



CITY COUNCIL WORK SESSION
City Hall—Shared Vision Room, 3989 Central Ave NE
Monday, August 05, 2024
5:30 PM

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

AGENDA

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: ID 278 254 427 462, Passcode pfepBS. For questions, please contact Administration 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.

CALL TO ORDER/ROLL CALL

WORK SESSION ITEMS

- 1. Presentation by Independent Auditor, Regarding Audit of the 2023 City of Columbia Heights Financial Statements. (20 minutes)**
- 2. Cannabis Retail Business Moratorium Discussion. (10 Minutes)**
- 3. Discussion on Humane Pet Stores Ordinance. (10 Minutes)**
- 4. Discussion on Administrative Citations. (20 minutes)**
- 5. Review Applicants for the Park and Recreation Commission Opening. (10 Minutes)**
- 6. City Hall Condo Transfer Update. (10 Minutes)**
- 7. City Council Travel Options for 2025. (10 Minutes)**
- 8. Malcolm Watson Sign at Silver Lake Beach Park. (10 Minutes)**
- 9. Council Corner.**
Updates from council regarding schedules, information sharing and priorities for continued education.

Winter Parking.
- 10. Old Business.**

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.



CITY COUNCIL WORK SESSION MEETING

AGENDA SECTION	WORK SESSION ITEM
MEETING DATE	AUGUST 5, 2024

ITEM:	Presentation by Independent Auditor, Regarding Audit of the 2023 Financial Statements (20 minutes)	
DEPARTMENT:	Finance	BY/DATE: Joseph Kloiber, Finance Director/July 31, 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 checked="" type="checkbox"/> Sustainable		

BACKGROUND:

The City is required by state statute and bond covenants to have its annual financial statements audited by an independent audit firm and file the auditor’s related reports with the MN Office of the State Auditor and various regulatory agencies by June 30th of each year. For its financial statements for the year ended December 31, 2023, the City contracted with Redpath and Company to perform the required independent audit.

SUMMARY OF CURRENT STATUS:

The City’s financial statements for the year ended December 31, 2023, and the auditor’s related reports were filed with the state and regulatory agencies by the June deadline. Copies are available at the Finance department page of the City website. At the August 5th work session, Rebecca Peterson of Redpath and Company will provide a summary presentation of their work and observations.

STAFF RECOMMENDATION:

Staff welcomes any questions the City Council may have for either the auditor or the Finance department about the audit process or information contained in the 2023 financial statements.

ATTACHMENT(S):

None



CITY COUNCIL WORK SESSION MEETING

AGENDA SECTION	WORK SESSION ITEM
MEETING DATE	08/05/2024

ITEM:	Cannabis Retail Business Moratorium Discussion								
DEPARTMENT:	Community Development	BY/DATE:	Mitchell Forney, 08/01/2024						
CORE CITY STRATEGIES:	<table border="0"> <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 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 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 type="checkbox"/> Strong Infrastructure and Public Services								
<input type="checkbox"/> Trusted and Engaged Leadership	<input type="checkbox"/> Sustainable								

BACKGROUND:

At the July Council Worksession, staff spoke with the Council about creating a cannabis business ordinance establishing rules and regulations for businesses that deal with the newly established cannabis market. After that meeting, staff began working with the City attorney to draft an ordinance that met the goals outlined by the Council. Staff have a draft ordinance that is almost ready to be moved forward but would not be officially in place until October 2024 at the earliest. Normally this would not be an issue, as state licensing will commence in January of 2025, but equity applicant preliminary approvals are set to start locating business prospect locations sometime after August 12th. Staff are bringing forth for discussion the option of enacting a short term cannabis retailer moratorium to halt any retailers from moving in or establishing themselves prior to the City’s registration procedure and regulations being enacted. Staff recommend establishing the short term moratorium to allow the City’s ordinance to be in place prior to the entrance of new cannabis retailers. Staff plan to bring the interim ordinance to the Council for approval at the August 12, regular Council meeting.

ATTACHMENT(S):

- 1. Draft Cannabis Business Moratorium**

**BEING AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON CANNABIS RETAIL BUSINESSES WITHIN
THE CITY OF COLUMBIA HEIGHTS**

The City of Columbia Heights does hereby ordain:

(a) Preamble

The City of Columbia Heights (“City”) recognizes the significant public interest in amendments to Minnesota State Statute regarding the legalization of cannabis. These laws began to take effect July 1st, 2023, and make cannabis legal in the State of Minnesota. Further, state rule making and licensing has been slow to materialize making it difficult for cities to establish local registration and regulations governing the retail sale of the newly legalized items. The application and amendment of the new laws has demonstrated a clear shortcoming on behalf of the City and the City’s code. For example, the state licensing agency has delegated retail license registration and regulation to the City. However, at the moment of this ordinance's passage, the City does not have any retail registration or regulation established in the City’s Code of Ordinances. The City is concerned that without a temporary moratorium, new retail businesses and uses will expand significantly prior to the establishment of necessary regulations and registration procedures.

The City Council finds it necessary to effectuate changes to the City’s code of ordinances. Changes that would regulate, enforce, and register the retail sales of cannabis.

Upon completion of the resulting changes that will be established, the City will revoke the interim ordinance and enforce the newly established regulations and procedures.

(b) Moratorium Established; Scope

- (1) In accordance with the above and pursuant to authority granted by Minn. Stat. § 462.355 and §342.13, the City hereby establishes a moratorium on Cannabis Retail Businesses. Defined as a retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, (and/excluding) lower-potency hemp edible retailers.
- (2) During the effective period of this interim ordinance, the City of Columbia Heights will prohibit the establishment of Cannabis Retail Businesses pending the completion of the above referenced adoption of appropriate official controls.

(c) Enforcement

Any person, corporation, or other entity found to be in violation of this Ordinance shall be guilty of a misdemeanor. The City may enforce this Ordinance by mandamus, injunction, or other appropriate criminal or civil remedy in any court of competent jurisdiction.

(d) Term

Unless earlier rescinded by action of the City Council, the moratorium established by this Ordinance shall remain in full force and effect until January 1st 2025.

(e) Effective Date

This ordinance shall be in full force and effect from and after the date of 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



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>_ Thriving and Vibrant Destination Community</td> </tr> <tr> <td>_ Equitable, Diverse, Inclusive, and Friendly</td> <td>X 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	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

City of Columbia Heights

§ 5.607 PET SHOPS AND COMMERCIAL KENNELS.

(A) 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.

(B) For the purpose of this chapter the following definitions shall apply:

ANIMAL. Means cats, dogs, domestic animals, and wild animals, and crossbreeds with wild animals not customarily maintained at all times in a cage.

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.

VETERINARY HOSPITAL. Any establishment maintained and operated by a licensed veterinarian for the diagnosis, care and treatment of diseases and injuries of animals.

(C) 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.

(D) 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.

(E) (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.

(F) 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.

('77 Code, § 5.609) (Am. Ord. 1333, passed 10-28-96; Am. Ord. 1377, passed 10-12-98) Penalty, see § 5.701

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

**City of Roseville
ORDINANCE NO. 1519**

AN ORDINANCE AMENDING

TITLE V, SECTION 501

**AN ORDINANCE CREATING AN ADMINISTRATIVE OFFENSE FOR THE
SALE OF DOGS AND CATS BY A RETAIL ESTABLISHMENT**

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Section 501.01 (Definitions) is hereby amended as follows:

501.01: DEFINITIONS:

Except where the term is expressly defined by other provisions or sections within this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

ANIMAL CONTROL AUTHORITY: Any governmental entity which is responsible for animal control operations in its jurisdiction.

ANIMAL RESCUE ORGANIZATION: Any not-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 organization, or animal shelter) of the dog or cat.

DOG: A mammal that is wholly or in part of the species *Canis familiaris*.

PET STORE: 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 Roseville. This definition does not apply to animal control authorities, animal shelters, or animal rescue organizations.

PET STORE OPERATOR: A person or business entity who owns or operates a pet store.

SECTION 2. Section 501.25 is renumbered as section 501.26, and section 501.25 is hereby amended as follows

501.25 PET STORES:

The City Council finds that a significant number of puppies and kittens sold at pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for; and

The City Council finds that the documented abuses endemic to mass breeding facilities include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; lack of adequate exercise; no or limited screening of genetic diseases; inadequate transportation and shipping protocols of puppies and kittens; and indiscriminate disposal of breeding dogs and cats who have reached the end of their profitable breeding cycle; and

The City Council finds that inhumane conditions in mass breeding facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet stores due to both a lack of education on the issue and misleading tactics of pet stores in some cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

The City Council finds that current Federal and State regulations do not properly address the sale of dogs and cats in pet stores, while the City of Roseville does not possess adequate resources to safeguard the health and well being of dogs and cats at the point of sale; and

The City Council finds that due in large part to pet overpopulation, numerous dogs and cats are euthanized. Restricting the retail sale of puppies and kittens is likely to increase demand from animal shelters and rescue organizations; and

The City Council finds that across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of commercially bred dogs or cats. Many of these stores collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

The City Council finds that this Ordinance will not adversely impact consumers' ability to obtain a dog or cat of their choice directly from an animal shelter, or breed-specific rescue organization, or from a breeder where the consumer can see directly the conditions in which the dogs or cats are bred or can confer directly with the breeder concerning those conditions; and

The City Council finds that it is in the best interests of the City of Roseville to adopt reasonable regulations to help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City.

- A. No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs.
- B. Nothing in this section shall prohibit pet stores from collaborating with animal shelters, animal rescue organizations, and animal control authorities to offer space for 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.
- C. 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.
 - 1. A Certificate of Source shall be provided to the adopter of any dog or cat.
 - 2. 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.
 - 3. Pet stores shall make Certificates 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.
 - 4. Falsification of a Certificate of Source shall be deemed a violation of this section.
- D. A violation of this section shall constitute an Administrative Offense under Section 102.01.C of City Code and subject the Pet Store Operator to the to the procedures and penalties contained therein.

SECTION 4. Effective Date: This amendment to the Roseville City Code shall take effect 180 days after passage and publication.

Ordinance –Pet Store Ordinance

(SEAL)

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

ATTEST:

Patrick Trudgeon, City Manager

**CITY OF EDEN PRAIRIE
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 7-2018

AN ORDINANCE OF THE CITY OF EDEN PRAIRIE, MINNESOTA AMENDING CITY CODE CHAPTER 9 BY ADDING SECTION 9.75 RELATING TO THE REGULATION OF SALES OF CATS AND DOGS AT PET STORES AND ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTIONS 9.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS

THE CITY COUNCIL OF THE CITY OF EDEN PRAIRIE, MINNESOTA ORDAINS:

Section 1. City Code Chapter 9 is amended by adding Section 9.75 to read as follows:

Section 9.75. Regulation of Pet Stores

Subd. 1. Policy

- A. The City Council finds that a significant number of puppies and kittens sold at pet stores, come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for; and
- B. The City Council finds that the documented abuses endemic to mass breeding facilities include over-breeding; inbreeding; minimal to no-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; lack of adequate exercise; no or limited screening of genetic diseases; inadequate transportation and shipping protocols of puppies and kittens; and indiscriminate disposal of breeding dogs and cats who have reached the end of their profitable breeding cycle; and
- C. The City Council finds that inhumane conditions in mass breeding facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet stores due to both a lack of education on the issue and misleading tactics of pet stores in some cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and
- D. The City Council finds that current Federal and State regulations do not properly address the sale of dogs and cats in pet stores, while the City of Eden Prairie does not possess adequate resources to safeguard the health and well-being of dogs and cats at the point of sale; and
- E. The City Council finds that due in large part to pet overpopulation, numerous dogs and cats are euthanized. Restricting the retail sale of puppies and kittens is likely to increase demand from animal shelters and rescue organizations; and

- F. The City Council finds that across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not the sale of commercially bred dogs or cats. Many of these stores collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and
- G. The City Council finds that it is in the best interest of the City of Eden Prairie to adopt reasonable regulations to help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City.
- H. The City Council finds that this Section 9.75 will not adversely impact consumers' ability to obtain a dog or cat of their choice directly from an animal shelter, or breed-specific rescue organization, or from a breeder where the consumer can see directly the conditions in which the dogs or cats are bred or can confer directly with the breeder concerning those conditions; and
- I. The City Council finds that it is in the best interest of the City of Eden Prairie to adopt reasonable regulations to help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more human environment in the City.
- J. The City Council finds that in accordance with the power granted to it by Minnesota Statutes Section 412.221, Subd. 21 to regulate the keeping of animals, and to protect the health, safety, and welfare of the community, the City Council it is appropriate to adopt the regulations set forth below regarding the sale of dogs and cats at pet stores.

Subd. 2. Definitions. Except where the term is expressly defined by other provisions or sections within this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

- A. **ANIMAL CONTROL AUTHORITY:** Any governmental entity which is responsible for animal control operations in its jurisdiction.
- B. **ANIMAL RESCUE ORGANIZATION:** Any not-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.
- C. **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.
- D. **CAT:** A mammal that is wholly or in part the species *Felis domesticus*.

- E. 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 organization, or animal shelter) of the dog or cat.
- F. DOG: A mammal that is wholly or in part of the species *Canis familiaris*.
- G. PET STORE: 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 Eden Prairie. This definition does not apply to animal control authorities, animal shelters, or animal rescue organizations.
- H. PET STORE OPERATOR: A person or business entity who owns or operates a pet store.

Subd. 3. Prohibition on Sales

- A. No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs.
- B. Nothing in this Section shall prohibit pet stores from collaborating with animal shelters, animal rescue organizations, and animal control authorities to offer space for 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.

Subd. 4. Certificate of Source

- A. 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.
- B. A Certificate of Source shall be provided to the adopter of any dog or cat.
- C. 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.
- D. Pet Stores shall make Certificates 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.

Subd. 5. Inspection

- A. Upon prior notice to the owner or occupant of a pet store, a City employee is authorized hereby to inspect the pet store for the purpose of ensuring compliance with this Section.

Subd. 6. Violation

It shall be deemed a violation of this Section for any person to:

- A. Falsify a Certificate of Source.
- B. Resist, impede or hinder a City employee in the performance of his or her duties in inspecting any pet store.

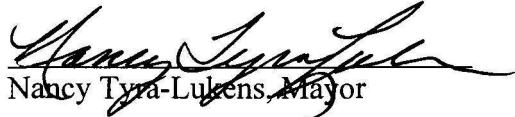
Section 2. City Code Chapter 1 entitled “General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation” and Section 9.99 entitled “Violation a Misdemeanor or Petty Misdemeanor” are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. This ordinance shall be in effect from and after the date of its passage and publication.

FIRST READ at a regular meeting of the City Council of the City of Eden Prairie on the 17th day of April, 2018, and finally read and adopted and ordered published at a regular meeting of the City Council of said City on the 1st day of May, 2018.



Kathleen Porta, City Clerk



Nancy Tyra-Lukens, Mayor

Published in the *Eden Prairie News* on the 10th day of May, 2018.

Affidavit of Publication Southwest Newspapers

**CITY OF EDEN PRAIRIE
HENNEPIN COUNTY,
MINNESOTA
SUMMARY OF ORDINANCE
7-2018**

AN ORDINANCE OF THE CITY OF EDEN PRAIRIE, MINNESOTA AMENDING CITY CODE CHAPTER 9 BY ADDING SECTION 9.75 RELATING TO THE REGULATION OF SALES OF CATS AND DOGS AT PET STORES AND ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTIONS 1.05 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS

The following is only a summary of Ordinance No. 7-2018. The full text is available for public inspection by any person during regular office hours at the Office of the City Clerk.

SUMMARY: The Ordinance adds City Code Section 9.75 prohibiting a pet store from selling, delivering, offering for sale, bartering, auctioning, giving away or otherwise transferring or disposing of cats or dogs, except for transaction collaborating with animal shelters, rescue organizations and control authorities for adoption purposes. The Ordinance requires a pet store to post a Certificate of Source with respect to every cat and dog in the store possession. The Ordinance declares certain actions as violation and incorporates by reference City Code Chapter 1 and City Code Section 1.05, which contain provisions relating to penalties.

EFFECTIVE DATE: This Ordinance shall take effect upon publication.

Nancy Tyra-Lukens, Mayor
ATTEST: Kathleen Forst, City Clerk

(A full copy of the text of this Ordinance is available from City Clerk.)
(Published in the Eden Prairie News on Thursday, May 10, 2018; No. 3349)

State of Minnesota)
)SS.
County of Hennepin)

Laurie A. Hartmann, being duly sworn, on oath says that she is the authorized agent of the publisher of the newspapers known as the Eden Prairie News and Lakeshore Weekly News and has full knowledge of the facts herein stated as follows:

(A) This newspaper has complied with the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed public notice that is attached to this Affidavit and identified as No. 3349 was published on the date or dates and in the newspaper stated in the attached Notice and said Notice is hereby incorporated as part of this Affidavit. Said notice was cut from the columns of the newspaper specified. Printed below is a copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the kind and size of type used in the composition and publication of the Notice:

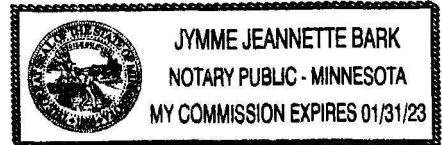
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By: Laurie A. Hartmann
Laurie A. Hartmann

Subscribed and sworn before me on

this 10th day of May, 2018

Jymme J. Bark
Notary Public



RATE INFORMATION

Lowest classified rate paid by commercial users for comparable space... \$31.20 per column inch
Maximum rate allowed by law for the above matter..... \$31.20 per column inch
Rate actually charged for the above matter..... \$12.97 per column inch

ORDINANCE NO. 2303

**A REGULATION OF PET STORES AND THEREBY AMENDING
REVISED CITY CODE - 1982 BY ADDING CHAPTER 6-900,
REGULATION OF PET STORES**

The City of Coon Rapids does ordain:

Section 1. Revised City Code - 1982 is hereby amended by adding Chapter 6-900,

Completion of Exterior work as follows: (additions double underlined)

CITY OF COON RAPIDS, MINNESOTA

CHAPTER 6-900

REGULATION OF PET STORES

6-901 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, the City Council it is appropriate to adopt the regulations set forth below regarding the sale of dogs and cats at pet stores.

6-902 Definitions. Except where the term is expressly defined by other provisions or sections within this chapter, the following words and terms shall have the meanings ascribed to them in this section:

(1) Animal Control Authority. Any governmental entity which is responsible for animal control operations in its jurisdiction.

(2) Animal Rescue Organization. Any not-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.

(3) 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.

(4) Cat. A mammal that is wholly or in part the species Felis domesticus.

(5) Pet store. Any retail establishment, or operator thereof, which displays, sells, delivers, offers for sale, barters, auctions, gives away, or otherwise transfers companion animals in the City of Coon Rapids. This definition does not apply to animal control authorities, animal shelters, or animal rescue organizations.

(6) Pet store operator. A person or business entity who owns or operates a pet store.

6-903 Prohibition on Sales.

(1) No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs.

(2) Nothing in this section shall prohibit pet stores from collaborating with animal shelters, animal rescue organizations, and animal control authorities to offer space for 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.

6-904 Certificate of Source.

(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.

(2) A Certificate of Source shall be provided to the adopter of any dog or cat.

(3) 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.

(4) Pet Stores shall make Certificates 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.

6-905 Inspection. Upon prior notice to the owner or occupant of a pet store, a City employee is authorized hereby to inspect the pet store for the purpose of ensuring compliance with this section.

6-906 Violation. It shall be deemed a violation of this section for any person to:

(1) Falsify a Certificate of Source.

(2) Resist, impede or hinder a City employee in the performance of his or her duties in inspecting any pet store.

(3) Violate any provisions of this section.

(4) The first violation by a person of this Chapter 6-900 is a petty misdemeanor and subsequent violations of this Chapter 6-900 within one year of a prior violation is a misdemeanor with the penalties for petty misdemeanors and misdemeanors determined by Minnesota Statutes.

Introduced this 2nd day of April, 2024

Adopted this ____ day of _____, 2024

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



CITY COUNCIL WORK SESSION MEETING

AGENDA SECTION	WORK SESSION ITEM
MEETING DATE	AUGUST 5, 2024

ITEM:	Discussion on Administrative Citations (20 minutes)							
DEPARTMENT:	Community Development	BY/DATE: Andrew Boucher, City Planner; August 2, 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><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 checked="" 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 checked="" 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 checked="" type="checkbox"/> Sustainable							

BACKGROUND:

Staff responded to feedback regarding usage of criminal citations and examined Administrative Citation processes and fines ordinances to provide an alternative means to achieving compliance with code enforcement cases in a more informal, less intimidating, and more effective method than the Anoka County Court System. Minnesota Statute 462.362 – Enforcement and Penalty enables a municipality to, by ordinance, provide for the enforcement of ordinances or regulations adopted; Chapter 6 – Administration of City Affairs in the City Charter explicitly states that the City Manager has the authority to prepare and submit to the Council for adoption an administrative code incorporating the details of administrative procedure and suggest amendments to the same.

The Cities of Crystal, Fridley, Hopkins, New Hope and Richfield and their administrative enforcement processes were examined. Each of these cities that have implemented administrative enforcement of ordinance violations have several common components that the City Council should address in a draft ordinance such as: purpose; general provisions defining administrative offense, exemptions, civil penalties, and schedule of fines and fees; procedures for administrative citations and hearings, and payments/recovery of civil penalties. The City Manager will need to provide a list of lawyers for the City Council to approve as hearing officers, these officers cannot be city employees, and the fee schedule will need to either address fines based on the type of offense or whether a flat consistent fee is desired.

SUMMARY OF CURRENT STATUS:

Current city code Chapter 3 – Administrative Code addressing administrative citations through Article V: Administrative Offenses; this section of code contains a definition for administrative offense, noticing, payment, failure to pay, disposition of penalties, powers and duties of finance director, and scheduled penalties. However, the existing code does not establish a procedure for noticing, nor does it set compliance deadlines, or include a procedure for appealing the citation.

STAFF RECOMMENDATION:

Staff recommends updating the existing ordinance, Chapter 3 – Administrative Code: Article V – Administrative Offenses with the following amendments:

1. Adding a purpose section to 3.501 identifying that the City Council has the ability to provide an alternative means for the enforcement of ordinances or regulations adopted through Minnesota Statute 462.362 and Chapter 6 of the City Charter.
2. Removing the Definitions section from 3.502 and establishing General Provisions for Administrative offenses including exemptions, civil penalties, schedule of fines and fees, and abatement procedures.
3. Revising 3.503 to read as Administrative Citation Application specifying who may conduct enforcement; set procedures for how to issue citations; the required contents of a citation including the nature, date, and time of the violation, name of the official issuing the notice, amount of the scheduled initial penalty, and the right of the recipient to contest the citation. The City shall appoint a neutral third party to hear and rule on such challenges. Additional items are the failure to pay and administration of any fines assessed pursuant to Minnesota Statute 169.999.
4. Amending 3.504 to read as Administrative Hearing detailing the necessary components to a lawful administrative hearing including: requesting a hearing, confirmation of the hearing, extensions, file transmittal requirements, presentation of the case, decision, right to appeal, failure to appeal, and means for judicial review as provided in state law and administrative review before the City Council.
5. Amending 3.504 Failure to Pay to 3.506 Failure to Pay and Recovery of Civil Penalties establishing procedures for collecting nonpayment including through liens, personal obligation, assessing of late fees/charges, license revocation or suspension, and criminal penalties in accordance with state law.
6. Amending 3.507 to read as Abatement of Public Nuisances or Other Code Violations Including Removal and Impoundment of Vehicles or Recreational Vehicles From Private Property to reflect the abatement process through periodic inspections, setting an abatement order and procedure for removing public nuisances and other code violations with a specific section for removal and impoundment of vehicles or recreational vehicles from private property.

ATTACHMENT(S):

Existing City Code
Draft Ordinance
City of New Hope Ordinance
City of Crystal Ordinance
City of Fridley Ordinance

ARTICLE V: ADMINISTRATIVE OFFENSES

Section

- 3.501 Definitions
- 3.502 Notice
- 3.503 Payment
- 3.504 Failure to pay
- 3.505 Disposition of penalties
- 3.506 Powers and duties of Finance Director
- 3.507 Scheduled penalties

§ 3.501 DEFINITIONS.

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

ADMINISTRATIVE OFFENSE. A violation of any section of this code when one performs an act prohibited or fails to act when such failure is thereby prohibited and is subject to the penalties set forth in this code and schedule (see exhibit A attached to Ordinance 1358).

(Ord. 1358, passed 10-13-97)

§ 3.502 NOTICE.

Any member of the Police Department and/or any other person employed by the city with authority to enforce this code shall, upon determining that there has been a violation, notify the violator, or person responsible for the violation, or in the case of a vehicular violation by attaching to said vehicle notice of the violation, said notice setting forth the nature, date, time of the violation, the name of the official issuing the notice and the amount of the scheduled initial penalty, and where applicable, any charges relating thereto.

(Ord. 1358, passed 10-13-97)

§ 3.503 PAYMENT.

Once such notice is given, the person responsible for the violation shall, within seven days of the time of issuance of the notice, pay full satisfaction of the stated violation scheduled to the City Finance Department. The penalty may be paid in person or by mail and payment shall be admission of the violation.

(Ord. 1358, passed 10-13-97)

§ 3.504 FAILURE TO PAY.

If a violator fails to pay the penalty imposed by this article, the matter may be processed as a code violation through the Anoka County Court System.

(Ord. 1358, passed 10-13-97)

Item 4.

§ 3.505 DISPOSITION OF PENALTIES.

All penalties collected shall be paid over to the City Finance Department. The Finance Director or his designee may receive negotiable instruments in payment of penalties as a conditional payment and shall not be held accountable therefor. Receipt shall be issued for cash payment.

(Ord. 1358, passed 10-13-97)

§ 3.506 POWERS AND DUTIES OF FINANCE DIRECTOR.

In addition to all other duties set forth in the code, the Finance Director may delegate and supervise the work of city employees implementing and administering this article. The Finance Director shall make and have custody of all records necessary and shall keep proper accounts of the proceeds received.

(Ord. 1358, passed 10-13-97)

§ 3.507 SCHEDULED PENALTIES.

Penalties shall be imposed for violation of the scheduled administrative offenses according to a schedule duly established and adopted from time to time by resolution of the City Council. Any person violating a section of this code shall be subject to the scheduled penalty, not to exceed \$100 for each offense.

(Ord. 1358, passed 10-13-97)

ORDINANCE NO. 1702

AN ORDINANCE AMENDING CHAPTER 3: ADMINISTRATIVE CODE, ARTICLE V – ADMINISTRATIVE OFFENSES OF THE CITY CODE OF 2005 TO AMEND:

The City of Columbia Heights does ordain:

Section 1

§ 3.501. PURPOSE. The City Council seeks to offer an alternative method of enforcement to bring City Code violations into compliance rather than relying solely on criminal citations and the Anoka County Court System for such relief. Minnesota Statute 462.362 – Enforcement and Penalty, through ordinance, a municipality can provide for the enforcement of ordinances or regulations adopted, pursuant to Chapter 6 – Administration of City Affairs. The formal judicial process does not provide an environment to adequately address unique and sensitive issues involved in City Code violations such as: neighborhood concerns, livability issues, public safety, physical limitations of the offenders, and unintended consequences of being charged with or convicted of a misdemeanor offense. Additionally, the methodical process of the court system process may not be conducive to resolving the violations in a prompt and timely manner.

DEFINITIONS:

- For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
–ADMINISTRATIVE OFFENSE. A violation of any section of this code when one performs an act prohibited or fails to act when such failure is thereby prohibited and is subject to the penalties set forth in this code and schedule.

Section 2

§ 3.502 GENERAL PROVISIONS. NOTICE,

- (1) Administrative offense. A violation of any provision of the city code is an administrative offense that may be subject to an administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.
(2) Exemption. Alcohol and tobacco license violations are not subject to administrative citation under this section; only peace officers may enforce traffic violations pursuant to Minnesota Statute 169.999 related to traffic violations.
(3) Civil penalty. An administrative offense may be subject to a civil fine not to exceed the maximum fine for a misdemeanor violation under state law.
(4) Schedule of fines and fees. The City Council shall adopt by resolution a schedule of fines for offenses initiated by administrative citation. The City Council is not bound by that schedule when a matter is appealed to it for administrative review under subsection 3.504(5)(g) of this section. The City Council may adopt a schedule of fees to be paid to administrative hearing officers.
(5) Abatement procedures. A violation of any provision of the Code is an administrative offense that may be subject to an abatement order whereby the city or city's agent corrects or removes the violation and charges the violator for such corrective action.

Section 3

§ 3.503 ADMINISTRATIVE CITATION APPLICATION.

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(1) Any member of the Police Department and/or any other person employed by the city with authority to enforce this code shall, upon determining that there has been a violation, issue an Administrative Citation to the violator or party responsible for the violation in one of the following ways:

a. By personal service upon the owner of the property or an occupant of suitable age residing at the property where the violation occurred, or in the case of a business or corporation, the citation may be served upon a manager on the premises or to a corporate officer;

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b. By first class mail to a person identified in Subsection (1)a of this section;

c. By posting the citation in a conspicuous place on or near the main entrance when it reasonably appears the property is occupied but the occupants are not available or willing to accept personal service, and where the property is not a licensed rental dwelling;

d. By posting the citation in a conspicuous place on or near the main entrance and mailing by first class mail a notice of the citation to the owner of record where it reasonably appears the property is vacant or abandoned;

e. By posting the citation in a conspicuous place on or near the main entrance and mailing by first class mail, notice of the citation to the licensee when the property is a rental dwelling licensed by the City; or

f. By posting the citation in a conspicuous place on a motor vehicle when the vehicle is vacant.

~~notify the violator, or person responsible for the violation, or in the case of a vehicular violation by attaching to said vehicle notice of the violation, said notice setting forth the nature, date, time of the violation, the name of the official issuing the notice and the amount of the scheduled initial penalty, and where applicable, any charges relating thereto.~~

(2) The City shall notify a recipient of an Administrative Citation of the nature, date, and time of the violation, the name of the official issuing the notice, the amount of the scheduled initial penalty, and the right of the recipient to contest the citation as outlined in Section 3.504. The City shall also appoint a neutral third party to hear and rule on challenges to administrative citations authorized by the City Code.

(3) The failure to pay an Administrative Penalty or petition for an Administrative Hearing within 14 business days after the citation is issued, or failure to attend a scheduled Administrative Hearing, constitutes a waiver of the violator's right to a future Administrative Hearing and is an admission of the violation.

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(4) Any administrative fines assessed pursuant to Minnesota Statute § 169.999 shall be disbursed in accordance with Minnesota Statute § 169.999, subd. 5.

Section 4

§ 3.504 ADMINISTRATIVE HEARING.

(1) Request for Hearing. Anyone in violation of any section of the City Code may either pay the Administrative Penalty, as defined by Section 3.505, or petition the City for an Administrative Hearing

pursuant to Section 3.504(5).

(2) Hearing Examiner. The position of Hearing Examiner is hereby created.

- a. The City Manager, or their designee, may, at their discretion, contract with third parties for the furnishing of all services of the Hearing Examiner as contained in this chapter and set the rate of compensation therefor.
- b. The City Council will periodically approve a list of qualified individuals, from which the City Clerk will randomly select a Hearing Examiner to hear and determine a matter for which a hearing is requested.
- c. The Hearing Examiner must not be a city employee and the City Clerk must establish a procedure for evaluating the competency of the Hearing Examiner, including comments from accused violators and city staff. These reports must be provided to the City Council.
- d. Removal of the Hearing Examiner. No later than five days before the date of the hearing, the violator may make a written request that the assigned hearing examiner be removed from the case. The City Clerk will automatically grant one request for removal. A subsequent request must be directed to the assigned hearing examiner who will decide whether they can fairly and objectively review the case. If the Hearing Examiner determines they cannot fairly and objectively review the case, the Hearing Examiner shall notify the city clerk in writing at least one day before the scheduled hearing date. The City Clerk will then assign another Hearing Examiner.

(3) Qualifications. The Hearing Examiner shall be an individual trained in law; however, it shall not be required that the Hearing Examiner be currently licensed to practice law in the State of Minnesota.

(4) Duties. The Hearing Examiner shall have the following duties:

- a. Set dates and hear all contested cases;
- b. Take testimony from all interested parties;
- c. Examine all facts, evidence and testimony presented;
- d. Make a complete record of all proceedings including findings of fact and conclusions of law; and
- e. Affirm, dismiss, or modify the Administrative Citation and/or the Administrative Penalty.

(5) Hearing Procedure. Any person issued an Administrative Citation within the City of Columbia Heights may petition the City, in writing, for an Administrative hearing before a Hearing Examiner. All Administrative Hearings will take place at the Columbia Heights City Council Chambers within City Hall (3989 Central Avenue NE, Columbia Heights, MN 55421) between 8:00 a.m. and 8:00 p.m. Monday through Friday. The Hearing Examiner may schedule an alternative date and time upon the written consent of all parties subject to the administrative hearing.

- a. All such petitions shall identify with specificity the basis for the objection to the Administrative Citation and the interpretation of the City Code, as well as summarizing any evidence the petitioner intends to present. Such requests shall be filed in writing to the City Manager, or

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- their designee, within 14 business days after the ordinance violation citation is issued.
- b. The City will confirm request of an Administrative Hearing and include information on the Administrative Citation Hearing Fee as outlined in this ordinance. This fee will be refunded if the Administrative Citation is dismissed, but not if affirmed or modified. The City Clerk will schedule the hearing and will notify the violator and involved city staff, of the date, time and location of the hearing. Parties are expected to be available at the hearing for a minimum of two hours. Notice of the hearing must be mailed to the violator and the Hearing Examiner at least ten days in advance of the scheduled hearing, unless a shorter time is accepted by all parties. The notice must contain the name of the parties, the identity of the Hearing Examiner, the location of the alleged violation and the type of violation alleged.
- c. Continuance. A request for a continuance must be made to the City Clerk at least five days prior to the scheduled hearing date. The City Clerk may grant a continuance at the request of the violator or the city staff member only for good cause shown and for no more than ten days from the original assigned date.
- d. File transmittal. Upon receipt of any request for a hearing, the City Clerk's office will compile a summary report detailing the facts in support of any determination that the offense constitutes a violation. The summary report must be ready for the hearing officer to pick up on the business day preceding the scheduled hearing and shall include the following information:
- i. Copy of the citation issued;
 - ii. Copy of the administrative notice, which preceded the citation;
 - iii. Copy of any case history in the issuing employee's department;
 - iv. Photographs and/or videotape of property where available;
 - v. Proof of mailing and/or posting of notice on the property if the citation was not personally served on the violator.
- e. Presentation of case. At the hearing, the parties will have the opportunity to present testimony and question any witnesses, but strict rules of evidence will not apply and the Hearing Examiner will determine the admissibility of any evidence and/or testimony. All Administrative Hearings will be recorded with an audio recording device. A transcript of the Administrative Hearing will be transcribed and retained pursuant to the Minnesota Government Data Practices Act. The Hearing Examiner will take testimony from the petitioner and any corroborating witnesses who wish to testify. The Hearing Examiner will then take testimony from the City. Both the petitioner and the City may appear with legal counsel.
- f. Decision.
- i. The Hearing Examiner must issue a written decision containing findings of fact, conclusions of law and an order. The decision will be mailed to the parties within ten days after the hearing. The Hearing Examiner has the authority to determine that a violation occurred, to dismiss a citation, to impose the scheduled fine, and to reduce,

stay, or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions. When imposing a penalty for a violation, the Hearing Examiner may consider any or all of the following factors:

1. Duration of the violation;
2. Frequency of reoccurrence of the violation;
3. Seriousness of the violation;
4. History of the violation;
5. Violator's conduct after issuance of the administrative notice and citation;
6. Violator's conduct after issuance of the notice of hearing;
7. Good faith effort by the violator to comply;
8. Impact of the violation upon the community;
9. Prior record of city code violations; and
10. Any other factors appropriate to a just result.

ii. The Hearing Examiner may not impose a fine greater than the established fine, except that the Hearing Examiner may impose a fine for each week that the violation continues if:

1. The violation caused or is causing a serious threat of harm to the public health, safety, or welfare; or
2. The violator intentionally and unreasonably refused or refuses to comply with the code requirement.

g. Right of appeal. Except as provided in subsections (i) and (j) of this section, the decision of the Hearing Examiner is final without any further right of appeal.

h. Failure to appear. The failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A Hearing Examiner may waive this result upon good cause shown. Examples of "good cause" are: death in the immediate family or documented incapacitating illness of the violator; a court order requiring the violator to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. "Good cause" does not include: forgetfulness; lack of transportation or child care; and intentional delay.

i. Judicial review. An aggrieved party may obtain judicial review of the decision of the Hearing Examiner or the City Council as provided in state law.

j. Administrative review.

i. Appeal. A violator may appeal the Hearing Examiner's decision in any of the following matters to the City Council for administrative review:

1. An alleged failure to obtain a permit, license or other approval from the City council as required by this Code, county ordinance or state law;
2. An alleged violation of a permit, license, other approval, or the conditions attached to the permit, license, or approval that was granted by the City Council;

or

3. An alleged violation of regulations governing a person or entity who has received a license granted by the City Council.
- ii. Notice. The appeal under this section will be heard by the City council. Notice of the hearing must be delivered to the alleged violator or property owner and involved city staff, in person or by mail at least ten days in advance of the hearing. The parties to the hearing will have an opportunity to present oral or written arguments regarding the Hearing Examiner's decision.
- iii. Decisions. The City Council must consider the record, the Hearing Examiner's decision, and any additional arguments before making a determination. The City Council is not bound by the Hearing examiner's decision, but may adopt all or part of the Examiner's decision. The Council's decision must be in writing.
- iv. Suspension or revocation. In addition to imposing a civil penalty, the Council may suspend or revoke a city-issued license, permit, or other approval associated with the violation.

Section 5

§ 3.5053 PAYMENT.

Once such notice is given, the person responsible for the violation shall, within 14 business seven days of the time of issuance of the notice, pay full satisfaction of the stated violation scheduled to the City Finance Department. The penalty may be paid in person or by mail and payment shall be admission of the violation.

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Section 6

§ 3.5064 FAILURE TO PAY AND RECOVERY OF CIVIL PENALTIES. If a violator fails to pay the penalty imposed by this article, the matter may be processed as a code violation through the Anoka County Court System or in accordance with the provisions of this section.

(1) Nonpayment. If a civil penalty is not paid within the time specified:

- a. It may constitute a lien on the real property upon which the violation occurred if the property or improvements on the property was the subject of the violation and the property owner was found responsible for that violation; or
- b. It will be a personal obligation of the violator in all situations.

(2) Lien. A lien may be assessed against the property and collected in the same manner as real taxes as authorized by state law.

(3) Personal obligation. A personal obligation may be collected by appropriate legal means.

(4) Late fees/charges.

a. If after 30 days the fine has not been paid or a hearing requested, a late fee will be applied, the total bill will be assessed to the property taxes and all city licenses will be revoked. Fees are established by the city's fee schedule. For continued violations, the city will correct or abate the violation and assess the charges for doing so onto the property taxes and/or file criminal charges.

b. If the same property and property owner are charged with a subsequent violation(s) within a 12-month period for the same, or substantially similar offense, the offense will be considered a repeat violation and fined accordingly, per the city's fee schedule.

(5) License revocation or suspension. Failure to pay a fine is grounds for suspending or revoking a license related to the violation.

(6) Criminal penalties.

a. The following are misdemeanors, punishable in accordance with state law:

i. Failure, without good cause, to pay a fine or request a hearing within 30 days after issuance of an administrative citation;

ii. Failure, without good cause, to appear at a hearing that was scheduled under 3.504 of this section;

iii. Failure to pay a fine imposed by a Hearing Examiner within 30 days after it was imposed, or such other time as may be established by the Hearing Examiner.

b. If the final adjudication in the administrative penalty procedure is a finding of no violation, then the City may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the city from pursuing a criminal conviction for a violation of the same provisions based on a different set of facts. A different date of violation will constitute a different set of facts.

Section 7

§ 3.507 ABATEMENT OF PUBLIC NUISANCES OR OTHER CODE VIOLATIONS INCLUDING REMOVAL AND IMPOUNDMENT OF VEHICLES OR RECREATIONAL VEHICLES FROM PRIVATE PROPERTY.

(1) Abatement of public nuisances or other Code violations. The city council has determined that the health, safety, good order, general welfare, and convenience of the public is threatened by certain public nuisances on property. This section is enacted to support the intention of the city council to correct or abate these nuisances or other Code violation and shall apply to the abatement of all public nuisances or other Code violations as defined anywhere within this Code unless another procedure is specifically provided.

a. Periodic inspection. The city shall cause to be inspected all public and private places within the city which might contain a public nuisance or other Code violations as defined in this Code as often as practicable to determine whether any such conditions exist and investigate all reports

of public nuisances located within the city.

- b. Abatement order. Upon determination by the city that a public nuisance or other Code violation exists on any public or private property within the city, the city shall order the public nuisance or other Code violations to be abated in a manner consistent with this Code.
- c. Procedure for removal of public nuisances and other Code violations. Whenever the city finds with reasonable certainty that a public nuisance or other Code violation exists on any public or private property in the City, the following procedure applies:
- i. Administrative notice. Upon the first violation, the city will issue an administrative notice to the violator specifying the nature of the nuisance or other Code violation that must be corrected. The city will deliver the administrative notice to the violator in person or by regular mail. The administrative notice shall also state that failure to abate the nuisance or request a hearing within the applicable time periods will result in summary abatement procedures, and that the cost of abatement will be assessed against the subject property. The violator will have seven calendar days to correct the violation after issuance of the administrative notice. If the violator is making a good faith attempt to remedy the violation, the city may grant an extension, the length of which must be agreed upon in writing between the city and the violator.
 - ii. First administrative citation. If the violator fails to correct the violation within the time period provided in the administrative notice, the city may issue a first administrative citation. The city must issue the citation to the violator in person or by regular mail. In the case of a citation involving a vehicular offense, the citation shall be attached to the motor vehicle or recreational vehicle in addition to being delivered to the violator in person or by regular mail. The citation must state the date, time, and nature of the offense, the amount of the scheduled fine and/or the city's intention to abate the offense, and the manner for paying the fine, abating the offense and/or appealing the citation. The first administrative citation shall also state that failure to abate the nuisance or request a hearing within the applicable time periods will result in summary abatement procedures, and that the cost of abatement will be assessed against the subject property. The violator will have seven calendar days to correct the violation after issuance of the first administrative citation.
 - iii. Second administrative citation. If the violator fails to correct the violation within the time period provided in the first administrative citation, the city may issue a second administrative citation. The city must issue the citation to the violator in person or by regular mail. The citation must state the date, time, and nature of the offense, the amount of the scheduled fine and/or the city's intention to abate the offense, and the manner for paying the fine, abating the offense and/or appealing the citation. The violator will have seven calendar days to correct the violation after issuance of the second administrative citation. The second administrative citation shall also state that failure to abate the nuisance or request a hearing within the applicable time periods will result in summary abatement procedures, and that the cost of abatement will be assessed against the subject property. Upon expiration of the time required by the

second administrative citation, the city may immediately abate the nuisance.

- d. Any property owner who feels aggrieved by an administrative notice or administrative citation of the city issued pursuant to this section may request a hearing pursuant to section 3.504 (5)a. Within ten days after such hearing, the decision of the hearing officer shall be mailed to the parties. The hearing officer's order shall be accompanied by written findings of fact, conclusions of law and an order. An aggrieved party may obtain judicial review of the decision of the hearing examiner or the city council provided in state law. A violator may also seek administrative review pursuant to section 3.504 (5)j. The city shall take no action to abate any nuisance while the matter is still pending before the hearing examiner.
- e. The recovery of civil penalties including assessment of a lien against the property apply to this section as set forth in section 3.506. The city shall keep a record of the costs of abatements performed under this section and shall report monthly to the Finance Director or other appropriate city official all work done for which assessments are to be made, stating and certifying the description of the land, lots or parcels involved and the amount assessable to each.
- f. Interference prohibited. It is a misdemeanor for any person to prevent, delay or interfere with the city or their agents while they are engaged in the performance of duties set forth in this section.
- g. Immediate abatement. Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

(2) Removal and impoundment of vehicles or recreational vehicles from private property.

- a. Authority to impound vehicles. The police may remove and impound or have removed and impounded any vehicle or recreational vehicle from private property, in the event of a violation of section 9.106(L)(4)(a) relating to inoperable and/or unlicensed vehicles or recreational vehicles or 9.106 (L)(12)(e) off-street parking requirements. If, following issuance of citation and failure of owner to cure the violation or request a hearing as set forth in this section, the police may proceed with impounding the vehicle or recreational vehicle.
- b. Notice of and procedure for impounding. The city shall follow the procedures of Article III: Vehicle Impoundment Sections 7.301 and 7.302 of this Code when impounding any vehicle or recreational vehicle from private property subject to the provisions of section 7.205 Prohibited Non-Moving Violations. Impounded vehicles or recreational vehicles may be reclaimed subject to provisions of section 7.302(D). If the vehicle or recreational vehicle is not reclaimed within the time period set forth in section 7.302(D)(1-2), a public sale may occur pursuant to the provisions of section 6-4(f) and subject to Minnesota Statute Chapter 168B.
- c. Fine or penalty. The payment of towing and storage charges shall not operate to relieve the owner or operator of any vehicle or recreational vehicle from liability for any fine or penalty for the violation of this or any other law or provisions of this Code, for which the said vehicle or

recreational vehicle was removed and impounded.

Section 8

§ 3.5085 DISPOSITION OF PENALTIES.

All penalties collected shall be paid over to the City Finance Department. The Finance Director or his designee may receive negotiable instruments in payment of penalties as a conditional payment and shall not be held accountable therefor. Receipt shall be issued for cash payment.

Section 9

§ 3.5096 POWERS AND DUTIES OF FINANCE DIRECTOR.

In addition to all other duties set forth in the code, the Finance Director may delegate and supervise the work of city employees implementing and administering this article. The Finance Director shall make and have custody of all records necessary and shall keep proper accounts of the proceeds received.

Section 10

§ 3.51097 SCHEDULED PENALTIES.

Penalties shall be imposed for violation of the scheduled administrative offenses according to a schedule duly established and adopted from time to time by resolution of the City Council. Any person violating a section of this code shall be subject to the scheduled penalty, ~~not to exceed \$100 for each offense.~~

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:

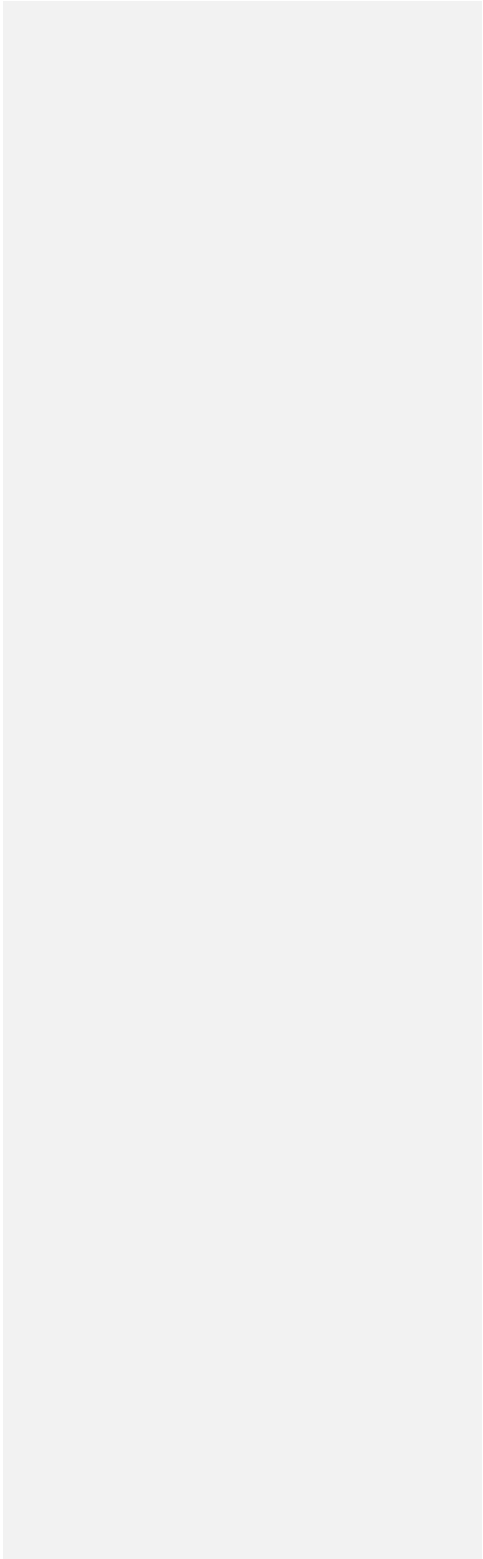
Second Reading:
Offered by:
Seconded by:
Roll Call:

Date of Passage:

Amáda Márquez Simula, Mayor

Attest:

Sara Ion, City Clerk/Council Secretary



Sec. 2-60. - Administrative fines enforcement program.

Item 4.

- (a) *Administrative citations and civil penalties.* Subsections (d)—(i) of this section shall govern administrative citations and civil penalties for violations of this Code.
- (b) *Purpose.* The city council finds that there is a need for alternative methods of enforcing this Code. While criminal fines and penalties have been the most frequent enforcement mechanism, there are certain negative consequences for both the city and the accused. The delay inherent in that system does not ensure prompt resolution. Citizens resent being labeled as criminals for violations of administrative regulations. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard Code violations as being important. Accordingly, the city council finds that the use of administrative citations and the imposition of civil penalties and/or actions by the city to abate the violations including towing and/or impoundment of vehicles or recreational vehicles are legitimate and necessary alternative methods of enforcement. These methods of enforcement are in addition to any other legal remedy that may be pursued for Code violations.
- (c) *General provisions.*
- (1) *Administrative offense.* A violation of any provision of the city code is an administrative offense that may be subject to an administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.
 - (2) *Exemption.* Alcohol and tobacco license violations are not subject to administrative citation under this section. See subsection 8-7(f) and section 10-82 of this Code for administrative sanctions relating to tobacco and alcohol license violations.
 - (3) *Civil penalty.* An administrative offense may be subject to a civil fine not to exceed the maximum fine for a misdemeanor violation under state law.
 - (4) *Schedule of fines and fees.* The city council shall adopt by resolution a schedule of fines for offenses initiated by administrative citation. The city council is not bound by that schedule when a matter is appealed to it for administrative review under subsection (g) of this section. The city council may adopt a schedule of fees to be paid to administrative hearing officers.
 - (5) *Abatement procedures.* A violation of any provision of the Code is an administrative offense that may be subject to an abatement order whereby the city or city's agent corrects or removes the violation and charges the violator for such corrective action.
- (d) *Administrative citation procedures.*
- (1) *Administrative notice.*
 - a. Upon the first violation, the city will issue an administrative notice to the violator. The city will deliver the administrative notice to the violator in person or by regular mail. The violator will have seven calendar days to correct the violation after issuance of the

administrative notice.

b. If the violator is making a good faith attempt to remedy the violation, the city may grant an extension, the length of which must be agreed upon in writing between the city and the violator.

- (2) Administrative citation. If the violator fails to correct the violation within the time period provided in the administrative notice, the city may issue an administrative citation. The city must issue the citation to the violator in person or by regular mail. In the case of a vehicular offense, the citation may be attached to the motor vehicle. The citation must state the date, time, and nature of the offense, the name of the issuing officer, the amount of the scheduled fine, the city's intention to abate the offense, if applicable, and the manner for paying the fine or appealing the citation.
- (3) Payment. The violator must either pay the scheduled fine or request a hearing within seven days after issuance of the citation. The fee to conduct a hearing is established by the city's fee schedule. Penalties for failure to correct the violation or late payment of the fine may be imposed as set forth in subsection (h)(4) of this section. The city may issue a second citation or take other legal action to achieve compliance with the ordinances including, but not limited to, abatement actions correcting or removing the violation.

(e) *Administrative hearing.*

- (1) Hearing officers. The city council will periodically approve a list of qualified individuals, from which the city clerk will randomly select a hearing officer to hear and determine a matter for which a hearing is requested. The hearing officer will be a public officer as defined by Minn. Stat. § 609.415. The hearing officer must not be a city employee. The city clerk must establish a procedure for evaluating the competency of the hearing officers, including comments from accused violators and city staff. These reports must be provided to the city council.
- (2) Removal of hearing officer. No later than five days before the date of the hearing, the violator may make a written request that the assigned hearing officer be removed from the case. The city clerk will automatically grant one request for removal. A subsequent request must be directed to the assigned hearing officer who will decide whether they can fairly and objectively review the case. If the hearing officer determines they cannot fairly and objectively review the case, the hearing officer shall notify the city clerk in writing at least one day before the scheduled hearing date. The city clerk will then assign another hearing officer.
- (3) Notice of hearing. Within 30 days of the request for a hearing, the city clerk will schedule the hearing and will notify the violator and involved city staff of the date, time and place for the hearing. Parties are expected to be available at the hearing for a minimum of two hours. Notice of the hearing must be mailed to the violator and the hearing officer at least ten days

in advance of the scheduled hearing, unless a shorter time is accepted by all parties. The notice must contain the names of the parties, the identity of the hearing officer, the location of the alleged violation and the type of violation alleged.

- (4) Continuance. A request for a continuance must be made to the city clerk at least five days prior to the scheduled hearing date. The city clerk may grant a continuance at the request of the violator or the city staff member only for good cause shown and for no more than ten days from the originally assigned date.
- (5) File transmittal.
 - a. Upon receipt of any request for a hearing, the city clerk's office will compile a summary report detailing the facts in support of any determination that the offense constitutes a violation. The summary report will include the following information:
 1. Copy of the citation issued;
 2. Copy of the administrative notice, which preceded the citation;
 3. Copy of any case history in the issuing employee's department;
 4. Photographs and/or videotape of property where available;
 5. Proof of mailing and/or posting of notice on the property if the citation was not personally served on the violator.
 - b. The file must be ready for the hearing officer to pick up on the business day preceding the scheduled hearing.
- (6) Presentation of case. At the hearing, the parties will have the opportunity to present testimony and question any witnesses, but strict rules of evidence will not apply. The hearing officer must tape record the hearing and receive testimony and exhibits. The hearing officer must receive and give weight to evidence, including hearsay evidence that possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs.
- (7) Decision.
 - a. The hearing officer must issue a written decision containing findings of fact, conclusions of law and an order. The decision will be mailed to the parties within ten days after the hearing. The hearing officer has the authority to determine that a violation occurred, to dismiss a citation, to impose the scheduled fine, and to reduce, stay, or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions. When imposing a penalty for a violation, the hearing officer may consider any or all of the following factors:
 1. Duration of the violation;
 2. Frequency of reoccurrence of the violation;

3. Seriousness of the violation;
 4. History of the violation;
 5. Violator's conduct after issuance of the administrative notice and citation;
 6. Violator's conduct after issuance of the notice of hearing;
 7. Good faith effort by the violator to comply;
 8. Impact of the violation upon the community;
 9. Prior record of city code violations; and
 10. Any other factors appropriate to a just result.
- b. The hearing officer may not impose a fine greater than the established fine, except that the hearing officer may impose a fine for each week that the violation continues if:
1. The violation caused or is causing a serious threat of harm to the public health, safety, or welfare; or
 2. The violator intentionally and unreasonably refused or refuses to comply with the code requirement.
- (8) Right of appeal. Except as provided in subsections (f) and (g) of this section, the decision of the hearing officer is final without any further right of appeal.
- (9) Failure to appear. The failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of "good cause" are: death in the immediate family or documented incapacitating illness of the violator; a court order requiring the violator to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. "Good cause" does not include: forgetfulness; lack of transportation or child care; and intentional delay.
- (f) *Judicial review.* An aggrieved party may obtain judicial review of the decision of the hearing officer or the city council as provided in state law.
- (g) *Administrative review.*
- (1) Appeal. A violator may appeal the hearing officer's decision in any of the following matters to the city council for administrative review:
 - a. An alleged failure to obtain a permit, license or other approval from the city council as required by this Code, county ordinance or state law;
 - b. An alleged violation of a permit, license, other approval, or the conditions attached to the permit, license, or approval, that was granted by the city council; or
 - c. An alleged violation of regulations governing a person or entity who has received a license granted by the city council.

- (2) Notice. The appeal under this section will be heard by the city council. Notice of the hearing must be delivered to the alleged violator or property owner and involved city staff, in person or by mail at least ten days in advance of the hearing. The parties to the hearing will have an opportunity to present oral or written arguments regarding the hearing officer's decision.
 - (3) Decisions. The city council must consider the record, the hearing officer's decision, and any additional arguments before making a determination. The city council is not bound by the hearing officer's decision, but may adopt all or part of the officer's decision. The council's decision must be in writing.
 - (4) Suspension or revocation. In addition to imposing a civil penalty, the council may suspend or revoke a city-issued license, permit, or other approval associated with the violation.
- (h) *Recovery of civil penalties and/or abatement actions.*
- (1) Nonpayment. If a civil penalty is not paid within the time specified:
 - a. It may constitute a lien on the real property upon which the violation occurred if the property or improvements on the property was the subject of the violation and the property owner was found responsible for that violation; or
 - b. It will be a personal obligation of the violator in all situations.
 - (2) Lien. A lien may be assessed against the property and collected in the same manner as real taxes as authorized by state law.
 - (3) Personal obligation. A personal obligation may be collected by appropriate legal means.
 - (4) Late fees/charges.
 - a. If after 30 days the fine has not been paid or a hearing requested, a late fee will be applied, the total bill will be assessed to the property taxes and all city licenses will be revoked. Fees are established by the city's fee schedule. For continued violations, the city will correct or abate the violation and assess the charges for doing so onto the property taxes and/or criminal charges may be filed.
 - b. If the same property and property owner are charged with a subsequent violation(s) within a 12-month period for the same, or substantially similar offense, the offense will be considered a repeat violation and fined accordingly, per the city's fee schedule.
 - (5) License revocation or suspension. Failure to pay a fine is grounds for suspending or revoking a license related to the violation.
- (i) *Criminal penalties.*
- (1) The following are misdemeanors, punishable in accordance with state law:
 - a. Failure, without good cause, to pay a fine or request a hearing within 30 days after issuance of an administrative citation;
 - b.

Failure, without good cause, to appear at a hearing that was scheduled under subsection (e) of this section. Item 4.

- c. Failure to pay a fine imposed by a hearing officer within 30 days after it was imposed, or such other time as may be established by the hearing officer.
- (2) If the final adjudication in the administrative penalty procedure is a finding of no violation, then the city may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the city from pursuing a criminal conviction for a violation of the same provisions based on a different set of facts. A different date of violation will constitute a different set of facts.
- (j) *Abatement of public nuisances or other Code violations.* The city council has determined that the health, safety, good order, general welfare, and convenience of the public is threatened by certain public nuisances on property. It is declared to be the intention of the city council to correct or abate these nuisances or other Code violations, and this section is enacted for that purpose. This section shall apply to the abatement of all public nuisances or other Code violations as defined anywhere within this Code unless another procedure is specifically provided.
 - (1) Periodic inspection. The city shall cause to be inspected all public and private places within the city which might contain a public nuisance or other Code violations as defined in this Code as often as practicable to determine whether any such conditions exist. The city shall also investigate all reports of public nuisances located within the city.
 - (2) Abatement order. Upon a determination by the city that a public nuisance or other Code violation exists on any public or private property within the city, the city shall order the public nuisance or other Code violations to be abated in a manner consistent with this Code.
 - (3) Procedure for removal of public nuisances and other Code violations. Whenever the city finds with reasonable certainty that a public nuisance or other Code violation exists on any public or private property in the City, the following procedure applies:
 - a. *Administrative notice.* Upon the first violation, the city will issue an administrative notice to the violator specifying the nature of the nuisance or other Code violation that must be corrected. The city will deliver the administrative notice to the violator in person or by regular mail. The administrative notice shall also state that failure to abate the nuisance or request a hearing within the applicable time periods will result in summary abatement procedures, and that the cost of abatement will be assessed against the subject property. The violator will have seven calendar days to correct the violation after issuance of the administrative notice. If the violator is making a good faith attempt to remedy the violation, the city may grant an extension, the length of which must be agreed upon in writing between the city and the violator.
 - b.

First administrative citation. If the violator fails to correct the violation within the time period provided in the administrative notice, the city may issue a first administrative citation. The city must issue the citation to the violator in person or by regular mail. In the case of a citation involving a vehicular offense, the citation shall be attached to the motor vehicle or recreational vehicle in addition to being delivered to the violator in person or by regular mail. The citation must state the date, time, and nature of the offense, the amount of the scheduled fine and/or the city's intention to abate the offense, and the manner for paying the fine, abating the offense and/or appealing the citation. The first administrative citation shall also state that failure to abate the nuisance or request a hearing within the applicable time periods will result in summary abatement procedures, and that the cost of abatement will be assessed against the subject property. The violator will have seven calendar days to correct the violation after issuance of the first administrative citation.

c. *Second administrative citation.* If the violator fails to correct the violation within the time period provided in the first administrative citation, the city may issue a second administrative citation. The city must issue the citation to the violator in person or by regular mail. The citation must state the date, time, and nature of the offense, the amount of the scheduled fine and/or the city's intention to abate the offense, and the manner for paying the fine, abating the offense and/or appealing the citation. The violator will have seven calendar days to correct the violation after issuance of the second administrative citation. The second administrative citation shall also state that failure to abate the nuisance or request a hearing within the applicable time periods will result in summary abatement procedures, and that the cost of abatement will be assessed against the subject property. Upon expiration of the time required by the second administrative citation, the city may immediately abate the nuisance.

- (4) Any property owner who feels aggrieved by an administrative notice or administrative citation of the city issued pursuant to this section may request a hearing pursuant to section 2-60(d) (3) and (e). Within ten days after such hearing, the decision of the hearing officer shall be mailed to the parties. The hearing officer's order shall be accompanied by written findings of fact, conclusions of law and an order. An aggrieved party may obtain judicial review of the decision of the hearing officer or the city council provided in state law. A violator may also seek administrative review pursuant to section 2-60(g). The city shall take no action to abate any nuisance while the matter is still pending before the hearing officer.
- (5) The recovery of civil penalties including assessment of a lien against the property apply to this section as set forth in section 2-60(h). The city shall keep a record of the costs of abatements performed under this section and shall report monthly to the city clerk or other appropriate city official all work done for which assessments are to be made, stating and certifying the description of the land, lots or parcels involved and the amount assessable to each.

(6)

Interference prohibited. It is a misdemeanor for any person to prevent, delay or interfere with the city their agents while they are engaged in the performance of duties set forth in this section.

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

(k) *Removal and impoundment of vehicles or recreational vehicles from private property.*

(1) Authority to impound vehicles. The police may remove and impound or have removed and impounded any vehicle or recreational vehicle from private property, in the event of a violation of section 4-3(d)(8) relating to inoperable and/or unlicensed vehicles or recreational vehicles or 4-3(e) off-street parking requirements. If, following issuance of citation and failure of owner to cure the violation or request a hearing as set forth in this section, the police may proceed with impounding the vehicle or recreational vehicle.

(2) Notice of and procedure for impounding. The city shall follow the provisions of section 6-3 and 6-4 of this Code when impounding any vehicle or recreational vehicle from private property. Impounded vehicles or recreational vehicles may be reclaimed subject to provisions of section 6-4(e). If the vehicle or recreational vehicle is not reclaimed within the time period set forth in section 6-4(e), a public sale may occur pursuant to the provisions of section 6-4(f) and subject to Minnesota Statute Chapter 168B.

(3) Fine or penalty. The payment of towing and storage charges shall not operate to relieve the owner or operator of any vehicle or recreational vehicle from liability for any fine or penalty for the violation of this or any other law or provisions of this Code, for which the said vehicle or recreational vehicle was removed and impounded.

(Ord. No. 14-07, §§ 1, 2, 4-28-2014; Ord. No. 16-02, § 1, 2-22-2016; Ord. No. 17-01, § 3, 1-23-2017; Ord. No. 18-25, § 2, 12-10-2018; Ord. No. 22-01, § 1, 4-11-2022)

Administrative Fines Enforcement Program Manual



City of New Hope
Community Development
4401 Xylon Avenue North
New Hope, MN 55428
Telephone: 763-531-5110
FAX: 763-531-5136
newhopemn.gov

INTRODUCTION

The city of New Hope Administrative Fines Enforcement Program was adopted by ordinance in April of 2009. It is intended to be more informal, less intimidating, and more effective for alleged violators than going through the Hennepin County Court System. Administrative enforcement of city ordinances starts when a city inspector writes an Administrative Notice to the property owner where the violation exists. The notice includes information regarding the type of violation, the location of the violation, the correction required, and the compliance date for the correction.

This handbook explains, in common terms, the processes that take place after the citation has been issued. To see the ordinance itself, request a copy from the city clerk for a small charge, view a copy of the ordinances at New Hope City Hall, or go to the city's official website at newhopemn.gov.

THE ADMINISTRATIVE CITATION

When a property owner fails to correct a code violation within seven (7) calendar days after an Administrative Notice is sent, an Administrative Citation will be issued either in person or by mail. If the Administrative Notice was mailed, the property owner is allotted an additional three (3) days from the compliance date to respond to the citation and may either:

1. Pay the scheduled fine and correct the violation; **OR**
2. Request an extension in writing; **OR**
3. Request an Administrative Hearing; **OR**
4. Proceed through the Hennepin County Court System process.

OPTION #1 - PAY THE FINE AND CORRECT THE VIOLATIONS

By paying the fine, you admit you violated city ordinance.

Pay the fine in one of the following three (3) manners:

1. Payments may be made in person at New Hope City Hall by cash, check, or credit card.
2. Payments may be sent in the mail and paid by check or money order, payable to the City of New Hope for the correct amount. Do not send cash in the mail. Include a copy of the citation. Payments can be sent to the following address:

City of New Hope
Community Development
4401 Xylon Avenue North
New Hope, MN 55428

Fines may be dropped off in the payment box located near the entrance to New Hope City Hall and paid by check, made payable to the City of New Hope, attention Community Development Department for the correct amount. Do not put cash in the drop box. Include a copy of the citation.

ALL PAYMENTS MUST BE ACCOMPANIED BY A COPY OF THE CITATION.

Failure to Pay a Fine

If the city of New Hope does not receive a request for an Administrative Hearing within seven (7) days after the citation was issued, or payment of the fine within 30 days, a late fee will be assessed per the city's fee schedule. At this time the city will send an invoice for the total amount unpaid. If unpaid, the total bill will be certified to your property taxes and all city licenses may be revoked.

Failure to Correct Violations

When a violation continues, the city may:

1. issue an administrative citation; **OR**
2. correct the violations and certify the charges for doing so onto the property taxes; **OR**
3. file criminal charges; **OR**
4. take other action(s) to require compliance with city ordinances.

Repeat Violations within 12 Months

If the same property and property owner are charged with a subsequent violation within a 12-month period for the same, or substantially similar offense, the fine increases to the amount set forth in the city's fee schedule. A second violation within a 12-month period would be classified as "Citation #2," a third violation within a 12-month period would be classified as "Citation #3," etc.

Abatement Procedure

The city may take action to correct or remove a violation of the City Code, including towing and impounding of motor vehicles or recreational vehicles which are inoperable, unlicensed, or parked in violation of the City Code, and removal of other public nuisances such as refuse, construction or landscaping materials, debris, waste and/or any other exterior storage which are in violation of the City Code. Property owners will be notified of violations subject to the abatement procedure with an administrative notice and two administrative citations prior to the city taking any action. If the violation is not corrected within seven (7) days of when the second administrative citation was issued, the city may immediately abate the nuisance. Costs associated with the abatement process will be assessed to the subject property.

OPTION #2 – REQUEST AN ADMINISTRATIVE HEARING

Property owners may request an Administrative Hearing if they believe that they did not violate an ordinance or if they want to refute the citation. The cost of requesting a hearing is set forth in the city's fee schedule

All Administrative Hearings are held before an independent hearing officer who is not a city employee and has no other connection with the city other than to serve as a hearing officer. When a hearing is requested, the city clerk randomly selects an officer from the list of hearing officers approved by the City Council.

To request a hearing, the property owner must file a written request in person at the New Hope City Hall either with the city clerk or customer service representative. The City Clerk's Office will work to accommodate the schedules of all involved parties and will notify the property owner by mail of the date, time and location of the hearing. The notice will contain the names of the parties, the identity of the hearing officer, the location of the alleged violation and the type of violation alleged. The notification will be received by mail at least ten (10) days in advance of the scheduled hearing unless a shorter time is accepted by all parties. Expect to be available for two (2) hours to attend the Administrative Hearing.

The property owner may provide the City Clerk's Office with a case file containing a summary report, photographs, written testimonies or any other written, audio or visual material they would like the hearing officer to review before the hearing. They must bring it to New Hope City Hall two (2) days, 48 hours, before the scheduled hearing start time. They may not contact the hearing officer before the hearing to discuss the case. Direct all questions to the City Clerk's Office at 763-531-5117.

Request to Change Hearing Officers

If the property owner has an objection to the hearing officer assigned to their case, they may file a written request with the city clerk to have the officer changed. The request must be made no later than five (5) days before the hearing. A reason is not required and the first request will automatically be granted. Any subsequent request for a new hearing officer is referred to the officer assigned, who will determine if he or she can fairly and objectively review the case. If the request is granted, the City Clerk's Office will assign a different officer and notify the property owner of a new date and time for the hearing. If the request is not granted, the hearing will go forward as scheduled. The officer's decision may be mailed or provided on the scheduled date of the hearing.

Request to Change Hearing Date

A request for a continuance of the case must be made to the city clerk at least five (5) days prior to the scheduled hearing date. The City Clerk's Office may grant a continuance if good cause is shown, but for no more than ten (10) days from the originally scheduled date.

Failure to Appear

By failing to appear for a scheduled hearing, the property owner is admitting the charge against them and waiving any right to an Administrative Hearing. The hearing officer may impose a penalty in their absence. If city representatives fail to appear, the charge will be dismissed.

If the property owner has a good reason for missing the hearing, they must contact the city clerk in writing within one (1) day after the scheduled hearing. The assigned hearing officer will be asked to decide whether there was good cause for their absence. Examples of good cause include: death in the immediate family, documented incapacitating illness of the violator, a court order requiring the violator to appear for another hearing or lack of proper notification of the hearing. Good cause **does not** include: forgetfulness, lack of transportation or lack of child care.

Hearing Procedures

The hearing proceedings are informal and strict rules of evidence will not apply. All hearings are recorded. Each party will have the opportunity to present testimony and question witnesses. The city bears the burden of providing a violation and will present testimony first. The property owner will have the opportunity to question the city's witnesses. They also may wish to testify themselves and/or present witnesses, but are not obligated to do so. All witnesses will be sworn to tell the truth. The hearing officer will decide whether there will be opening and/or closing statements.

Use of Attorneys

In order to maintain informality, the use of attorneys is discouraged. The city will not be represented by an attorney at the hearing. If the property owner wishes to have an attorney present, he or she is allowed to advise them, but may not make any presentations.

Decision

The hearing officer may decide the case immediately after testimony has finished. However, he or she may take time to make a decision. In either case, a written decision will be mailed to the property owner within ten (10) days after the hearing. It will include findings of fact, conclusions of law and order.

The hearing officer has the authority to:

1. determine a violation occurred;
2. dismiss the citation;
3. impose the scheduled fine; **AND/OR**
4. reduce, stay or waive a scheduled fine, unconditionally or upon compliance with appropriate conditions.

When deciding which action to take, the hearing officer may consider any or all of the following factors:

1. the duration of the violation;
2. the frequency of reoccurrence of the violation;
3. the seriousness of the violation;
4. the history of the violation;
5. the violator's conduct after issuance of the Administrative Notice and Citation;
6. the violator's conduct after issuance of the notice of hearing;
7. the good faith effort by the violator to comply;
8. the impact of the violation upon the community;
9. prior record of city code violations;
10. other factors appropriate to a just result.

The hearing officer may not impose a fine greater than those established. The hearing officer may impose a fine for each week that the violation continues if:

1. the violation caused or is causing a serious threat of harm to public health, safety or welfare; **OR**
2. the violator intentionally and unreasonably refused or refuses to comply with the code requirements.

Appeals

The decision of the hearing officer is final without any further right of appeal, except in the following two (2) matters:

1. The decision may be appealed to the City Council if the case involved the following:
 - a. a failure to obtain a permit, license or other approval from the City Council; **OR**
 - b. a violation of a permit, license, other approval or conditions, which is granted by the City Council; **OR**
 - c. a violation of regulations governing a person who has received a licensed granted by the City Council.

The property owner's written request for appeal must be submitted to the city clerk within ten (10) days after the hearing officer's decision. You will be notified by mail at least ten (10) days in advance about which City Council meeting to attend. At the hearing you may present oral or written arguments regarding the hearing officer's decision. New witnesses or evidence are not allowed. The City Council will have the transcript of the hearing to review. The council has the authority to impose a civil penalty or revoke a city-issue license, permit or other approval associated with the violation.

2. In all cases, the property owner may obtain judicial review of the hearing officer's or City Council's decision as provided in Minnesota state law. They should consult with a lawyer about how to proceed in this manner.

The Administrative Citation process is completely voluntary. If the property owner chooses to do so, they can proceed through the county court system. Choosing to do so may include the following:

1. higher fine schedules as a result of state surcharges; **AND/OR**
2. criminal penalties

SCHEDULE OF FINES

Penalties

Amounts for violations are set forth in the city's fee schedule.

Level One Violation

Level One Violations include the following offenses:

- Failure to obtain Certificate of Property Maintenance
- Failure to obtain Business Use Certificate of Occupancy
- Unapproved home occupation
- Interim erosion and sediment control
- Improperly stored trash container
- Weeds
- Failure to remove graffiti
- Display advertising on parked vehicle
- General maintenance
- Construction of fence with unapproved material or damaged fence
- Damaged light fixture
- Noise ordinance violations
- All other miscellaneous code violations not specified as Level 2 or Level 3 violations

Level Two Violation

Level Two Violations include the following offenses:

- Vacated building
- Removal or disconnection of safety devices such as smoke or carbon monoxide detectors
- Failure to obtain required permit
- Failure to obtain required rental registration permit or complete required inspection
- Unauthorized signs and violations of sign code
- Unlicensed, inoperable vehicles
- Storing junk vehicles
- Exterior storage
- Parking vehicle or recreational vehicle on unapproved surface
- Improperly stored or unscreened recreational vehicles
- Improper sump pump connection or discharge

- Failed or missed hood and duct cleaning

Level Three Violation

Level Three Violations include the following offenses:

- Level 3: Immediate life and safety matter, supported by the enforcement officer's written justification

Repeat Violations within 12 Months

If the same property and property owner are charged with a subsequent violation within a 12-month period for the same, or substantially similar offense, the fine increases to the amount set forth in the city's fee schedule. A second violation within a 12-month period would be classified as "Citation #2," a third violation within a 12-month period would be classified as "Citation #3," etc.

Section 306 – Administrative Enforcement Program

306.01. Administrative citations and civil penalties. Crystal city code, subsections 306.07 through 306.17 govern administrative citations and civil penalties for violations of the Crystal city code.

306.03. Purpose. The city council finds that there is a need for alternative methods of enforcing the city code. While criminal fines and penalties have been the most frequent enforcement mechanism, there are certain negative consequences for both the city and the accused. The delay inherent in that system does not ensure prompt resolution. Citizens resent being labeled as criminals for violations of administrative regulations. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard city code violations as being important. Accordingly, the city council finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for city code violations.

306.05. General provisions.

Subd. 1. Administrative offense. A violation of any provision of the Crystal city code is an administrative offense that may be subject to an administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.

Subd. 2. Exemption. Alcohol and tobacco license violations are not subject to administrative citation under this section, but are subject to civil penalties as established by the city council.

Subd. 3. Civil penalty. An administrative offense may be subject to a civil penalty not to exceed the maximum penalty for a misdemeanor violation under state law.

Subd. 4. Schedule of fines and fees. The city council must adopt by resolution a schedule of fines for offenses initiated by administrative citation. The city council is not bound by that schedule when a matter is appealed to it for administrative review as provided in Crystal city code, subsection 306.13. The city council may adopt a schedule of fees to be paid to administrative hearing officers.

306.07. Administrative citation procedures.

Subd. 1. Administrative notice.

- (a) Upon the first violation, the city will issue an administrative notice to the violator. The city will deliver the administrative notice to the violator in person or by regular mail. The violator will have ten calendar days to correct the violation after issuance of the administrative notice.
- (b) If the violator is making a good faith attempt to remedy the violation, the city may grant an extension, the length of which must be agreed upon in writing between the city and the violator.

Subd. 2. Administrative citation. If the violator fails to correct the violation within the time period provided in the administrative notice, the city may issue an administrative citation. The city must issue the citation to the violator in person or by certified and regular mail. In the case of a vehicular offense, the citation may be attached to the motor vehicle. The citation must state the date, time, and nature of the offense, the name of the issuing officer, the amount of the scheduled fine, and the manner for paying the fine or appealing the citation

Subd. 3. Payment. The violator must either pay the scheduled fine or request a hearing within seven days after issuance of the citation. Penalties for failure to correct the violation or late payment of the fine may be imposed as set forth in Crystal city code, subsection 306.15, subdivision 4. The city may issue a second citation or take other legal action to achieve compliance with the Crystal city code.

306.09. Administrative hearing.

Subd. 1. Hearing officers. The city council will periodically approve a list of qualified individuals, from which the city clerk will randomly select a hearing officer to hear and determine a matter for which a hearing is requested. The hearing officer will be a public officer as defined by Minnesota Statutes, section 609.415. The hearing officer must not be a city employee. The city clerk must establish a procedure for evaluating the competency of the hearing officers, including comments from accused violators and city staff. These reports must be provided to the city council.

Subd. 2. Removal of hearing officer. No later than five days before the date of the hearing, the violator may make a written request that the assigned hearing officer be removed from the case. The city clerk will automatically grant one request for removal. A subsequent request must be directed to the assigned hearing officer who will decide whether they can fairly and objectively review the case. If the hearing officer determines they cannot fairly and objectively review the case, the hearing officer shall notify the city clerk in writing at least one day before the scheduled hearing date. The city clerk will then assign another hearing officer.

Subd. 3. Notice of hearing. Within 30 days of the request for a hearing, the city clerk will schedule the hearing and will notify the violator and involved city staff of the date, time and place for the hearing. Parties are expected to be available for two hours. Notice of the hearing must be mailed to the violator and the hearing officer at least ten days in advance of the scheduled hearing, unless a shorter time is accepted by all parties. The notice must contain the names of the parties, the identity of the hearing officer, the location of the alleged violation and the type of violation alleged.

Subd. 4. Continuance. A request for a continuance must be made to the city clerk at least five days prior to the scheduled hearing date. The city clerk may grant a continuance at the request of the violator or the city staff member only for good cause shown and for no more than ten days from the originally assigned date.

Subd. 5. File transmittal.

- (a) Upon receipt of any request for a hearing, the city clerk's office will compile a summary report detailing the facts in support of any determination that the offense constitutes a violation. The summary report will include:
- (1) A copy of the citation issued;
 - (2) A copy of the administrative notice, which preceded the citation;
 - (3) A copy of any case history in the issuing employee's department;
 - (4) Photographs and/or videotape of property where available; and
 - (5) Proof of mailing and/or posting of notice on the property if the citation was not personally served on the violator.
- (b) The file must be ready for the hearing officer to pick up on the business day preceding the scheduled hearing.

Subd. 6. Presentation of case. At the hearing, the parties will have the opportunity to present testimony and question any witnesses, but strict rules of evidence will not apply. The hearing officer must tape record the hearing and receive testimony and exhibits. The hearing officer must receive and give weight to evidence, including hearsay evidence, that possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs.

Subd. 7. Decision.

- (a) The hearing officer must issue a written decision containing findings of fact, conclusions of law and an order. The decision will be mailed to the parties within ten days after the hearing. The hearing officer has the authority to determine that a violation occurred, to dismiss a citation, to impose the scheduled fine, and to reduce, stay, or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions. When imposing a penalty for a violation, the hearing officer may consider any or all of the following factors:
- (1) The duration of the violation;
 - (2) The frequency of reoccurrence of the violation;
 - (3) The seriousness of the violation;
 - (4) The history of the violation;

2019 Crystal City Code

306.09, Subd. 7(a)(5)

- (5) The violator's conduct after issuance of the administrative notice and citation;
 - (6) The violator's conduct after issuance of the notice of hearing;
 - (7) The good faith effort by the violator to comply;
 - (8) The impact of the violation upon the community;
 - (9) Prior record of city code violations; and
 - (10) Any other factors appropriate to a just result.
- (b) The hearing officer may not impose a fine greater than the established fine, except that the hearing officer may impose a fine for each week that the violation continues if:
- (1) The violation caused or is causing a serious threat of harm to the public health, safety, or welfare; or
 - (2) The violator intentionally and unreasonably refused or refuses to comply with the code requirement.

Subd. 8. Decision. Except as provided in Crystal city code, subsections 306.11 and 306.13, the decision of the hearing officer is final without any further right of appeal.

Subd. 9. Failure to appear. The failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of "good cause" are: death in the immediate family or documented incapacitating illness of the violator; a court order requiring the violator to appear for another hearing at the same time; or lack of proper service of the citation or notice of the hearing. "Good cause" does not include: forgetfulness; lack of transportation or child care; or intentional delay.

306.11. Judicial review. An aggrieved party may obtain judicial review of the decision of the hearing officer or the city council as provided in state law.

306.13. Administrative review.

Subd. 1. Appeal. A violator may appeal the hearing officer's decision in any of the following matters to the city council for administrative review:

- (a) An alleged failure to obtain a permit, license or other approval from the city council as required by an ordinance;

2019 Crystal City Code

306.13, Subd. 1(b)

- (b) An alleged violation of a permit, license, other approval, or the conditions attached to the permit, license, or approval, that was granted by the city council; or
- (c) An alleged violation of regulations governing a person or entity who has received a license granted by the city council.

Subd. 2. Notice. The appeal under this subsection will be heard by the city council. Notice of the hearing must be delivered to the alleged violator or property owner and involved city staff, in person or by mail, at least ten days in advance of the hearing. The parties to the hearing will have an opportunity to present oral or written arguments regarding the hearing officer's decision.

Subd. 3. Decisions. The city council must consider the record, the hearing officer's decision, and any additional arguments before making a determination. The city council is not bound by the hearing officer's decision, but may adopt all or part of the hearing officer's decision. The city council's decision must be in writing.

Subd. 4. Suspension or revocation. In addition to imposing a civil penalty, the city council may suspend or revoke a city-issued license, permit, or other approval associated with the violation.

306.15. Recovery of civil penalties.

Subd. 1. Non-payment. If a civil penalty is not paid within the time specified, it will constitute:

- (a) A lien on the real property upon which the violation occurred if the property or improvements on the property was the subject of the violation and the property owner was found responsible for that violation. The lien may be imposed as a charge for governmental services under Minnesota Statutes, section 514.67 or be imposed under such other law as may apply; or
- (b) A personal obligation of the violator in all other situations.

Subd. 2. Lien. A lien may be assessed against the property and collected in the same manner as taxes.

Subd. 3. Personal obligation. A personal obligation may be collected by appropriate legal means.

Subd. 4. Late fees/charges.

- (a) If after seven days the fine has not been paid or a hearing requested, the fine will increase by ten percent for each seven days thereafter for one month. After four weeks and four late fee charges have been added to the original fine, the total bill will be assessed to the property taxes and all city licenses will be revoked. For continued violations, the city will correct the violation and assess the charges for doing so onto the property taxes or criminal charges may be filed.

- (b) If the same property and property owner are charged with a subsequent violation within a 12-month period for the same, or substantially similar offense, the fine will be increased by 25%. After a third infraction in a 12-month period, the fine will increase by 50%, and after a fourth infraction by 100%.

Subd. 5. License revocation or suspension. Failure to pay a fine is grounds for suspending or revoking a license related to the violation.

306.17. Criminal penalties.

- (a) The following are misdemeanors, punishable in accordance with state law:
 - (1) Failure, without good cause, to pay a fine or request a hearing within 30 days after issuance of an administrative citation;
 - (2) Failure, without good cause, to appear at a hearing that was scheduled under section 306.09; or
 - (3) Failure to pay a fine imposed by a hearing officer within 30 days after it was imposed, or such other time as may be established by the hearing officer.
- (b) If the final adjudication in the administrative penalty procedure is a finding of no violation, then the city may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the city from pursuing a criminal conviction for a violation of the same provisions based on a different set of facts. A different date of violation will constitute a different set of facts.

ADMINISTRATIVE ENFORCEMENT MANUAL



CITY of CRYSTAL

COMMUNITY DEVELOPMENT

4141 Douglas Drive North • Crystal, Minnesota 55422-1696

Tel: (763) 531-1000 • Fax: (763) 531-1188 • www.crystalmn.gov

**Deaf and Hard of Hearing callers should contact
Minnesota Relay Service at 1-800-627-3529 V/TTY or call 711**

INTRODUCTION

The City of Crystal Administrative Court was adopted by ordinance in December of 2002. It is intended to be more informal, less intimidating and more effective for alleged violators than through the Hennepin County Court System. Administrative enforcement of city ordinances starts when a city inspector writes an Administrative Notice to the property owner where the violation exists. The notice includes information regarding the type of violation, the location of the violation, the correction required and the compliance date for the corrections.

This handbook explains, in common terms, the processes that take place after the citation has been issued. If you would like to see the ordinance itself, you may request a copy from the city clerk for a small charge, view a copy of the ordinances at Crystal City Hall or go to the city’s official website at www.crystalmn.gov, where you can view all the city ordinances.

THE ADMINISTRATIVE CITATION

When you fail to correct a code violation within 10 days after an Administrative Notice is sent, an Administrative Citation will be issued to you either in person or by certified and regular mail. You have seven (7) days to respond to the citation and may either:

- 1) Pay the scheduled fine and correct the violation OR
- 2) Request an Administrative Hearing.

PAY THE FINE AND CORRECT THE VIOLATION(S)

By paying the fine, you admit you violated city ordinance.

PAY THE FINE IN ONE OF THE FOLLOWING FOUR (4) MANNERS.

- 1. Fines may be paid online at <https://eproperty.logis.org/cystal/assessments/search>.
- 2. Fines may be paid in person at Crystal City Hall by cash, check, VISA, MasterCard or money order. Include a copy of the citation.
- 3. Fines may be sent in the mail and paid by check or money order, payable to the City of Crystal for the correct amount. Do not send cash in the mail. Include a copy of the citation. Payments can be sent to the following address:

The City of Crystal
 City Clerk’s Office
 4141 Douglas Drive North
 Crystal, MN 55422-1696

- 4. Fines may be dropped off in the payment box located by the west entrance to Crystal City Hall and paid by check or money order, payable to the City of Crystal for the correct amount. Do not put cash in the drop box. Include a copy of the citation.

ALL PAYMENTS ARE TO BE ACCOMPANIED BY A COPY OF THE CITATION.

PLEASE NOTE: IF YOU PAY THE FINE BUT FAIL TO CORRECT THE VIOLATION(S), THE CITY MAY ISSUE ADDITIONAL CITATIONS UNTIL THE VIOLATION IS CORRECTED IN COMPLIANCE WITH APPLICABLE CITY ORDINANCES.

Failure to Pay a Fine

Within seven (7) days of issuance of the Administrative Citation, the person to whom it is issued must either 1) pay the scheduled fine OR 2) request an Administrative Hearing. The City will impose a late fee equal to 10% of the fine amount for each 7-day period that payment of the fine is not received. *Late charges will not accrue if payment is received within 7 days after the due date. Up to four late fees may be applied to each unpaid citation. If the payment for a citation is not received within the four-week time period, the accrued late fees will be added to the original fine amount on the citation and the city will send you an invoice for the total amount unpaid. If you fail to pay the invoiced amount, the total bill, including the original fine amount and all late fees, will be certified to your property taxes and all city licenses may be revoked.

Failure to Correct Violations

When a violation continues, the city may:

- 1) Issue another administrative citation;
- 2) Correct the violations and certify the charges for doing so onto the property taxes;
- 3) File criminal charges; OR
- 4) Take other action to require compliance with city ordinances.

Repeat or Continuing Violations

The city may charge the same property and property owner with a subsequent violation within a 12-month period a) for the same or substantially similar offense, or b) if the violation for which a previous citation was issued has not been corrected to comply with City Code. In such cases, the fine imposed will be increased by 25%. If there is a third infraction in 12 months or if the violation continues uncorrected, the fine imposed increases by 50%. The fine increases by 100% if there is a fourth or any subsequent infraction in 12 months or if the violation continues uncorrected. Citations may be issued on a weekly basis until a violation has been corrected.

REQUEST AN ADMINISTRATIVE HEARING

You may request an Administrative Hearing if you believe that you did not violate an ordinance or if you want to refute the citation.

All Administrative Hearings are held before an independent hearing officer who is not a city employee and has no other connection with the city other than to serve as a hearing officer. When a hearing is requested, the city clerk randomly selects an officer from the list of hearing officers, approved by the City Council.

To request a hearing, you must file a written request in person at Crystal City Hall with either the city clerk or a customer service representative. The City Clerk's Office will work to accommodate the schedules of all involved parties and will notify you by mail of the date, time and location of the hearing. The notice will contain the names of the parties, the identity of the hearing officer, the location of the alleged violation and the type of violation alleged. You will receive the notification by mail at least 10 days in advance of the scheduled hearing unless a shorter time is accepted by all parties. Expect to be available for two (2) hours to attend the Administrative Hearing.

You may provide the City Clerk's Office with a case file containing a summary report, photographs, written testimonies or any other written, audio or video material you would like the hearing officer to review before the hearing. You must bring it to Crystal City Hall two (2) days, 48 hours, before the

scheduled hearing start time. You may not contact the hearing officer before the hearing to discuss the case. Direct all questions to the City Clerk’s Office at 763-531-1000.

Request to Change Hearing Officers

If you have an objection to the hearing officer assigned to your case, you may file a written request with the city clerk to have the officer changed. The request must be made no later than five (5) days before the hearing. A reason is not required and your first request will automatically be granted. Any subsequent request for a new hearing officer is referred to the officer assigned, who will determine if he or she can fairly and objectively review the case. If the request is granted, the City Clerk’s Office will assign a different officer and notify you of a new date and time for the hearing. If the request is not granted, the hearing will go forward as scheduled. The officer’s decision may be mailed to you or provided to you on the scheduled date of the hearing.

Request to Change Hearing Date

A request for a continuance of the case must be made to the city clerk at least five (5) days prior to the scheduled hearing date. The City Clerk’s Office may grant a continuance if good cause is shown, but for no more than 10 days from the originally scheduled date.

Failure to Appear

By failing to appear for a scheduled hearing, you are admitting the charges against you and waiving any right to an Administrative Hearing. The hearing officer may impose a penalty in your absence. If city representatives fail to appear, the charge will be dismissed.

If you have a good reason for missing the hearing, contact the city clerk in writing within one (1) day after the scheduled hearing. The assigned hearing officer will be asked to decide whether there was good cause for your absence. Examples of good cause include death in the immediate family, documented incapacitating illness of the violator, a court order requiring the violator to appear for another hearing or lack of proper notification of the hearing. Good cause **does not** include forgetfulness, lack of transportation or lack of childcare.

Hearing Procedures

The hearing proceedings are informal and strict rules of evidence will not apply. All hearings are recorded. Each party will have the opportunity to present testimony and question witnesses. The city bears the burden of proving a violation and will present testimony first. You will have the opportunity to question the city’s witnesses. You also may wish to testify yourself and/or present witnesses, but are not obligated to do so. All witnesses will be sworn to tell the truth. The hearing officer will decide whether there will be opening and/or closing statements.

Use of Attorneys

In order to maintain informality, the use of attorneys is discouraged. The city will not be represented by an attorney at the hearing. If you wish to have an attorney present, he or she is allowed to advise you, but may not make any presentations.

The Decision

The hearing officer may decide the case immediately after testimony has finished. However, he or she may take time to make a decision. In either case, a written decision will be mailed to you within 10 days after the hearing. It will include findings of fact, conclusions of law and an order.

The hearing officer has the authority to:

- 1) Determine a violation occurred
- 2) Dismiss a citation
- 3) Impose the scheduled fine, AND/OR
- 4) Reduce, stay or waive a scheduled fine, unconditionally or upon compliance with

appropriate conditions.

When deciding which action to take, the hearing officer may consider any or all of the following factors:

- 1) The duration of the violation
- 2) The frequency of reoccurrence of the violation
- 3) The seriousness of the violation
- 4) The history of the violation
- 5) The violator's conduct after issuance of the Administrative Notice and Citation
- 6) The violator's conduct after issuance of the notice of hearing
- 7) The good faith effort by the violator to comply
- 8) The impact of the violation upon the community
- 9) Any prior record of city code violations
- 10) Other factors appropriate to a just result.

The hearing officer may not impose a fine greater than those established. The hearing officer may impose a fine for each week that the violation continues if:

- 1) The violation caused or is causing a serious threat of harm to public health, safety or welfare;
OR
- 2) The violator intentionally and unreasonably refused or refuses to comply with the code requirement.

Appeals

The decision of the hearing officer is final without any further right of appeal, except in the following two (2) matters:

- 1) The decision may be appealed to the City Council if your case involved:
 1. A failure to obtain a permit, license or other approval from the City Council;
 2. A violation of a permit, license, other approval or the conditions attached, which was granted by the City Council; OR
 3. A violation of regulations governing a person who has received a license granted by the City Council.

Your written request for appeal must be submitted to the city clerk within 10 days after the hearing officer's decision. You will be notified by mail at least 10 days in advance about which City Council meeting to attend. At the hearing you may present oral or written arguments regarding the hearing officer's decision. New witnesses or evidence are **not** allowed. The City Council will have the transcript of the hearing to review. The council has the authority to impose a civil penalty or revoke a city-issued license, permit or other approval associated with the violation.

- 2) In all other cases, you may obtain judicial review of the hearing officer's or City Council's decision as provided in Minnesota state law. You should consult with a lawyer about how to proceed in this manner.

SCHEDULE OF FINES

General Rule

- All violations of city ordinances are Level Two Violations, subject to a \$140.00 penalty unless:
 - 1) The violation is listed below as a Level One or Level Three Violation;
 - 2) The enforcement officer indicates that the offense should be lowered to a Level One Violation because it is a minor infraction; OR
 - 3) The enforcement officer indicates that the offense should be increased to a Level Four Violation because it involves critical unsafe conditions or significantly endangers life or property.

Level One Violations **\$100.00**

- The designation of a Level Two Violation as a minor infraction, supported by the enforcement officer's written justification.
- A violation of ordinances governing the following:
 - 400.17 Numbering of houses and buildings
 - 605.03 Refuse storage and disposal

Level Two Violations **\$140.00**

- Any violation not specifically listed as a Level One or Level Three Violation.

Level Three Violations **\$200.00**

- The designation of a Level Two Violation as a major infraction that involves unsafe conditions, constitutes a blighting influence on surrounding properties or neighborhood, involves neglect of property maintenance, involves unlawful occupancy of non-owner-occupied dwelling units, or endangers life or property, supported by the enforcement officer's written justification.
- A violation of ordinances governing the following:
 - 425 Property Maintenance Code
 - 905 Fire prevention
 - 910 Animal Control

Level Four Violations **\$280.00**

A violation conducted in such a manner that the violation significantly endangered life or property or involved critical unsafe conditions.

Continuing Violations or Repeat Violations within 12 Months

The city may charge the same property and property owner with a subsequent violation within a 12-month period a) for the same or substantially similar offense, or b) if the violation for which a previous citation was issued has not been corrected to comply with City Code. In such cases, the fine imposed will be increased by 25%. If there is a third infraction in 12 months or if the violation continues uncorrected, the fine imposed increases by 50%. The fine increases by 100% if there is a fourth or any subsequent infraction in 12 months or if the violation continues uncorrected. For example, a second citation for a Level Three Violation would be \$250.00, a third occurrence \$300.00 and a fourth occurrence \$400.00. Citations may be issued on a weekly basis until a violation has been corrected.

FRIDLEY CITY CODE
CHAPTER 33 ADMINISTRATIVE ENFORCEMENT OF ORDINANCE VIOLATIONS
(ORDINANCE NO. 1384)

33.01. PURPOSE

The City Council seeks to offer an alternative method of enforcement for City Code violations rather than relying solely on the judiciary for such relief. The formal judicial process does not provide an environment to adequately address the unique and sensitive issues that are involved in City Code violations, including, but not limited to: neighborhood concerns, livability issues, economic impact, public safety, physical limitations of the offenders, and the stigma and unintended consequences of being charged with or convicted of a misdemeanor offense. In addition, the methodical process of the court system process may not be conducive to dealing with the violations in a prompt and timely manner.

In order to provide more flexibility in addressing City Code violations on an individual basis that will be more efficient and effective and to ensure a process for administrative relief before engaging the judicial system, the City Council finds that an alternative enforcement process is necessary. Therefore, to protect the health, safety and welfare of the citizens of Fridley, the City Council intends to create a process for the use and imposition of administrative civil penalties that will provide the public and the City with an effective, alternative method for addressing City Code violations.

33.02. APPLICATION

The administrative procedures and penalties in this section may, in the discretion of the City, be used for any violation of the City Code or any violation of the terms and conditions of a City approval, including permits and licenses, required and granted under the City Code, and traffic offenses designated in Minnesota Statute § 169.999, in the amount designated in Minnesota Statute § 169.999, as it may be amended from time to time.

Except as expressly provided in this section, the provisions of this section may be used concurrently with or in addition to any other procedure or remedy, criminal or civil, the City may pursue under City Code, State law, or Federal law. Nothing herein restricts the right of the City to enter property immediately or to seek other remedies in emergency or other situations as authorized by City Code, State law, or Federal law. Where differences occur between provisions of this section and other applicable City Code sections, this section controls to the extent of such differences. No provision of the City Code that provides a criminal procedure or penalty, or an administrative or civil procedure or penalty, for a violation of the City Code shall preclude the application of this section in its entirety to such violation.

The penalties and procedures provided in this section shall be applicable to every section and chapter of the City Code. The penalties and procedures provided by this section shall apply to any amendment of the City Code, whether or not such penalty is reenacted in the amendment, unless otherwise provided in such amendment.

33.03. ENFORCEMENT AND ADMINISTRATIVE CITATION ISSUANCE

- A. Authority to Enforce. Only peace officers may issue Administrative Citations pursuant to Minnesota Statute § 169.999 related to traffic violations. The City shall not issue an Administrative Citation as authorized by Minnesota Statute § 169.999 to the holder of a commercial driver's license or the driver of a commercial vehicle in which the administrative violation was committed.

Any other violation of City Code may result in an Administrative Citation. Any persons employed by the City and designated by the City Manager to enforce the City Code are authorized to issue such citations. The City may only issue an administrative citation upon a determination of a violation of any regulation identified in Section 33.02. The City Manager, or their designee, is authorized to promulgate rules and forms to implement these procedures.

B. Administrative Citation.

1. Any person with authority to enforce the City Code may, upon a reasonable belief that there has been a violation thereof, issue an Administrative Citation to the violator or party responsible for the violation in one of the following ways:
 - a. By personal service upon the owner of the property or an occupant of suitable age residing at the property where the violation occurred, or in the case of a business or corporation, the citation may be served upon a manager on the premises or to a corporate officer;
 - b. By first class mail to a person identified in Subsection (B)(1)a of this section;
 - c. By posting the citation in a conspicuous place on or near the main entrance when it reasonably appears the property is occupied but the occupants are not available or willing to accept personal service, and where the property is not a licensed rental dwelling;
 - d. By posting the citation in a conspicuous place on or near the main entrance and mailing by first class mail a notice of the citation to the owner of record where it reasonably appears the property is vacant or abandoned;
 - e. By posting the citation in a conspicuous place on or near the main entrance and mailing by first class mail, notice of the citation to the licensee when the property is a rental dwelling licensed by the City; or
 - f. By posting the citation in a conspicuous place on a motor vehicle when the vehicle is vacant.

2. The City shall notify a recipient of an Administrative Citation of their right to contest the citation as outlined in Section 33.04. The City shall also appoint a neutral third party to hear and rule on challenges to administrative citations authorized by the City Code.
3. The failure to pay an Administrative Penalty or petition for an Administrative Hearing within 14 business days after the citation is issued, or failure to attend a scheduled Administrative Hearing, constitutes a waiver of the violator's right to a future Administrative Hearing and is an admission of the violation.
4. Any administrative fines assessed pursuant to Minnesota Statute § 169.999 shall be disbursed in accordance with Minnesota Statute § 169.999, subd. 5.

33.04. ADMINISTRATIVE HEARINGS

- A. Request for Hearing. Anyone in violation of any section of the City Code may either pay the Administrative Penalty, as defined by Section 33.05, or petition the City for an Administrative Hearing pursuant to Section 33.04(E).
- B. Hearing Examiner. The position of Hearing Examiner is hereby created. The City Manager, or their designee, may, at their discretion, contract with third parties for the furnishing of all services of the Hearing Examiner as contained in this chapter and set the rate of compensation therefor.
- C. Qualifications. The Hearing Examiner shall be an individual trained in law; however, it shall not be required that the Hearing Examiner be currently licensed to practice law in the State of Minnesota.
- D. Duties. The Hearing Examiner shall have the following duties:
 1. Set dates and hear all contested cases;
 2. Take testimony from all interested parties;
 3. Examine all facts, evidence and testimony presented;
 4. Make a complete record of all proceedings including findings of fact and conclusions of law; and
 5. Affirm, dismiss or modify the Administrative Citation and/or the Administrative Penalty assessed.
- E. Hearing Procedure. Any person issued an Administrative Citation within the City of Fridley may petition the City, in writing, for an Administrative Hearing before a Hearing Examiner.

1. All such petitions shall identify with specificity the basis for the objection to the Administrative Citation and the interpretation of the City Code, as well as summarizing any evidence the petitioner intends to present. Such requests shall be filed in writing to the City Manager, or their designee, within 14 business days after the ordinance violation citation is issued.
 2. The City will confirm request of an Administrative Hearing and include information on the Administrative Citation Hearing Fee as outlined in this ordinance. This fee will be refunded if the Administrative Citation is dismissed, but not if affirmed or modified.
 3. All Administrative Hearings will take place at the Fridley Civic Campus (7071 University Avenue NE, Fridley, MN 55432) between 8:00 a.m. and 8:00 p.m. Monday through Friday. The Hearing Examiner may schedule an alternative date and time upon the written consent of all parties subject to the Administrative Hearing.
 4. The Hearing Officer shall provide all parties involved with a Notice of Hearing at least seven business days prior to the Administrative Hearing.
 5. All Administrative Hearings will be recorded with an audio recording device. A transcript of the Administrative Hearing will be transcribed and retained pursuant to the Minnesota Government Data Practices Act.
 6. The Hearing Examiner will take testimony from the petitioner and any corroborating witnesses who wish to testify. The Hearing Examiner will then take testimony from the City. Both the petitioner and the City may appear with legal counsel.
 7. The Rules of Evidence do not apply. The Hearing Examiner will determine the admissibility of any evidence and/or testimony.
 8. The Hearing Examiner shall render a written decision to affirm, dismiss or modify the City's Administrative Citation. Within 15 business days after the Administrative Hearing, the Hearing Examiner shall provide written findings of fact, conclusions of law and if applicable, issue a timeline to pay any penalties and fees. The decision of the Hearing Examiner shall be final.
 9. Judicial review. An aggrieved party may obtain judicial review of a final decision of the Hearing Examiner in a court of competent jurisdiction within the time limit prescribed by law.
- F. Failure to Appear. The failure to attend the hearing constitutes a waiver of the petitioner's rights to an Administrative Hearing and an admission of the violation. The Hearing Examiner may waive this result upon good cause shown. "Good cause" may be determined by the Hearing Examiner and may include: death in the immediate family or documented incapacitating illness of the accused; a court order requiring the petitioner to

appear for another hearing at the same time; and lack of proper service of the administration citation or notice of the hearing.

- G. Failure to Pay Is Separate Violation. The following are separate violations of the City Code, punishable as misdemeanors in accordance with State law:
1. Unless a notice of appeal has been timely filed, failure to pay the fine within the time required after issuance of an Administrative Citation.
 2. Failure to pay a fine imposed by a Hearing Examiner within 30 days after it was imposed, or such other time as may be established by the Hearing Examiner, unless judicial review has been sought for the matter in accordance with State law.

33.05. PENALTIES AND PAYMENT

- A. Application. An Administrative Citation may be issued in conjunction with, or in lieu of, any other remedy available to the City.
- B. Administrative Penalties and Fees. The City Council shall adopt by ordinance a schedule of penalties and fees for violations of City Code and the enforcement of this chapter.
1. Any penalties and fees for those Administrative Citations issued pursuant to Minnesota Statute § 169.999, subd. 1, shall be not exceed the limits described in Minnesota Statute § 169.99, subd. 5.
 2. Unless expressly provided otherwise in the City Code, each day a violation exists constitutes a separate administrative offense.
 3. When an Administrative Citation is issued and served as described in Section 33.03(B) of this Chapter, the party receiving service has up to 14 business days to pay the Administrative Citation fee as outlined in Chapter 11 of the Fridley City Code. If payment is not received, or an Administrative Hearing is not requested within 14 business days of the citation being issued, a late fee will be incurred. The Administrative Penalty Late Fee is outlined in Chapter 11 of the Fridley City Code.
- C. Payment Process.
1. A party who has received an Administrative Citation must, within 14 business days after the Administrative Citation is issued, pay the amount of any fine set forth therein, unless that party has requested an Administrative Hearing as authorized by this chapter. If the Administrative Citation penalty is upheld in full or in part by the Hearing Examiner, the petitioner must make payment to the City within 14 business days of the issuance of the Hearing Examiner's decision, unless another term is prescribed therein.

2. Any fine may be paid in person at City Hall, by mail or by other method set forth by the City.
 3. Payment of any fine shall be deemed a final admission of the violation, and thereafter the City shall not bring a criminal charge for the same violation. Ongoing or continuing violations shall constitute a new violation for each day that it is occurring.
 4. Payment of a fine shall not excuse the failure to satisfy compliance orders referenced in the Administrative Citation and such payment shall not bar further enforcement activity by the City for a continuing violation, including without limitation, the issuance of additional Administrative Citations.
- D. If an Administrative Penalty imposed by an Administrative Citation is not paid within the time specified, it constitutes a personal obligation of the violator and a lien upon the real property upon which the violation occurred, if the property or improvements on the property were the subject of the violation and the property owner was responsible for that violation.
- E. Assessment. Any persons employed by the City and designated by the City Manager to enforce the City Code shall keep a record of the costs of ordinance violations and shall provide detailed reports to the City Manager or their designee regarding all matters related to each violation. In the event the Administrative Penalty is unpaid and it is not possible for the City to place a lien on any real property, the City may list the total unpaid charges for each assessment against each separate lot or parcel to which they are attributable. The City Council may then spread the charges or any portion thereof against the property involved as a special assessment under other pertinent statutes, for certification to the County Auditor and collection the following year along with current taxes. Such assessment shall be payable in a single installment or by up to ten equal annual installments as the City Council may provide, pursuant to Minnesota Statute § 429.101.
- F. License and Permit Issuance. Failure to pay an Administrative Penalty shall be grounds for suspending, revoking or not renewing a license or permit related to the violation. During the time that an Administrative Penalty remains unpaid, no City approval will be granted for a license, permit, or other City approval sought by the violator or for property under the violator's ownership or control. For purposes of this restriction, any company that is owned in whole or in part by the violator shall also be considered to be subject to these restrictions, regardless of corporate structure.
- G. Disposition of Penalties. All penalties collected pursuant to this Chapter shall be paid to the City Treasurer and deposited in the appropriate fund and with the appropriate parties.

33.06. EXEMPTION

- A. This section of the City Code shall apply to all violations of the City Code, except for those situations where applicable sections of the City Code and/or State law prescribe other procedures or rules.



CITY COUNCIL WORK SESSION MEETING

AGENDA SECTION	WORK SESSION ITEM
MEETING DATE	AUGUST 5, 2024

ITEM:	Review Applicants for the Park and Recreation Commission Opening.	
DEPARTMENT:	Administration	BY/DATE: Sara Ion / July 31, 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 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 </p>		

BACKGROUND:

The City posted for and received applications for the Park and Recreation Commission seat left vacant by Dana Gulley giving notice that she was no longer able complete the remainder of her term expiring on March 31, 2025.

SUMMARY OF CURRENT STATUS:

Staff has received two applications for the Council to review for appointment.

STAFF RECOMMENDATION:

Staff recommends that the Council review the attached applications and select one person to fill the remaining term of eight months. Whoever is appointed to the vacant position can then re-apply for a full term if they wish when the term expires in March of 2025.

ATTACHMENT(S):

Applications



City Board and Commission Application, 2024

Please **number** your choices according to preference:
(leave blank any one on which you do not wish to serve)

<input type="checkbox"/> Economic Development Authority	<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Charter Commission*
<input type="checkbox"/> Park & Recreation Commission	<input type="checkbox"/> Sustainability Commission	*For the Charter Commission, please indicate if you are a qualified voter: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Library Board		

Note: Find Youth Commission applications at www.columbiaheightsmn.gov/youth

Name Brian Timm	Phone [REDACTED]
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Street Address [REDACTED]	City Columbia Heights	State MN	Zip 55421
-------------------------------------	---------------------------------	--------------------	---------------------

Email Address [REDACTED]	Number of years/months resident of Columbia Heights 13 years
------------------------------------	--

Property you own in Columbia Heights, if any (other than Residence)
[REDACTED]

If you are appointed to a City Board or Commission, your Employer and phone number for the purpose of this appointment will be City Hall. If you have other work, please complete the following.

Employer
Minnesota State Colleges & Universities - North Hennepin Community College

Work Phone [REDACTED]	Position Title/Occupation Faculty
---------------------------------	---

Educational Background:
AA in Photography from Minneapolis College
BA in individualized studies (technology) from University of Minnesota, Twin Cities
MA in communication (visual and mediated communication) from Minnesota State University, Mankato
Graduate Certificate in Serious Game Design from Michigan State University
Graduate coursework (media, digital audience analytics)

Volunteer, Civic, Professional and Community Activities:
I currently serve as the incoming faculty union president for North Hennepin's college faculty union and on our honors committee.

In the past, I have served on the NHCC IRB committee, worked with student life on a variety of events, have photographed events for a variety of nonprofits (conventions, arts performances, etc), and have volunteered at Co-Hi Con this past spring. For a number of years, I ran a nonprofit focused on refurbishing technology for low income families.

Professional Designations/Awards/Honors/Previous Government Service:
Previous experience in the U of Minnesota master gardener program

Please describe why you are interested in serving on a board or commission and why you feel you are qualified:

I would like to have an opportunity to make a difference in my local community and feel strongly that the local park systems are an important part of our social connections and community.

What unique qualities, perspectives, and life experiences would you bring to this board/commission and the City?

Avid gardener, extensive experience in planning numerous art shows and social events.

Please indicate what (if any) evenings you are not available for meetings

Mon Tue Wed Thurs Fri

Does the current meeting schedule of the commission(s) you are interested work for you?

Yes No

Please list three references (do not include the Mayor or Councilmembers)

Name	Address	Phone	Email Address
Charity Timm			
Sean Larson			
Ardis Wiley			

How did you hear about the position? If someone recommended you to apply, may we contact them? If so, please provide their contact information.

from the city website

Important Information About Your Application- Data Privacy Notice

Minnesota law requires that you be informed of the purpose and intended use of the information you are providing on this application. Per Minnesota Statute 13.601, subd. 3a, your name, address, occupation, education, training, civic affiliations, qualifications, experience, and veteran status are available to anyone who requests the information.

This information will be used to identify you as an applicant, enable us to contact you when additional information is required, send you notices, and assess your qualifications for appointment. This data is not legally required, but refusal to supply the information requested may affect the City Council's ability to accurately evaluate your application.

Should you be appointed to a City of Columbia Heights Board or Commission, your residential address and either a phone number or email address where you can be reached will also become public information (per Minnesota Statute 13.601, subd. 3b). The purpose is to list contact information for Board/Commission members on a public roster.

Please select which of the following you will allow listed on a public roster (you must select either email or phone number).

Email Phone Number Both

By typing my name or handwriting my signature, I certify that I have read and understand the Data Privacy Notice and certify that the statements in this application are true and correct to the best of my knowledge:

Signature: Brian Timm

Date: 07/18/2024

Return completed application to:

City of Columbia Heights
Attn: City Clerk
3989 Central Ave NE
Columbia Heights, MN 55421

OR [Email completed application to sion@columbiaheightsmn.gov](mailto:sion@columbiaheightsmn.gov)



City Board and Commission Application, 2024

Please **number** your choices according to preference:
(leave blank any one on which you do not wish to serve)

<input type="checkbox"/> Economic Development Authority	<input type="checkbox"/> Planning Commission	<u>2</u> Charter Commission*
<u>1</u> Park & Recreation Commission	<input type="checkbox"/> Sustainability Commission	*For the Charter Commission, please indicate if you are a qualified voter: X <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Library Board	<small>Note: Find Youth Commission applications at www.columbiaheightsmn.gov/youth</small>	

Name	Phone
------	-------

Street Address	City	State	Zip
[Redacted]	Columbia Heights	MN	55421

Email Address	Number of years/months resident of Columbia Heights
[Redacted]	18

Property you own in Columbia Heights, if any (other than Residence)

If you are appointed to a City Board or Commission, your Employer and phone number for the purpose of this appointment will be City Hall. If you have other work, please complete the following.

Employer	
State of Minnesota	
Work Phone	Position Title/Occupation
[Redacted]	Senior Investigator

Educational Background:
 MA in Early Childhood Education
 BA in Child Development

Volunteer, Civic, Professional and Community Activities:
 I have over 20 years of experience working with children and families. Before coming to the state I ran non profit child care centers serving low income families.

Professional Designations/Awards/Honors/Previous Government Service:
 I have worked for the Department of Human Services at the state for 3 years. I started out as a child care center licensor and am now a fraud investigator.

Please describe why you are interested in serving on a board or commission and why you feel you are qualified:

I was born and raised in Columbia Heights. I raised my 2 boys here. I want to be more involved in our community and feel I can bring a wide variety of skills and experience to a board.

What unique qualities, perspectives, and life experiences would you bring to this board/commission and the City?

I am a long time resident of Heights. My grandparents and parents built their homes here. I will bring a wide variety of skills and experience gained from my professional experience along with my passion and love for children, families, and community to a board position.

Please indicate what (if any) evenings you are not available for meetings

Mon Tue Wed Thurs Fri

Does the current meeting schedule of the commission(s) you are interested work for you?

Yes No

Please list three references (do not include the Mayor or Councilmembers)

Name	Address	Phone	Email Address
Mary Sass			
Twila Villela			
Aisha Hassan			

How did you hear about the position? If someone recommended you to apply, may we contact them? If so, please provide their contact information.

city website

Important Information About Your Application- Data Privacy Notice

Minnesota law requires that you be informed of the purpose and intended use of the information you are providing on this application. Per Minnesota Statute 13.601, subd. 3a, your name, address, occupation, education, training, civic affiliations, qualifications, experience, and veteran status are available to anyone who requests the information.

This information will be used to identify you as an applicant, enable us to contact you when additional information is required, send you notices, and assess your qualifications for appointment. This data is not legally required, but refusal to supply the information requested may affect the City Council's ability to accurately evaluate your application.

Should you be appointed to a City of Columbia Heights Board or Commission, your residential address and either a phone number or email address where you can be reached will also become public information (per Minnesota Statute 13.601, subd. 3b). The purpose is to list contact information for Board/Commission members on a public roster.

Please select which of the following you will allow listed on a public roster (you must select either email or phone number).

Email Phone Number Both

By typing my name or handwriting my signature, I certify that I have read and understand the Data Privacy Notice and certify that the statements in this application are true and correct to the best of my knowledge:

Signature: Mandi Zaccardi

Date: 7/21/24

Return completed application to:

City of Columbia Heights
Attn: City Clerk
3989 Central Ave NE
Columbia Heights, MN 55421

OR [Email completed application to sion@columbiaheightsmn.gov](mailto:sion@columbiaheightsmn.gov)



CITY COUNCIL WORK SESSION MEETING

AGENDA SECTION	WORK SESSION ITEM
MEETING DATE	AUGUST 5, 2024

ITEM:	City Hall Condo Transfer Update							
DEPARTMENT:	Administration	BY/DATE: City Manager / July 31, 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 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 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 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:

In October of 2020, the City executed a City Hall Transfer Agreement with BPOZ Columbia Heights, LLC (Alatus). The Transfer Agreement specified the terms for completion and conveyance of the new City Hall condo unit by Alatus to the City. Since execution of the agreement, Alatus has completed the City Hall condo unit and delivered on their obligations under the agreement. However, the City has not taken ownership of the unit. Rather, the City was allowed to move into the new City Hall under a Move In Agreement that was executed in July of 2023. The delay in transferring ownership to the City was initially related to challenges and delays at the County level with recording the CIC plat (condo plat). Due to the complex chain of ownership for the underlying parcels that make up the redevelopment site, it took the City, Alatus, and the County more time than expected to unpack all the encumbrances that impacted the title transfer and recording of a new clean plat.

Ultimately, the title and plat issues were resolved in late 2023, and the City was set to close on the transfer of the City Hall condo in March of 2024. However, during the final review of the closing documents, the City's general counsel at Barna Guzy identified issues with the property insurance that is in place for the condo association. The primary concern is the type of coverage that is now in place for the association and whether the policy is consistent with the association declarations. Currently, the association is covered by a policy that does not guarantee full replacement of the project in circumstances of total loss like a catastrophic fire or severe tornado occurrence. In other words, under the current policies in place, if the entire building (City Hall, apartments, and commercial space) were damaged to the point where everything was demolished completely, there is no guarantee that the project would be rebuilt in its current form with insurance proceeds. This coverage is not fully compliant with the association declarations as currently drafted. It is important to note that currently, in cases of total loss, the City would be covered for its own unit and paid out for the replacement cost of the City Hall condo including all contents. However, if Alatus as the majority stakeholder in the association decides not to rebuild, there would be no City Hall condo rebuilt, as the City Hall condo is integrated into the larger project.

SUMMARY OF CURRENT STATUS:

Since March of this year, staff and the City's general counsel have worked with the Alatus team to try to find a solution to the insurance coverage challenges. Alatus has taken the position that the association cannot secure coverage that guarantees full replacement of the project following catastrophic loss and Alatus represents a 95% stake in the association given the size of their condo in comparison to the City Hall unit. Rather than moving forward with a contested closing, staff believe it is prudent to renegotiate the terms of the association covenants in a way that allows the City to manage risk at acceptable level while maintaining a productive partnership with Alatus and BPOZ. Following discussion with the Council, staff intend to bring revised association covenants to the Council for review and approval at a regular meeting and finalize closing on the transfer of the City's Condo.

ATTACHMENT(S):

- Article 7. Insurance and Eminent Domain (CIC Declaration Excerpt)

enjoyment of the Common Elements or any portion of the Member's Unit or by the abandonment of the Member's Unit, or any other improvement.

6.14 Foreclosure of Lien. The Association's lien may be foreclosed as provided by laws of the State of Minnesota as if it were a lien under a mortgage containing a power of sale. The rights of the parties shall be the same as those provided by the law except that (i) the period of redemption shall be six (6) months from the date of sale or a lesser period authorized by law; (ii) in a foreclosure by advertisement under Minnesota Statutes, Chapter 580, the foreclosing party shall be entitled to costs and disbursements of foreclosure, and attorneys' fees in the amount provided by Section 515B.3-116 of the Act; (iii) in a foreclosure by action under Minnesota Statutes, Chapter 581, the foreclosing party shall be entitled to costs and disbursements of foreclosure and attorneys' fees as the court may determine, and (iv) the amount of the Association's lien shall be deemed to be adequate consideration for the Unit subject to foreclosure, notwithstanding the value of the Unit.

6.15 No Further Perfection or Notice Required. The recording of this Declaration constitutes record notice and perfection of the lien and no further recording of any claimed lien for assessment is required.

ARTICLE 7. Insurance and Eminent Domain

7.1 Required Coverage. [Send to insurance company for review and approval.]

7.1.1 Property Insurance. The Association shall maintain, in the name of the Association, property insurance on the Property issued by financially sound insurers authorized to do business in the State of Minnesota, which such insurance shall be in special form covering all risks of physical loss in an amount equal to one hundred percent of the insurable "replacement cost" of the Property, but excluding land, footings, excavation and other items normally excluded from coverage (but including all common building service equipment and machinery), and also excluding ceiling or wall finishing materials, cabinetry, finished millwork, finished flooring, electrical, heating, ventilating, and air conditioning equipment and plumbing fixtures serving a single Unit, built-in appliances, light fixtures and other improvements and betterments within the Units regardless of when installed. Notwithstanding the foregoing, the Association is not obligated to maintain property insurance with respect to any improvements made by the lessees of any Unit or with respect to any personal property owned by any lessee. The policy or policies shall cover personal property owned by the Association, contain "Inflation Guard" and "Agreed Amount" endorsements, if available, and contain a waiver of any right of subrogation against the Association and each other Owner, if available. To the extent not a named insured on any policy under this **Subsection 7.1.1**, the Owners shall each be named as an additional named insured.

7.1.2 Liability Insurance. The Association shall, at all times from and after the date hereof, maintain commercial general liability insurance against claims and liabilities arising in connection with the ownership, existence, use, or management of the Property, with minimum limits of \$1,000,000 per occurrence, \$2,000,000 in the aggregate against claims for death, bodily injury and property damage, and such other risks as are customarily

covered by such policies for projects similar in construction, location and use to the Property. The policy shall contain a “severability of interest” endorsement which shall preclude the insurer from denying the claim of an Owner or Occupant because of negligent acts of the Association or other Owners or Occupants, and the Association shall obtain appropriate waivers of subrogation from the insurance company respecting same. Declarant shall be included as an additional insured in its capacity as an Owner and, if applicable, as a Person having power to appoint members of the Board. Each Owner, their partners and members, as their interests may appear, shall be included as an additional insured, but only for claims and liabilities arising in connection with the ownership, existence, use or management of the Common Elements. The insurance shall cover claims of one or more insured parties against any other insured party, pursuant to a “severability of interest” clause and the Association shall obtain appropriate waivers of subrogation from the insurance company respecting same. The Association shall not enter into employment contracts or independent contractor contracts of any kind unless the contracting party provides evidence (such as a Certificate of Insurance) to the Board that such party has current satisfactory insurance, including workers compensation insurance, commercial general liability insurance and automobile insurance on all of which the Association is named as an additional insured.

7.1.3 Excess Coverage. The Association shall maintain excess liability coverage in the minimum amount of \$5,000,000 per occurrence, \$5,000,000 in the aggregate.

7.1.4 Fidelity Insurance. The Association shall maintain a fidelity bond or insurance coverage against dishonest acts on the part of directors, officers, managers, trustees, employees or persons responsible for handling funds belonging to or administered by the Association, in an amount not less than three (3) months’ current assessments as calculated from the current annual budget of the Association. An appropriate endorsement to the policy to cover any persons who serve without compensation shall be added if the policy would not otherwise cover volunteers, or a waiver of defense based upon the exclusion of persons serving without compensation shall be added.

7.1.5 Directors and Officers. The Association shall maintain directors' and officers' liability insurance protecting the current and past members of the Board and the officers of the Association against claims made against them by reason of their service in such capacities to the extent reasonably available and with such reasonable limits and coverages as the Board shall determine from time to time.

7.1.6 Other Insurance. The Association shall maintain worker’s compensation, and other insurance as required by law or as the Board may determine from time to time to be in the best interests of the Association and the Owners. In addition, the Association shall ensure that any third party management agent hired by the Association carries such commercial general liability, worker’s compensation, errors and omissions, employment practices liability and/or crime/fidelity insurance, as the Association, in its sole discretion, deems appropriate in light of coverages provided by the Association’s insurance policies.

7.2 Additional Coverages. The policies shall include such additional endorsements, coverages and limits with respect to such hazards as may be reasonably required by any party insuring, purchasing or financing a mortgage on a Unit; provided, however, any additional costs to the Association associated with such additional endorsements, coverages or limits, to the extent they primarily benefit that Unit's Owner, shall be payable solely by that Unit's Owner and assessed against that Unit. The Board may also, on behalf of the Association, enter into binding written agreements with a Secured Party, its insurer or loan servicer, obligating the Association to keep certain specified coverages or endorsements in effect, to obtain approvals of insurance adjustments on claims in excess of a certain amount, or to escrow insurance proceeds attributable to damage or destruction of Common Elements and intended for restoration, repair, replacement or rebuilding, on such terms and conditions as the Board determines to be reasonable and appropriate to facilitate such restoration, repair, replacement or rebuilding in compliance with the Act.

7.3 Premiums; Improvements; Deductibles. Subject to *Section 6.4*, all insurance premiums shall be assessed and paid as an annual assessment. In the case of a claim for damage to a Unit or Units, the Association may, as authorized by Section 515B.3-1151(g) of the Act, (i) pay the deductible amount as a Common Expense; or (ii) assess the deductible amount against one or more of the Units affected in any reasonable manner. The Board's decision as to who shall be charged with paying the deductible amount shall be rationally based on fault or benefit if such deductible is not charged as a Common Expense. In addition, as authorized by Section 515B.3-1151(e)(3), if the insurance rates increase as a result of the activities on a Unit or the Limited Common Elements allocated to such Unit, the increased insurance costs may be assessed only against such Unit. If any damage to the Common Elements or another Unit is caused by the act or omission of any Owner or Occupant of a Unit, or their invitees, the Association may assess the costs of repairing the damage exclusively against the Owner's Unit to the extent not covered by insurance.

7.4 Loss Payee; Insurance Trustee. All insurance coverage maintained by the Association shall be written in the name of, and the proceeds thereof shall be payable to, the Association (or a qualified insurance trustee selected by it) as trustee for the benefit of the Owners and Secured Parties. The Association, or any insurance trustee selected by the Association, shall have exclusive authority to negotiate, settle and collect upon any claims or losses under any insurance policy maintained by the Association, and shall apply the proceeds in accordance with said Section 515B.3-113 of the Act.

7.5 Required Policy Provisions. All policies of property insurance carried by the Association shall provide that:

7.5.1 Each Owner and Secured Party is an insured Person under the policy with respect to liability arising out of the Owner's interest in the Common Elements or membership in the Association.

7.5.2 The insurer waives its right to subrogation under the policy against any Owner or such Owner's partners or members, and against the Association and members of the Board.

7.5.3 The coverage shall not be prejudiced by or conditioned upon (i) any act or omission of an Owner or Secured Party, unless acting within the scope of authority on behalf of the Association; or (ii) any failure of the Association to comply with any warranty or condition regarding any portion of the Property over which the Association has no control.

7.5.4 If at the time of a loss under the policy there is other insurance in the name of an Owner covering the same property covered by the policy, the Association's policy is primary.

7.5.5 Each Owner shall be an additional named insured under each policy of insurance procured under **Sections 7.1 and 7.2**.

7.6 **Cancellation: Notice of Loss.** Property and commercial general liability insurance policies maintained by the Association shall provide that the policies shall not be canceled or substantially modified, for any reason, without at least sixty (60) days' prior written notice to the Association, the Owners, all Secured Parties to whom certificates of insurance have been issued, and the additional insureds.

7.7 **Restoration in Lieu of Cash Settlement.** Property insurance policies maintained by the Association shall provide that, despite any provisions giving the insurer the right to elect to restore damage in lieu of a cash settlement, such option shall not be exercisable (i) without the prior written approval of the Association (or any insurance trustee); or (ii) when in conflict with provisions of any insurance trust agreement to which the Association may be a party, or any requirement of law.

7.8 **Allocation of Insurance.** The cost of insurance premiums shall be reviewed annually by the Board and to the extent reasonably determined by the Board, the allocations to each Unit will be adjusted in proportion to risk or coverage of the Unit and Limited Common Elements, taking into consideration the occupancy of each Unit and any prior insurance claims made in relation to any Unit.

7.9 **Individual Owner's and Commercial Tenant's Insurance.** Each Owner shall obtain at its own expense, or cause to be obtained, property insurance coverage covering fire and other casualty for all the Owner's property which is not otherwise insured by the policy of property insurance referred to in **Section 7.1.1** above, including ceiling and wall finishing materials, floor coverings, cabinetry, appliances, light fixtures and other improvements and betterments within the Unit. In addition, each Owner shall obtain liability insurance naming the Owner providing coverage on an "occurrence" basis, and including a combined general comprehensive liability insurance policy limit of at least \$1,000,000 for each occurrence, \$2,000,000 in the aggregate, and with a \$3,000,000 umbrella policy. Such liability insurance policy shall name the Association as an additional insured and certificate holder entitled to thirty (30) days' notice if terminated, not renewed or cancelled. Insurance policies maintained by Owners shall be without contribution as against the insurance purchased by the Association, except as to deductible amounts or other items not covered under the Association's policies. Any such policies shall contain waivers of subrogation and contribution rights if possible. Each Owner shall provide the Association a certificate assuring the Association that the coverage required by this paragraph is in force, and

shall provide a replacement certificate at least thirty (30) days' prior to each policy anniversary date. Upon failure to provide such certificate that is not cured within ten (10) days after written notice, the Board shall have the right to obtain such insurance, the cost of which shall constitute a special assessment levied against the applicable Unit as of the date on which the notice of special assessment is sent to the applicable Owner who has not provided such certificates and/or who has not maintained the applicable insurance in force.

7.10 Waiver of Claim. Anything herein to the contrary notwithstanding, the Association agrees that it shall make no claim against an Owner, its members, the members of the Board, officers of the Association, or employees or agents of any thereof, or against the manager, if any, or its officers, employees or agents, and each Owner agrees not to make a claim against the Association, the members of the Board, officers of the Association, or employees or agents of any thereof, or against the manager, if any, or its officers, employees or agents, or other Owners for any loss or damage to the Condominium, or to a Unit or Common Element, or to personal property, even if caused by the act or neglect of any one or more of such persons, due to a peril insured against by casualty insurance purchased by the Association, or any Owner, to the extent of the insurance proceeds recovered under all such policies of insurance, and all such claims, to the extent of such recovery, are hereby waived and released; provided, however, that this waiver shall not apply to vandalism or malicious mischief and shall apply only during such time as the applicable policy or policies shall contain a clause or endorsement to the effect that any such release shall not adversely affect or impair said policy or policies, or prejudice the right of the insured to recover thereunder, and each Owner and the Board agree that their respective insurance policies shall contain such a clause or endorsement if available at reasonable cost in the opinion of the party insured thereunder. The Board shall have the right to determine who shall pay the deductible portion not covered by insurance provided such a determination shall be rationally based upon fault or benefit if not charged as a Common Expense.

7.11 Required Insurance Not Available. If any insurance required hereunder ceases to be available, or is available on terms so unacceptable that prudent owners of similar property generally do not carry such insurance, then in lieu of such insurance the pertinent party may carry the most comparable insurance which is available and generally carried by prudent parties.

7.12 Eminent Domain. The procedures that the Association must follow in the event of a taking (or a purchase in lieu of a taking) of part or all of the Common Elements by a condemning authority are set forth in Section 515B.1-107 of the Act and shall be complied with by the Association. The Association shall represent the Owners in any condemnation proceedings or in negotiations, settlements and agreements with the condemning authority for acquisition of the Common Elements, or part thereof. Each Owner hereby grants the Board an irrevocable power of attorney for such purpose. Any proceeds from the settlement should be payable to the Association for the benefit of the Owners and their mortgage holders. Any distribution of funds in connection with the termination of the Condominium must be made on a reasonable and equitable basis to the Owners and mortgage holders as their interests appear.

ARTICLE 8. Amendments to Declaration

8.1 Percentage of Owners. Except as expressly permitted or required by the Act or *Articles 8* and *10*, this Declaration may be amended by the Association only by a vote or written



CITY COUNCIL WORK SESSION MEETING

AGENDA SECTION	WORK SESSION ITEM
MEETING DATE	AUGUST 5, 2024

ITEM:	City Council Travel Options for 2025							
DEPARTMENT:	Administration	BY/DATE: City Manager / August 1, 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 style="width: 100%;"> <tr> <td><input 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 type="checkbox"/> Strong Infrastructure and Public Services</td> </tr> <tr> <td><input checked="" 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 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
<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:

City staff are preparing the preliminary 2025 budget for review by the Council in August. To finalize the City Council 2025 travel/conference schedule, staff want to have a conversation about the official Council travel plans that are expected in 2025.

Some of the typical conferences to consider include:

- The League of Minnesota Cities Annual Conference (June 25-27, Duluth MN, 2025)
- The National League of Cities, Congressional City Conference (March 11-13, Washington DC, 2025)
- Sensible Land Use Coalition events (local, TBD)
- Other

STAFF RECOMMENDATION:

Staff would like to get a general sense of the total amount of expected significant travel in 2025 and make budget updates as necessary. Please be prepared to share other travel/conference opportunities of interest that are not listed above.

ATTACHMENT(S):

None



CITY COUNCIL WORK SESSION MEETING

AGENDA SECTION	WORK SESSION ITEM
MEETING DATE	AUGUST 5, 2024

ITEM:	Malcolm Watson Sign at Silver Lake Beach Park	
DEPARTMENT:	Administration	BY/DATE: City Manager / August 1, 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 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		

BACKGROUND:

The City has been approached by former City employee Malcolm Watson and his family with a request to commemorate Mr. Watson's involvement in the development of Silver Lake Beach Park. Malcolm Watson was the City Engineer for Columbia Heights starting in 1951 and then served as City Manager from 1957 to 1977. During his time with the City, he played an instrumental role in the creation of Silver Lake Beach Park.

The Council has considered recognition for Mr. Watson on two occasions recently. The first was the October 2022 Work Session (minutes attached), where the Council considered a request by the family to place a plaque in Silver Lake Park. The second occasion was the April 2023 Work Session (minutes attached), where the Council discussed the installation of a commemorative bench to be paid for by the City. In both cases, no action was taken.

Most recently, in the fall of 2023, Mr. Watson and his family approached the Council at the end of a Council meeting with a request to install a plaque once again. Following the meeting, the family contacted the City to further the conversation. The family has expressed their interest in purchasing a plaque at their cost to be installed at Silver Lake Beach Park.

STAFF RECOMMENDATION:

The City has a history of commemorating staff involvement in key projects. Two examples would be the plaques that hang in the new City Hall and in the Public Safety building. These plaques identify the key staff involved in these projects at their time of construction. Staff recommend allowing the family to purchase a commemorative plaque/sign for installation at Silver Lake Beach Park. Installation of the plaque/sign would be supervised by the City's Public Works department to ensure proper placement.

ATTACHMENT(S):

- October 2022 Work Session Minutes (see page 5)
- April 2023 Work Session Minutes (see page 6)



CITY COUNCIL WORK SESSION
Public Safety Bldg—Training Room, 825 41st Ave NE
Monday, October 03, 2022
6:00 PM

Mayor
Amáda Márquez Simula
Councilmembers
John Murzyn, Jr.
Connie Buesgens
Nick Novitsky
Kt Jacobs
City Manager
Kelli Bourgeois

MINUTES

The following are the minutes for the Work Session Meeting of the City Council held at 6:00 pm on Monday, October 3, 2022, in the Public Safety Training Room 825 41st Avenue NE, Columbia Heights, Minnesota.

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 Murzyn, Jr; Councilmember Novitsky

Also Present: Aaron Chirpich, Community Development Director; Kevin Hansen, Public Works Director; Jesse Hauf, IT Director; Sara Ion, City Clerk/Council Secretary; Joe Kloiber, Finance Director; Dan O'Brien, Assistant Fire Chief; Will Rottler, Community Engagement Specialist; Charlie Thompson, Fire Chief; Keith Windschitl, Recreation Director.

WORK SESSION ITEMS

1. Refuse Update.

Public Works Director Kevin Hansen gave an update on the contract they have been able to pull together for Council's approval at the October 24th meeting. It will be a combination of services provided by Haul Star and Walters so that we are able to continue to have our allies serviced. There will be an increase in the costs for services but that is as expected with any provider we would utilize moving forward. We will be discontinuing our services with Waste Management at the end of the year.

Councilmember Buesgens stated that we have been doing well for the pricing with our garbage pickup. She inquired about the increased use of robotics on the trucks and how that impacts the labor shortage and pickup in allies.

Director Hansen stated that there is a shift away from allies.

Mayor Márquez Simula stated that she was glad we have an option besides Waste Management.

Councilmember Jacobs inquired about the increased costs for recycling.

Director Hansen stated that the main increase is based on tipping fees, as we are now going to Walters for tipping. We also must consider the costs related to continued pickup in out allies.

2. 2023 Budget Presentations by Division.

Recreation

Recreation Director Keith Windschitl gave an overview of the 2023 Recreation Budget. The presentation will be available online on the Finance page. Director Windschitl stated that the over increases in the budget were related to wage increases for the part time custodians, and that there will be significant rental fee increases for 2023.

There were no questions from Council.

Fire

Assistant Fire Chief O'Brien gave an overview of the 2023 Fire Department Budget. The presentation will be available online on the Finance page.

Councilmember Jacobs inquired as to how close we are to staffing the thirty paid on call fire fighter positions.

Fire Chief Thompson stated that currently at 26 paid on call, 4 in the hiring process. Assistant Fire Chief O'Brien stated that there were a few people on leave currently as well.

Fire Chief Thompson then led a live narrated review of equipment needs related to the replacement considerations. This was a live presentation so that Council could ask questions as the information was presented. One of the biggest considerations related to the equipment needs are correlated to the staffing needs. We need to be able to transport the staff we have to the events they need to respond to. We have equipment that is catastrophically failing, and we are not sure why this equipment is failing.

Councilmember Buesgens asked where the new engine was in relation to the study.

Fire Chief Thompson clarified that the new engine, is engine three.

Fire Chief Thompson stated that it is important to focus on buying the correct equipment at the right time for the City. We need to purchase to the specifications for the city, this gets us the extra life of the equipment. This equipment needs to be ordered 30 months out. The cost increases as of November 1, 2022.

Councilmember Buesgens asked if we can approve these costs this far in advance, so we do not get hit with these cost increases.

Finance Director Kloiber stated that he would clarify the question with the City Attorney.

Mayor Márquez Simula clarified when the last purchase when they could have spent the additional \$40,000 on the vehicle to extend life of the equipment.

Chief Thompson clarified that the purchase would have been 2004.

Director Kloiber asked if the big change in cost is being driven by inflation or by technology?

Chief Thompson clarified that it is a couple of factors. It is staffing, supply chain, and an

example was given to him that there is an issue with rebalancing when the product can be offered and at what price.

Councilmember Buesgens would like to lock in the price by ordering the equipment.

Councilmember Murzyn feels that this would save us money in the long run, he would like to speak with the Attorney and make sure that we can get this taken care of.

Councilmember Novitsky would also like to take care of this now.

Community Development Director Chirpich inquired as to how many stories the new truck can access.

Chief Thompson confirmed that it will be able to access ten floors.

Director Kloiber stated that the Council could amend the budget for equipment fund 431 to also adopt the contract. This would be a procedural order. He would like a little more time to mull over the best process related to the fire truck process.

Councilmember Jacobs would like to make sure that we do not lose transparency in the process of approving the budget.

Councilmember Murzyn would like to make sure that we get this approved.

Mayor Márquez Simula feels that the council is in favor of both vehicles and would like to get this approved at one of the October meetings. She would like to see this mentioned during the City Manager update portion of the meeting. She asked where specifically the funds would be coming for this purchase.

Chief Thompson stated that he would not be able to get the vehicle approval documents ready for the October 10th meeting.

Director Kloiber stated that the funds would be coming from various funds that the City holds. There are some funds in the LGA accounts. There will not be a deficit in the account after the fire truck purchases but there will not be a surplus. The City will need to do some long-term financial planning to work towards replenishing the account for future purchases. Z

Information Technology

IT Director Jesse Hauf led the presentation on the IT Budget. The presentation will be available online on the Finance page.

Councilmember Buesgens stated that she was excited to have our first IT Director here to present the budget.

Mayor Márquez Simula asked for additional information about the IT Governance Committee.

Director Hauf clarified that this committee helps to let city staff know more about what different departments are doing, their needs and to know what other technology staff is

utilizing. The only cost is staff time, and the IT department can talk through what they are doing and help the city work more efficiently.

Mayor Márquez Simula also inquired about real time network performance.

Director Hauf clarified that IT can check not only the internet connectivity, but the speed and the issues that are occurring. It gives IT the insight and ability to correct what is occurring while it is occurring.

Community Development

Community Development Director Aaron Chirpich lead the presentation regarding the Community Development budget, the presentation will be available online on the Finance page.

Mayor Márquez Simula inquired about online licensing.

Director Chirpich stated that ideally that we would bring everything online and have it integrated with Laserfiche. It has been clunky, and it could be better. It has been more staff intensive than we would have liked. It is a priority for us to get everything in a better place to serve our residents.

Liquor

Jason Schultz Liquor Operations Manager and Joe Kloiber Finance Director lead a presentation on the Liquor budget. The presentation will be available online on the Finance page.

Mayor Márquez Simula stated that she likes the idea of online ordering.

Operations Manager Schultz stated that he would like to have online ordering implemented in 2023.

Mayor Márquez Simula stated that she likes that we have NA beers

Operations Manager Schultz stated that we will soon has NA Spirit options as well.

Finance

Assistant Finance Director Jackie Zilmer and Finance Director Joe Kloiber lead the presentation regarding the Finance Budget. The presentation will be available online on the Finance page.

There were no questions from Council.

Miscellaneous Items

Director Kloiber stated that the remaining departments will have presentations at the November work session. There are three things that will take place in-between now and then. There will be a resolution on Monday October 10th to clarify the project budget for City Hall, staff is recommending this because it has

been a long path to get where we are now. We would like to have one specific resolution to point to for this specific item.

At the first regular meeting in November, we will have a resolution related to increasing the 2022 budget. We will make a best estimate related to budget amendment, this will not change taxes, it will just shift account balances.

Third item that will need to be addresses is related to the Fire Trucks, and this will occur at the October 24th meeting.

Councilmember Jacobs brought up Todd Estrem day in Columbia Heights, they are having a birthday party for him on October 19th. This proclamation would be presented before the normal timeline. Even though his business is in Hilltop, they have done a lot for Columbia Heights. They opened in 1963

Councilmember Murzyn stated that he has done a lot of fundraising, there is no cure for his cancer, and it would be nice if we could do a proclamation or do something for him.

Mayor Márquez Simula clarified that this is the owner of Tasty Pizza. She stated this valuable, and she would be happy to present this if the wording was sent to Sara for review via email.

Council Member Jacobs stated that former City Manager Malcom Watson's family is requesting a plaque at Silver Lake, this has been requested in the past. Malcom's health is failing, he has fallen twice recently She feels that there is a little more time to complete this task, maybe proclaiming a day for Malcom might be appropriate.

Mayor Márquez Simula has talked to Liam at Public Works and Parks would like a bench at Silver Lake Park. She would like to follow up with Public Works and Kevin about the process of having benches in our parks.

Director Chirpich asked if Council would be available on November 15th to tour the space prior to the Grand Opening at 4pm of Ratio Apartments.

Councilmember Buesgens asked about a restaurant in the space.

Director Chirpich stated that they are still working on that space and the restaurant partner.

Mayor Márquez Simula also asked about the new assisted living space off of Huset Park.

Director Chirpich stated that they will work on a date for a tour for that space and that they need to be respectful of the residents.

ADJOURNMENT

Mayor Márquez Simula adjourned the meeting at 8pm.

Respectfully Submitted,



Sara Ion, City Clerk/Council Secretary



CITY COUNCIL WORK SESSION
Public Safety Bldg—Training Room, 825 41st Ave NE
Monday, April 03, 2023
6:00 PM

Mayor
Amáda Márquez Simula
Councilmembers
Connie Buesgens
Kt Jacobs
Rachel James
Justice Spriggs
City Manager
Kelli Bourgeois

MINUTES

The following are the minutes for the Work Session Meeting of the City Council held at 6:00 pm on Monday, April 3, in the Public Safety Training Room 825 41st Avenue NE, Columbia Heights, Minnesota.

CALL TO ORDER/ROLL CALL

Mayor Márquez Simula called the meeting to order at 5:35pm

Present: Mayor Márquez Simula; Councilmember Buesgens (arrived at 6pm); Councilmember Jacobs; Councilmember James; Councilmember Spriggs

Also Present: Lenny Austin, Police Chief; Kelli Bourgeois, City Manager; Renee Dougherty, Library Director; Sara Ion, City Clerk/Council Secretary; Tim Noll, Police Sgt; Matt Markham, Police Captain; Sulmaan Khan, Assistant City Engineer; Joe Kloiber, Finance Director; Dan O’Brien, Assistant Fire Chief; Charlie Thompson, Fire Chief.

WORK SESSION ITEMS

1. De-Escalation Documentation Overview.

Police Chief Austin introduced Sgt. Noll to the group. He recognized the work that he did on this project for his master’s degree. Officer Noll presented the information on the de-escalation program that the department is using. He stated that the data allows for the Department to have additional transparency for the community and training to maintain the culture of community policing.

Councilmember James asked if adding “how much time to the form would be helpful”

It was clarified that this is tracked on the report.

Mayor Márquez Simula and Councilmember Buesgens discussed that this is a shift in thinking and the community will hopefully start to have a shift in thinking in the process that the police use.

Sgt Noll stated that we are one of the agencies in the State of Minnesota to be using this type of tracking. He hopes the data that he is able to collect will be valuable to other agencies as well as they start to utilize this type of information.

2. Police Vacation Accumulation Discussion.

City Manager Bourgeois stated that she is looking for consensus from the Council on moving forward with this item that was briefly discussed with the Council at the last Council Corner meeting. Overall the City is looking to attract and retain officers to

Columbia Heights and to have a bank of vacation and sick time when they begin their tenure with the City. There is a draft MOU included in the packet that front loads a week of vacation for Officers. We would be rolling this out with our Police Officers first as we have not had any qualified candidates with our last two job postings. This would be something we would look to rolling out with our other employee groups if this was successful.

Councilmember Buesgens inquired what the staffing was looking like with CSO's.

Captain Markham mentioned that many CSO's want to be a part of culture change in policing. We are currently over staffed by one CSO, and they are very interested in the incentives that we are offering for reimbursement and retention programs.

City Manager Bourgeois stated that the department is very committed to recruiting and retaining Officers by thinking outside the box.

3. Consideration of Amending the Library Meeting Room Usage Policy.

Library Director Dougherty presented the information related to this topic to the Council and stated that the Library Board wants to keep the hours in alignment with the hours of the library, but to drop the fee.

Mayor Márquez Simula clarified that the space is cleaned on a daily basis. She sees no difference between the history room and the community room.

Councilmember Jacobs stated that she is concerned about scheduling and cleaning, and she is not in favor of dropping fees. She felt that the last council made this update to the policy with a lot of good discussion and thought.

City Manager Bourgeois stated that there is a difference between library city services and renting the room as a service. There is an offer from the Lions to give a scholarship for community groups that cannot afford the space. She thinks that \$25 is very reasonable to cover the wear on the building and janitorial services.

Councilmember Spriggs feels that removing the fee is something that the Library Board has wanted to do for a long time.

Councilmember James would like to see the space available as a "third space" and have the fees eliminated.

Councilmember Buesgens would like the space to be available after hours and before hours, even if it is just still until 9pm. She would like to see the fees waved. She has concerns about the process for the Lions sponsoring space. She wants to move back to what the space looked like when it was first opened.

Director Dougherty will take the issue of opening before and after hours back to the Library Board for their review.

- 4. Financial Hurdles to Replacing the Public Works Building and Related Financial Matters.**
Finance Director Kloiber led the presentation on this item to the Council. He stated that unfortunately, many items have changed since some of the plans have been proposed related to the structural issues at the Public Works Building. There are concerns with inflation that need to be factored into the equation. We do not know the exact amount of time that the building will be safe for the storage of vehicles. This project could be approximately 23 million dollars. He highlighted all of the great infrastructure items that the City has been able to achieve. He has received quotes related to borrowing, and borrowing at this rate is a twenty four percent tax increase on a fifteen-year bond. There will need to be further analysis of these numbers prior to the plan being put in place.

Councilmember Buesgens clarified what the life of the floor would be.

Director Hansen stated that there were repairs completed several years ago. The general estimate for the length of these repairs was 15 to 25 years.

Mayor Márquez Simula clarified that there is no action that the Council can take at this time and that the information given by Director Kloiber was purely informational at this time.

Buesgens asked if we can refinance if rates can go down in the future. She inquired about the cost of building the Public Safety Building, as well as potentially LGA money that will be coming to the City. She stated that there is one option of hope for funds from the State. She wants to know if this is a one bump of taxes or would this be every year. It is upsetting to her that the parks and Murzyn Hall will not be updated if we must do this repair.

Councilmember James appreciated the information in a historical context. She also asked what portion of the State bonding bill this is requested from.

Director Hansen stated that they will have more information when this prepared in eight to ten weeks and will have more information as to where this request falls specifically in the State bonding bill.

- 5. Board/Commission Ordinance Amendment Update.**
City Manager Bourgeois reviewed the final draft of the Ordinance Amendment with the Council. The first reading will be scheduled for April 24th, and second reading for May 8th. There were no additional changes requested and the reading will proceed.
- 6. Sustainability Commission Draft Interview Questions.**
Assistant City Engineer Kahn lead the presentation on this item and his focus on the interview questions and the specificity.

The council overall would like the questions to be less wordy, easier to understand, and less intimidating. They would like to see Question 2 and 5 combined and the volume of Question 1 reduced.

Councilmember Buesgens and Spriggs would like personal experience and background related to sustainability incorporated into the question (i.e. your yard, research into the topic, education, volunteer experience).

Councilmember Jacobs wants questions that find passion from potential sustainability commissioners.

City Manager Bourgeois clarified that the sustainability questions will be used in June for interviews and reviewed at the next Work Session meeting.

7. Board/Commission Interview Process Recap / Interview Question Review.

City Clerk Ion inquired about the items that the Council would like to see improvement on in updating the Interview Questions.

Councilmember Buesgens does not like the repeat in things, from the application to the oral interview questions. Councilmember Buesgens especially did not like question one.

Councilmember James wants to clarify what motivates people as well as their experience and background. She wants to keep question one, and to inquire what is particularly relevant to the Board or Commission.

Mayor Márquez Simula feels that this is an ice breaker question. However, it could be rephased to capture more information in a more concise way.

City Clerk Ion will make sure that the questions are simplified and made more concise. She will combine questions 1 and 3. She will reduce question 2 to “why did you apply”. She will work on capturing information from people in both an oral and written fashion utilizing the written application and the interview format.

8. Mayor’s Monarch Pledge a City-Sponsored Event. (Started with this item)

City Manager Bourgeois introduced this item, and asked the Mayor to Speak about the event that she has developed. Mayor Márquez Simula would like this to be a City event that continues to have the same sponsorship opportunities that she has developed. She will work with Community Engagement Specialist Will Rottler to get this event ready as a City event for August 9th. Overall the cost of event is \$2,000, she is positive that the same people would want to be involved on a volunteer and sponsorship level.

Councilmember Jacobs had a question regarding if this would be included in the upcoming budget and if there would there be one in the future.

City Manager Bourgeois stated that the City budget would cover Will’s time as well as Public Works time related to how other community events are executed. There would still be a large portion of volunteer positions that would need to be filled.

Councilmember James is in support and is very much in favor of this becoming a City event and feels it is very generous of the Mayor to move the event to a City event.

Councilmember Spriggs stated that he is also in favor.

9. Mission Statement and Strategic Plan Final Review.

City Manager Bourgeois led the presentation on the final review of the mission statement. The packet contains the final copy, and the Council will adopt the statement and plan at the next Council meeting.

Mayor Márquez Simula felt that part of the statement was clunky. She wanted to clarify “Build new and reinforce existing connections.”

Jacobs likes the way the statement currently reads but likes clarifying and would like to add “ensure Columbia Heights is a Great Place for everyone.”

Spriggs recommended “Strengthen” and further clarified “Build and Strengthen”.

The final edits were made for the final cohesive statement for the upcoming Council meeting.

10. City Council Compensation.

City Manager Bourgeois introduced the item for Council review. Currently the Council earns \$7800, and the Mayor \$14000 annually plus the same insurance benefits as all of the City full-time employees. The last time this was updated was in 2009. The additional insurance benefits this year equal \$12,000 for a single employee or \$16,000 for family.

Staff completed a review of similar cities’ pay and benefits; and 4 of the 15 cities receive the same benefits as full-time staff, 9 of the 15 cities do not receive any benefits. The average annual base salaries for these cities’ Council were \$10,767 and Mayor \$14,609.

Councilmember Buesgens stated that she does not want the insurance benefits eliminated until she is no longer on the Council.

City Manager Bourgeois stated that if the council chooses to change compensation it does not go into effect until after the next election. She asked for direction leading into the next election. She recommended that an ordinance change be made this year.

Councilmember James stated that she feels very well compensated, and that her concern was that we do not promote the health insurance component of the position. She feels that the position is out of step with inflation, and that it is out of date and clearly it is not as important as a new public works building. She is also concerned about the fact that there is no systematic review per the City Charter. She recommends a salary committee to independently review these things. She is concerned that the Council will trend towards white, older and wealthier.

Councilmember Buesgens would like to see funds set aside for training and attending the National League of Cities. We are not a full time Council and it is not something that can be compensated for in a manner that some people expect like Minneapolis.

Councilmember Spriggs stated that there is an outside group that recommends salaries for government officials at a State level.

Councilmember Jacobs would like to see an automatic cost of living increase.

Mayor Márquez Simula feels like there is a stigma in asking for pay increases. There was just a pay study for the City, and there were many staff who received pay increases but there was nothing done for the Council. She feels that this is negligent for the City not to do this for the Council.

Mayor 4 Year Term and Oversight of the Police Department.

City Manager Bourgeois led the discussion on this item. She stated that a two-year term for a Mayor is not unheard of, however it is short. It is hard for staff to onboard a new Mayor in this short amount of time. In addition to this she would suggest that the Police Department management and oversight should be moved to the City Manager from the Mayor. The best way for the Council to hold the Police Chief accountable is to hold the City Manager Accountable.

Councilmember James clarified that the next step would be to have the Charter Commission take up these topics.

City Manager Bourgeois clarified with the Council that they were all in support of her discussing these Charter amendments with the Charter Commission President and getting it to the Charter Commission for their review and approval for a unanimous Council vote.

Council Coordinated Iftar.

Councilmember James stated that there is a Iftar on Wednesday April 12th (Columbia Heights Mosque) if the Council would like to attend. She would like to see if the Council / City could host / support the cost of \$1250 for an Iftar in the future. We could invite other elected officials to increase community engagement. Individuals are invited every single night at the Mosque regardless of if the event is sponsored by a community organization.

Councilmember Buesgens stated that she felt that there is a bit of a conflict with sponsoring these events because of the expense and the concern that it would be over five dollars per person. She is concerned with holding one religion over another.

Councilmember Jacobs is in support of attending, but she does not feel comfortable paying for the event with City funds.

Mayor Márquez Simula felt that the item was not something that would be moving forward at this time but could discuss again in the future.

Malcom Watson Bench.

Councilmember Jacobs would like to proceed with a bench paid for by the City for Mr. Watson. She felt she was operating under good faith by bringing his item to the family. The

cost is \$1500 plus staff time to install the bench.

City Manager Bourgeois stated that she does not feel that there should be further commemoration for someone that was a staff member. There is already a plaque for a garden at Hussett park commemorating his service, and this was paid for by Gary Peterson.

Mayor Márquez Simula would like to see a continuation of the bench in memorial program, where family members pay to have it installed.

ADJOURNMENT

Mayor Márquez Simula adjourned the meeting at 9:25pm.

Respectfully Submitted,



Sara Ion, City Clerk/Council Secretary