



# City Council Meeting

July 24, 2023

7:00 PM

Fridley City Hall, 7071 University Avenue N.E.

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## Agenda

### **Call to Order**

### **Pledge of Allegiance**

### **Proclamations/Presentations**

### **Approval of Proposed Consent Agenda**

#### **Approval/Receipt of Minutes**

1. Approve the Minutes from the City Council Meeting of July 10, 2023
2. Receive the Minutes from the City Council Conference Meeting of July 10, 2023
3. Receive the May 9, 2023 Environmental Quality and Energy Commission (EQEC) Minutes

#### **Old Business**

4. Ordinance No. 1411, Authorizing a Study and Imposing a Moratorium on the Establishment and Operation of Cannabis Business within the City of Fridley (Second Reading)

#### **New Business**

5. Resolution No. 2023-82, Scheduling a Public Hearing on August 14, 2023 to Consider Ordinance No. 1414, Creating Title No. 4 (Public Nuisance) of the Fridley City Code and the Chapters Contained Therein
6. Resolution No. 2023-86, Requesting Community Development Block Grant Funds for a Public Facility to be Generally Located at 6101 University Avenue NE
7. Resolution No. 2023-87, Supporting an Application for Metropolitan Council Policy Development Funds for Amendments to the Zoning Code to Promote an Efficient Development Pattern
8. Resolution No. 2023-88, Approving Gifts, Donations and Sponsorships Received Between June 17, 2023 and July 14, 2023
9. Resolution No. 2023-90, Approving Entering Into a Limited Use Permit with the Minnesota Department of Transportation for the Purpose of Maintaining and Operating Nonmotorized Trails Within the Right-of-Way of TH 694 in Control Section 0285

[10.](#) Resolution No. 2023-89, Approving Entering Into a Limited Use Permit with the Minnesota Department of Transportation for the Purpose of Maintaining and Operating a Nonmotorized Trail within the Right-of-Way of TH 47 in Control Section 0205

**Licenses**

[11.](#) Resolution No. 2023-85, Approving Hemp THC Products Shop Licenses

**Claims**

[12.](#) Resolution No. 2023-91, Approving Claims for the Period Ending July 19, 2023

**Adoption of Regular Agenda**

**Open Forum/Visitors** (Consideration of Items not on Agenda – 15 minutes)

**Regular Agenda**

**Old Business**

[13.](#) Ordinance No. 1412, Second Reading Proposing Updates to Fridley City Code Section 205.28, Critical Area Overlay District, Section 205.32, Shoreland Overlay District and Section 205.30, Telecommunications Towers and Facilities District to Conform with New Mississippi River Corridor and Critical Area Rules

**Public Hearing(s)**

[14.](#) Public Hearing and Resolution No. 2023-81, Adopting the Assessment for 2022 Street Rehabilitation Project No. ST-2022-01

**New Business**

[15.](#) Ordinance No. 1413, Amending the Fridley City Code Chapter 220, Residential Rental Property Maintenance and Licensing Code

[16.](#) Resolution No. 2023-83, Awarding West Moore Lake Drive Mill and Overlay Project

[17.](#) Resolution No. 2023-84, Awarding Apex Pond Enhancement Project

**Informal Status Reports**

**Adjourn**



Upon request, accommodation will be provided to allow individuals with disabilities to participate in any City of Fridley services, programs, or activities. Hearing impaired persons who need an interpreter or other persons who require auxiliary aids should contact the City at (763) 571-3450.



# AGENDA REPORT

**Meeting Date:** July 24, 2023

**Meeting Type:** City Council

**Submitted By:** Roberta Collins, Assistant to the City Manager

## Title

Approve the Minutes from the City Council Meeting of July 10, 2023

## Background

Attached are the minutes from the City Council meeting of July 10, 2023.

## Financial Impact

None.

## Recommendation

Staff recommend the approval of the minutes from the City Council meeting of July 10, 2023.

## Focus on Fridley Strategic Alignment

- |                                                                      |                                                                     |
|----------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Vibrant Neighborhoods & Places              | <input type="checkbox"/> Community Identity & Relationship Building |
| <input type="checkbox"/> Financial Stability & Commercial Prosperity | <input type="checkbox"/> Public Safety & Environmental Stewardship  |
| <input checked="" type="checkbox"/> Organizational Excellence        |                                                                     |

## Attachments and Other Resources

- Minutes from the City Council Meeting of July 10, 2023

## Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



# City Council Meeting

July 10, 2023

7:00 PM

Fridley City Hall, 7071 University Avenue NE

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## Minutes

### **Call to Order**

Mayor Lund called the City Council Meeting of July 10, 2023, to order at 7:00 p.m.

### **Present**

Mayor Scott Lund  
Councilmember Dave Ostwald  
Councilmember Tom Tillberry  
Councilmember Ryan Evanson  
Councilmember Ann Bolcom

### **Absent**

### **Others Present**

Walter Wysopal, City Manager  
Beth Kondrick, Deputy City Clerk  
Scott Hickok, Community Development Director  
Sarah Sonsalla, City Attorney  
Rachel Workin, Environmental Planner

### **Pledge Of Allegiance**

### **Proclamations/Presentations**

### **Approval of Proposed Consent Agenda**

Motion made by Councilmember Bolcom to adopt the proposed Consent Agenda. Seconded by Councilmember Tillberry.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

### **Approval/Receipt of Minutes**

1. Approve the Minutes from the City Council Meeting of June 26, 2023.
2. Receive the Minutes from the City Council Conference Meeting of June 26, 2023.
3. Receive the Minutes of the June 21, 2023, Planning Commission Meeting.

**Old Business**

4. Ordinance No. 1410, Amending the Fridley City Code to Add Chapter 310, Hemp THC Products and Amend Chapter 209, Fees (Second Reading).

**New Business**

5. Resolution No. 2023-75, Approving Final Plat, PS #22-03 for Roers Companies.
6. Resolution No 2023-77, Acknowledging the Number of Vetoes Submitted Regarding the Innsbruck North Housing Improvement Area.
7. Resolution No. 2023-78, Initiate Street Rehabilitation Project No. ST2024-01.
8. Resolution No. 2023-79, Authorizing Execution of Grant Agreement with Minnesota Department of Transportation for 53<sup>rd</sup> Avenue Trail and Walk Improvements Project No. ST2023-21.
9. Resolution No. 2023-80, Approving Special Use Permit, SP #23-01 by Dreamers Child Care for the Property at 6425 Highway 65 N.E. (Ward 2).

**Claims**

10. Resolution No. 2023-76 Approving Claims for the Period Ending July 5, 2023.

**Adoption of Regular Agenda**

Motion made by Councilmember Tillberry to adopt the regular agenda. Seconded by Councilmember Evanson.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

**Open Forum, Visitors:** (Consideration of Items not on Agenda – 15 minutes.)

Jo Young, Chairperson of the Fridley '49ers Festival, thanked Council for their support of the event and also thanked those who volunteered. It was noted that next year will be the 75<sup>th</sup> anniversary of the incorporation of Fridley and the 50<sup>th</sup> anniversary of '49er Days, and she welcomed members of the Council to participate in planning.

Mayor Lund and the Council thanked the members of the '49ers Festival Committee for another successful event.

## **Regular Agenda**

### **Public Hearing(s)**

11. Ordinance No. 1412, Public Hearing and First Reading Proposing Updates to Fridley City Code Section 205.28, Critical Area Overlay District, Section 205.32, Shoreland Overlay District and Section 205.30, Telecommunications Towers and Facilities District to Conform with New Mississippi River Corridor and Critical Area Rules

Motion made by Councilmember Bolkom to open the public hearing. Seconded by Councilmember Tillberry.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Rachel Workin, Environmental Planner, explained the purpose of these changes are to bring the City's ordinances into compliance with new State rules for the Mississippi River Corridor and Critical Area (MRCCA). She provided background on the MRCCA, as well as the process followed for the State/DNR for the rules update. She also reviewed the different documents and input staff considered when composing the draft ordinance updates. She provided an overview of the proposed changes including MRCCA district, bluff definition, structure siting guidelines, vegetation management, subdivisions, and optional provisions.

Councilmember Evanson asked for details on the potential cost of these permits and how some of those impacts mentioned, such as line of sight, are measured. A question was also asked as to the deadline for adoption and whether residents would need to do anything if these regulations would make their property nonconforming.

Ms. Workin replied that staff envisions that the smaller projects that would require a permit would be no-cost permits, while most of the other work that would require permitting would still continue to fall under the building permit process. She also explained when line of sight has come into play, specifically with fencing. She noted that the original adoption date was June 30, 2022 and the City requested a one-year extension to align with the recodification process. She recognized that date has passed but noted that staff has been in conversation with the Minnesota Department of Natural Resources and they are seeing progress being made. She noted that if they wanted to spend more time on this issue, staff would need to submit an additional extension request. She commented that residents who would become nonconforming would not be required to remove a structure and could make repairs but could not exacerbate a nonconformity. She confirmed that if the structure were damaged (fire, storm, etc.) it could be rebuilt in the same footprint.

Residents provided input on their individual circumstances and staff committed to working with the residents to determine what permitting would be needed. A question was also asked about utility easements and the clearing done by the utility company. Input was provided on erosion issues, culverts that may need attention, and a question was asked as to whether the City would be replacing volunteer trees that have been damaged along the riverbank.

Councilmember Ostwald asked if there would be an opportunity for a resident to request a variance if these changes are adopted.

Ms. Workin replied that a variance would follow the same process as other City variances, but other entities would need to be notified in some circumstances (DNR, neighboring cities, etc.). She stated that if the City did not conform, the DNR would have authority to adopt an ordinance for the City. She noted that this is the first reading, which would be followed by the second reading and adoption. She indicated that if additional amendments were desired in the future, the City could submit such requests to the DNR.

Motion made by Councilmember Bolkom to close the public hearing. Seconded by Councilmember Tillberry.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Motion made by Councilmember Bolkom to approve the first reading of Ordinance No. 1412 proposing updates to Fridley City Code Section 205.28, Critical Area Overlay District, Section 205.32, Shoreland Overlay District and Section 205.30, Telecommunications Towers and Facilities District to conform with new Mississippi River Corridor and Critical Area Rules. Seconded by Councilmember Tillberry.

Councilmember Ann Bolkom stated that housing is a top priority of the City and these areas along the river could potentially be used for redevelopment in the future. A request was made to reach out to other communities that have recently built housing within the MRCCA and to determine the impacts to private residents. It was noted that this is the first reading, and more information could be provided prior to the second reading.

Mayor Lund asked staff to look at the issues brought up at the meeting, meet with the residents who attended the meeting, and provide more information at the second reading of the ordinance.

Upon a voice vote, Mayor Lund, Councilmember Ostwald, Councilmember Tillberry and Councilmember Bolkom voting aye, and Councilmember Evanson voting nay, Mayor Lund declared the motion carried.

12. Ordinance No. 1411, Public Hearing and First Reading Authorizing a Study and Imposing a Moratorium on the Establishment and Operation of Cannabis Businesses within the City of Fridley

Motion made by Councilmember Bolkom to open the public hearing. Seconded by Councilmember Ostwald.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Beth Kondrick, Deputy City Clerk, provided background information on recent acts by the legislature related to cannabis products and use and on the Office of Cannabis Management (OCM). She stated that staff recommends a moratorium on the establishment and operation of cannabis

businesses within the City of Fridley to allow the City to study the topic further. She reviewed the next steps in the process if the first reading is approved tonight.

No residents wished to speak.

Motion made by Councilmember Ostwald to close the public hearing, Seconded by Councilmember Bolkom.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Motion made by Councilmember Tillberry to approve the first reading of Ordinance No. 1411 authorizing a study and imposing a moratorium on the establishment and operation of cannabis businesses within the City of Fridley. Seconded by Councilmember Evanson.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

**Informal Status Reports**

The Council noted The Island Seas band would be performing at the Civic Center Plaza the following evening.

**Adjourn**

Motion made by Councilmember Ostwald to adjourn. Seconded by Councilmember Evanson.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously and the meeting adjourned at 8:38 p.m.

Respectfully Submitted,

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Melissa Moore  
City Clerk

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Scott J. Lund  
Mayor



# AGENDA REPORT

**Meeting Date:** July 24, 2023

**Meeting Type:** City Council

**Submitted By:** Roberta S. Collins, Assistant to the City Manager

## Title

Receive the Minutes from the City Council Conference Meeting of July 10, 2023

## Background

Attached are the minutes from the City Council conference meeting of July 10, 2023.

## Financial Impact

## Recommendation

Receive the minutes from the City Council conference meeting of July 10, 2023.

## Focus on Fridley Strategic Alignment

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|----------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Vibrant Neighborhoods & Places              | <input type="checkbox"/> Community Identity & Relationship Building |
| <input type="checkbox"/> Financial Stability & Commercial Prosperity | <input type="checkbox"/> Public Safety & Environmental Stewardship  |
| <input checked="" type="checkbox"/> Organizational Excellence        |                                                                     |

## Attachments and Other Resources

- Minutes from the City Council Conference Meeting of July 10, 2023

## Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.





# Council Conference Meeting

July 10, 2023

5:30 PM

Fridley City Hall, 7071 University Avenue NE

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## Minutes

### **Roll Call**

Present: Mayor Scott Lund  
Councilmember Dave Ostwald  
Councilmember Tom Tillberry  
Councilmember Ryan Evanson  
Councilmember Ann Bolkcom

Absent: None

Others Present: Walter Wysopal, City Manager  
Melissa Moore, City Clerk  
Beth Kondrick, Deputy City Clerk  
Stacy Stromberg, Planning Manager  
Madison Zikmund, Deputy Director – Fire  
Andy Todd, Lieutenant  
Danielle Herrick, City Manager Intern

### **Items for Discussion**

1. Recodification Update.

Melissa Moore, City Clerk, provided a recodification update on the chapters planned for Title 4, Public Nuisance, of the Fridley City Code.



# AGENDA REPORT

**Meeting Date:** July 24, 2023

**Meeting Type:** EQE Commission

**Submitted By:** Julianne Beberg, Office Coordinator

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## **Title**

Receive the Minutes from the Environmental Quality and Energy Commission (EQEC) Meeting of May 9, 2023

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## **Background**

Attached are the minutes from the EQEC meeting of May 9, 2023.

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## **Financial Impact**

None

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## **Recommendation**

Receive the minutes of the EQEC meeting of May 9, 2023.

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## **Attachments and Other Resources**

- Minutes from the EQEC Commission Meeting of May 9, 2023

### **Vision Statement**

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



# ENVIRONMENTAL QUALITY & ENERGY COMMISSION MEETING

May 9, 2023

7:00 PM

Fridley Civic Campus, 7071 University Ave N.E.

## MINUTES

### **Call to Order**

Chair Klemz called the Environmental Quality and Energy Commission to order at 7:02 p.m.

### **Roll Call**

Present: Amy Dritz  
 Nick Olberding  
 Justin Foell  
 Aaron Klemz  
 Sam Stoxen

Absent: Mark Hansen  
 Heidi Ferris

Others Present: Rachel Workin, Environmental Planner

### **Approval of Agenda**

Motion by Commissioner Olberding to approve the meeting agenda. Seconded by Commissioner Dritz. The motion carried unanimously.

### **Approval of Meeting Minutes**

1. Approval of April 11, 2023 Environmental Quality and Energy Commission Meeting Minutes

Motion by Commissioner Foell to approve the April 11, 2023 meeting minutes. Seconded by Commissioner Olberding. The motion carried unanimously.

### **New Business**

2. MRCCA Code

Ms. Workin reviewed proposed changes to the MRCCA Code, Shoreland Overlay, and Telecommunications Overlay Chapters

Motion by Commissioner Foell to recommend the Critical Area code as written and without substantial changes for approval. Seconded by Commissioner Stoxen. The motion carried unanimously.

Motion by Commissioner Foell to recommend the revisions to the Shoreland Overlay for approval. Seconded by Commissioner Stoxen. The motion carried unanimously.

Motion by Commissioner Foell to recommend the revisions to the Telecommunications Overlay for approval. Seconded by Commissioner Stoxen. The motion carried unanimously.

3. 73<sup>rd</sup> Avenue Corridor Input

Ms. Workin shared that the City was collecting feedback on 73<sup>rd</sup> Avenue. She asked commissioners to share there feedback at [FridleyMN.gov/73rd](http://FridleyMN.gov/73rd)

4. Deconstruction webinar and research

Commissioner Klemz shared that there were upcoming webinars on construction and demolition. Ms. Workin shared that Commons Park Warming House might be an opportunity to pilot a decommissioning project.

**Old Business**

5. Energy Action Plan updates

Ms. Workin shared that the WindUp Challenge resulted in seven new subscriptions. Grant updates

Ms. Workin shared that there were no new grant updates

6. Outreach and Event updates

Ms. Workin shared that the Environmental Fun Fair was very successful. There were six Home Energy Squad sign ups.

**Other Items**

7. Digital Collaboration Brainstorming

Commissioner Olberding shared examples of sustainability pages for Commissioners to review.

8. Informal Status Reports

Ms. Workin shared that the 2023 Environmental Commissioner would be on May 20 at the Ridgedale Public Library.

**Adjournment**

Motion by Commissioner Dritz to adjourn the meeting. Seconded by Commissioner Foell. The Motion carried unanimously. The meeting was adjourned at 8:15 PM.



# AGENDA REPORT

**Meeting Date:** July 24, 2023

**Meeting Type:** City Council Meeting

**Submitted By:** Beth Kondrick, Deputy City Clerk  
 Ryan George, Director of Public Safety  
 Melissa Moore, City Clerk/Communications Manager

## Title

Ordinance No. 1411, Authorizing a Study and Imposing a Moratorium on the Establishment and Operation of Cannabis Business within the City of Fridley (Second Reading)

## Background

At the June 26, 2023 City Council Meeting, City Attorney Sarah Sonsalla recommended an interim ordinance that supplements Interim Ordinance 1408 that will be related to businesses selling cannabis (i.e., non-hemp) THC products. As a result, staff drafted Interim Ordinance No. 1411 and have begun licensing framework for a Hemp THC Products Shop license.

Interim Ordinance No. 1411 will place a moratorium on Cannabis Businesses in the City of Fridley (City). Secondly, staff are directed to conduct a study regarding the adoption or amendment of reasonable restrictions on time, place, and manner of operation for any Cannabis Businesses. Staff will report to Council any potential regulation of Cannabis Business. The study may also include a review of any model ordinances that the Office of Cannabis Management (OCM) is directed to draft.

This moratorium does not apply to established businesses as part of the Medical Cannabis Program administered by the Minnesota Department of Health or certain edible cannabinoid products and nonintoxicating cannabinoids pursuant to the Hemp THC Products Chapter of the Fridley City Code (Code).

After approval tonight, the ordinance will be published in the July 27 edition of the Official Publication and become effective on August 10, 2023.

## Financial Impact

None.

## Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

**Recommendation**

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Staff recommend the Council approve a second reading of Ordinance No. 1411.

Staff recommend the Council approve the Summary Ordinance No. 1411 for Publication.

**Focus on Fridley Strategic Alignment**

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- |                                                                      |                                                                               |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <input type="checkbox"/> Vibrant Neighborhoods & Places              | <input type="checkbox"/> Community Identity & Relationship Building           |
| <input type="checkbox"/> Financial Stability & Commercial Prosperity | <input checked="" type="checkbox"/> Public Safety & Environmental Stewardship |
| <input type="checkbox"/> Organizational Excellence                   |                                                                               |

**Attachments and Other Resources**

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- Ordinance No. 1411
- Summary Ordinance No. 1411

**Vision Statement**

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

## Interim Ordinance No. 1411

### **Authorizing a Study and Imposing a Moratorium on the Establishment and Operation of Cannabis Businesses Within the City of Fridley**

The City Council of the City of Fridley does ordain, after review, examination and staff recommendation that a moratorium on cannabis businesses be enacted as follows:

#### **Section 1. Legislative Findings and Authority**

1. The Minnesota Legislature recently enacted, and the Governor signed, 2023 Minnesota Session Laws, Chapter 63 – H.F. No. 100 (Act), which is comprehensive legislation relating to cannabis including, but not limited to, the establishment of the Office of Cannabis Management (OCM), legalizing and limiting the possession and use of cannabis and certain hemp products by adults, providing for the licensing, inspection, and regulation of cannabis and hemp businesses, taxing the sale of cannabis flower, cannabis products, and certain hemp products, establishing grant and loan programs, amending criminal penalties, providing for expungement of certain convictions, and providing for the temporary regulation of Edible Cannabinoid Products and Nonintoxicating Cannabinoids.

2. The Act provides local units of government certain authority related to Cannabis Businesses, including the authority to (i) require local registration of certain Cannabis Businesses operating retail establishments, (ii) adopt reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, provided that such restrictions do not prohibit the establishment or operation of a Cannabis Business, (iii) limit the number of certain Cannabis Businesses based on the population of the community, and (iv) prohibit the operation of a Cannabis Business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.

3. The Act requires the OCM, which was established effective July 1, 2023, to work with local governments to develop model ordinances for reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses. The Act also requires the OCM to establish additional rules and regulations relating to the operation of Cannabis Businesses. It is anticipated that the City of Fridley (City) will benefit from reviewing and analyzing the OCM's model ordinances, rules and regulations before making any decisions related to the regulation of Cannabis Businesses in the City.

4. The Act (Minnesota Statutes (M.S.) § 342.13(e)) expressly allows a local unit of government that is conducting studies or has authorized a study to be conducted or has held or scheduled a hearing for the purpose of considering adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses to adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. The interim ordinance may regulate,

restrict, or prohibit the operation of Cannabis Businesses within the jurisdiction or a portion thereof until January 1, 2025.

5. Given the uncertainty regarding the model ordinances to be developed by the OCM and the broad scope of the changes to Minnesota law brought about by the Act, the Fridley City Council (Council) desires to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.

6. The Council desires to conduct a study for the purpose of considering the adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses as well as the other regulations local units of government may adopt under the Act.

7. On July 10, 2023, after providing at least 10 days published notice, the Council held a public hearing regarding the consideration and adoption of an interim ordinance prohibiting the operation of Cannabis Businesses within the City until January 1, 2025.

**Section 2. Definitions**

Act: 2023 Minnesota Session Laws, Chapter 63 (H.F. No. 100).

Cannabis Business: the meaning given the term in M.S. § 342.01, subd. 14.

City: City of Fridley, a Minnesota municipal corporation.

Edible Cannabinoid Product: has the meaning given the term in M.S. § 151.72, subd. 1(f).

Nonintoxicating Cannabinoid: has the meaning given the term in M.S. § 151.72, subd 1(k).

OCM: the Office of Cannabis Management, established as set forth in M.S. § 342.02, subd. 1.

Ordinance: this interim ordinance, which is adopted pursuant to M.S. § 342.13(e).

**Section 3. Study Authorized**

The Council hereby authorizes and directs City staff to conduct a study regarding the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, as well as other potential local regulations allowed under the Act, and report to the Council on the potential regulation of Cannabis Businesses. The study may include a review of any model ordinances that OCM is directed to draft under M.S. § 342.13(d), an analysis of potential setback regulations allowed under M.S. § 342.13(c), and such other matters as staff may determine are relevant to the city council’s consideration of this matter. The report may also include City staff’s recommendations on whether the Council should adopt regulations and, if so, the recommended types of regulations.



**Section 4. Moratorium**

A moratorium is hereby imposed on the operation of any Cannabis Business within the City. During the term of this Ordinance, no business, person, or entity may establish or operate a Cannabis Business within the jurisdictional boundaries of the City. Accordingly, during the period that this Ordinance is in effect, the City shall not accept, process, or act on any application, site plan, building permit, zoning request, or other approval, including any requested confirmation, certification, approval, or other request from the OCM or other governmental entity requesting City review of any application or proposal for a business proposing to engage in the operation of a Cannabis Business. During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to establish or operate a Cannabis Business within the City.

**Section 5. Exceptions**

The moratorium imposed by this Ordinance does not apply to: (i) the continued operation of a duly established business as part of the Medical Cannabis Program administered by the Minnesota Department of Health; or (ii) the sale of Edible Cannabinoid Products and Nonintoxicating Cannabinoids, provided, however, that nothing in this Ordinance exempts a business, person, or entity from complying with all other requirements and prohibitions of applicable laws and ordinances related to such exceptions. For example, as of the effective date of this Ordinance, the sale of certain cannabinoids is currently prohibited within the City pursuant to Interim Ordinance 1408 and the City requires a license to sell certain Edible Cannabinoid Products and Nonintoxicating Cannabinoids pursuant to the Hemp THC Products Chapter of the Fridley City Code (Code).

**Section 6. Enforcement**

Violation of this Ordinance is a misdemeanor. The City may also enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also subject to the City’s general penalties prescribed in the Code and may further result in the City reporting violations to the OCM, if relevant to OCM licensing. The Council hereby authorizes City staff and consultants to initiate any legal action deemed necessary to secure compliance with this Ordinance.

**Section 7. Severability**

Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

**Section 8. Effective Date and Term**

This Ordinance shall become effective on August 11, 2023. This Ordinance will remain in effect until January 1, 2025, or until the Council expressly repeals it, whichever occurs first.

**Passed and adopted by the City Council of the City of Fridley the 24<sup>th</sup> day of July, 2023.**

\_\_\_\_\_  
Scott J. Lund, Mayor

Attest:

\_\_\_\_\_  
Melissa Moore, City Clerk

Public Hearing: July 10, 2023  
First reading: July 10, 2023  
Second reading: July 24, 2023  
Publication: July 27, 2023  
Effective: August 10, 2023

City of Fridley  
Summary Interim Ordinance No. 1411

Authorizing a Study and Imposing a Moratorium on the Establishment and  
Operation of Cannabis Businesses

The City of Fridley does ordain, after review, examination, and staff recommendation that a moratorium on the establishment and operation of cannabis businesses be enacted. A summary of the moratorium made by Interim Ordinance No. 1411 is as follows:

Section one of the ordinance summarizes the State legislature's recently enacted H.F. No. 100 (Act). Section two defines "Act", "Cannabis Business", "Edible Cannabinoid Product", "Nonintoxicating Cannabinoid Product", and "OCM." Section three authorizes a study of the issue to gauge impacts to the City, licensing and business regulations and zoning regulations. Section four imposes a moratorium. Section five provides exceptions to the moratorium for business selling products related to the Medical Cannabis Program. Section six declares any violation of the ordinance is a misdemeanor. Section seven declares every section of the ordinance to be separate from any other section. Section eight establishes the term for the moratorium, which will expire January 1, 2025 or sooner.

Ordinance No. 1411 was passed and adopted by the City Council of the City of Fridley on July 24, 2023. The full text of the Ordinance is available on the City website or for inspection by any person during regular office hours at the Office of the City Clerk.



# AGENDA REPORT

**Meeting Date:** July 24, 2023

**Meeting Type:** City Council Meeting

**Submitted By:** Melissa Moore, City Clerk  
Beth Kondrick, Deputy City Clerk

## Title

Resolution No. 2023-82, Scheduling a Public Hearing on August 14, 2023 to Consider Ordinance No. 1414, Creating Title No. 4 (Public Nuisance) of the Fridley City Code and the Chapters Contained Therein

## Background

Pursuant to Minnesota Statute § 415.02 and Fridley City Charter (Charter) § 1.02, the Fridley City Council (Council) may codify and publish ordinances that carry the force and effect of law for the City of Fridley (City), which may be arranged into a system generally referred to as the Fridley City Code (Code). Furthermore, Charter § 3.10 provides for the recodification of the Code at least every 10 years. At its August 23, 2021 meeting the Fridley City Council adopted Resolution No. 2021-67 formally authorizing recodification of the Code.

When the Council approved recodification it directed ample opportunity for public input and transparency. This is enabled by discretionary public hearings to receive comment on the proposed amendments to the Code. Resolution No. 2023-82 formally schedules such a public hearing on August 14, 2023.

Ordinance No. 1414 proposes amending or adding the following chapters to the Code:

- Public Nuisance
- Abatement of Exterior Public Nuisances
- Houses of Prostitution
- Clandestine Drug Lab and Chemical Dump Sites
- Noise
- Vehicles

Ordinance No. 1414 proposes repeal of the following chapters from the Code:

- Vehicle Towing
- Junk Vehicles

Resolution No. 2023-82 schedules a public hearing to consider Ordinance No. 1414 at the next Council meeting on August 14, 2023.

## Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

**Financial Impact**

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None at this time.

**Discussion**

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Staff recommend the approval of Resolution No. 2023-82.

**Focus on Fridley Strategic Alignment**

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- |                                                                      |                                                                     |
|----------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Vibrant Neighborhoods & Places              | <input type="checkbox"/> Community Identity & Relationship Building |
| <input type="checkbox"/> Financial Stability & Commercial Prosperity | <input type="checkbox"/> Public Safety & Environmental Stewardship  |
| <input checked="" type="checkbox"/> Organizational Excellence        |                                                                     |

**Attachments and Other Resources**

---

- Resolution No. 2023-82
- Exhibit A: Ordinance No. 1414 (Draft)
- Exhibit B: Public Hearing Notice (Draft)

**Vision Statement**

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

**Resolution No. 2023-82**

**Scheduling a Public Hearing on August 14, 2023, to Consider Ordinance No. 1414, Creating Title No. 4 (Public Nuisance) of the Fridley City Code and the Chapters Contained Therein**

**Whereas**, pursuant to Minnesota Statute § 415.02 the City of Fridley (City) is authorized to create ordinances which serve as prima facie evidence of the law of the City; and

**Whereas**, pursuant to the Fridley City Charter (Charter) § 1.02, the City may pass ordinances for maintaining and promoting the peace, good government and welfare of the City; and

**Whereas**, § 3.10 of the Charter requires the City to codify its ordinances every ten years; and

**Whereas**, the Fridley City Council (Council) adopted Resolution No. 2021-67 on August 23, 2021, which authorized a full recodification of the Fridley City Code; and

**Whereas**, to enable as much transparency and public input as possible, the Council directed that public hearings shall be called for prior to the first reading of any ordinance proposing to update the Code through the recodification effort; and

**Whereas**, the Council finds it prudent to conduct a discretionary public hearing to take public comment on this proposed amendment to the Fridley City Code.

**Now, therefore be it resolved**, that the City Council of the City of Fridley hereby schedules a public hearing for Monday, August 14, 2023, in the Council Chambers of the Fridley Civic Campus, 7071 University Avenue N.E., at 7:00 p.m. to consider an amendment to the Fridley City Code as found in Ordinance No. 1414.

**Passed and adopted by the City Council of the City of Fridley this 24<sup>th</sup> day of July, 2023.**

\_\_\_\_\_  
Scott J. Lund – Mayor

Attest:

\_\_\_\_\_  
Melissa Moore – City Clerk

## Ordinance No. 1414

### Creating Title No. 4 (Public Nuisance) of the Fridley City Code and the Chapters Contained Therein

The City Council of the City of Fridley does ordain, after review, examination and staff recommendation that the Fridley City Code be amended as follows:

#### **Section 1**

That the Fridley City Code Chapter 110, Public Nuisance, be hereby amended as follows:

Fridley City Code  
Chapter ~~110.400~~ Public Nuisance

#### 400.01. Purpose

The Fridley City Council (Council) has determined that health, safety, good order, general welfare and convenience of the public are threatened by certain public nuisances within the City of Fridley (City).

#### ~~110.01. Minnesota Statutes by Reference~~400.02 Adoption of State Law

Minnesota Statutes (M.S.) Sections 609.74 and 609.745 are ~~hereby~~ adopted by reference and ~~be in~~have full force and effect in the City ~~of Fridley as if set out here in full.~~

#### ~~110.02. Definitions~~

~~For the purpose of this chapter, certain terms and words are defined in Chapter 205, Zoning Code and or Chapter 101, Animal Control.~~

#### ~~110.03. Public Nuisance Defined~~400.03 Definitions

Hazardous materials: paints, solvents, oil, automotive fluids, and any other hazardous wastes as defined in M.S. § 116.06.

Owner: person(s) listed as the contact on any current rental licensing application on file with the City, person(s) listed as owner by the County Assessor on the homestead record or taxpayer(s) as shown by records of the County Assessor.

Public Nuisance: Whoever, by an act or failure to perform a legal duty, intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

1. Maintains or permits a condition that unreasonably annoys, injures, or endangers the safety, health, comfort, or repose of any considerable number of members of the public.

2. Interferes with, obstructs, or renders dangerous for passage, or loiters on any public highway or right-of-way, or waters used by the public.
3. Causes obstruction or excavation affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds, except under such conditions as are permitted by this ~~Code~~ Chapter, the Rights-of-Way Chapter, or other applicable law.
4. Causes any well hole or similar excavation to be left uncovered or in such other condition as to constitute a hazard, ~~to any child or other person coming on the premises where it is located;~~
5. Stores items outdoors including but not limited to machinery, equipment, ~~abandoned, unsafe, or junk motor vehicles,~~ household furnishings, ~~or~~ materials or abandoned, unsafe, or junk vehicles, in a manner conducive to the harboring of wild animals; ~~or to creating a~~ fire, health, or safety hazards ~~from such accumulations;~~ or ~~from promoting~~ the rank growth of vegetation ~~among the items so accumulated.~~ Items stored ~~outside a building outdoors~~ according to the applicable zoning ordinance provisions stipulations of an approved special use permit are not a public nuisance.
6. Deposits or causes placement of hazardous material in a manner that causes those materials to drain-flow into a storm sewer drain, ~~or~~ waterway as defined ~~in Section 105.02.7 of City by the Landscape Maintenance Chapter of the~~ Code or any other unpaved ground surface within the City. ~~Hazardous material shall include, but not be limited to, paints, solvents, oil, automotive fluids or any other hazardous wastes as defined in State Statute 116.06, Subd. 11;~~
7. Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.

#### 110.04. Driveway Nuisance

~~Any driveway located within the city and not paved is a public nuisance.~~

~~Any nuisance under this provision must be abated by construction of an approved surface on the driveway in a manner prescribed by the City. The City expressly reserves and declares its statutory authority to abate any such nuisances under the assessment and levying powers granted by Minnesota Statutes chapters 429 and 463, according to the procedures established in Chapter 128 of City Code.~~

~~“Driveway”, for the purpose of this Chapter, shall not include any public owned or dedicated unpaved road or alleyway used for purpose of access to any property; nor any roadway, path or other access to a parcel of unsubdivided property that can, without variance, be subdivided in the City. A roadway or path to subdividable property in the City shall be a “driveway” subject to this Chapter at such time as the property on which it is located is subdivided and the roadway or path continues to be used for the purpose of access to the property. Any roadway or path to subdividable property must be~~



~~paved to a distance of at least twenty feet from the edge of any connecting curb or roadway surface in order to qualify for this exception.~~

~~110.05.400.04~~ Power of Officers

~~The City Manager or their designee will be responsible for investigating and determining whether a public nuisance exists or is being maintained in the City.~~

~~When said official determines a public nuisance is being maintained or exists on a property, the City will issue a written notice to the owner of the property requiring the termination or abatement of the nuisance conditions within a reasonable timeframe as outlined in the Abatement of Exterior Public Nuisance Chapter of the Code.~~

~~Whenever in the judgment of a City official, designated by the City Manager who will be responsible for investigating and determining whether a public nuisance exists or is being maintained within the City, it is found by investigation, that a public nuisance is being maintained or exists on property within the City, the following procedures shall be followed to abate the nuisance:~~

~~1. Written notice shall be issued to the owner requiring the termination or abatement of said nuisance or to remove such conditions or remedy such defects;~~

~~2. Service of said written notice may be hand-delivered to the owner or posted on the property, but shall also be sent via U.S. mail;~~

~~3. If the nuisance involves public right-of-way space, it must be abated or permitted according to the requirements of the Rights-of-Way chapter of the Chapter 407. If the nuisance poses a public health or safety risk, City staff may follow emergency abatement procedures to protect public safety or require that the violation be abated within a reasonable timeframe following notice posted on the property. Other nuisances must be abated within a reasonable timeframe, according to the procedures established in the Abatement of Exterior Public Nuisances Chapter 128 of the City Code.~~

~~110.06.~~ Abatement and Assessment of Nuisance

~~If after such service of notice, the owner fails to abate the nuisance or make the necessary repairs, alterations, or changes as directed by the City official, said official may abate the nuisance and assess costs according to the procedures established in Chapter 128 of the City Code.~~

~~110.07.~~ Permitting Public Nuisance

~~Whoever permits real property under his or her control to be used to maintain a public nuisance, or lets the same knowing it will be so used, is guilty of a misdemeanor.~~

~~110.08.400.05~~ Emergency Abatement

If the City ~~official~~ Manager or their designee determines that a public nuisance exists and that the public health, safety, or welfare may be in immediate danger, the City may implement emergency abatement procedures to remove or abate the nuisance. When emergency abatement is authorized, the City ~~shall will~~ post a notice at the property and attempt to notify the owner and any agents of the owner and any agent, or occupants of the property. However, notice to the owner, agent, or occupant of the property is not required prior to emergency abatement. Following emergency abatement, the City will mail notice of the action taken to the property owner and assess-recover abatement costs according to the procedures established in the Abatement of Exterior Public Nuisances chapter Chapter 128 of the City Code.

~~110.09. Penalties~~

~~Any violation of this Chapter is a misdemeanor and subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

~~110.10. Severability~~

~~Every section, provision or part of this Chapter is declared separable from every other section, provision or part to the extent that if any section, provision or part of this Chapter shall be held invalid, such holding shall not invalidate any other section, provision or part thereof.~~

400.06 Non-Exclusiveness

Nothing in this Chapter will be deemed a waiver or limitation of any statutory right or power of the City as to hazardous buildings, properties, or materials, nor will this Chapter be deemed to otherwise limit the right or power of the City to conduct other administrative or regulatory searches and inspections including, but not limited to, health inspections, fire scene inspections, arson inspections, and regulated business or industry inspections, nor will this Chapter be deemed to be the exclusive remedy of the City regarding the abatement of public nuisances.

**Section 2**

That the Fridley City Code Chapter 128 Abatement of Exterior Public Nuisances, be hereby amended as follows:

Fridley City Code  
Chapter ~~128.401~~ Abatement of Exterior Public Nuisances

~~128.01.401.01~~ Purpose

The ~~Council of the City of Fridley~~ Fridley City Council (Council) has determined that the health, safety, general welfare, good order, and convenience of the public is threatened by certain exterior public nuisances on ~~property~~ properties within the City limits. It is ~~declared to be~~ the intention of the Council to abate such nuisances, ~~and this Chapter is enacted for that purpose.~~

## 401.02 Definitions

Owner: person(s) listed as the contact on any current rental licensing application on file with the City, person(s) listed as owner by the County Assessor on the homestead record or taxpayer(s) as shown by records of the County Assessor.

## ~~128.02.~~401.03 Application

~~This Chapter shall apply to the abatement of public nuisances as defined in Chapter 110 of City Code including, but not limited to solid waste and other materials and equipment stored in a yard or conditions that are in violation of the Zoning Code or deemed to create an exterior public nuisances as described in Chapter 110.03, or a vision safety violation as defined in Chapter 205, or deemed to be a public nuisance by any other section of the City Code.~~

This Chapter applies to the abatement of public nuisances as defined in the Public Nuisance chapter of the Fridley City Code (Code) including, but not limited to, solid waste and other materials and equipment stored in a yard, conditions that are in violation of the zoning-related chapters of the Code, or any conditions deemed to be a public nuisance in any other section of the Code.

## ~~128.03.~~401.04 Inspection and Investigation

1. Periodic Inspection. ~~The Code Enforcement Officer or other duly authorized agents shall~~City Manager or their designee may cause to be inspected~~inspect~~ all public and private properties within the City which they believe might contain an exterior public nuisance ~~as defined in this Code section as often as practicable to in order to~~ determine whether any such conditions exist. ~~The Code Enforcement Officer or other duly authorized agents shall~~City Manager or their designee may also investigate all any reports of exterior public nuisances located within the City pursuant to the Public Nuisances Chapter of the Code and Minnesota Statute (M.S.) § 609.74.

2. Right of Entry. ~~The Code Enforcement Officer or other duly authorized agents~~City Manager or their designee may enter upon all public and private properties for the purposes of conducting inspections for exterior public nuisances. If the property owner and/or occupant of the any property refuses ~~said inspector(s) right of~~ entry for inspection by the City, the City may seek an administrative search warrant or other order of the District Court for ~~said purpose of~~ entry and inspection.

## ~~128.04.~~401.05 Abatement of Exterior Public Nuisances

Upon a determination by the ~~Code Enforcement Officer or other duly authorized agent~~City Manager or their designee that an exterior public nuisance exists on any public or private property within the City, said official ~~shall will~~ order the exterior public nuisance to be abated in accordance with this ~~Code section~~Chapter.

## ~~128.05~~401.06 Procedure for Removal Abatement of Exterior Public Nuisances

1. The City Manager or their designee will be responsible for investigating the determining whether a public nuisance exists or is being maintained in the City. When said official determines a public nuisance is being maintained or exists on a property, procedures outlined in this Chapter will be followed to abate the nuisance.

2. If the nuisance involves public right-of-way space, it must be abated or permitted according to the requirements of the Rights-of-Way Chapter of the Code. If the nuisance poses a public health or safety risk, the City Manager or their designee may follow emergency abatement procedures to protect public safety or require that the violation be abated within a reasonable timeframe following notice posted on the property. Other nuisances must be abated within a reasonable timeframe, according to the procedures established in this Chapter.

1.3. Notice. ~~Whenever~~ ~~When~~ the ~~Code Enforcement Officer or other duly authorized agent~~ City Manager or their designee finds ~~with reason able certainty~~ that an exterior public nuisance exists on any public or private property in the City, said official ~~shall~~ must notify the affected property owner by hand-delivery or posted notice on the property and mailed notice by first class mail that the nuisance must be abated within a reasonable period of time, not less than ~~twenty~~ (20) days from the date ~~of service~~ of the notice. ~~(Service by mail shall be deemed complete upon mailing.)~~ The order ~~shall~~ will set forth the following:

A.(a) The specific nature of the violations and requirements for compliance. Compliance may be achieved by repair or alteration of the condition(s) in violation. If repair or alteration are not practical, the item(s) in violation must be removed from the subject property.

B.(b) That the property owner may, within ~~ten (10)~~ 14 business days of the date of the order, request a hearing before the ~~Appeals~~ Planning Commission.

C.(c) That failure to abate the nuisance or request a hearing within the applicable ~~time period~~ time period will result in ~~summary an abatement action procedures,~~ and the cost of abatement, including City staff time, will be charged to assessed against the subject property. Collection will be requested from the property owner or other person served of the charges when due. Unpaid abatement charges will be assessed against the subject property.

2.4. Hearing

(a) Any property owner who ~~feels aggrieved by~~ has received an order ~~of the Code Enforcement Officer or other duly authorized agent~~ issued pursuant to this ~~chapter~~ Chapter may request a hearing before the Planning Commission. Such request ~~shall~~ must be filed in writing with the office of the ~~Community Development Director~~ City Manager or their designee within ~~ten (10)~~ (14) days ~~after of~~ the date of ~~service of~~ the ~~notice by the Code Enforcement Officer or other duly authorized agent~~ order.

(b) The Community Development Director ~~shall or their designee will~~ notify the Planning Commission and the property owner of the date, time, and place of the hearing. The Community Development Director ~~shall will~~ notify the ~~appealing~~ property owner of the selected public hearing date not less than ~~ten (10)~~ days prior to the date of the hearing. The hearing ~~shall will~~ be conducted no more than sixty (60) days after the property owner's request, unless a later date is mutually agreed to by the property owner and the City.

(c) Both the property owner and representatives of the City may appear at the hearing with counsel and may call witnesses and present relevant and competent evidence.

(d) Within ~~ten (10)~~ days ~~after of the such~~ hearing, the Planning Commission ~~shall will~~ affirm, repeal, or modify the ~~abatement order of the Code Enforcement Officer or other duly authorized agent~~. The Planning Commission order ~~shall will~~ be accompanied by written findings of fact, and may include a finding of fact as to the absence of value of the materials deemed to constitute an exterior public nuisance.

(e) Any person ~~aggrieved by the decision of the Planning Commission~~ may appeal ~~that the decision of the Planning Commission order~~ to the ~~City Council~~ by filing notice of such appeal with the Community Development Director ~~or their designee~~ within ~~twenty (20)~~ days ~~of receiving the~~ notice of the Planning Commission's ~~decision order~~. At its next available regular meeting following the filing of a notice of appeal, the Council ~~shall will~~ review the decision and findings of fact of the Planning Commission and ~~shall will~~ affirm, repeal, or modify that decision.

(f) If the Council affirms the Planning Commission's ~~decision order~~ declaring that an exterior public nuisance exists, the City ~~shall will~~ abate the exterior public nuisance after ~~twenty (20)~~ days following the Council's final determination, unless the property owner ~~has remedied the public nuisance or~~ petitions for a court order to the contrary within said ~~twenty (20)~~ days.

~~3.5. Disposition-Abatement action. When the nuisance is present after the reasonable period of time established in the Notice has passed and all hearings have concluded, the City will abate the nuisance. Where practical, compliance will be achieved by repair or alteration of the condition(s) in violation. If repair or alteration are not practical, the item(s) in violation will be removed from the subject property.~~

~~4.6. Disposal of Property. The City maintains the right to dispose of all property that it removes from public and private properties through abatement procedures as outlined in this Chapter. Disposal of property deemed to have value shall may occur no less than at least thirty (30) days after the property is secured, but in any event shall may not occur until the property owner is deemed to waive administrative appeals or exhausts all administrative appeals.- The City shall may not dispose of property if the property owner obtains a court order to the contrary and/or pays all costs associated with the removal and storage of said property within said the thirty (30) day time period. The City maintains the right to immediately dispose of refuse and/and/or junk~~

materials deemed to be without value. Any junk or abandoned vehicles will be impounded, stored, and sold pursuant to the process described in M.S. § 168B.

~~4.7.~~ Assessment. The ~~Code Enforcement Officer or other duly authorized agent shall~~ City Manager or their designee must keep a record of the costs of ~~the~~ abatements completed under this Chapter and ~~shall will~~ provide detailed reports to the Finance Director or other appropriate officer regarding all work performed 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. The costs to be assessed ~~shall will~~ include up to an additional ~~twentyfive percent (25%)~~ to cover any administrative costs associated with the abatements. The City ~~shall will~~ list the total unpaid charges for each abatement against each separate lot ~~or parcel~~ to which they are attributable under this Chapter. The Council may ~~then~~ spread the charges, or any portion of the charges, 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 will~~ be payable in a single installment or by up to ~~ten (10)~~ equal annual installments as ~~City~~ Council may provide, pursuant to ~~Minnesota Statutes, Section M.S. § 429.101, Subdivision subd. 2.~~

~~128.06.401.07~~ Release of Property

To reclaim ~~those any~~ materials that have been removed by the City in a nuisance abatement action, accordance with 128.05, the owner or lienholder must pay any costs and administrative ~~veion~~ fees incurred by the City. The owner or lienholder reclaiming the materials ~~shall must~~ sign a "Release of Property" form and ~~shall must~~ agree not to return the items to any location in the City ~~of Fridley~~ that creates a new violation of ~~city ordinances~~ the Code. If additional removal of the same or similar items is deemed necessary by the City, an abbreviated but reasonable notice period will be provided before the removal takes place. All other provisions of ~~this City Chapter ordinance 128,~~ including the right to a hearing, will still apply.

401.08 Emergency Abatement

If the City Manager or their designee determines that a public nuisance exists and that the public health, safety, or welfare may be in immediate danger, the City may implement emergency abatement procedures to remove or abate the nuisance. When emergency abatement is authorized, the City must post a notice at the property and attempt to notify the owner, agent, or occupant of the property. However, notice to the owner, agent, or occupant of the property is not required prior to abatement. Following emergency abatement, the City will mail notice of the action taken to the property owner and assess costs according to the procedures established in this Chapter.

~~128.07. Severability~~

~~Every section, provision or part of this Chapter is declared separable severable from every other section, provision, or part to the extent that if any section, provision, or part of this Chapter shall be held to be invalid, such holding shall not invalidate any other section, provision, or part thereof.~~

~~128.08.401.09~~ Non-Exclusiveness

Nothing in this ~~Chapter~~~~code section~~ shall will be deemed a waiver or limitation of any statutory right and/or power of the City as to hazardous buildings, properties, or materials, nor shall will this ~~Chapter Code section~~ be deemed to otherwise limit the right and/or power of the City to conduct other administrative and/or regulatory searches and inspections including, but not limited to, health inspections, fire scene inspections, and arson inspections, and regulated business and industries industry inspections, nor shall will this ~~Chapter Code section~~ be deemed to be an the exclusive remedy of the City regarding the abatement of exterior public nuisances.

**Section 3**

That the Fridley City Code Chapter 126, Houses of Prostitution; Public Nuisance, be hereby amended as follows:

Fridley City Code  
Chapter ~~126.402~~ Houses of Prostitution; ~~Public Nuisance~~

~~126.01. Statement of Purpose~~ 402.01 Purpose

The use or maintenance of buildings and movable property within the City of Fridley ~~(City) for purposes of to conducting~~ prostitution or prostitution related activities constitutes a threat to the public health, safety, and welfare. The City ~~of Fridley~~ has an interest in ~~insuring~~ ensuring the lawful use of property within the community and in protecting its citizens from uses of property which endanger public health, safety, and welfare. The Fridley City Council ~~(Council) of the City of Fridley~~ deems it necessary and appropriate to enact procedures to prevent and eliminate the use of buildings and moveable property within the City ~~of Fridley for purposes of to conducting~~ conduct prostitution or ~~prostitution related~~ prostitution-related activities.

~~126.02.402.02~~ Definitions

~~The terms used in Sections 126.01 through 126.08 shall have the meaning herein given:~~

~~1. Building: Includes any structure suitable for human shelter and the ground itself. A structure suitable for human shelter, a commercial structure that is maintained for business activities that involve human occupation, any portion of the structure or the land surrounding the structure.~~

~~2. Movable Property: Includes furniture, fixtures and materials.~~

Property: Includes any building and/or movable property.



~~3-~~Materials: Includes books, magazines, pamphlets, papers, writings, cards, advertisements, circulars, prints, pictures, ~~photographs, motion picture~~ films, plays, images, instruments, statues, drawings, and videos.

~~4-~~Prostitution and Prostitution Related Offenses: ~~includes the~~The conduct defined in Minnesota Statutes, ~~Sections (M.S.) §§~~ 609.321 through 609.324.

#### ~~126.03.402.03~~ Acts Constituting a Nuisance

1. Any ~~building or portion thereof and any movable~~ property used or maintained for the purpose of committing acts of prostitution or prostitution related offenses ~~shall~~ constitute reasonable cause ~~that to declare the existence of a~~ public nuisance ~~at said property exists.~~

2. A rebuttable presumption as to the existence of a public nuisance ~~shall~~ may exist upon proof of three ~~(3)~~ or more misdemeanor convictions or two ~~(2)~~ or more gross misdemeanors or felony convictions within the previous two ~~(2)~~ years for acts of prostitution or prostitution related offenses arising out of conduct committed within or upon such ~~property building or portion thereof.~~

3. Any ~~building or portion thereof and all movable~~ property used in conducting or maintaining a public nuisance shall be enjoined and abated as provided for in ~~Sections 126.05 through 126.08.~~this Chapter.

#### ~~126.04.402.04~~ Notice

Notice of any convictions described in ~~Section 126.03 of,~~ this Chapter ~~shall will~~ be sent by ~~United States~~ mail to the owner of record, all other interested persons or parties of record, the, occupant(s) of such ~~building property or portion thereof~~ and ~~shall will~~ be filed with the County Recorder ~~or Registrar of Titles's~~ Office when permitted by law. Such notice ~~shall will~~ be deemed sufficient ~~as notice~~ to all interested persons, including persons or parties not of record or unknown, that the ~~building property, or a portion thereof~~ is being used for purposes constituting a public nuisance.

#### ~~126.05.402.05~~ Injunctive Remedies

1. Whenever the County Attorney, City Attorney, Public Official or resident of the City has reasonable cause to believe that any person within the City is violating ~~Section 126.03~~this Chapter, ~~they he or she~~ may, by verified petition, seek a temporary injunction in district court in Anoka County. ~~No~~ Prior to the issuance of a temporary restraining order or preliminary injunction, ~~shall be issued without the City must schedule a a-prior~~ show cause ~~notice of~~ hearing to ensure the respondents have an opportunity to be heard. Personal service of the show cause order and of the petition made ~~as in~~ the civil actions on the named respondents, or, ~~to upon~~ any of their employees or agents found within the State, is required for ~~shall constitute~~ sufficient notice. ~~Such show cause order for hearing may be returnable on the third day from the date of service, as to a respondent who is present in this State, and on the fifth day as to a person not a~~



~~resident or not found within this State.~~ In-state respondents must reply to the notice of hearing within three days of receipt informing the City of their intent to be present at the hearing. Out of state respondents must reply to the same notice within five days or receipt.

2. Any temporary restraining order or temporary injunction granted ~~shall~~ will be binding on the owner and all, other, persons or parties, known or unknown, claiming any right, title, estate, lien or other interest in the ~~building property or portion thereof~~ used or maintained for purposes constituting a public nuisance.

~~126.06.402.06~~ Trial, Order and Abatement

1. Pursuant to the Rules of Civil Procedure, the court may also order ~~the a~~ trial of the action on the merits to be advanced and consolidated with the hearing on the motion for a temporary injunction. Proof of any of the circumstances enumerated in ~~Section 126.03.2 shall~~ this Chapter will create a rebuttable presumption as to the existence of a public nuisance ~~and the court shall order the abatement of the nuisance.~~

2. The court is authorized to order ~~that the removal from the building or portion thereof of~~ all movable property used in conducting or maintaining such nuisance be removed from the property, and may direct the sale of such moveable property, ~~as belongs to the defendants who were notified or appeared~~ and shall direct the closing of the ~~building property or portion thereof~~ for a period of one ~~(1)~~ year, except ~~as to such for~~ use requested by a person appointed by the court as receiver of ~~such the building or portion property thereof~~ and as such use is further approved by the court. All remedies providing for the seizure of property for the purpose of securing satisfaction of a judgment shall be available ~~under the circumstances and~~ in the manner provided by the law of the State. All costs of receivership ~~shall~~ must be paid out of the receipts from the sale of the property or rents collected.

3. Where the ~~building or portion thereof~~ property is a nonconforming use for municipal zoning purposes, the abatement ~~shall~~ will constitute a discontinuance of such use and, thereafter, the use of the ~~building or the portion thereof~~ abated property must conform to the use permitted in the zoning district in which it is located. Additionally, if the abatement of a portion of the ~~building property~~ results in a reduction of the degree of the ~~building's property's~~ nonconformity, the degree of nonconformity may not be thereafter returned to its original status.

4. This Section does not limit the destruction of any materials pursuant to ~~Minnesota Statutes, Section M.S. §~~ 617.27.

~~126.07.~~ Contempt

~~Whoever violates a restraining order, temporary injunction or abatement order granted under Sections 126.03 through 126.08 may be adjudged in contempt of court and punished accordingly. In addition, if any defendant fails to perform an ordered act, the court may direct the act to be done in accordance with Rule 70 of the Rules of Civil Procedure.~~

~~126.08. Parties to Action~~

~~Before any abatement order shall be enforced against the building or the portion thereof abated, the owner thereof shall be served with a summons in accordance with Rule 4 of the Rules of Civil Procedure. The person in whose name the building or affected portion thereof is recorded with the County Auditor for purposes of taxation shall be presumed the owner. In case of unknown persons having or claiming any ownership, right, title or interest in the property, they may be made parties to the action by designating them in the summons and complaint as "all other persons unknown claiming any ownership, right, title or interest in the property affected by the action" and service thereon made in the manner prescribed in Rule 4.04 of the Rules of Civil Procedure.~~

**Section 4**

That the Fridley City Code Chapter 130, Clandestine Drug Lab and Chemical Dump Sites, be hereby amended as follows:

Fridley City Code  
Chapter ~~130.403~~ Clandestine Drug Lab and Chemical Dump Sites

~~130.01. General Provisions.403.01 Purpose~~

~~1. Purpose and Intent.~~ The purpose of this ~~Chapter Ordinance~~ is to reduce public exposure to health risks where law enforcement officers or fire officials have determined that hazardous chemicals from a suspected clandestine drug lab site or associated dump site may exist. The ~~Fridley City Council (Council)~~ finds that such sites may contain ~~suspected~~ chemicals and residues that place people, ~~particularly children or adults of child-bearing age,~~ at risk when exposed through inhabiting or visiting the site, ~~now and in the future.~~

Based ~~upon on~~ professional reports, assessments, testing, and investigations, the ~~City~~ Council finds that ~~such~~ hazardous chemicals can condense, penetrate, and contaminate ~~on~~ the land, surfaces, furnishings, buildings, and equipment in or near ~~structures or other~~ locations where ~~clandestine drug labs or associated dumpsuch~~ sites exist. The Council finds that these ~~se~~ conditions present ~~potential~~ health and safety risks to residents, occupants, and visitors ~~who may be exposed to said conditions via through~~ fire, explosion, skin and respiratory ~~exposurecontact, orand other~~ related ~~methods of exposure~~ dangers. The Council further finds that such sites present health and safety risks to occupied residences, buildings, ~~and~~ structures, and to the general housing stock of the community.

~~2. XXX.02 Interpretation and Application. 403.02 Application~~

~~1.~~ In their interpretation and application, the provisions of this ~~Chapter Ordinance~~ ~~shall~~ must be construed to protect the public health, safety, and welfare.

~~2.~~ Where the conditions imposed by any provision of this ~~Chapter Ordinance~~ are either more or less restrictive than comparable provisions imposed by any other law, ordinance, statute, or

regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements ~~shall will prevail~~preempt the less restrictive regulations.

~~3. Should any court of competent jurisdiction~~ declare any section or subpart of this ~~Chapter Ordinance~~ to be invalid, such decision ~~shall does~~ not affect the validity of ~~this Chapter~~the Ordinance as a whole or any part thereof, other than the provision declared invalid.

~~3. Fees. Fees for the administration of this Chapter Ordinance are set forth in the City's fee schedule may be established and amended periodically by ordinance of the City Council.~~

~~4. Definitions For the purpose of this Chapter Ordinance Ordinance, the following terms or words shall be interpreted as follows:~~

403.03 Definitions

Building Official: ~~shall mean the~~The City of Fridley's ~~(City)~~ Chief Building Official or ~~his/her~~their designee.

Child: ~~shall mean any~~Any person less than 18 years of age.

Chemical dumpsite: ~~shall mean any~~Any place or area where chemicals or other waste materials used in a clandestine drug lab has been located.

~~City shall mean the City of Fridley.~~

Clandestine drug lab: ~~shall mean the~~The unlawful ~~manufacture~~manufacturing of, or attempt to manufacture, any controlled substances.

Clandestine drug lab site: ~~shall mean any~~Any place or area where law enforcement or fire officials have determined that conditions associated with the operation of an unlawful clandestine drug lab exist. A clandestine drug lab site may include motor vehicles, trailers, boats or other movable property, dwellings, accessory buildings, accessory structures, commercial structures, multi-family structures, or a chemical dump site on any land.

Controlled substance: ~~shall mean a~~A drug, substance, or immediate precursor in Schedules I through V of ~~Minn. Stat.~~Minnesota Statute (M.S.) § 152.02. ~~The term shall does not include distilled spirits, wine, malt beverages, intoxicating liquors, or tobacco.~~

Environmental testing and cleaning firm or contractor: ~~shall mean a~~A business or individual with established competence as designated by the State of Minnesota Department of Health specific to the environmental task being performed.

Fire Marshal: ~~shall mean t~~The City of Fridley's Fire Marshal or ~~their~~his/her designee.

Hazardous wastes: ~~shall mean w~~Waste generated, including equipment, from a clandestine drug lab. Such wastes ~~shall must~~ be treated, stored, transported, or disposed of in a manner consistent with

the Minnesota Department of Health, Minnesota Pollution Control, and Anoka County Health Department rules and regulations.

~~Manufacture; in places other than a pharmacy, shall mean and include the~~ The unlawful production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, relabeling, filling, or by other process, of ~~drugs~~ controlled substances.

Minnesota Department of Health ~~guidelines~~ Guidelines: shall mean the ~~The~~ most current version of standards or guidelines, including but not limited to "Clandestine Drug Labs General Cleanup ~~Guidelines~~ Guidance", as promulgated by the State of Minnesota Department of Health for the testing or remediation of clandestine drug labs or chemical dump sites; ~~and which~~ Said standards or guidelines are hereby incorporated by reference and made ~~a~~ part of this ~~Chapter~~ Ordinance.

Owner: ~~shall mean any~~ Any person, firm, or corporation who owns, in whole or in part, the land, buildings, structures, motor vehicles, trailers, boats or other movable property associated with a clandestine drug lab site or chemical dumpsite.

~~Public health nuisance. All dwellings, accessory structures and buildings or adjacent property associated with a clandestine drug lab site are potentially unsafe due to health hazards and are considered a public health nuisance pursuant to Minn. Stat. §463.15, et seq.; § 412.221, et seq.; and 145A.01, et seq.~~

~~130.02.403.04~~ Administration

1. ~~Law Enforcement or Fire Department~~ Notice to Other Authorities. ~~Law enforcement authorities or Fire Department officials~~ Building Officials or Fire Marshals ~~that who~~ identify conditions associated with a clandestine drug lab site or a chemical dump site that ~~places neighbors, visiting public, or present and future occupants of the site at risk~~ creates a risk of ~~for~~ exposure to ~~harmful contaminants and other associated conditions~~ hazardous chemicals; must promptly notify the appropriate municipal, child protection, and public health authorities of the property conditions, location, and identity of the property owner if known, ~~and conditions found~~.

2. Declaration of Property as a Public Health Nuisance. ~~If law enforcement or fire officials determine the existence of a clandestine drug lab site or chemical dumpsite, the property shall be declared a public health nuisance. All dwellings, accessory structures and buildings or adjacent property associated with a clandestine drug lab site are potentially unsafe due to health hazards and are considered a public health nuisance pursuant to M.S. § 463.15 and M.S. § 145A.01.~~

3. Notice of Public Health Nuisance to Concerned Parties. Upon notification by ~~law enforcement or Fire Department authorities~~, the Building a Public Official or Fire Marshal ~~shall who must~~ promptly issue a Declaration of Public Health Nuisance for the affected property and prominently post a copy of the Declaration at all entrances to the dwelling, property or site. The Building Official or Fire Marshal issuing said Declaration ~~shall~~ must also notify the ~~owner of the property by mail and notify the~~ following parties via U.S. Mail:

~~(a)~~ All owners of the property (if known);

~~A.~~(b) Occupants of the property (if known);

~~B.~~(c) Neighbors at potential risk;

~~C.~~(d) The ~~Fridley Police Department, Fridley Fire Department, Fridley Public Safety Department,~~  
Anoka County Community Health and Environmental Services; and

~~D.~~(e) Other state and local authorities, such as Minnesota Pollution Control Agency (MPCA) and Minnesota Department of Health, which are known to have public and environmental protection responsibilities that are applicable to the situation.

~~E.~~(f) The Building Official or Fire Marshal issuing said Declaration may notify any financial institution with an interest of record of the Declaration of Public Health Nuisance and ~~shall~~ may notify such financial institution should the property owner fail to arrange for timely and appropriate assessment and clean up.

~~F.~~(g) The Building Official or Fire Marshal issuing said Declaration may notify the insurance company ~~with a policy known to be applicable to the~~that insures the subject property and ~~shall~~ may notify such insurance company should the property owner fail to arrange for timely and appropriate assessment and clean up.

~~G.~~(h) The Building Official or Fire Marshal issuing said Declaration may ~~cause a file a~~ cause a file a certified copy of the Declaration of Public Health Nuisance ~~to be filed with the Office of the Anoka County Recorder or Registrar of Titles. Upon abatement of the nuisance as required herein, the Building Official or Fire Marshal issuing said Declaration shall~~ must cause record a notice of successful abatement or removal of Declaration of Public Health Nuisance ~~to be so recorded.~~

4. Property Owner's Responsibility to Act - Order for Abatement. The Building Official or Fire Marshal ~~shall~~ must also issue an order to the property owner to abate the public health nuisance which will, including include the following conditions:

~~A.~~(a) That the owner, tenant, occupants, or other persons ~~in possession of residing at or otherwise occupying~~ the premises ~~shall~~ must immediately vacate ~~those any~~ portions of the property, ~~including building and structure interiors, or dump site, which that~~ may place ~~themsuch persons~~ at risk. No person ~~shall~~ may reside in or occupy any premises or property subject to an order for abatement under this Chapter until such time as the Building Official or Fire Marshal has determined that the ~~contamination has been reduced to an acceptable level~~ hazard has been abated and that the cleaning of hazardous waste was conducted in accordance with Minnesota Department of Health guidelines.

~~B.(b) Promptly~~ That the owner or occupant must promptly contract with appropriate an environmental testing and cleaning firms to conduct an on-site assessment, complete clean-up, and remediation testing, and follow-up testing, ~~and determine that the property risks are sufficiently reduced in accordance with Minnesota Department of Health guidelines.~~ The property owner shall must notify the City of actions taken and reach an agreement with the City on the clean-up schedule. The City shall may consider practical limitations and the availability of environmental or other contractors in approving the schedule for clean-up. The property owners must receive a determination from the cleaning firm or contractor stating that the risks created by the property are sufficiently reduced in accordance with Minnesota Department of Health guidelines.

~~C.(c) That the owner or occupant must~~ Provide provide written documentation of the clean-up process, including a signed, written statement that the contamination has been reduced to an acceptable level and that the clean-up was conducted in accordance with Minnesota Department of Health guidelines.

5. Property Owner's Responsibility for Costs. The property owner shall will be responsible for all costs of assessment, testing, abatement, or clean-up of the site, including contractor's fees and public costs for services that were performed in association with a clandestine drug lab site or chemical dump site clean-up. The Building Official or Fire Marshal shall must prepare and provide ~~to the property owner~~ a Statement of Itemized Public Costs and send it to the property owner which shall will be due and payable upon receipt. Public costs may include, but are not limited to:

~~A.(a)~~ Posting of the site;

~~B.(b)~~ Notification of affected parties;

~~C.(c)~~ Expenses related to the recovery of costs, including the assessment process;

~~D.(d)~~ Laboratory fees;

~~E.(e)~~ Clean-up services, including septic systems;

~~F.(f)~~ Administrative fees;

~~G.(g)~~ Emergency response costs;

~~H.(h)~~ Other associated costs; and

~~I.(i)~~ Any legal costs including attorney fees related to the nuisance abatement.

6. Recovery of Public Costs

~~A.~~(a) If, after service of notification of the Declaration of Public Health Nuisance, the property owner fails to arrange appropriate assessment and clean-up, the Building Official or Fire Marshal is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.

~~B.~~(b) If the City is unable to locate the property owner within ~~ten~~(10) days of the Declaration of Public Health Nuisance, the City is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.

~~C.~~(c) The City may abate the nuisance by removing the hazardous structure or building, ~~or otherwise,~~ according to ~~Minnesota Statutes~~M.S. Chapter 463. ~~In cases involving motor vehicles, recreational vehicles, trailers, boats, or other movable property, the City may abate the nuisance by disposal of the property.~~

~~D.~~(d) If the City abates the public health nuisance, or otherwise incurs public costs, in addition to any other legal remedy, the City ~~shall be~~is entitled to recover all public costs. The City may recover costs by civil action against the person or persons who own the property, or ~~by assessing such costs as a special tax against the property in the manner as taxes and special assessments are certified and collected~~ pursuant to ~~Minn. Stat.~~M.S. § 429.101.

~~E.~~(e) Nothing herein ~~shall limit~~limits the authority of the City to enforce this ~~Chapter~~ordinance or seek any other legal remedy to abate the nuisance through declaratory action, injunction, nuisance declaration, or otherwise.

7. Authority to Modify or Remove Declaration of Public Health Nuisance.

~~A.~~(a) The Building Official or Fire Marshal is authorized to modify the Declaration conditions or remove the Declaration of Public Health Nuisance.

~~B.~~(b) Such modifications or removal of the Declaration ~~shall~~may only occur after documentation from a qualified environmental or cleaning firm stating that the health and safety risks ~~posed by the property, including those to neighbors and potential dwelling occupants,~~ are sufficiently abated ~~or corrected~~ in accordance with Minnesota Department of Health guidelines.

~~130.03.403.05~~ City Council Review

The owner of the property or any party with a legal interest in the property who has been issued a Declaration of Public Health Nuisance, an Order for Abatement, or a Statement of Public Costs may appeal ~~the Declaration of Public Health Nuisance, the Order for Abatement or the Statement of Public Costs to the~~ City Council. The appeal ~~shall~~must be in writing, filed with the City Clerk and Anoka County Community Health and Environmental Services, ~~and must~~ specifying the grounds for the appeal and ~~the relief requested.~~ The appeal must be filed within ~~10~~ten days of the issuance of the item from which appeal is taken. The ~~City~~ Council ~~shall~~will hear the appeal at the next available ~~City~~



Council meeting. Upon review, the ~~City~~ Council may affirm, modify, or reverse the action taken. The filing of an appeal ~~shall~~ may suspend the terms of the Declaration of Public Health Nuisance, Order for Abatement, or Statement of Public Costs, whichever is applicable. However, in the instance of an appeal from an Order for Abatement, the appeal ~~shall~~ may not suspend that part of the order prohibiting occupancy of the property.

~~130.04. Violations and Penalties.~~

~~Any person violating any provision of this Article is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in Minn. Stat. § 609.02, Subd. 3.~~

403.06 Fees

Fees for the administration of this Chapter are set forth in the Fees chapter of the Code.

**Section 5**

That the Fridley City Code Chapter 114, Abandoned Junk or Unsafe Motor Vehicles, be hereby amended as follows:

Fridley City Code  
Chapter ~~114.404~~ Abandoned Junk or Unsafe Motor Vehicles

~~114.01.404.01~~ Purpose

Abandoned ~~or junk and unsafe motor~~ vehicles constitute a hazard to the health and welfare of the residents of the community. ~~in that such~~ Abandoned or junk vehicles can harbor noxious diseases, ~~furnish~~ serve as shelter and breeding places for vermin, may contain fluids that can cause significant health risks, and otherwise present physical dangers to the safety and ~~well-being~~ well-being of children and other citizens. ~~Motor vehicles contain fluids that if released into the environment can and do cause significant health risks to the community. The condition of vehicles that are junked and abandoned, junk or unsafe significantly increase the likelihood that these dangerous fluids might be so released.~~

Abandoned, ~~or junk or unsafe motor~~ vehicles and other scrap metals also constitute a blight on the landscape of the ~~City and therefore are detrimental to the environment. The abandonment and retirement of motor vehicles and other scrap metal constitutes a waste of a valuable source of useful metal.~~ It is ~~therefore~~ in the public interest that the present accumulation of abandoned ~~or junk junk, or unsafe motor~~ vehicles and other scrap metals be eliminated, that future abandonment of ~~motor vehicles and other scrap metals~~ be prevented, and that other acceptable ~~and economically useful~~ methods for the disposal of abandoned ~~or junk or unsafe motor~~ vehicles and other forms of scrap metal be utilized.

~~114.02.404.02~~ Definitions



~~1. Abandoned Motor Vehicle: A motor vehicle that has remained illegally outdoors on public property within the City for a period of more than 48 hours on public property illegally or, or has remained for a period of more than four hours 48 hours on private property without consent of the person in control of the such property and, or lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building. in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to the City or a duly authorized agent of the City. A classic car or pioneer car, as defined by Minnesota Statutes (M.S.) § 168.10 in Minnesota Statutes, is shall not be considered an abandoned motor vehicle within the meaning of this Section. Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with M.S. § 161.242, or that are licensed and maintained in accordance with local laws and zoning regulations, are not considered abandoned vehicles. A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order is not considered abandoned, nor may it be processed as abandoned while the police hold, writ, or court order is in effect.~~

Garagekeeper: An operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair, or maintenance of motor vehicles.

## ~~2. Unsafe Motor Vehicle.~~

~~Any vehicle located outdoors on property within the city in which any systems, including braking, steering, suspension, electrical, lighting, motor, or drive train system are not functioning or a vehicle that cannot legally be driven or is in violation of any state, federal or local vehicle equipment or safety regulation including, but not limited, to Minnesota statutes.~~

## ~~3. Junk Motor Vehicle~~

~~A motor vehicle that is located outdoors on property in the city that meets all any of the following criteria shall be defined as a junk vehicle:~~

- ~~a. Any motor vehicle that is not in operable condition.~~
- ~~b. Any motor vehicle that is partially dismantled.~~
- ~~c. Any motor vehicle that is a source of repair or replacement parts for other vehicles.~~
- ~~d. Any motor vehicle that lacks vital component parts.~~
- ~~e. Any motor vehicle that is not currently registered and properly licensed for operation with and by the State of Minnesota.~~

Junk Vehicle: A vehicle that meets all of the following criteria:

1. Is extensively damaged with the damage including such things as broken or missing wheels, motor, drive train, transmission or appears to be otherwise inoperable; and

2. Does not have a valid and current registration plate.

~~4. Vital Component Parts.~~

~~Those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train and wheels.~~

Motor Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks including automobiles, trucks, trailers, motorcycles, and tractors.

~~5. Motor Vehicle Definition~~

~~A machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transports persons or property or pulls machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, 3-wheelers, 4-wheelers and snowmobiles.~~

~~114.03.404.03 Impoundment~~**ABATEMENT**

~~The City, or its duly authorized agent, may take into custody and impound any abandoned or junk or unsafe motor vehicle.~~

~~A vehicle may be impounded after notice of such proposed impoundment (in a form similar to that set forth herein) has been securely attached to and conspicuously displayed on the vehicle for a period of five days prior to such impoundment excluding Saturdays, Sundays and city holidays for the following reasons:~~

~~A. When such vehicle is parked and/or used in violation of any law, ordinance or regulation; or~~

~~B. When such vehicle is abandoned, junk or unsafe.~~

~~114.04.404.04 Vehicles Immediately Subject to Public Sale~~Sale of Abandoned or Junk Vehicles

An impounded abandoned or junk vehicle is eligible for disposal or sale 15 days after notice to the owner. This includes junk vehicles that have a valid, current registration plate. When an abandoned motor vehicle is more than seven (7) model years of age, lacks vital component parts and does not

~~display a license plate currently valid in Minnesota or in any other state or foreign country, it shall immediately be eligible for sale by a duly authorized agent of the City or at public auction and shall not be subject to the notification or reclamation procedures established by this Chapter. (Ref 1236)~~

#### ~~114.05.404.05 NOTICE–Notice of Sale~~

~~1. When an abandoned an abandoned motor vehicle does not fall within the provisions of Section 114.04, the City shall give notice of the taking within ten (10) days. The notice shall set forth the date and place of the taking, the year, make, model and serial, number of the abandoned, junk or unsafe motor vehicle and the place where the vehicle is being held, shall inform the owner and any lienholders of their right to reclaim the vehicle under Section 114.06 and shall state that failure of the owner or lienholders to exercise their right to reclaim the vehicle shall be deemed a waiver by them of all rights, title and interest in the vehicle and a consent to the sale of the vehicle at a public auction pursuant to Section 114.07.~~

~~2. The notice shall be sent by mail to the registered owner, if any, of the abandoned, junk or unsafe motor vehicle and to all readily identifiable lienholders of record. The notice shall be mailed to the registered owner at the address provided by the motor vehicle division of the Minnesota Department of Public Safety or the corresponding agency of any other state or province. A copy of such notice may be sent to the property owner where the vehicle is found. If the person mailing the notice has reason to believe that the registered owner of the vehicle, or one who claims to be the registered owner of the vehicle, is residing or in custody at some different address, a copy of the notice shall be mailed or personally delivered to such owner or claimant in a manner designed, as nearly as may be practicable, to give actual notice to him or her. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was abandoned junk or unsafe. Published notices may be grouped together for convenience and economy.~~

1. When an abandoned or junk vehicle is taken into custody, the City must give written notice of the taking within five business days, to the registered vehicle owner and any lienholders. The notice must set forth the date and place of the taking, the year, make, model and serial number of impounded vehicle (if such information can be reasonably obtained), and the place where the vehicle is being held. The notice must further inform the owner and any lienholders of their right to reclaim the vehicle under this Chapter, and state that failure of the owner or lienholders to exercise their right to reclaim the vehicle will be deemed a waiver by them of all right, title, and interest in the contents and a consent to the sale of the vehicle at a public auction pursuant to this Chapter. The notice must also state that a vehicle owner who provides to the impound lot operator documents from a government or nonprofit agency or legal aid office that the owner is homeless, receives relief based on need, or is eligible for legal aid services, has the unencumbered right to retrieve any and all contents without charge. "Contents" does not include any permanently affixed mechanical or nonmechanical automobile parts; automobile body parts; or automobile accessories, including audio or video players.

2. The notice will be sent by mail to the registered owner, if any, of the impounded vehicle and to all readily identifiable lienholders of record. The notice shall be mailed to the registered owner at the address provided by the motor vehicle division of the Minnesota Department of Public Safety or the corresponding agency of any other state or province. If the person mailing the notice has reason to believe that the registered owner of the vehicle, or any person who claims to be the registered owner of the vehicle, is at a different address, a copy of the notice shall be mailed or personally delivered to the owner or claimant so as to give them actual notice of the sale. If it is impossible to determine, with reasonable certainty, the identity and address of the registered owner or any lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was towed from or abandoned. Published notices may be grouped together for convenience and economy.

114.06.404.06 Reclaim

1. The owner or any lienholder of an abandoned, ~~or~~ junk ~~or unsafe~~ motor vehicle ~~shall~~ will have a right to reclaim such vehicle from the City upon payment of all towing and storage charges resulting from taking the vehicle into custody within ~~fifteen (15)~~ days after the date of the notice required by ~~Section 114.05~~ this Chapter.

2. Nothing in this Chapter ~~shall~~ may be construed to impair any lien of a garagekeeper ~~under the laws of this State~~, or the right of a lienholder to foreclose. ~~For the purposes of this Section, "garagekeeper" is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.~~

~~3. To reclaim a motor vehicle impounded pursuant to this ordinance, the owner or lienholder must pay any costs and administrative fees incurred by the city, and must agree to relocate the vehicle in accordance with local state and federal regulations. The owner or lienholder reclaiming such vehicle shall sign a "Release of Property" and shall agree to immediate impoundment without notice if such vehicle again violates this section. In addition, the City may require a bond to be posted if said vehicle has been subject to a prior impoundment.~~

114.07.404.07 Hearing Appeals

~~Any property owner who feels aggrieved by an impoundment of a vehicle under this chapter may request a hearing before the Hearing Examiner. Such request shall be filed in writing with the office of the Community Development Director within twenty (20) days after the date of service of the notice by the City or other duly authorized agent. The Community Development Director shall notify the Hearing Examiner who shall notify the property owner of the date, time and place of the hearing. The hearing shall be conducted no more than twenty (20) days after the Hearing Examiner receives notice of the request, unless a later date is mutually agreed to by the Hearing Examiner, the property owner and the City. Both the property owner and the city may appear at the hearing with counsel and may call such witnesses and present such evidence as is determined by the Hearing Examiner to be relevant. Within ten (10) days after such hearing, the Hearing~~

~~Examiner shall affirm, repeal or modify the order of the City or other duly authorized agent. Notice of the decision shall be mailed to the owner at the address given in the hearing request. The Hearing Examiner's order shall be accompanied by written findings of fact, and may include a finding of fact as to the violation of this chapter. Any person aggrieved by the decision of the Hearing examiner may appeal that decision to the City Council by filing notice of such appeal with the Community Development Director within twenty (20) days of the mailing of the Hearing Examiner's decision. At its next available regular meeting following the filing of a notice of appeal, the Council shall review the decision and findings of fact of the Hearing Examiner and shall affirm, repeal or modify that decision. If the Council affirms the Hearing Examiner's decision declaring that a violation of this chapter exists, the City shall proceed to sell the vehicles after twenty (20) days following the Council's final determination, unless the property owner obtains a court order to the contrary within said twenty (20) days. (Ref Ord 1236)~~

1. Any person contesting a citation or decision associated with violations of this Chapter may file an appeal pursuant to the Appeals and Administrative Citations chapter of the Code.

2. Within 14 business days of a determination by the Hearing Examiner, any person contesting that decision may appeal to the Council by submitting a written appeal to the City Clerk. At its next regular meeting following the Hearing Examiner's decision, the Council will affirm, repeal, or modify that decision.

114.08.404.08 Public Sale

1. An abandoned, ~~or junk or unsafe~~ motor vehicle taken into custody and not reclaimed under ~~Section 114.06~~this Chapter becomes the property of ~~the duly authorized agent of the City or shall and may~~ be sold by the City to the highest bidder at public auction or sale, ~~following notice published a reasonable time in advance.~~ The purchaser of the vehicle shall must be given a receipt in a form prescribed by the ~~registrar of motor vehicles~~City, which ~~shall will~~ be sufficient title to dispose of the vehicle. The receipt ~~shall may~~ also entitle the purchaser of the vehicle to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

2. ~~Disposing of unsold vehicles. Abandoned vehicles~~Vehicles not sold pursuant to ~~subdivision 1 this Section shall must~~ be disposed of in accordance with ~~Minnesota Statutes~~M.S. § 168B.09.

3. ~~Disposition of sale proceeds.~~—From the proceeds of the sale under this section of ~~the abandoned motor vehicles,~~ the City ~~shall will~~ reimburse itself for the cost of towing, preserving, and storing ~~the anythe~~ vehicles and all administrative, notice and publication costs incurred in handling the vehicle pursuant to sections 114.01 to 114.09. The City may retain all proceeds from the sale of any personal belongings and contents in the vehicle that were not claimed by the owner or the owner's agent before the sale, except that any suspected contraband or other items that likely would be subject to forfeiture in a criminal trial must be turned over to the appropriate law enforcement agency. Any remainder from the proceeds of a sale ~~shall must~~ be held for the

owner of the vehicle or entitled lienholder for 90 days and then ~~shall~~ must be deposited with the City in the treasury of the unit of government.

~~114.09.404.09~~ Disposal Authority

~~1. — Units of government.~~ The ~~city~~ City may contract with others ~~or and may~~ utilize its own equipment and personnel for the inventory of ~~impounded abandoned \_motor\_~~ vehicles and abandoned scrap metal, and if no bids are received, may utilize its own equipment and personnel for the collection, storage and transportation of ~~these abandoned motor vehicles and abandoned scrap metal~~; provided, however, that ~~the City a unit of government~~ may utilize its own equipment and personnel for the collection and storage of not more than five abandoned motor vehicles without advertising for or receiving bids in any 120 day period.

~~114.10. Penalties~~

~~Any person who abandons a motor vehicle on any public or private property, without the consent of the person in control of such property, or is otherwise in violation of this Chapter, is guilty of a misdemeanor and is subject to all penalties provided for such violations in Chapter 901 of this Code.~~

~~404.10 Vehicle Towing~~

~~1. All persons who tow or otherwise transport vehicles into, from, or through the City of Fridley (City), or who are under contract with the City to tow or transport vehicles, must not tow or otherwise transport a vehicle without taking reasonable steps to prevent or minimize the loss of parts or leaking of fluid from the vehicle, in accordance with safety concerns of both the public and the person transporting or towing the vehicle.~~

~~2. If fluids from the vehicle have leaked prior to towing or transporting the vehicle, or a leak from the vehicle occurs during towing or transportation, reasonable steps must promptly be taken by the person towing or transporting the vehicle to clean up and otherwise contain and remove the leaked fluids.~~

~~3. Persons who store vehicles towed or transported under this Chapter must comply with all environmental laws and regulations governing the leakage of motor vehicle fluids once the vehicle reaches the towing or transportation destination.~~

~~4. Any person removing a wrecked or damaged vehicle from a highway, road, alley, or street must also remove any glass, fluids, vehicle pieces, or other injurious substances from the highway, road, alley, or street.~~

**Section 6**

That the Fridley City Code Chapter 124, Noise, be hereby amended as follows:

Fridley City Code  
Chapter ~~124.405~~ Noise

~~124.01.405.01~~ Purpose

The Fridley City Council (Council) ~~of the City of Fridley~~ deems that certain levels and amounts of noise are detrimental to the health, safety, and general welfare of the public.

~~124.02.405.02~~ Definitions

~~1-~~ Air Circulation Device: A mechanism designed ~~and used for the to~~ controlled ~~the~~ flow of air used in ventilating, cooling, or conditioning systems including, but not limited to, central and window air conditioning units.

~~2-~~ City: ~~A noise control officer, peace officer, or any other duly appointed representative of the City as designated by the City Manager.~~

~~3-~~ Decibel: A unit of sound pressure level, ~~abbreviated dBA.~~

~~4-~~ dBA: A unit of sound level. dBA is the weighted pound pressure level by the use of the A metering characteristic and weighting as specified in ANS1 Specification for Sound Level Meters, SL4-1971, which is hereby incorporated by reference. For the purpose of those regulations, dBA is used as a measure of human response to sound.

~~5-~~ Exhaust System: A combination of components that provides for enclosed flow of exhaust gas from engine parts to the atmosphere.

~~6-~~ <sup>L</sup>10: The sound level, expressed in decibels (dBA), which is exceeded ~~ten percent (10%)~~ of the time for a one ~~(1)~~ hour period, as measured by a sound level meter having characteristics as specified in the latest standards, 1.4. of the American National Standards Institute, and using test procedures approved by the City of Fridley (City).

~~7-~~ <sup>L</sup>50: The sound level similarly expressed and measured that is exceeded ~~fifty percent (50%)~~ of the time for a one ~~(1)~~ hour period.

~~8-~~ Noise: Any excessive and unnecessary sound not occurring in a natural environment including, but not limited to, sounds emanating from aircrafts and highways, and industrial, commercial, and residential sources.

~~9-~~ Person: An individual, firm, partnership, corporation, trustee, association, the state and its agencies and subdivisions, or any body of persons whether incorporated or not. With respect to acts prohibited or required herein, "person" ~~shall~~ will include employees and licensees.

~~10.~~ Sound: An oscillation in pressure, stress, particle displacement, particle velocity, etc., in an elastic or partially elastic medium, or the superposition of such propagated alterations.

~~11.~~ Sound Pressure Level (SPL): 20 times the logarithm to the base 10 of the ratio of the pressure of a sound, p, to the reference pressure, pr. For the purposes of ~~these regulations~~ this Chapter, the reference pressure shall be 20 micronewtons per square meter (20 u N/m<sup>2</sup>). In equation form, Sound Pressure Level in units of decibels is expressed as SPL (dB) = 20 log 10p/Pr.

~~12.~~ Sound Receiving Unit: A person, activity, animal life, or property that is affected by noise.

~~124.03.405.03~~ Receiving Land Use Standards

1. The sound level requirements of this Section shall apply at the property ~~linear zoning lines~~ of the sound receiving unit. Measurements may be made at any location on the property for evaluation purposes and to aid in the enforcement of other sections of this Chapter.

2. The sound levels as stated below shall be the highest sound levels permitted in each of the zoning districts as defined in ~~zoning chapters of the Fridley City Code (Code) Chapter 205 of the Fridley Code.~~

Zoning Districts	Day (7 a.m. - 9 p.m.)		Night (9 p.m. - 7 a.m.)	
	L50	L10	L50	L10
Residential, Public and Commercial	60	65	50	55
Planned Unit Development	65	70	65	70
Industrial	75	80	75	80

3. Sound levels resulting from cumulative travel of motor vehicles on State and County highways and railroads are exempt from these Receiving Land Use Standards, but are not exempt from other relevant sections of this Chapter ~~relating to motor vehicles and railroads~~. This ~~ordinance Chapter~~ does not exempt individual motor vehicles from applicable any and all federal, state, or local regulations. It is the intent of the City to reduce highway noise in the various land areas surrounding highways to, or below, the requirements of this Section when ~~and wherever~~ possible.

~~124.04.405.04~~ Motor Vehicles Noise Limits

No person ~~shall~~ may operate a motor vehicle in the City in violation of the motor vehicle noise rules limits adopted by the Minnesota Pollution Control Agency. ~~(Minnesota Statutes Section 169.693).~~

~~124.05. Central Air Conditioning Equipment~~



~~No person shall permanently install or place any central air conditioning device, except a window air conditioning unit, in any front or side yard without a permit from the City. Window air conditioning units are exempt from the provisions of this Section, except that the noise produced by such window units, as well as by all existing air circulation devices, shall not be in violation of Section 124.03 of this Chapter.~~

~~124.06.405.05~~ Operational Limits

- 1. Recreational Motor Vehicles. Recreational motor vehicles ~~shall beare~~ subject to Minnesota Statutes Section 84.90 and ~~Chapter 703, the Snowmobile Regulations Chapter~~ of the ~~City~~ Code.
- 2. Outdoor Power Implements. No person ~~shall may~~ operate any outdoor power implement including, but not limited to, ~~gasoline or electric~~ lawn mowers, hedge clippers, chain saws, mulchers, garden tillers, edgers, leaf blowers, or ~~such other any other~~ implements designed primarily for outdoor use, ~~at any time other than between the hours of before~~ 7:00 a.m. and after 9:00 p.m. on weekdays and before 9:00 a.m. and after 9:00 p.m. on weekends and national legal holidays. Snow removal equipment is exempted from this provision.
- 3. Construction Activities. Construction work hours ~~shall beare~~ subject to ~~Chapter 206 the Building Code chapter~~ of the ~~City code Code~~.
- 4. Refuse Hauling. Refuse hauling hours ~~shall beare~~ subject to ~~Section 113.10 the Solid Waste Management Chapter~~ of the ~~City~~ Code.

~~124.07.405.06~~ Public Nuisance Noises Prohibited

It ~~shall be is~~ unlawful for any person to make, or cause to be made, any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the health, safety, and general welfare of any persons, ~~or~~ precludes their enjoyment of property, or affects their property's value. The following acts, ~~among others,~~ are declared to be nuisance noises in violation of this Chapter, but said list enumeration ~~shall not be deemed to be is not~~ exclusive.

- 1. Horns and Audible Signaling Devices. No person shall sound any horn or signaling device on any vehicle except as a warning of danger in accordance with (Minnesota Statutes (M.S.) §Section 169.68).
- 2. Radios and or other Sound Amplification Devices.

~~A.(a) No person shall use, operate, or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for the production or reproduction of sound in a distinctly and loudly audible manner as to disturb the peace, quiet and comfort of any persons nearby. No person may use, operate or permit the use or operation of any radio or other sound amplification device in a manner that disturbs the peace, quiet and comfort of any persons nearby.~~

~~B.(b)~~ No person may operate, ~~or~~ park, stop or leave standing a motor vehicle while using a radio or other electronic sound amplification device ~~emitting sound from or around the vehicle~~ that is audible from a distance of 75 or more feet, unless the electronic sound amplification device is being used to request assistance or warn against an unsafe condition.

This subsection does not apply to any of the following:

- (1) Operators of emergency vehicles when responding to an emergency.
- (2) Operators of public utility vehicles.
- (3) Operators of vehicles lawfully being used for advertising purposes.
- (4) Operators of vehicles that are being used in a licensed or permitted event, ~~or~~ celebration, procession, ~~or~~ assemblage.
- (5) The activation of a vehicle theft alarm signal device.

### 3. Participation in Noisy Parties or Gatherings.

No person shall ~~participate in host or attend any unruly party or other gathering of people in a residentially zoned or used area giving rise to which causes noise that, disturbing significantly disturbs or annoys the peace, quiet, or repose of other persons a reasonable person.~~ When a peace officer determines that a ~~gathering party~~ is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person ~~shall may~~ refuse to leave after being ordered by a peace officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance ~~shall must~~ make every reasonable effort to see that the disturbance is stopped.

### 4. Loud ~~s~~ Speakers, Amplifiers for Advertising

Except as permitted by ~~Section 124.07.5 this Chapter~~, no person ~~shall may operate use or permit the use or operation of~~ any loudspeaker, sound amplifier, or other device for the production or reproduction of sound, on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment ~~or vehicle, or activity.~~ This Section is not meant to prohibit the reasonable use of amplified sound for religious purposes, including but not limited to, the tolling of church bells or a religious call to prayer.

### 5. Exception for Food/Beverage Vehicles

Notwithstanding any other provision to the contrary, food/beverage vehicles may sound a manually operated bell while operating between the hours of 10:00 a.m. and 4:30 p.m., and 6:00

~~p.m. to 8:00 p.m. in any area zoned commercial or industrial, and only between the hours of 1:00 p.m. and 4:30 p.m. and 6:30 p.m. to 8:00 p.m. in any area zoned residential or other than commercial or industrial, which can produce a noise level measured at a distance of 50 feet from the source no greater than 65 decibels.~~

6. Animals

Animals ~~shall bear~~ subject to ~~Chapter 101~~the Animal Control Chapter of the ~~City~~ Code.

7. Exhausts

No person ~~shall may~~ discharge the exhaust ~~or permit the discharge of the exhaust~~ of any steam engine, stationary internal combustion engine, ~~or~~ motor boat, motor vehicle, or snowmobile except through a muffler or other device which will effectively prevent loud or explosive noises therefrom and complies with all applicable state laws and regulations, including but not limited to M.S. § 169.69. (Minnesota Statutes Section 169.69).

8. Defective Vehicle or Load

No person ~~shall may~~ use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.

9. Loading, Unloading, Unpacking

No person ~~shall may~~ create loud and excessive noise in connection with loading, unloading, or unpacking of any vehicle.

~~124.08.405.07~~ Exception for Emergency Work

Noise created exclusively in the performance of emergency work to preserve the public health, safety, or general welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard, ~~shall will~~ be exempt from the provisions of this Chapter. Any persons responsible for such emergency work ~~shall must~~ take all reasonable actions to minimize the amount of noise they create.

~~124.09.405.08~~ Enforcement

1. Administration

The noise control program established by this Chapter ~~shall will~~ be administered by the City.

2. Testing Procedures

The City ~~shall~~must adopt guidelines establishing the test procedures and instrumentation to be used in enforcing the provisions of ~~Section 124.03 this Chapter, which imposes noise standards.~~ A copy of ~~such~~the guidelines shall be kept on file in City Hall and ~~shall~~will be available to the public for reference during office hours.

### 3. Studies

The City ~~shall~~will conduct such research, monitoring, and other studies related to sound as are necessary or useful in enforcing this Chapter and reducing noise in the City. The City ~~shall~~will make such investigations and inspections in accordance with law as required in applying the requirements of this Chapter.

### 4. Noise Impact ~~Assessment~~Statements

The City may require any person applying to the City for a change in zoning classification ~~or,~~ a permit or license for any structure, operation, process, installation or alteration or project that may be considered ~~as~~ a potential noise source to submit a noise impact ~~statement assessment on a form prescribed by the City to the City. Such assessment must be submitted in a format prescribed by the City.~~

### 5. Civil Action

The provisions of this Chapter may be enforced through injunction, mandamus, or ~~any~~other appropriate civil remedy ~~that the City may deem appropriate.~~

### 6. Other Powers and Duties

The City ~~shall~~will exercise ~~such other~~its powers and perform ~~such other~~its duties as ~~are~~may be reasonable and necessary to enforce this Chapter.

### ~~124.10.407.09~~ Variances-Exemptions

The ~~City~~ Council ~~shall have authority, consistent with this Section~~has the authority to grant ~~exemptions~~variances from the requirements of all sections of this Chapter.

### ~~124.11. Penalties~~

~~The violation of any provision of this Chapter, except Section 124.04, shall be subject to Chapter 901 of the City Code.~~

## **Section 7**

That the Fridley City Code Chapter 123, Junk Vehicles, be hereby amended as follows:

Fridley City Code  
Chapter 123. Junk Vehicles

~~123.01. Purpose~~

~~This Chapter is established for the following purposes:~~

- ~~1. — To promote health, safety, order, convenience, prosperity and general welfare in the City of Fridley by establishing that the outside parking or storage, on or near residential district properties, of vehicles, materials, supplies or equipment not customarily used or needed for the use in connection with the occupancy of residential property for residential purposes, is hereby found to create a nuisance.~~
- ~~2. — To prevent obstruction of view on streets and on private property, unhealthful and noxious odors and materials in residential neighborhoods, cluttered and otherwise unsightly areas and adverse effects to residential property values and neighborhood patterns.~~
- ~~3. — To allow the full use of residential streets for residential parking.~~

~~123.02. Definitions~~

~~The following definitions shall apply in the interpretation and enforcement of this Chapter:~~

~~1. — Junk Car.~~

~~Any motor vehicle that is not in operable condition, or that is partially dismantled or that is used for sale of parts or as a source of repair or replacement parts for other vehicles, or that is kept for scrapping, dismantling, or salvage of any kind, or that is not properly licensed for operation with, and by, the State of Minnesota.~~

~~2. — Person.~~

~~Any person, firm, partnership, association, corporation, company or organization of any kind.~~

~~3. — Property.~~

~~Any real property within the City that is not a street or highway.~~

~~4. — Street or Highway.~~

~~The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.~~

~~5. Vehicle.~~

~~A machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides, and transports persons or property or pulls machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles and tractors.~~

~~123.03. Parking and Storage of Junk Cars and Vehicles on Private Property~~

~~No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, nonoperating wrecked, junked or discarded vehicle to remain on such property longer than ten (10) days after notification by the City of a violation of this Chapter; and no person shall leave any such vehicle on any property within the City for a longer time than ten (10) days after notification by the City of a violation of this Chapter; except that this Chapter shall not apply with regard to a vehicle in an enclosed building; or a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City; or a single inoperable vehicle that is in the reasonable process of restoration to an operable vehicle provided it has current registration and does not constitute a nuisance. (Ref. 710)~~

~~123.04. Impounding~~

~~The City or its duly authorized agent is hereby authorized to remove or have removed any vehicle left at any place within the City that reasonably appears to be in violation of this Chapter or is otherwise lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with Chapter 114 of the City Code.~~

**Section 8**

That the Fridley City Code Chapter 111, Vehicle Towing, be hereby amended as follows:

~~Fridley City Code  
Chapter 111. Vehicle Towing~~

~~111.01. Vehicle Towing~~

~~1. All persons who tow or otherwise transport vehicles into, from or through the City of Fridley, or who are under contract with the City of Fridley to tow or transport vehicles, shall not tow or otherwise transport a vehicle without taking reasonable steps to prevent or minimize the loss from the vehicle or fluids to the extent practicable and in accordance with safety concerns of both the public and the person transporting or towing the vehicle.~~

~~2. In the event that fluids from the vehicle have drained from the vehicle prior to towing or transporting, or a loss from the vehicle occurs during towing or transportation, reasonable steps shall promptly be taken by the person towing or transporting the vehicle to clean up and otherwise contain and remove the fluids lost.~~

~~3. Persons who store vehicles towed or transported under this section shall comply with all environmental laws and regulations governing the loss of motor vehicle fluids once the vehicle reaches the towing or transportation destination.~~

~~4. The person towing or transporting the motor vehicles shall be entitled to charge the owner of the motor vehicle, or the person, excluding a police officer engaged in his authorized duties, requesting that a vehicle be towed or transported, a reasonable fee for the services herein.~~

~~5. Any person removing a wrecked or damaged vehicle from a highway or street shall remove any glass or other injurious substance dropped upon the highway or street from such vehicle.~~

~~111.02 Penalty~~

~~Whoever does any act forbidden by this Chapter or omits or fails to do any act required by this Chapter shall be guilty of a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of the Fridley City Code.~~

**Passed and adopted by the City Council of the City of Fridley on this XX day of [Month], 2023.**

\_\_\_\_\_  
Scott J. Lund - Mayor

\_\_\_\_\_  
Melissa Moore - City Clerk

Public Hearing:  
First Reading:  
Second Reading:  
Publication:



# PUBLIC NOTICE

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## Notice of Public Hearing Fridley City Council

Notice is hereby given that the City Council of the City of Fridley will hold a public hearing on August 14, 2023 at 7:00 p.m. at Fridley City Hall, 7071 University Avenue N.E. The public hearing will consider Ordinance No. 1414, Creating Title No. 4 (Public Nuisance) of the Fridley City Code and the Chapters Contained Therein. Any person desiring to be heard shall be given an opportunity at the above stated time and place. Or, comments may be submitted before the meeting to [melissa.moore@FridleyMN.gov](mailto:melissa.moore@FridleyMN.gov) or 763-572-3523.





# AGENDA REPORT

**Meeting Date:** July 24, 2023

**Meeting Type:** City Council

**Submitted By:** Scott Hickock, Community Development Director  
Nancy S. Abts, Associate Planner

**Title**

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Resolution No. 2023-86, Requesting Community Development Block Grant Funds for a Public Facility to be Generally Located at 6101 University Avenue NE

**Background**

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Anoka County (County) administers the federal Community Development Block Grant (CDBG) program locally. For the 2023 program year, the County is seeking eligible projects that can be completed within a six month timeframe. The City of Fridley (City) is eligible for CDBG funds for public facilities due to the proportion of City residents who are considered low- to moderate-income under the program’s guidelines. City staff have identified construction of the Multi-Modal Transit Hub generally located at 6101 University Avenue NE, as a Public Facility potentially eligible for CDBG funding and have prepared a grant application for the project.

**Financial Impact**

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The application requests \$827,048 of CDBG funds and indicates that the City may accept a partial award. Matching funds of \$15,000 will be provided in the form of a site survey and planting of conifers for screening. Sources for these matching funds have already been identified in the City and HRA budgets. Because CDBG is a federal program, the contracts on the project must follow federal contracting guidelines including payment of prevailing wages and consideration of federally debarred contractors. Because the City frequently uses federal sources for transportation projects, staff is comfortable following these requirements.

**Recommendation**

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Staff recommend the approval of Resolution No. 2023-86.

**Focus on Fridley Strategic Alignment**

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- |                                                                      |                                                                     |
|----------------------------------------------------------------------|---------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Vibrant Neighborhoods & Places   | <input type="checkbox"/> Community Identity & Relationship Building |
| <input type="checkbox"/> Financial Stability & Commercial Prosperity | <input type="checkbox"/> Public Safety & Environmental Stewardship  |
| <input type="checkbox"/> Organizational Excellence                   |                                                                     |

**Vision Statement**

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

## **Attachments and Other Resources**

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- Resolution No. 2023-86
- Exhibit A: Home/CDBG Project Funding Request Summary

### **Vision Statement**

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

**Resolution No. 2023-86**

**Requesting Community Development Block Grant Funds for a Public Facility  
to be Generally Located at 6101 University Avenue NE**

**Whereas**, the City of Fridley’s (City) Active Transportation Plan and ADA Transition Plan prioritize projects that improve multimodal roadway access in the City of Fridley and staff has identified a multi-modal trail hub on the west side of Trunk Highway 47 as a priority project consistent with these plans; and

**Whereas**, in 2019, 2020 and 2021 City staff conducted outreach to the affected community, including holding meetings at the Civic Campus and onsite with the neighborhoods and stakeholders to identify beneficial improvements to the aforementioned segment of Trunk Highway 47; and

**Whereas**, in 2020, the City acquired the vacant parcel located at 6101 University Avenue for development as a parks and trails facility; and

**Whereas**, staff has developed conceptual designs for the parcel’s development; and

**Whereas**, the City has identified this park as a priority community development need serving a low-moderate income community; and

**Whereas**, the City believes that the project needs can be met through the Community Development Block Grant (CDBG) program that is administered by Anoka County.

**Now, therefore, be it resolved**, that the City Council of the City of Fridley hereby:

1. Supports and approves of the project described in Exhibit A attached to this resolution, and
2. Requests \$827,048 of Community Development Block Grant funds for the project; and
3. Authorizes City Staff to execute all documents necessary to secure said CDBG funds.

**Passed and adopted by the City Council of the City of Fridley this 24th day of July, 2023.**

\_\_\_\_\_  
Scott J. Lund – Mayor

Attest:

\_\_\_\_\_  
Melissa Moore – City Clerk



## HOME / CDBG PROJECT FUNDING REQUEST SUMMARY (35-PTS)

### Organization Summary (5 Points)

<b>Organization Name</b>	City of Fridley
<b>Project Title</b>	Multi-Modal Transit Hub Public Facility at 6101 University Ave NE
<b>Project Address(es)</b>	6101 University Avenue
<b>Organization Contact:</b>	Scott Hickok, Community Development Director
<b>Organization Email &amp; Phone Number:</b>	Scott.Hickok@FridleyMN.gov
<b>Organization Address:</b>	7071 University Avenue, Fridley, MN 55432

**Funding Amount Requested:** \$694,668

CDBG Project

HOME

Total budget for the whole project	\$709,668	Other sources	City of Fridley and Fridley Housing & Redevelopment Authority funds
Individuals/Households Served	29,000 City residents	Cost per Individual/ Household	\$24

Timeline (months) 3 Estimated Start date September 2023 Completion date November 2023

**Project Summary (10 Points)**-What is the project/service accomplishing in less than 100 words? What is your organization doing with the requested funds?

**The City of Fridley seeks to develop a public park to serve as multi-modal transit hub. The park will connect area residents and transit users with active transportation options, bus routes and a future bus rapid transit station, and a park and ride facility. CDBG funds will be used for site development, while other funding sources provide additional landscaping, transit improvements, and site activation. The facility will enhance low-to-moderate income residents' access to jobs and services and will provide a public green space and recreational facility.**



**Community Need (10 Points)**-Describe the community need and who are the people who would be served (100 words or less)

The facility will serve residents of a dense, low-to-moderate income neighborhood with low automotive ownership. An existing 269-unit market rate workforce apartment complex is south of the site, and in Fall 2023 construction will begin on a 169-unit affordable apartment building north of the project site. The area surrounding the park was identified in the City's 2022 Park System Improvements Plan as a "High Needs" Underserved Neighborhood location for park access based on higher housing density, lower income, and higher percentage of minority groups. The new park will occupy a vacant parcel formerly occupied by an abandoned gas station.

**Project Outcomes (10 Points)**- What is the intended result of funds invested (100 words or less)

The project will rehabilitate the site of an abandoned gas station along a major thoroughfare in a neighborhood with low-to-moderate income residents. As a result of CDBG funds, site improvements will be made to allow the facility to function as a recreation space and gathering hub for neighborhood residents and multiple types of transit users. These CDBG funds will be used for hardscape and landscape improvements; alterations to the curb line; crosswalk improvements; and to provide site infrastructure such as drinking fountains and lighting.



# AGENDA REPORT

**Meeting Date:** July 24, 2023

**Meeting Type:** City Council

**Submitted By:** Scott Hickock, Community Development Director  
Stacy Stromberg, Planning Manger  
Nancy S. Abts, Associate Planner

**Title**

Resolution No. 2023-87, Supporting an Application for Metropolitan Council Policy Development Funds for Amendments to the Zoning Code to Promote an Efficient Development Pattern

**Background**

The Metropolitan Council (Met Council) administers the Livable Communities Act (LCA), which provides resources to local government organizations in the seven-county metro region. The LCA Policy Development program provides funding to participating cities to support locally adopted policies that influence physical development and further LCA goals. The City of Fridley’s (City) Zoning Code is considered a locally adopted policy eligible for funding through the program.

As part of the ongoing recodification process, city staff are preparing recommendations for updates to the City’s Zoning Code. These updates are preliminarily scheduled to be reviewed and adopted in 2024. Applying for LCA funding at this point will provide the City with resources to comprehensively evaluate parking, landscaping, and site development requirements and propose strategies to optimize an efficient development and redevelopment pattern in Fridley.

**Financial Impact**

The application requests \$15,000 of LCA funds. The program requires a local match of 25 percent, which is reimbursed after the policy developed under the grant is brought to the City Council for adoption. The reimbursement is not contingent on adoption of the policy, although applicants are encouraged to consider the likelihood of adoption at the time of applying for the grant.

**Recommendation**

Staff recommend the approval of Resolution No. 2023-86

**Focus on Fridley Strategic Alignment**

- |                                                                                 |                                                                     |
|---------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Vibrant Neighborhoods & Places                         | <input type="checkbox"/> Community Identity & Relationship Building |
| <input checked="" type="checkbox"/> Financial Stability & Commercial Prosperity | <input type="checkbox"/> Public Safety & Environmental Stewardship  |
| <input type="checkbox"/> Organizational Excellence                              |                                                                     |

**Vision Statement**

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

## **Attachments and Other Resources**

---

- Resolution No. 2023-86

### **Vision Statement**

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

**Resolution No. 2023-87**

**Supporting an Application for Metropolitan Council Policy Development Funds for Amendments to the Zoning Code to Promote an Efficient Development Pattern**

**Whereas**, the City of Fridley's 2040 Comprehensive Plan identifies an implementation step of considering amendments to parking requirements, following further study of current parking demands; and

**Whereas**, Resolution 2021-67 directs efforts related to recodification of the Fridley City Code and instructs staff to make regular reports to the City Council regarding progress related thereto; and

**Whereas**, recodification of the Fridley City Code: Title 6-Zoning is scheduled to occur in 2024; and

**Whereas**, staff has identified areas of study needed to optimize efficient land use and site development, specifically related to parking and landscaping and greenspace requirements; and

**Whereas**, staff has worked with the consulting firm Hoisington Koegler Group Inc. to a scope of work for this study; and

**Whereas**, the City does not currently have the resources available to complete this study in the specified timeframe; and

**Whereas**, the City is a participant in the Livable Community Act's Local Housing Incentives Account Program and is therefore eligible to apply for Livable Communities Policy Development funds; and

**Whereas**, the City acknowledges Livable Communities Policy Development funds are intended to fund projects or project components that can serve as models, examples or prototypes for projects elsewhere in the region, and therefore represents that the proposed project can be replicated in other metropolitan-area communities; and

**Whereas**, the City believes that financial resources to support this study can be obtained through the Livable Communities Act - Policy Development program that is administered by the Metropolitan Council.

**Now, therefore, be it resolved**, that the City Council of the City of Fridley hereby:

1. Finds that it is in the best interests of the City's development goals and priorities for the proposed project or projects to occur at these particular sites and at this particular time.
2. Finds that the project components for which Livable Communities Demonstration Account funding is sought:
  - a. will not occur solely through private or other public investment within the reasonably foreseeable future; and



- b. will occur within two years after a grant award only if Livable Communities funding is made available for this project at this time.
- 3. Supports and approves of the project described in Exhibit A attached to this resolution.
- 4. Requests \$15,000 of Livable Communities Act - Policy Development funds for the project.
- 5. Authorizes City Staff to execute such agreements as may be necessary to implement the project(s) on behalf of the City.

**Passed and adopted by the City Council of the City of Fridley this 24th day of July, 2023.**

\_\_\_\_\_  
Scott J. Lund – Mayor

Attest:

\_\_\_\_\_  
Melissa Moore – City Clerk



# AGENDA REPORT

**Meeting Date:** July 24, 2023

**Meeting Type:** City Council

**Submitted By:** Korrie Johnson, Assistant Finance Director

## Title

Resolution No. 2023-88, Approving Gifts, Donations and Sponsorships Received Between June 17, 2023 and July 14, 2023

## Background

Each month, the City of Fridley (City) receives various donations and gifts to support City operations, programs and projects. Pursuant to Minnesota Statute § 465.03, the City may accept these donations and gifts for the benefit of residents. For specific donations or gifts, the donor may prescribe certain requirements, such as for a specific activity or department.

Consistent with the abovementioned statute, staff prepared Schedule No. 1 (Exhibit A), which outlines the various donations, gifts and/or sponsorships received by the City between June 17, 2023 and July 14, 2023. To accept the same, the Council must adopt the attached resolution by a two-third majority vote.

Lastly, for each donation, gift or sponsorship, staff ensure it meets an identified need, does not create a quid-pro-quo or long-term maintenance obligation, and the donor received an acknowledgment of their gift through a letter or publication.

## Financial Impact

Every donation benefits the City of Fridley's finances.

## Recommendation

Staff recommend the approval of Resolution No. 2023-88.

## Focus on Fridley Strategic Alignment

<input type="checkbox"/> Vibrant Neighborhoods & Places	<input type="checkbox"/> Community Identity & Relationship Building
<input checked="" type="checkbox"/> Financial Stability & Commercial Prosperity	<input type="checkbox"/> Public Safety & Environmental Stewardship
<input type="checkbox"/> Organizational Excellence	

## Attachments and Other Resources

- Resolution No. 2023-88
- Exhibit A: Schedule No. 1

## Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

**Resolution No. 2023-88**

**Approving Gifts, Donations and Sponsorships for the City of Fridley**

**Whereas**, throughout the year the City of Fridley (City) receives various gifts and donations; and

**Whereas**, the City is sincerely grateful for the support it receives from an array of organizations and individuals; and

**Whereas**, without this support, the continuation of different events or programs would be difficult to sustain; and

**Whereas**, the attached schedule (Exhibit A) lists all of the donations and gifts received by various City departments between June 17, 2023 and July 14, 2023; and

**Whereas**, all of the items listed on the attached schedule (Exhibit A) are required to be accepted by the City Council by a two-thirds majority vote; and

**Whereas**, all items have been determined to be donated free of any quid-pro-quo expectation by the donor.

**Now, therefore be it resolved**, that the City Council of the City of Fridley hereby approves and accepts the various donations, gifts and sponsorships made between June 17 2023 and July 14, 2023.

**Passed and adopted by the City Council of the City of Fridley this 24th day of July, 2023.**

\_\_\_\_\_  
Scott J. Lund – Mayor

Attest:

\_\_\_\_\_  
Melissa Moore – City Clerk

## Gifts, Donations, and Sponsorships - City of Fridley

Schedule No. 1

Date Received	Department or Division	Program	Donor Name, if not anonymous	Amount/ Value	Fund
12/19/2022	SNC	Xcel grant	Springbrook Foundation	\$7,500.00	270
12/22/2022	SNC	Green Roof	Springbrook Foundation	\$67,751.20	270
12/28/2022	Public Safety - Police	Donation for Police K9 Expenses	Coss Family Foundation (St. Paul & MN Foundation)	\$20,000.00	101
12/30/2022	SNC	Donation for Winterfest - Kicksleds	Spring Lake Park Lions	\$1,500.00	270
12/31/2022	SNC	Donation Box Contents	Various	\$127.00	270
1/3/2023	Public Safety - Police	Donation for "Nite to Unite" supplies	MINCO	\$1,000.00	101
1/17/2023	Parks & Recreation - Rec Div	Donation for Winterfest - Kicksleds	Fridley Lions Club	\$1,500.00	101
1/18/2023	Public Safety - Fire	Donation for Fire Prevention Activities	MINCO	\$1,000.00	101
1/25/2023	SNC	Donation Box Contents	Various	\$145.04	270
1/25/2023	SNC	Individual Donation	Jerrilynn Boehland	\$100.00	270
2/28/2023	SNC	Donation Box Contents	Various	\$295.00	270
3/1/2023	SNC	Donation Box Contents	Various	\$88.00	270
3/10/2023	SNC	General Donation	Zoe & Brett Hildreth	\$100.00	270
3/16/2023	SNC	Memorial Donation for Dave Kondrick	Roger & Barb Van Batavia	\$25.00	270
3/23/2023	Public Works	Donation of Right of Way at 53rd	Target	\$137,600.00	406
4/10/2023	Public Safety - Police	Donation for "Shop with a Cop" gift cards	Wal-Mart	\$4,000.00	101
4/13/2023	SNC	Memorial Donation for Dave Kondrick	Various	\$295.00	270
4/13/2023	SNC	Donation Box Contents	Various	\$184.00	270
4/19/2023	SNC	Memorial Donation for Dave Kondrick	Barbara & Stephen Kondrick	\$25.00	270
4/28/2023	SNC	Donation Box Contents	Various	\$65.00	270
5/10/2023	SNC	Memorial Donation for Jeanette Oliverus	Shelly Albers	\$100.00	270
5/12/2023	SNC	SNCF Grant Reimbursement	Xcel Energy and International Paper	\$7,000.00	270
5/24/2023	SNC	Donation Box Contents	Various	\$102.00	270
5/25/2023	REC	Safety Camp - Helmet donation	Fridley Women of Today	\$700.00	101
6/1/2023	REC	Safety Camp - Presentation	Fridley Lions Club	\$1,500.00	101
6/14/2023	SNC	Donation Box Contents	Various	\$76.00	270
<b>6/23/2023</b>	<b>SNC</b>	<b>Donation</b>	<b>Gregg &amp; Theresa Dillenburg</b>	<b>\$75.00</b>	<b>270</b>
<b>6/14/2023</b>	<b>SNC</b>	<b>Donation Box Contents</b>	<b>Various</b>	<b>\$50.00</b>	<b>270</b>
<b>Year to Date Total</b>				<b>\$252,903.24</b>	



# AGENDA REPORT

**Meeting Date:** July 24, 2023

**Meeting Type:** City Council

**Submitted By:** James Kosluchar, Public Works Director  
Brandon Brodhag, Assistant City Engineer

## Title

Resolution No. 2023-90, Approving Entering Into a Limited Use Permit with the Minnesota Department of Transportation for the Purpose of Maintaining and Operating Nonmotorized Trails Within the Right-of-Way of TH 694 in Control Section 0285

## Background

The attached resolution directs execution of Limited Use Permit (LUP) #0285-0102 between the City of Fridley (City) and the State of Minnesota. This agreement permits the construction and maintenance of trails along Trunk Highway 694 in the Minnesota Department of Transportation (MnDOT) Right-of-Way in accordance with plans reviewed and approved by MnDOT and defines the responsibilities for future maintenance once constructed. The City, as the owner of the trails, is responsible for ongoing maintenance in accordance with the agreement. The term of the agreement is for 10 years and is renewable upon request of the City to MnDOT after an acceptable inspection of conditions by MnDOT.

This agreement is of standard form for such projects and should be considered and approved prior to construction of any trail within the MnDOT Right-of-Way.

The existing LUPs for Trunk Highway 694 include the Main Street Trail, inclusive of the pedestrian/bike overpass bridge over Trunk Highway 694 and the 7<sup>th</sup> Street Trail, which travels underneath Trunk Highway 694 in the MnDOT Right-of-Way. MnDOT staff proposed to combine the existing LUPs along Trunk Highway 694 into one LUP for the entire control section of Trunk Highway 694.

If approved by the City Council, staff will route executed copies of the Limited Use Permit to MnDOT for countersignatures.

## Financial Impact

No financial impact for this item.

## Recommendation

Staff recommends the approval of Resolution No. 2023-90.

## Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

**Focus on Fridley Strategic Alignment**

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- |                                                                      |                                                                     |
|----------------------------------------------------------------------|---------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Vibrant Neighborhoods & Places   | <input type="checkbox"/> Community Identity & Relationship Building |
| <input type="checkbox"/> Financial Stability & Commercial Prosperity | <input type="checkbox"/> Public Safety & Environmental Stewardship  |
| <input type="checkbox"/> Organizational Excellence                   |                                                                     |

**Attachments and Other Resources**

---

- Resolution No. 2023-90
- Limited Use Permit #0285-0102

**Vision Statement**

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

**Resolution No. 2023-90**

**Entering Into a Limited Use Permit with the Minnesota Department of Transportation for the Purpose of Maintaining and Operating a Nonmotorized Trail Within the Right-Of-Way of TH694 in Control Section 0285**

**Whereas**, the City of Fridley (City) requests to work cooperatively with the Minnesota Department of Transportation (MnDOT) to maintain and operate nonmotorized trail sections within the right of way of Trunk Highway 694; and

**Whereas**, said non-motorized trail system provides City residents and visitors with a transportation system that maximizes the health of people, the environment, and the economy in accordance with the State of Minnesota’s Multi-modal Transportation plan; and

**Whereas**, MnDOT requires Limited Use Permits for trails within their rights-of-way;

**Now, therefore be it resolved,** that the Mayor and the City Clerk are authorized to execute the Limited Use Permit and its amendments, and that the City of Fridley enter into Limited Use Permit No. 0285-0102 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for maintenance and use by the City of Fridley upon, along and adjacent to Trunk Highway No. 694 and the limits of which are defined in said Limited Use Permit.

**Passed and adopted by the City Council of the City of Fridley this 24<sup>th</sup> day of July, 2023.**

\_\_\_\_\_  
Scott J. Lund – Mayor

Attest:

\_\_\_\_\_  
Melissa Moore – City Clerk

**CERTIFICATION**

I certify that the above Resolution is an accurate copy of the Resolution adopted by the City Council of the City of Fridley, Minnesota at an authorized meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, as shown by the minutes of the meeting in my possession.

C.S. 0285 (T.H. 694)  
LUP # 0285-0102

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023

Notary Public \_\_\_\_\_

My Commission Expires \_\_\_\_\_

**NOTARY  
STAMP**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
(Title)



**STATE OF MINNESOTA  
DEPARTMENT OF TRANSPORTATION  
LIMITED USE PERMIT**

C.S. 0285 (T.H. 694)  
County of Anoka  
LUP # 0285-0102  
Permittee: City of Fridley  
Expiration Date: 07/18/2033  
Coop./Const. Agmt #1002337

In accordance with Minnesota Statutes Section 161.434, the State of Minnesota, through its Commissioner of Transportation, (“MnDOT”), hereby grants a Limited Use Permit (the “LUP”) to City of Fridley, (“Permittee”), to use the area within the right of way of Trunk Highway No. 694 as shown in red on Exhibit "A", (the “Area”) attached hereto and incorporated herein by reference. This Limited Use Permit is executed by the Permittee pursuant to resolution, a certified copy of which is attached hereto as Exhibit B.

**Non-Motorized Trail**

The Permittee's use of the Area is limited to only the constructing, maintaining and operating a nonmotorized trail ("Facility") and the use thereof may be further limited by 23 C.F.R. 652 also published as the Federal-Aid Policy Guide.

The permittee agrees that this permit totally replaces and supersedes the previously issued Limited Use Permit affecting the Area, specifically: Permit, #0285-0031, was issued on 10/247/2016 on CS 0285 (TH 694=393). Upon issuance of this permit the earlier issued permit is cancelled.

In addition, the following special provisions shall apply:

**SPECIAL PROVISIONS**

- 1. **TERM.** This LUP terminates at 11:59PM on 07/18/2033 (“Expiration Date”) subject to the right of cancellation by MnDOT, with or without cause, by giving the Permittee ninety (90) days written notice of such cancellation. This LUP will not be renewed except as provided below.

Provided this LUP has not expired or terminated, MnDOT may renew this LUP for a period of up to ten (10) years, provided Permittee delivers to MnDOT, not later than ninety (90) days prior to

the Expiration Date, a written request to extend the term. Any extension of the LUP term will be under the same terms and conditions in this LUP, provided:

- (a) At the time of renewal, MnDOT will review the Facility and Area to ensure the Facility and Area are compatible with the safe and efficient operation of the highway and the Facility and Area are in good condition and repair. If, in MnDOT's sole determination, modifications and repairs to the Facility and Area are needed, Permittee will perform such work as outlined in writing in an amendment of this LUP; and
- (b) Permittee will provide to MnDOT a certified copy of the resolution from the applicable governmental body authorizing the Permittee's use of the Facility and Area for the additional term.

If Permittee's written request to extend the term is not timely given, the LUP will expire on the Expiration Date.

Permittee hereby voluntarily releases and waives any and all claims and causes of action for damages, costs, expenses, losses, fees and compensation arising from or related to any cancellation or termination of this LUP by MnDOT. Permittee agrees that it will not make or assert any claims for damages, costs, expenses, losses, fees and compensation based upon the existence, cancellation or termination of the LUP. Permittee agrees not to sue or institute any legal action against MnDOT based upon any of the claims released in this paragraph.

2. **REMOVAL.** Upon the Expiration Date or earlier termination, at the Permittee's sole cost and expense Permittee will:

- (a) Remove the Facility and restore the Area to a condition satisfactory to the MnDOT District Engineer; and
- (b) Surrender possession of the Area to MnDOT.

If, without MnDOT's written consent, Permittee continues to occupy the Area after the Expiration Date or earlier termination, Permittee will remain subject to all conditions, provisions, and obligations of this LUP, and further, Permittee will pay all costs and expenses, including attorney's fees, in any action brought by MnDOT to remove the Facility and the Permittee from the Area.

3. **CONSTRUCTION.** The construction, maintenance, and supervision of the Facility shall be at no cost or expense to MnDOT.

Before construction of any kind, the plans for such construction shall be approved in writing by the MnDOT's District Engineer. Approval in writing from MnDOT District Engineer shall be required for any changes from the approved plan.

The Permittee will construct the Facility at the location shown in the attached Exhibit "A", and in accordance with MnDOT-approved plans and specifications. Further, Permittee will construct

the Facility using construction procedures compatible with the safe and efficient operation of the highway.

Upon completion of the construction of the Facility, the Permittee shall restore all disturbed slopes and ditches in such manner that drainage, erosion control and aesthetics are perpetuated.

The Permittee shall preserve and protect all utilities located on the lands covered by this LUP at no expense to MnDOT and it shall be the responsibility of the Permittee to call the Gopher State One Call System at 1-800-252-1166 at least 48 hours prior to performing any excavation.

Any crossings of the Facility over the trunk highway shall be perpendicular to the centerline of the highway and shall provide and ensure reasonable and adequate stopping sight distance.

- 4. MAINTENANCE. Any and all maintenance of the Facility shall be provided by the Permittee at its sole cost and expense, including, but not limited to, plowing and removal of snow and installation and removal of regulatory signs. No signs shall be placed on any MnDOT or other governmental agency sign post within the Area. MnDOT will not mark obstacles for users on trunk highway right of way.
- 5. USE. Other than as identified and approved by MnDOT, no permanent structures or no advertising devices in any manner, form or size shall be allowed on the Area. No commercial activities shall be allowed to operate upon the Area.

Any use permitted by this LUP shall remain subordinate to the right of MnDOT to use the property for highway and transportation purposes. This LUP does not grant any interest whatsoever in land, nor does it establish a permanent park, recreation area or wildlife or waterfowl refuge. No rights to relocation benefits are established by this LUP.

This LUP is non-exclusive and is granted subject to the rights of others, including, but not limited to public utilities which may occupy the Area.

- 6. APPLICABLE LAWS. This LUP does not release the Permittee from any liability or obligation imposed by federal law, Minnesota Statutes, local ordinances, or other agency regulations relating thereto and any necessary permits relating thereto shall be applied for and obtained by the Permittee.

Permittee at its sole cost and expense, agrees to comply with, and provide and maintain the Area, Facilities in compliance with all applicable laws, rules, ordinances and regulations issued by any federal, state or local political subdivision having jurisdiction and authority in connection with said Area including the Americans with Disabilities Act (“ADA”). If the Area and Facilities are not in compliance with the ADA or other applicable laws MnDOT may enter the Area and perform such obligation without liability to Permittee for any loss or damage to Permittee thereby

incurred, and Permittee shall reimburse MnDOT for the cost thereof, plus 10% of such cost for overhead and supervision within 30 days of receipt of MnDOT's invoice.

7. **CIVIL RIGHTS.** The Permittee for itself, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that in the event improvements are constructed, maintained, or otherwise operated on the Property described in this Limited Use Permit for a purpose for which a MnDOT activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the Permittee will maintain and operate such improvements and services in compliance with all requirements imposed by the Acts and Regulations relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation, Federal Highway Administration, (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or limited English proficiency will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said improvements.
8. **SAFETY.** MnDOT shall retain the right to limit and/or restrict any activity, including the parking of vehicles and assemblage of Facility users, on the highway right of way over which this LUP is granted, so as to maintain the safety of both the motoring public and Facility users.
9. **ASSIGNMENT.** No assignment of this LUP is allowed.
10. **IN WRITING.** Except for those which are set forth in this LUP, no representations, warranties, or agreements have been made by MnDOT or Permittee to one another with respect to this LUP.
11. **ENVIRONMENTAL.** The Permittee shall not dispose of any materials regulated by any governmental or regulatory agency onto the ground, or into any body of water, or into any container on the State's right of way. In the event of spillage of regulated materials, the Permittee shall notify in writing MnDOT's District Engineer and shall provide for cleanup of the spilled material and of materials contaminated by the spillage in accordance with all applicable federal, state and local laws and regulations, at the sole expense of the Permittee.
12. **MECHANIC'S LIENS.** The Permittee (for itself, its contractors, subcontractors, its materialmen, and all other persons acting for, through or under it or any of them), covenants that no laborers', mechanics', or materialmens' liens or other liens or claims of any kind whatsoever shall be filed or maintained by it or by any subcontractor, materialmen or other person or persons acting for, through or under it or any of them against the work and/or against said lands, for or on account of any work done or materials furnished by it or any of them under any agreement or any amendment or supplement thereto.

13. NOTICES. All notices which may be given, by either party to the other, will be deemed to have been fully given when served personally on MnDOT or Permittee or when made in writing addressed as follows: to Permittee at:

Mayor  
Fridley City Hall  
6431 University Avenue NE  
Fridley, MN 55432

and to MnDOT at:

State of Minnesota  
Department of Transportation  
Metro District Right of Way  
1500 W. County Road B2  
Roseville, MN 55113

The address to which notices are mailed may be changed by written notice given by either party to the other.

14. INDEMNITY. Permittee shall indemnify, defend to the extent authorized by the Minnesota Attorney General's Office, hold harmless and release the State of Minnesota, its Commissioner of Transportation and employees and any successors and assigns of the foregoing, from and against:

(a) all claims, demands, and causes of action for injury to or death of persons or loss of or damages to property (including Permittee's property) occurring on the Facility or connected with Permittee's use and occupancy of the Area, except when such injury, death, loss or damage is caused solely by the negligence of State of Minnesota, but including those instances where the State of Minnesota is deemed to be negligent because of its failure to supervise, inspect or control the operations of Permittee or otherwise discover or prevent actions or operations of Permittee giving rise to liability to any person;

(b) claims arising or resulting from the temporary or permanent termination of Facility user rights on any portion of highway right of way over which this LUP is granted;

(c) claims resulting from temporary or permanent changes in drainage patterns resulting in flood damages;

(d) any laborers', mechanics', or materialmens' liens or other liens or claims of any kind whatsoever filed or maintained for or on account of any work done or materials furnished; and

(e) any damages, testing costs and clean-up costs arising from spillage of regulated materials attributable to the construction, maintenance or operation of the Facility.

MINNESOTA DEPARTMENT  
OF TRANSPORTATION  
RECOMMENDED FOR APPROVAL

CITY OF FRIDLEY

By: \_\_\_\_\_  
District Engineer

Date \_\_\_\_\_

By \_\_\_\_\_  
Its \_\_\_\_\_

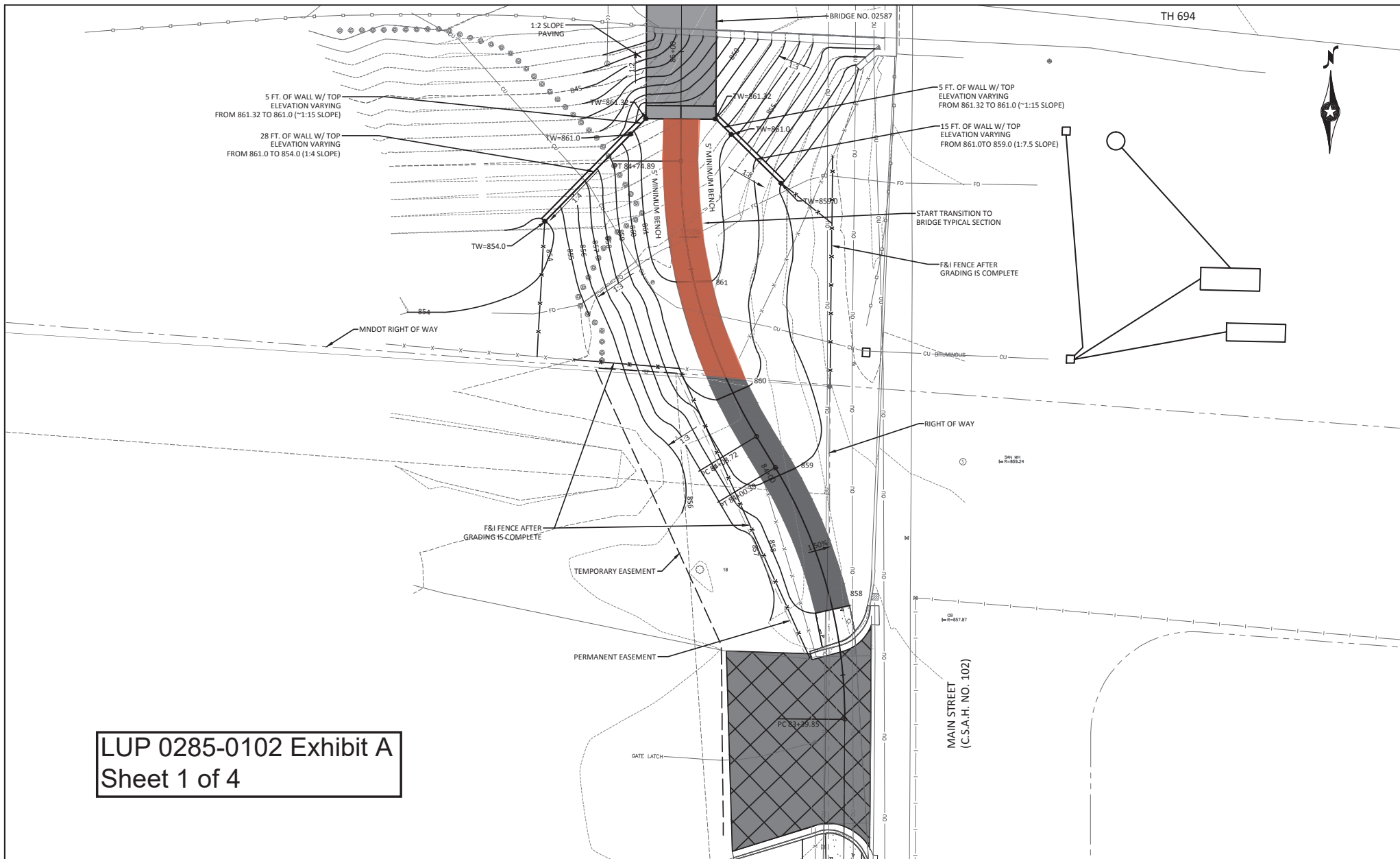
And \_\_\_\_\_  
Its \_\_\_\_\_

APPROVED BY:  
COMMISSIONER OF TRANSPORTATION

By: \_\_\_\_\_  
Director, Office of Land Management

Date \_\_\_\_\_

The Commissioner of Transportation  
by the execution of this permit  
certifies that this permit is  
necessary in the public interest  
and that the use intended is for  
public purposes.



LUP 0285-0102 Exhibit A  
Sheet 1 of 4



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Kevin P. Kiehl, P.E.  
LIC. NO. 23211 DATE 5/6/2016

DESIGNED: CLH  
CHECKED: CAS  
DRAWN: KPK



**BOLTON & MENK, INC.**  
Consulting Engineers & Surveyors  
MANKATO, MN FAIRBANK, MN SLEEPY FIVE, MN BURNSVILLE, MN WILLMAR, MN  
CHASKA, MN RAMSEY, MN MAPLEWOOD, MN BAXTER, MN ROCHESTER, MN  
AMES, IA SPENCER, IA DES MOINES, IA FARGO, ND

REV.	BY	DATE

CITY OF FRIDLEY, MINNESOTA  
MAIN STREET TRAIL  
BRIDGE GRADING PLAN - SOUTH  
S.P. 127-020-029 & S.P. 0285-68 (TH 694)

SHEET 41 OF 52



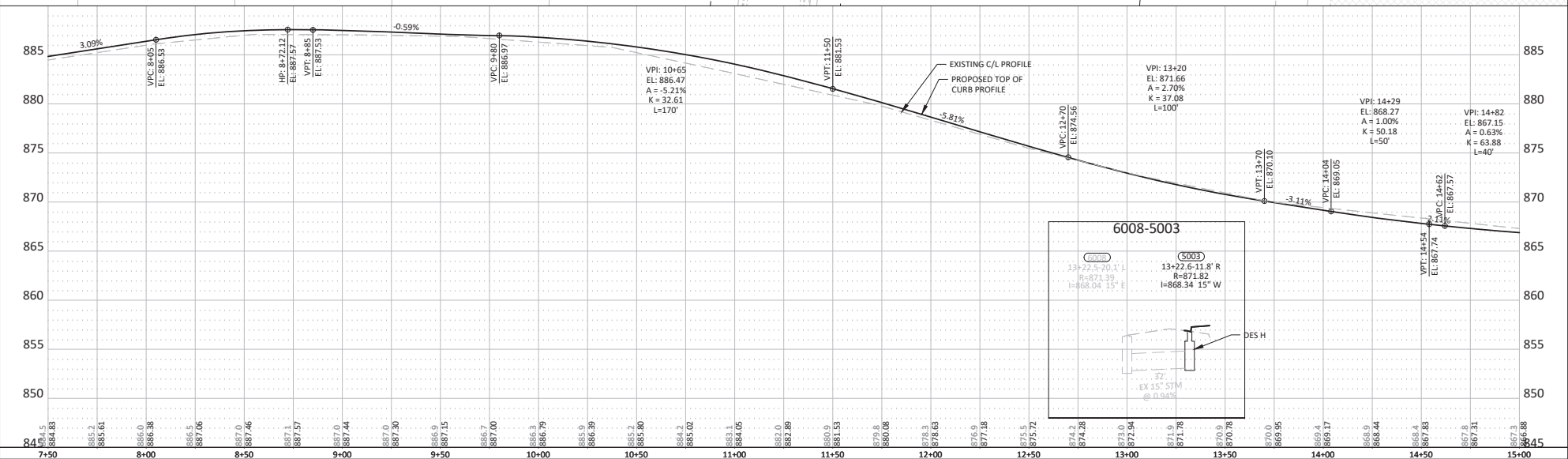
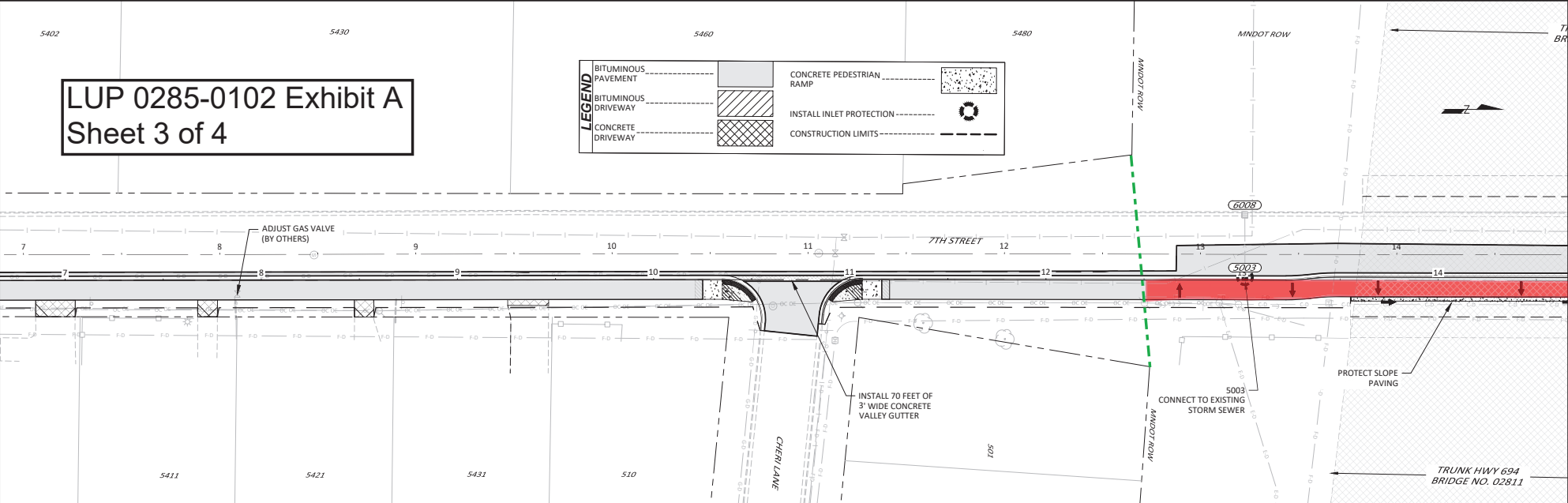




LUP 0285-0102 Exhibit A  
Sheet 3 of 4

**LEGEND**

- BITUMINOUS PAVEMENT
- BITUMINOUS DRIVEWAY
- CONCRETE DRIVEWAY
- CONCRETE PEDESTRIAN RAMP
- INSTALL INLET PROTECTION
- CONSTRUCTION LIMITS

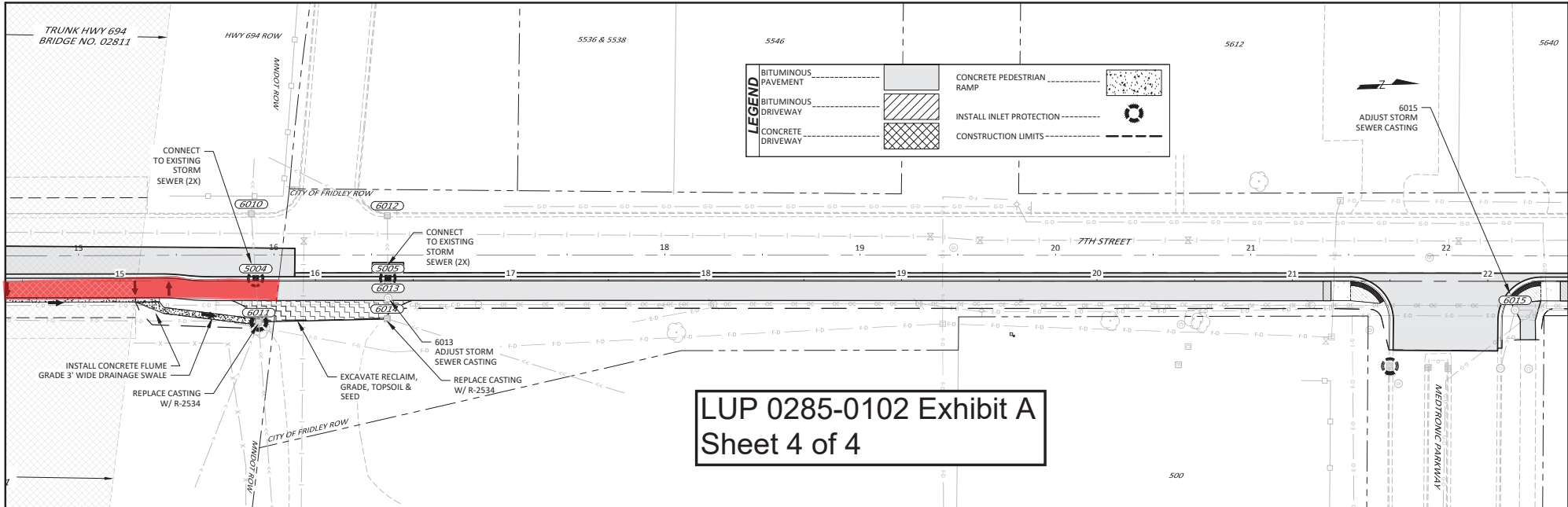


7071 University Avenue NE  
Fridley, MN 55432

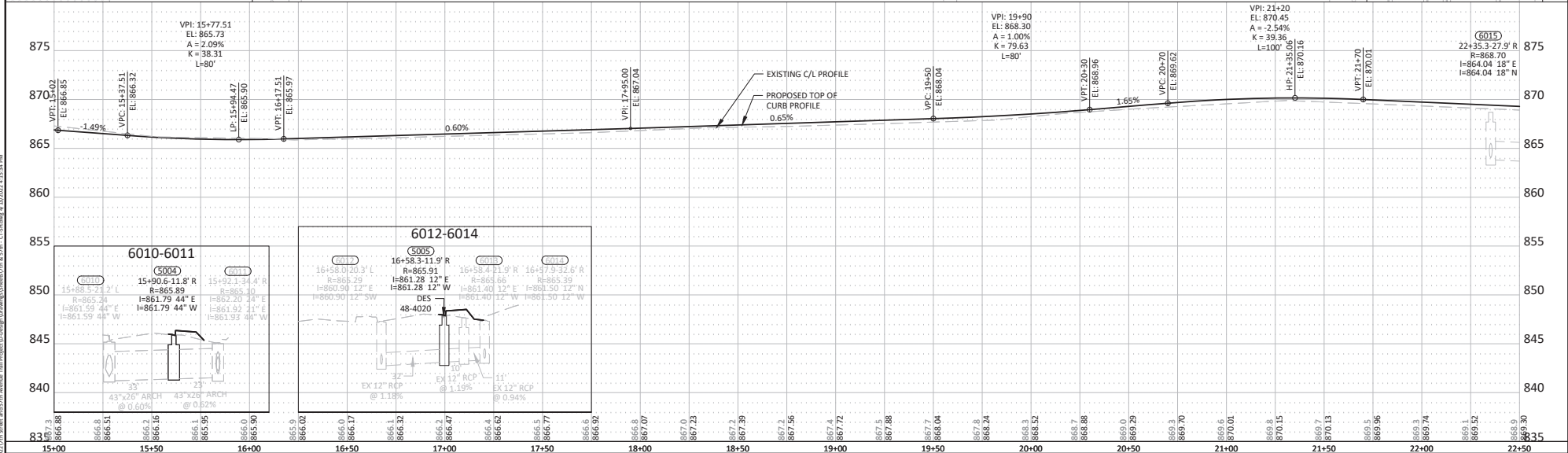
DESIGNED	BJB
DRAWN	NMO
CHECKED	IPK
CITY PROJ. NO.	572021-21

7TH STREET & 57TH AVE TRAIL  
 S.P. 127-312-002, S.P. 127-301-006  
**CONSTRUCTION PLAN - 7TH STREET**

SHEET 21 OF 60



LUP 0285-0102 Exhibit A  
Sheet 4 of 4



STATION	PROPOSED	EXISTING
15+00		
15+50		
16+00		
16+50		
17+00		
17+50		
18+00		
18+50		
19+00		
19+50		
20+00		
20+50		
21+00		
21+50		
22+00		
22+50		

0 25 50 FEET SCALE  
 0 5 10 FEET SCALE  
 811 Know what's below. Call 811 before you dig.  
 I HEREBY CERTIFY THAT THE PLAN, SPECIFICATION, AND REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 JAMES P. KOSLUCHAR 26460 DATE: xx/xx/2022  
 City of Fridley  
 7071 University Avenue NE Fridley, MN 55432  
 DESIGNED: BJB  
 DRAWN: NMO  
 CHECKED: JPK  
 CITY PROJ. NO: ST2021-21  
 7TH STREET & 57TH AVE TRAIL  
 S.P. 127-312-002, S.P. 127-301-006  
 CONSTRUCTION PLAN - 7TH STREET  
 SHEET 22 OF 60



# AGENDA REPORT

**Meeting Date:** July 24, 2023

**Meeting Type:** City Council

**Submitted By:** James Kosluchar, Public Works Director  
Brandon Brodhag, Assistant City Engineer

## Title

Resolution No. 2023-89, Approving Entering Into a Limited Use Permit with the Minnesota Department of Transportation for the Purpose of Maintaining and Operating a Nonmotorized Trail within the Right-of-Way of TH 47 in Control Section 0205

## Background

The attached resolution directs execution of Limited Use Permit (LUP) #0205-0107 between the City of Fridley (City) and the State of Minnesota. This agreement permits the construction and maintenance of trails along Trunk Highway 47 in the Minnesota Department of Transportation (MnDOT) Right-of-Way in accordance with plans reviewed and approved by MnDOT and defines the responsibilities for future maintenance once constructed. The City, as the owner of the trails, is responsible for ongoing maintenance in accordance with the agreement. The term of the agreement is for 10 years and is renewable upon request of the City to MnDOT after an acceptable inspection of conditions by MnDOT.

This agreement is of standard form for such projects and should be considered and approved prior to construction of any trail within the MnDOT Right-of-Way.

Staff have been working with MnDOT on receiving a LUP for the City's 53<sup>rd</sup> Avenue Trail and Walk Improvements Project that is anticipated to start construction in August and MnDOT staff proposed to combine all the existing LUPs along Trunk Highway 47 into one LUP for the entire control section of Trunk Highway 47.

If approved by the City Council, staff will route executed copies of the LUP to MnDOT for countersignatures.

## Financial Impact

No financial impact for this item.

## Recommendation

Staff recommends the approval of Resolution No. 2023-89.

## Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

**Focus on Fridley Strategic Alignment**

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- |                                                                      |                                                                     |
|----------------------------------------------------------------------|---------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Vibrant Neighborhoods & Places   | <input type="checkbox"/> Community Identity & Relationship Building |
| <input type="checkbox"/> Financial Stability & Commercial Prosperity | <input type="checkbox"/> Public Safety & Environmental Stewardship  |
| <input type="checkbox"/> Organizational Excellence                   |                                                                     |

**Attachments and Other Resources**

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- Resolution No. 2023-89
- Limited Use Permit #0205-0107

**Vision Statement**

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

**Resolution No. 2023-89**

**Resolution Entering Into A Limited Use Permit with the Minnesota Department of Transportation for the Purpose of Maintaining and Operating a Nonmotorized Trail Within The Right-Of-Way of TH47 in Control Section 0205**

**Whereas**, the City of Fridley (City) requests to work cooperatively with the Minnesota Department of Transportation (MnDOT) to maintain and operate a nonmotorized trail sections within the right of way of Trunk Highway 47; and,

**Whereas**, said non-motorized trail system provides City residents and visitors with a transportation system that maximizes the health of people, the environment, and the economy in accordance with the State of Minnesota’s Multi-modal Transportation plan; and

**Whereas**, MnDOT requires Limited Use Permits for trails within their rights-of-way.

**Now, therefore be it resolved**, that the Mayor and the City Clerk are authorized to execute the Limited Use Permit and its amendments, and that the City of Fridley enter into Limited Use Permit No. 0205-0107 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for maintenance and use by the City of Fridley upon, along and adjacent to Trunk Highway No. 47 and the limits of which are defined in said Limited Use Permit.

**Passed and adopted by the City Council of the City of Fridley this 24<sup>th</sup> day of July, 2023.**

\_\_\_\_\_  
Scott J. Lund – Mayor

Attest:

\_\_\_\_\_  
Melissa Moore – City Clerk

**CERTIFICATION**

I certify that the above Resolution is an accurate copy of the Resolution adopted by the City Council of the City of Fridley, Minnesota at an authorized meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2023, as shown by the minutes of the meeting in my possession.

C.S. 0205 (T.H. 47)  
LUP # 0205-0107

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023

Notary Public \_\_\_\_\_

My Commission Expires \_\_\_\_\_

**NOTARY  
STAMP**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
(Title)

**STATE OF MINNESOTA  
DEPARTMENT OF TRANSPORTATION**

**LIMITED USE PERMIT**

C.S. 0205 (T.H. 47)  
County of Anoka  
LUP # 0205-0107  
Permittee: City of Fridley  
Expiration Date: 07/18/2033  
Coop./Const. Agmt #N/A

In accordance with Minnesota Statutes Section 161.434, the State of Minnesota, through its Commissioner of Transportation, (“MnDOT”), hereby grants a Limited Use Permit (the “LUP”) to City of Fridley, (“Permittee”), to use the area within the right of way of Trunk Highway No. 47 as shown in red on Exhibit "A", (the “Area”) attached hereto and incorporated herein by reference. This Limited Use Permit is executed by the Permittee pursuant to resolution, a certified copy of which is attached hereto as Exhibit B.

**Non-Motorized Trail**

The Permittee's use of the Area is limited to only the constructing, maintaining and operating a nonmotorized trail ("Facility") and the use thereof may be further limited by 23 C.F.R. 652 also published as the Federal-Aid Policy Guide.

The permittee agrees that this permit totally replaces and supersedes the previously issued Limited Use permits affecting the Area, specifically: The first permit, #0205-0092, was issued on 5/27/2020 on CS 0205 (TH 47). The second permit, #0205-0099, was issued on 11/01/2021 on CS 0205 (TH 47). The third permit, #0205-010, was issued on 9/23/1980 on CS 0205 (TH 47). The fourth permit, #0205-011, was issued on 6/13/1991 on CS 0205 (TH 47). Upon issuance of this permit each of these earlier issued permits are cancelled.

In addition, the following special provisions shall apply:

**SPECIAL PROVISIONS**

1. **TERM.** This LUP terminates at 11:59PM on 07/18/2033 (“Expiration Date”) subject to the right of cancellation by MnDOT, with or without cause, by giving the Permittee ninety (90) days written notice of such cancellation. This LUP will not be renewed except as provided below.

Provided this LUP has not expired or terminated, MnDOT may renew this LUP for a period of up to ten (10) years, provided Permittee delivers to MnDOT, not later than ninety (90) days prior to the Expiration Date, a written request to extend the term. Any extension of the LUP term will be under the same terms and conditions in this LUP, provided:

- (a) At the time of renewal, MnDOT will review the Facility and Area to ensure the Facility and Area are compatible with the safe and efficient operation of the highway and the Facility and Area are in good condition and repair. If, in MnDOT's sole determination, modifications and repairs to the Facility and Area are needed, Permittee will perform such work as outlined in writing in an amendment of this LUP; and
- (b) Permittee will provide to MnDOT a certified copy of the resolution from the applicable governmental body authorizing the Permittee's use of the Facility and Area for the additional term.

If Permittee's written request to extend the term is not timely given, the LUP will expire on the Expiration Date.

Permittee hereby voluntarily releases and waives any and all claims and causes of action for damages, costs, expenses, losses, fees and compensation arising from or related to any cancellation or termination of this LUP by MnDOT. Permittee agrees that it will not make or assert any claims for damages, costs, expenses, losses, fees and compensation based upon the existence, cancellation or termination of the LUP. Permittee agrees not to sue or institute any legal action against MnDOT based upon any of the claims released in this paragraph.

2. **REMOVAL.** Upon the Expiration Date or earlier termination, at the Permittee's sole cost and expense Permittee will:
  - (a) Remove the Facility and restore the Area to a condition satisfactory to the MnDOT District Engineer; and
  - (b) Surrender possession of the Area to MnDOT.

If, without MnDOT's written consent, Permittee continues to occupy the Area after the Expiration Date or earlier termination, Permittee will remain subject to all conditions, provisions, and obligations of this LUP, and further, Permittee will pay all costs and expenses, including attorney's fees, in any action brought by MnDOT to remove the Facility and the Permittee from the Area.

3. **CONSTRUCTION.** The construction, maintenance, and supervision of the Facility shall be at no cost or expense to MnDOT.

Before construction of any kind, the plans for such construction shall be approved in writing by the MnDOT's District Engineer. Approval in writing from MnDOT District Engineer shall be required for any changes from the approved plan.



The Permittee will construct the Facility at the location shown in the attached Exhibit "A", and in accordance with MnDOT-approved plans and specifications. Further, Permittee will construct the Facility using construction procedures compatible with the safe and efficient operation of the highway.

Upon completion of the construction of the Facility, the Permittee shall restore all disturbed slopes and ditches in such manner that drainage, erosion control and aesthetics are perpetuated.

The Permittee shall preserve and protect all utilities located on the lands covered by this LUP at no expense to MnDOT and it shall be the responsibility of the Permittee to call the Gopher State One Call System at 1-800-252-1166 at least 48 hours prior to performing any excavation.

Any crossings of the Facility over the trunk highway shall be perpendicular to the centerline of the highway and shall provide and ensure reasonable and adequate stopping sight distance.

4. **MAINTENANCE.** Any and all maintenance of the Facility shall be provided by the Permittee at its sole cost and expense, including, but not limited to, plowing and removal of snow and installation and removal of regulatory signs. No signs shall be placed on any MnDOT or other governmental agency sign post within the Area. MnDOT will not mark obstacles for users on trunk highway right of way.
5. **USE.** Other than as identified and approved by MnDOT, no permanent structures or no advertising devices in any manner, form or size shall be allowed on the Area. No commercial activities shall be allowed to operate upon the Area.

Any use permitted by this LUP shall remain subordinate to the right of MnDOT to use the property for highway and transportation purposes. This LUP does not grant any interest whatsoever in land, nor does it establish a permanent park, recreation area or wildlife or waterfowl refuge. No rights to relocation benefits are established by this LUP.

This LUP is non-exclusive and is granted subject to the rights of others, including, but not limited to public utilities which may occupy the Area.

6. **APPLICABLE LAWS.** This LUP does not release the Permittee from any liability or obligation imposed by federal law, Minnesota Statutes, local ordinances, or other agency regulations relating thereto and any necessary permits relating thereto shall be applied for and obtained by the Permittee.

Permittee at its sole cost and expense, agrees to comply with, and provide and maintain the Area, Facilities in compliance with all applicable laws, rules, ordinances and regulations issued by any federal, state or local political subdivision having jurisdiction and authority in connection with said Area including the Americans with Disabilities Act ("ADA"). If the Area and Facilities

are not in compliance with the ADA or other applicable laws MnDOT may enter the Area and perform such obligation without liability to Permittee for any loss or damage to Permittee thereby incurred, and Permittee shall reimburse MnDOT for the cost thereof, plus 10% of such cost for overhead and supervision within 30 days of receipt of MnDOT's invoice.

7. **CIVIL RIGHTS.** The Permittee for itself, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that in the event improvements are constructed, maintained, or otherwise operated on the Property described in this Limited Use Permit for a purpose for which a MnDOT activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the Permittee will maintain and operate such improvements and services in compliance with all requirements imposed by the Acts and Regulations relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation, Federal Highway Administration, (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or limited English proficiency will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said improvements.
8. **SAFETY.** MnDOT shall retain the right to limit and/or restrict any activity, including the parking of vehicles and assemblage of Facility users, on the highway right of way over which this LUP is granted, so as to maintain the safety of both the motoring public and Facility users.
9. **ASSIGNMENT.** No assignment of this LUP is allowed.
10. **IN WRITING.** Except for those which are set forth in this LUP, no representations, warranties, or agreements have been made by MnDOT or Permittee to one another with respect to this LUP.
11. **ENVIRONMENTAL.** The Permittee shall not dispose of any materials regulated by any governmental or regulatory agency onto the ground, or into any body of water, or into any container on the State's right of way. In the event of spillage of regulated materials, the Permittee shall notify in writing MnDOT's District Engineer and shall provide for cleanup of the spilled material and of materials contaminated by the spillage in accordance with all applicable federal, state and local laws and regulations, at the sole expense of the Permittee.
12. **MECHANIC'S LIENS.** The Permittee (for itself, its contractors, subcontractors, its materialmen, and all other persons acting for, through or under it or any of them), covenants that no laborers', mechanics', or materialmens' liens or other liens or claims of any kind whatsoever shall be filed or maintained by it or by any subcontractor, materialmen or other person or persons acting for, through or under it or any of them against the work and/or against said lands, for or on account of any work done or materials furnished by it or any of them under any agreement or any amendment or supplement thereto.

13. NOTICES. All notices which may be given, by either party to the other, will be deemed to have been fully given when served personally on MnDOT or Permittee or when made in writing addressed as follows: to Permittee at:

Mayor  
 Fridley City Hall  
 6431 University Avenue NE  
 Fridley, MN 55432

and to MnDOT at:

State of Minnesota  
 Department of Transportation  
 Metro District Right of Way  
 1500 W. County Road B2  
 Roseville, MN 55113

The address to which notices are mailed may be changed by written notice given by either party to the other.

14. INDEMNITY. Permittee shall indemnify, defend to the extent authorized by the Minnesota Attorney General's Office, hold harmless and release the State of Minnesota, its Commissioner of Transportation and employees and any successors and assigns of the foregoing, from and against:
- (a) all claims, demands, and causes of action for injury to or death of persons or loss of or damages to property (including Permittee's property) occurring on the Facility or connected with Permittee's use and occupancy of the Area, except when such injury, death, loss or damage is caused solely by the negligence of State of Minnesota, but including those instances where the State of Minnesota is deemed to be negligent because of its failure to supervise, inspect or control the operations of Permittee or otherwise discover or prevent actions or operations of Permittee giving rise to liability to any person;
  - (b) claims arising or resulting from the temporary or permanent termination of Facility user rights on any portion of highway right of way over which this LUP is granted;
  - (c) claims resulting from temporary or permanent changes in drainage patterns resulting in flood damages;
  - (d) any laborers', mechanics', or materialmens' liens or other liens or claims of any kind whatsoever filed or maintained for or on account of any work done or materials furnished; and
  - (e) any damages, testing costs and clean-up costs arising from spillage of regulated materials attributable to the construction, maintenance or operation of the Facility.

MINNESOTA DEPARTMENT  
OF TRANSPORTATION  
RECOMMENDED FOR APPROVAL

CITY OF FRIDLEY

By: \_\_\_\_\_  
District Engineer

Date \_\_\_\_\_

By \_\_\_\_\_

Its \_\_\_\_\_

And \_\_\_\_\_

Its \_\_\_\_\_

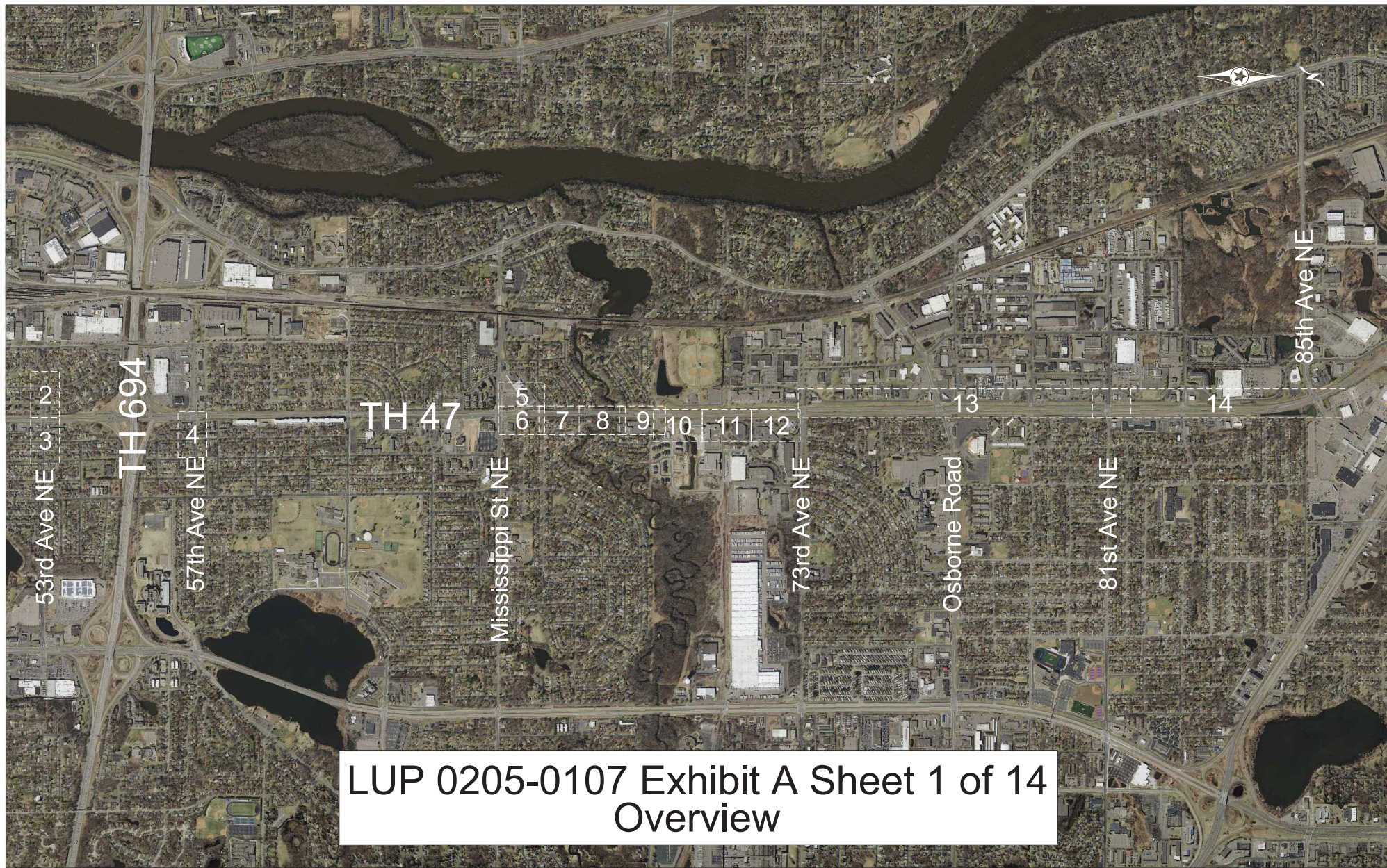
APPROVED BY:  
COMMISSIONER OF TRANSPORTATION

By: \_\_\_\_\_  
Director, Office of Land Management

Date \_\_\_\_\_

The Commissioner of Transportation  
by the execution of this permit  
certifies that this permit is  
necessary in the public interest  
and that the use intended is for  
public purposes.

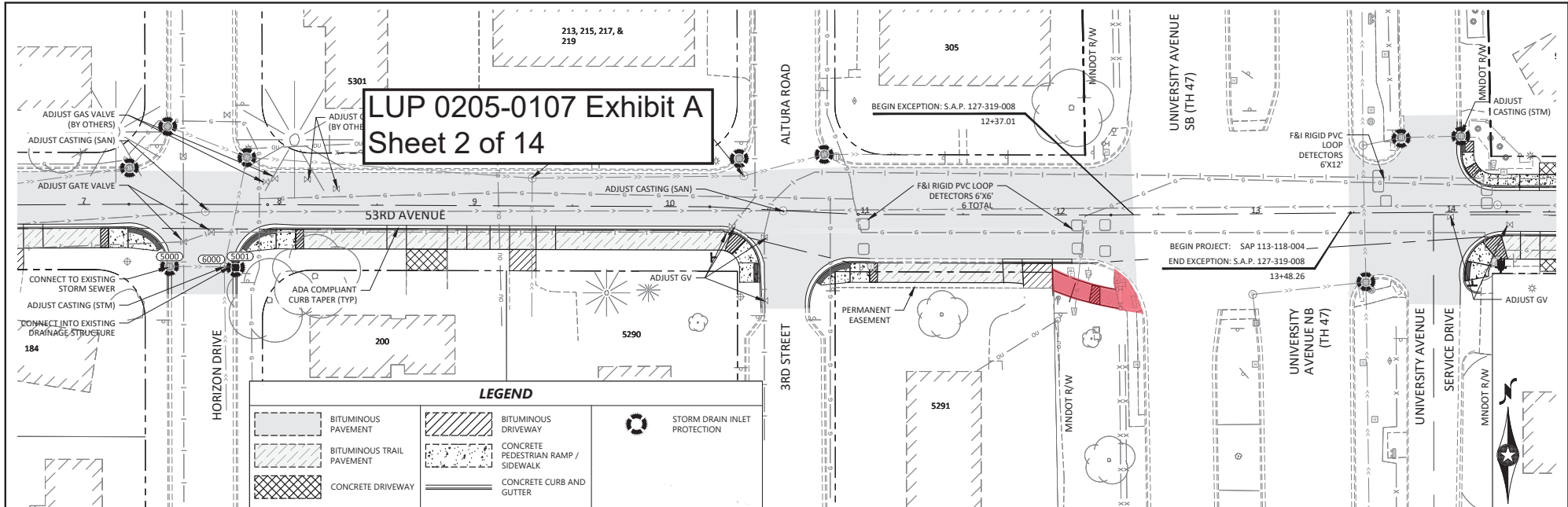




LUP 0205-0107 Exhibit A Sheet 1 of 14  
Overview

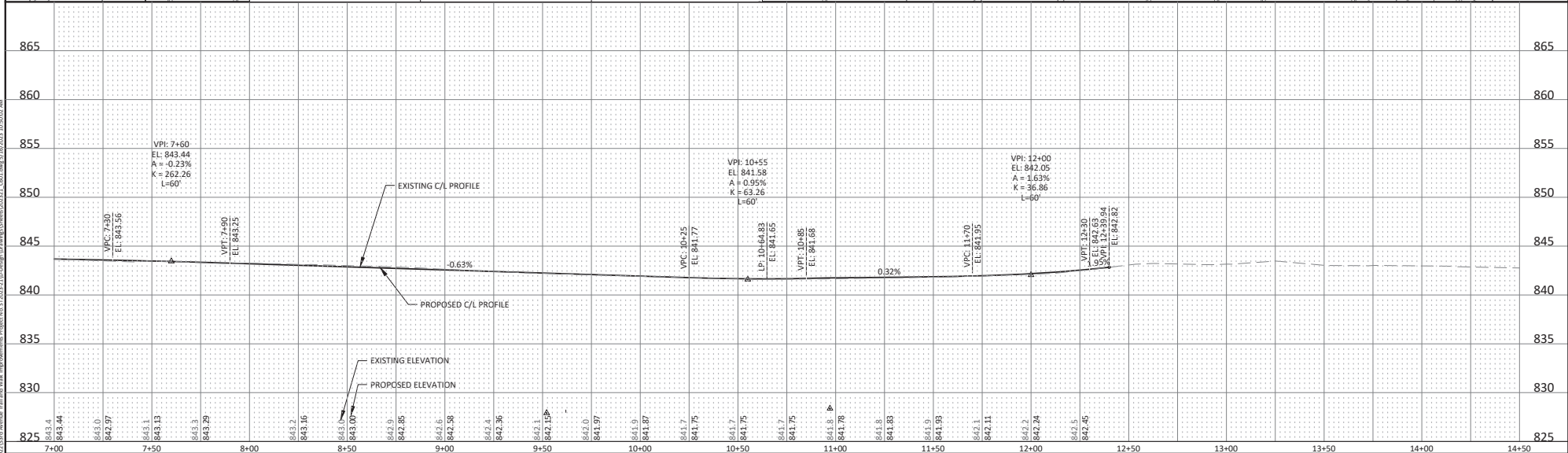


LUP 0205-0107 Exhibit A  
Sheet 2 of 14



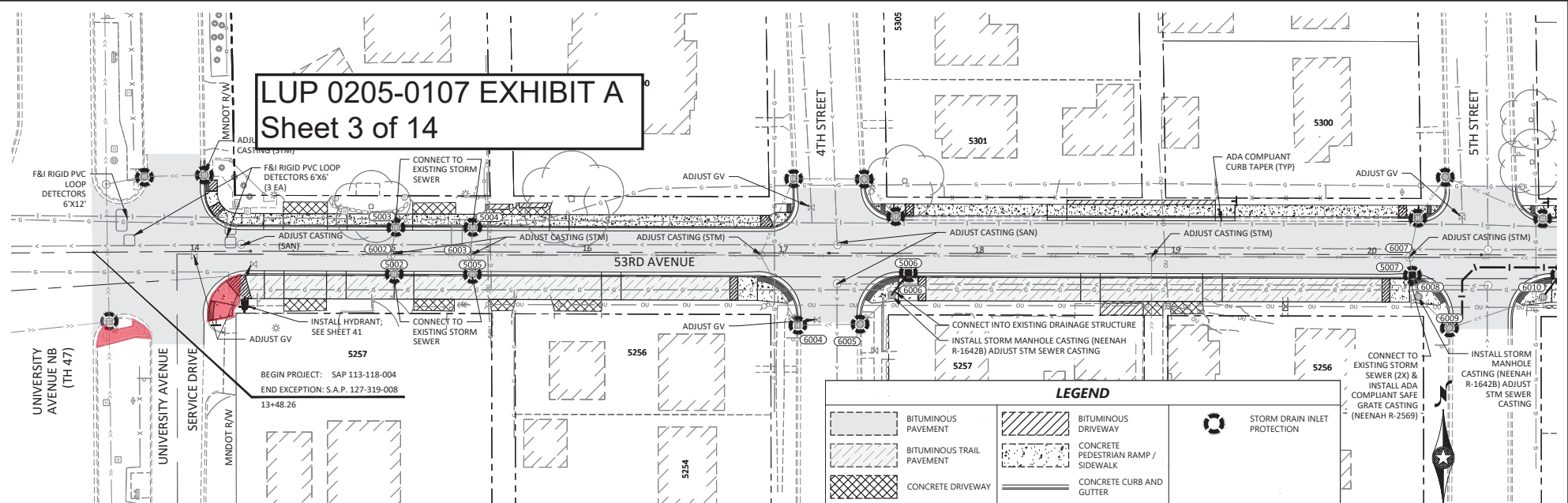
**LEGEND**

	BITUMINOUS PAVEMENT		BITUMINOUS DRIVEWAY		STORM DRAIN INLET PROTECTION
	BITUMINOUS TRAIL PAVEMENT		CONCRETE PEDESTRIAN RAMP / SIDEWALK		
	CONCRETE DRIVEWAY		CONCRETE CURB AND GUTTER		



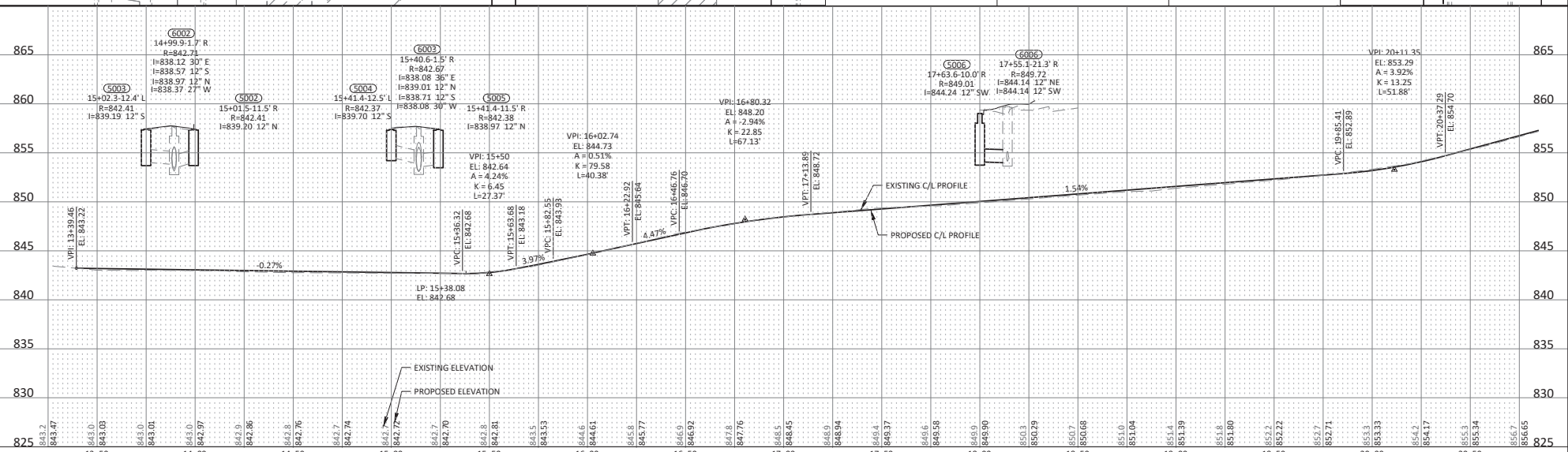
<p>HORIZ. SCALE: 0 25 50 FEET</p> <p>VERT. SCALE: 0 5 10 FEET</p> <p><b>811</b> Know what's below. Call 811 before you dig.</p>	<p>BRANDON J. BRODHAG Lic. No. 59297</p>	<p>City of Columbia Heights</p>	<p>7071 University Avenue NE Fridley, MN 55432</p>	<table border="1"> <tr><th>DESIGNED</th><td>TYL</td></tr> <tr><th>DRAWN</th><td>TYL/JBQ</td></tr> <tr><th>CHECKED</th><td>RIB</td></tr> <tr><th>DATE</th><td>5/20/23-21</td></tr> </table>	DESIGNED	TYL	DRAWN	TYL/JBQ	CHECKED	RIB	DATE	5/20/23-21	<p><b>53RD AVENUE TRAIL AND WALK IMPROVEMENTS PROJECT</b> S.A.P. 127-319-008 / S.A.P. 113-118-004 <b>CONSTRUCTION PLAN</b></p>	<p>SHEET 22 OF 83</p>
DESIGNED	TYL													
DRAWN	TYL/JBQ													
CHECKED	RIB													
DATE	5/20/23-21													

LUP 0205-0107 EXHIBIT A  
Sheet 3 of 14

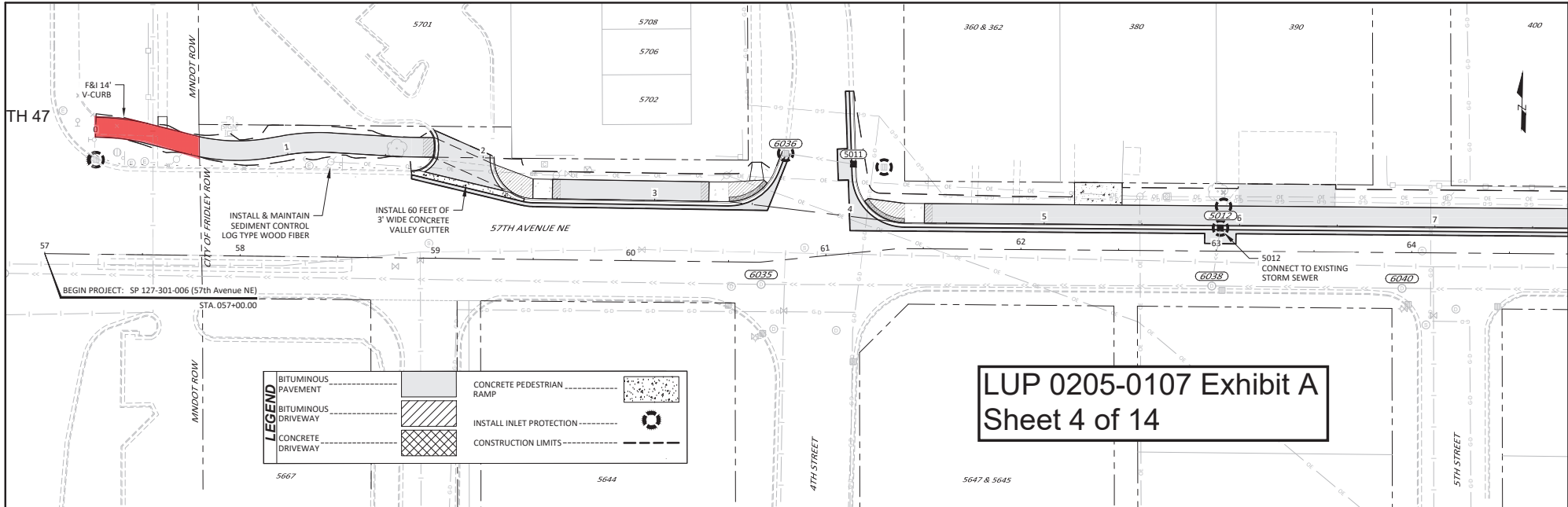


**LEGEND**

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	BITUMINOUS TRAIL PAVEMENT		CONCRETE PEDESTRIAN RAMP / SIDEWALK		
	CONCRETE DRIVEWAY		CONCRETE CURB AND GUTTER		

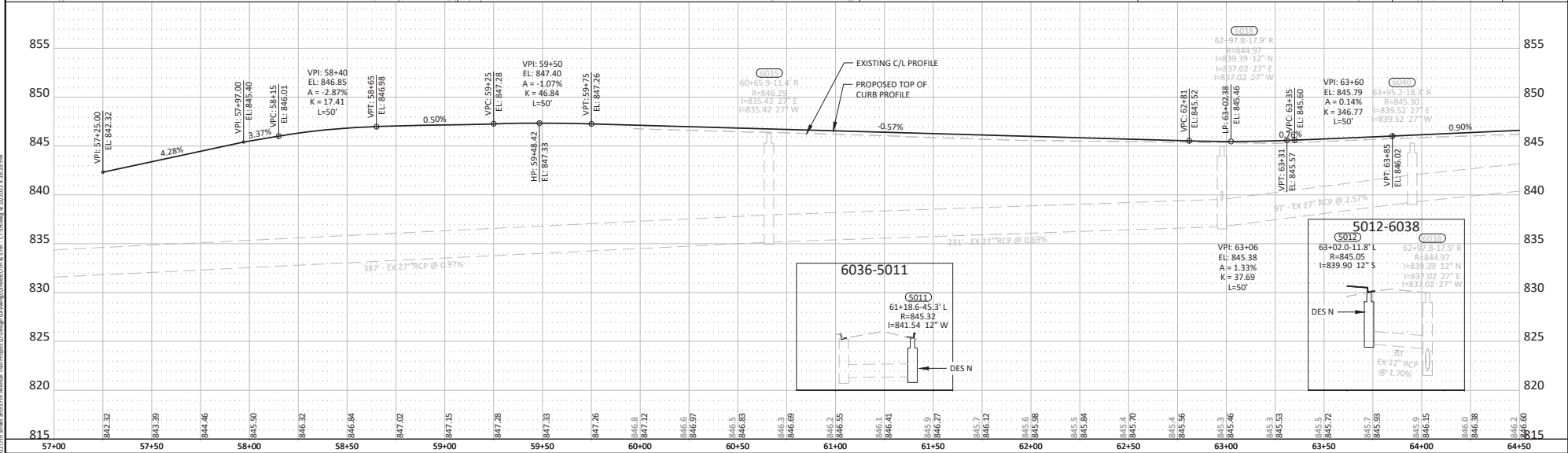


		<p>WE HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.</p> <p>BRANDON J. BRODHAG Lic. No. 55927</p>	<p>City of Columbia Heights</p>	<p>7071 University Avenue NE Fridley, MN 55432</p>	<p>53RD AVENUE TRAIL AND WALK IMPROVEMENTS PROJECT S.A.P. 127-319-008 / S.A.P. 113-118-004 CONSTRUCTION PLAN</p>	<p>DATE: 02/22/21 BY: TYL CHECKED: RIB DESIGNED: TYL/JBQ SCALE: AS SHOWN</p>	<p>SHEET 23 OF 83</p>
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LUP 0205-0107 Exhibit A  
Sheet 4 of 14

LEGEND	
	BITUMINOUS PAVEMENT
	BITUMINOUS DRIVEWAY
	CONCRETE DRIVEWAY
	CONCRETE PEDESTRIAN RAMP
	INSTALL INLET PROTECTION
	CONSTRUCTION LIMITS



HORIZ SCALE 0 25 50 FEET

VERT SCALE 0 5 10 FEET

Know what's below.  
Call 811 before you dig.

7071 University Avenue NE  
Fridley, MN 55432

JAMES P. KOSLUCHAR  
PE NO. 26460 DATE xx/xx/2022

7TH STREET & 57TH AVE TRAIL  
S.P. 127-312-002, S.P. 127-301-006  
CONSTRUCTION PLAN - 57TH AVENUE

SHEET 27 OF 60

98







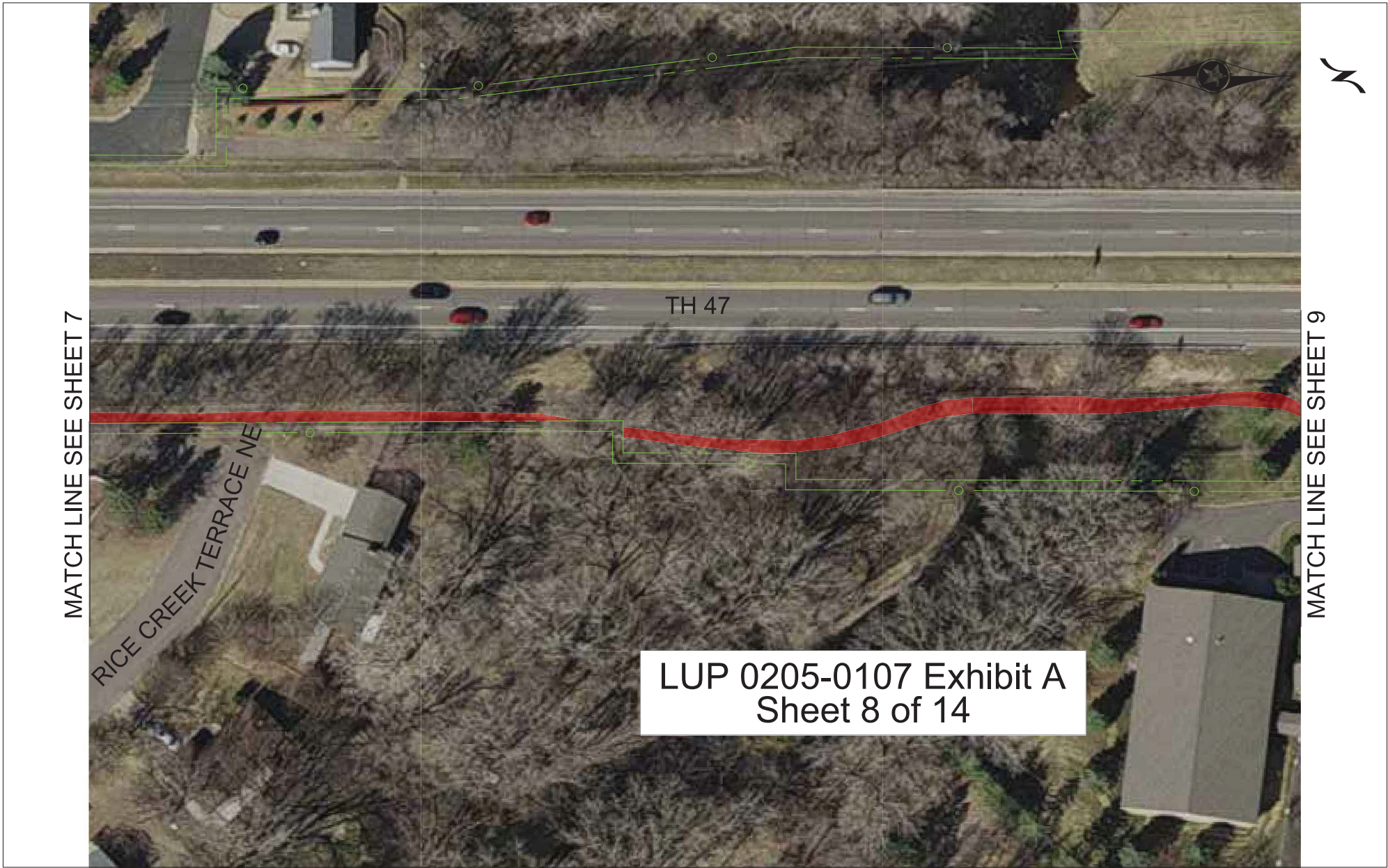
LUP 0205-0107 Exhibit A  
Sheet 6 of 14

MATCH LINE SEE SHEET 7

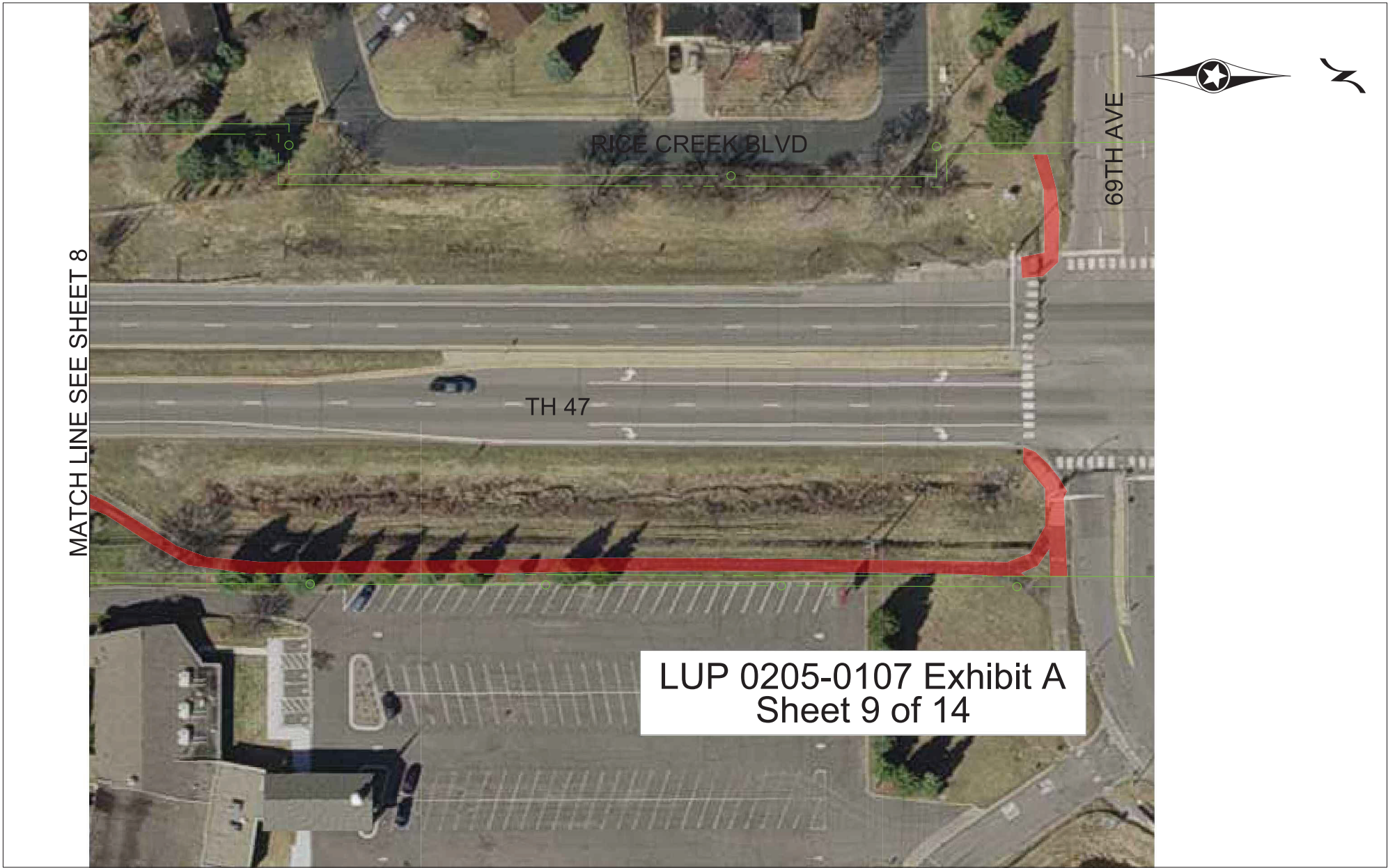






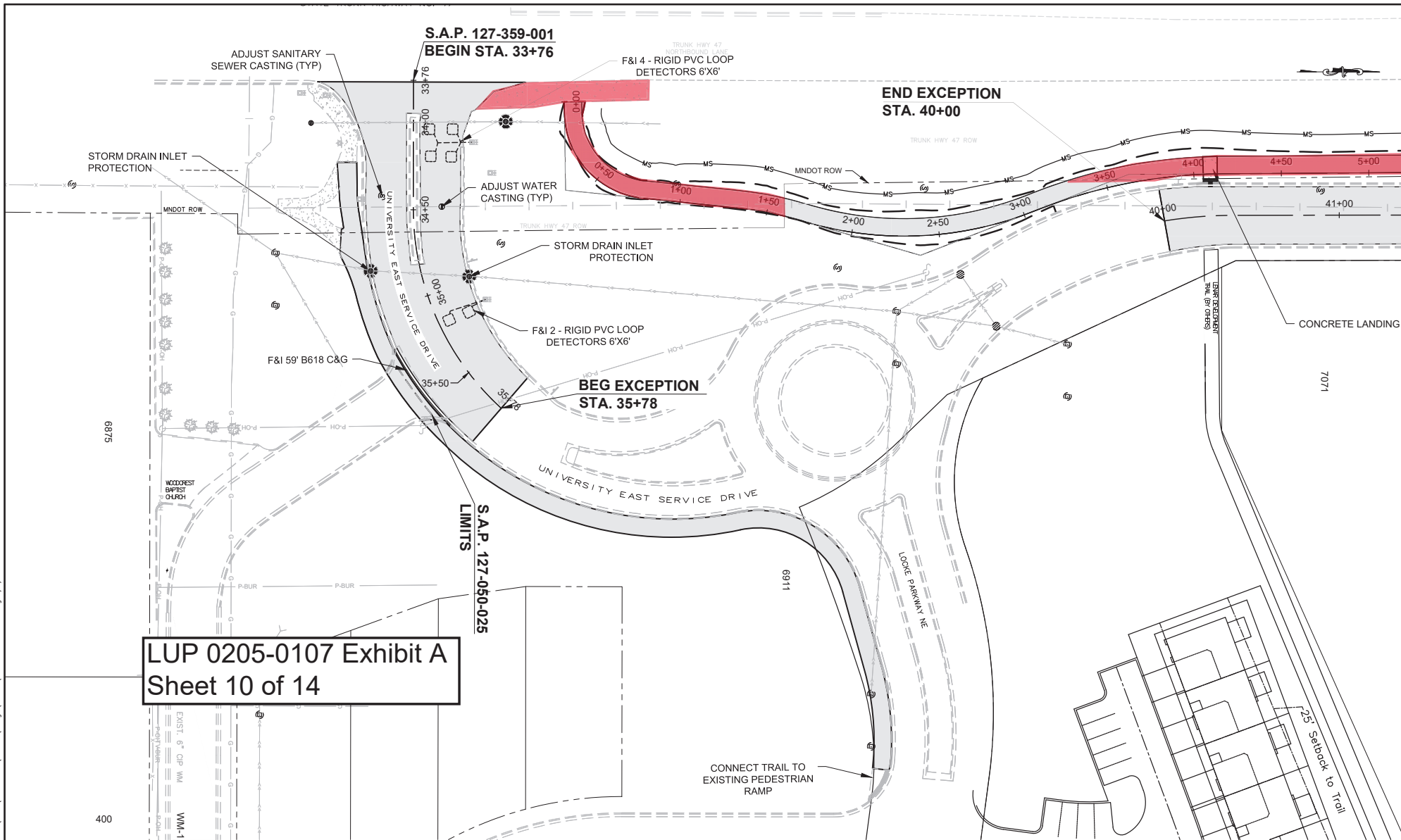






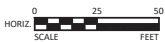
MATCH LINE SEE SHEET 8

LUP 0205-0107 Exhibit A  
Sheet 9 of 14



LUP 0205-0107 Exhibit A  
Sheet 10 of 14

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I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 JAMES P. ROSLICHAR, P.E.  
 No. 26460 Date: 06-02-2020

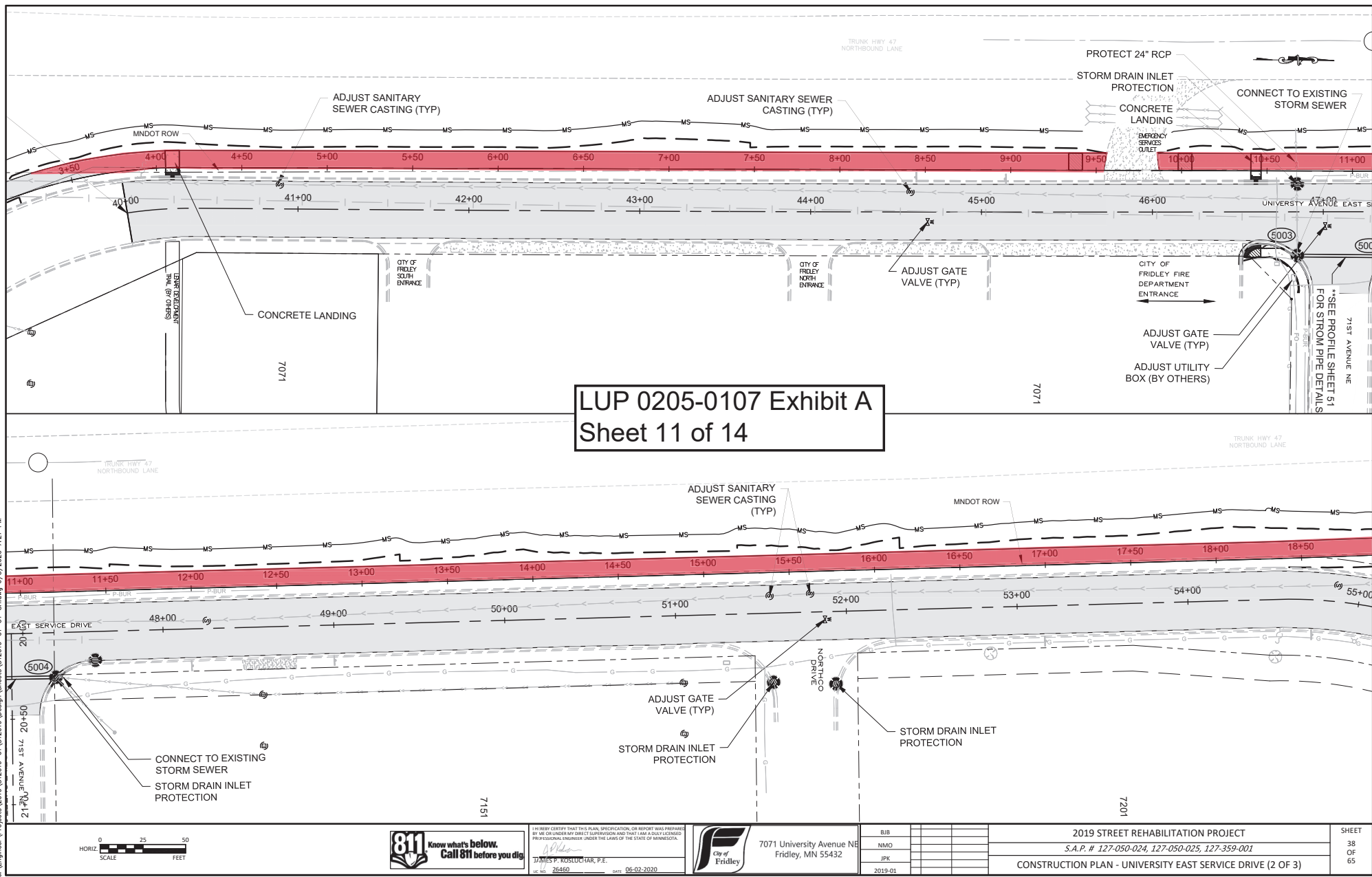


7071 University Avenue NE  
Fridley, MN 55432

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JKP	
2019-01	

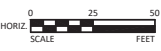
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S.A.P. # 127-050-024, 127-050-025, 127-359-001	
CONSTRUCTION PLAN - UNIVERSITY EAST SERVICE DRIVE (1 OF 3)	

SHEET	37
OF	65



LUP 0205-0107 Exhibit A  
Sheet 11 of 14

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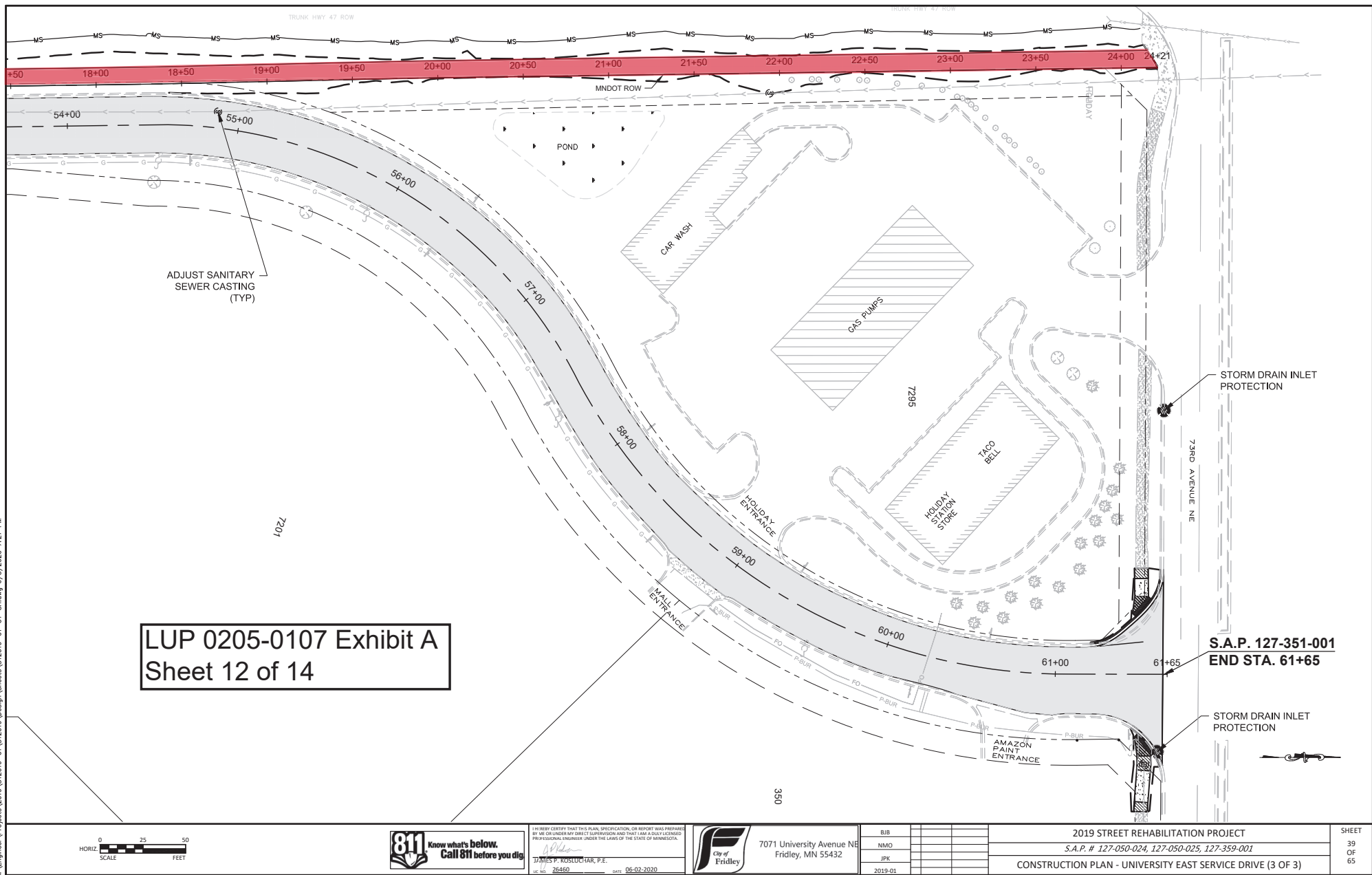
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 JAMES P. KOSLUCHAR, P.E.  
 LIC NO. 26460 DATE 06-02-2020

City of Fridley  
 7071 University Avenue NE  
 Fridley, MN 55432

BIB	
NMO	
JKP	
2019-01	

2019 STREET REHABILITATION PROJECT	
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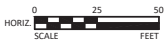
SHEET  
38  
OF  
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LUP 0205-0107 Exhibit A  
Sheet 12 of 14

S.A.P. 127-351-001  
END STA. 61+65

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 JAMES P. ROSLICHAR, P.E.  
 LIC NO. 26460 DATE 06-02-2020



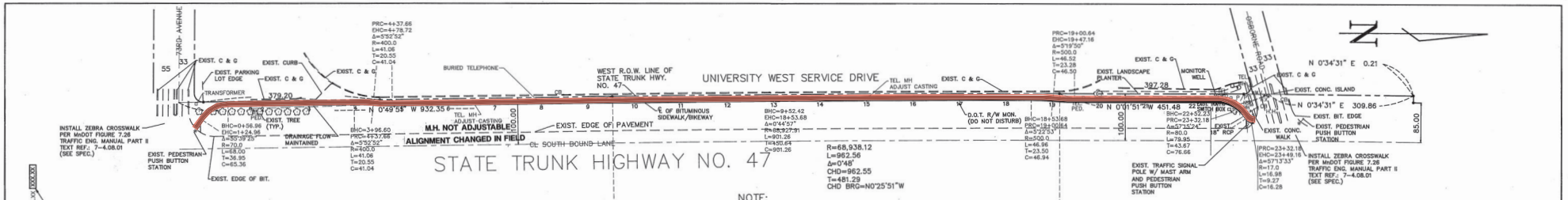
7071 University Avenue NE  
Fridley, MN 55432

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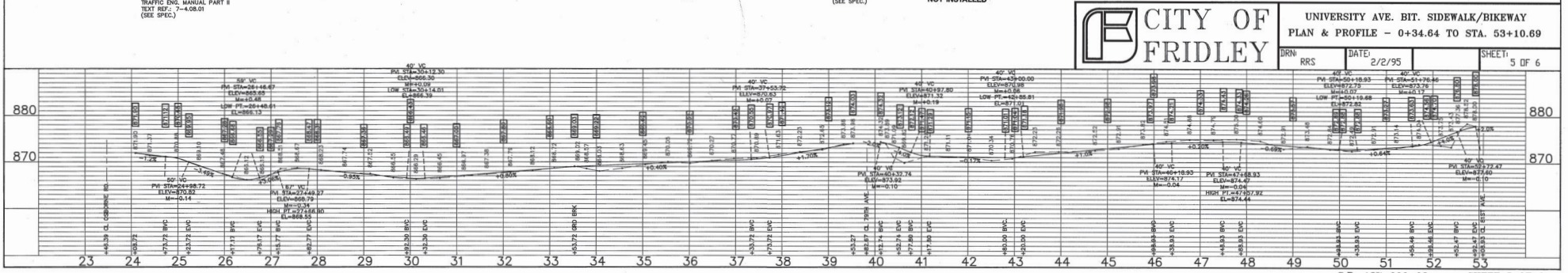
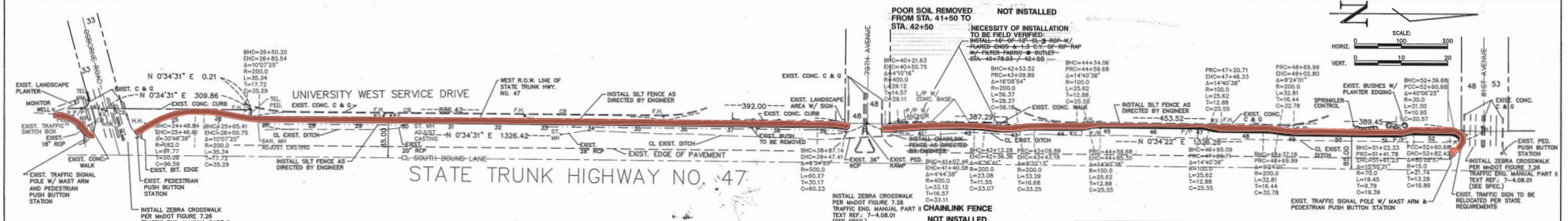
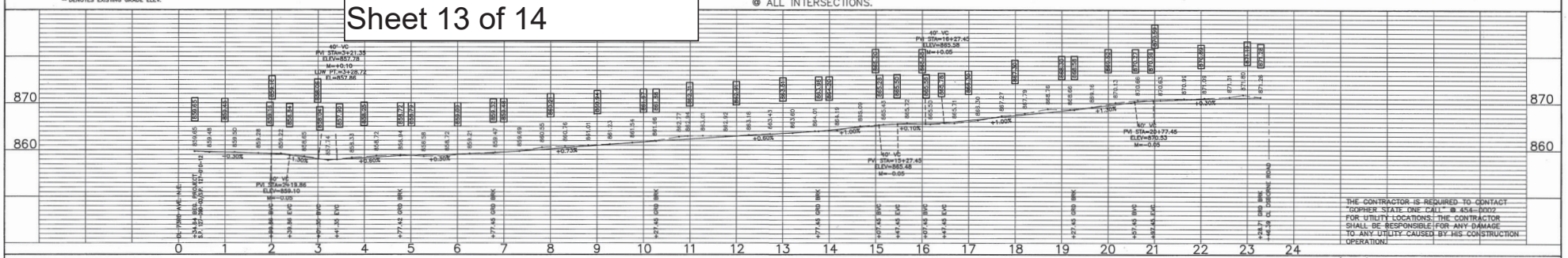
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 CONSTRUCTION PLAN - UNIVERSITY EAST SERVICE DRIVE (3 OF 3)

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39  
OF  
65





LUP 0205-0107 Exhibit A  
 Sheet 13 of 14



**CITY OF FRIDLEY**

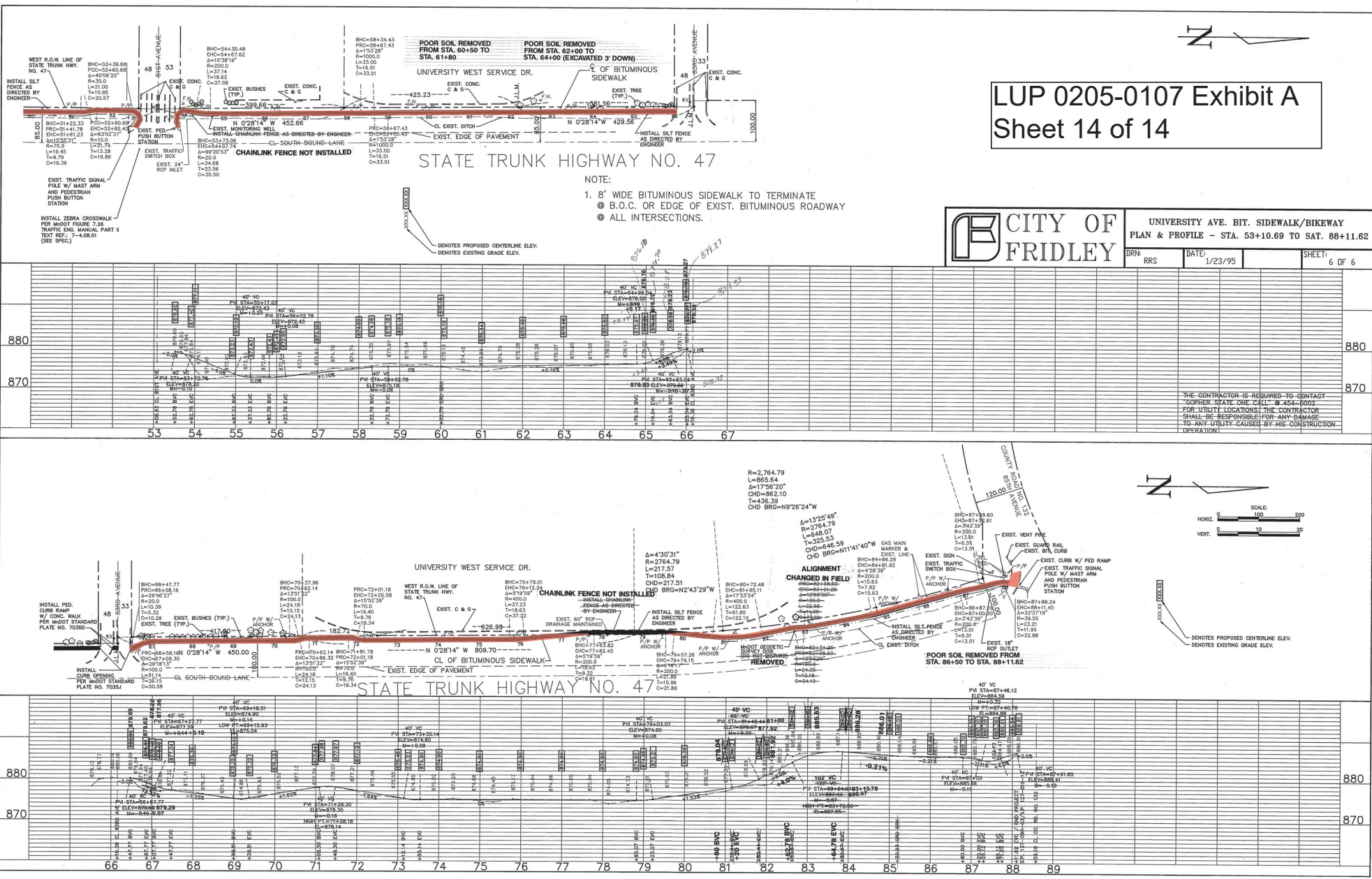
UNIVERSITY AVE. BIT. SIDEWALK/BIKEWAY  
 PLAN & PROFILE - 0+34.64 TO STA. 53+10.69

DRN	RRS	DATE	SHEET
		2/2/95	5 OF 6

S.P. 127-090-03 SHEET 5 OF 6  
 RECORD PLAN 10/24/95



# LUP 0205-0107 Exhibit A Sheet 14 of 14



NOTE:  
 1. 8' WIDE BITUMINOUS SIDEWALK TO TERMINATE  
 ● B.O.C. OR EDGE OF EXIST. BITUMINOUS ROADWAY  
 ● ALL INTERSECTIONS.

**CITY OF FRIDLEY**  
 UNIVERSITY AVE. BIT. SIDEWALK/BIKEWAY  
 PLAN & PROFILE - STA. 53+10.69 TO STA. 88+11.62

DRN	RRS	DATE	SHEET
		1/23/95	6 OF 6

THE CONTRACTOR IS REQUIRED TO CONTACT "Gopher State One Call" @ 454-0002 FOR UTILITY LOCATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO ANY UTILITY CAUSED BY HIS CONSTRUCTION OPERATIONS!



# AGENDA REPORT

**Meeting Date:** July 24, 2023

**Meeting Type:** City Council

**Submitted By:** Beth Kondrick, Deputy City Clerk

## Title

Resolution No. 2023-85, Approving Hemp THC Products Shop Licenses

## Background

Pursuant to sections of the Fridley City Code (Code), certain business licensing activities require approval of the Fridley City Council (Council), including Hemp THC Products Shop Licenses.

The City received an application from Steban Kabalan for a Hemp THC Products Shop License for property located at 8094 University Avenue N.E. and from Joe Rmayti for property at 6485 East River Rd N.E. Staff have performed the required verification steps spelled out in Chapter 310 (Hemp THC Products) of the Code and completed all background checks. No issues were found.

If approved by Council, the licenses will be in effect from July 25, 2023 to April 30, 2024.

## Financial Impact

All revenues for similar licenses were anticipated as part of the 2023 Budget.

## Recommendation

Staff recommend the approval of Resolution No. 2023-85.

## Focus on Fridley Strategic Alignment

<input type="checkbox"/> Vibrant Neighborhoods & Places	<input checked="" type="checkbox"/> Community Identity & Relationship Building
<input type="checkbox"/> Financial Stability & Commercial Prosperity	<input checked="" type="checkbox"/> Public Safety & Environmental Stewardship
<input type="checkbox"/> Organizational Excellence	

## Attachments

- Resolution No. 2023-85

## Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

**Resolution No. 2023-85**

**Approving Hemp THC Products Shop Licenses**

**Whereas**, the Fridley City Code (Code) and various sections of Minnesota Statute (M.S.) direct licensing requirements for certain business activities within the City of Fridley (City); and

**Whereas**, pursuant to Section 310 of Code, the City Council shall approve Hemp THC Products Shop licenses; and

**Whereas**, a Hemp THC Products Shop License application was submitted by Steban Kabalan for CBD RS located at 8094 University Avenue NE; and

**Whereas**, a Hemp THC Products Shop License application was submitted by Joe Rmayti for River Tobacco located at 6485 East River Rd NE; and

**Whereas**, applicable City staff have reviewed the applications and conditions of the City’s licenses; and

**Whereas**, applicable City staff recommend the approval of the following licenses by the City Council.

**Now, therefore be it resolved**, that the City Council of the City of Fridley hereby approves the Hemp THC Products Shop License for Steban Kabalan for CBD RS and Joe Rmayti for River Tobacco.

**Hemp THC Products Shop License**

<b>Type of License</b>	<b>Applicant</b>	<b>Staff Approval</b>	<b>City Code</b>	<b>Minnesota Statute</b>
Hemp THC Products Shop	Steban Kabalan, CBD RS	<ul style="list-style-type: none"> <li>• City Clerk</li> <li>• Public Safety</li> </ul>	Chapter 310	M.S. § 151.72
Hemp THC Products Shop	Joe Rmayti, River Tobacco	<ul style="list-style-type: none"> <li>• City Clerk</li> <li>• Public Safety</li> </ul>	Chapter 310	M.S. § 151.72

**Passed and adopted by the City Council of the City of Fridley this 24<sup>th</sup> day of July, 2023.**

\_\_\_\_\_  
Scott J. Lund – Mayor

Attest:

\_\_\_\_\_  
Melissa Moore – City Clerk



# AGENDA REPORT

**Meeting Date:** July 24, 2023

**Meeting Type:** City Council

**Submitted By:** Roberta Collins, Assistant to the City Manager

**Title**

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Resolution No. 2023-91, Approving Claims for the Period Ending July 19, 2023

**Background**

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Attached is Resolution No. 2023-91 and the Claims Report for the period ending July 19, 2023.

**Financial Impact**

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Included in the budget.

**Recommendation**

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Staff recommend the approval of Resolution No. 2023-91.

**Focus on Fridley Strategic Alignment**

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- |                                                                                 |                                                                     |
|---------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Vibrant Neighborhoods & Places                         | <input type="checkbox"/> Community Identity & Relationship Building |
| <input checked="" type="checkbox"/> Financial Stability & Commercial Prosperity | <input type="checkbox"/> Public Safety & Environmental Stewardship  |
| <input type="checkbox"/> Organizational Excellence                              |                                                                     |

**Attachments and Other Resources**

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- Resolution No. 2023-91
- City Council Claims Report

**Vision Statement**

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

**Resolution No. 2023-91**

**Approving Claims for the Period Ending July 19, 2023**

**Whereas**, Minnesota Statute § 412.271 generally requires the City Council to review and approve claims for goods and services prior to the release of payment; and

**Whereas**, a list of such claims for the period ending July 19, 2023, was reviewed by the City Council.

**Now, therefore be it resolved**, that the City Council of the City of Fridley hereby approves the payment of the claims as presented.

**Passed and adopted by the City Council of the City of Fridley this 24<sup>th</sup> day of July, 2023.**

\_\_\_\_\_  
Scott J. Lund - Mayor

Attest:

\_\_\_\_\_  
Melissa Moore – City Clerk



City of Fridley, MN

# Bank Transaction Report Transaction Detail

Issued Date Range: 07/06/2023 - 07/19/2023

Cleared Date Range: -

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
<b>Bank Draft</b>							
07/07/2023		<a href="#">DFT0004455</a>	EMPOWER RETIREMENT (for MN/MSRS)	Accounts Payable	Outstanding	Bank Draft	-1,539.23
07/07/2023		<a href="#">DFT0004456</a>	EMPOWER RETIREMENT (for MN/MSRS)	Accounts Payable	Outstanding	Bank Draft	-1,184.86
07/07/2023		<a href="#">DFT0004457</a>	CITY OF FRIDLEY-MISSION SQUARE-457 Def.Comp	Accounts Payable	Outstanding	Bank Draft	-20,475.39
07/07/2023		<a href="#">DFT0004458</a>	CITY OF FRIDLEY-MISSION SQUARE-457 Def.Comp	Accounts Payable	Outstanding	Bank Draft	-5,112.03
07/07/2023		<a href="#">DFT0004460</a>	CITY OF FRIDLEY-MISSION SQUARE RHS, Retiree Health Sav	Accounts Payable	Outstanding	Bank Draft	-363.48
07/07/2023		<a href="#">DFT0004462</a>	OPTUM BANK (HSA)	Accounts Payable	Outstanding	Bank Draft	-4,215.53
07/07/2023		<a href="#">DFT0004463</a>	OPTUM BANK (HSA)	Accounts Payable	Outstanding	Bank Draft	-3,110.66
07/07/2023		<a href="#">DFT0004464</a>	PERA - PUBLIC EMPLOYEES	Accounts Payable	Outstanding	Bank Draft	-45,445.52
07/07/2023		<a href="#">DFT0004465</a>	PERA - PUBLIC EMPLOYEES	Accounts Payable	Outstanding	Bank Draft	-164.46
07/07/2023		<a href="#">DFT0004466</a>	PERA - PUBLIC EMPLOYEES	Accounts Payable	Outstanding	Bank Draft	-61,370.61
07/07/2023		<a href="#">DFT0004467</a>	CITY OF FRIDLEY-MISSION SQUARE RHS, Retiree Health Sav	Accounts Payable	Outstanding	Bank Draft	-100.00
07/07/2023		<a href="#">DFT0004468</a>	CITY OF FRIDLEY-MISSION SQUARE RHS, Retiree Health Sav	Accounts Payable	Outstanding	Bank Draft	-2,550.00
07/07/2023		<a href="#">DFT0004469</a>	CITY OF FRIDLEY-MISSION SQUARE RHS, Retiree Health Sav	Accounts Payable	Outstanding	Bank Draft	-700.00
07/07/2023		<a href="#">DFT0004470</a>	CITY OF FRIDLEY-MISSION SQUARE Roth IRA	Accounts Payable	Outstanding	Bank Draft	-4,633.83
07/07/2023		<a href="#">DFT0004471</a>	BENEFIT RESOURCE LLC - BPA/VEBA	Accounts Payable	Outstanding	Bank Draft	-1,100.00
07/07/2023		<a href="#">DFT0004472</a>	INTERNAL REVENUE SERVICE - PAYROLL TAXES	Accounts Payable	Outstanding	Bank Draft	-47,165.52
07/07/2023		<a href="#">DFT0004473</a>	INTERNAL REVENUE SERVICE - PAYROLL TAXES	Accounts Payable	Outstanding	Bank Draft	-17,052.94
07/07/2023		<a href="#">DFT0004474</a>	MINN DEPARTMENT OF REVENUE - PAYROLL TAXES	Accounts Payable	Outstanding	Bank Draft	-25,140.86
07/07/2023		<a href="#">DFT0004475</a>	INTERNAL REVENUE SERVICE - PAYROLL TAXES	Accounts Payable	Outstanding	Bank Draft	-53,771.24
<b>Bank Draft Total: (19)</b>							<b>-295,196.16</b>
<b>Check</b>							
07/06/2023		<a href="#">201087</a>	56 BREWING LLC	Accounts Payable	Outstanding	Check	-534.00
07/06/2023		<a href="#">201088</a>	AM CRAFT SPIRITS SALES	Accounts Payable	Outstanding	Check	-645.56
07/06/2023		<a href="#">201089</a>	ARTISAN BEER COMPANY	Accounts Payable	Outstanding	Check	-9,130.85
07/06/2023		<a href="#">201090</a>	BELLBOY CORPORATION	Accounts Payable	Outstanding	Check	-2,417.02
07/06/2023		<a href="#">201091</a>	BLUE CLOUD DISTRIBUTION OF MN	Accounts Payable	Outstanding	Check	-1,843.00
07/06/2023		<a href="#">201092</a>	BREAKTHRU BEVERAGE BEER LLC	Accounts Payable	Outstanding	Check	-131,495.23
07/06/2023		<a href="#">201093</a>	BREAKTHRU BEVERAGE WINE & SPIRITS	Accounts Payable	Outstanding	Check	-27,794.80
07/06/2023		<a href="#">201094</a>	BROKEN CLOCK BREWING COOPERATIVE	Accounts Payable	Outstanding	Check	-221.00
07/06/2023		<a href="#">201095</a>	CAPITOL BEVERAGE SALES	Accounts Payable	Outstanding	Check	-49,033.19
07/06/2023		<a href="#">201096</a>	CLEAR RIVER BEVERAGE	Accounts Payable	Outstanding	Check	-2,087.65
07/06/2023		<a href="#">201097</a>	COCA-COLA DISTRIBUTION	Accounts Payable	Outstanding	Check	-1,371.21
07/06/2023		<a href="#">201098</a>	DREKKER BREWING COMPANY	Accounts Payable	Outstanding	Check	-922.50
07/06/2023		<a href="#">201099</a>	DUAL CITIZEN BREWING CO	Accounts Payable	Outstanding	Check	-90.00
07/06/2023		<a href="#">201100</a>	HOHENSTEINS INC	Accounts Payable	Outstanding	Check	-13,926.90



Bank Transaction Report

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
07/06/2023		<a href="#">201101</a>	INBOUND BREWCO	Accounts Payable	Outstanding	Check	-190.00
07/06/2023		<a href="#">201102</a>	INSIGHT BREWING COMPANY	Accounts Payable	Outstanding	Check	-462.49
07/06/2023		<a href="#">201103</a>	INVICTUS BREWING	Accounts Payable	Outstanding	Check	-301.00
07/06/2023		<a href="#">201104</a>	JOHNSON BROTHERS LIQUOR	Accounts Payable	Outstanding	Check	-55,887.67
07/06/2023		<a href="#">201105</a>	MATTSON ICE	Accounts Payable	Outstanding	Check	-2,297.75
07/06/2023		<a href="#">201106</a>	MILK AND HONEY CIDERS	Accounts Payable	Outstanding	Check	-260.00
07/06/2023		<a href="#">201107</a>	MODIST BREWING CO LLC	Accounts Payable	Outstanding	Check	-575.00
07/06/2023		<a href="#">201108</a>	OLD WORLD BEER	Accounts Payable	Outstanding	Check	-915.78
07/06/2023		<a href="#">201109</a>	PAUSTIS WINE COMPANY	Accounts Payable	Outstanding	Check	-640.00
07/06/2023		<a href="#">201110</a>	PEPSI COLA BOTTLING CO	Accounts Payable	Outstanding	Check	-586.80
07/06/2023		<a href="#">201111</a>	PHILLIPS WINE & SPIRITS	Accounts Payable	Outstanding	Check	-30,495.39
07/06/2023		<a href="#">201112</a>	PORTAGE BREWING COMPANY	Accounts Payable	Outstanding	Check	-699.00
07/06/2023		<a href="#">201113</a>	PRYES BREWING	Accounts Payable	Outstanding	Check	-595.00
07/06/2023		<a href="#">201114</a>	QUALITY REFRIGERATION SERVICE	Accounts Payable	Outstanding	Check	-358.87
07/06/2023		<a href="#">201115</a>	RED BULL DISTRIBUTION	Accounts Payable	Outstanding	Check	-905.80
07/06/2023		<a href="#">201116</a>	SOUTHERN WINE / SOUTHERN GLAZERS	Accounts Payable	Outstanding	Check	-28,827.36
07/06/2023		<a href="#">201117</a>	SP3 LLC - PEQUOD DISTRIBUTING	Accounts Payable	Outstanding	Check	-1,359.80
07/06/2023		<a href="#">201118</a>	SUMMER LAKES BEVERAGE	Accounts Payable	Outstanding	Check	-582.75
07/06/2023		<a href="#">201119</a>	URBAN GROWLER BREWING COMPANY LLC	Accounts Payable	Outstanding	Check	-246.00
07/06/2023		<a href="#">201120</a>	VINOCOPIA INC	Accounts Payable	Outstanding	Check	-1,538.00
07/06/2023		<a href="#">201121</a>	WINE COMPANY	Accounts Payable	Outstanding	Check	-1,385.00
07/06/2023		<a href="#">201122</a>	WINEBOW	Accounts Payable	Outstanding	Check	-1,414.50
07/06/2023		<a href="#">201123</a>	WRS IMPORTS LLC	Accounts Payable	Outstanding	Check	-679.00
07/06/2023		<a href="#">201124</a>	ASPEN MILLS INC	Accounts Payable	Outstanding	Check	-395.14
07/06/2023		<a href="#">201125</a>	CENTERPOINT ENERGY-MINNEGASCO	Accounts Payable	Outstanding	Check	-20.85
07/06/2023		<a href="#">201126</a>	CENTURY LINK	Accounts Payable	Outstanding	Check	-51.61
07/06/2023		<a href="#">201127</a>	MC TOOL & SAFETY	Accounts Payable	Outstanding	Check	-60.88
07/06/2023		<a href="#">201128</a>	XCEL ENERGY	Accounts Payable	Outstanding	Check	-17,707.50
07/07/2023	07/05/2023	<a href="#">15</a>	15	Payroll	Cleared	Check	0.00
07/07/2023		<a href="#">201081</a>	FRIDLEY FIRE RELIEF ASSOC	Accounts Payable	Outstanding	Check	-180.00
07/07/2023		<a href="#">201082</a>	FRIDLEY POLICE ASSOCIATION	Accounts Payable	Outstanding	Check	-200.00
07/07/2023		<a href="#">201083</a>	LAW ENFORCEMENT LABOR SERVICES	Accounts Payable	Outstanding	Check	-2,860.80
07/07/2023		<a href="#">201084</a>	LEGALSHIELD	Accounts Payable	Outstanding	Check	-483.45
07/07/2023		<a href="#">201085</a>	MINN CHILD SUPPORT PAYMENT CENTER	Accounts Payable	Outstanding	Check	-511.76
07/07/2023		<a href="#">201086</a>	NCPERS MINNESOTA-478000	Accounts Payable	Outstanding	Check	-680.00
07/12/2023		<a href="#">201129</a>	A & B WELDING & CONSTRUCTION INC	Accounts Payable	Outstanding	Check	-6,270.50
07/12/2023		<a href="#">201130</a>	ALLIED BLACKTOP CO	Accounts Payable	Outstanding	Check	-36,473.13
07/12/2023		<a href="#">201131</a>	ANOKA COUNTY ATTORNEY	Accounts Payable	Outstanding	Check	-159.90
07/12/2023		<a href="#">201132</a>	ARAMARK UNIFORM SERVICES	Accounts Payable	Outstanding	Check	-760.54
07/12/2023		<a href="#">201133</a>	AUTONATION FORD WHITE BEAR LAKE	Accounts Payable	Outstanding	Check	-4,130.98
07/12/2023		<a href="#">201134</a>	BEISSWENGER'S HARDWARE	Accounts Payable	Outstanding	Check	-23.59
07/12/2023		<a href="#">201135</a>	BENEFIT RESOURCE LLC - BPA/VEBA	Accounts Payable	Outstanding	Check	-567.00
07/12/2023		<a href="#">201136</a>	BERGERSON-CASWELL INC	Accounts Payable	Outstanding	Check	-1,875.00



Bank Transaction Report

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
07/12/2023		<a href="#">201137</a>	BIRCH TREE CARE LLC	Accounts Payable	Outstanding	Check	-5,720.03
07/12/2023		<a href="#">201138</a>	BLUEBEAM INC	Accounts Payable	Outstanding	Check	-754.00
07/12/2023		<a href="#">201139</a>	CDW GOVERNMENT INC	Accounts Payable	Outstanding	Check	-3,084.00
07/12/2023		<a href="#">201140</a>	CERES ENVIRONMENTAL INC	Accounts Payable	Outstanding	Check	-100.00
07/12/2023		<a href="#">201141</a>	CMT JANITORIAL SERVICES	Accounts Payable	Outstanding	Check	-2,583.00
07/12/2023		<a href="#">201142</a>	CORE & MAIN LP	Accounts Payable	Outstanding	Check	-175.44
07/12/2023		<a href="#">201143</a>	COSTAR REALTY INFORMATION	Accounts Payable	Outstanding	Check	-430.00
07/12/2023		<a href="#">201144</a>	CREDITRON CORPORATION	Accounts Payable	Outstanding	Check	-3,520.65
07/12/2023		<a href="#">201145</a>	CULLIGAN	Accounts Payable	Outstanding	Check	-126.45
07/12/2023		<a href="#">201146</a>	CYRUS, AMANDINA	Accounts Payable	Outstanding	Check	-291.34
07/12/2023		<a href="#">201147</a>	DALCO	Accounts Payable	Outstanding	Check	-1,759.35
07/12/2023		<a href="#">201148</a>	DO-GOOD BIZ INC	Accounts Payable	Outstanding	Check	-1,588.79
07/12/2023		<a href="#">201149</a>	ECOLAB INC	Accounts Payable	Outstanding	Check	-134.94
07/12/2023		<a href="#">201150</a>	ECOSAFE ZERO WASTE USA INC	Accounts Payable	Outstanding	Check	-354.56
07/12/2023		<a href="#">201151</a>	FINANCE AND COMMERCE INC	Accounts Payable	Outstanding	Check	-285.74
07/12/2023		<a href="#">201152</a>	FISH WINDOW CLEANING	Accounts Payable	Outstanding	Check	-4,578.00
07/12/2023		<a href="#">201153</a>	GENUINE PARTS CO/NAPA	Accounts Payable	Outstanding	Check	-11.20
07/12/2023		<a href="#">201154</a>	GOPHER STATE ONE-CALL INC	Accounts Payable	Outstanding	Check	-364.50
07/12/2023		<a href="#">201155</a>	GRAINGER	Accounts Payable	Outstanding	Check	-87.23
07/12/2023		<a href="#">201156</a>	GREENHAVEN PRINTING	Accounts Payable	Outstanding	Check	-7,484.93
07/12/2023		<a href="#">201157</a>	GROTH SEWER & WATER LLC	Accounts Payable	Outstanding	Check	-10,500.00
07/12/2023		<a href="#">201158</a>	HEALTH PARTNERS	Accounts Payable	Outstanding	Check	-442.00
07/12/2023		<a href="#">201159</a>	HEALTHSOURCE SOLUTIONS LLC	Accounts Payable	Outstanding	Check	-2,464.20
07/12/2023		<a href="#">201160</a>	HIRERIGHT LLC	Accounts Payable	Outstanding	Check	-11.40
07/12/2023		<a href="#">201161</a>	INSTRUMENTAL RESEARCH INC	Accounts Payable	Outstanding	Check	-429.00
07/12/2023		<a href="#">201162</a>	JASONS JANITORIAL SERVICES	Accounts Payable	Outstanding	Check	-3,100.00
07/12/2023		<a href="#">201163</a>	LAKE RESTORATION INC	Accounts Payable	Outstanding	Check	-2,206.00
07/12/2023		<a href="#">201164</a>	LANDSCAPE STRUCTURES	Accounts Payable	Outstanding	Check	-68,055.32
07/12/2023		<a href="#">201165</a>	LEAGUE OF MN CITIES INS TRUST	Accounts Payable	Outstanding	Check	-49,798.00
07/12/2023		<a href="#">201166</a>	LEPAGE & SONS	Accounts Payable	Outstanding	Check	-1,324.93
07/12/2023		<a href="#">201167</a>	MAC QUEEN EMERGENCY	Accounts Payable	Outstanding	Check	-8,365.00
07/12/2023		<a href="#">201168</a>	MARTIN MARIETTA	Accounts Payable	Outstanding	Check	-3,522.01
07/12/2023		<a href="#">201169</a>	MENARDS - BLAINE	Accounts Payable	Outstanding	Check	-907.67
07/12/2023		<a href="#">201170</a>	MENARDS - FRIDLEY	Accounts Payable	Outstanding	Check	-1,440.15
07/12/2023		<a href="#">201171</a>	METRO-INET	Accounts Payable	Outstanding	Check	-4,563.00
07/12/2023		<a href="#">201172</a>	MINN DEPT OF TRANSPORTATION	Accounts Payable	Outstanding	Check	-502.47
07/12/2023		<a href="#">201173</a>	MINN OCCUPATIONAL HEALTH	Accounts Payable	Outstanding	Check	-68.00
07/12/2023		<a href="#">201174</a>	NORTH ANOKA PLUMBING / DUSTY'S DRAIN CLEANING	Accounts Payable	Outstanding	Check	-1,250.00
07/12/2023		<a href="#">201175</a>	ON SITE COMPANIES	Accounts Payable	Outstanding	Check	-1,239.00
07/12/2023		<a href="#">201176</a>	ONLINE SOLUTIONS LLC	Accounts Payable	Outstanding	Check	-54,000.00
07/12/2023		<a href="#">201177</a>	OPG3 INC	Accounts Payable	Outstanding	Check	-30,000.00
07/12/2023		<a href="#">201178</a>	QUALITY COUNTS LLC	Accounts Payable	Outstanding	Check	-3,250.00
07/12/2023		<a href="#">201179</a>	QUALITY FORKLIFT SALES & SERVICE	Accounts Payable	Outstanding	Check	-101.34

Bank Transaction Report

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
07/12/2023		<a href="#">201180</a>	R & H PAINTING LLC/ HIPERLINE	Accounts Payable	Outstanding	Check	-9,199.80
07/12/2023		<a href="#">201181</a>	RAPIT PRINTING	Accounts Payable	Outstanding	Check	-1,117.36
07/12/2023		<a href="#">201182</a>	REVSFRING INC	Accounts Payable	Outstanding	Check	-2,464.77
07/12/2023		<a href="#">201183</a>	SCHIFSKY & SONS INC	Accounts Payable	Outstanding	Check	-152.46
07/12/2023		<a href="#">201184</a>	STANDARD INSURANCE COMPANY (LIFE)	Accounts Payable	Outstanding	Check	-2,236.29
07/12/2023		<a href="#">201185</a>	STANDARD INSURANCE COMPANY LTD/STD	Accounts Payable	Outstanding	Check	-7,246.07
07/12/2023		<a href="#">201186</a>	TIMESAVER OFF-SITE SECRETARIAL INC	Accounts Payable	Outstanding	Check	-393.50
07/12/2023		<a href="#">201187</a>	TOLL GAS & WELDING SUPPLY	Accounts Payable	Outstanding	Check	-1,180.00
07/12/2023		<a href="#">201188</a>	TRAFFIC CONTROL CORPORATION	Accounts Payable	Outstanding	Check	-272.00
07/12/2023		<a href="#">201189</a>	VALLEY-RICH CO INC	Accounts Payable	Outstanding	Check	-16,800.00
07/12/2023		<a href="#">201190</a>	VISUAL COMPUTER SOLUTIONS INC	Accounts Payable	Outstanding	Check	-4,576.35
07/12/2023		<a href="#">201191</a>	WILDLIFE SCIENCE CENTER	Accounts Payable	Outstanding	Check	-284.80
07/12/2023		<a href="#">201192</a>	YALE MECHANICAL INC	Accounts Payable	Outstanding	Check	-1,613.48
07/12/2023		<a href="#">201193</a>	ANDREW & BOBBIE ARBOE	Utility Billing	Outstanding	Check	-122.65
07/12/2023		<a href="#">201194</a>	MOHAMED DADSOUR	Utility Billing	Outstanding	Check	-48.74
07/12/2023		<a href="#">201195</a>	ANTAL, VICTOR	Accounts Payable	Outstanding	Check	-16,986.00
07/12/2023		<a href="#">201196</a>	ENERSON, DONALD	Accounts Payable	Outstanding	Check	-16,986.00
07/12/2023		<a href="#">201197</a>	EQUITY TRUST COMPANY CUSTODIAN FBO RON BROEN 20	Accounts Payable	Outstanding	Check	-16,986.00
07/12/2023		<a href="#">201198</a>	LA GRANDEUR, PIERRE	Accounts Payable	Outstanding	Check	-16,986.00
07/12/2023		<a href="#">201199</a>	MARSHALL, DAVID	Accounts Payable	Outstanding	Check	-16,986.00
07/12/2023		<a href="#">201200</a>	SAMUEL, DELIA	Accounts Payable	Outstanding	Check	-16,986.00
07/19/2023		<a href="#">201201</a>	AARON & CARLEY WALLACE	Utility Billing	Outstanding	Check	-28.31
07/19/2023		<a href="#">201202</a>	TREVOR MAJOR	Utility Billing	Outstanding	Check	-19.06
07/19/2023		<a href="#">201203</a>	RITA & TERRENCE GIBBONS	Utility Billing	Outstanding	Check	-209.46
07/19/2023		<a href="#">201204</a>	THOMAS HAMEL	Utility Billing	Outstanding	Check	-311.32
07/19/2023		<a href="#">201205</a>	DONALD & KAREN BASSETT	Utility Billing	Outstanding	Check	-252.55
07/19/2023		<a href="#">201206</a>	LYNN M JONES	Utility Billing	Outstanding	Check	-140.56
07/19/2023		<a href="#">201207</a>	S LEE & A WHITNER	Utility Billing	Outstanding	Check	-36.36
07/19/2023		<a href="#">201208</a>	ABIGAIL HILGENDORF	Utility Billing	Outstanding	Check	-150.19
07/19/2023		<a href="#">201209</a>	VERONICA BYRD	Utility Billing	Outstanding	Check	-575.84
07/19/2023		<a href="#">201210</a>	ERIK DAVID LINDQUIST	Utility Billing	Outstanding	Check	-72.19
07/19/2023		<a href="#">201211</a>	WAYNE TRUE	Utility Billing	Outstanding	Check	-106.91
07/19/2023		<a href="#">201212</a>	DONALD SYTSMA	Utility Billing	Outstanding	Check	-42.64
07/19/2023		<a href="#">201213</a>	BRUCE & DONNA BONDOW	Utility Billing	Outstanding	Check	-44.06
07/19/2023		<a href="#">201214</a>	RICHARD BUDZYNSKI	Utility Billing	Outstanding	Check	-38.99
07/19/2023		<a href="#">201215</a>	RONALD SEEKAMP	Utility Billing	Outstanding	Check	-99.85
07/19/2023		<a href="#">201216</a>	TREVOR AUBRECHT	Utility Billing	Outstanding	Check	-13.96
07/19/2023		<a href="#">201217</a>	RICHARD HITT	Utility Billing	Outstanding	Check	-30.71
07/19/2023		<a href="#">201218</a>	HOMEPRIDE 401K TRUST	Utility Billing	Outstanding	Check	-38.59
07/19/2023		<a href="#">201219</a>	KEVIN CAMPBELL	Utility Billing	Outstanding	Check	-45.64
07/19/2023		<a href="#">201220</a>	ASHLEY & ALEX MCCOY	Utility Billing	Outstanding	Check	-20.67
07/19/2023		<a href="#">201221</a>	HENNEPIN RP FUNDING LLC	Utility Billing	Outstanding	Check	-125.78
07/19/2023		<a href="#">201222</a>	ANTHONY SPARKS	Utility Billing	Outstanding	Check	-79.34

## Bank Transaction Report

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
07/19/2023		<a href="#">201223</a>	CHRISTIAN R E LOPEZ	Utility Billing	Outstanding	Check	-2,132.64
07/19/2023		<a href="#">201224</a>	ROGER MEISSNER	Utility Billing	Outstanding	Check	-95.42
07/19/2023		<a href="#">201225</a>	ESTATE OF SHERI K WHITFIELD	Utility Billing	Outstanding	Check	-46.86
07/19/2023		<a href="#">201226</a>	MAI SONG LEE	Utility Billing	Outstanding	Check	-25.54
07/19/2023		<a href="#">201227</a>	ERIN & SCOTT STURM	Utility Billing	Outstanding	Check	-15.09
07/19/2023		<a href="#">201228</a>	PA HANG	Utility Billing	Outstanding	Check	-295.80
07/19/2023		<a href="#">201229</a>	GUILLERMO FERREIRA	Utility Billing	Outstanding	Check	-788.18
07/19/2023		<a href="#">201230</a>	RANDY J LINDSTROM	Utility Billing	Outstanding	Check	-167.15
07/19/2023		<a href="#">201231</a>	ADVANCE COMPANIES INC	Accounts Payable	Outstanding	Check	-519.78
07/19/2023		<a href="#">201232</a>	ANIMAL HUMANE SOCIETY	Accounts Payable	Outstanding	Check	-2,216.00
07/19/2023		<a href="#">201233</a>	APACHE GROUP OF MINNESOTA	Accounts Payable	Outstanding	Check	-386.10
07/19/2023		<a href="#">201234</a>	ARAMARK UNIFORM SERVICES	Accounts Payable	Outstanding	Check	-373.90
07/19/2023		<a href="#">201235</a>	ASPEN MILLS INC	Accounts Payable	Outstanding	Check	-579.97
07/19/2023		<a href="#">201236</a>	AUTONATION FORD WHITE BEAR LAKE	Accounts Payable	Outstanding	Check	-874.15
07/19/2023		<a href="#">201237</a>	BOND TRUST SERVICES CORP	Accounts Payable	Outstanding	Check	-1,425.00
07/19/2023		<a href="#">201238</a>	CENTERPOINT ENERGY-MINNEGASCO	Accounts Payable	Outstanding	Check	-349.78
07/19/2023		<a href="#">201239</a>	CENTURY LINK	Accounts Payable	Outstanding	Check	-1,998.42
07/19/2023		<a href="#">201240</a>	CERES ENVIRONMENTAL INC	Accounts Payable	Outstanding	Check	-420.00
07/19/2023		<a href="#">201241</a>	COMCAST/XFINITY	Accounts Payable	Outstanding	Check	-317.21
07/19/2023		<a href="#">201242</a>	COMO LUBE & SUPPLIES INC	Accounts Payable	Outstanding	Check	-247.50
07/19/2023		<a href="#">201243</a>	DALCO	Accounts Payable	Outstanding	Check	-377.74
07/19/2023		<a href="#">201244</a>	DINGES FIRE COMPANY	Accounts Payable	Outstanding	Check	-325.00
07/19/2023		<a href="#">201245</a>	EHLERS & ASSOCIATES INC	Accounts Payable	Outstanding	Check	-537.50
07/19/2023		<a href="#">201246</a>	EMERGENCY APPARATUS MAINT	Accounts Payable	Outstanding	Check	-794.62
07/19/2023		<a href="#">201247</a>	EMERGENCY AUTOMOTIVE TECHNOLOGIES	Accounts Payable	Outstanding	Check	-321.59
07/19/2023		<a href="#">201248</a>	FASTENAL COMPANY	Accounts Payable	Outstanding	Check	-130.35
07/19/2023		<a href="#">201249</a>	FINNEMAN, ROSSILYND	Accounts Payable	Outstanding	Check	-100.00
07/19/2023		<a href="#">201250</a>	FLAGSHIP RECREATION LLC	Accounts Payable	Outstanding	Check	-18,043.62
07/19/2023		<a href="#">201251</a>	FLEXIBLE PIPE TOOL CO	Accounts Payable	Outstanding	Check	-770.00
07/19/2023		<a href="#">201252</a>	FRIDLEY 49ER DAYS FESTIVAL INC	Accounts Payable	Outstanding	Check	-2,490.00
07/19/2023		<a href="#">201253</a>	FRIENDLY CHEVROLET INC	Accounts Payable	Outstanding	Check	-590.75
07/19/2023		<a href="#">201254</a>	GALLS LLC	Accounts Payable	Outstanding	Check	-228.42
07/19/2023		<a href="#">201255</a>	GENUINE PARTS CO/NAPA	Accounts Payable	Outstanding	Check	-104.21
07/19/2023		<a href="#">201256</a>	GRAPHIC SOLUTIONS GROUP INC	Accounts Payable	Outstanding	Check	-147.00
07/19/2023		<a href="#">201257</a>	HAWKINS INC	Accounts Payable	Outstanding	Check	-10.00
07/19/2023		<a href="#">201258</a>	HOISINGTON KOEGLER/HKGI	Accounts Payable	Outstanding	Check	-2,145.00
07/19/2023		<a href="#">201259</a>	HYDRAULIC SPECIALTY CO	Accounts Payable	Outstanding	Check	-194.64
07/19/2023		<a href="#">201260</a>	INDELCO PLASTICS CORPORATION	Accounts Payable	Outstanding	Check	-27.51
07/19/2023		<a href="#">201261</a>	JAMF SOFTWARE LLC	Accounts Payable	Outstanding	Check	-2,200.00
07/19/2023		<a href="#">201262</a>	KATH FUEL OIL SERVICE	Accounts Payable	Outstanding	Check	-650.00
07/19/2023		<a href="#">201263</a>	KENNEDY & GRAVEN CHARTERED	Accounts Payable	Outstanding	Check	-7,464.32
07/19/2023		<a href="#">201264</a>	LANO EQUIPMENT INC	Accounts Payable	Outstanding	Check	-262.80
07/19/2023		<a href="#">201265</a>	LEAGUE OF MN CITIES INS TRUST	Accounts Payable	Outstanding	Check	-144,146.00

Bank Transaction Report

Issued Date

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
07/19/2023		<a href="#">201266</a>	LEPAGE & SONS	Accounts Payable	Outstanding	Check	-112.91
07/19/2023		<a href="#">201267</a>	LOFFLER COMPANIES-131511	Accounts Payable	Outstanding	Check	-119.98
07/19/2023		<a href="#">201268</a>	MANSFIELD OIL COMPANY	Accounts Payable	Outstanding	Check	-36,656.78
07/19/2023		<a href="#">201269</a>	MARTIN MARIETTA	Accounts Payable	Outstanding	Check	-3,259.15
07/19/2023		<a href="#">201270</a>	MCNALLAN, KEVIN	Accounts Payable	Outstanding	Check	-47.00
07/19/2023		<a href="#">201271</a>	MENARDS - FRIDLEY	Accounts Payable	Outstanding	Check	-199.90
07/19/2023		<a href="#">201272</a>	METROPOLITAN COUNCIL	Accounts Payable	Outstanding	Check	-434,336.81
07/19/2023		<a href="#">201273</a>	MINN FIRE SERVICE CERT BOARD	Accounts Payable	Outstanding	Check	-1,039.50
07/19/2023		<a href="#">201274</a>	MINNEAPOLIS SAW INC	Accounts Payable	Outstanding	Check	-142.35
07/19/2023		<a href="#">201275</a>	NEW BRIGHTON, CITY OF	Accounts Payable	Outstanding	Check	-468.93
07/19/2023		<a href="#">201276</a>	NFP INSURANCE SERVICES INC	Accounts Payable	Outstanding	Check	-690.00
07/19/2023		<a href="#">201277</a>	NORTHERN TOOL & EQUIPMENT	Accounts Payable	Outstanding	Check	-53.98
07/19/2023		<a href="#">201278</a>	NORTHSTAR MAINTENANCE MANAGEMENT	Accounts Payable	Outstanding	Check	-279.85
07/19/2023		<a href="#">201279</a>	NUSS TRUCK AND EQUIPMENT	Accounts Payable	Outstanding	Check	-345.97
07/19/2023		<a href="#">201280</a>	NYKANEN, ANDREW	Accounts Payable	Outstanding	Check	-23,572.00
07/19/2023		<a href="#">201281</a>	OMANN BROTHERS CONTRACTING CO	Accounts Payable	Outstanding	Check	-520.90
07/19/2023		<a href="#">201282</a>	ON SITE COMPANIES	Accounts Payable	Outstanding	Check	-176.00
07/19/2023		<a href="#">201283</a>	OVERHEAD DOOR COMPANY	Accounts Payable	Outstanding	Check	-309.45
07/19/2023		<a href="#">201284</a>	PALADIN TECHNOLOGIES (USA) INC	Accounts Payable	Outstanding	Check	-270.00
07/19/2023		<a href="#">201285</a>	REPUBLIC SERVICES #899	Accounts Payable	Outstanding	Check	-48,198.80
07/19/2023		<a href="#">201286</a>	ROADKILL ANIMAL CONTROL	Accounts Payable	Outstanding	Check	-103.00
07/19/2023		<a href="#">201287</a>	ROCK SOLID LANDSCAPE & IRRIGATION	Accounts Payable	Outstanding	Check	-1,960.00
07/19/2023		<a href="#">201288</a>	STAR TRIBUNE	Accounts Payable	Outstanding	Check	-2,009.76
07/19/2023		<a href="#">201289</a>	SUBURBAN TIRE WHOLESALE INC	Accounts Payable	Outstanding	Check	-147.00
07/19/2023		<a href="#">201290</a>	SUPPLY SOLUTIONS LLC	Accounts Payable	Outstanding	Check	-1,531.63
07/19/2023		<a href="#">201291</a>	TALLEN AND BAERTSCHI	Accounts Payable	Outstanding	Check	-242.99
07/19/2023		<a href="#">201292</a>	TITAN MACHINERY	Accounts Payable	Outstanding	Check	-932.92
07/19/2023		<a href="#">201293</a>	T-MOBILE	Accounts Payable	Outstanding	Check	-125.00
07/19/2023		<a href="#">201294</a>	TRI-STATE BOBCAT INC	Accounts Payable	Outstanding	Check	-433.68
07/19/2023		<a href="#">201295</a>	TRUGREEN-CHEMLAWN	Accounts Payable	Outstanding	Check	-7,830.29
07/19/2023		<a href="#">201296</a>	TWIN CITIES TRANSPORT & RECOVERY INC	Accounts Payable	Outstanding	Check	-1,250.00
07/19/2023		<a href="#">201297</a>	UNITED SYSTEMS & SOFTWARE INC.	Accounts Payable	Outstanding	Check	-32,237.19
07/19/2023		<a href="#">201298</a>	US DEPT OF AGRICULTURE-USDA APHIS	Accounts Payable	Outstanding	Check	-3,356.54
07/19/2023		<a href="#">201299</a>	VERIZON WIRELESS	Accounts Payable	Outstanding	Check	-2,372.39
07/19/2023		<a href="#">201300</a>	VOIGT BUS SERVICES INC	Accounts Payable	Outstanding	Check	-1,080.00
07/19/2023		<a href="#">201301</a>	XCEL ENERGY	Accounts Payable	Outstanding	Check	-68,569.23
07/19/2023		<a href="#">201302</a>	YALE MECHANICAL INC	Accounts Payable	Outstanding	Check	-2,501.60
<b>Check Total: (223)</b>							<b>-1,752,028.43</b>
<b>Check Reversal</b>							
07/06/2023		<a href="#">194350</a>	Reverse Refund Check ANDREW & BOBBIE ARBOE	Utility Billing	Outstanding	Check Reversal	122.65
07/12/2023		<a href="#">193222</a>	Reverse Refund Check MOHAMED DADSOUR	Utility Billing	Outstanding	Check Reversal	48.74
<b>Check Reversal Total: (2)</b>							<b>171.39</b>

Bank Transaction Report

Issued Date

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
EFT							
07/07/2023		<a href="#">913</a>	CITY OF FRIDLEY-IAFF DUES/INTL ASSOC/FIRE FIGHTERS	Accounts Payable	Outstanding	EFT	-80.00
07/07/2023		<a href="#">EFT0000189</a>	Payroll EFT	Payroll	Outstanding	EFT	-388,021.18
						<b>EFT Total: (2)</b>	<b>-388,101.18</b>
						<b>Report Total: (246)</b>	<b>-2,435,154.38</b>

**Bank Transaction Report**

Bank Account	Count	Amount
<a href="#">0000100479 City of Fridley</a>	246	-2,435,154.38
<b>Report Total:</b>	<b>246</b>	<b>-2,435,154.38</b>

Cash Account	Count	Amount
<a href="#">**No Cash Account**</a>	1	0.00
<a href="#">999 999-101100 Cash in Bank - CITY Pooled Cash</a>	245	-2,435,154.38
<b>Report Total:</b>	<b>246</b>	<b>-2,435,154.38</b>

Transaction Type	Count	Amount
Bank Draft	19	-295,196.16
Check	223	-1,752,028.43
Check Reversal	2	171.39
EFT	2	-388,101.18
<b>Report Total:</b>	<b>246</b>	<b>-2,435,154.38</b>



# AGENDA REPORT

**Meeting Date:** July 24, 2023

**Meeting Type:** City Council

**Submitted By:** Scott Hickok, Director of Community Development  
 Stacy Stromberg, Planning Manager  
 Rachel Workin Environmental Planner

## Title

Ordinance No. 1412, Second Reading Proposing Updates to Fridley City Code Section 205.28, Critical Area Overlay District, Section 205.32, Shoreland Overlay District and Section 205.30, Telecommunications Towers and Facilities District to Conform with New Mississippi River Corridor and Critical Area Rules

## Background

The Mississippi River Corridor Critical Area (MRCCA) is a corridor of land along a 72-mile stretch of the Mississippi River through the Twin Cities Metropolitan which has been designated for special protection by the State of Minnesota (State) under Minnesota Chapter 116G due to the river's natural, cultural, and scenic value. Within the MRCCA, special land use planning and zoning regulations have been developed by the State as part of Minnesota Rules Chapter 6106 to protect these resources. As the local land use authority, the City of Fridley (City) is responsible for implementing these regulations within its jurisdiction. The City has maintained MRCCA-specific zoning regulations since the adoption of the 205.28 Critical Area District Chapter of City Code in 1983.

In 2017, the State approved new rules for the MRCCA under Minnesota Rules Chapter 6106 that were put forth by the Minnesota Department of Natural Resources (DNR) following significant input from numerous stakeholders. The DNR also developed a model ordinance that outlines the minimum standards that communities must adopt to be compliant with the new rules. Since January 2020, all 30 communities within the MRCCA have been updating their codes to meet the new MRCCA standards.

Significant changes to the rules include:

- Designation of new "primary conservation areas" within the Critical Area including the shore impact zone, bluff impact zones, and existing significant vegetative stands.
- Clarification of design and placement requirements for non-structural uses including decks, patios, and access paths and a permitting process to ensure that these uses meet these standards.
- New standards and permitting for vegetation management within primary conservation areas.
- New standards for land alteration within the bluff impact zone. Land alteration in the bluff impact zone has always been subject to a stricter threshold to receive a grading/land alteration permit.
- Increased consideration of impacts to Public River Corridor Views and primary conservation areas during discretionary actions including variances, special use permits, and interim use permits

## Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

- Changes to the definition of bluff from 12% to 18% in slope over a rise and run of 25 feet within the Critical Area.
- Reduction in the setback requirement from the Ordinary High Water Line in the Urban Mixed district from 100 feet to 50 feet.
- Increased regulation of subdivisions.

During the first reading of the ordinance, staff received questions on how these changes would impact residential property owners within the MRCCA. These proposed changes do not increase regulation on how close a house can be built to the river or a bluffline. Properties in the MRCCA have been subject to these setbacks since the Critical Area District and Shoreland Overlay District were adopted in 1983 and 2006 respectively. The current Critical Area chapter states that:

*Setbacks. Setbacks shall be governed by the existing zoning districts except as follows:*

1. *All new structures and uses shall be placed not less than forty (40) feet from the top of the bluffline overlooking the Mississippi River.*
2. *All new structures and uses shall be placed not less than 100 feet from the Mississippi River normal high water line as defined by the Federal Insurance Administration's Flood Insurance Study.*

A summary table of how the proposed rules would impact a residential property owner's ability to expand their home is shown below. It should be noted that since the definition of a bluff is changing from 12% to 18% and that since properties in the Shoreland Overlay now only have to follow the regulations of the Critical Area Overlay, approximately 93 properties are no longer subject to the bluff setback rule.

Code	Critical Area	Shoreland	Proposed Critical Area		
			Separated from River District	River Neighborhood District	Urban Mixed District
Height	Underlying Zoning	Underlying Zoning	Underlying Zoning	35 feet	65'*
Structure Setback from Bluff	40'	40'	40'***	40'***	40'***
Structure Setback from River	100'	100'	100'***	100'***	50'***
Structure Setback from Tributary	None (but included in Shoreland)	50'	50'***	50'***	50'***

\*Higher allowed with a Special Use Permit

\*\*Extension of patios and decks into the setback area now allowed with limitations; construction of "water-oriented accessory structures" that inherently must be located with the structure setback area from the river are now allowed with limitations.

### Vision Statement

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There is ambiguity in what a “use” could be, and the City does not currently issue permits for some things that may be considered a “use” such as detached patios or sheds under 200 square feet. The new rules include clarifying language that state that setbacks apply to “structures, impervious surface, and facilities” and provide additional standards and exemptions such as for “water-oriented accessory uses”, patios, and decks. For residential properties, the new rules primarily impact management of vegetation and land alteration within primary conservation areas. This includes the need for an additional permit and vegetation restoration plan following intensive vegetation clearing. The intent of this rule is to maintain the ecological and visual value of the river corridor as well as to preserve the structural integrity of steep slopes. Example scenarios of how the proposed changes will impact properties along the river are attached to this report.

While most of the ordinance language is required by state statute, there are some discretionary provisions in the text amendment that provide a higher degree of protection than required.

These include:

Section	Optional Language	Justification
205.28.03	Adds definitions for “biological and ecological functions”, “lifts”, Mississippi Flyway	Term used within chapter
204.28.04.02	Adds consideration of impacts on wildlife using the Mississippi Flyway and public access as a requirement when reviewing variances	Ensures variances do not harm the corridor’s ecological and recreational value
204.28.04.02	Requires that written findings for variances evaluate consistency with the MRCCA Plan and underlying MRCCA District	Ensures consistency with the underlying plans and determine the merit of the variance application
204.28.04.03	Adds consideration of impacts on wildlife using the Mississippi Flyway and public access as a requirement when reviewing special use permits	Ensures special use permits do not harm the corridor’s ecological and recreational value
204.28.04.03	Requires that written findings for special use permits evaluate consistency with the MRCCA Plan and underlying MRCCA District	Ensures consistency with the underlying plans and determine the merit of the special use permit application
204.28.04.04	Requires mitigation of impacts to primary conservation areas and public river corridor views occurring due to variances, special use permits, or interim use permits and provides example mitigation methods	Offsets negative ecological impacts occurring during discretionary items to preserve the MRCCA’s resources
204.28.04.07	Provides potential mitigation methods for height variances	Provides direction for mitigation of visual impacts due to building height

### Vision Statement

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205.28.08	Requires lighting to be fully shield and prohibits uplighting within the Shore Impact Zone	Protects wildlife habitat, particularly migratory birds using the Mississippi Flyway, that are vulnerable to light pollution as well as the natural character of the area
205.28.08	Prohibits interfering with the line of sight to the river	Existing code language which minimizes opportunities for conflict and preserves neighborhood character
205.28.10	Requires that public access provided on new development where called for in a city plan	Modified version of existing code; allows for strategically increasing river access in conformance with council-approved city plans
205.28.11	Requires replacement when trees greater than four inches are removed from primary conservation areas, except in cases of approved habitat and erosion control plans; adds a date that restorations be approved by; establishes a fee in lieu program for tree replacement	Modified version of existing code that previously required replacement when trees greater than four inches are removed anywhere in the MRCCA, but only during development. This language is to maintain the corridors canopy and ecological integrity in strategic areas.
205.28.12	Requires that habitat and erosion control plans be prepared by a professional accepted and approved by the City	Completion of habitat and erosion control plans should be done by a professional to minimize the risk of erosion and protect shoreline stability.
None	The model ordinance allows for structure setback averaging in which the setback for a new principal structure can be closer to the river than the MRCCA setback if the average structure setback of the of the adjoining structures is less than required.	This provision was not included since it was considered to be exacerbating nonconformities and a lack of consistency in implementation of the rules.

In addition to the changes in the Critical Area District Chapter, staff are proposing updates to the Telecommunications Towers and Facilities District Chapter to reference applicable requirements in the Critical Area District Chapter. Staff are also proposing updates to the Shoreland Overlay District Chapter to streamline permitting for properties that fall within both the Critical Area District and the Shoreland Overlay Districts. Currently, residents must reference both chapters when planning a project in areas of overlapping jurisdictions. Under permitting flexibility allowed by the DNR, staff is proposing to update the Shoreland Overlay District Chapter to state that residents only need to reference the Critical Area District Chapter. No other changes were proposed to these Chapters except those needed to reference the new Critical Area rules.

**Vision Statement**

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The proposed changes were recommended for approval by the Environmental Quality and Energy Commission 5-0 at their meeting on May 9, 2023 and by the Planning Commission 4-1 at their meeting on June 21, 2023. Three residents spoke during the Public Hearing in front of the Planning Commission. Their comments were primarily related to vegetation management requirements within the Shore Impact Zones and Bluff Impact zones on their property. Notice of the public hearing was sent to property owners and residents on properties with newly created primary conservation areas who will be impacted by the changes prior to the public hearing before the Planning Commission and again prior to the public hearing before the City Council. The notice also directed residents to the website [FridleyMN.gov/Critical Area](http://FridleyMN.gov/CriticalArea) which contains maps of primary conservation areas and further explanation of how the new rules may impact different projects. During the first reading of the ordinance, residents spoke regarding how the new rules would impact their ability to reconstruct attached decks on their property. Staff clarified that these projects were subject to regulation under the current rule and recommended further discussion to discuss project-specific questions. Members of the public also spoke to recommend that staff inspect potential locations for the condition of a CenterPoint gas main crossing of the river, the storm sewer system at 148 Rivers Edge Way, and vegetation management at the portion of Riverview Heights Park beneath the homes along Alden Way. Inspections of the storm sewer system and park have been completed. CenterPoint has previously indicated to staff that the gas main is scheduled for replacement. The new rules include significant exemptions for public utilities and will not impede CenterPoint’s ability to conduct this work.

**Financial Impact**

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None.

**Recommendation**

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Staff recommend the City Council approve the second reading of Ordinance No. 1412.

Staff recommend the City Council approve the Summary Ordinance No. 1412 for publication.

**Focus on Fridley Strategic Alignment**

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<input checked="" type="checkbox"/> Vibrant Neighborhoods & Places	<input type="checkbox"/> Community Identity & Relationship Building
<input type="checkbox"/> Financial Stability & Commercial Prosperity	<input checked="" type="checkbox"/> Public Safety & Environmental Stewardship
<input checked="" type="checkbox"/> Organizational Excellence	

**Attachments and Other Resources**

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- Ordinance No. 1412
- Example Project Scenarios
- Summary Ordinance No. 1412

**Vision Statement**

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

## Ordinance No. 1412

Amending the Fridley City Code Section 205.28, Critical Area District, Section 205.32, Shoreland Overlay District, and Section 205.30, Telecommunications Towers and Facilities District

The City Council of the City of Fridley does ordain, after review, examination and staff recommendation that the Fridley City Code be amended as follows:

### **Section 1**

That the Fridley City Code be hereby amended by amending Chapter 205.28 Critical Area District as follows:

#### **FRIDLEY CITY CODE**

#### **~~SECTION 205-28. 0-2 CRITICAL AREA DISTRICT REGULATIONS~~**

#### **~~1. PURPOSE AND INTENT~~**

~~It is the purpose and intent of this district to prevent or mitigate irreversible damage to the Mississippi River Corridor and to preserve and enhance its values to the public. The Mississippi River Corridor is a unique and essential element in the local, regional, state and national transportation, sewer and water, and recreational systems, as well as serving important biological and ecological functions, and shall be protected and preserved in accordance with the following policies:~~

- ~~A. The Mississippi River Corridor shall be managed as a multi-purpose public resource that provides for the development of a variety of urban uses within the river corridor while conserving the scenic, environmental, recreational, mineral, economic, cultural, and historic resources and functions of the river corridor.~~
- ~~B. The Mississippi River Corridor shall be managed in a manner consistent with its natural characteristics and its existing development and in accordance with regional plans for the development of the Metropolitan Area.~~
- ~~C. The Mississippi River Corridor shall be managed in accordance with the Critical Areas Act of 1973, the Minnesota Environmental Policy Act of 1973, and the Governor's critical area designation, Executive Order No. 130, dated November 23, 1976, and other applicable state and federal laws.~~

#### **~~2. DISTRICT BOUNDARIES~~**

~~The boundaries of the 0-2 District shall be located on the official zoning map of the City of Fridley, and shall encompass all property located between the center line of Anoka~~

~~County Trunk Highway 1 and the normal high water line of the east bank of the Mississippi River running from the north boundary to the south boundary line of the City.~~

### ~~3. DEFINITIONS~~

~~For the purpose of this district the following definitions shall apply:~~

~~A. Bluff.~~

~~Those steep slopes lying between the normal high water mark and the River Corridor boundary having an angle of ascent from the river of more than twelve percent (12%) from the horizontal.~~

~~B. Bluffline.~~

~~A line delineating the top of the bluff connecting the points at which the angle of ascent becomes less than twelve percent (12%). More than one (1) bluffline may be encountered.~~

~~C. Clear-cutting.~~

~~The indiscriminate cutting down of large numbers of trees in a given areas.~~

~~D. Critical Area.~~

~~The area known as the Mississippi River Corridor Critical Area designated by the Governor in the Executive Order No. 130.~~

~~E. Development.~~

~~The making of any material change in the use or appearance of any structure or land including reconstruction; alteration of the size of any structure; alteration of the land; alteration of a shore or bank of a river, stream, lake or pond; a commencement of drilling (except to obtain soil samples); mining or excavation; demolition of a structure; clearing of land as an adjunct to construction; deposit of refuse, solid or liquid waste, or fill on a parcel of land; the dividing of land into two (2) or more parcels.~~

~~F. Essential Services.~~

~~Means underground or overhead gas, electrical, steam or water distribution systems including poles, wires, mains, drains, sewer pipes, conduits, cables and other similar equipment and accessories in conjunction therewith.~~

~~G.—Public Safety Facilities.~~

~~Hydrants, fire alarm boxes, street lights, railway crossings signals and similar accessories including buildings.~~

~~H.—Retaining Wall.~~

~~A structure utilized to hold a slope in a position in which it would not naturally remain.~~

~~I.—Terrace.~~

~~A relatively level area bordered on one (1) or more sides by retaining walls.~~

~~J.—Utility Facility.~~

~~Physical facilities of electric, telephone, telegraph, cable, television, water, sewer, solid waste, gas and similar service operations.~~

~~K.—Wetlands.~~

~~Low lying areas which may be covered with shallow and sometimes intermittent water. They are frequently associated with a high water table. Wetlands are generally too wet for cultivation or development without artificial drainage. Swamps, bogs, marshes, potholes, wet meadows and sloughs are wetlands.~~

~~**4.—USES PERMITTED**~~

~~Any use permitted within the existing zoned district.~~

~~**5.—USES EXCLUDED**~~

~~A.—Any use that was excluded within the existing zoned district.~~

~~B.—Any barge fleeting or barge loading.~~

~~C.—Any waste storage use or treatment facilities.~~

~~D. Any mining or extraction uses other than soil preparation or peat removal.~~

## **~~6. SITE PLAN REQUIREMENTS~~**

~~A. No building permit, zoning, or subdivision approval shall be issued for any action located in this district until a site plan has been prepared and approved in accordance with the provisions of this Section.~~

~~B. No site plans shall be required for a single family dwelling or for the extension, enlargement, change, or alteration thereof, nor accessory structures thereto.~~

## **~~7. SITE PLAN CONTENTS~~**

~~A. Site plans shall be prepared to a scale appropriate to the size of the project and suitable for review.~~

~~B. The following information shall be provided in the site plan:~~

~~(1) Location of the property including such information as the name and numbers of adjoining roads, railroads, existing subdivisions, or other landmarks.~~

~~(2) The name and address of the owner(s) or developer(s), the Section, township and range, northpoint, date and scale of drawing and number of sheets.~~

~~(3) Existing topography as indicated on a contour map having a contour interval no greater than two (2) feet per contour. The topography map shall also clearly delineate the river and any bluffline, all streams, including intermittent streams and swales, river, waterbodies and wetlands. The topography map shall indicate the floodway and/or flood fringe lines and the normal highwater mark of the river.~~

~~(4) A plan delineating existing drainage of the water setting forth the direction, the volume, and at what rate storm water is conveyed from the site, and setting forth those areas of the site where storm water collects and is gradually percolated into the ground or slowly released to a creek, river or lake.~~

~~(5) A proposed drainage plan of the developed site delineating the direction, the volume, and at what rate storm water will be conveyed from the site and setting forth the areas of the site where storm water will be allowed to collect and gradually percolate into the ground, or be slowly released to a creek, river or lake. The plan shall also set forth the hydraulic capacity of all structures to be~~

- constructed, existing structures to be utilized, and volume of holding ponds for the design storm (i.e. six inch (6"), twenty-four (24) hour rain).
- ~~(6) A description of the soils of the site including a map indicating soil types by areas to be disturbed as well as a soil report prepared by a soil scientist containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable. All areas proposed for grading shall be identified by soil type, including the existing top soil and the soil type of the new contour. The location and extent of any erosion areas shall be indicated. The stability of rock outcroppings along blufflines and faces shall be included in the soils description.~~
- ~~(7) A map indicating proposed finished grade having a contour at the same intervals as provided on the existing topographic map or as required to clearly indicate the relationship of proposed changes in existing topography and remaining features.~~
- ~~(8) An erosion and sedimentation control plan indicating the type, location, and necessary technical information on control measures to be used during and after construction including a statement expressing the calculated anticipated gross soil loss expressed in tons per acre per year during and after construction.~~
- ~~(9) A delineation of the location and amounts of excavated soils to be stored on the site during construction.~~
- ~~(10) A description of the flora and fauna, which occupy the site or are occasionally found thereon, setting forth in detail those areas where unique plant or animal species may be found on the site.~~
- ~~(11) A description of any features, buildings or areas which are of historic significance.~~
- ~~(12) A landscape plan drawn to an appropriate scale, including dimensions, distances, location, type, size and description of all existing vegetation proposed for removal and all proposed landscape materials which will be added to the site as part of the development.~~
- ~~(13) The proposed size, alignment, height and intended use of any structure to be erected or located on the site.~~



~~(14) A clear delineation of all land which shall be paved or hard surfaced including a description of the surfacing material to be used.~~

~~(15) A description of the method to be provided for vehicular and pedestrian access to the proposed development and public access to river and/or public river view opportunities both before and after development. A description of the development's impact on existing view of and along the river. A description of all parking facilities to be provided as part of the development of the site including an analysis of parking needs generated by the proposed development.~~

~~(16) A delineation of the area or areas to be dedicated for public use.~~

~~(17) Any other information pertinent to the particular project which in the opinion of the City or applicant is necessary or helpful for the review of the project.~~

## **~~8. ADDITIONAL REQUIREMENTS FOR ALL STRUCTURES~~**

### ~~A. Lot Size.~~

~~Lot size shall be governed by the existing zoning district.~~

### ~~B. Building Height.~~

~~Building height shall be governed by the existing zoning district.~~

### ~~C. Setbacks.~~

~~Setbacks shall be governed by the existing zoning districts except as follows:~~

~~(1) All new structures and uses shall be placed not less than forty (40) feet from the top of the bluffline overlooking the Mississippi River.~~

~~(2) All new structures and uses shall be placed not less than 100 feet from the Mississippi River normal high water line as defined by the Federal Insurance Administration's Flood Insurance Study.~~

~~(3) Exceptions to setback requirements shall include public safety facilities, public bridges and approaches, public roadways, public recreation facilities, scenic overlooks, regional and local trails; docks and boat launching facilities,~~

~~approved river crossings of essential services and distribution services and historical sites designated by the National and State Register of Historic Places.~~

- ~~(4) The following agencies shall be notified of all variance requests to the above setback requirements: The Minnesota Department of Natural Resources and Environmental Quality Board.~~

~~D. Placement of Structures.~~

- ~~(1) Placement of structures in areas subject to flooding as designated in Section 205.24 of this Chapter shall be governed by the regulations of that Section.~~
- ~~(2) No land with slopes, before alteration, in excess of eighteen percent (18%) will be developed for use except for necessary erosion control structures which are in conformance with all other guidelines and standards. All applicable local, state and federal laws, rules and regulations and Metropolitan plan guidelines and standards must be met for bridge construction and bridge approach roadways.~~
- ~~(3) Development on slopes in excess of twelve percent (12%), but less than eighteen percent (18%), will be permitted provided that the applicant can meet the following conditions:~~
- ~~(a) The foundation and underlying material shall be adequate for the slope condition and soil type.~~
  - ~~(b) The developer can demonstrate that development during and after construction can be accomplished without increasing erosion and that there are proper controls to reduce runoff to nondestructive levels.~~
  - ~~(c) The proposed development presents no danger of falling rock, mud, uprooted trees and other material to structures, recreational facilities, public lands and public water down hill.~~
- ~~(4) Line of Sight. The development of new, or the expansion of existing structures, shall be placed so that the development is consistent with the preservation of the view of the river corridor from other properties on both sides of the river and by the public. The walling off of views of the river corridor from other properties and public right-of-ways shall be prohibited.~~

**~~9. NATURAL RESOURCE MANAGEMENT~~**

- ~~A. Grading and Filling. Grading and filling or otherwise changing the changing the topography landward of the ordinary high water mark shall not be conducted without a City permit, and in compliance with the provisions of Minnesota Regulation MR 79, Section (h), of the Wild and Scenic Rivers Regulation, paragraphs (1), (2) and (3).~~
- ~~B. Retaining walls and erosion control structures waterward of the normal high water mark are permitted structures if the applicable permits issued by the Army Corps of Engineers and the Minnesota Department of Natural Resources have been obtained.~~
- ~~C. Retaining walls and erosion control structures on the landward side of the normal high water mark that are visible from the water surface shall meet the following design criteria:~~
- ~~(1) Retaining walls or terrace contours shall not exceed five (5) feet in height.~~
  - ~~(2) The minimum space in between retaining walls shall be twenty (20) feet.~~
- ~~D. Vegetative management:~~
- ~~(1) Clear-cutting of trees on the slope or face of bluffs and within forty (40) feet landward from the bluffline or river bank area shall not be permitted.~~
  - ~~(2) The selective cutting of trees greater than four inches (4") in diameter may be authorized by the City, when cutting is appropriately spaced and staged to maintain a continuous natural cover.~~
  - ~~(3) The development of new or the expansion of existing structures shall be accomplished so as to minimize the need for tree removal. If trees over four inches (4") are cut, the density of tree cover shall be restored to that which existed before cutting. The applicant shall demonstrate that all grading which takes place will be conducted in a manner that preserves the root zone aeration and stability of existing trees and provides an adequate watering area equal to at least one-half (1/2) of each tree crown cover.~~
  - ~~(4) Exceptions to the above include the removal of diseased or damaged trees.~~
- ~~E. Standards for surface water management and erosion control.~~
- ~~(1) Storm water run-off from any new development may be directed into public water bodies and drainage systems provided that it is substantially free from~~

~~silt, debris and chemical pollutants, and only at rates equal to that on the property before development.~~

- ~~(2) Any new development shall provide for erosion protection measures which make maximum use of natural in-place vegetation. During construction and until such time as final control measures are fully implemented and established, adequate development practices will be maintained to insure that gross soil loss levels shall not exceed five (5) tons per acre per year during construction or two (2) tons per acre per year during construction when the site is adjacent to a water body or water course; and one half (1/2) ton per acre per year after the construction activities are completed.~~
- ~~(3) Structures, trails and roadways shall be sited to minimize levels of pedestrian and vehicular traffic in areas where soil compaction and loss of vegetation cover can contribute to erosion problems.~~

## **10. TRANSMISSION SERVICES, PUBLIC TRANSPORTATION, AND RIVER CROSSING**

### **A. Transmission and Essential Services.**

- ~~(1) Primary consideration shall be given to underground placement of services in order to minimize aesthetic, environmental and public safety aspects. When considering overhead placement, the developer must show the reasoning that makes underground placement unfeasible.~~
- ~~(2) All transmission service crossing of the Mississippi River require a permit pursuant to Minnesota Statute 84.415 or 105.42 by the Department of Natural Resources.~~
- ~~(3) All transmission crossing of land within the district shall require a Special Use Permit as required by this Chapter.~~

### **B. Transportation Facilities.**

~~Transportation crossings shall be permitted in accord with NR 79, Section (j), except paragraph (ddd) under (i), route design of the Wild and Scenic River regulations.~~

- ~~(1) In planning and designing the construction or reconstruction of all public transportation facilities which closely parallel the river or blufflines, careful consideration should be given to the provision of scenic overlooks for motorists, safe pedestrian access from areas on the landward side of these~~

~~transportation facilities and safe pedestrian facilities along the riverward of these facilities.~~

~~(2) The construction or reconstruction of all public transportation facilities shall be located and designed in such a manner that will maintain the safe use and access to the riverfront in public ownership, allow reasonable use of the land between the river and the transportation facility and maintain the aesthetic quality of the river environment.~~

## **~~11. PUBLIC ACCESS~~**

~~A. Public pedestrian right-of-way including river access shall be provided for any new development that is adjacent to or part of an overall plan of the city for pedestrian movement within the district.~~

~~B. Public pedestrian access shall be provided to the riverfront of developments on publicly owned and publicly controlled riverfront property. Access will not be provided where:~~

~~(1) Unavoidable hazards exist to the public.~~

~~(2) Public pedestrian access at a particular location cannot be designed or developed to provide a pleasant view or recreational experience.~~

## **~~12. RIGHT OF WAY MAINTENANCE~~**

~~A. Natural vegetation of value to fish or wildlife, which does not pose a hazard or restrict reasonable use of the property, shall be allowed to grow in the right-of-way.~~

~~B. Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs and low growing trees, shall be planted and maintained on the right-of-way.~~

~~C. Chemical control of vegetation should be avoided when practicable, but where such methods are necessary, chemicals used and the manner of their use must be in accordance with rules and regulations of all state and federal agencies with authority over the use.~~

Fridley City Code  
Section 205.28. O-2 Critical Area Overlay District

### 205.28.01 Purpose

The Mississippi River Corridor Critical Area (MRCCA) Chapter is adopted pursuant to the authorization and policies contained in Minnesota Statutes (M.S.) Chapter 116G, Minnesota Rules Parts 6106.0010 - 6106.0180, and the planning and zoning enabling legislation in M.S. Chapters 462 and 473.

The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of designated critical areas and thus preserve and enhance the quality of important historic, cultural, aesthetic values, and natural systems and provide for the wise use of these areas.

#### 205.28.02 General Provisions

1. Jurisdiction. The provisions of this Chapter apply to land within the O-2 District, which is land within the river corridor boundary as described in the State Register, volume 43, pages 508 to 519 and shown on the City zoning map.

2. Severability. If any section, clause, provision, or portion of this Chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

3. Abrogation and Greater Restrictions. It is not intended by this Chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail. All other Chapters inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only.

4. Underlying Zoning. Use and standards of underlying zoning apply except where standards of this overlay district are more restrictive.

5. Enforcement. The City is responsible for the administration and enforcement of this Chapter. Any violation of its provisions or failure to comply with any of its requirements including violations of conditions and safeguards established in connection with grants of variances or special uses constitutes a misdemeanor and is punishable as defined by law. Violations of this Chapter can occur regardless of whether or not a permit is required for a regulated activity listed in Section 205.28.04.01.

#### 205.28.03 Definitions

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the same meaning they have in common usage and to give this Chapter its most reasonable application. For the purpose of this Chapter, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.

Access path: An area designated to provide ingress and egress to public waters.

Adjacent: Having a boundary that physically touches or adjoins.

Agricultural use: A use having the meaning given under M.S. § 40A.02.

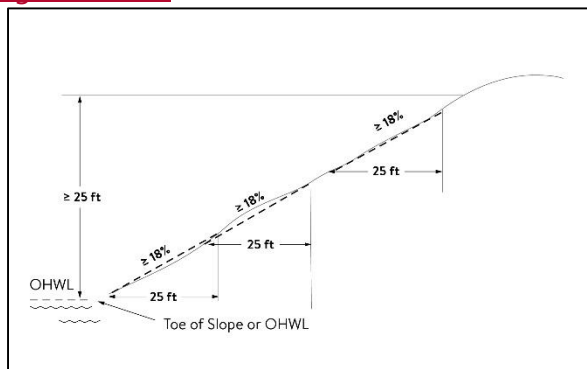
Alternative design: Subdivision design methods such as conservation design, transfer of development density, or similar zoning and site design techniques that protect open space and natural areas.

Biological and ecological functions: The functions of vegetation in stabilizing soils and slopes, retaining and filtering runoff, providing habitat, and recharging groundwater.

Bluff:

1. A slope that rises at least 25 feet where the grade of the slope averages 18% or greater, measured over any horizontal distance of 25 feet, from the toe of the slope to the top of the slope. Where the slope begins below the ordinary high water level, the ordinary high water level is the toe of the slope. See Figure 1; or

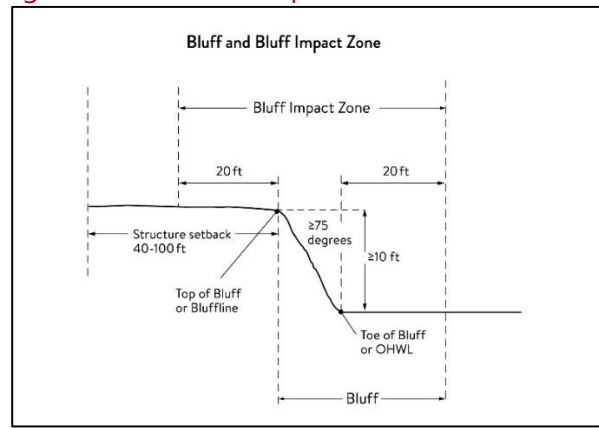
Figure 1. Bluff



2. A natural escarpment or cliff with a slope that rises at least ten feet above the ordinary high water level or toe of the slope, whichever is applicable, to the top of the slope, with a slope of 75 degrees or greater. See Figure 2.

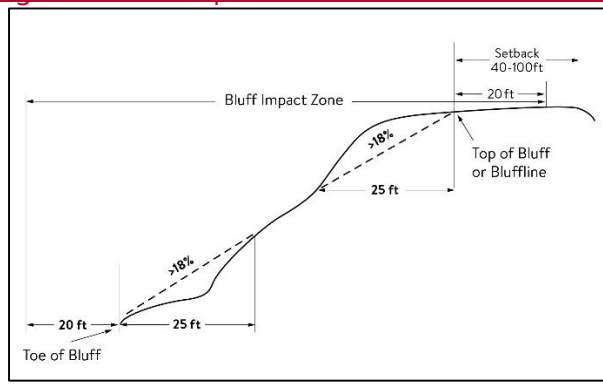


Figure 2. Natural Escarpment Bluff and Bluff Impact Zone



Bluff impact zone (BIZ): A bluff and land located within 20 feet of the bluff. See Figure 2 for natural escarpment or cliff example and Figure 3 for more common bluff example.

Figure 3. Bluff Impact Zone, Bluffline, Toe of bluff, and Top of Bluff



Bluffline: A line delineating the top of the bluff. More than one bluffline may be encountered proceeding landward from the river. See Figure 2 for natural escarpment or cliff example and Figure 3 for more common bluff example.

Bluff, Toe of: A line along the bottom of a bluff, requiring field verification, such that the slope above the line exceeds 18 percent and the slope below the line is 18 percent or less, measured over a horizontal distance of 25 feet. See Figures 2 for natural escarpment or cliff example and Figure 3 for more common bluff example.

Bluff, Top of: A line along the top of a bluff, requiring field verification, such that the slope below the line exceeds 18 percent and the slope above the line is 18 percent or less, measured over a horizontal distance of 25 feet. See Figures 2 for natural escarpment or cliff example and Figure 3 for more common bluff example.

Buildable area: The area upon which structures may be placed on a lot or parcel of land and excludes areas needed to meet requirements for setback, rights-of-way, bluff impact zones, historic properties, wetlands, designated floodways, land below the ordinary high water level of public waters, and other unbuildable areas.

Building: A structure with two or more outside rigid walls and a fully secured roof and affixed to a permanent site.

Commissioner: The Commissioner of the Minnesota Department of Natural Resources.

Conservation design: A pattern of subdivision that is characterized by grouping lots within a portion of a parcel, where the remaining portion of the parcel is permanently protected as open space.

Conventional subdivision: A pattern of subdivision that is characterized by lots that are spread regularly throughout a parcel in a lot and block design.

Deck: A horizontal, unenclosed, aboveground level structure open to the sky, with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site.

Developer: Having the meaning given under M.S. § 116G.03.

Development: Having the meaning given under M.S. § 116G.03.

Discretionary action: An action under this Chapter related to land use that requires a public hearing by local ordinance or statute, such as preliminary plats, final subdivision plats, planned unit developments, special use permits, interim use permits, variances, appeals, and rezonings.

Dock: Having the meaning given under Minnesota Rules Chapter 6115.

Electric power facilities: Equipment and associated facilities for generating electric power or devices for converting wind energy to electrical energy as identified and defined under M.S. § 216E.

Essential services: Underground or overhead gas, electrical, communications, steam, sanitary sewer, or water distribution, treatment, collection, supply, or disposal systems, including storm water. Essential services include poles, wires, mains, drains, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, navigational structures, aviation safety facilities, lift stations, stormwater management facilities, or other similar equipment and accessories in conjunction with the systems. Essential services do not include buildings, treatment works as defined in M.S. § 115.01, electric power facilities or transmission services.

Floodplain: Having the meaning given the meaning given under Minnesota Rules Chapter 6120.

Fully reconstructs: The reconstruction of an existing impervious surface that involves site grading and subsurface excavation so that soil is exposed. Mill and overlay and other resurfacing activities are not considered fully reconstructed.

Hard-surface trail: A trail surfaced in crushed aggregate, asphalt, or other hard surface, for public use, as determined by local, regional, or state agency plans.

Historic property: An archaeological site, standing structure, site, district, or other property that is:

1. Listed in the National Register of Historic Places or the State Register of Historic Places or locally designated as a historic site under Minnesota Statutes Chapter 471;
2. Determined to meet the criteria for eligibility to the National Register of Historic Places or the State Register of Historic Places as determined by the Director of the Minnesota Historical Society; or
3. An unplatted cemetery that falls under the provisions of Minnesota Statutes Chapter 307, in consultation with the Office of the State Archaeologist.

Impervious surface: A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, decks, sidewalks, patios, parking lots, storage areas, and driveways, including those with concrete, asphalt, or gravel surfaces.

Intensive vegetation clearing: The removal of all or a majority of the trees or shrubs in a contiguous patch, strip, row, or block.

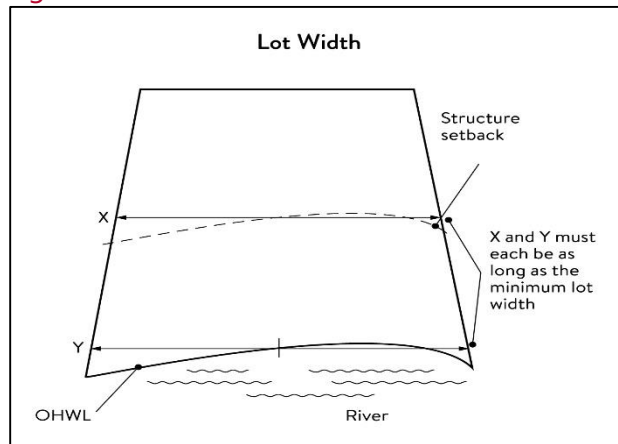
Interim use: A use having the meaning given under Minnesota Statutes Chapters 394 and 462.

Land alteration: An activity that exposes the soil or changes the topography, drainage, or cross section of the land, excluding gardening or similar minor soil disturbances. Also referred to as "grading".

Lift: A tram or other accessible means to get up and down steep slopes.

Lot width: The shortest distance between lot lines measured at both the ordinary high water level and at the required structure setback from the ordinary high water level. See Figure 4.

Figure 4. Lot Width



Marina: Having the meaning given under Minnesota Rules Chapter 6115.

Mississippi Flyway: A major North American bird migration corridor that encompasses all MRCCA districts.

Mooring Facility: Having the meaning given under Minnesota Rules part 6115.0170.

Native plant community: A plant community identified by the Minnesota Biological Survey or biological survey issued or adopted by a local, state, or federal agency.

Natural-surface trail: A trail composed of native soil and rock or compacted granular stone, primarily intended for hiking, equestrian, or mountain bike use, as determined by local, regional, or state agency plans.

Natural vegetation: Any combination of ground cover, understory, and tree canopy that, while it may have been altered by human activity, continues to stabilize soils, retain and filter runoff, provide habitat, and recharge groundwater.

Nonmetallic mining: Construction, reconstruction, repair, relocation, expansion, or removal of any facility for the extraction, stockpiling, storage, disposal, or reclamation of nonmetallic minerals such as stone, sand, and gravel. Nonmetallic mining does not include ancillary facilities such as access roads, bridges, culverts, and water level control structures. For purposes of this subpart, "facility" includes all mine pits, quarries, stockpiles, basins, processing structures and equipment, and any structures that drain or divert public waters to allow mining.

Off-premise advertising signs: Those signs that direct attention to a product, service, business, or entertainment venue that is not exclusively related to the premises where the sign is located.

Ordinary high water level (OHWL): Having the meaning given under M.S. § 103G.005.

Parcel: Having the meaning given under M.S. § 116G.03.

Patio: A constructed hard surface located at ground level with no railings and open to the sky.

Picnic shelter: A roofed structure open on all sides, accessory to a recreational use.

Planned Unit Development: A method of land development that merges zoning and subdivision controls, allowing developers to plan and develop a large area as a single entity, characterized by a unified site design, a mix of structure types and land uses, and phasing of development over a number of years. Planned unit development includes any conversion of existing structures and land uses that utilize this method of development.

Plat: Having the meaning given under M.S. § 505 and 515B.

Primary conservation areas (PCAs): Key resources and features, including shore impact zones, bluff impact zones, floodplains, wetlands, gorges, areas of confluence with tributaries, natural drainage routes, unstable soils and bedrock, native plant communities, cultural and historic properties, and significant existing vegetative stands, tree canopies, and other resources identified in local government plans.

Private facilities: Private roads, driveways, and parking areas, private water access and viewing structures, decks and patios in setback areas, and private signs.

Public facilities: Public utilities, public transportation facilities, and public recreational facilities.

Public recreation facilities: Recreational facilities provided by the state or a local government and dedicated to public use, including parks, scenic overlooks, observation platforms, trails, docks, fishing piers, picnic shelters, water access ramps, and other similar water-oriented public facilities used for recreation.

Public river corridor views (PRCVs): Views toward the river from public parkland, historic properties, and public overlooks, as well as views toward bluffs from the ordinary high water level of the opposite shore, as seen during the summer months and documented in the MRCCA Chapter of the comprehensive plan.

Public transportation facilities: All transportation facilities provided by federal, state, or local government and dedicated to public use, such as roadways, transit facilities, railroads, and bikeways.

Public utilities: Electric power facilities, essential services, and transmission services.

Public waters: Having the meaning given under M.S. § 103G.005.

Readily visible: Land and development that are easily seen from the ordinary high water level of the opposite shore during summer months.

Resource agency: A federal, state, regional, or local agency that engages in environmental, natural, or cultural resource protection or restoration activities, including planning, implementation, and monitoring.

Retaining wall: A vertical or nearly vertical structures constructed of mortar and rubble masonry, rock, or stone, vertical timber pilings, horizontal timber planks with piling supports, sheet pilings, poured concrete, concrete blocks, or other durable materials that in combination exceed four vertical feet.

Rock riprap: Natural coarse rock placed or constructed to armor shorelines, streambeds, bridge abutments, pilings and other shoreline structures against scour, or water or ice erosion.

River corridor boundary: The boundary approved and adopted by the Metropolitan Council under M.S. § 116G.06, as approved and adopted by the legislature in M.S. § 116G.15, and as legally described in the State Register, volume 43, pages 508 to 518.

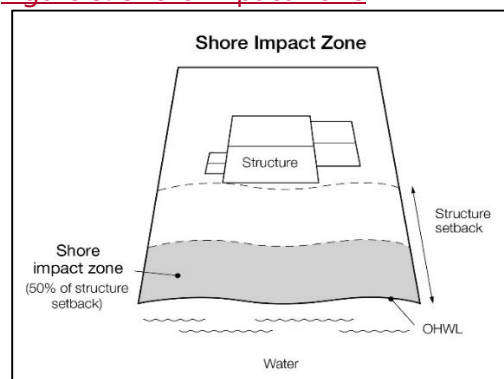
River-dependent use: The use of land for commercial, industrial, or utility purposes, where access to and use of a public water feature is an integral part of the normal conduct of business and where the use is dependent on shoreline facilities.

Selective vegetation removal: The removal of isolated individual trees or shrubs that are not in a contiguous patch, strip, row, or block and that does not substantially reduce the tree canopy or understory cover.

Setback: A separation distance measured horizontally.

Shore impact zone (SIZ): Land located between the ordinary high water level of public waters and a line parallel to it at a setback of 50% of the required structure setback or, for agricultural use, 50 feet landward of the ordinary high water level. See Figure 5.

Figure 5. Shore Impact Zone



Shoreline facilities: Facilities that require a location adjoining public waters for ingress and egress, loading and unloading, and public water intake and outflow, such as watercraft lifts, marinas, short-term watercraft mooring facilities for patrons, and water access ramps. Structures that would be enhanced by a shoreline location, but do not require a location adjoining public waters as part of their function, are not shoreline facilities, such as restaurants, bait shops, and boat dealerships.

Sign: See definition in the Signs Chapter.

Steep slope: Any slope steeper than 15% fifteen percent (15 feet of rise for every 100 feet horizontal run).

Storm water management facilities: Facilities for the collection, conveyance, treatment, or disposal of storm water.

Structure: A building, sign, or appurtenance thereto, except for aerial or underground utility lines, such as sewer, electric, telephone, or gas lines, and utility line towers, poles, and other supporting appurtenances.

Subsurface sewage treatment system. Having the meaning given under Minnesota Rules Part 7080.1100.

Transmission services: Electrical power lines, cables, pipelines, or conduits that are:

1. Used to transport power between two points, as identified and defined under M.S. § 216E.01, Subd. 4; or
2. For mains or pipelines for gas, liquids, or solids in suspension, used to transport gas, liquids, or solids in suspension between two points; and
3. Telecommunication or electric lines, cables, pipelines, or conduits.

Treeline: The more or less continuous line formed by the tops of trees in a wooded area when viewed from a particular point. The treeline is determined during all seasons as if under full foliage.

Variance: Having the meaning given under M.S. § 394.22.

Water access ramp: A boat ramp, carry-down site, boarding dock, and approach road, or other access that allows launching and removal of a boat, canoe, or other watercraft with or without a vehicle and trailer.

Water-oriented accessory structure: A small building or other improvement, except stairways, fences, docks, and retaining walls, that, because of the relationship of its use to public waters, needs to be located closer to public waters than the normal structure setback. Examples include gazebos, screen houses, fish houses, pump houses, and detached decks and patios.



Water quality impact zone: Land within the shore impact zone or within 50 feet of the OHWL of the river, whichever is greater, and land within 50 feet of a public water, wetland, or natural drainage route.

Wetland: Having the meaning given under M.S. § 103G.005.

#### 205.28.04 Administration

1. Permits. A permit is required for the construction of buildings, building additions, and structures (including construction of decks and signs), vegetation removal consistent with Section 205.28.11 and land alteration consistent with Section 205.28.12.

2. Variances. Variances to the requirements under this Chapter may only be granted in accordance with M.S. § 462.357 and must consider the potential impacts on primary conservation areas, public river corridor views, birds and other wildlife using the Mississippi Flyway through habitat loss, collision threats or light pollution, and other resources identified in the MRCCA plan. In reviewing the variance application, the following shall be considered:

(a) Impacts to the resources listed above. If negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts consistent with Section 205.28.04.04; and

(b) Make written findings that the variance is consistent with the purpose of this Chapter as follows:

(1) The extent, location and intensity of the variance will be in substantial compliance with the MRCCA Plan; and

(2) The variance is consistent with the character and management purpose of the MRCCA district in which it is located.

3. Special and interim use permits. All special and interim uses, required under this Chapter, must comply with M.S. § 462.3595 and must consider the potential impacts on primary conservation areas, public river corridor views, birds and other wildlife using the Mississippi Flyway through habitat loss, collision threats or light pollution, public access, and other resources identified in the MRCCA plan. In reviewing the application, the following shall be considered:

(a) Impacts to the resources listed above. If negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts consistent with Section 205.28.04.04; and

(b) Make written findings that the special and interim use permit is consistent with the purpose of this Chapter as follows:

(1) The extent, location and intensity of the special or interim use permit will be in substantial compliance with the MRCCA Plan; and

(2) The special or interim use permit is consistent with the character and management purpose of the MRCCA district in which it is located.

4. Mitigation of impacts. Negative impacts to primary conservation areas, public river corridor views, and other resources identified in the MRCCA Plan occurring due to variances, special use permits, or interim use permits must be mitigated for in a way that is related to and proportional to the impacts. Mitigation may include:

(a) Restoration of vegetation;

(b) Implementation of animal habitat support as outlined in the most recent version of the Minnesota B3 Guidelines;

(c) Increasing and/or improving habitat for pollinators, birds, and other wildlife using native trees, shrubs, and vegetation;

(d) Expansion of public access;

(e) Preservation of existing vegetation;

(f) Storm water runoff management;

(g) Reducing impervious surface;

(h) Increasing structure setbacks;

(i) Wetland and drainage route restoration and/or preservation;

(j) Limiting the height of structures;

(k) Modifying structure design to limit visual impacts on public river corridor views; and

(l) Other conservation measures.

5. Application materials. Applications for permits and discretionary actions required under this Chapter must submit the following information unless the City Manager or their designee determines that the information is not needed.

(a) A detailed project description; and

(b) Scaled maps and plans, dimensional renderings, maintenance agreements, and other materials that identify and describe:

(1) Primary conservation areas;

(2) Public river corridor views;

(3) Buildable area;

(4) Proposed size, alignment, height, and intended use of any structure to be erected or located on the site;

(5) A delineation of the location and amounts of excavated soils to be stored on the site during construction;

(6) Existing and proposed topography and drainage patterns;

(7) Proposed storm water and erosion and sediment control practices;

(8) Existing and proposed vegetation to be removed and established;

(9) Ordinary high water level, blufflines, and all required setbacks;

(10) Existing and proposed impervious surfaces as well as surfacing to be used; and

(11) Any other information pertinent to the particular project which in the opinion of the City or applicant is necessary or helpful for the review of the project.

## 6. Nonconformities

(a) All legally established nonconformities as of the date of adoption of this Chapter may continue consistent with M.S. § 462.357, Subd. 1e.

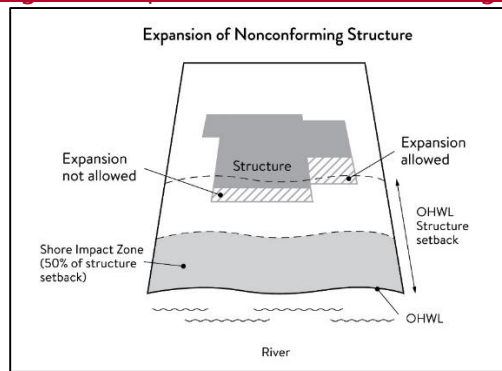
(b) Site alterations and expansion of site alterations that were legally made prior to the effective date of this ordinance are conforming. Site alterations include vegetation, erosion control, storm water control measures, and other nonstructural site improvements.

(c) Legally nonconforming principal structures that do not meet the setback requirements of Section 205.28.07.03 may be expanded laterally provided that:

(1) The expansion does not extend into the shore or bluff impact zone or further into the required setback than the building line of the existing principal structure (See Figure 6); and

(2) The expanded structure's scale and bulk is consistent with that of the original structure and existing surrounding development.

Figure 6. Expansion of Nonconforming Structure



## 7. Notifications

(a) Amendments to this Chapter and to the MRCCA plan must be submitted to the Commissioner of the Department of Natural Resources (DNR) as provided in Minnesota Rules Part 6106.0070, Subp. 3, Items B – I.

(b) Notice of public hearings for discretionary actions, including special and interim use permits, variances, appeals, rezonings, preliminary plats, final subdivision plats, and PUDs, must be sent to the following entities at least 10 days prior to the hearing:

(1) The Commissioner of the DNR in a format prescribed by the DNR;

(2) National Park Service; and

(3) Where building heights exceed the height limits specified in Section 205.28.07.01 as part of the special use or variance process, adjoining local governments within the MRCCA, including those with overlapping jurisdiction and those across the river.

(c) Notice of final decisions for actions in Section 205.28.04.07.B, including findings of fact, must be sent to the Commissioner of the DNR, the National Park Service, and adjoining local governments within the MRCCA within ten (10) days of the final decision.

(d) Requests to amend district boundaries must follow the provisions in Minnesota Rules Part 6106.0100, Subp. 9, Item C.

8. Accommodating disabilities. Reasonable accommodations for ramps or other facilities to provide persons with disabilities access to the persons' property, as required by the federal Americans with Disabilities Act and the federal Fair Housing Act and as provided by Minnesota Rules Chapter 1341, must:

(a) Comply with Sections 205.28.07-205.28.14; or

(b) If Sections 205.28.07-205.28.14 cannot be complied with, ramps or other facilities are allowed with a Reasonable Accommodation License provided:

(1) The license terminates on either a specific date or upon occurrence of a particular event related to the person requiring accommodation; and

(2) Upon expiration of the permit, the ramp or other facilities must be removed.

### 205.28.05 MRCCA Districts

1. District description and management purpose. The MRCCA within Fridley is divided into the following MRCCA districts:

(a) Rural and Open Space (ROS)

The Rural and Open Space District is characterized by rural and low-density development patterns and land uses and includes land that is riparian or visible from the river, as well as large, undeveloped tracts of high ecological and scenic value, floodplain, and undeveloped islands. Many primary conservation areas exist in the district.

The Rural and Open Space District must be managed to sustain and restore the rural and natural character of the corridor and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas.

(b) River Neighborhood (RN)

The River Neighborhood District is characterized by primarily residential neighborhoods that are riparian or readily visible from the river or that abut riparian parkland. The district includes parks and open space, limited commercial development, marinas, and related land uses.

The River Neighborhood District must be managed to maintain the character of the river corridor within the context of existing residential and related neighborhood development, and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas. Minimizing erosion and the flow of untreated storm water into the river and enhancing habitat and shoreline vegetation are priorities in the district.

(c) Separated from River (SR)

The Separated from River District is characterized by its physical and visual distance from the Mississippi River. The district includes land separated from the river by distance, topography, development, or a transportation corridor. The land in this district is not readily visible from the Mississippi River.

The Separated from River district provides flexibility in managing development without negatively affecting the key resources and features of the river corridor. Minimizing negative impacts to primary conservation areas and minimizing erosion and flow of untreated storm water into the Mississippi River are priorities in the district. The SR district must be managed in a manner that allows continued growth and redevelopment in historic downtowns and more intensive redevelopment in limited areas at river crossings to accommodate compact walkable development patterns and connections to the river. Minimizing erosion and the flow of untreated storm water into the river, providing public access to and public views of the river, and restoring natural vegetation in riparian areas and tree canopy are priorities in the district.

## 2. Urban Mixed (UM)

The Urban Mixed District includes large areas of highly urbanized mixed use that are a part of the urban fabric of the river corridor, including institutional, commercial, industrial, and residential areas and parks and open space.

The Urban Mixed District must be managed in a manner that allows for future growth and potential transition of intensely developed areas that does not negatively affect public river corridor views and that protects bluffs and floodplains. Restoring and enhancing bluff and shoreline habitat, minimizing erosion and flow of untreated storm water into the river, and providing public access to and public views of the river are priorities in the district.

## 3. MRCCA district map

The locations and boundaries of the MRCCA districts established by this Chapter are shown on the Critical Area Overlay District Map, which is incorporated herein by reference. The district boundary lines are intended to follow the centerlines of rivers and streams, highways, streets, lot lines, and municipal boundaries, unless a boundary line is otherwise indicated on the map. Where district boundaries cross unsubdivided property, the district boundary line is determined by use of dimensions or the scale appearing on the map.

### 205.28.06 Special Land Use Provisions

1. Uses excluded. The following uses are excluded from the MRCCA:

(a) Any use that is excluded within the underlying zoning district;

(b) Any barge fleeting or barge loading;

(c) Any solid waste storage use or treatment facilities;

(d) Any mining or extraction uses other than the soil preparation or peat removal necessary for construction;

(e) The construction of new subsurface sewage treatment systems;

(f) Agricultural use unless perennial ground cover is provided within at least 50 feet of the ordinary high water level and within the bluff impact zone; and

(g) Tree harvesting and biomass harvesting within woodlands, and associated reforestation, unless it is conducted consistent with recommended practices in Conserving Wooded Areas in Developing Communities: Best Management Practices in Minnesota.

2. River-dependent uses. River-dependent uses must comply with the following design standards:

(a) Structures and parking areas, except shoreline facilities and private roads and conveyances serving river-dependent uses as provided in Section 205.28.14, must meet the dimensional and performance standards in this Chapter, must be designed so that they are not readily visible, and must be screened by establishing and maintaining natural vegetation;

(b) Shoreline facilities must comply with Minnesota Rules Chapter 6115 and must:

(1) Minimize the shoreline area affected in so far as feasible; and

(2) Minimize the surface area of land occupied in relation to the number of watercrafts to be served;

(c) Dredging and placement of dredged material are subject to existing federal and state permit requirements and agreements.

3. Wireless communication towers

(a) Wireless communication towers that existed in the MRCCA prior to the adoption of this Chapter are considered legally nonconforming.

(b) A new wireless communication towers or the physical modification of an existing wireless communication tower that results in an increase in the intensity of the nonconforming use requires a special use permit and is subject to the following design standards:



- (1) The applicant must demonstrate that functional coverage cannot be provided through co-location, a tower at a lower height, or a tower at a location outside of the MRCCA;
- (2) Freestanding towers must not be located in a bluff or shore impact zone;
- (3) Placement of the tower must minimize impacts on public river corridor views; and
- (4) Comply with the general design standards in Section 205.28.09.01.

#### 205.28.07 Structure Height, Placement, and Lot Size

1. Structure height. Structures and facilities must comply with the following standards or the underlying development standard, whichever is lesser, unless identified as exempt in Section 205.28.14. Height is measured on the side of the structure facing the Mississippi River:

(a) River and Open Space District: 35 feet.

(b) River Neighborhood District: 35 feet.

(c) Separated from River District: Height is determined by underlying development standard, provided the allowed height is consistent with that of the mature treeline, where present, and existing surrounding development, as viewed from the OWHL of the opposite shore.

(d) Urban Mixed District: 65 feet, provided tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimize interference with public river corridor views. Structures over 65 feet are allowed as a Special Use according to Section 205.28.07.02.

2. In addition to the variance or special use requirements of Section 205.28.04.04, criteria for considering whether to grant a variance or special use permit for structures exceeding the height limits must include:

(a) Assessment of the visual impact of the proposed structure on public river corridor views, including views from other communities;

(b) Identification and application of techniques to minimize the perceived bulk of the proposed structure, such as:

(1) Placing the long axis of the building perpendicular to the river;

(2) Stepping back of portions of the facade;

(3) Lowering the roof pitch or use of a flat roof;

(4) Using building materials or mitigation techniques that will blend in with the natural surrounds;

(5) Implementation of animal habitat support as outlined in the most recent version of the Minnesota B3 Guidelines;

(6) Narrowing the profile of upper floors of the building;

(7) Increasing the setbacks of the building from the Mississippi River or blufflines; or

(8) Opportunities for creation or enhancement of public river corridor views.

### 3. Structure and impervious surface placement.

(a) Structures and impervious surface must not be placed in the shore or bluff impact zones unless identified as an exemption in Section 205.28.14.

(b) Structures, impervious surfaces, and facilities must comply with the following OHWL setback provisions unless identified as exempt in Section 205.28.14:

(1) Rural and Open Space District: 200 feet from the Mississippi River.

(2) River Neighborhood District: 100 feet from the Mississippi River.

(3) Urban Mixed District: 50 feet from the Mississippi River.

(4) Oak Glen Creek, Rice Creek, Springbrook Creek, Stonybrook Creek: 50 feet.

(c) Structures, impervious surfaces, and facilities must comply with the following bluffline setback provisions unless identified as exempt in Section 205.28.14:

(1) Rural and Open Space District: 100 feet.

(2) River Neighborhood District: 40 feet.

(3) Separated from River District: 40 feet.

(4) Urban Mixed District: 40 feet.

(d) Impervious surface lot coverage must not exceed 35% on any lot within the Shoreland Overlay District except as a variance which shall comply with the following standards:

(1) All structures, additions or expansions shall meet setback and other requirements of this Code;

(2) The lot shall be served with municipal sewer and water;

(3) The lot shall provide for the collection and treatment of stormwater in compliance with Stormwater Management and Erosion Control Chapter of the Code; and

(4) Measures shall be taken for the treatment of stormwater runoff and/or prevention of stormwater from directly entering a public water.

#### 4. Lot size and buildable area.

(a) The width of lots abutting the Mississippi River in the ROS District must be at least 200 feet, unless alternative design methods are used that provide greater protection of the riparian area.

(b) All new lots must have adequate buildable area to comply with the setback requirements of Sections Section 205.28.07.01 and Section 205.28.07.03 so as to not require variances to use the lots for their intended purpose.

#### 205.28.08 Performance Standards for Private Facilities

1. General design standards. All private facilities must be developed in accordance with the vegetation management and land alteration requirements in Sections 205.28.11 and 205.28.12.

2. Private roads, driveways, and parking areas. Except as provided in Section 205.28.14, private roads, driveways and parking areas must:

(a) Be designed to take advantage of natural vegetation and topography so that they are not readily visible from the river;

(b) Comply with structure and impervious surface setback requirements according to Section 205.28.07.03; and

(c) Not be placed within the bluff impact zone or shore impact zone, unless exempt under Section 205.28.14 and designed consistent with Section 205.28.09.01.

#### 3. Private water access and viewing facilities.

(a) Private access paths must be no more than:

(1) Eight feet wide, if placed within the shore impact zone; and

(2) Four feet wide, if placed within the bluff impact zone.

(b) Private water access ramps must:

(1) Comply with Minnesota Rules Parts 6115.0210 and 6280.0250; and

(2) Be designed and constructed consistent with the applicable standards in the most current version of the Design Handbook for Recreational Boating and Fishing Facilities.

(c) Design and construction of private stairways, lifts, and landings located above the OHWL are subject to the following standards:

(1) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be approved for commercial properties and residential facilities held in common;

(2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet area may be approved for commercial properties and residential facilities held in common;

(3) Canopies or roofs are prohibited on stairways, lifts, or landings;

(4) Stairways, lifts, and landings must be located in the least visible portion of the lot whenever practical; and

(5) Ramps, lifts, mobility paths, or other facilities for persons with physical disabilities are allowed for achieving access to shore areas according to Section 205.28.08.3.C 1-4, and as provided under Section 205.28.04.08.

(d) One water-oriented accessory structure is allowed for each riparian lot or parcel less than 300 feet in width at the ordinary high water level, with one additional water-oriented accessory structure allowed for each additional 300 feet of shoreline on the same lot or parcel. Water-oriented accessory structures are prohibited in the bluff impact zone and must:

(1) Not exceed 12 feet in height;

(2) Not exceed 120 square feet in area; and

(3) Be placed a minimum of 10 feet from the ordinary high water level.

3. Decks and patios in setback areas. Decks and at-grade patios may encroach into the required setbacks from the ordinary high water level and blufflines without a variance, when consistent with Sections 205.28.11 and 205.28.12, provided that:

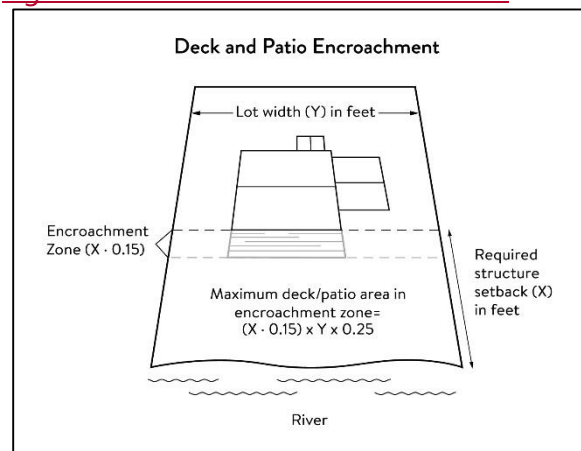
(a) The encroachment of the deck or patio into the required setback area does not exceed 15% of the required structure setback;

(b) The area of the deck or patio that extends into the required setback area occupies no more than 25% of the total area between the required setback and the 15% using the formula:

Required setback depth (feet) x 0.15 x lot width at setback (feet) x 0.25 = maximum total area.

(c) The deck or patio does not extend into the bluff impact zone. See Figure 7.

Figure 7. Deck and Patio Encroachment



#### 4. Off-Premise and Directional Signs

(a) Off-premise advertising signs must:

(1) Meet required structure height and placement standards in Sections 205.28.07.01 and 205.28.07.03.

(2) Not be readily visible from the river

(b) Directional signs for patrons arriving at a business by watercraft must comply with the following standards:

(1) They must be consistent with M.S. § 86B.115.

(2) Only convey the location and name of the establishment and the general types of goods and services available, if located in a shore impact zone.

(3) Be no greater than ten feet in height and 32 square feet in surface area; and

(4) If illuminated, the lighting must be shielded and directed downward to prevent illumination out across the river or to the sky.

5. Lighting. Within the Shore Impact Zone:

(a) Lighting shall be fully shielded and directed away from the river.

(b) Uplighting is prohibited.

6. Line of Sight. The development of new, or the expansion of existing structures, shall be placed so that the development is consistent with the preservation of the view of the river corridor from other properties on both sides of the river and by the public. The walling off of views of the river corridor from other properties and public right-of-ways shall be prohibited.

205.28.09 Performance Standards for Public Facilities

1. General design standards. All public facilities must be designed and constructed to:

(a) Minimize visibility of the facility from the river to the extent consistent with the purpose of the facility;

(b) Comply with the structure placement and height standards in Section 205.28.07, except as provided in Section 205.28.14;

(c) Be consistent with the vegetation management standards in Section 205.28.11 and the land alteration and storm water management standards in Section 205.28.12, including use of practices identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001, where applicable; and

(d) Avoid primary conservation areas, unless no alternative exists. If no alternative exists, then disturbance to primary conservation areas must be avoided to the greatest extent practicable, and design and construction must minimize impacts.

(e) Where feasible, minimize disturbance of spawning and nesting times by scheduling construction at times when local fish and wildlife are not spawning or nesting in areas where this activity is known to occur.

2. Right-of-way maintenance standards. Right-of-way maintenance must comply with the following standards:

(a) Vegetation currently in a natural state must be maintained to the extent feasible;

(b) Where vegetation in a natural state has been removed, native plants must be planted and maintained on the right-of-way; and

(c) Chemical control of vegetation must be avoided when practicable, but when chemical control is necessary, chemicals used must be in accordance with the regulations and other requirements of all state and federal agencies with authority over the chemical's use.

3. Crossings of public water or public land. Crossings of public waters or land controlled by the commissioner are subject to approval by the commissioner according to M.S. § 84.415 and 103G.245.

4. Public utilities. Public utilities must comply with the following standards:

(a) High-voltage transmission lines, wind energy conversion systems greater than five megawatts, and pipelines are regulated according to Minnesota Statutes Chapter 216E, 216F, and 216G respectively;

(b) Primary consideration shall be given to underground placement of facilities in order to minimize aesthetic, environmental and public safety aspects. When considering overhead placement, the developer must show the reasoning that makes underground placement unfeasible;

(c) If underground placement is unfeasible, visibility of the facility from the river must be minimized as much as practicable; and

(d) The appearance of structures must be as compatible as practicable with the surrounding area in a natural state with regard to height and width, materials used, and color.

5. Public transportation facilities. Public transportation facilities shall comply with structure placement and height standards in Section 205.28.07 except as provided in Section 205.28.14. Where such facilities intersect or abut two or more MRCCA districts, the least restrictive standards apply. Public transportation facilities must be designed and constructed to give priority to:

(a) Providing scenic overlooks for motorists, bicyclists, and pedestrians;

(b) Providing safe pedestrian crossings and facilities along the river corridor;

(c) Providing access to the riverfront in public ownership; and



(d) Allowing for use of the land between the river and the transportation facility.

6. Public recreational facilities. Public recreational facilities must comply with the following standards:

(a) Buildings and parking associated with public recreational facilities must comply with the structure placement and height standards in Section 205.28.07, except as provided in Section 205.28.14;

(b) Roads and driveways associated with public recreational facilities must not be placed in the bluff or shore impact zones unless no other placement alternative exists. If no alternative exists, then design and construction must minimize impacts to shoreline vegetation, erodible soils and slopes, and other sensitive resources;

(c) Trails, access paths, and viewing areas associated with public recreational facilities and providing access to or views of the Mississippi River are allowed within the bluff and shore impact zones if design, construction, and maintenance methods are consistent with the best management practice guidelines in Trail Planning, Design, and Development Guidelines:

(1) Hard-surface trails are not allowed on the face of bluffs with a slope exceeding 30%. Natural surface trails are allowed, provided they do not exceed eight feet in width.

(2) Trails, paths, and viewing areas must be designed and constructed to minimize:

((a)) Visibility from the river;

((b)) Visual impacts on public river corridor views; and

((c)) Disturbance to and fragmentation of primary conservation areas.

(d) Public water access facilities must comply with the following requirements:

(1) Watercraft access ramps must comply with Minnesota Rules Chapters 6115.0210 and 6280.0250; and

(2) Facilities must be designed and constructed consistent with the standards in the most recent version of the Minnesota DNR's Design Handbook for Recreational Boating and Fishing Facilities.

(e) Public signs and kiosks for interpretive or directional purposes are allowed in the bluff or shore impact zones, provided they are placed and constructed to minimize disturbance to these areas and avoid visual impacts on public river corridor views; and

(f) Public stairways, lifts, and landings must be designed as provided in Section 205.28.08.03.C.

#### 205.28.10 Public Access

1. Public river access to and along the river shall be provided for any new development that is adjacent to or part of a city plan including public access.
2. Public river access shall be provided to the riverfront of developments on publicly owned and publicly controlled riverfront property where feasible.

#### 205.28.11 Vegetation Management

##### 1. Applicability. This section applies to:

- (a) Shore impact zones;
- (b) Areas within 50 feet of a wetland or natural drainage route;
- (c) Bluff impact zones;
- (d) Areas of native plant communities; and
- (e) Significant existing vegetative stands identified in the MRCCA plan

##### 2. General performance standards for vegetation management. The general performance standards for vegetation management are as follows:

- (a) Development must be sited to minimize removal of or disturbance to natural vegetation;
- (b) Soil, slope stability, and hydrologic conditions are suitable for the proposed work as determined by the City Manager or their designee
- (c) Clearing is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views;
- (d) Vegetation removal activities must be conducted so as to expose the smallest practical area of soil to erosion for the least possible time; and
- (e) Grading must be conducted in a manner that preserves the root zone aeration and stability of existing trees and provides an adequate watering area equal to at least one-half of each tree crown. If this is not possible, a replacement tree must be provided in conformance with Section 205.28.11.07.

3. Activities allowed without a permit:

- (a) Maintenance of existing lawns, landscaping, and gardens;
- (b) Removal of vegetation in emergency situations as determined by the City Manager or their designee;
- (c) Right-of-way maintenance for public facilities meeting the standards Section 205.28.09.02
- (d) Agricultural and forestry activities meeting the standards of Sections 205.28.06.01.F and 205.28.06.01.G;
- (f) Selective vegetation removal provided that vegetative cover as viewed from the river remains consistent with the management purpose of the MRCCA district and trees are replaced in conformance with Section 205.28.11.06.

4. Activities allowed with a permit. Only the following intensive vegetation clearing activities are allowed with a permit, all other forms of intensive vegetation clearing are prohibited:

- (a) Clearing of vegetation that is dead, diseased, dying, or hazardous;
- (b) Clearing to prevent the spread of diseases or insect pests;
- (c) Clearing to remove invasive non-native species;
- (d) Clearing for habitat restoration and erosion control management activities consistent with an approved plan;
- (e) The minimum necessary for development that is allowed with a building permit or as an exemption under Section 205.28.14.

5. Vegetation restoration plan. Development of a vegetation restoration plan and reestablishment of natural vegetation is required in the following circumstances:

- (a) For any vegetation removed with a permit under Section 205.28.11.04;
- (b) Upon failure to comply with any provisions in this Section; or
- (c) As part of the planning process for subdivisions as provided in Section 205.28.13.

6. Vegetation Restoration Plan Performance Standards. The vegetation restoration plan must satisfy the application submittal requirements in Section 205.28.04.05, and:

(a) Vegetation must be restored in one or more of the following restoration priority areas:

(1) Stabilization of erodible soils including with soils showing signs of erosion, especially on or near the top and bottom of steep slopes and bluffs;

(2) Restoration or enhancement of shoreline vegetation including shoreline areas within 25 feet of the water with no natural vegetation, degraded vegetation, or planted with turf grass;

(3) Revegetation of bluffs or steep slopes visible from the river; and

(4) Other approved priority opportunity area, including priorities identified in the MRCCA plan, if none of the above exist.

(b) Include vegetation that provides suitable habitat and effective soil stability, runoff retention, and infiltration capability. Vegetation species, composition, density, and diversity must be guided by nearby patches of native plant communities and by Native Vegetation Establishment and Enhancement Guidelines;

(c) Any highly erodible soils disturbed during removal and/or restoration must be stabilized with deep-rooted vegetation with a high stem density;

(d) Vegetation removed must be restored with natural vegetation to the greatest extent practicable. The area (square feet) of the restored vegetation should be similar to that removed to the greatest extent practicable;

(e) For restoration of removed native plant communities, restored vegetation must also provide biological and ecological function equivalent to the removed native plant communities;

(f) Be prepared by a qualified individual except for:

(1) Vegetation plans required in response to Section 205.28.11.04.D which must be prepared by a professional ecologist, landscape architect, or person with demonstrable experience and knowledge related to vegetation management as accepted and approved by the City; and

(g) Include a maintenance plan that includes management provisions for controlling invasive species and replacement of plant loss for three years.

## 7. Tree Removal and Replacement

(a) Except for tree removal conducted in accordance with Section 205.28.04.D with an approved vegetation restoration plan, any trees over four inches diameter at breast height that are removed shall be restored with an equal number of trees to that which existed before cutting by September 30 of the subsequent year. If insufficient space is available for tree replanting as determined by the City, a monetary fee may be provided in lieu of tree replanting.

## 205.28.12 Land Alteration and Stormwater Management

### 1. Land alteration

(a) Within the bluff impact zone, land alteration is prohibited, except for the following, which are allowed with a permit:

(1) Erosion control consistent with a plan approved by the City Manager or their designee;

(2) The minimum necessary that is allowed as an exception under Section 205.28.14; and

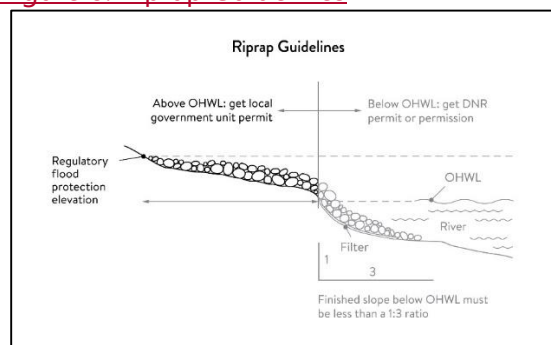
(3) Repair and maintenance of existing buildings and facilities.

(b) Within the water quality impact zone, land alteration that involves more than ten cubic yards of material or affects an area greater than 1,000 square feet requires a permit.

### 2. Rock riprap, retaining walls, and other erosion control structures

(a) Construction, repair, or replacement of rock riprap, retaining walls, and other erosion control structures located at or below the OHWL must comply with Minnesota Rules Part 6115.0215, Subp. 4, item E, and 6115.0216, Subp. 2. Work must not proceed until necessary approvals by the Commissioner, the US Army Corps of Engineers as necessary, and any other required permits are obtained. See Figure 8.

Figure 8. Riprap Guidelines



(b) Construction or replacement of rock riprap, retaining walls, and other erosion control structures within the bluff impact zone and the water quality impact zone are allowed with a permit consistent with provisions of Section 205.28.12.5 provided that:

(1) If the project includes work at or below the OHWL, the commissioner has already approved or permitted the project;

(2) The structures are used only to correct an established erosion problem as determined by the City Engineer or their designee;

(3) The size and extent of the structures are the minimum necessary to correct the erosion problem and are not larger than the following, unless a professional engineer determines that a larger structure is needed to correct the erosion problem:

((a)) Retaining walls must not exceed four feet in height;

((b)) Retaining walls must be placed a minimum horizontal distance of twenty feet apart; and

((c)) Riprap must not exceed the height of the regulatory flood protection elevation.

(c) Repair of existing rock riprap, retaining walls, and other erosion control structures above the OHWL does not require a permit provided it does not involve any land alteration.

### 3. Storm water management.

(a) In the bluff impact zone, storm water management facilities are prohibited, except by permit if:

(1) There are no alternatives for storm water treatment outside the bluff impact zone on the subject site;

(2) The site generating runoff is designed so that the amount of runoff reaching the bluff impact zone is reduced to the greatest extent practicable;

(3) The construction and operation of the facility does not affect slope stability on the subject property or adjacent properties; and

(4) Mitigation based on the best available engineering and geological practices is required and applied to eliminate or minimize the risk of slope failure.

(b) In the water quality impact zone, development that creates new impervious surface, as allowed by exemption in Section 205.28.14, or fully reconstructs existing impervious

surface of more than 10,000 square feet requires a permit. Multipurpose trails and sidewalks are exempt if there is down gradient vegetation or a filter strip that is at least five feet wide.

(c) In all other areas, storm water runoff must be directed away from the bluff impact zones or unstable areas.

#### 4. Development on steep slopes.

Construction of structures, impervious surfaces, land alteration, vegetation removal, or other construction activities are allowed on steep slopes if:

(a) The development can be accomplished without increasing erosion or storm water runoff;

(b) The soil types and geology are suitable for the proposed development; and

(c) Vegetation is managed according to the requirements of Section 205.28.11.

#### 5. Conditions of land alteration permit approval within the Critical Area

(a) Temporary and permanent erosion and sediment control measures retain sediment onsite consistent with best management practices in the Minnesota Stormwater Manual;

(b) Natural site topography, soil, and vegetation conditions are used to control runoff and reduce erosion and sedimentation;

(c) Construction activity is phased when possible;

(d) All erosion and sediment controls are installed before starting any land alteration;

(e) Erosion and sediment controls are maintained during construction to ensure effective operation;

(f) The proposed work is consistent with the vegetation standards in Section 205.28.11; and

(g) Best management practices for protecting and enhancing ecological and water resources identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001.

#### 6. Compliance with other plans and programs. All land alteration must:



(a) Be consistent with Minnesota Statutes Chapter 103B, and local water management plans completed under Minnesota Rules Chapter 8410;

(b) Meet or exceed the wetland protection standards under Minnesota Rules Chapter 8420;

(c) Comply with the Floodplain Management Overlay District Chapter; and,

(d) Comply with the Stormwater Management and Erosion Control Chapter.

#### 205.28.13 Subdivisions

1. The design standards in this Section apply to subdivisions, planned unit developments and master- planned development and redevelopment of land involving ten or more acres for contiguous parcels that abut the Mississippi River and 20 or more acres for all other parcels within the MRCCA, including smaller individual sites within these developments that are part of a common plan of development that may be constructed at different times.

2. The following activities are exempt from the requirements of this Section:

(a) Minor subdivisions consisting of three or fewer lots;

(b) Minor boundary line corrections;

(c) Resolutions of encroachments;

(d) Additions to existing lots of record;

(e) Placement of essential services; and

(f) Activities involving river-dependent commercial and industrial uses.

3. Project information listed in Section 205.28.04.05 must be submitted for all proposed developments.

4. Design standards.

(a) Primary conservation areas, where they exist, must be set aside and designated as protected open space in quantities meeting the following as a percentage of total parcel area:

(1) CA-ROS District: 50%;

(2) CA-RN District: 20%;

(3) CA-UM: 10%; and

(4) CA-SR District: 10% if the parcel includes native plant communities or provides feasible connections to a park or trail system, otherwise no requirement.

(b) If the primary conservation areas exceed the amounts specified in Section 205.28.13.04, then protection of native plant communities and natural vegetation in riparian areas shall be prioritized.

(c) If primary conservation areas exist but do not have natural vegetation (identified as restoration priorities in the MRCCA Plan), then a vegetation assessment must be completed to evaluate the unvegetated primary conservation areas and determine whether vegetation restoration is needed. If restoration is needed, vegetation must be restored according to Section 205.28.11.04.

(d) If primary conservation areas do not exist on the parcel and portions of the parcel have been identified in the MRCCA plan as a restoration area, vegetation must be restored in the identified areas according to Section 205.28.11.04, and the area must be set aside and designated as protected open space.

(e) Storm water treatment areas or other green infrastructure may be used to meet the protected open space requirements if the vegetation provides biological and ecological functions.

(f) Land dedicated under the Subdivision Chapter for public river access, parks, or other open space or public facilities may be counted toward the protected open space requirement.

(g) Protected open space areas must connect open space, natural areas, and recreational areas, where present on adjacent parcels, as much as possible to form an interconnected network.

#### 5. Permanent protection of designated open space

(a) Designated open space areas must be protected through one or more of the following methods:

(1) Public acquisition by a government entity for conservation purposes;

(2) A permanent conservation easement, as provided in Minnesota Statutes Chapter 84C;

(3) A deed restriction; or

(4) Other arrangements that achieve an equivalent degree of protection.

(b) Permanent protection methods must ensure the long-term management of vegetation to meet its biological and ecological functions, prohibit structures, and prohibit land alteration, except as needed to provide public recreational facilities and access to the river.

6. Alternative design standards. Applicants are encouraged to propose alternative design methods that achieve better protection or restoration of primary conservation areas. Methods may include protection and restoration of continuous vegetation, preventing the fragmentation of vegetation, concentration of density in exchange for higher levels of open space protection, or other zoning and site design techniques.

#### 205.28.14 Exemptions

##### 1. Applicability

(a) Uses and activities not specifically exempted must comply with this Chapter. Uses and activities exempted under shore impact zone and bluff impact zone must comply with the vegetation management and land alteration standards in Sections 205.28.11 and 205.28.12.

(b) Uses and activities in this Section are categorized as:

(1) Exempt – E. This means that the use or activity is allowed;

(2) Exempt if no alternative - (E). This means that the use or activity is allowed only if no alternatives exist; and

(3) Not exempt - N. This means that a use or activity is not exempt and must meet the standards of this Chapter.

##### 2. Use and activity exemptions classification.

(a) General uses and activities.

<u>Use or Activity</u>	<u>Set backs</u>	<u>Height Limits</u>	<u>SI Z</u>	<u>BI Z</u>	<u>Applicable standards with which the use or activity must comply</u>
<u>Industrial and utility structures requiring greater height for operational reasons (such as elevators, refineries and railroad signaling towers)</u>	<u>N</u>	<u>E</u>	<u>N</u>	<u>N</u>	<u>Structure design and placement must minimize interference with public river corridor views.</u>
<u>Barns, silos, and farm structures</u>	<u>N</u>	<u>E</u>	<u>N</u>	<u>N</u>	
<u>Bridges and bridge approach roadways</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>(E)</u>	<u>Section 205.28.09</u>

<b><u>Use or Activity</u></b>	<b><u>Set backs</u></b>	<b><u>Height Limits</u></b>	<b><u>SI Z</u></b>	<b><u>BI Z</u></b>	<b><u>Applicable standards with which the use or activity must comply</u></b>
<u>Wireless communication towers</u>	<u>E</u>	<u>E</u>	<u>N</u>	<u>N</u>	<u>Section 205.28.06.03</u>
<u>Chimneys, religious spires, flag poles, public monuments, and mechanical stacks and equipment</u>	<u>N</u>	<u>E</u>	<u>N</u>	<u>N</u>	
<u>Historic properties and contributing properties in historic districts</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>Exemptions do not apply to additions or site alterations</u>

(b) Public utilities.

<b><u>Use or Activity</u></b>	<b><u>Set backs</u></b>	<b><u>Height Limits</u></b>	<b><u>SI Z</u></b>	<b><u>BI Z</u></b>	<b><u>Applicable standards with which the use or activity must comply</u></b>
<u>Electrical power facilities</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>(E)</u>	<u>Section 205.28.09</u>
<u>Essential services (other than storm water facilities)</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>(E)</u>	<u>Section 205.28.09</u>
<u>Storm water facilities</u>	<u>E</u>	<u>N</u>	<u>E</u>	<u>(E)</u>	<u>Section 205.28.12</u>
<u>Wastewater treatment</u>	<u>E</u>	<u>N</u>	<u>E</u>	<u>N</u>	<u>Section 205.28.09</u>
<u>Public transportation facilities</u>	<u>E</u>	<u>N</u>	<u>(E)</u>	<u>(E)</u>	<u>Section 205.28.09</u>

(c) Public recreational facilities.

<b><u>Use or Activity</u></b>	<b><u>Set backs</u></b>	<b><u>Height Limits</u></b>	<b><u>SI Z</u></b>	<b><u>BI Z</u></b>	<b><u>Applicable standards with which the use or activity must comply</u></b>
<u>Accessory structures, such as monuments, flagpoles, light standards, and similar park features</u>	<u>E</u>	<u>E</u>	<u>(E)</u>	<u>(E)</u>	<u>Section 205.28.09; within BIZ, only on slopes averaging less than 30%. Exemptions do not apply to principal structures.</u>
<u>Picnic shelters and other open-sided structures</u>	<u>E</u>	<u>N</u>	<u>(E)</u>	<u>N</u>	<u>Section 205.28.09</u>
<u>Parking lots</u>	<u>(E)</u>	<u>N</u>	<u>(E)</u>	<u>(E)</u>	<u>Section 205.28.09; within BIZ, only within 20 feet of toe of bluff; not on face of bluff; and must not affect stability of bluff</u>
<u>Roads and driveways</u>	<u>(E)</u>	<u>N</u>	<u>(E)</u>	<u>(E)</u>	<u>Section 205.28.09</u>
<u>Natural-surfaced trails, access paths, and viewing areas</u>	<u>E</u>	<u>N</u>	<u>E</u>	<u>E</u>	<u>Section 205.28.09</u>

<u>Use or Activity</u>	<u>Set backs</u>	<u>Height Limits</u>	<u>SI Z</u>	<u>BI Z</u>	<u>Applicable standards with which the use or activity must comply</u>
<u>Hard-surfaced trails and viewing platforms</u>	<u>E</u>	<u>N</u>	<u>E</u>	(E)	<u>Section 205.28.09; within BIZ, only on slopes averaging less than 30%</u>
<u>Water access ramps</u>	<u>E</u>	<u>N</u>	<u>E</u>	(E)	<u>Section 205.28.09</u>
<u>Public signs and kiosks for interpretive or directional purposes</u>	<u>E</u>	<u>N</u>	<u>E</u>	(E)	<u>Section 205.28.09</u>

(d) River-dependent uses.

<u>Use or Activity</u>	<u>Set backs</u>	<u>Height Limits</u>	<u>SI Z</u>	<u>BI Z</u>	<u>Applicable standards with which the use or activity must comply</u>
<u>Shoreline facilities</u>	<u>E</u>	<u>N</u>	<u>E</u>	(E)	<u>Section 5.25. Exemptions do not apply to buildings, structures, and parking areas that are not part of a shoreline facility. River-dependent commercial, industrial, and utility structures are exempt from height limits only if greater height is required for operational reasons.</u>
<u>Private roads and conveyance structures serving river-dependent uses</u>	<u>E</u>	<u>N</u>	<u>E</u>	(E)	<u>Section 5.25; River-dependent commercial, industrial, and utility structures are exempt from height limits only if greater height is required for operational reasons.</u>

(e) Private residential and commercial water access and use facilities.

<u>Use or Activity</u>	<u>Set backs</u>	<u>Height Limits</u>	<u>SI Z</u>	<u>BI Z</u>	<u>Applicable standards with which the use or activity must comply</u>
<u>Private roads serving 3 or more lots</u>	(E)	N	N	(E)	<u>Section 205.28.08; in BI Z, only on slopes averaging less than 30%. Exemption does not apply to private roads serving fewer 3 lots or to private driveways and parking areas</u>
<u>Access paths</u>	E	N	E	E	<u>Section 205.28.08</u>
<u>Water access ramps</u>	E	N	E	N	<u>Section 205.28.08</u>
<u>Stairways, lifts, and landings</u>	E	N	E	E	<u>Section 205.28.08</u>
<u>Water-oriented accessory structures</u>	E	N	E	N	<u>Section 205.28.08</u>
<u>Patios and decks</u>	E	N	N	N	<u>Section 205.28.08</u>
<u>Directional signs for watercraft (private)</u>	E	N	E	N	<u>Section 205.28.08.05; exemption does not apply to off-premise advertising signs</u>
<u>Temporary storage of docks, boats, and other equipment during the winter months</u>	E	N	E	N	
<u>Erosion control structures, such as rock riprap and retaining walls</u>	E	N	E	(E)	<u>Section 205.28.12.2</u>
<u>Flood control structures</u>	E	N	E	(E)	<u>Section 205.28.12</u>

**Section 2**

That the Fridley City Code be hereby amended by amending Chapter 205.32 Shoreland Overlay District as follows:

Fridley City Code  
205.32 O-7 Shoreland Overlay District

205.32

1. Purpose ~~and Intent~~

(a) The unregulated use of shorelands in the city affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise use and development of shorelands of public waters.

(b) Statutory authorization. These shoreland regulations are adopted pursuant to the

authorization and policies contained in Minn. Stat. Ch. 103F, Minnesota Regulations, Parts 6120.2500 through 6120.3900, and the planning and zoning enabling legislation in Minn. Stat. Ch. 462.

(c) Jurisdiction. The provisions of this Code shall apply to shorelands of the public water bodies as classified in Section 205.32.4.B of this Code except for those properties that are also under the jurisdiction of the Critical Area Overlay District Chapter for which only the Critical Area Overlay District Chapter will apply. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this Code.

(d) Compliance. The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the grading and filling of any shoreland area; and the cutting of shoreland vegetation shall be in full compliance with the terms of this Code and other applicable regulations.

(e) District application. The shoreland overlay district shall be superimposed (overlaid) upon all the zoning districts as identified in Chapter 205 of this Code as existing or amended by the text and map of this Code. The regulations and requirements imposed by the shoreland overlay district shall be in addition to those established by the base zoning district which jointly apply. Under joint application of the districts, the more restrictive requirements shall apply.

(f) Exemption. A structure or use which was lawful before adoption of this Chapter, but which is not in conformity with the provisions of the shoreland overlay district, may be continued subject to Section 205.04.3 of this Code.

## 2. District Boundaries

(a) The boundaries of the shoreland permit overlay district within the city consists of the first tier of riparian lots abutting a protected lake or tributary identified in Section 205.32.4.B of this Code. The specific boundaries of the shoreland permit overlay district are shown on the official Fridley Shoreland Overlay District Map in the Fridley Zoning Code.

(b) Properties that are also within the jurisdiction of the Critical Area Chapter, shall remain mapped as part of the Shoreland Overlay District; however, only the provisions of the Critical Area Overlay District Chapter shall apply.



### **Section 3**

That the Fridley City Code be hereby amended by amending Chapter 205.30 Telecommunications Towers and Facilities District as follows:

Fridley City Code  
205.30 O-5 Telecommunications Towers and Facilities District

#### **205.30.2. Definitions**

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning;

Antenna Support Structure: ~~means~~ any building or other structure other than a tower which can be used for location of wireless telecommunications facilities.

Applicant: any Person that applies for a permit for wireless telecommunication facilities or towers, automatic meter reading devices or small wireless facilities. (~~Ref Ord 1350~~)

Application: the process by which a person submits a request to develop, construct, build, modify, or erect wireless telecommunication facilities or a tower upon land within the City, develop, construct, build, modify, or erect an automatic meter reading system within the City; or develop, construct, build, modify, or erect small wireless facilities within the public right-of-way. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the City concerning such a request. (~~Ord 1350~~)

Approved Site: a site which has been approved by the City Council as an eligible location for placement of wireless communication facilities.

Automatic Meter Reading device: a device which is designed for collecting, storing, processing, filtering and forwarding utility meter data within the public safety and utility bandwidth licensed by Federal Communications commission, including any antenna attached to such device and excluding devices reading and transmitting data from a single utility meter.

Automatic Meter Reading system: a series f devices which is designed for collecting, storing, processing, filtering and forwarding utility meter data within the public safety and utility bandwidth licensed by Federal Communications Commission, including any antenna attached to such device.

~~"City" means the City of Fridley, Minnesota.~~

Collocate or Collocation: to install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within or adjacent to an existing wireless support structure that is owned privately or by a local government.

Electrical Engineer means an electrical engineer licensed by the State of Minnesota.

Existing Site: a tower or antenna support structure installed or erected prior to December 18, 1997, and which is not located on an approved site.

Micro Wireless Facility: a small wireless facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and whose exterior antenna, if any, is no longer than 11 inches.

Local Government Unit: a county, home rule charter or statutory city, town, or the Metropolitan Council.

Mississippi River Corridor Critical Area: the area within the River Corridor Boundary and under the jurisdiction of the Critical Area Chapter.

Owner: any Person with fee simple title to any approved site, existing site, site approved by special use permit, or wireless telecommunications facility.

Pad Mount Device: a device which is designed for collecting, storing, processing, filtering and forwarding utility meter data within the public safety and utility bandwidth licensed by Federal Communications Commission, including any antenna attached to such device like the automatic meter reading device, but, which is installed on its own pedestal and not on an existing public utility structure.

Person: any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

Satellite Earth Station Antenna: all equipment necessary for processing of traffic received from terrestrial distributions prior to transmission via satellite and of traffic received from the satellite prior to transfer of channels of communication to terrestrial distribution systems.

Small wireless facility:

(1) a wireless facility that meets both of the following qualifications:

(a) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than six cubic feet; and

(b) all other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, batter backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and

other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than 28 cubic feet in volume; or

(2) a micro wireless facility.

State: the State of Minnesota.

Structural Engineer: a structural engineer licensed by the State of Minnesota.

Telecommunications Right-of-Way User: a person owning or controlling a facility in the public right-of-way, or seeking to own or control a facility in the public right-of-way that is used or is intended to be used for providing wireless service, or transporting telecommunication or other voice or data information. A cable communication system defined and regulated under Minn. Stat. Chapter 238, and telecommunications activities related to providing natural gas or electric energy services whether provided by a public utility as defined in M.S. §216B.02, a municipality, a municipal gas or power agency organized under M.S. §453 or §453A, or a cooperative electric association organized under M.S. §308A, are not telecommunications right-of-way users for the purposes of this Chapter and M.S. §237.163, except to the extent these entities are offering wireless services.

Toll: to stop the running of a relevant time period, such as a review period.

Tower: a self-supporting monopole structure constructed from grade which supports wireless telecommunications facilities. The term "tower" shall not include amateur radio operator's equipment as licensed by the FCC. Lattice or guyed structures are prohibited.

Utility Pole: a pole that is used in whole or in part to facilitate telecommunications or electric service.

Wireless Backhaul Facility: a facility used to transport communications data by wire from a wireless facility to a communications network.

Wireless Facility: equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including:

- (1) equipment associated with wireless service;
- (2) a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration; and
- (3) a small wireless facility. "Wireless facility" does not include the following: wireless support structures, wireless backhaul facilities; or coaxial or fiber-optic cables between

utility poles or wireless support structures or that are not otherwise immediately adjacent to or directly associated with a specific antenna.

**Wireless Service:** any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including a cable service under United States Code, title 47, section 522, clause (6).

**Wireless Support Structure:** a new or existing structure in a public right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by a local government unit.

**Wireless Telecommunications Facilities:** any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications (other than radio or television broadcast communications) which a person seeks to locate or have installed upon or near a tower or an antenna support structure. However, the term wireless telecommunications facilities shall not include:

- (1) Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial;
- (2) Any satellite earth station reception antenna one meter or less in diameter, regardless of zoning category;
- (3) Automatic meter reading systems; and
- (4) Small wireless facilities.

### 205.30.3. Non-Conforming Uses

- (1) Existing sites shall be considered a legal non-confirming use, unless otherwise provided for in this Chapter.
- (2) Installation of additional wireless telecommunications facilities beyond those in existence on December 18, 1997, on existing sites is prohibited. Failure to comply with this provision will be considered a violation of this Chapter and subject to the penalties described herein. Routine maintenance of wireless telecommunications facilities on Existing Sites is permitted, except that existing sites and any wireless telecommunications facilities installed on existing sites may not increase in size, height, weight, or otherwise result in an increase in the intensity of the non-conforming use.
- (3) If any wireless telecommunications facilities in an existing site are abandoned for a period of one year, such existing site shall lose its legal conforming status and shall be considered an

illegal nonconforming use. The abandoned wireless telecommunications facilities shall not be re-established on the site, and must be removed within twelve (12) months of the cessation of operations. If not removed, the City may remove the facility and assess the costs of removal against the Owner(s), according to the procedures established in Chapter 128 of the City Code.

#### 205.30.4. District Boundaries for Overlay Zone

A Telecommunications Towers and Facilities District, 0-5, is created and shall apply to all land within the City subject to the provisions and use requirements contained in this Section.

#### 205.30.5. Uses Permitted

(1) The construction of towers and the installation, operation and maintenance of wireless telecommunications facilities shall be permitted use in the approved sites identified on Appendix A to this Ordinance, subject to the provisions of this Chapter. Additional approved sites may be approved by the City Council, subject to the amendment procedures set forth in the Zoning Chapter of the City Code, and the requirements of this section.

(2) All principal, special use, and accessory uses allowed in each underlying primary zoning district are permitted in the telecommunications towers and facilities district, except that no towers shall be constructed, and no wireless telecommunications facilities shall be placed on towers or antenna support structures, except as provided for in this Chapter.

(3) Special Uses.

(a) The construction of towers and the installation, operation, and maintenance of wireless telecommunications facilities shall be a special use in Zoning districts M-1, M-2, M-3, and M-4, and any abutting railroad rights-of-way.

(b) The construction of towers and the installation, operation, and maintenance of wireless telecommunications facilities shall be a special use in the Critical Area Overlay District and subject to jurisdiction of the Critical Area Chapter

**Passed and adopted by the City Council of the City of Fridley on this 24th day of July, 2023.**

\_\_\_\_\_  
Scott J. Lund - Mayor

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Melissa Moore - City Clerk

First Reading: June 26, 2023

Second Reading: July 24, 2023

Publication: August 10, 2023

MRCCA Update Example Scenarios

The following are hypothetical examples of how updates to the Critical Area District Chapter will impact property owners. These examples do not consider existing regulations from the Shoreland Overlay or Floodplain Overlay that have not been changed-

1) Property A, Hartman Circle Addition and Landscaping Project



The property owner is proposing to build a two-story addition on the back of the house. Additionally, they would like to build a detached patio with steps down to the river and remove some trees to open up the viewshed. The property is within the River Neighborhood District.

Component	Old Rules	New Rules
Addition	Height is governed by the underlying zoning (30 feet); The addition must be set back 100 feet from the OHWL and 40 feet from the top of the bluff	Height is limited to 35 feet or the underlying zoning (30 feet); The addition must be setback 100 feet from the OHWL and 40 feet from the top of the bluff. If the addition was a deck, it would be allowed to be closer than 100 feet.

<p>Detached Patio</p>	<p>Setbacks are currently applied to “structures and uses”. The City does not issue permits for patios or stairs, so this portion of the project would not be regulated.</p>	<p>There appears to be a bluff on the property that will need to be surveyed; The property owner will need to apply for a Critical Area permit.</p> <p>If the detached patio is a water-oriented accessory structure, it could be built within the shore impact zone since the property doesn’t already have a water-oriented accessory structure. It would need to meet the following standards:</p> <ul style="list-style-type: none"> <li>○ Not be within the bluff impact zone</li> <li>○ Not exceed 12 feet in height;</li> <li>○ Not exceed 120 square feet in area; and</li> <li>○ Be placed a minimum of 10 feet from the ordinary high water level.</li> </ul> <p>Stairs must be less than four feet wide and cannot be covered.</p>
<p>Vegetation Removal</p>	<p>Clear cutting is prohibited.</p>	<p>Intensive vegetative removal within a primary conservation area, such as the shore impact zone (within 50 feet of the river) is not allowed except the minimum required for the installation of the patios and stairs. If tree removal within a primary conservation area is needed as part of the project, a vegetation restoration plan will be needed as part of the Critical Area permit. All trees removed within the shore impact zone or existing significant vegetative stands will need to be replaced.</p>

2) Sanitary Sewer Lift Station with freestanding cell tower and free standing sign

A public utility is considering building a sanitary sewer lift station on a riverfront property. They would also like to lease a portion of the land to host a freestanding cell tower and freestanding, off premise advertising sign. The property is located within the River Neighborhood district.

Component	Old Rules	New Rules
Lift Station	Essential services are generally considered exempt from the rules; however, this is not clear in the current language	Essential services are exempt from setbacks, shore impact zone restrictions, and bluff impact zone restrictions where feasible; Avoid primary conservation areas where feasible; Limit impacts on public river corridor views; Minimize disturbance of native vegetation; Replace disturbed native vegetation with native vegetation
Cell Tower	The project will need to be in a location approved under the Telecommunications Chapter and meet relevant standards; Setbacks are currently applied to "structures and uses". There is not a definition provided for "uses". If a cell tower is interpreted to be a use, it will need to be 40 feet away from the bluffline or 100 feet away from the river;	The project will need to be in a location approved under the Telecommunications Chapter and meet relevant standards; The applicant will need a special use permit; The tower cannot be in a bluff or shore impact zone; The applicant will need to demonstrate that functional coverage cannot be provided through co-location, at a lower height, or at a location outside the MRCCA; Placement must minimize impacts on public river corridor views; Avoid primary conservation areas where feasible;
Free Standing Sign	The Chapter does not cover signs. The sign would need to meet the design guidelines within the Sign Chapter	The sign would need to meet the design guidelines within the Sign Chapter; The sign cannot be readily visible from the river; The sign will be limited based on the MRCCA District; The sign cannot be placed in the shore or bluff impact zone; The sign must be setback 40 feet from the bluff and 100 feet from the river



<p>Public Access</p>	<p>Public pedestrian access shall be provided to the riverfront of developments on publicly owned and publicly controlled riverfront property. Access will not be provided where:</p> <ol style="list-style-type: none"> <li>1. Unavoidable hazards exist to the public.</li> <li>2. Public pedestrian access at a particular location cannot be designed or developed to provide a pleasant view or recreational experience.</li> </ol>	<p>Public river access shall be provided to the riverfront of developments on publicly owned and publicly controlled riverfront property where feasible</p>
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3. Multi-family building, Anna Ave



The property owner is proposing to demolish and reconstruct the existing multi-family building. The property is within the Urban Mixed District

Component	Old Rules	New Rules
Building	The building will need to be 100 feet back from the OHWL and 40 feet back from the bluffline;	The building will need to be 50 feet back from the OHWL and 40 feet back from the bluffline; Height is limited to 65 feet or underlying zoning. If the underlying zoning is higher

	Height will be determined by the underlying zoning (65 feet).	than 65 feet, this may be allowed with a special use permit if mitigated for.
Public Access	Public pedestrian right-of-way including river access shall be provided for any new development that is adjacent to or part of an overall plan of the city for pedestrian movement within the district.	Public river access to and along the river shall be provided for any new development that is adjacent to or part of a city plan.

City of Fridley  
Summary Ordinance No. 1412

Amending the Fridley City Code Section 205.28, Critical Area District, Section 205.32, Shoreland Overlay District, and Section 205.30, Telecommunications Towers and Facilities District

The City of Fridley does ordain, after review, examination, and staff recommendation that the Fridley City Code (Code) be amended by adopting Ordinance No. 1412. A summary of the amendments to the Code made by Ordinance No. 1412 are as follows:

The Ordinance repeals § 205.28 subparts 1-12. The Ordinance adds § 205.28.01, a purpose statement, § 205.28.02 adds general provisions to the Chapter, § 205.28.03 lists definitions applicable to the Chapter, § 205.28.04 outlines the Chapter's administrative processes, § 205.28.05 describes the various MRCCA districts within the City, § 205.28.06 describes special land use considerations, § 205.28.07 describes structure height, placement and lot sizes in districts, § 205.28.08 lists performance standards for private facilities within the districts, § 205.28.09 lists performance standards for public facilities within the districts, § 205.28.10 provides for public access to the river, § 205.28.11 updates language for vegetation management, § 205.28.12 describes land alteration and stormwater management in the districts, § 205.28.13 describes how the Chapter applies to subdivisions, planned developments and redevelopments within the MRCCA, § 205.28.14 lists several exemptions to the Chapter. The Ordinance amends § 205.32, O-7 Shoreland Overlay District subd. 1. The Ordinance amends § 205.30, O-5 Telecommunications Towers and Facilities District subd. 02, Definitions and subd. 05, Uses Permitted.

Ordinance No. 1412 was passed and adopted by the City Council of the City of Fridley on July 24, 2023. The full text of the Ordinance is available on the City website or for inspection by any person during regular office hours at the Office of the City Clerk.



# AGENDA REPORT

**Meeting Date:** July 24, 2023

**Meeting Type:** City Council

**Submitted By:** Joe Starks, Director of Finance/City Treasurer  
 Korrie Johnson, Assistant Finance Director  
 Gao Lee, Accounting Specialist/Special Assessments

## Title

Public Hearing and Resolution No. 2023-81, Adopting the Assessment for 2022 Street Rehabilitation Project No. ST-2022-01

## Background

Pursuant to Minnesota Statute § 429.021 and Fridley City Charter § 8.03, the Fridley City Council (Council) may finance certain public improvement projects using special assessments. Generally, special assessments are a form of tax levied by a local government against a property that benefits from the improvement(s). To further govern this process, the Council also adopted Chapter 7 of the Fridley City Charter and a Roadway Major Financing Policy.

Consistent with these regulations, the Council followed the below process for the use of special assessments regarding the 2022 Street Rehabilitation Project No. ST-2022-01:

- Ordered the preliminary report, plans and specifications (Resolution No. 2021-84);
- Received the preliminary report, called for a public hearing (Resolution No. 2022-04);
- Conducted the public hearing (Monday, January 24, 2022);
- Accepted feasibility report, ordered the final plans and specifications, called for bids (Resolution No. 2022-10); and
- Receive bids and awarded contract to S.M. Hentges & Sons, Inc. of Jordan, MN (June 13, 2022);
- Declared cost to be assessed, ordered the preparation of proposed assessment and scheduled a public hearing (Resolution No. 2023-71);
- Mailed notices of this public hearing to affected households on June 29, 2023 (Exhibit A); and
- Published the notice for the public hearing in the July 10, 2023 edition of the City's Official Publication (Exhibit B).

Based on the construction costs, the proposed special assessment for Project No. ST-2022-01 will include 144 properties (Exhibits C and D) totaling approximately \$311,964. As with previous special assessments, benefiting property owners will be permitted to repay the applicable amount over at 10-year period at an interest rate of 4.25%.

## Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

**Financial Impact**

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The Adopted 2023 Budget included and anticipated the use of the above-mentioned special assessments to support Project No. ST-2022-01.

**Recommendation**

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Staff recommend the Council open the public hearing, take comment, then close the public hearing.

Staff recommends the approval of Resolution No. 2023-81.

**Focus on Fridley Strategic Alignment**

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- |                                                                      |                                                                     |
|----------------------------------------------------------------------|---------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Vibrant Neighborhoods & Places   | <input type="checkbox"/> Community Identity & Relationship Building |
| <input type="checkbox"/> Financial Stability & Commercial Prosperity | <input type="checkbox"/> Public Safety & Environmental Stewardship  |
| <input type="checkbox"/> Organizational Excellence                   |                                                                     |

**Attachments and Other Resources**

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- Resolution No. 2023-81
- Exhibit A: Affidavit of Mailing
- Exhibit B: Affidavit of Publication & Etear
- Exhibit C: Assessment Roll ST-2022-01
- Exhibit D: Project Area Maps ST-2022-01

**Vision Statement**

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

**Resolution No. 2023-81****Adopting the Assessment for 2022 Street Rehabilitation Project No. ST-2022-01**

**Whereas**, pursuant to proper notice duly given as required by State law, the City Council has met and heard and passed upon all objections to the proposed assessment for the 2022 Street Rehabilitation Project No. ST-2022-01.

**Now, therefore be it resolved**, by the City Council of the City of Fridley hereby approves:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of 10 years, the first of the installments to be certified to property taxes in 2024 and shall bear interest at the rate of 4.25% per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2024. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County, make one payment of at least one hundred dollars (\$100), to the City of Fridley (City); no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment.

A property owner may pay to the City the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Please note, no payments will be accepted between November 15 and December 31 of any year.

4. Upon receipt of any such prepayment, the City Clerk, with the assistance of the City Treasurer, shall note the same upon the records of the City, credit the payee therefore, and reduce the assessment as originally made in the amount of the prepayment received. The balance remaining shall then be noted as the amount due and may then be certified to the county together with and as a part of the assessment roll in which the original amount due was contained.
5. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

**Passed and adopted by the City Council of the City of Fridley this 24th day of July 2023.**

\_\_\_\_\_  
Scott J. Lund – Mayor

Attest:

\_\_\_\_\_  
Melissa Moore – City Clerk





PIN	Parcel Owner Address	Parcel Owner City	Parcel Owner State	Parcel Owner ZIP	Assessment Amount
15-30-24-12-0030	100 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0038	101 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0039	505 FAIRMONT ST NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0029	106 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0040	109 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0028	110 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0041	113 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0042	117 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0027	120 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0043	121 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0044	1001 65TH AVE N	MINNEAPOLIS	MN	55430	\$3,400.00
15-30-24-12-0037	128 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0045	14471 ENCLAVE CT NW	PRIOR LAKE	MN	55372	\$3,400.00
15-30-24-12-0047	137 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0036	140 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0048	141 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0049	705 85TH LN UNIT 6	COON RAPIDS	MN	55433	\$3,400.00
15-30-24-12-0050	149 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0035	150 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0051	153 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0052	157 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0034	160 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0053	161 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0054	165 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0055	169 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0033	170 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0076	173 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0057	177 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0032	180 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0059	181 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0060	185 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0031	190 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0061	191 HARTMAN CIR NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0046	6880 E RIVER RD NE	FRIDLEY	MN	55432	\$3,400.00
15-30-24-12-0004	325 EAST MAIN ST	ANOKA	MN	55303	\$19,644.00

PIN	Parcel Owner Address	Parcel Owner City	Parcel Owner State	Parcel Owner ZIP	Assessment Amount
10-30-24-41-0063	101 71ST WAY NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-44-0069	102 71ST WAY NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-41-0062	111 71ST WAY NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-43-0028	114 71ST WAY NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0081	121 71ST WAY NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-43-0027	124 71ST WAY NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0080	141 71ST WAY NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-43-0026	136 71ST WAY NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0079	141 71ST WAY NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-43-0025	146 71ST WAY NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0078	151 71ST WAY NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-43-0024	6066 SHINGLE CREEK PKWY STE 1166	MINNEAPOLIS	MN	55430	\$3,400.00
10-30-24-42-0077	PO BOX 32023	FRIDLEY	MN	55432	\$3,400.00
10-30-24-43-0023	168 71ST WAY NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-43-0022	180 71ST WAY NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-43-0004	184 71ST WAY NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-43-0005	188 71ST WAY NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-43-0006	7100 RIVERVIEW TER NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0072	7100 RIVERWOOD DR NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0047	7105 RIVERVIEW TER NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-43-0007	7110 RIVERVIEW TER NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0055	7120 RIVERVIEW TER NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0046	7121 RIVERVIEW TER NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0054	7130 RIVERVIEW TER NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0045	7131 RIVERVIEW TER NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0052	7132 RIVERVIEW TER NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0053	7138 RIVERVIEW TER NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0051	7144 RIVERVIEW TER NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0044	7145 RIVERVIEW TER NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0043	7153 RIVERVIEW TER NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0050	7154 RIVERVIEW TER NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0042	7157 RIVERVIEW TER NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0049	7158 RIVERVIEW TER NE	FRIDLEY	MN	55432	\$3,400.00
10-30-24-42-0041	506 N LEXINGTON PKWY	SAINT PAUL	MN	55109	\$3,400.00
10-30-24-42-0048	7162 RIVERVIEW TER NE	FRIDLEY	MN	55432	\$3,400.00

PIN	Parcel Owner Address	Parcel Owner City	Parcel Owner State	Parcel Owner ZIP	Assessment Amount
24-30-24-41-0180	1510 TRAPP CT NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0175	1203 29TH AVE NE	MINNEAPOLIS	MN	55418	\$780.00
24-30-24-41-0181	1512 TRAPP CT NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0178	1513 TRAPP CT NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0182	1514 TRAPP CT NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0177	1515 TRAPP CT NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0179	1516 TRAPP CT	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0176	1517 TRAPP CT NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0171	1521 TRAPP CT NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0174	1523 TRAPP CT NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0173	1525 TRAPP COURT	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0172	1527 TRAPP CT NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0167	1531 TRAPP CT	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0170	1533 TRAPP CT NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0169	1535 TRAPP CT NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0168	1537 TRAPP CT NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0191	5600 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0235	5601 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0194	2665 VICTORIA ST N UNIT 110	ROSEVILLE	MN	55113	\$780.00
24-30-24-41-0236	5603 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0193	5604 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0237	5605 WEST BAVARIAN PASS	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0192	5606 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0234	5607 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0187	5610 W BAVARIAN PASS	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0985	5611 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0190	5612 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0189	5614 W BAVARIAN PASS NE	FRIDLEY	MN	55421	\$780.00
24-30-24-41-0188	5616 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0984	5617 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0255	5620 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0219	5621 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0258	5622 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0220	5623 W BAVARIAN PASS	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0257	5624 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0221	5625 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0256	5626 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0218	5627 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0215	5218 MATTERHORN DR NE	FRIDLEY	MN	55421	\$780.00
24-30-24-41-0216	5633 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0217	5635 W BAVARIAN PASS	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0214	5637 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0163	5650 BAVARIAN PASS	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0246	5651 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0166	5652 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00

PIN	Parcel Owner Address	Parcel Owner City	Parcel Owner State	Parcel Owner ZIP	Assessment Amount
24-30-24-41-0247	5653 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0165	5654 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0248	5655 BAVARIAN PASS W	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0164	5656 W BAVARIAN PASS	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0245	1027 43 1/2 AVE NE	COLUMBIA HEIGHTS	MN	55421	\$780.00
24-30-24-41-0159	5660 W BAVARIAN PASS	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0211	5661 W BAVARIAN PASS	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0162	5662 W BAVARIAN PASS	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0212	5110 FORESTVIEW LN N	MINNEAPOLIS	MN	55442	\$780.00
24-30-24-41-0161	5664 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0213	5665 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0160	5666 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0210	5667 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0207	5671 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0208	5673 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0209	3371 120TH CIR NE	BLAINE	MN	55449	\$780.00
24-30-24-41-0206	5677 W BAVARIAN PASS	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0155	5680 WEST BAVARIAN PASS	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0203	5681 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0158	5682 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0204	5683 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0157	5684 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0205	5685 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0156	5686 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0202	5687 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-14-0044	5691 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0200	5693 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-41-0201	5695 W BAVARIAN PASS NE	FRIDLEY	MN	55432	\$780.00
24-30-24-14-0043	5697 W BABARIAN PASS	FRIDLEY	MN	55432	\$780.00

Mortgage Foreclosures

If any, on said premises and costs and disbursements... attorneys fees allowed... from the date of said... mortgage(s) the person...

Legal Notices

City of Fridley, Anoka County, Minnesota Public Hearing

Notice is hereby given that the City Council of the City of Fridley will conduct a public hearing at 7:00 p.m. on July 24, 2023 in the City Council Chambers at 7071 University Avenue NE...

Legal Notices

City of Fridley, Anoka County, Minnesota Public Hearing

Notice is hereby given that the City Council of the City of Fridley will conduct a public hearing at 7:00 p.m. on July 24, 2023 in the City Council Chambers at 7071 University Avenue NE...

City of Fridley Advertiser: 0000462734-01 Ad Number: 0000462734-01 Insertion Number: N/A Size: 1 Col x 18.74 in Color Type: 0

City of Fridley, Anoka County, Minn. N/A Section-Page-Zone(s): D-5-All Description: City of Fridley, Anoka County, Minn. Advertiser: 0000462734-01 Ad Number: 0000462734-01 Insertion Number: N/A Size: 1 Col x 18.74 in Color Type: 0

NOTICE OF LIEN SALE/PUBLIC AUCTION

In accordance with the provisions of State law, there being due and unpaid charges for which the undersigned is entitled to satisfy an owner and/or manager's lien of the goods hereinafter described and stored at the Lien Storage location(s) listed below.

- #1177, 12001 HIGHWAY 35W S BURNSVILLE MN 55337 PH 952.385.2451 Richard Kemper, household goods/furniture, Christopher Ringland, household goods/furniture, Lindsay Lemmon, household goods/furniture, Steve Bedeau, household goods/furniture, Bill Dayboch, household goods/furniture.

NOTICE OF SELF STORAGE SALE

Please take notice US Storage Centers - Minneapolis located at 434 Pleasida Ave., Minneapolis, MN 55045 intends to hold an auction of storage units in default of payment. The sale will occur as an online auction via www.storagecenters.com on 7/19/2023 at 10:00AM.

NOTICE OF SELF STORAGE SALE

Please take notice US Storage Centers - Crystal located at 5217 Hamlet Court in Crystal, MN, intends to hold an auction of storage units in default of payment. The sale will occur as an online auction via www.storagecenters.com on 7/19/2023 at 10:00AM.

NOTICE OF PUBLIC SALE

THE LOCK UP SELF STORAGE at 1355 Industrial Blvd, NE Minneapolis, MN 55415 will sell the contents of the following units to satisfy a lien to the highest bidder on 7/18/23 at 10:00 AM at www.storagecenters.com. All goods must be removed from the unit within 48 hours.

2022 STREET REHABILITATION PROJECT (ST-2022-01): Assess 10 years of 4.2% Interest, \$311,964

- 10-30-24-41-0062 10-30-24-41-0063 10-30-24-41-0064 10-30-24-41-0065 10-30-24-41-0066 10-30-24-41-0067 10-30-24-41-0068 10-30-24-41-0069 10-30-24-41-0070 10-30-24-41-0071 10-30-24-41-0072 10-30-24-41-0073 10-30-24-41-0074 10-30-24-41-0075 10-30-24-41-0076 10-30-24-41-0077 10-30-24-41-0078 10-30-24-41-0079 10-30-24-41-0080 10-30-24-41-0081 10-30-24-41-0082 10-30-24-41-0083 10-30-24-41-0084 10-30-24-41-0085 10-30-24-41-0086 10-30-24-41-0087 10-30-24-41-0088 10-30-24-41-0089 10-30-24-41-0090 10-30-24-41-0091 10-30-24-41-0092 10-30-24-41-0093 10-30-24-41-0094 10-30-24-41-0095 10-30-24-41-0096 10-30-24-41-0097 10-30-24-41-0098 10-30-24-41-0099 10-30-24-41-0100 10-30-24-41-0101 10-30-24-41-0102 10-30-24-41-0103 10-30-24-41-0104 10-30-24-41-0105 10-30-24-41-0106 10-30-24-41-0107 10-30-24-41-0108 10-30-24-41-0109 10-30-24-41-0110 10-30-24-41-0111 10-30-24-41-0112 10-30-24-41-0113 10-30-24-41-0114 10-30-24-41-0115 10-30-24-41-0116 10-30-24-41-0117 10-30-24-41-0118 10-30-24-41-0119 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**AFFIDAVIT OF PUBLICATION**



**STATE OF MINNESOTA        )  
COUNTY OF HENNEPIN )**

**650 3rd Ave. S, Suite 1300 | Minneapolis, MN | 55488**

Terri Swanson, being first duly sworn, on oath states as follows:

1. (S)He is and during all times herein stated has been an employee of the Star Tribune Media Company LLC, a Delaware limited liability company with offices at 650 Third Ave. S., Suite 1300, Minneapolis, Minnesota 55488, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows:

<u>Dates of Publication</u>	<u>Advertiser</u>	<u>Account #</u>	<u>Order #</u>
StarTribune        07/10/2023	FRIDLEY CITY OF	1000019971	462734

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows:     **\$336.54**

5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Hennepin County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

*Terri Swanson*

Subscribed and sworn to before me on:     07/10/2023

*Diane E. Rak Kleszyk*



Notary Public

**Exhibit C: Assessment Roll**  
**2022 Street Rehabilitation Project No. ST 2022-01**

No.	County Parcel	Parcel Address	Owner First Name	Owner Last Name	Amount
1	15-30-24-12-0030	100 HARTMAN CIR NE	GREGORY W & CHERYLL L	THURSTON	\$ 3,400.00
2	15-30-24-12-0038	101 HARTMAN CIR NE	NOAH JAMES	SPANNBAUER	3400.00
3	15-30-24-12-0039	105 HARTMAN CIR NE	STEPHEN K	WITZEL	3400.00
4	15-30-24-12-0029	106 HARTMAN CIR NE	KELLEY N	DELMONICO	3400.00
5	15-30-24-12-0040	109 HARTMAN CIR NE	THOMAS J & LISA G	KIMLINGER	3400.00
6	15-30-24-12-0028	110 HARTMAN CIR NE	ARIEL HERNAN	FARIAS	3400.00
7	15-30-24-12-0041	113 HARTMAN CIR NE	CHARLES	SCHOLZEN	3400.00
8	15-30-24-12-0042	117 HARTMAN CIR NE	MICHAEL D	CARTWRIGHT	3400.00
9	15-30-24-12-0027	120 HARTMAN CIR NE	STEPHEN A & STEPHENIE L	LING	3400.00
10	15-30-24-12-0043	121 HARTMAN CIR NE	MARGARET M	GRESHIK	3400.00
11	15-30-24-12-0044	125 HARTMAN CIR NE	MESSIAH	MOORE	3400.00
12	15-30-24-12-0037	128 HARTMAN CIR NE	CALED D	KRONBERG	3400.00
13	15-30-24-12-0045	129 HARTMAN CIR NE	KEITH	MCDONALD	3400.00
14	15-30-24-12-0047	137 HARTMAN CIR NE	SHAWN M	MILLER	3400.00
15	15-30-24-12-0036	140 HARTMAN CIR NE	JONATHAN	SPITZER	3400.00
16	15-30-24-12-0048	141 HARTMAN CIR NE	MARTIN C & THELMA M	GAVIC	3400.00
17	15-30-24-12-0049	145 HARTMAN CIR NE	RICHARD L	NORDSTROM	3400.00
18	15-30-24-12-0050	149 HARTMAN CIR NE	DANA	HARRINGTON	3400.00
19	15-30-24-12-0035	150 HARTMAN CIR NE	SHAMSI	TAVAKOLI	3400.00
20	15-30-24-12-0051	153 HARTMAN CIR NE	PAUL	KIMLINGER	3400.00
21	15-30-24-12-0052	157 HARTMAN CIR NE	DAVID G	ULRICH	3400.00
22	15-30-24-12-0034	160 HARTMAN CIR NE	CARLOS ALFREDO BAU	ZHICAY	3400.00
23	15-30-24-12-0053	161 HARTMAN CIR NE	KATHLEEN	ZELENY	3400.00
24	15-30-24-12-0054	165 HARTMAN CIR NE	KATHLEEN A	SIMMELINK TRUSTE	3400.00
25	15-30-24-12-0055	169 HARTMAN CIR NE	RICHARD	SEURER	3400.00
26	15-30-24-12-0033	170 HARTMAN CIR NE	JOHN K & MARLYS J	HINSVERK	3400.00
27	15-30-24-12-0076	173 HARTMAN CIR NE	DALE	NAWROCKI	3400.00
28	15-30-24-12-0057	177 HARTMAN CIR NE	HAYLEY E	ANDERSON	3400.00
29	15-30-24-12-0032	180 HARTMAN CIR NE	KIRK A	GJEVRE	3400.00
30	15-30-24-12-0059	181 HARTMAN CIR NE	JOYCE M	GUDDING TRUSTEE	3400.00
31	15-30-24-12-0060	185 HARTMAN CIR NE	JAMES J	DUNN	3400.00
32	15-30-24-12-0031	190 HARTMAN CIR NE	LAURIE A	RAKOS	3400.00
33	15-30-24-12-0061	191 HARTMAN CIR NE	TROY	SAGDALEN	3400.00
34	15-30-24-12-0046	6880 EAST RIVER RD NE	ANNA A	WICHERN	3400.00
35	15-30-24-12-0004		COUNTY OF ANOKA		19644.00
36	10-30-24-41-0063	101 71ST WAY NE	BHOJ K & UTRA D	PREMSUKH	3400.00
37	10-30-24-44-0069	102 71ST WAY NE	CHARLIE	VANG	3400.00
38	10-30-24-41-0062	111 71ST WAY NE	NANCY P	THOLE	3400.00



**Exhibit C: Assessment Roll**  
**2022 Street Rehabilitation Project No. ST 2022-01**

No.	County Parcel	Parcel Address	Owner First Name	Owner Last Name	Amount
39	10-30-24-43-0028	114 71ST WAY NE	NANCY KATHLEEN	PONESSA	\$ 3,400.00
40	10-30-24-42-0081	121 71ST WAY NE	BARBARA A	BERQUIST	3400.00
41	10-30-24-43-0027	124 71ST WAY NE	DENNIS W	ANDERSON	3400.00
42	10-30-24-42-0080	131 71ST WAY NE	PATRICK P	CHONG TRUSTEE	3400.00
43	10-30-24-43-0026	136 71ST WAY NE	CHRISTOPHER	CALDWELL	3400.00
44	10-30-24-42-0079	141 71ST WAY NE	PATRICK P	CHONG TRUSTEE	3400.00
45	10-30-24-43-0025	146 71ST WAY NE	THOMAS & BERGSETH B	CAMPBELL	3400.00
46	10-30-24-42-0078	151 71ST WAY NE	CHRISTOPHER R	VALLEY	3400.00
47	10-30-24-43-0024	158 71ST WAY NE	BRETT ROBERT	HILDRETH	3400.00
48	10-30-24-42-0077	161 71ST WAY NE	ROBERT A	BARKER TRUSTEE	3400.00
49	10-30-24-43-0023	168 71ST WAY NE	BRUCE I & JEANINE M	NELSON	3400.00
50	10-30-24-43-0022	180 71ST WAY NE	ANTHONY	HELMER	3400.00
51	10-30-24-43-0004	184 71ST WAY NE	CHRISTOPHER J	ELFORD	3400.00
52	10-30-24-43-0005	188 71ST WAY NE	ALLAN I & ELFRIEDE M	ROLLAND	3400.00
53	10-30-24-43-0006	7100 RIVERVIEW TER NE	M J & BURTON S M	MCCARTHY	3400.00
54	10-30-24-42-0072	7100 RIVERWOOD DR NE	MAUREEN E	ZACHMANN	3400.00
55	10-30-24-42-0047	7105 RIVERVIEW TER NE	DAVID J	BOBERG	3400.00
56	10-30-24-43-0007	7110 RIVERVIEW TER NE	DELORES M	WEAVER TRUSTEE	3400.00
57	10-30-24-42-0055	7120 RIVERVIEW TER NE	JOHN W	VERANT	3400.00
58	10-30-24-42-0046	7121 RIVERVIEW TER NE	BRADLEY R & DOROTHY K	SIELAFF	3400.00
59	10-30-24-42-0054	7130 RIVERVIEW TER NE	JOSEPH J	FREDERICK	3400.00
60	10-30-24-42-0045	7131 RIVERVIEW TER NE	THOMAS D	GLIADON	3400.00
61	10-30-24-42-0052	7132 RIVERVIEW TER NE	WANDA LOUISE	MC CARRA	3400.00
62	10-30-24-42-0053	7138 RIVERVIEW TER NE	PAUL D	KNUTSEN	3400.00
63	10-30-24-42-0051	7144 RIVERVIEW TER NE	MICHAEL ALAN BELL	BOONE	3400.00
64	10-30-24-42-0044	7145 RIVERVIEW TER NE	JAMES DANIEL	RASK	3400.00
65	10-30-24-42-0043	7153 RIVERVIEW TER NE	DONALD J	WEEDING	3400.00
66	10-30-24-42-0050	7154 RIVERVIEW TER NE	DAVID TODD	ANDERSON	3400.00
67	10-30-24-42-0042	7157 RIVERVIEW TER NE	TIMOTHY M & ELIZABETH M	DOLD	3400.00
68	10-30-24-42-0049	7158 RIVERVIEW TER NE	THOMAS	HAWKINSON	3400.00
69	10-30-24-42-0041	7161 RIVERVIEW TER NE	IV 137 LLC		3400.00
70	10-30-24-42-0048	7162 RIVERVIEW TER NE	LEWIS	MOORE	3400.00
71	24-30-24-41-0180	1510 TRAPP CT NE	PAUL	DANKO	780.00
72	24-30-24-41-0175	1511 TRAPP CT NE	JACQUELYN R	BELISLE	780.00
73	24-30-24-41-0181	1512 TRAPP CT NE	CHRISTIAN REYNOSA	YANEZ	780.00
74	24-30-24-41-0178	1513 TRAPP CT NE	JAMES W	MCCONNELL	780.00
75	24-30-24-41-0182	1514 TRAPP CT NE	DAVID J	VUKSON	780.00
76	24-30-24-41-0177	1515 TRAPP CT NE	ANTHONY L	WOJCIAK	780.00
77	24-30-24-41-0179	1516 TRAPP CT NE	KYLE	MULRY	780.00



**Exhibit C: Assessment Roll**  
**2022 Street Rehabilitation Project No. ST 2022-01**

No.	County Parcel	Parcel Address	Owner First Name	Owner Last Name	Amount
78	24-30-24-41-0176	1517 TRAPP CT NE	JANET J	ASAMOAH	\$ 780.00
79	24-30-24-41-0171	1521 TRAPP CT NE	ELIZABETH A	GRAHAM	780.00
80	24-30-24-41-0174	1523 TRAPP CT NE	RAYMOND L	JOHNSON TRUSTEE	780.00
81	24-30-24-41-0173	1525 TRAPP CT NE	JOEL	RASMUSSEN	780.00
82	24-30-24-41-0172	1527 TRAPP CT NE	KATHRYN R	MCDONALD	780.00
83	24-30-24-41-0167	1531 TRAPP CT NE	MEGAN J	BENDER	780.00
84	24-30-24-41-0170	1533 TRAPP CT NE	HAYLEY E	JOHNSON	780.00
85	24-30-24-41-0169	1535 TRAPP CT NE	DONNA M	HOGAN	780.00
86	24-30-24-41-0168	1537 TRAPP CT NE	CRAIG L & KATHY J	MCKEE	780.00
87	24-30-24-41-0191	5600 WEST BAVARIAN PASS NE	MARY	REMJESKE	780.00
88	24-30-24-41-0235	5601 WEST BAVARIAN PASS NE	ROBERT	GILL	780.00
89	24-30-24-41-0194	5602 WEST BAVARIAN PASS NE	JUDITH K	WELSH	780.00
90	24-30-24-41-0236	5603 WEST BAVARIAN PASS NE	CHRISTINA	ANDERSON	780.00
91	24-30-24-41-0193	5604 WEST BAVARIAN PASS NE	FADUMO	ALI	780.00
92	24-30-24-41-0237	5605 WEST BAVARIAN PASS NE	RYAN THOMAS	MCMORROW	780.00
93	24-30-24-41-0192	5606 WEST BAVARIAN PASS NE	DAVID A & BETTY A	BORDWELL	780.00
94	24-30-24-41-0234	5607 WEST BAVARIAN PASS NE	NICHOLAS ANTHONY	MASTLEY	780.00
95	24-30-24-41-0187	5610 WEST BAVARIAN PASS NE	MICHAEL J	BODLEY	780.00
96	24-30-24-41-0985	5611 WEST BAVARIAN PASS NE	C T ELDREDGE	J M MCARTHUR	780.00
97	24-30-24-41-0190	5612 WEST BAVARIAN PASS NE	CIDNEY	VINCENT	780.00
98	24-30-24-41-0189	5614 WEST BAVARIAN PASS NE	JOANNE	KILMER	780.00
99	24-30-24-41-0188	5616 WEST BAVARIAN PASS NE	THOMAS R	ROPER	780.00
100	24-30-24-41-0984	5617 WEST BAVARIAN PASS NE	EMILY S	BEDFORD	780.00
101	24-30-24-41-0255	5620 WEST BAVARIAN PASS NE	JOSEPH MORAN &	JESSECA JOHNSON	780.00
102	24-30-24-41-0219	5621 WEST BAVARIAN PASS NE	BRIAN	BELTRAND	780.00
103	24-30-24-41-0258	5622 WEST BAVARIAN PASS NE	ALFREDERICK	QUAYE	780.00
104	24-30-24-41-0220	5623 WEST BAVARIAN PASS NE	BARBARA CLOBES	WINFIELD	780.00
105	24-30-24-41-0257	5624 WEST BAVARIAN PASS NE	NATHAN D	POLAND	780.00
106	24-30-24-41-0221	5625 WEST BAVARIAN PASS NE	SAMUEL M	MENGISTU	780.00
107	24-30-24-41-0256	5626 WEST BAVARIAN PASS NE	DAVID	SCHMIDT	780.00
108	24-30-24-41-0218	5627 WEST BAVARIAN PASS NE	AMY R	TURNER	780.00
109	24-30-24-41-0215	5631 WEST BAVARIAN PASS NE	KELLY J	MCKAY	780.00
110	24-30-24-41-0216	5633 WEST BAVARIAN PASS NE	DAVID F EMERY &	JANICE MURSHEL	780.00
111	24-30-24-41-0217	5635 WEST BAVARIAN PASS NE	GRISELDA	CUELLAR-MARTINEZ	780.00
112	24-30-24-41-0214	5637 WEST BAVARIAN PASS NE	HARVEY A	BOOMER	780.00
113	24-30-24-41-0163	5650 WEST BAVARIAN PASS NE	JACQUELINE M	BERRY	780.00
114	24-30-24-41-0246	5651 WEST BAVARIAN PASS NE	KATIE	SCHULTZ	780.00
115	24-30-24-41-0166	5652 WEST BAVARIAN PASS NE	KIMBERLY	KING	780.00
116	24-30-24-41-0247	5653 WEST BAVARIAN PASS NE	BENJAMIN	KERZMAN	780.00
117	24-30-24-41-0165	5654 WEST BAVARIAN PASS NE	ABRAHAM A	KENA	780.00

**Exhibit C: Assessment Roll**  
**2022 Street Rehabilitation Project No. ST 2022-01**


No.	County Parcel	Parcel Address	Owner First Name	Owner Last Name	Amount
118	24-30-24-41-0248	5655 WEST BAVARIAN PASS NE	AARON J	BROM	\$ 780.00
119	24-30-24-41-0164	5656 WEST BAVARIAN PASS NE	DORJEE	DOLKAR	780.00
120	24-30-24-41-0245	5657 WEST BAVARIAN PASS NE	CLIFFORD P	JOHNSON	780.00
121	24-30-24-41-0159	5660 WEST BAVARIAN PASS NE	MICHAEL	LARSON	780.00
122	24-30-24-41-0211	5661 WEST BAVARIAN PASS NE	SYDNE	ADAMS	780.00
123	24-30-24-41-0162	5662 WEST BAVARIAN PASS NE	ANDREW	MORRELL	780.00
124	24-30-24-41-0212	5663 WEST BAVARIAN PASS NE	KURT	TEMPLIN	780.00
125	24-30-24-41-0161	5664 WEST BAVARIAN PASS NE	JENNIFER A	SHEPHERD	780.00
126	24-30-24-41-0213	5665 WEST BAVARIAN PASS NE	JULIE A	NELSON	780.00
127	24-30-24-41-0160	5666 WEST BAVARIAN PASS NE	EMMA	RADER	780.00
128	24-30-24-41-0210	5667 WEST BAVARIAN PASS NE	MICHELLE MARIE	HUNT	780.00
129	24-30-24-41-0207	5671 WEST BAVARIAN PASS NE	MICHELE	WILL	780.00
130	24-30-24-41-0208	5673 WEST BAVARIAN PASS NE	THOMAS	PICHOTTA	780.00
131	24-30-24-41-0209	5675 WEST BAVARIAN PASS NE	LAURA	ZGUTOWICZ	780.00
132	24-30-24-41-0206	5677 WEST BAVARIAN PASS NE	STACY	NOYES	780.00
133	24-30-24-41-0155	5680 WEST BAVARIAN PASS NE	CHARLES	UBA OBARAEZE	780.00
134	24-30-24-41-0203	5681 WEST BAVARIAN PASS NE	DIANE	MCCLELLAN	780.00
135	24-30-24-41-0158	5682 WEST BAVARIAN PASS NE	JULIE A	ANDERSON	780.00
136	24-30-24-41-0204	5683 WEST BAVARIAN PASS NE	SAMY H	AHMED	780.00
137	24-30-24-41-0157	5684 WEST BAVARIAN PASS NE	DARRIN MICHAEL	ENERSON	780.00
138	24-30-24-41-0205	5685 WEST BAVARIAN PASS NE	BARBARA P	HOVEY	780.00
139	24-30-24-41-0156	5686 WEST BAVARIAN PASS NE	JAY R	ACKERMAN	780.00
140	24-30-24-41-0202	5687 WEST BAVARIAN PASS NE	BRUCE F	POMERANTZ	780.00
141	24-30-24-14-0044	5691 WEST BAVARIAN PASS NE	THOMAS	BATTERS	780.00
142	24-30-24-41-0200	5693 WEST BAVARIAN PASS NE	VINCENT	MANS	780.00
143	24-30-24-41-0201	5695 WEST BAVARIAN PASS NE	ROBERT S	HANSON	780.00
144	24-30-24-14-0043	5697 WEST BAVARIAN PASS NE	ERIC	KLEVAR	780.00
				<b>TOTAL</b>	<b>\$ 311,964.00</b>




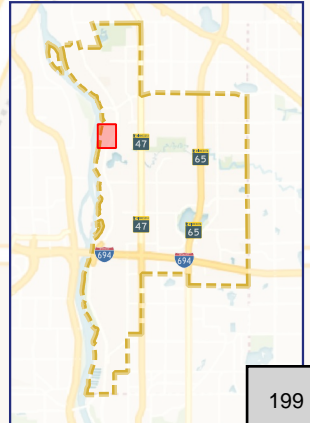
# 2022 Street Rehabilitation Project

Item 14.



 **Street Reconstruction**

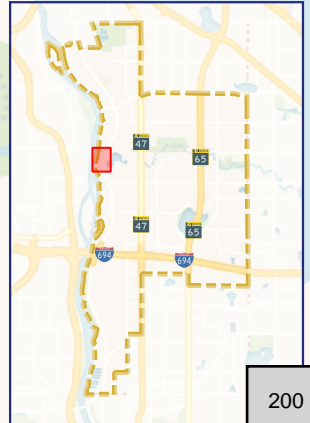
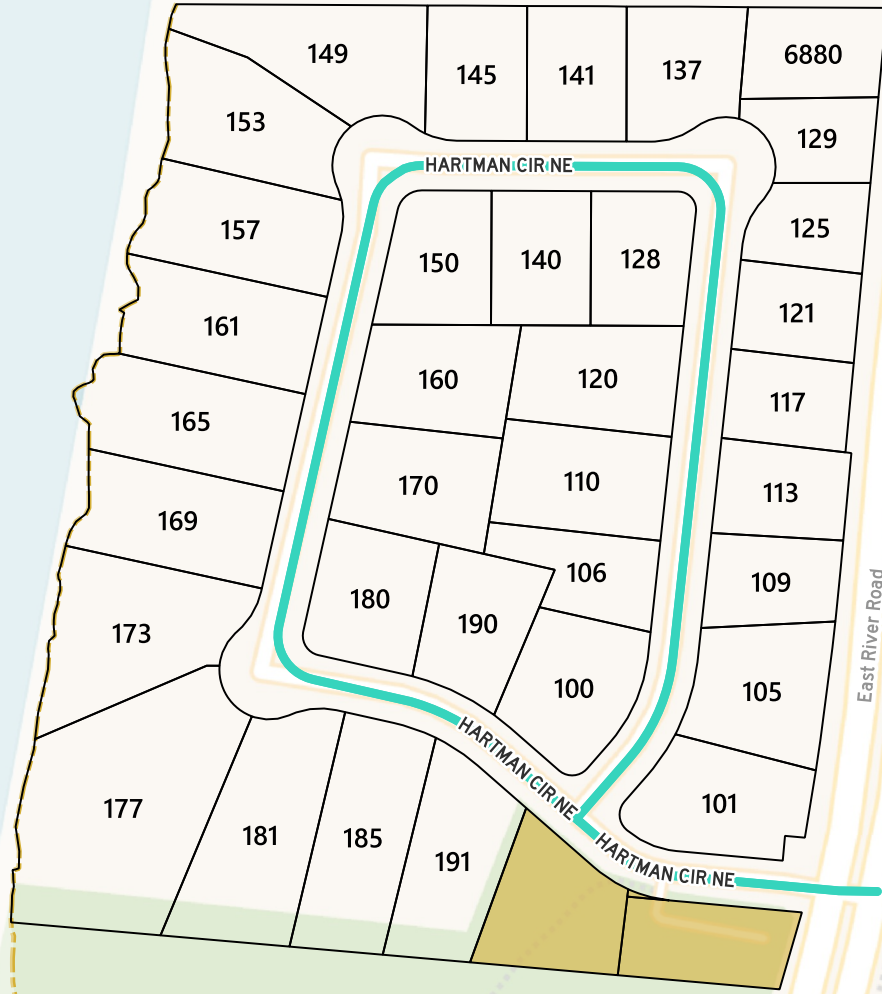
 **Parcels to be Assessed**








Item 14.

# 2022 Street Rehabilitation Project



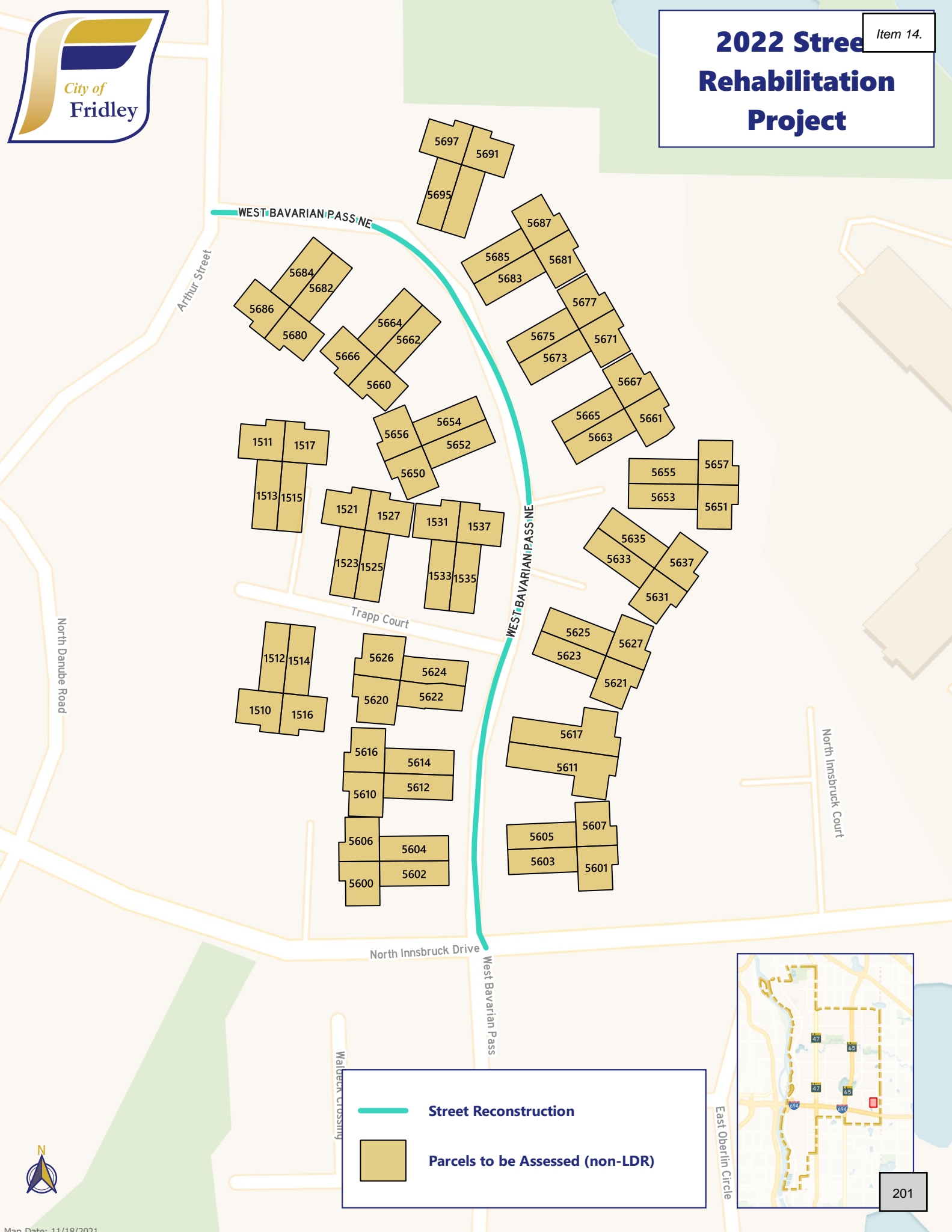
-  **Street Reconstruction**
-  **Parcels to be Assessed**
-  **Parcels to be Assessed (non-LDR)**





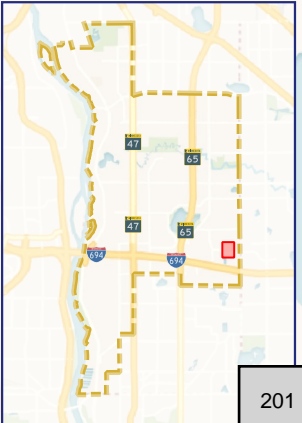
# 2022 Street Rehabilitation Project

Item 14.



**Street Reconstruction**

**Parcels to be Assessed (non-LDR)**





# AGENDA REPORT

**Meeting Date:** July 24, 2023

**Meeting Type:** City Council

**Submitted By:** Mary Dooher, Rental Housing Manager  
Scott Hickok, Community Development Director

## Title

Ordinance No. 1413, Amending the Fridley City Code Chapter 220, Residential Rental Property Maintenance and Licensing Code

## Background

Fridley City Code Chapter 220.10.4.A, Minimum Heating, states that "all dwelling shall have primary heating facilities...during the period from October 15 through April 15, consistent with the Minnesota Cold Weather Rule."

Recently, Minnesota Statute § 216B.096, commonly known as the Cold Weather Rule, changed the period definition from October 15 - April 15 to October 1 - April 30. Staff recommend the City remove the dates in Chapter 220 and revise the Code to say, " pursuant to Minnesota Statute § 216B.096, commonly referred to as the Minnesota Cold Weather Rule."

## Financial Impact

None.

## Recommendation

Staff recommend the Council approve the first reading of Ordinance No. 1413.

## Focus on Fridley Strategic Alignment

<input checked="" type="checkbox"/> Vibrant Neighborhoods & Places	<input type="checkbox"/> Community Identity & Relationship Building
<input type="checkbox"/> Financial Stability & Commercial Prosperity	<input type="checkbox"/> Public Safety & Environmental Stewardship
<input type="checkbox"/> Organizational Excellence	

## Attachments and Other Resources

- Ordinance No. 1413

## Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

**Ordinance No. 1413**

**Amending the Fridley City Code Chapter 220, Residential Rental Property Maintenance and Licensing Code**

The City Council of the City of Fridley does ordain, after review, examination and staff recommendation that the Fridley City Code be amended as follows:

Fridley City Code  
Chapter 220 Residential Rental Property Maintenance and Licensing Code

220.10. Minimum Standards for Principal Structures

4. Minimum Heating Standards

A. All dwellings ~~shall~~must have primary heating facilities which are properly installed and maintained in a safe, efficient working condition and which ~~are capable of maintaining~~can maintain a minimum indoor temperature of not less than 68 degrees F at a point ~~3~~three feet above the floor in all habitable rooms, bathrooms and water closet compartments in every dwelling unit location therein, ~~during the period from October 15 through April 15, consistent with~~pursuant to Minnesota Statute § 216B.096, commonly referred to as the Minnesota Cold Weather Rule.

B. Gas or electric appliances designed specifically for cooking or water heating purposes, and portable heating equipment, may not be considered primary heating facilities for the purposes of this Section.

C. No owner or occupant may install, operate, or use a heater employing a flame that is not installed and maintained in accordance with the manufacturer’s specifications and applicable City and State Codes.

D. Whenever the occupant lacks direct control over the primary heating facility to their dwelling unit, it is the responsibility of the owner to maintain minimum heating standards as set forth above.

**Passed and adopted by the City Council of the City of Fridley on this 14th day of August, 2023.**

\_\_\_\_\_  
Scott J. Lund - Mayor

Attest:

\_\_\_\_\_  
Melissa Moore - City Clerk

First Reading: July 24, 2023

Second Reading:

Publication:



# AGENDA REPORT

**Meeting Date:** July 24, 2023

**Meeting Type:** City Council

**Submitted By:** James Kosluchar, Public Works Director  
 Brandon Brodhag, Assistant City Engineer  
 Touyia Lee, Graduate Engineer

## Title

Resolution No. 2023-83, Awarding West Moore Lake Drive Mill and Overlay Project

## Background

On Tuesday, July 18 at 9:00 a.m., bids were publicly opened online via the virtual platform available on QuestCDN and Microsoft Teams for the West Moore Lake Drive Mill and Overlay Project. Two responsive bids were received.

This project includes rehabilitation of West Moore Lake Drive from 61<sup>st</sup> Avenue to Central Avenue (Trunk Highway 65). The total project length is approximately 0.43 miles and will include asphalt paving along with associated roadway repairs, and other ancillary items.

This project is a maintenance operations project that required attention due to the deteriorating roadway conditions, including pavement breaking up. Engineering and Public Works staff analyzed the existing roadway and established that it would be advantageous to perform a mill and overlay this year and not wait another year for the street rehabilitation.

There will not be any special assessments as a part of this project since adjacent benefitting properties were assessed with the street rehabilitation project in 2009 and this specific maintenance does not meet the requirements of our special assessments policy. The project will be funded through the Street Maintenance Division's operating budget. The funding supporting this project is typically applied to annual (chip) seal coating of roadways, however, we have decided to largely suspend that program this year due to stripping of seal coating we are experiencing citywide until we can find a suitable modification to implementation of seal coating or alternative maintenance treatment. In essence, we are utilizing this funding to respond to premature stripping being experienced from prior seal coating, rather than continuing to support this type of maintenance.

As noted, two bids were received. The low bid was received from Park Construction Company of Spring Lake Park, Minnesota in the amount of \$164,987.70 which is 13.5% below the final engineer's estimate of \$190,740.85 (Exhibit A). The two bids were very competitive and within \$2,190.95 of one another. Of the two bids, the high bid received was \$167,178.65.

## Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



The City of Fridley (City) has worked with Park Construction Company in the past. Park Construction Company was also the awarded contractor on the 53<sup>rd</sup> Avenue Trail and Walk Improvements project for this year and are a subcontractor on the Moore Lake Park project. Staff believes they are a knowledgeable and reputable contractor and will deliver the project within the requisite quality specified in the bid documents.

Property owners will receive notification of project advancement this July presuming the City Council awards the project at this meeting. A project information sheet will provide a tentative work schedule, work description, and contact information. During the project, staff will distribute weekly project updates via email and the project-specific page on the City's website to minimize disruption to the residents. We expect the work to begin in August with substantial completion in September of this year.

### **Financial Impact**

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Funding for this project is from the Street Maintenance Division's operating budget from reduced seal coating maintenance applied this year.

### **Recommendation**

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Staff recommends the approval of Resolution No. 2023-83.

### **Focus on Fridley Strategic Alignment**

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<input checked="" type="checkbox"/> Vibrant Neighborhoods & Places	<input type="checkbox"/> Community Identity & Relationship Building
<input type="checkbox"/> Financial Stability & Commercial Prosperity	<input type="checkbox"/> Public Safety & Environmental Stewardship
<input type="checkbox"/> Organizational Excellence	

### **Attachments and Other Resources**

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- Resolution No. 2023-83
- Exhibit A: Bid Tabulation

### **Vision Statement**

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

**Resolution No. 2023-83**

**Awarding West Moore Lake Drive Mill and Overlay Project**

**Whereas**, West Moore Lake Drive Mill and Overlay project (Project) includes rehabilitation of West Moore Lake Drive from 61<sup>st</sup> Avenue to Central Avenue (Trunk Highway 65), along with associated roadway repairs, and other ancillary items; and

**Whereas**, the City of Fridley (City) has determined this project as necessary under maintenance operations to maintain roadway quality and performance; and

**Whereas**, the City will be reimbursed through the City’s Minnesota State Aid construction account to improve West Moore Lake from 61<sup>st</sup> Avenue to Central Avenue (Trunk Highway 65).

**Now, therefore be it resolved**, that the City Council of the City of Fridley hereby approves received bids per the attached bid tabulation and award the West Moore Lake Drive Mill and Overlay Project to the lowest responsive bidder, Park Construction Company of Spring Lake Park, MN in the amount of \$164,987.70.

**Passed and adopted by the City Council of the City of Fridley this 24<sup>th</sup> day of July, 2023.**

\_\_\_\_\_  
Scott J. Lund – Mayor

Attest:

\_\_\_\_\_  
Melissa Moore – City Clerk

West Moore Lake Mill and Overlay  
 Owner: City of Fridley  
 Bid Opening: 7/18/2023 9:00 AM



Line Item	Item Description	Unit	Quantity	Engineer's Estimate		Park Construction Company		Bituminous Roadways Inc.	
				Unt Price	Extension	Unt Price	Extension	Unt Price	Extension
1	Mobilization	LUMP SUM	1	\$ 35,000.00	\$ 35,000.00	\$ 16,500.00	\$ 16,500.00	\$ 7,500.00	\$ 7,500.00
2	Sawing Bituminous Pavement	LIN FT	309	\$ 3.00	\$ 927.00	\$ 2.70	\$ 834.30	\$ 0.01	\$ 3.09
3	Mill Bituminous Surface (1.5" Depth)	SQ YD	6884	\$ 1.50	\$ 10,326.00	\$ 1.90	\$ 13,079.60	\$ 2.00	\$ 13,768.00
4	Mill Bituminous Surface (2.0" Depth)	SQ YD	3286	\$ 1.50	\$ 4,929.00	\$ 2.90	\$ 9,529.40	\$ 2.50	\$ 8,215.00
5	Bituminous Material for Tack Coat	GALLON	559	\$ 3.50	\$ 1,956.50	\$ 2.40	\$ 1,341.60	\$ 1.00	\$ 559.00
6	Type SP 9.5 Wearing Course Mix (3,c)	TON	931	\$ 112.00	\$ 104,272.00	\$ 95.70	\$ 89,096.70	\$ 110.00	\$ 102,410.00
7	Adjust Gate Valve Box (Water)	EACH	7	\$ 500.00	\$ 3,500.00	\$ 552.00	\$ 3,864.00	\$ 330.00	\$ 2,310.00
8	Adjust Existing Frame and Ring Casting (Sanitary)	EACH	8	\$ 750.00	\$ 6,000.00	\$ 1,080.25	\$ 8,642.00	\$ 550.00	\$ 4,400.00
9	Adjust Existing Frame and Ring Casting (Storm)	EACH	5	\$ 750.00	\$ 3,750.00	\$ 1,080.25	\$ 5,401.25	\$ 550.00	\$ 2,750.00
10	Traffic Control	LUMP SUM	1	\$ 7,500.00	\$ 7,500.00	\$ 2,080.00	\$ 2,080.00	\$ 12,000.00	\$ 12,000.00
11	Storm Drain Inlet Protection	EACH	12	\$ 150.00	\$ 1,800.00	\$ 138.40	\$ 1,660.80	\$ 160.00	\$ 1,920.00
12	Sediment Control Log Type Wood Fiber	LIN FT	80	\$ 4.50	\$ 360.00	\$ 39.10	\$ 3,128.00	\$ 21.00	\$ 1,680.00
13	4" Broken Line Paint	LIN FT	51	\$ 0.40	\$ 20.40	\$ 0.45	\$ 22.95	\$ 0.16	\$ 8.16
14	4" Solid Line Paint	LIN FT	4093	\$ 0.40	\$ 1,637.20	\$ 0.45	\$ 1,841.85	\$ 0.46	\$ 1,882.78
15	4" Double Solid Line Paint	LIN FT	3291	\$ 0.75	\$ 2,468.25	\$ 0.95	\$ 3,126.45	\$ 0.92	\$ 3,027.72
16	24" Solid Line Paint (White)	LIN FT	53	\$ 6.50	\$ 344.50	\$ 9.90	\$ 524.70	\$ 9.70	\$ 514.10
17	24" Solid Line Paint (Yellow)	LIN FT	35	\$ 6.50	\$ 227.50	\$ 9.90	\$ 346.50	\$ 9.70	\$ 339.50
18	Crosswalk Paint	SQ FT	360	\$ 7.50	\$ 2,700.00	\$ 5.20	\$ 1,872.00	\$ 5.10	\$ 1,836.00
19	Pavement Message Paint	SQ FT	403	\$ 7.50	\$ 3,022.50	\$ 5.20	\$ 2,095.60	\$ 5.10	\$ 2,055.30
<b>Bid Total:</b>					<b>\$190,740.85</b>		<b>\$164,987.70</b>		<b>\$167,178.65</b>



# AGENDA REPORT

**Meeting Date:** July 24, 2023

**Meeting Type:** City Council

**Submitted By:** James Kosluchar, Public Works Director  
 Brandon Brodhag, Assistant City Engineer  
 Touyia Lee, Graduate Engineer

## Title

Resolution No. 2023-84, Awarding Apex Pond Enhancement Project

## Background

On Tuesday, July 18 at 2:00 p.m., bids were publicly opened online via the virtual platform available on QuestCDN and Microsoft Teams for the Apex Pond Enhancement Project No. 603-60-23-467. Eight responsive bids were received.

Staff has been working with Anoka Conservation District (ACD) and Coon Creek Watershed District (CCWD) to develop the Apex Pond Enhancement Project. This project is located on the corner of 79<sup>th</sup> Way and Riverview Terrace, adjacent to Riverview Heights Park. The total project area is approximately 0.80 acres. Over time, the pond has become filled with dead trees, overgrown vegetation, and buildup of sediment. The first part of this project is to dredge the pond of the existing sediment and debris. The second part of this is to excavate the pond deeper to create more storage for stormwater. The increase volume storage will help alleviate flooding during peak flood seasons.

Staff has accepted cost-share funding with ACD for \$60,000 and CCWD for \$50,000. The remaining estimated project cost will be funded through the Storm Utility CIP funds.

As noted, eight bids were received. The low bid was received from New Look Contracting, Inc. of Rogers, Minnesota in the amount of \$148,816, which is 22.8% below the final engineer's estimate of \$192,701.00 (Exhibit A). The three lowest bids were very competitive and within \$5,719.31 of one another. Of the eight bids, the high bid received was \$310,000.

The City of Fridley (City) has not worked with New Look Contracting, Inc. recently, but they have done work for the City in the past. Staff believes they are a knowledgeable and reputable contractor and will deliver the project within the requisite quality specified in the bid documents.

Property owners will receive notification of project advancement this July presuming the City Council awards the project at this meeting. A project information sheet will provide a tentative work schedule, work description and contact information. During the project, staff will distribute weekly project updates via email and the project-specific page on the City's website to minimize disruption to the residents. We expect the work to begin in August with substantial completion by November of this year.

## Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

**Financial Impact**

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Funding for this project is derived from several sources including a \$60,000 grant awarded from Anoka Conservation District, \$50,000 grant from Coon Creek Watershed District and Storm Utility CIP funds.

**Recommendation**

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Staff recommends the approval of Resolution No. 2023-84.

**Focus on Fridley Strategic Alignment**

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- |                                                                      |                                                                               |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Vibrant Neighborhoods & Places   | <input type="checkbox"/> Community Identity & Relationship Building           |
| <input type="checkbox"/> Financial Stability & Commercial Prosperity | <input checked="" type="checkbox"/> Public Safety & Environmental Stewardship |
| <input type="checkbox"/> Organizational Excellence                   |                                                                               |

**Attachments and Other Resources**

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- Resolution No. 2023-84
- Exhibit A: Bid Tabulation

**Vision Statement**

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

**Resolution No. 2023-84**

**Award of Apex Pond Enhancement Project No. 603-60-23-467**

**Whereas,** the Apex Pond Enhancement Project (Project) is included as part of the City of Fridley’s (City) Capital Investment Program to provide stormwater treatment; and

**Whereas,** City staff has worked in partnership with Anoka Conservation District and Coon Creek Watershed District; and

**Whereas,** the City has successfully obtained cost-shared funding of \$50,000 from Coon Creek Watershed District; and

**Whereas,** Resolution No. 2023-36 adopted April 24, 2023 approved grant agreement with Coon Creek Watershed District for Apex Pond Enhancements; and

**Whereas,** the City has successfully obtained cost-shared funding of \$60,000 from Anoka Conservation District; and

**Whereas,** Resolution No. 2023-39 adopted April 24, 2023 approved grant agreement with Anoka Conservation District for Apex Pond Enhancements; and

**Whereas,** the City has allocated funds in its Capital Investment Plan for the remaining cost of construction through its Storm Water Utility Fund.

**Now, therefore be it resolved,** that the City Council of the City of Fridley hereby approves received bids per the attached bid tabulation and award the Apex Pond Enhancement Project to the lowest responsive bidder, New Look Contracting, Inc. of Rodgers, MN in the amount of \$148,816.

**Passed and adopted by the City Council of the City of Fridley this 24<sup>th</sup> day of July, 2023.**

\_\_\_\_\_  
Scott J. Lund – Mayor

Attest:

\_\_\_\_\_  
Melissa Moore – City Clerk

Apex Pond Enhancement Project No. 603-60-23-467  
 Owner: City of Fridley  
 Bid Opening: 7/18/2023 2:00 PM



Line Item	Item Description	Unit	Quantity	Engineer's Estimate		New Look Contracting, Inc.		Winberg Companies LLC		Peterson Companies		US SiteWork	
				Unt Price	Extension	Unt Price	Extension	Unt Price	Extension	Unt Price	Extension	Unt Price	Extension
1	Mobilization	LUMP SUM	1	\$ 15,000.00	\$ 15,000.00	\$ 17,500.00	\$ 17,500.00	\$ 8,703.75	\$ 8,703.75	\$ 20,500.00	\$ 20,500.00	\$ 5,000.00	\$ 5,000.00
2	Clearing and Grubbing	ACRE	0.71	\$ 7,500.00	\$ 5,325.00	\$ 25,000.00	\$ 17,750.00	\$ 8,653.75	\$ 6,144.16	\$ 12,784.00	\$ 9,076.64	\$ 8,000.00	\$ 5,680.00
3	Control of Water	LUMP SUM	1	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 1,318.75	\$ 1,318.75	\$ 6,375.00	\$ 6,375.00	\$ 28,425.00	\$ 28,425.00
4	Pond/Muck Excavation and Disposal (CV) (P)	CU YD	2667	\$ 40.00	\$ 106,680.00	\$ 25.00	\$ 66,675.00	\$ 32.97	\$ 87,930.99	\$ 25.34	\$ 67,581.78	\$ 38.50	\$ 102,679.50
5	Geotextile Filter Type 4	SQ YD	84	\$ 20.00	\$ 1,680.00	\$ 6.00	\$ 504.00	\$ 21.10	\$ 1,772.40	\$ 2.25	\$ 189.00	\$ 5.50	\$ 462.00
6	Random Riprap, Class III	CU YD	92	\$ 250.00	\$ 23,000.00	\$ 100.00	\$ 9,200.00	\$ 110.78	\$ 10,191.76	\$ 108.08	\$ 9,943.36	\$ 126.00	\$ 11,592.00
7	Stabilized Construction Exit	LUMP SUM	1	\$ 2,500.00	\$ 2,500.00	\$ 1.00	\$ 1.00	\$ 2,637.50	\$ 2,637.50	\$ 5,200.00	\$ 5,200.00	\$ 2,150.00	\$ 2,150.00
8	Traffic Control	LUMP SUM	1	\$ 2,500.00	\$ 2,500.00	\$ 1,000.00	\$ 1,000.00	\$ 2,637.50	\$ 2,637.50	\$ 2,730.00	\$ 2,730.00	\$ 1,765.00	\$ 1,765.00
9	Furnish & Install Shurbs (False Indigo)	EACH	33	\$ 5.00	\$ 165.00	\$ 50.00	\$ 1,650.00	\$ 84.40	\$ 2,785.20	\$ 82.00	\$ 2,706.00	\$ 71.00	\$ 2,343.00
10	Furnish & Install Shurbs (Glossy Black Chokeberry)	EACH	30	\$ 5.00	\$ 150.00	\$ 50.00	\$ 1,500.00	\$ 62.25	\$ 1,867.50	\$ 93.00	\$ 2,790.00	\$ 71.00	\$ 2,130.00
11	Furnish & Install Shurbs (Red-Twig Dogwood)	EACH	30	\$ 5.00	\$ 150.00	\$ 50.00	\$ 1,500.00	\$ 62.25	\$ 1,867.50	\$ 93.00	\$ 2,790.00	\$ 71.00	\$ 2,130.00
12	Furnish & Install Shurbs (American Highbush Cranberry)	EACH	33	\$ 5.00	\$ 165.00	\$ 50.00	\$ 1,650.00	\$ 62.25	\$ 2,054.25	\$ 87.00	\$ 2,871.00	\$ 71.00	\$ 2,343.00
13	Outlet Protection	LUMP SUM	1	\$ 750.00	\$ 750.00	\$ 350.00	\$ 350.00	\$ 1,266.00	\$ 1,266.00	\$ 910.00	\$ 910.00	\$ 824.00	\$ 824.00
14	Storm Drain Inlet Protection	EACH	5	\$ 125.00	\$ 625.00	\$ 200.00	\$ 1,000.00	\$ 152.98	\$ 764.90	\$ 168.75	\$ 843.75	\$ 206.00	\$ 1,030.00
15	Silt Fence	LIN FT	186	\$ 3.50	\$ 651.00	\$ 5.00	\$ 930.00	\$ 5.28	\$ 982.08	\$ 5.63	\$ 1,047.18	\$ 3.50	\$ 651.00
16	Fertilizer Type 3	POUND	36	\$ 5.00	\$ 180.00	\$ 5.00	\$ 180.00	\$ 3.17	\$ 114.12	\$ 1.00	\$ 36.00	\$ 2.50	\$ 90.00
17	Salvage & Respread Existing Topsoil (4" Depth)	SQ YD	3924	\$ 2.00	\$ 7,848.00	\$ 1.00	\$ 3,924.00	\$ 3.17	\$ 12,439.08	\$ 1.65	\$ 6,474.60	\$ 2.00	\$ 7,848.00
18	Rolled Erosion Prevention Category 25	SQ YD	1794	\$ 5.00	\$ 8,970.00	\$ 3.00	\$ 5,382.00	\$ 3.01	\$ 5,399.94	\$ 1.50	\$ 2,691.00	\$ 3.00	\$ 5,382.00
19	Seeding	ACRE	0.6	\$ 1,500.00	\$ 900.00	\$ 1,000.00	\$ 600.00	\$ 949.50	\$ 569.70	\$ 10,000.00	\$ 6,000.00	\$ 985.00	\$ 591.00
20	Seed Mixture 33-261	POUND	42	\$ 5.50	\$ 231.00	\$ 30.00	\$ 1,260.00	\$ 29.54	\$ 1,240.68	\$ 33.00	\$ 1,386.00	\$ 34.50	\$ 1,449.00
21	Seed Mixture 35-621	POUND	42	\$ 5.50	\$ 231.00	\$ 30.00	\$ 1,260.00	\$ 40.09	\$ 1,683.78	\$ 57.00	\$ 2,394.00	\$ 43.00	\$ 1,806.00
<b>Bid Total:</b>					<b>\$ 192,701.00</b>		<b>\$ 148,816.00</b>		<b>\$ 154,371.54</b>		<b>\$ 154,535.31</b>		<b>\$ 186,370.50</b>

Apex Pond Enhancement Project No. 603-60-23-467  
 Owner: City of Fridley  
 Bid Opening: 7/18/2023 2:00 PM



Rachel Contracting, LLC		Arnt Construction Company, Inc.		Urban Companies		Bituminous Roadways Inc.	
Unt Price	Extension	Unt Price	Extension	Unt Price	Extension	Unt Price	Extension
\$ 16,387.96	\$ 16,387.96	\$ 9,800.00	\$ 9,800.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
\$ 22,550.00	\$ 16,010.50	\$ 24,500.00	\$ 17,395.00	\$ 20,000.00	\$ 14,200.00	\$ 20,000.00	\$ 14,200.00
\$ 6,760.00	\$ 6,760.00	\$ 8,000.00	\$ 8,000.00	\$ 40,000.00	\$ 40,000.00	\$ 25,000.00	\$ 25,000.00
\$ 41.25	\$ 110,013.75	\$ 36.00	\$ 96,012.00	\$ 60.00	\$ 160,020.00	\$ 73.00	\$ 194,691.00
\$ 10.90	\$ 915.60	\$ 4.00	\$ 336.00	\$ 5.00	\$ 420.00	\$ 8.50	\$ 714.00
\$ 111.85	\$ 10,290.20	\$ 140.00	\$ 12,880.00	\$ 125.00	\$ 11,500.00	\$ 98.00	\$ 9,016.00
\$ 1,837.00	\$ 1,837.00	\$ 1,600.00	\$ 1,600.00	\$ 3,000.00	\$ 3,000.00	\$ 500.00	\$ 500.00
\$ 1,172.00	\$ 1,172.00	\$ 1,200.00	\$ 1,200.00	\$ 5,000.00	\$ 5,000.00	\$ 3,000.00	\$ 3,000.00
\$ 68.00	\$ 2,244.00	\$ 230.00	\$ 7,590.00	\$ 100.00	\$ 3,300.00	\$ 210.00	\$ 6,930.00
\$ 68.00	\$ 2,040.00	\$ 230.00	\$ 6,900.00	\$ 100.00	\$ 3,000.00	\$ 210.00	\$ 6,300.00
\$ 68.00	\$ 2,040.00	\$ 230.00	\$ 6,900.00	\$ 100.00	\$ 3,000.00	\$ 210.00	\$ 6,300.00
\$ 68.00	\$ 2,244.00	\$ 230.00	\$ 7,590.00	\$ 100.00	\$ 3,300.00	\$ 210.00	\$ 6,930.00
\$ 1,120.00	\$ 1,120.00	\$ 2,000.00	\$ 2,000.00	\$ 400.00	\$ 400.00	\$ 3,593.80	\$ 3,593.80
\$ 487.00	\$ 2,435.00	\$ 200.00	\$ 1,000.00	\$ 400.00	\$ 2,000.00	\$ 125.00	\$ 625.00
\$ 5.85	\$ 1,088.10	\$ 5.00	\$ 930.00	\$ 6.00	\$ 1,116.00	\$ 2.30	\$ 427.80
\$ 2.35	\$ 84.60	\$ 6.50	\$ 234.00	\$ 3.00	\$ 108.00	\$ 5.60	\$ 201.60
\$ 1.30	\$ 5,101.20	\$ 2.00	\$ 7,848.00	\$ 5.00	\$ 19,620.00	\$ 2.00	\$ 7,848.00
\$ 3.20	\$ 5,740.80	\$ 2.48	\$ 4,449.12	\$ 3.00	\$ 5,382.00	\$ 2.20	\$ 3,946.80
\$ 939.00	\$ 563.40	\$ 1,118.00	\$ 670.80	\$ 22,000.00	\$ 13,200.00	\$ 1,100.00	\$ 660.00
\$ 32.85	\$ 1,379.70	\$ 42.00	\$ 1,764.00	\$ 50.00	\$ 2,100.00	\$ 35.50	\$ 1,491.00
\$ 41.05	\$ 1,724.10	\$ 74.00	\$ 3,108.00	\$ 50.00	\$ 2,100.00	\$ 62.50	\$ 2,625.00
	\$ 191,191.91		\$ 198,206.92		\$ 307,766.00		\$ 310,000.00