legal defense costs be included in such general annual aggregate limit, such general aggregate limit shall be double the occurrence or claims limits specified herein.

(c) Indemnity obligation. Such insurance shall in no way relieve or decrease a permittee's or its agent's obligation to indemnify the city pursuant to this division.

(d) Proof of insurance. Before the department will issue a small wireless facility permit, an applicant shall furnish to the department certificates of insurance and additional insured policy endorsements with insurers that are authorized to do business in the State of Minnesota and that are satisfactory to the department evidencing all coverages set forth herein.

(14) Indemnification and defense of city.

(a) Indemnification of city. As a condition of issuance of a small wireless facility permit, each permittee agrees on its behalf and on behalf of its agents, successors, or assigns to indemnify, defend, protect, and hold harmless the city from and against any and all claims of any kind arising against the city as a result of the issuance of the small wireless facility permit including, but not limited to, a claim allegedly arising directly or indirectly from the following:

1. Any act, omission, or negligence of a permittee or its any agents, successors, or assigns while engaged in the permitting or collocation of any small wireless facility or installation or replacement of any wireless support structure, or while in or about the public right-of-way that are subject to the small wireless facility permit for any reason connected in any way whatsoever with the performance of the work authorized by the small wireless facility permit, or allegedly resulting directly or indirectly from the permitting or collocation of any small wireless facility or installation or replacement of any wireless support structure authorized under the small wireless facility permit;

2. Any accident, damage, death, or injury to any of a permittee's contractors or subcontractors, or any officers, agents, or employees of either of them, while engaged in the performance of collocation of any small wireless facility or installation or replacement of any wireless support structure authorized by a small wireless facility permit, or while in or about the public right-of-way that are subject to the small wireless facility permit, for

any reason connected with the performance of the work authorized by the small wireless facility permit, including from exposure to radio frequency emissions;

3. Any accident, damage, death, or injury to any person or accident, damage, or injury to any real or personal property in, upon, or in any way allegedly connected with the collocation of any small wireless facility or installation or replacement of any wireless support structure authorized by a small wireless facility permit, or while in or about the public right-of-way that are subject to the small wireless facility permit, from any causes or claims arising at any time, including any causes or claims arising from exposure to radio frequency emissions; and

4. Any release or discharge, or threatened release or discharge, of any hazardous material caused or allowed by a permittee or its agents about, in, on, or under the public right-of-way.

(b) Defense of city. Each permittee agrees that, upon the request of the department, the permittee, at no cost or expense to the city, shall indemnify, defend, and hold harmless the city against any claims as set forth in this division, regardless of the alleged negligence of the city or any other party, except only for claims resulting directly from the sole negligence or willful misconduct of the city. Each permittee acknowledges and agrees that it has an immediate and independent obligation to defend the city from any claims that actually or potentially fall within the indemnity provision, even if the allegations are or may be groundless, false, or fraudulent, which obligation arises at the time such claim is tendered to the permittee or its agent by the city and continues at all times thereafter. Each permittee further agrees that the city shall have a cause of action for indemnity against the permittee for any costs the city may be required to pay as a result of defending or satisfying any claims that arise from or in connection with a small wireless facility permit, except only for claims resulting directly from the sole negligence or willful misconduct of the city. Each permittee further agrees that the indemnification obligations assumed under a small wireless facility permit shall survive its expiration or completion of collocation of any small wireless facility authorized by the small wireless facility permit.

(c) Additional requirements. The department may specify in a small wireless facility permit such additional indemnification requirements as are necessary to protect the city from risks of liability associated with the permittee's collocation of any small wireless facility or installation or replacement of any wireless support structure.

(15) Fees and costs.

(a) Application fees. The department shall charge a fee for reviewing and processing a small wireless facility permit application. The purpose of this fee is to enable the department to recover its costs directly associated with reviewing a small wireless facility permit application.

1. The department shall charge a fee of \$500 for a small wireless facility permit application seeking to collocate up to five small wireless facilities. This fee shall increase by \$100 for each additional small wireless facility that an applicant seeks to collocate.

2. The department shall charge a fee of \$850 for a small wireless facility permit application seeking to install or replace a wireless support structure in addition to collocating of a small wireless facility on the wireless support structure.

(b) Annual small wireless facility permit fee. The department shall charge an annual small wireless permit fee for each small wireless facility permit issued to a permittee. The annual small wireless permit fee shall be determined by the Director and listed in the city's fee schedule. The annual small wireless permit fee shall be based upon the recovery of the city's rights-of-way management costs.

(c) City-owned wireless support structure fees. The department shall charge the following fees to the owner of any small wireless facility collocated on a wireless support structure owned by the city or its assigns located in the public right-of-way:

1. \$150 per year for rent to occupy space on the wireless support structure;
2. \$25 per year for maintenance associated with the space occupied on the wireless support structure; and
3. A monthly fee for electricity used to operate the small wireless facility, if not purchased directly from a utility, at the rate of:
 - a. \$73 per radio node less than or equal to 100 max watts;
 - b. \$182 per radio node over 100 max watts; or
 - c. The actual costs of electricity, if the actual costs exceed the above.

(d) City-owned property fees. The department shall charge an annual fee for collocating small wireless facilities on city-owned property not located in the public right-of-way. The department shall determine a reasonable and nondiscriminatory annual fee on a per location and per request basis.

(e) Discretion to require additional fees. In instances where the review of a small wireless facility permit application is or will be unusually costly to the department, the Director, in their or them discretion, may, after consulting with other applicable city departments, agencies, boards, or commissions, require an applicant to pay a sum in excess of the other fee amounts charged pursuant to this division. This additional sum shall be sufficient to recover the actual, reasonable costs incurred by the department and/or other city departments, agencies, boards, or commissions, in connection with a small wireless facility permit application and shall be charged on a time and materials basis. Whenever additional fees are charged, the Director, upon request, shall provide in writing the basis for the additional fees and an estimate of the additional fees. The department may not require a fee imposed under this division through the provision of in-kind services by an applicant as a condition of consent to use to city's public right-of-ways or to obtain a small wireless facility permit.

(f) Reimbursement of city costs. The department may determine that it requires the services of an expert in order to evaluate a small wireless facility permit application. In such cases, the department shall not issue a small wireless facility permit pursuant to the application unless the applicant agrees to reimburse the department for the actual, reasonable costs incurred for the services of a technical expert.

Section 5

The following language for Specific Development Standards is added, amended and deleted as provided in Section 9.107 of the City Code of 2005, is hereby established to read as follows:

(A) Purpose. The purpose of this section is to establish specific development standards that provide supplemental regulations to address the unique characteristics of certain land use.

(B) Applicability. The regulations set forth in this section shall apply to the specific use listed, whether it is identified as permitted, conditional or accessory within the applicable zoning district. These regulations shall be in addition to all other applicable regulations.

(C) Specific development standards. The following uses are subject to specific development standards:

- (1) Adult entertainment use.

- (a) Activities classified as obscene as defined by M.S. § 617.241 or successor statute, are prohibited.
 - (b) The use shall be located at least 1,000 feet from any other adult entertainment use.
 - (c) The use shall be located at least 1,000 feet from any facility with an on- or off-sale liquor, wine or beer license.
 - (d) The use shall be located at least 500 feet from any of the following protected uses: residentially-zoned property or residential use; licensed day care facility; public or private educational facility classified as an elementary, middle or junior high or senior high school; public library; public park; or religious institution or place of worship.
 - (e) An adult entertainment use lawfully operating as a conforming use is not rendered nonconforming by the subsequent location of any use listed above within 500 feet. If the adult entertainment use is abandoned for a period of 90 days or more, it shall be deemed discontinued and subsequent use of the premises for adult entertainment will be required to meet the separation requirement.
 - (f) No more than one adult entertainment use shall be located on the property.
 - (g) The use shall not be located on any property that has a liquor license.
 - (h) Sign messages shall be generic in nature and shall only identify the type of business which is being conducted; signs shall not contain material classified as advertising.
- (2) Animal kennel or shelter.
- (a) Any activity conducted outdoors, including but not limited to play areas, outdoor runs, etc. shall be approved by the City Council through a Conditional Use Permit on a case-by-case basis.
 - (b) Outdoor kennels shall be prohibited.
 - (c) Outdoor activity spaces shall meet the following requirements:
 1. The space shall be completely screened from abutting neighboring residential zoning districts or uses by a six-foot tall privacy fence that is at least 80 percent opaque.
 2. The space shall be cleaned regularly so as not to create a nuisance as defined by the City Code.
 3. Animal waste produced within the space shall not be allowed to directly enter the City's storm sewer system.
 - (d) All indoor activity shall include soundproofing and odor control.
 - (e) The kennel or shelter shall provide a minimum floor area of 48 square feet per dog and 20 square feet per cat or any other animal boarded at any one time, exclusive of office or storage area.
 - (f) Air temperature within the kennel or shelter shall be maintained between 60 degrees and 80 degrees Fahrenheit.
 - (g) Within the kennel area, wall finish material below 48 inches in height shall be impervious, washable materials such as sealed masonry, ceramic tile, glass board, or fiberglass reinforced plastic (FRP) panels.
 - (h) Floor finishes shall be sealed concrete, or another impervious surface approved by the City.

(i) Animal waste shall be immediately cleaned up with solid wastes being enclosed in a container of sufficient construction to eliminate odors and organisms. All animal waste shall be disposed of on a daily basis.

(j) The kennel or shelter shall provide sufficient, uniformly distributed lighting to the kennel area.

(3) Automobile convenience facility.

(a) The use shall be served by a major collector or higher functional classification of roadway.

(b) All buildings, canopies and pump islands shall meet the setback requirements for a principal structure in the zoning district in which the use is located.

(c) The storage of inoperable vehicles on the site is prohibited.

(d) The sale or repair of vehicles shall be prohibited.

(e) A landscape buffer with a minimum depth of ten feet shall be installed and maintained along all abutting public rights-of-way.

(f) Canopy light fixtures shall be completely recessed within the canopy so that the lenses do not extend below the bottom surface of the canopy.

(g) Wherever fuel pumps are installed, pump islands shall be installed.

(h) A transportation management plan shall be submitted to address off-street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

(i) An environmental management plan, including a storm water management and drainage plan, shall be submitted to address the impact of the facility on the environment.

(j) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to eliminate the escape of gas vapors.

(k) There shall be no exterior display of merchandise for sale exceeding 50 square feet in area.

(l) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing any litter found thereon.

(m) A minimum of two access points for vehicular traffic shall be provided. Curb cuts shall be located no less than 50 feet from the intersecting right-of-way line on collector roadways and no less than 80 feet from the intersecting right-of-way line on arterial roadways.

(n) All new automobile convenience facilities must be located on a minimum of one acre of land.

(4) Automobile and motorcycle repair, major.

(a) All vehicles waiting for repair or pick-up shall be stored within an enclosed building or in designated off-street parking spaces.

(b) All work shall be performed within a completely enclosed building.

(c) All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automobile and motorcycle parts or storage of inoperable or salvage vehicles shall be prohibited.

(d) The sale of vehicles shall be prohibited, unless permitted by this article or allowed by conditional use.

(e) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from, residential uses. All storage tanks shall be equipped with vapor-tight fittings to eliminate the escape of gas vapors.

(f) An environmental management plan, including a storm water management and drainage plan, shall be submitted to address the impact of the facility on the environment.

(g) Any fuel sales or automobile convenience activities shall be subject to the applicable standards for automobile convenience facilities.

(h) All new major automobile and motorcycle repair facilities must be located on a minimum of one acre of land.

(5) Automobile and motorcycle repair, minor.

(a) All vehicles waiting for repair or pick-up shall be stored within an enclosed building or in designated off-street parking spaces.

(b) All work shall be performed within a completely enclosed building.

(c) All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automobile and motorcycle parts or storage of inoperable or salvage vehicles shall be prohibited.

(d) The sale of vehicles shall be prohibited, unless permitted by this article or allowed by conditional use.

(e) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to eliminate the escape of gas vapors.

(f) An environmental management plan, including a storm water management and drainage plan, shall be submitted to address the impact of the facility on the environment.

(g) Any fuel sales or automobile convenience activities shall be subject to the applicable standards for automobile convenience facilities.

(h) All new minor automobile and motorcycle repair facilities must be located on a minimum of one acre of land.

(6) Automobile and motorcycle sales/rental, new.

(a) The use shall be served by a major collector or higher classification of roadway.

(b) Outdoor vehicle display for used cars and motorcycles shall be limited to 30% of the total outdoor display area for a new car or motorcycle dealership. The display area shall be defined as the total number of parking spaces devoted to the sale of vehicles only, not including the required off-street parking spaces needed for the public and employees.

- (c) Outdoor vehicle display areas shall meet the setback requirements for a principal structure in the zoning district in which the use is located.
- (d) Outdoor vehicle display areas within the public right-of-way are prohibited.
- (e) A landscape buffer with a minimum depth of ten feet shall be installed and maintained along all abutting public rights-of-way.
- (f) Outdoor vehicle display shall be within a designated area that is hard-surfaced.
- (g) Outdoor vehicle display shall be in an orderly fashion, with access aisles provided as needed. The storage of inoperable, junk vehicles with expired tabs is prohibited.
- (h) Music or amplified sounds shall not be audible from adjacent residential properties.
- (i) Outdoor vehicle display shall not reduce the amount of off-street parking provided on site below the level required for the principal use.
- (j) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.
- (k) Fuel pumps for the purpose of retail sale and dispensing of fuel to the general public shall be prohibited. If the use includes dispensing of fuel for the automobiles maintained on site, the use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to eliminate the escape of gas vapors.
- (l) All new automobile and motorcycle sales/rental, (new) facilities must be located on a minimum of one acre of land.
- (7) Automobile and motorcycle sales/rental, used.
- (a) The use shall be served by a major collector or higher classification or roadway.
- (b) An open-aired used auto, motorcycle and truck sales or rental lot as a stand-alone business is prohibited.
- (c) Used automobiles and motorcycles may be sold or rented as a stand-alone business if the business if the used automobiles, motorcycles and associated business are contained within a building.
- (d) Used automobiles and motorcycles may not be sold accessory to businesses other than new car and motorcycle dealerships.
- (e) Outdoor vehicle display areas within the public right-of-way are prohibited.
- (f) A landscape buffer with a minimum depth of ten feet shall be installed and maintained along all abutting public rights-of-way.
- (g) The outdoor storage of inoperable, junk vehicles and vehicles with expired tabs is prohibited.
- (h) Music or amplified sounds shall not be audible from adjacent residential properties.
- (i) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.

(j) Fuel pumps for the purpose of retail sale and dispensing of fuel to the general public shall be prohibited. If the use included dispensing of fuel for the automobiles maintained on site, the use shall employ best management practices regarding the venting of odors, gas, and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to eliminate the escape of gas vapors.

(k) All new automobile and motorcycle sales/rental, (used) facilities must be located on a minimum of one acre of land.

(8) Barbed wire fences.

(a) Barbed wire fences may only utilize a projecting arm to support the barbed wire, commencing at a point no less than six feet above the ground.

(b) At no point shall the projecting arm encroach into the city right-of-way or neighboring properties.

(9) Bed and breakfast home.

(a) The bed and breakfast home shall be part of an owner occupied residential structure and be operated by the property owner.

(b) No more than one non-resident shall be employed in the operation of the facility.

(c) The exterior appearance of the structure shall not be altered from its single-family residential character.

(d) The total number of guestrooms shall not exceed four in the R-3 and R-4 Zoning Districts and six in the LB Zoning District. All guest rooms shall be located within the principal structure.

(e) Separate kitchen facilities shall not be available for guests. Meals shall be prepared and served by the operator and shall be available to registered guests only.

(f) Guest stays shall be limited to no more than 14 consecutive days.

(g) Parking shall be accommodated on the property. Parking requirements for guests are in addition to those required for the principal residential use.

(h) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.

(i) The facility shall meet all applicable housing, building and fire codes and be licensed as required by the State of Minnesota.

(10) Car wash.

(a) Water from the car wash shall not drain across any sidewalk or into any public right-of-way.

(b) Vacuum facilities shall be located in an enclosed structure or located at least 50 feet from any residential property line to avoid noise impacts.

(c) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

(12) Concrete, asphalt, rock crushing operation.

- (a) The use shall be located a minimum of 1,000 feet from any residentially-zoned property or any residential use.
- (b) An air quality plan shall be submitted describing stationary and mobile source air emissions, their quantities and compositions, and indicating conformance with all applicable regulation.
- (c) A dust management plan shall be submitted describing dust emissions sources, their quantities and compositions, how dust will be collected, managed and disposed of and indicating conformance with all applicable regulations.
- (d) A sound attenuation plan shall be submitted describing sources of sound and indicating conformance with all applicable regulations.
- (e) A vibration-dampening plan shall be submitted describing sources of vibration and indicating conformance with all applicable regulations.
- (f) A transportation management plan shall be submitted to address off-street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.
- (g) An environmental management plan, including a storm water management and drainage plan, shall be submitted to address the impact of the facility on the environment.
- (13) Community center.
- (a) The use shall be served by a minor collector or higher functional classification of roadway.
- (b) The parcel upon which the use is located shall have a lot area no less than four times the area of the building footprint.
- (c) To the extent practical, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.
- (d) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the community.
- (e) All accessory residential, school or day care uses shall be subject to the provisions of this article.
- (14) Consignment/secondhand store.
- (a) Consignment/secondhand stores shall be identified as stores whose primary existence is derived from more than 50% used, consigned, or secondhand merchandise. The use shall be located at least 3,000 feet from all existing consignment/secondhand stores, currency exchanges, pawnshops and precious metal dealerships.
- (b) The window and door area of any existing first floor facade along a public street or sidewalk shall not be reduced, nor shall changes be made to such windows and doors that block views into and out of the building at eye level.
- (c) For new construction, at least 30% of the first floor facade along a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level.

(d) The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.

(e) Consignors shall not be paid for merchandise until the merchandise has been sold to a third party.

(f) An appointment or set hours shall be required for the acceptance of consignment or donated merchandise.

(g) All receipt, sorting and processing of goods shall occur within a completely enclosed building.

(h) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

(15) Currency exchange.

(a) The use shall be located at least 3,000 feet from all existing currency exchanges, consignment/secondhand stores, pawnshops and precious metal dealerships.

(b) The window and door area of any existing first floor facade along a public street or sidewalk shall not be reduced, nor shall changes be made to such windows and doors that block views into and out of the building at eye level.

(c) For new construction, at least 30% of the first floor facade along a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level.

(d) The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.

(e) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

(16) Day care center.

(a) The building and any exterior fenced areas shall meet the setback requirements for a principal structure in the zoning district in which the use is located.

(b) The play area shall be located away from the main entrance to day care, and shall be contained with a fence constructed of masonry, painted or treated wood or metal, at least five feet in height.

(c) For child day care facilities, at least 75 square feet of outside play area shall be provided for each child under care. If there is not sufficient space for an outdoor play area on-site, then the property owner must submit a written proposal that demonstrates recreational activities for children under the facility's care will be provided off-site within 1,500 feet of the facility. The City Manager, or their or them designee, is authorized to approve or deny this proposal.

(d) For adult day care facilities, at least 150 square feet of outdoor area for seating or exercise shall be provided. If 150 square feet of outdoor is not available on the site, the property owner must submit a written proposal that demonstrates that recreational activities for adults under the facility's care will be provided off-site. The City Manager, or their or them designee, is authorized to approve or deny this proposal.

(e) The use shall provide a designated area for the short-term parking of vehicles engaged in loading and unloading of children or adults under care. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.

(f) To the extent practical, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.

(g) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.

(h) The facility shall meet all applicable housing, building and fire codes and be licensed as required by the State of Minnesota.

(i) Day care centers located in a school or religious institution building originally constructed for use as a school or religious institution shall be considered a permitted accessory use, provided the standards contained herein are met.

(j) Day care centers located within an existing commercial or industrial facility and used only by employees of the operation conducted on the site shall be considered a permitted accessory use, provided the standards contained herein are met.

(17) Day care, home.

(a) The building and any exterior fenced areas shall meet the setback requirements for a principal structure in the zoning district in which the use is located.

(b) The designated play area shall be contained with a fence constructed of masonry, painted or treated wood or metal, at least five feet in height.

(c) The exterior appearance of the structure shall not be altered from its single-family residential character.

(d) For child day care facilities, at least 50 square feet of outside play area shall be provided for each child under care.

(e) For adult day care facilities, at least 150 square feet of outdoor area for seating or exercise shall be provided for each adult under care.

(f) . If there is not sufficient space for an outdoor play area on-site, then the property owner must submit a written proposal that demonstrates recreational activities for children under the facility's care will be provided off-site within 1,500 feet of the facility.

(g) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.

(h) The facility shall meet all applicable housing, building and fire codes and be licensed as required by the State of Minnesota.

(18) Drive-up facility.

(a) The drive-up function shall be accessory to a conforming use.

- (b) The use shall be served by a major collector or higher functional classification of roadway.
- (c) The site shall accommodate vehicle stacking in accordance with the provisions of this article.
- (d) Any speaker system shall not be audible from any residentially zoned property or any residential use.

(19) Drop-in facility.

(a) The use shall be located at least 3,000 feet from all existing drop-in facilities, consignment/secondhand stores, currency exchanges and pawnshops.

(b) The use shall conspicuously post legible signs at the public entrance advising patrons of the hours of operation of the facility and its meal service, if applicable.

(c) A waiting area for clients shall be provided which shall be available to clients one hour prior to the posted opening of the use and shall include toilet facilities.

(d) Trash receptacles shall be located at the public entrances.

(e) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

(20) Employment agencies—temporary (day labor). The use shall be located at least 3,000 feet from all existing temporary employment agencies, consignment/secondhand stores, currency exchanges and pawnshops.

(21) Firearms dealer/shooting range.

(a) The use shall be located at least 300 feet from any residentially zoned property or any residential use.

(b) The use shall be located at least 500 feet from the following protected uses: licensed daycare facility; public or private educational facility classified as an elementary, middle or junior high or senior high school; public library; public park; or religious institution or place of worship.

(c) No firearms or ammunition shall be displayed in window areas or any area where they can be viewed from any public street or sidewalk.

(22) Food service, convenience (fast food).

(a) The use shall be served by a major collector or higher functional classification of roadway.

(b) A landscape buffer with a minimum depth of ten feet shall be installed and maintained along all abutting public rights-of-way.

(c) A transportation management plan shall be submitted to address off-street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

(d) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing any litter found thereon.

(e) Curb cuts shall be located no less than 50 feet from the intersecting right-of-way line on collector roadways and no less than 80 feet from the intersecting right-of-way line on arterial roadways.

(f) A drive-up facility shall also be subject to the standards for a drive-up facility.

(23) Freight terminal.

(a) Loading and unloading activities shall be located no less than 200 feet from any residential zoning district or residential use.

(b) Overnight facilities for drivers shall provide on-site management 24 hours a day. The name and telephone number of the on-site manager shall be filed with the city.

(24) Funeral home.

(a) The use shall be served by a minor collector or higher functional classification of roadway.

(b) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.

(25) Greenhouses (residential).

(a) A residential greenhouse shall only be allowed for one- and two-family dwellings.

(b) A residential greenhouse structure shall not count against the total number of detached accessory structures allowed on a residential property.

(c) A residential greenhouse structure shall not count against the total allowable combined square footage of accessory structures allowed on a residential property.

(26) Hospital.

(a) The use shall be served by a minor collector or higher functional classification of roadway.

(b) Emergency vehicle access shall not be adjacent to or located across the street from any residential use.

(c) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.

(27) Multi-family in CBD.

(a) The residential use is secondary to and located above the ground floor commercial use.

(b) The maximum number of units allowed shall be limited to the area of the parcel divided by 2,000, times the number of floors above the ground floor commercial use.

(c) A minimum of one parking space shall be provided per residential unit within 400 feet of the most commonly used entrance.

(28) Nursing home.

(a) The use shall be served by a minor collector or higher functional classification of roadway.

(b) On-site services shall be for residents of the facility only.

(c) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.

(29) Outdoor sales/display.

- (a) The outdoor sales/display use shall be accessory to a commercial use.
 - (b) All outdoor sales/display areas shall meet the setback requirements for a principal structure in the zoning district in which it is located.
 - (c) Outdoor sales/display areas within the public right-of-way are prohibited.
 - (d) A landscape buffer with a minimum depth of ten feet shall be installed and maintained along all abutting public rights-of-way.
 - (e) All goods shall be displayed in a designated area that is hard-surfaced.
 - (f) All goods shall be displayed in an orderly fashion, with access aisles provided as needed.
 - (g) Music or amplified sounds shall not be audible from adjacent residential properties.
 - (h) The outdoor sales/display area shall not reduce the amount of off-street parking provided on-site below the level required for the principal use.
 - (i) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.
- (30) Outdoor storage.
- (a) The outdoor storage area shall be accessory to a commercial or industrial use.
 - (b) Outdoor storage within the public right-of-way is prohibited.
 - (c) All outdoor storage areas shall meet the setback requirements for a principal structure in the zoning district in which the use is located.
 - (d) Outdoor storage areas shall be located in rear yards or in the side yard behind the front building line of the principal structure.
 - (e) The storage area shall be fenced and screened from adjacent uses and the public right-of-way. Required screening shall consist of a fence, wall, earth berming and/or vegetation no less than six feet in height and no less than 80% opaque on a year round basis.
 - (f) All goods, materials and equipment shall be stored on an impervious surface.
 - (g) All goods, materials and equipment shall be stored in an orderly fashion, with access aisles of sufficient width to accommodate emergency vehicles as needed.
 - (h) The height of materials stored, excluding operable vehicles and equipment, shall not exceed the height of the screening provided.
- (31) Pawnshop.
- (a) The use shall be located at least 3,000 feet from all existing pawnshops, currency exchanges, consignment/secondhand stores and precious metal dealerships.

(b) The window and door area of any existing first floor facade along a public street or sidewalk shall not be reduced, nor shall changes be made to such windows and doors that block views into and out of the building at eye level.

(c) For new construction, at least 30% of the first floor facade along a public street or sidewalk shall be windows or doors of clear or lightly-tinted glass that allows views into and out of the building at eye level.

(d) The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.

(e) All receipt, sorting and processing of goods shall occur within a completely enclosed building.

(f) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

(32) Precious metal dealership.

(a) The use shall be located at least 3,000 feet from all existing precious metal dealerships, pawnshops, currency exchanges and consignment/secondhand stores.

(b) The window and door area of any existing first floor facade along a public street or sidewalk shall not be reduced, nor shall changes be made to such windows and doors that block views into and out of the building at eye level.

(c) For new construction, at least 30% of the first floor facade along a public street or sidewalk shall be windows or doors of clear or lightly-tinted glass that allows views into and out of the building at eye level.

(d) The use of bars, chains or similar security devices that are visible from a public street or sidewalk is prohibited.

(e) All receipt, sorting and processing of goods shall occur within a completely enclosed building.

(33) Recreational vehicle sales.

(a) The use shall be served by a major collector or higher classification of roadway.

(b) Outdoor vehicle display areas shall meet the setback requirements for a principal structure in the zoning district in which the use is located.

(c) Outdoor vehicle display areas within the public right-of-way are prohibited.

(d) A landscape buffer with a minimum depth of ten feet shall be installed and maintained along all abutting public rights-of-way.

(e) Outdoor vehicle display shall be within a designated area that is hard-surfaced.

(f) Outdoor vehicle display shall be in an orderly fashion, with access aisles provided as needed.

(g) Music or amplified sounds shall not be audible from adjacent residential properties.

(h) Outdoor vehicle display shall not reduce the amount of off-street parking provided on site below the level required for the principal use.

(i) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.

(j) Fuel pumps for the purpose of retail sale and dispensing of fuel to the general public shall be prohibited. If the use includes dispensing of fuel for the automobiles maintained on site, the use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to eliminate the escape of gas vapors.

(34) Recreational facility, indoor.

(a) The use shall be served by a minor collector or higher classification of roadway.

(b) The parcel upon which the use is located shall have a lot area no less than four times the area of the building footprint.

(c) To the extent practical, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.

(d) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.

(35) Recreational facility, outdoor.

(a) The use shall be served by a minor collector or higher classification of roadway.

(b) The site shall be no less than five acres in size.

(c) The principal use of the site shall be the outdoor recreation facility, except for athletic fields that are accessory to an educational or community facility.

(d) The use shall be situated in such a way as to minimize the effects of lighting and noise on surrounding properties.

(e) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.

(f) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

(36) Religious institution/place of worship.

(a) The facility shall be served by a minor collector or higher functional classification of roadway.

(b) The parcel upon which the use is located shall have a lot area no less than four times the area of the building footprint.

(c) To the extent practical, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.

- (d) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.
- (e) All accessory residential, school or day care uses shall be subject to the provisions of this article.
- (37) Residential care facility.
- (a) If serving more than six residents, the use shall be located at least 1/4 mile (1,320 feet) from all existing residential care facilities or correctional residential care facilities, regardless of the licensing status of such facilities. Residential care facilities serving six or fewer residents shall be exempted from the distance radius and zoning regulations except as otherwise required by law.
- (b) The use shall not be located in a two-family or multiple-family dwelling unless it occupies the entire structure.
- (c) The facility shall be located on a parcel meeting the minimum lot size for a single-family dwelling plus an area of 300 square feet for each resident over six. The maximum number of residents may be specified as a condition of the conditional use permit in order to meet this requirement.
- (d) On-site services shall be for residents of the facility only.
- (e) The building and any exterior fenced areas shall meet the setback requirements of the zoning district in which the use is located.
- (f) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be compatible with other buildings in the neighborhood.
- (g) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.
- (h) The primary purpose of the facility cannot be to treat juveniles who have violated criminal statutes relating to sex offenses or who have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses.
- (i) The facility shall not provide accommodations to treat persons whose tenancy would constitute a direct threat to the health and safety of other individuals.
- (j) The facility shall not accept court ordered referrals for treatment in lieu of incarceration without adequate security.
- (k) The facility shall meet all applicable housing, building and fire codes and be licensed as required by the State of Minnesota.
- (l) If the size, location, licensing or purpose of the facility changes, a new or amended conditional use permit may be required.
- (38) Residential care facility, correctional.

(a) The use shall be located at least 1/4 mile (1,320 feet) from all existing residential care facilities and correctional residential care facilities, regardless of the licensing status of such facilities measured from property line to property line.

(b) The use shall only be located in the I-1, Light Industrial District and the I-2, General Industrial District parcels throughout the city.

(c) The use shall not be located in a two-family or multiple-family dwelling unless it occupies the entire structure.

(d) The facility shall be located on a parcel meeting the minimum lot size for single-family dwelling plus an area of 300 square feet for each resident over two. The maximum number of residents shall not exceed four.

(e) On-site services shall be for residents of the facility only.

(f) The building and any exterior fenced areas shall meet the setback requirements of the zoning district in which the use is located.

(g) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be compatible with other buildings in the neighborhood.

(h) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.

(i) The facility shall meet all applicable housing, building and fire codes and be licensed as required by the State of Minnesota.

(j) If the size, location, licensing or purpose of the facility changes, a new or amended conditional use permit may be required.

(39) Salvage operation/transfer station.

(a) The use shall be located at least 500 feet from any residentially zoned property or any residential use.

(b) The use must comply with the minimum standards for operation, safety, storage and all waste management as identified in the most current version of MPCA Motor Vehicle Salvage Facility Environmental Compliance Manual or successor manual.

(c) The use must be served by a minor collector or higher functional classification of roadway.

(d) Buildings, parking areas, loading areas and any exterior storage shall meet the setback requirements for a principal structure in the zoning district in which the use is located.

(e) No vehicles or vehicle parts may be placed within the public right-of-way or on public property.

(f) Exterior storage shall be limited to a maximum height of 12 feet and shall be fully screened so that items stored do not exceed the height of the screening provided.

(g) An environmental management plan, including a storm water management and drainage plan, shall be submitted to address the impact of the facility on the environment.

(h) The salvage facility operator shall maintain a written record of all vehicles received, including the date received, date when fluids were removed and date removed from the facility. The record shall also include the vehicle identification number, make and model and shall be initiated on the date the vehicle is received at the facility.

(i) All fluids, including but not limited to motor oil, transmission and/or transfer case lubricants, differential lubricants, fuel, antifreeze, refrigerants and window washing fluids shall be removed from the vehicle within three days of receipt.

(j) All lead acid batteries, mercury containing devices and other hazardous materials shall be removed from the vehicle within three days of receipt.

(k) On-site burning of trash, refuse, garbage or other waste materials is prohibited.

(l) Salvage of materials by fire, burning, explosives or chemical decomposition is prohibited.

(40) School, K-12.

(a) The use shall include a regular course of study accredited by the State of Minnesota.

(b) The site shall be served by a major collector or higher classification of roadway.

(c) The parcel upon which the use is located shall have a lot area no less than four times the area of the building footprint.

(d) A transportation management plan shall be submitted to address off-street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

(e) To the extent practical, all new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.

(f) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.

(41) School, vocational/business.

(a) The site shall be served by a minor arterial or higher classification of roadway.

(b) The parcel upon which the use is located shall have a lot area no less than four times the area of the building footprint.

(c) A master plan shall be submitted that describes proposed physical development for the next five years and for the following five years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed.

(d) A transportation management plan shall be submitted to address off-street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

(e) New construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.

(f) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.

(42) School, performing/visual/martial arts.

(a) The site shall be served by a minor collector or higher classification of roadway.

(b) A transportation management plan shall be submitted to address off-street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

(c) To the extent practical, all new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.

(d) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.

(43) Shopping center.

(a) Only uses that are allowed within the zoning district in which the shopping center is located, shall be allowed in the shopping center.

(b) Uses that require a conditional use permit, site plan review or other land use approval shall comply with all review and approval requirements of this article.

(c) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet shall be inspected regularly for purposes of removing any litter found thereon.

(44) Smoke shops.

(a) The smoke shop must have an entrance door opening directly to the outdoors.

(b) Greater than 90% of the business's gross revenue must be from the sale of tobacco, tobacco products or smoking related accessories.

(c) A tobacco department or section of any individual business establishment with any type of liquor, food or restaurant license shall not be considered a smoke shop.

(d) The total number of city-issued smoke shop licenses shall at no time exceed five.

(e) Any existing smoke shops at the time of the passage of Ord. 1570 shall comply fully with the ordinance by December 31, 2010.

(45) Transitional/emergency housing.

(a) Transitional/emergency housing shall be located at least 1/4 mile from all existing transitional/emergency housing.

(b) The maximum number of persons served shall not exceed 32.

(c) On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment/service.

(d) To the extent practical, all new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.

(e) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.

(46) Two-family and twinhome dwellings.

(a) Street-facing garage doors must be recessed behind either the front facade of the living area portion of the dwelling or a covered porch, measuring at least six feet by eight feet, by at least five feet.

(b) If located on a corner lot, each unit of the duplex or twinhome shall have its address and entrance oriented to a separate street frontage.

(c) Vehicle access to a lot must be from an alley if the lot abuts an alley.

(47) Brewer taprooms and brew pubs.

(a) All malt liquor production shall be within a completely enclosed structure.

(b) Mechanical equipment shall be placed and/or screened so as to minimize the visual impact on adjacent properties and from public streets.

(c) In zoning districts where off-street parking is required, a transportation management plan shall be submitted to address off-street parking, bus and freight loading, and traffic control.

(d) Loading areas shall not be oriented toward a public street, nor shall loading docks be located on the side of any building facing an adjacent lot that is zoned residential. Where these districts or streets abut all sides of the property, the loading areas shall be screened by a solid wall or opaque fence with a minimum height of six feet, in addition to any required landscape buffer.

(e) Trash and/or recycling collection areas shall be enclosed on at least three sides by an opaque screening wall or fence no less than six feet in height. The open side of the enclosure shall not face any public street or the front yard of any adjacent property.

(f) By-products and waste from the production of malt liquor shall be properly disposed of off the property.

(g) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

(h) The facility shall meet all applicable building and fire codes, and shall be licensed as required by the state or county.

(48) Banquet halls.

(a) To the extent practical, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.

(b) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the community.

(c) The facility shall meet all applicable building and fire codes, and shall be licensed as required by the state or county.

(d) A transportation management plan shall be submitted to address off-street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

(e) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing any litter found thereon.

(f) Music or amplified sounds shall not be audible from adjacent residential uses and must meet the requirements of city ordinances, to ensure consistent enforcement by the Police Department.

(49) Health/fitness clubs in LB, Limited Business districts.

(a) The health/fitness club shall not exceed 4,000 gross square feet in area.

(b) The use shall be served by a minor collector or higher classification roadway.

(c) To the extent practical, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.

(d) An appropriate transition area shall be provided between the use and adjacent property by landscaping, screening or other site improvements consistent with the character of the neighborhood.

(e) The parking supply requirements of § 9.105(L)(10) shall be satisfied via off-street parking or a combination of off-street parking and off-site parking. Off-site parking shall be located no more than 400 feet from the main entrance of the use being served.

(f) The City Council may establish limited business hours as a means of ensuring compatibility with surrounding uses.

(56) Seasonal Sales Stands

(a) The fireworks tent, display area, access aisles, and surrounding area shall be reviewed by the Community Development Department and the Fire Department and sale of fireworks shall meet all requirements of Chapter 24 of the Fire Code and NFPA Chapter 1124.

(c) Seasonal sales stands shall be accessory to a commercial use.

(d) Seasonal sales stands located within the public right-of-way are prohibited.

(e) All goods shall be displayed on a designated impervious surface area.

(f) All goods shall be displayed in an orderly fashion, with access aisles provided as needed.

(g) Music or amplified sounds shall not be audible from adjacent residential properties.

(h) The seasonal sales stand shall not reduce the amount of off-street parking provided one-site below the level required for the principal use.

- (i) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.
- (j) Signage shall be limited to two professionally made signs, with a combined square footage not exceeding 48 square feet.
- (k) Seasonal sales stands may be allowed for a maximum of 90 days per calendar year.

Section 6

The following language for Residential Districts is added, amended and deleted as provided in Section 9.109 of the City Code of 2005, is hereby established to read as follows:

(A) Purpose. The residential zoning districts are established to preserve and enhance the quality of living in residential neighborhoods; provide a range of housing types and densities consistent with the comprehensive plan; regulate structures and uses which may affect the character or desirability of these residential areas; and provide directly related complementary uses that support the residential areas while safeguarding the residential character of these areas.

(B) General provisions.

(1) Compliance with applicable regulations. Any use established in a residential district after the effective date of this article shall comply with all applicable local, state and federal standards for such uses.

(2) Administration. The administration and enforcement of this section shall be in accordance with the provisions of § 9.104, Administration and Enforcement.

(3) Nonconformities. Nonconforming uses, structures, lots and signs within a residential district shall be subject to the provisions of § 9.105, Nonconformities.

(4) Compliance with general development standards. Any use established, expanded or modified in a residential district after the effective date of this article shall comply with the applicable provisions of § 9.106, General Provisions.

(5) Compliance with specific development standards. Any use established, expanded or modified in a residential district after the effective date of this article that is identified in § 9.107, Specific Development Standards, shall comply with the applicable provisions of that section.

(6) State licensed residential facility. State licensed residential facilities are allowed in all residential districts pursuant to M.S. § 462.357, as it may be amended from time to time.

(7) Prohibited uses. Any use not listed as either permitted, conditional or accessory in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted, conditional or accessory shall be prohibited in that district.

(8) Permitted accessory uses. Except as specifically limited herein, the following accessory uses shall be in all Residential Districts, R-1, R-2A and R-2B, R-3, R-4:

- (a) Private garages, carports and parking spaces.
- (b) Accessory buildings.

(c) Home occupations.

(d) Private swimming pools, tennis courts and other recreational facilities operated for the sole use and convenience of the residents of the principal use and their guests.

(e) Decorative landscaping, gardening and other horticultural uses.

(f) Temporary construction buildings.

(g) Signs as regulated by § 9.106.

(h) Accessory dwelling units

(i) Shared family living arrangements

(j) Greenhouses (residential)

(C) *Lot dimension, height, and bulk requirements.* Lot area, setback, height and lot coverage requirements for uses in the residential districts shall be as specified in the following table:

	<i>R-1</i>	<i>R-2A</i>	<i>R-2B</i>	<i>R-3</i>	<i>R-4</i>
Minimum Lot Area					
Single-family dwelling	8,400 sq. ft.	Existing on January 1, 2005 – 5,100 sq. ft. Established after January 1, 2005 - 6,500 sq. ft.	Existing on January 1, 2005 – 5,100 sq. ft. Established after January 1, 2005 - 6,500 sq. ft.	Existing on January 1, 2005 – 5,100 sq. ft. Established after January 1, 2005 - 6,500 sq. ft.	Existing on January 1, 2005 – 5,100 sq. ft. Established after January 1, 2005 - 6,500 sq. ft.
Two-family and twinhome dwellings		12,000 sq. ft.	Existing on January 1, 2005 - 5,100 sq. ft. Established after January 1, 2005 - 12,000 sq. ft.	8,400 sq. ft.	8,400 sq. ft.
Multiple-family dwelling				10,000 sq. ft.	10,000 sq. ft.
Non-residential structure	8,400 sq. ft.	6,500 sq. ft.	6,500 sq. ft.	10,000 sq. ft.	10,000 sq. ft.
Lot Area Per Dwelling Unit					
Multiple-family dwelling					
Agency				1,200 sq. ft.	800 sq. ft.
Bedroom				1,800 sq. ft.	1,000 sq. ft.
Bedroom				2,000 sq. ft.	1,200 sq. ft.
Bedroom				2,500 sq. ft.	1,500 sq. ft.
Additional bedroom				400 sq. ft.	200 sq. ft.
Segregate living units				400 sq. ft.	400 sq. ft.
Minimum Lot Width	70 ft.	Existing on January 1, 2005 – 40 ft. Established after January 1,	Existing on January 1, 2005 – 40 ft. Established after January	Existing on January 1, 2005 – 40 ft.	Existing on January 1, 2005 – 40 ft.

		2005 - 60 ft.	1, 2005 - 60 ft.	Established after January 1, 2005 - 70 ft.	Established after January 1, 2005 - 70 ft.
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	<i>R-1</i>	<i>R-2A</i>	<i>R-2B</i>	<i>R-3</i>	<i>R-4</i>
Minimum Lot Depth					
Residential Building Setbacks					
Front yard	25 ft.	25 ft.	25 ft.	1 & 2 Family - 25 ft. Multi- Family - 30 ft.	15 ft.
Rear yard	7 ft.*	5 ft.*	5 ft.*	1 & 2 Family - 5 ft. Multi- Family - 20 ft.	10 ft.
Left side yard	12 ft.	10 ft.	10 ft.	1 & 2 Family - 10 ft. Multi- Family - 30 ft.	15 ft.
Right side yard	20% of lot depth	20% of lot depth	20% of lot depth	1 & 2 Family - 25 ft. Multi- Family - 30 ft.	15 ft.
Non-Residential Building Setbacks					
Front yard	25 ft.	25 ft.	25 ft.	30 ft.	15 ft.
Rear yard	40 ft.	30 ft.	30 ft.	25 ft.	10 ft.
Left side yard	12 ft.	10 ft.	10 ft.	30 ft.	15 ft.
Right side yard	40 ft.	30 ft.	30 ft.	25 ft.	10 ft.
Single- and Two-Family Parking Setbacks					
Front yard (excluding drives/pads)	25 ft.	25 ft.	25 ft.	30 ft.	30 ft.
Rear yard	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.
Left side yard	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.
Right side yard	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.
Multiple-Family Parking Setbacks					
Front yard				30 ft.	30 ft.
Rear yard				10 ft.	10 ft.
Left side yard				30 ft.	30 ft.
Right side yard				10 ft.	10 ft.

	<i>R-1</i>	<i>R-2A</i>	<i>R-2B</i>	<i>R-3</i>	<i>R-4</i>
Non-Residential Parking Setbacks					
Front yard	25 ft.	25 ft.	25 ft.	30 ft.	30 ft.
Rear yard	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Left side yard	25 ft.	25 ft.	25 ft.	30 ft.	30 ft.
Right side yard	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Maximum Height					
Residential buildings	30 ft.	30 ft.	30 ft.	35 ft.	35 ft.
Non-residential buildings	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.

Residential structures	30 ft. unless specified elsewhere	30 ft. unless specified elsewhere	30 ft. unless specified elsewhere	35 ft. unless specified elsewhere	35 ft. unless specified elsewhere
Non-residential structures	35 ft. unless specified elsewhere	35 ft. unless specified elsewhere	35 ft. unless specified elsewhere	35 ft. unless specified elsewhere	35 ft. unless specified elsewhere
Non-Residential Floor Area Ratio					2.2
Impervious surface coverage maximum for residential lots	35% for lots less than 6,500 sq. ft.	35% for lots less than 6,500 sq. ft.	35% for lots less than 6,500 sq. ft.	35% for lots less than 6,500 sq. ft.	35% for lots less than 6,500 sq. ft.
	30% for lots greater than 6,500 sq. ft.	30% for lots greater than 6,500 sq. ft.	30% for lots greater than 6,500 sq. ft.	30% for lots greater than 6,500 sq. ft.	30% for lots greater than 6,500 sq. ft.
* The side yard setback for structures in excess of two stories shall be increased to 10 feet.					

(D) Zero lot line setback provisions. In the R-2, R-3 and R-4 districts, the yard for a single-family attached dwelling may be reduced to zero feet, provided that the following conditions are satisfactorily met:

- (1) The wall of the dwelling unit shall be placed upon said property line in a manner that does not encroach upon another property.
- (2) The applicant records all required agreements, easements and deed restrictions against all properties that abut the zero lot line.
- (3) The minimum front, side and rear building setbacks shall be applied to the structure as a whole, rather than to individual units.
- (4) The minimum lot area requirement shall be applied by dividing the sum of the area of all parcels occupied by the structure by the total number of dwelling units.

(E) R-1, Single-Family Residential District.

- (1) Purpose. The purpose of the R-1, Single-Family Residential District is to provide appropriately located areas for detached single-family dwellings and directly related complementary uses.
- (2) Permitted uses. Except as specifically limited herein, the following uses are permitted within the R-1, Single-Family Residential District:
 - (a) Single-family dwelling, detached.
 - (b) State licensed residential care facility serving six or fewer persons.
 - (c) Licensed day care facility serving 12 or fewer persons.
 - (d) Licensed group family day care facility serving 14 or fewer children.
 - (e) Public parks and playgrounds.
- (3) Conditional uses. Except as specifically limited herein, the following uses may be allowed in the R-1, Single-Family Residential District, subject to the regulations set forth for conditional uses in § 9.104, Administration and Enforcement, and the regulations for specific uses set forth in § 9.107, Specific Development Standards:

- (a) Religious facility/place of worship.
- (b) Convent or monastery, when accessory to a religious facility.
- (c) School, public or private, K-12.
- (d) Government office.
- (e) Government protective service facility.
- (f) Golf course.
- (g) Joint driveway use between adjoining property owners.
- (h) Fences greater than six feet in height.

(F) R-2A and R-2B, Two-Family Residential District.

(1) Purpose. The purpose of the R-2A and R-2B Two-Family Residence District is to provide appropriately located areas for single-family dwellings, two-family dwellings (duplexes) and directly related complementary uses.

(2) Permitted uses. Except as specifically limited herein, the following uses are permitted within the R-2A and R-2B, Two-Family Residential District:

- (a) Single-family dwelling, detached.
- (b) State-licensed residential care facility serving six or fewer persons.
- (c) Licensed day care facility serving 12 or fewer persons.
- (d) Licensed group family day care facility serving 14 or fewer children.
- (e) Public parks and playgrounds.
- (f) Two-family dwelling.
- (g) Twinhome dwelling.

(3) Conditional uses. Except as specifically limited herein, the following uses may be allowed in the R-2A and R-2B, Two-Family Residential District, subject to the regulations set forth for conditional uses in § 9.104, Administration and Enforcement, and the regulations for specific uses set forth in § 9.107, Specific Development Standards:

- (a) Religious facility/place of worship.
 - (b) Convent or monastery, when accessory to a religious facility.
 - (c) School, public or private, K-12.
 - (d) Government office.
 - (e) Government protective service facility.
 - (f) Golf course.

(g) Off-street parking for an adjacent conforming commercial or industrial use, provided the lots are under common ownership, is not separated by a public right-of-way and front on the same public right-of-way.

(h) Joint driveway use between adjoining property owners.

(i) Fences greater than six feet in height.

(G) R-3, Limited Multiple-Family Residential District.

(1) Purpose. The purpose of the R-3, Limited Multiple-Family Residential District is to provide appropriately located areas for small lot single-family dwellings, multiple-family dwellings with up to eight units per structure (town homes, condominiums and apartments), congregate living arrangements and directly related complementary uses.

(2) Permitted uses. Except as specifically limited herein, the following uses are permitted within the R-3, Limited Multiple-Family Residential District:

- (a) Single-family dwelling, detached.
- (b) Two-family dwelling.
- (c) Twinhome dwelling.
- (d) Town home dwelling with up to eight units per structure.
- (e) Multiple-family dwelling with up to eight units per structure.
- (f) State licensed residential care facility serving six or fewer persons.
- (g) Licensed day care facility serving 12 or fewer persons.
- (h) Licensed group family day care facility serving 14 or fewer children.
- (i) Public park and/or playground.

(3) Conditional uses. Except as specifically limited herein, the following uses may be allowed in the R-3, Limited Multiple-Family Residential District, subject to the regulations set forth for conditional uses in § 9.104, Administration and Enforcement, and the regulations for specific uses set forth in § 9.107, Specific Development Standards:

- (a) Religious facility/place of worship.
- (b) Convent or monastery, when accessory to a religious facility.
- (c) School, public or private, K-12.
- (d) Government office.
- (e) Government protective service facility.
- (f) Off-street parking for an adjacent conforming commercial or industrial use, provided the lots are under common ownership, is not separated by a public right-of-way and front on the same public right-of-way.
- (g) State licensed residential care facility serving 7 to 16 persons.

- (h) Licensed day care facility serving more than 12 persons.
- (i) Congregate living facilities, including rooming houses, group living quarters, nursing homes, senior housing, assisted living facilities, transitional housing and emergency housing.
- (j) Bed and breakfast home, when accessory to a single-family dwelling.
- (k) Community center.
- (l) Recreational facility, indoor.
- (m) Recreational facility, outdoor.
- (n) Day care center, adult or child.
- (o) Joint driveway use between adjoining property owners.
- (p) Fences greater than six feet in height.

(H) R-4, Multiple-Family Residential District.

(1) Purpose. The purpose of the R-4, Multiple-Family Residential District is to provide for appropriately located areas for high density multiple-family dwellings, congregate living arrangements and directly related complementary uses.

(2) Permitted uses. Except as specifically limited herein, the following uses are permitted within the R-4, Multiple-Family Residential District:

- (a) Single-family dwelling, detached.
- (b) Two-family dwelling.
- (c) Twinhome dwelling.
- (d) Town home dwelling with up to eight units per structure.
- (e) Multiple-family dwelling.
- (f) State licensed residential care facility serving six or fewer persons.
- (g) Licensed day care facility serving 12 or fewer persons.
- (h) Licensed group family day care facility serving 14 or fewer children.
- (i) Public park and/or playground.

(3) Conditional uses. Except as specifically limited herein, the following uses may be allowed in the R-4, Multiple-Family Residential District, subject to the regulations set forth for conditional uses in § 9.104, Administration and Enforcement, and the regulations for specific uses set forth in § 9.107, Specific Development Standards:

- (a) Religious facility/place of worship.
- (b) Convent or monastery, when accessory to a religious facility.

- (c) School, public or private, K-12.
- (d) School, vocational or business.
- (e) Licensed day care facility serving more than 12 persons.
- (f) Government office.
- (g) Government protective service facility.
- (h) Off-street parking for an adjacent conforming commercial or industrial use, provided the lots are under common ownership, is not separated by a public right-of-way and front on the same public right-of-way.
- (i) State licensed residential care facility serving more than six persons.
- (j) Congregate living facilities, including rooming houses, group living quarters, nursing homes, senior housing, assisted living facilities, transitional housing and emergency housing.
- (k) Bed and breakfast home, when accessory to a single-family dwelling.
- (l) Community center.
- (m) Recreational facility, indoor.
- (n) Recreational facility, outdoor.
- (o) Day care center, adult or child.
- (p) Manufactured home park.
- (q) Joint driveway use between adjoining property owners.
- (r) Fences greater than six feet in height.

Section 7

The following language for Commercial Districts is added, amended and deleted as provided in Section 9.110 of the City Code of 2005, is hereby established to read as follows:

(A) Purpose. The commercial districts are established to provide for a wide range of goods and services in locations throughout the community; provide employment opportunities; and enhance the livability of the community by providing convenient access to goods and services.

(B) General provisions.

(1) Compliance with applicable regulations. Any use established in a commercial district after the effective date of this article shall comply with all applicable local, state and federal standards for such uses.

(2) Administration. The administration and enforcement of this section shall be in accordance with the provisions of § 9.104, Administration and Enforcement.

(3) Nonconformities. Nonconforming uses, structures, lots and signs within a commercial district shall be subject to the provisions of § 9.105, Nonconformities.

(4) Compliance with general development standards. Any use established, expanded or modified in a commercial district after the effective date of this article shall comply with the applicable provisions of § 9.106, General Development Standards.

(5) Compliance with specific development standards. Any use established, expanded or modified in a commercial district after the effective date of this article shall comply with the applicable provisions of § 9.107, Specific Development Standards.

(6) Prohibited uses. Any use not listed as either permitted, conditional or accessory in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted, conditional or accessory shall be prohibited in that district.

(C) *Lot dimension, height, and bulk requirements.* Lot area, setback, height and lot coverage requirements for uses in the commercial districts shall be as specified in the following table.

	<i>LB</i>	<i>GB</i>	<i>CBD</i>
Minimum Lot Area	6,000 sq. ft.	6,000 sq. ft.	
Minimum Lot Width	50 ft.	40 ft.	20 ft.

	<i>LB</i>	<i>GB</i>	<i>CBD</i>
Minimum Lot Depth			
Lot area per dwelling unit			
Single-family dwelling	6,500 sq. ft.		
Multiple-family dwelling			
Efficiency	1,200 sq. ft.		1,200 sq. ft.
One bedroom	1,800 sq. ft.		1,800 sq. ft.
Two bedroom	2,000 sq. ft.		2,000 sq. ft.
Three bedroom	2,500 sq. ft.		2,500 sq. ft.
Additional bedroom	400 sq. ft.		400 sq. ft.
Congregate living units	400 sq. ft.		400 sq. ft.
Hotel or motel	400 sq. ft.		
Hospital	600 sq. ft.		
Building Setback Requirements			
Nonresidential/mixed-use front yard	none		
Residential front yard	5 ft.		
Front yard		15 ft.	none
Side yard	15 ft.	none	none
Corner side yard	10 ft.	15 ft.	1 ft.
Rear yard	20 ft.	20 ft.	10 ft.

Parking Setback Requirements			
Front yard	12 ft.	15 ft.	1 ft.
Side yard	5 ft.	5 ft.	none
Corner side yard	12 ft.	15 ft.	1 ft.
Rear yard	5 ft.	5 ft.	5 ft.
Maximum Building Height	35 ft.	35 ft.	none
Maximum Structure Height	35 ft. unless specified elsewhere	35 ft. unless specified elsewhere	none, unless specified elsewhere
Maximum Lot Coverage			
Floor area ratio		1.0	6.0

(D) LB, Limited Business District.

(1) Purpose. The purpose of the LB, Limited Business District is to provide appropriate locations for limited retail sales and services for the convenience of adjacent residential neighborhoods. These areas are located along collector or arterial roadways in close proximity to residential neighborhoods, arranged and designed to be a functional and harmonious part of the neighborhood, and accessible by public sidewalks or trails as well as by roadways.

(2) Permitted uses. Except as specifically limited herein, the following uses are permitted within the LB, Limited Business District:

- (a) Multiple-family dwelling.
- (b) Government office.
- (c) Government protective service facility.
- (d) Public park and/or playground.
- (e) Clinic, medical or dental.
- (f) Clinic, veterinary.
- (g) Funeral home.
- (h) Office
 - (i) Studio, professional
 - (j) Service, professional.
 - (k) Retail sales
 - (l) Food service, limited (coffee shop/deli)
 - (m) Museum/gallery

(3) Conditional uses. Except as specifically limited herein, the following uses may be allowed in the LB, Limited Business District, subject to the regulations set forth for conditional uses in § 9.104, Administration and Enforcement, and the regulations for specific uses set forth in § 9.107, Specific Development Standards:

- (a) School, vocational or business.
- (b) School, performing/visual/martial arts.
- (c) Licensed day care facility, child or adult.
- (d) Government maintenance facility.
- (e) State licensed residential care facility.
- (f) Congregate living facility, including rooming houses, group living quarters, nursing homes, senior housing, assisted living facility, traditional housing and emergency housing.
- (g) Bed and breakfast home, when accessory to a single-family dwelling.
- (h) Community center.
- (i) Recreational facility, indoor.
- (j) Recreational facility, outdoor.
- (k) Single-family dwelling, when accessory to a commercial use.
- (l) Hospital.
- (m) Hotel or motel.
- (n) Fences greater than six feet in height.
- (o) Brewer taproom, not exceeding 2,000 barrels of malt liquor a year.
- (p) Brew pub, not exceeding 2,000 barrels of malt liquor a year.
- (q) Health/fitness clubs, not exceeding 4,000 gross square feet in area.

(4) Permitted accessory uses. Except as specifically limited herein, the following accessory uses shall be permitted in the LB, Limited Business District:

- (a) Private garages, parking spaces and loading areas.
- (b) Accessory buildings.
- (c) Private swimming pools, tennis courts and other recreational facilities operated for the sole use and convenience of the residents of the principal use and their guests.
- (d) Landscaping and other horticultural uses.
- (e) Temporary construction buildings.
- (f) Signs as regulated by § 9.106.

(E) GB, General Business District.

(1) Purpose. The purpose of the GB General Business District is to provide appropriate locations for general retail sales, services and other commercial developments that benefit from their proximity to other commercial uses. These areas are located away from residential neighborhoods, along arterial roadways and are accessible primarily by automobile.

(2) Permitted uses. Except as specifically limited herein, the following uses are permitted within the GB, General Business District:

- (a) Government office.
- (b) Government protective service facility.
- (c) Public park and/or playground.
- (d) School, vocational or business.
- (e) School, performing/visual/martial arts.
- (f) Auditorium/place of assembly.
- (g) Automobile convenience facility.
- (h) Automobile and motorcycle repair, minor.
- (i) Billiards hall.
- (j) Bowling alley.
- (k) Car wash.
- (l) Clinic, medical or dental.
- (m) Clinic, veterinary.
- (n) Day care facility, adult or child.
- (o) Financial institution.
- (p) Food service, convenience (fast food).
- (q) Food service, limited (coffee shop/deli).
- (r) Food service, full service (restaurant/nightclub).
- (s) Funeral home.
- (t) Greenhouse/garden center.
- (u) Health or fitness club.
- (v) Hotel/motel.
- (w) Laboratory, medical.

- (x) Liquor store, off-sale.
- (y) Museum or gallery.
- (z) Office.
- (aa) Retail sales.
- (bb) Service, professional.
- (cc) Shopping center.
- (dd) Studio, professional.
- (ee) Studio, radio and television.
- (ff) Theater, live performance.
- (gg) Theater, movie.
- (hh) Motor vehicle parts store.
- (ii) Brewer taproom.
- (jj) Brew pub.
- (kk) Arcade.
- (ll) Firearms dealer
- (mm) Parking ramp
- (nn) Printing/Publishing
- (oo) Club or lodge

(3) Conditional uses. Except as specifically limited herein, the following uses may be allowed in the GB, General Business District, subject to the regulations set forth for conditional uses in § 9.104, Administration and Enforcement, and the regulations for specific uses set forth in § 9.107, Specific Development Standards:

- (a) Community center.
- (b) Recreational facility (indoor and outdoor).
- (c) Banquet hall.
- (d) Government maintenance facility.
- (e) Automobile and motorcycle sales/rental, new.
- (f) Automobile and motorcycle sales, used (in building).
- (g) Recreational vehicle sales, new.

- (h) Recreational vehicle sales, used (in building).
- (i) Shooting range.
- (j) Hospital.
- (k) Outdoor sales or display.
- (l) Outdoor storage
- (m) Assembly, manufacturing and/or processing.
- (n) Consignment/secondhand store.
- (o) Currency exchange.
- (p) Pawnshop.
- (q) Drop-in facility.
- (r) Fences greater than six feet in height.
- (s) Animal kennel and/or shelter.
- (t) Precious metal dealerships.

(4) Permitted accessory uses. Except as specifically limited herein, the following accessory uses shall be permitted in the GB, General Business District:

- (a) Private garages, parking spaces and loading areas.
- (b) Accessory buildings.
- (c) Landscaping and other horticultural uses.

(d) Incidental repair or processing necessary to conduct the permitted principal use, provided the accessory use does not exceed 30% of the floor area.

- (e) Temporary construction buildings.
- (f) Signs as regulated by § 9.106.
- (g) Seasonal sales stands

(F) CBD, Central Business District.

(1) Purpose. The purpose of the CBD, Central Business District is to provide for the development and redevelopment of the established downtown core, including a mix of retail, financial, office, service and entertainment uses. Residential units are allowed within this district when located above a first floor commercial use.

(2) Permitted uses. Except as specifically limited herein, the following uses are permitted within the CBD, Central Business District:

- (a) Multiple-family residential, when located above a first floor commercial use.
- (b) Government offices.
- (c) Government protective services facility.
- (d) Public parks and/or playgrounds.
- (e) School, vocational or business.
- (f) School, performing/visual/martial arts.
- (g) Auditorium/place of assembly.
- (h) Billiards hall.
- (i) Bowling alley.
- (j) Clinic, medical or dental.
- (k) Clinic, veterinary.
- (l) Licensed day care facility, adult or child.
- (m) Financial institution.
- (n) Food service, convenience (fast food).
- (o) Food service, limited (coffee shop/deli).
- (p) Food service, full service (restaurant/nightclub).
- (q) Health or fitness center.
- (r) Hotel or motel.
- (s) Laboratory, medical.
- (t) Liquor store, off-sale.
- (u) Museum or gallery.
- (v) Office.
- (w) Retail sales.
- (x) Service, professional.
- (y) Studio, professional.
- (z) Studio, radio or televisions.
- (aa) Theater, live performance.
- (bb) Theater, movie.

- (cc) Arcade
- (dd) Parking ramp
- (ee) Club or lodge
- (ff) Printing/publishing

(3) Conditional uses. Except as specifically limited herein, the following uses may be allowed in the CBD, Central Business District, subject to the regulations set forth for conditional uses in § 9.104, Administration and Enforcement, and the regulations for specific uses set forth in § 9.107, Specific Development Standards

- (a) Outdoor sales and/or display.
- (b) Outdoor storage.
- (c) Fences greater than six feet in height.
- (d) Community center.
- (e) Recreational facility (indoor/outdoor).
- (f) Banquet hall.
- (g) Brewer taproom.
- (h) Brew pub.

(5) Permitted accessory uses. Except as specifically limited herein, the following accessory uses shall be permitted in the CBD, Central Business District:

- (a) Private garages, parking spaces and loading areas.
- (b) Landscaping and other horticultural uses.
- (c) Incidental repair or processing necessary to conduct the permitted principal use, provided the accessory use does not exceed 30% of the floor area.
- (d) Temporary construction buildings.
- (e) Signs as regulated by § 9.106.
- (f) Seasonal sales stand

(6) Off-street parking. The CBD, Central Business District, shall be considered an off-street parking district in which off-street parking is not required for nonresidential land uses. Residential uses, including those in mixed-use buildings, shall meet the parking requirements of § 9.106.

Section 8

The following language for Industrial Districts is added, amended and deleted as provided in Section 9.111 of the City Code of 2005, is hereby established to read as follows:

(A) Purpose. The industrial districts are established to enhance the community's tax base; provide employment opportunities; and accommodate industrial development while maintaining compatibility with surrounding areas.

(B) General provisions.

(1) Compliance with applicable regulations. Any use established in an industrial district after the effective date of this chapter shall comply will all applicable local, state and federal standards for such uses.

(2) Administration. The administration and enforcement of this section shall be in accordance with the provisions of § 9.104, Administration and Enforcement.

(3) Nonconformities. Nonconforming uses, structures, lots and signs within an Industrial District shall be subject to the provisions of § 9.105, Nonconformities.

(4) Compliance with general development standards. Any use established, expanded or modified in an industrial district after the effective date of this article shall comply with the applicable provisions of § 9.106, General Development Standards.

(5) Compliance with specific development standards. Any use established, expanded or modified in an industrial district after the effective date of this chapter that is identified in § 9.107, Specific Development Standards, shall comply with the applicable provisions of that section.

(6) Prohibited uses. Any use not listed as either permitted, conditional or accessory in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted, conditional or accessory shall be prohibited in that district.

(C) *Lot dimension, height, and bulk requirements.* Lot area, setback, height and lot coverage requirements for uses in the industrial districts shall be as specified in the following table:

	<i>I-1</i>	<i>I-2</i>
	<i>I-1</i>	<i>I-2</i>
Minimum Lot Area	10,000 sq. ft.	10,000 sq. ft.
Minimum Lot Width	80 ft.	80 ft.
Minimum Lot Depth		
Building Setback Requirements		
Front yard	20 ft.	20 ft.
Side yard	12 ft.	12 ft.

Corner side yard	15 ft.	15 ft.
Rear yard	24 ft.	24 ft.
Parking Setback Requirements		
Front yard	20 ft.	20 ft.
Side yard	5 ft.	5 ft.
Corner side yard	20 ft.	20 ft.
Rear yard	5 ft.	5 ft.
Maximum Height		
Maximum Lot Coverage		
Floor Area Ratio	1.0	1.0

(D) I-1, Light Industrial District.

(1) Purpose. The purpose of the I-1, Light Industrial District is to provide appropriate locations for industrial enterprises engaged in activities such as assembly, storage, warehousing and light manufacturing and further processing of materials first handled by general industry. These areas are located with easy access to arterial roadways and should be separated from residential uses by natural or manmade barriers.

(2) Permitted uses. Except as specifically limited herein, the following uses are permitted within the I-1, Light Industrial District:

- (a) Community center.
- (b) Government office.
- (c) Government maintenance facility.
- (d) Government protective service facility.

- (e) Public park and/or playground.
- (f) Recreational facility, indoor.
- (g) Recreational facility, outdoor.
- (h) Automobile and motorcycle repair, major.
- (i) Automobile and motorcycle repair, minor.
- (j) Laboratory, medical.
- (k) Office.
- (l) Studio, radio or television.
- (m) Assembly, manufacturing and/or processing.
- (n) Freight terminal.
- (o) Maintenance facility.
- (p) Office/showroom.
- (q) Office/warehouse.
- (r) Printing and/or publishing.
- (s) Self-service storage facility.
- (t) Warehousing and/or distribution.
- (u) Pawnshops.
- (v) Tattoo shops.
- (w) Body piercing shops.
- (x) Motor vehicle parts store.
- (y) Brewer taproom.
- (z) Retail Sales
- (aa) Parking ramp

(3) Conditional uses. Except as specifically limited herein, the following uses may be allowed in the I-1, Light Industrial District, subject to the regulations set forth for conditional uses in § 9.104, Administration and Enforcement, and the regulations for specific uses set forth in § 9.107, Specific Development Standards:

- (a) Outdoor sales and/or display.
- (b) Outdoor storage.
- (c) Concrete, asphalt or rock crushing operation.

- (d) Salvage operation/transfer station.
- (e) Adult entertainment use.
- (f) State licensed residential care facility, correctional.
- (g) Fences greater than seven feet in height.
- (h) Barbed wire fences.
- (i) Animal kennel and/or shelter.

(4) Permitted accessory uses. Except as specifically limited herein, the following accessory uses shall be permitted in the I-2, Light Industrial District:

- (a) Off-street parking and loading areas.
- (b) Landscaping and other horticultural uses.
- (c) Temporary construction buildings.
- (d) Signs as regulated by § 9.106.
- (e) Caretaker's residence

(E) I-2, General Industrial District.

(1) Purpose. The purpose of the I-2, General Industrial District is to provide appropriate locations for industrial enterprises engaged in activities such as manufacturing, processing, assembly, storage and warehousing, which, because of their size and/or nature, require isolation from non- industrial uses. These areas are located with easy access to arterial roadways or railroads and should be separated from non-industrial uses by natural or manmade barriers.

(2) Permitted uses. Except as specifically limited herein, the following uses are permitted within the I-2, General Industrial District:

- (a) Community center.
- (b) Government office.
- (c) Government maintenance facility.
- (d) Government protective service facility.
- (e) Public park and/or playground.
- (f) Recreational facility, indoor.
- (g) Recreational facility, outdoor.
- (h) Automobile and motorcycle repair, major.
- (i) Automobile and motorcycle repair, minor.

- (j) Laboratory, medical.
- (k) Office.
- (l) Studio, radio or television.
- (m) Assembly, manufacturing and/or processing.
- (n) Freight terminal.
- (o) Maintenance facility.
- (p) Office/showroom.
- (q) Office/warehouse.
- (r) Printing and/or publishing.
- (s) Self-service storage facility.
- (t) Warehousing and/or distribution.
- (u) Pawnshops.
- (v) Tattoo shops.
- (w) Body piercing shops.
- (x) Motor vehicle parts store.
- (y) Brewer taproom.
- (z) Retail sales.
- (aa) Parking ramp

(3) Conditional uses. Except as specifically limited herein, the following uses may be allowed in the I-2, General Industrial District, subject to the regulations set forth for conditional uses in § 9.104, Administration and Enforcement, and the regulations for specific uses set forth in § 9.107, Specific Development Standards:

- (a) Outdoor sales and/or display.
- (b) Outdoor storage.
- (c) Concrete, asphalt or rock crushing operation.
- (d) Salvage operation/transfer station.
- (e) Adult entertainment use.
- (f) State licensed residential care facility, correctional.
- (g) Fences greater than seven feet in height.
- (h) Barbed wire fences.

(4) Permitted accessory uses. Except as specifically limited herein, the following accessory uses shall be permitted in the I-2, Light Industrial District:

- (a) Off-street parking and loading areas.
- (b) Landscaping and other horticultural uses.
- (c) Temporary construction buildings.
- (d) Signs as regulated by § 9.106.
- (e) Caretaker’s residence

Section 9

This Ordinance shall be in full force and effect from and after 30 days after its passage.

Offered by:
Seconded by:
Roll Call:

Second Reading:
Offered by:
Seconded by:
Roll Call:

Date of Passage:

Amáda Márquez Simula, Mayor

Attest:

Sara Ion, City Clerk/Council Secretary

SUMMARY OF ORDINANCE NO. 1700

**BEING AN ORDINANCE AMENDING CHAPTER 9 LAND USE OF THE CITY CODE OF 2005
TO AMEND 9.103 DEFINITIONS, 9.104 ADMINISTRATION AND ENFORCEMENT, 9.105 NONCONFORMITIES,
9.106 GENERAL DEVELOPMENT STANDARDS, 9.107 SPECIFIC DEVELOPMENT STANDARDS, 9.109
RESIDENTIAL DISTRICTS, 9.110 COMMERCIAL DISTRICTS, 9.111 INDUSTRIAL DISTRICTS.**

The City Council for the City of Columbia Heights, Minnesota adopted Ordinance No. 1700 on August 26, 2024.

The purpose of this ordinance is to update, upon passage, Chapter 9 of Columbia Heights City Code to include the sections of code above. These updates include definitions for uses allowed in the City presently, amends existing definitions such as “Family” to remove unrelated occupancy maximums, and establishes definitions for “Dwelling Unit, Accessory”, “Family, Shared Living Arrangement”. Other amendments include 9.104 to allow administrative approval of minor subdivisions if it is a common boundary line adjustment; 9.105 brings nonconforming use damage and destroyed language into consistency with MN Statute 934.36; 9.106 to include provisions for review and approval of artificial turf as well as setting a maximum for front yard setback paving, establishing standards for accessory dwelling units, and allowing for public art and painted murals. Changes to 9.107 removes individual seasonal uses and establishes these under “Seasonal Sales Stands”; updates the outdoor play area requirements for “Day Care, Home”; and amends Residential Care Facility standards to exempt facilities serving six or fewer residents from the distance radius and zoning regulations except as otherwise required by law. 9.109 Residential Districts allows accessory dwelling units as a permitted accessory use for single-family properties and for shared family living arrangements. Residential districts have an impervious surface coverage maximum for residential lots; the percentages are 35% impervious surface coverage for lots less than 6,500 sq. ft. and 30% for lots greater than 6,500 sq. ft. Another update is to grandfather the minimum lot area and lot width for single family residences originally platted in the R-2A, R-2B, R-3, and R-4 districts to remove the legal nonconforming status for properties below the minimum lot area of 6,500 sq. ft.. For the R-2A and R-2B, One/Two Family Residential and Built-As-Duplex districts, twinhome and duplexes are proposed to be permitted uses by law. 9.110 Commercial Districts and 9.111 Industrial Districts will include adjustments to uses that were previously conditional uses, but did not have specific development standards or standards that are being addressed through performance standards as well as allowing Seasonal Sales Stands as permitted accessory uses.

This is a summary of Ordinance No. 1700. A copy of the entire text of the Ordinance is available for public inspection during regular office hours at City Hall, by standard or electronic mail, or at www.columbiaheightsmn.gov

Amáda Márquez Simula, Mayor

Attest:

Sara Ion, City Clerk/Council Secretary



AGENDA SECTION	ITEMS FOR CONSIDERATION
MEETING DATE	AUGUST 26, 2024

ITEM:	First Reading of Ordinance No. 1701, an Ordinance to amend 5.607 Pet Shops and Commercial Kennels.		
DEPARTMENT:	Community Development	BY/DATE:	Andrew Boucher, City Planner, August 14, 2024
CORE CITY STRATEGIES: <i>(please indicate areas that apply by adding an "X" in front of the selected text below)</i>			
<input checked="" type="checkbox"/> Healthy and Safe Community		<input type="checkbox"/> Thriving and Vibrant Destination Community	
<input type="checkbox"/> Equitable, Diverse, Inclusive, and Friendly		<input type="checkbox"/> Strong Infrastructure and Public Services	
<input checked="" type="checkbox"/> Trusted and Engaged Leadership		<input type="checkbox"/> Sustainable	

BACKGROUND

At the July Council work session, the Council discussed a Humane Pet Store ordinance after receiving correspondence from the MN State Director for the Humane Society of the United States informing the City of a model ordinance that municipalities across the Twin Cities have enacted. Some of these cities include Roseville, Eden Prairie, St. Paul, Carver, Cloquet, Minneapolis, and Coon Rapids. Minnesota Statutes Section 412.221, Sub division 21 allows municipalities to regulate the keeping of animals, and to protect the health, safety, and welfare of the community.

Each of these cities have adopted similar version of a model ordinance including Definitions, Prohibition on Sales, Certificate of Source, and Violations. Some have included inspection language. The model ordinances adopted by the cities listed above reflect the language in Minnesota SF 1317 and HF 1276, proposed bills in the 2023-2024 legislative session that did not pass but is expected to be reintroduced in the 2025 session.

RECOMMENDATION

Staff recommends approval of Ordinance No. 1701, on first consideration:

RECOMMENDED MOTION(S):
MOTION: Move to waive the reading of Ordinance No. 1701, there being ample copies available to the public.
MOTION: Move to set the second reading of Ordinance 1701, being an ordinance to amend 5.607 Pet Shops and Commercial Kennels in the City of Columbia Heights for September 9, 2024 at approximately 6:00pm.

ATTACHMENT(S):

- Work Session Memo
- Draft Ordinance No. 1701



CITY COUNCIL WORK SESSION MEETING

AGENDA SECTION	WORK SESSION ITEM
MEETING DATE	AUGUST 5, 2024

ITEM:	Discussion on Humane Pet Stores										
DEPARTMENT:	Community Development	BY/DATE: Andrew Boucher, City Planner; July 19, 2024									
CORE CITY STRATEGIES: <i>(please indicate areas that apply by adding an "X" in front of the selected text below)</i>											
<table border="0"> <tr> <td>X Healthy and Safe Community</td> <td></td> <td>_ Thriving and Vibrant Destination Community</td> </tr> <tr> <td>_ Equitable, Diverse, Inclusive, and Friendly</td> <td></td> <td>X Strong Infrastructure and Public Services</td> </tr> <tr> <td>_ Trusted and Engaged Leadership</td> <td></td> <td>X Sustainable</td> </tr> </table>			X Healthy and Safe Community		_ Thriving and Vibrant Destination Community	_ Equitable, Diverse, Inclusive, and Friendly		X Strong Infrastructure and Public Services	_ Trusted and Engaged Leadership		X Sustainable
X Healthy and Safe Community		_ Thriving and Vibrant Destination Community									
_ Equitable, Diverse, Inclusive, and Friendly		X Strong Infrastructure and Public Services									
_ Trusted and Engaged Leadership		X Sustainable									

BACKGROUND:

Staff received direction to examine Humane Pet Store ordinances after receiving correspondence from the MN State Director for the Humane Society of the United States informing the City of a model ordinance that municipalities across the country have enacted, including 7 cities in Minnesota such as Roseville, Eden Prairie, St. Paul, Carver, Cloquet, Minneapolis, and Coon Rapids. Minnesota Statutes Section 412.221, Subdivision 21 allows municipalities to regulate the keeping of animals, and to protect the health, safety, and welfare of the community.

Each of these cities have adopted similar version of a model ordinance including Definitions, Prohibition on Sales, Certificate of Source, and Violations. Some have included inspection language. The model ordinances adopted by the cities listed above reflect the language in Minnesota SF 1317 and HF 1276, proposed bills in the 2023-2024 legislative session that did not pass but is expected to be reintroduced in the 2025 session.

SUMMARY OF CURRENT STATUS:

Current city code includes some definitions and language requiring licensure, compliance with local and state statutes, but does not include violation language beyond license revocation/suspension or Prohibition on Sales and Certificate of Source requirements.

STAFF RECOMMENDATION:

Staff recommends updating the existing ordinance for 5.607 Pet Shops and Commercial Kennels with the following amendments:

1. Adding a policy section identifying that the City Council has the authority under Minnesota Statute Section 412.221, Subdivision 21 to regulate the keeping of animals regarding the sale of dogs and cats at pet stores.
2. Amending the Definitions section of 5.607 to remove the definition of Animal and Veterinary Hospital, revise the language in Kennels and Pet Shop, and include definitions for Animal Control Authority, Animal Rescue Organization, Animal Shelter, Cat, Certificate of Source, Dog, and Pet Store Operator

3. Introducing a Certificate of Source process and procedures for enforcement and inspections including that the Certificate of Source is required to be provided as part of the adoption of any cat or dog; the Certificate of Source shall be posted and maintained within three feet of the cat or dog's enclosure and is required to be immediately provided upon request; and that falsification of a Certificate shall be considered a violation of this section.
4. Identifying violations of this section as an Administrative offense under 5.701 of the City Code and subjects Pet Store Operators to the procedures and penalties contained therein.

ATTACHMENT(S):

Existing Commercial Licensing Code

Draft Ordinance

City of Roseville Ordinance

City of Eden Prairie Ordinance

City of Coon Rapids Ordinance

ORDINANCE NO. 1701

**AN ORDINANCE AMENDING CHAPTER 5.607 OF THE CITY CODE OF 2005
TO AMEND:**

The City of Columbia Heights does ordain:

Section 1

§ 5.607 PET SHOPS AND COMMERCIAL KENNELS.

(A) Policy. The City Council finds that in accordance with the power granted to it by Minnesota Statutes Section 412.221, Subdivision 21 to regulate the keeping of animals, and to protect the health, safety, and welfare of the community, it is appropriate to adopt the regulations set forth below regarding the sale of dogs and cats at pet stores. No person shall operate a pet shop or commercial kennel without a license issued pursuant to the provisions of this chapter. All such operations shall comply with the requirements of the zoning ordinance.

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(B) For the purpose of this chapter the following definitions shall apply:

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~~—ANIMAL. Means cats, dogs, domestic animals, and wild animals, and crossbreeds with wild animals not customarily maintained at all times in a cage.~~

ANIMAL CONTROL AUTHORITY. Any governmental entity which is responsible for animal control operations in its jurisdiction.

ANIMAL RESCUE ORGANIZATION. Any non-for-profit organization which has tax-exempt status under Section 501 (c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue of animals and the placement of those animals in permanent homes, and which does not breed animals.

ANIMAL SHELTER. Any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, which (1) accepts animals into a physical facility; (2) is devoted to the rescue, care, and adoption of stray, abandoned, unwanted, or surrendered animals; (3) places animals in permanent homes or with animal rescue organizations; and (4) does not breed animals.

CAT. A mammal that is wholly or in part of the species Felis domesticus.

CERTIFICATE OF SOURCE. A document from an animal control authority, animal rescue organization, or animal shelter which shall provide a brief description of the dog or cat, and shall list the name, address, and telephone number of the source (animal control authority, animal rescue organizations, or animal shelter) of the dog or cat.

DOG. A mammal that is wholly or in part of the species Canis familiaris.

KENNELS. A place where three or more animals are kept for the business of ~~selling, boarding for a fee, breeding for a fee, or some other enterprise~~ intended primarily for profit-making purposes except for an animal hospital, pet shop or veterinary clinic.

PET SHOP. Any person, partnership or corporation engaged in the business of ~~breeding, buying, selling or boarding animals of any species except veterinary hospitals or kennels. Any retail establishment, or operator thereof, which displays, sells, delivers, offers for sale, barter, auctions, gives away, or otherwise transfers companion animals in the City of Columbia Heights. This definition does not apply to animal control authorities, animal shelters, animal rescue organizations, or kennels for boarding purposes.~~

PET STORE OPERATOR. A person or business entity who owns or operates a pet store.

~~—VETERINARY HOSPITAL. Any establishment maintained and operated by a licensed veterinarian for the diagnosis, care and treatment of diseases and injuries of animals.~~

Ordinance No.1696

~~(C)~~ No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit pet stores from collaborating with animal shelters, animal rescue organizations, and animal control authorities to offer space to such entities to showcase adoptable dogs and cats inside pet stores. Such animals shall not be younger than 8 weeks old. Dogs that are showcased for adoption shall not be kept overnight at a pet store.

1. A pet store shall post and maintain a Certificate of Source in a conspicuous place on or within three feet of each dog's or cat's kennel, cage or enclosure and adhere to the following procedures:

a. A Certificate of Source shall be provided to the adopter of any dog or cat.

b. Certificate of Source records for each dog or cat shall be maintained by a pet store for at least one year from the last date that a dog or cat appeared in the store.

c. Pet stores shall make Certificate of Source immediately available for review upon the request of a peace officer or animal control authority, or a humane agent pursuant to Minnesota Statutes section 343.06 acting on behalf of the City.

d. Falsification of a Certificate of Source shall be deemed a violation of this section.

~~(DC)~~ The City Council may require license applicants under this section to provide a statement indicating whether the applicant or any of his employees or agents have been convicted of any crimes relating to animal abuse or animal cruelty. Such requirements shall be a continuing one with respect to any new employees or agents of the applicant. Any conviction of a crime by the applicant or his agents or employees which bears any relevancy to the applicant's proposed business may be found by the City Council to be grounds for denial of the license application or revocation or suspension of any existing license.

~~(ED)~~ No kennel licensee under this section may conduct business between the hours of 9:00 p.m. and 9:00 a.m. of the following day. Notwithstanding the foregoing, pet shops and veterinary hospitals/clinics are excluded from these restrictions.

~~(FE)~~ (1) The expiration date of licenses addressed in this section shall expire on December 31 of each year. Applications for renewal shall be made a minimum of 30 days prior to expiration of the current license. No license issued under the terms of this section shall be transferable between persons or premises.

(2) The Humane Officer shall conduct an inspection prior to the issuance of the license and shall recommend to the City Council whether or not to renew the license without full compliance to the requirements of this section.

~~(GF)~~ Kennels and pet shops shall be kept in a clean and healthful condition at all times and shall be open to inspection by any person charged with the enforcement of this section. All pet shops and kennels shall be maintained in accordance with current standards of the Pet Industry Joint Advisory Council (PIJAC). A licensee shall be responsible for all actions and conduct of any employee or agent of the licensee and any violation of this section by an employee or agent shall be deemed to be actions and conduct of the licensee. The copy of the current standards of the PIJAC shall be provided by the owner/license holder for employees to use as a reference manual. Licensees and all employees shall have an understanding of the animal care statutes set by the State of Minnesota and Pet Industry Joint Advisory Council.

~~(H)~~ A violation of this section shall constitute an Administrative Offense under Section 5.701 of the City Code and subject the Pet Store Operator to the procedures and penalties contained therein.

Section 2

This Ordinance shall be in full force and effect from and after 30 days after its passage.

First Reading:

Offered by:

Seconded by:
Roll Call:

Second Reading:
Offered by:
Seconded by:
Roll Call:

Date of Passage:

Amáda Márquez Simula, Mayor

Attest:

Sara Ion, City Clerk/Council Secretary