



## CITY COUNCIL AGENDA

January 22, 2018 – 6:00 p.m.

Work Session; followed by EDA / City Council Meetings

### NO WORK SESSION

1. Call Meeting of City Council Work Session to Order
  2. Approve Agenda
    - 2.1 County Road 34 Speed Limit
    - 2.2 City Attorney Items
      - a) Administrative Enforcement of City Code
      - b) Nuisances Abatement Procedures
      - c) Home Occupations
- 

### ECONOMIC DEVELOPMENT AUTHORITY

1. Call Meeting of Economic Development Authority to Order
    - 1.1 Pledge of Allegiance
  2. Approve Agenda
    - 2.1 Approve minutes of January 8, 2018
  3. Adjournment
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### CITY COUNCIL

1. Call Meeting of City Council to Order
2. Approve Agenda
3. Introductions, Presentations, Proclamations, Awards, and Public Comment

(Individuals may address the City Council about any non-agenda item of concern. Speakers must state their name, address, and limit their remarks to three minutes. The City Council will not take official action on these items, but may refer the matter to staff for a future report or direct that the matter be scheduled for a future meeting agenda.)

  - 3.1 Senator Scott Jensen, District 47
  - 3.2 Steve Zumberge, Fire Chief – 2017 Annual Report
4. Consent Agenda

(NOTE TO THE PUBLIC: All those items listed as part of the Consent Agenda will be approved by a single motion, unless a request to discuss one of those items is made prior to that time. Anyone present at the meeting may request an item to be removed from the consent agenda. Please inform the Council when they approve the agenda for this meeting.)

  - 4.1 Approve minutes of January 8, 2018 meeting
  - 4.2 Approve payment of claims
  - 4.3 Church of the Ascension Knights of Columbus Fish Fry – Street Closure Request
  - 4.4 Approve resignation of Fire Fighter Mark Stender
  - 4.5 Approve resignation of Fire Fighter Pete Luskey
  - 4.6 Approve hiring Jamie Schlechter to the Fire Department Rescue Reserves
5. Public Hearings
  - 5.1 700 Railroad Street CUP Revocation – hearing continuation
6. Old Business
  - 6.1 U.S. Highway 212 Underpass Project Preliminary Design Update
  - 6.2 Resolution 2018-02, 700 Railroad Street CUP Revocation
7. New Business
  - 7.1 Carver County SHIP Memorandum of Understanding
  - 7.2 Ordinance No. 298, Pertaining to Towers and Antennas
  - 7.3 Resolution 2018-05, Amending the 2008 Comprehensive Plan – Relating to Independent School District 108
  - 7.4 Resolution 2018-06, Support of Funding for Trunk Highway 5 through Corridors of Commerce Program
  - 7.5 Resolution 2018-07, Support of Funding for U.S. Highway 212 through Corridors of Commerce Program

8. Council Member & Mayor Reports

9. Adjournment

The following informational items have been included in the Council packet for informational purposes, council review and discussion. No action is required by the City Council: Carver County Sheriff's Office December Report.

UPCOMING MEETINGS / EVENTS

February 6	Planning Commission – 6:00 p.m.
February 12	City Council – 6:00 p.m.
February 14	Economic Development Commission – 6:00 p.m.
February 20	Parks and Rec. Commission – 5:30 p.m.
February 22	Senior Advisory Committee – 9:00 a.m.
February 26	Work Session, EDA, City Council – 6:00 p.m.
March 14	Joint Meeting – City Council, EDC, Planning Commission, and Chamber of Commerce Board – 6:30 p.m.



TO: Honorable Mayor Lagergren and City Council Members

FROM: Steven Helget, City Administrator

DATE: January 22, 2018

SUBJECT: Work Session

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#### County Road 34 Speed Limit

At the January 8<sup>th</sup> City Council meeting, Council Member Heher questioned how and who sets the speed limit for County Roads located within the city. I contacted Carver County Public Works and they stated, upon the Council approving a resolution for such, they'd take it to the County Board to request MnDOT conduct a speed evaluation. MnDOT measures the speed using actual 85<sup>th</sup> percentile operating speed which means no more than 15% of drivers are exceeding that speed, and the speed limit is often set 4 to 8 miles below that speed. More information is available at <http://www.dot.state.mn.us/speed/index.html>

#### Administrative Enforcement of City Code

As prepared by Jay Squires, City Attorney, enclosed are three draft ordinances for Council discussion and consideration. The first one changes the title of a section in the Zoning Code to eliminate the reference to enforcement. The second adds a separate section to the Zoning Code concerning enforcement specifically. Lastly, the third adds a comprehensive administrative enforcement scheme that applies to all city code violations, and has specific provisions that are unique to land use violations. Jay Squires will be present to review more in depth.

#### Nuisances Abatement Procedures

Jay Squires, City Attorney, will provide a general overview of the nuisance abatement procedures. Enclosed is the pertinent section of the City Code pertaining to this discussion.

### Home Occupations

Proposed is to review and discuss the City Code pertaining Home Occupations. Enclosed is the section of the Zoning Code pertaining to Home Occupations. According to the Zoning Code, the definition of a Home Occupation is "*any occupation or profession carried on by members of the immediate family residing on the premises*". Proposed is to discuss some properties that appear to not be in compliance with the Code.

**CITY OF NORWOOD YOUNG AMERICA**

**CARVERY COUNTY, MINNESOTA**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING THE TITLE OF SECTION 1210 OF CITY CODE  
THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA HEREBY  
ORDAINS:

**SECTION 1: AMENDMENT TO SECTION 1210.** The title of Section 1210, of the  
Norwood Young America City Code is hereby amended as follows:

The new title of Section 1210 shall be "Administration"; "& Enforcement" shall be  
deleted from the title.

**SECTION 2: EFFECTIVE DATE.** This Ordinance shall be effective immediately upon  
its passage and publication.

Adopted by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Kelly Hayes, City Clerk/Treasurer

**CITY OF NORWOOD YOUNG AMERICA  
CARVER COUNTY, MINNESOTA**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE ADDING A NEW SECTION 1265 TO CITY CODE RELATING TO  
ENFORCEMENT

THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA HEREBY  
ORDAINS:

**SECTION 1. ADDITION OF SECTION.** A new section 1265 is added to the Norwood Young America City Code as follows:

Section 1265 – Enforcement

**1265.01 Penalty.** The violation of any provision of Chapter 12 of City Code, or the violation of any condition or requirement of any permit or approval given under Chapter 12, shall constitute a misdemeanor. Each day that a violation continues shall be a separate offense.

**1265.02 Alternatives to Criminal Prosecution.** The City may take any additional action necessary to prevent or remedy violations, including but not limited to the following:

- A. Orders for corrective action.
- B. Administrative penalties as provided by City Code.
- C. District court civil enforcement, including injunctive relief.
- D. After-the-fact permitting.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall be effective immediately upon its passage and publication.

Adopted by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Kelly Hayes, City Clerk/Treasurer

**CITY OF NORWOOD YOUNG AMERICA  
CARVER COUNTY, MINNESOTA**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE ADDING A NEW SECTION 120.04 TO CITY CODE RELATING  
TO ADMINISTRATIVE ENFORCEMENT OF CODE VIOLATIONS

THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA HEREBY  
ORDAINS:

**SECTION 1. ADDITION OF SECTION.** A new section 120.04 is added to the Norwood Young America City Code as follows:

**120.04. Administrative Enforcement of City Code**

**Subd. 1. Findings and Purpose.** The purpose of this section of the city code is to establish a procedure for administrative enforcement of violations of the city code. The City Council finds that criminal or civil legal action is not an appropriate remedy for certain violations of city code. The City Council establishes this administrative enforcement process as an informal, cost-effective and more efficient alternative to traditional criminal charges for violations of certain city code provisions.

**Subd. 2: General Provisions.**

- (A) A violation of any provision of the city code, other than a traffic offense, is an administrative offense subject to a citation and civil penalties pursuant to this chapter.
- (B) Each day a violation exists constitutes a separate offense.
- (C) Each administrative offense may be subject to a civil penalty not to exceed \$1,000. The City Council shall adopt a schedule of civil penalties for offenses subject to administrative enforcement.
- (D) Civil penalties may be doubled for repeat violations that occur within a twelve-month period.
- (E) The City Administrator or designee is authorized to promulgate rules and forms to facilitate the execution of this chapter.
- (F) In its sole discretion, the City may elect to pursue criminal charges, a civil action, or other remedies allowed by law for conduct covered by this chapter.

### **Subd. 3: Administrative Citation**

(A) *Individuals Authorized to Enforce the City Code.* The following individuals may issue administrative citations on behalf of the City:

1. Any Officer of the Carver County Sheriff's Department assigned to serve in the City of Norwood Young America
2. Fire Chief;
3. Fire Marshal;
4. Public Services Director;
5. City Administrator;
6. Any other employee or agent of the City designated in writing by the City Administrator.

(B) *Notice of Violation.* Upon determining that a violation of city code has occurred, any individual authorized under this chapter may give notice of the violation to the violator. Such notice shall be in writing and include the nature, date, and time of the violation, the name and title of the official issuing the notice, and the amount of the scheduled penalty. In the case of a vehicular violation, notice may be attached to the vehicle.

### **Subd. 4: Payment or Hearing Request Required**

For violations other than violations of the City's Zoning and Subdivision Codes, within seven days of issuance of the written notice of violation, the person issued such notice must either pay the civil penalty or request an administrative hearing in writing. The civil penalty may be paid in person or by mail. Payment is deemed an admission of the violation.

For violations of the City's Zoning and Subdivision Codes, the property owner shall have thirty days from the issuance of the written notice of violation to request an administrative hearing in writing, modify the property to adhere to zoning requirements, or provide the City Administrator with satisfactory written evidence of efforts toward compliance. By way of example, but without limitation, satisfactory written evidence may include a contract with an individual or entity to perform the necessary work to bring the property into compliance with zoning requirements within a limited period of time. During the thirty days from the issuance of the written notice, the property owner will not incur a civil penalty. If the property owner does not request a hearing, bring the property into compliance, or provide the City Administrator with satisfactory written evidence of efforts toward compliance within thirty days of issuance of the written notice,



the property owner will incur a civil penalty on the 31st day after issuance of the written notice, and each day the violation continues, as provided in the City's schedule of civil penalties. Civil penalties will continue to accrue until the property owner notifies the City Administrator that the property has been brought into compliance and the City Administrator or designee has verified the property is compliant.

#### **Subd. 5: Administrative Hearing**

- (A) Any person contesting an administrative citation pursuant to this chapter may request a hearing. The request must be in writing and include the violator's name and contact information, citation number, date of offense, and a brief description of the reason(s) for requesting a hearing. Any request for hearing other than a hearing on a zoning or subdivision code violation must be addressed to the Chief of Police and received at the Police Department within seven (7) days of issuance of the citation. A request for a hearing on a zoning or subdivision code violation must be addressed to the City Administrator and received at City Hall within thirty (30) days of the issuance of the notice of violation.
- (B) The City will determine the hearing date. The hearing should be conducted within sixty (60) days from the date the request is received.
- (C) A hearing officer shall conduct an informal hearing to determine, by a preponderance of the evidence, whether a violation has occurred. The hearing officer shall have authority to sustain or dismiss the violation and, if sustained, reduce or waive the civil penalty.
- (D) The civil penalty must be paid within seven days of the hearing officer decision.

#### **Subd. 7: Hearing Officer**

The hearing shall be before any member of City Council acting as the Hearing Officer, or an individual designated by the City Council to act as Hearing Officer. The Hearing Officer is authorized to hear and decide any controversy relating to administrative offenses covered by this chapter.

#### **Subd. 8: Payment of Civil Penalty**

- (A) Except for violations of the Zoning and Subdivision Codes, the civil penalty must be paid within seven days of issuance of an administrative citation, or

seven days of the Hearing Officer's decision. A ten-percent (10%) late fee will be added beginning on the eighth day, and for each day thereafter until the penalty is paid in full. The City Administrator may agree to a one-time extension to pay, up to an additional fourteen days.

- (B) The City will periodically send invoices regarding outstanding civil penalties and late fees. Where a violation affects property within the City, no permits or land use approvals will be granted for the property at issue until all civil penalties are paid.
- (C) If an individual fails to timely pay the civil penalty or request a hearing, the City may request a misdemeanor or petty misdemeanor charge to be filed in accordance with applicable statutes, or the City may use traditional debt collection methods or any other method prescribed by law, including assessing the unpaid fines against property owned by the violator, to collect the fine amount and any associated fees.
- (D) If the penalty is paid or if an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the city for the same violation.
- (E) During the time any Civil Penalty remains unpaid, no City approval will be granted for a license, permit, or other City approval sought by the violator or for property under the violator's ownership or control.

#### **Subd. 9: Disposition of Penalties**

All civil penalties and late fees shall be paid to the City and deposited into the general fund.

#### **Subd. 10: Schedule of Civil Penalties**

A schedule of Civil Penalties will be developed and adopted by City Council. In the absence of an identified civil penalty, the penalty shall be \$100.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall be effective immediately upon its passage and publication.

Adopted by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2018.

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Mayor

ATTEST:

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Kelly Hayes, City Clerk/Treasurer

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## **CHAPTER 6. NUISANCES**

### **Section 600 – Nuisances**

#### **600.01 Public Nuisances Prohibition.**

**Subd 1.** A person must not act, or fail to act, in a manner that is or causes a public nuisance. For purposes of this section, a person that does any of the following is guilty of maintaining a public nuisance:

- A. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or
- B. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- C. Does any other act or omission declared by law or this ordinance to be a public nuisance.

#### **600.02 Public Nuisances Affecting Health.**

**Subd. 1** The following are hereby declared to be nuisances affecting health:

- A. The exposed accumulation of decayed or unwholesome food or vegetable matter;
- B. All diseased animals running at large;
- C. All ponds or pools of stagnant water;
- D. Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;
- E. Accumulation of junk, trash, rubbish, manure, refuse, or other debris;
- F. Privy vaults and garbage cans which are not rodent-free or fly-tight, or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- G. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- H. All noxious weeds and other rank growths of vegetation upon public or private property and all other weed or grass growing to a height of six (6) inches or more;
- I. Dead trees, fallen trees, or tree limbs which are a fire hazard or are otherwise detrimental to the neighborhood;
- J. Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities;
- K. All public exposure of people having a contagious disease; and
- L. Any offensive trade or business as defined by statute not operating under local license.

#### **600.03 Public Nuisances Affecting Morals And Decency.**

**Subd. 1** The following are hereby declared to be nuisances affecting public morals and decency:

- A. All gambling devices, slot machines, and punch boards, except otherwise authorized and permitted by federal, state, or local law;
- B. Betting, bookmaking, and all apparatus used in those occupations;
- C. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
- D. All places where intoxicating or 3.2 malt liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort, for the purpose of drinking

intoxicating or 3.2 malt liquor, or where intoxicating or 3.2 malt liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place; and

- E. Any vehicle used for the unlawful transportation of intoxicating or 3.2 malt liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

#### **600.04 Public Nuisances Affecting Peace And Safety.**

**Subd. 1** The following are declared to be nuisances affecting public peace and safety:

- A. All snow and ice that is not removed from public sidewalks within twenty-four (24) hours after the snow or other precipitation causing the condition has ceased to fall;
- B. All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
- C. All wires and limbs of trees that are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
- D. Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person;
- E. All unnecessary and annoying vibrations;
- F. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under conditions as are permitted by this ordinance or other applicable law;
- G. Radio aerials or television antennae erected or maintained in a dangerous manner;
- H. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic and the free use of the street or sidewalk;
- I. All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by ordinance;
- J. The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to follow across any sidewalk;
- K. Any barbed wire fence located less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way;
- L. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- M. Wastewater cast upon or permitted to flow upon streets or other public properties;
- N. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other materials in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or other safety hazards from such accumulation;
- O. Any well, hole, or similar excavation that is 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;
- P. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;
- Q. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances that may injure any person or animal or damage any pneumatic tire when passing over such substance;
- R. The depositing of garbage or refuse on a public right-of-way or on adjacent private property;



- S. Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one (1) footcandle when abutting any commercial or industrial parcel;
- T. Any storage container placed on a property outside of any enclosed building for more than fourteen (14) consecutive days. Storage containers include but are not limited to portable on demand storage (PODS), intermodal cargo containers, or similar types of equipment intended for temporary or long-term storage but not including lawful accessory buildings; and
- U. All other conditions or things that are likely to cause injury to the person or property of another.

#### **610.01 Abatement Procedure.**

**Subd. 1 Procedure.** Whenever the peace officer or other designated official determines that a public nuisance is being maintained or exists on the premises in the city, the official shall notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

**Subd. 2 Notice.** Written notice of the violation; notice of the time, date, place, and subject of any hearing before the City Council; notice of the City Council order; and notice of motion for summary enforcement hearing shall be served by a peace officer or designated official on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by positing it on the premises.

**Subd. 3 Emergency Procedure; Summary Enforcement.** In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in subdivisions (1) and (2) of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated official shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision (one) of this section and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

**Subd. 4 Immediate Abatement.** Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety, or from immediately abating any of the conditions described in sections

600.02(E), (H) and 600.04(A), (D), (E), (H), (J), (M), and (P) if the city determines, in its discretion, that the public interest would be served by immediate abatement.

**Subd. 5 Unlawful Parties or Gatherings.** When law enforcement determines that a gathering is creating 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 disburse immediately. No person shall refuse to leave after being ordered to do so by law enforcement. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

**Subd. 6 Judicial Remedy.** Nothing in this section shall prevent the city from seeking a judicial remedy when no other adequate administrative remedy exists.

#### **610.02 Recovery of Cost.**

**Subd. 1 Personal Liability.** The owner of the premises on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk or other city official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

**Subd. 2 Assessment.** After notice and hearing as provided in Minn. Stat. § 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the city clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the City Council may determine in each case.

**610.03 Administrative Offense and Penalty.** In addition to abatement procedures outlined in this Section 610, violations of the nuisance ordinance are designated as an administrative offense and subject to an administrative penalty as established in the Fee Schedule by Ordinance of the City Council.

**Subd. 1 Notice.** Any officer of the Carver County Sheriff's Department, or any other person employed by the city, and having authority to enforce a code provision designated as an administrative offense, shall, upon determining that there has been a violation, notify the violator pursuant to Section 610.01-610.05 above of the violation. In addition to this notice, the violator shall be provided:

- A. A statement that failure to take remedial action by the specified deadline will result in an administrative penalty for violation of the nuisance ordinance; and

- B. A statement that additional violations of the same or substantially similar offense within a 12 month period of the abatement deadline stated above will result in an automatic administrative fine, which shall be increased for each subsequent offense

**Subd. 2 Payment.** Once such notice is given, the alleged violator must, within 10 days after issuance of the notice or passing of the specified deadline for abating the nuisance ordinance violation, pay the amount set forth established in the Fee Schedule by Ordinance of the City Council, or may request a hearing in writing, pursuant to Section 610.02 above. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

**Subd. 3 Failure to Pay.** In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violation in accordance with applicable statutes, or any unpaid fines may be charged against the real estate as a special assessment. If the penalty is paid or if an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the city for the same violation.

**Subd. 4 Disposition of Penalties.** All penalties collected pursuant to this chapter shall be paid to the City Clerk's Office and may be deposited in the city's general fund.

**Subd. 5 Subsequent Offenses.** In the event a party is charged with a subsequent administrative offense within a 12-month period of paying an administrative penalty for the same or substantially similar offense, the subsequent administrative penalty shall be increased by 25% above the previous administrative penalty except when otherwise provided by ordinance.

*(Amended by Ord. 242, 05-13-13)*

### **Section 620 – Guns & Explosives**

**620.01 Guns.** It shall be unlawful for any person to shoot or discharge any gun, air gun, pistol, revolver or other firearm or bow and arrow within the corporate limits of the City.

Nothing in this Code shall be construed to prohibit any firing of a gun, pistol or firearms when done in the lawful defense of person or property or family, or the necessary enforcement of the law.

**620.02 Explosives.** It shall be unlawful for any person to keep, store, or harbor any explosive substances such as dynamite, blasting caps, nitroglycerin, black powder or any other substance designed as an explosive, in Minnesota Statutes § 299F.72, without a permit as required by Minnesota Statutes § 299F.74 and explained in Minnesota Statutes § 299F.73.

### **Section 630 – Building Alarm Systems**

**630.01 Citation.** This Section shall be known, cited and referred to as the "Alarm Users Section."

**630.02 Purpose and Scope.** The purpose of this Section shall be to protect the public safety services which serve the City from misuse and to provide for the maximum possible service to alarm users. This Section shall provide regulation for the use of burglary, robbery, fire, and medical alarms and shall establish a system of administration and an alarm users fee.



**1245.09 Home Occupations.**

**Subd 1 In General.** Home Occupations may be allowed in any district where they do not jeopardize the health, safety and general welfare of the surrounding neighborhood. All home occupations conducted in the home shall comply with the provisions of this Section. This Section shall not be construed, however, to apply to home occupations accessory to farming.

**Subd. 2 Purpose and Intent.**

- A. The purpose of this Section is to provide for the conducting of home occupations while protecting the health, safety, and general welfare of the surrounding neighborhood.
- B. The intent of this Section is to establish operational standards and review procedures for home occupations.

**Subd. 3 Scope.**

- A. All occupations conducted in a dwelling unit or on the premises of a principal residential use shall comply with the provisions of this Section, the provisions of the district in which it is located, and all other Sections of the City Code.
- B. Home occupations are defined as and limited to all of the following:
  - 1. Gainful occupations or professions engaged in by the occupant(s) of a dwelling;
  - 2. Which are carried on within a dwelling unit or structure(s) accessory thereto; and,
  - 3. Which are clearly incidental to the principal use of the property as a residential dwelling unit.
- C. Nothing in this Section is intended to prohibit or regulate non-commercial activities in residential neighborhoods.

**Subd. 4 Prohibited Home Occupations.**

- A. Home occupations involving illegal substances, illegal devices, and/or unlawful activities are prohibited.
- B. Home occupations involving sexually oriented materials and/or activities as defined by Mn. Statutes as may be amended are prohibited.
- C. Home occupations conducted in a manner which produce noise, vibration, smoke, dust, odors, heat, electrical interference, or glare detectable at or beyond the premises are prohibited.
- D. Home occupations involving materials or storage of items declared a public nuisance, as defined in Chapter Six of the City Code, as may be amended are prohibited.
- E. Home occupations with outdoor storage of items, including but not limited to, materials, products, merchandise, equipment, or parts relating to said home occupation are prohibited.
- F. Home occupations with contractor storage yards are prohibited. Contractor storage yards are defined as areas out-of-doors used for the storage of tools, equipment, building materials, sand, soil, rock, gravel, vegetation, paints, pipe, or electrical components which are used in or associated with building or construction contractor. Building or construction contractors include general contractors, excavation contractors, landscaping contractors, building contractors, plumbing contractors, electrical contractors, HVAC contractors, concrete or masonry contractor, and other specialty contractors.
- G. Home occupations generating hazardous waste or noxious matter are prohibited.

**Subd. 5 Performance Standards.**

A. Home Occupations shall comply with all of the following Performance Standards.

1. Home occupations shall be conducted in a manner which produces no indication of light, glare, noise, odor, vibration, smoke, dust, or heat detectable at or beyond the premises.
2. Equipment used in conjunction with a home occupation shall not create electrical interference to surrounding properties.
3. Home occupations shall comply with Chapter Six of the City Code relating to nuisances.
4. Home occupations shall be clearly incidental, secondary, and subordinate to a principal residential use of the property and shall not change the residential character of the neighborhood, be incompatible with surrounding land uses, disturb surrounding residential uses, or be intrusive to surrounding dwellings.
5. Home occupations shall not require internal or exterior structural modifications or alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
6. Operation of a home occupation shall be limited to the residential dwelling, an attached garage, or an accessory structure.
7. Home occupation walk-in traffic shall be conducted only between the hours of 6:00 a.m. and 10:00 p.m.
8. Only two other persons beyond those who customarily reside on the premises shall be employed.
9. Home occupations shall not occupy or use greater than twenty-five percent (25%) of the combined footprint of structures on the subject parcel. In addition, a home occupation shall not occupy or use greater than twenty-five percent (25%) of the lot area; except that home day care providers may use greater than twenty-five percent (25%) of the lot area for play/recreation purposes.
10. Signage for home occupations shall be limited to one (1) non-illuminated sign which shall not exceed four (4) square feet in area.
11. Exterior storage of items related to the home occupation is prohibited unless specifically allowed elsewhere within the City Code.
12. Home occupations shall not generate excessive employee, customer, or client traffic that is detrimental to the character of the surrounding properties.
13. Areas used for home occupations shall meet all applicable fire and building codes.
14. A home occupation shall not be established before a dwelling unit exists on the subject property.
15. Home occupations shall be operated and licensed as required by applicable state and/or federal law.

**Subd. 6 Nonconforming Use.** Home occupations lawfully existing on the date of this Ordinance may continue as nonconforming uses. Expansion of a nonconforming home occupation is prohibited. Any existing occupation that is discontinued for a period of more than one (1) year, or is in violation of the Ordinance provisions under which it was initially established, shall be brought into conformity with the provisions of this Section.

**Subd. 7 Inspection.** The City of Norwood Young America hereby reserves the right to inspect the premises in which the home occupation is being conducted to insure compliance with the provisions



Attendees: Carol Lagergren, Dick Stolz, Craig Heher, Mike McPadden, Charlie Storms

City Staff: City Administrator Steve Helget, City Clerk/Treasurer Kelly Hayes, Public Services Director Tony Voigt

Others: Matthew Arnst

## **ECONOMIC DEVELOPMENT AUTHORITY**

### **1. Call Meeting of Economic Development Authority to Order**

#### **1.1 Pledge of Allegiance**

Meeting was called to order by President Carol Lagergren at 6:02pm.

### **2. Approve Agenda**

**Motion:** MM/CH to approve the agenda as printed. Vote 5 – 0. Motion carried.

#### **2.1 Resolution 1801, Nomination and Appointment of Officers**

**Motion:** MM/DS to approve Resolution 1801, a resolution nominating and electing officers of the Economic Development Authority for the City of Norwood Young America. Vote 5 – 0. Motion carried.

#### **2.2 Approve minutes of December 27, 2017**

**Motion:** DS/CS to approve the minutes of December 27, 2017. Vote 5 – 0. Motion carried.

### **3. New Business**

Vickerman Company (aka Par Real Estate, LLC) would like to purchase Lot 3, Block 1 and Lots 4 and 5, Block 2 of the Tacoma West Industrial Park. A Public Hearing is required to establish this TIF District.

#### **3.1 Resolution 1802, Requesting the City Council Call for a Public Hearing for Establishment of TIF District No. 3-6**

**Motion:** DS/CS to approve Resolution 1802 requesting the City Council of the City of Norwood Young America call for a public hearing on a modification to the redevelopment plan for the Tacoma west industrial park redevelopment project, the establishment of tax increment financing district no. 3-6, the adoption of a tax increment financing plan therefor, and a proposed business subsidy. Vote 5- 0. Motion carried.

#### **3.2 Resolution 1803, Calling for a Public Hearing Regarding Land Conveyance and Associated Business Subsidy to Par Real Estate, LLC.**

**Motion:** MM/CH to approve Resoltuion 1803, a resolution calling a public hearing regarding land conveyance and associated business subsidy to Par Real Estate, LLC. Vote 5 – 0. Motion carried.

### **4. Adjournment**

**Motion:** DS/CH to adjourn at 6:11pm. Vote 5 – 0. Motion carried.

Respectfully Submitted,

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Richard Stolz, Vice President

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Kelly Hayes, City Clerk / Treasurer



## CITY COUNCIL MINUTES

January 8, 2018 – 6:00 p.m.  
City Council Meeting

Attendees: Carol Lagergren, Craig Heher, Mike McPadden, Dick Stolz, Charlie Storms

City Staff: City Administrator Steve Helget, City Clerk/Treasurer Kelly Hayes, Public Services Director Tony Voigt

Others: Matthew Arnst

1. Call Meeting of City Council to Order

Meeting was called to order by Mayor Lagergren at 6:12pm.

2. Approve Agenda

**Motion:** MM/CH to approve the agenda. Vote 5 – 0. Motion carried.

3. Introductions, Presentations, Proclamations, Awards, and Public Comment

Deputy Matt Arnst introduced himself; he is the new daytime officer. He is originally from Cologne and graduated from Central High. He lives with his wife in the Preserve.

4. Consent Agenda

4.1 Approve minutes of December 27, 2017 meeting

4.2 Approve payment of claims

**Motion:** MM/CH to approve the consent agenda. Vote 5 – 0. Motion carried.

5. Public Hearings

5.1 700 Railroad Street CUP Revocation - no public comment.

Helget met with owner, Greg Brakefield. Greg was unable to attend due to a personal reason. City Attorney Jay Squires suggested setting a date to continue the hearing on a different date.

**Motion:** CH/MM to continue the public hearing on January 22, 2018. Vote 5 – 0. Motion carried.

5.2 Ordinance No. 297, Establishing Senior Advisory Committee – no public comment.

**Motion:** DS/MM to close the public hearing. Vote 5 – 0. Motion carried.

6. Old Business

6.1 Resolution 2018-02, 700 Railroad Street CUP Revocation

**Motion:** CH/MM to table the resolution to January 22, 2018. Vote 5 – 0. Motion carried.

7. New Business

7.1 Resolution 2018-01, Organization of the City of Norwood Young America

Changes: Remove Mike McPadden and replace with Dick Stolz from Highway 212 Southwest Corridor

Transportation Coalition. Section 32, Subdivision 2 add Planning Commission Representative Mike Eggers.

**Motion:** CH/MM to approve Resolution 2018-01, a resolution relating to the Organization of the City of Norwood Young America with said changes. Vote 5 – 0. Motion carried.

7.2 Ordinance No. 297, Establishing Senior Advisory Committee

All commissions of the City are located in Chapter 2 of the City Code, except for the Senior Advisory; this ordinance will add the commission to the code. It was suggested to stay consistent and to establish as a commission.

**Motion:** DS/MM to approve Ordinance No. 297 establishing the Senior Advisory Commission. Vote 5 – 0. Motion carried.

**Motion:** CH/MM to publish a summary of Ordinance 297. Vote 5 – 0. Motion carried.

7.3 Resolution 2018-03, Calling for Public Hearing for Establishment of TIF District No. 3-6

**Motion:** CS/CH to approve Resolution 2018-03, a resolution calling for a public hearing on the proposed modification of the redevelopment plan for the Tacoma West Industrial Park redevelopment project, the proposed establishment of tax increment financing district no. 3-6, and the proposed adoption of a tax increment financing plan therefor.

7.4 Resolution 2018-04, Calling for a Public Hearing to Vacate Drainage and Utility Easements

Vickerman is looking at replotting lots. There are easements that would need to be vacated.

**Motion:** DS/MM to approve Resolution 2018-04 calling for a public hearing to vacate drainage and utility easements on February 12, 2018, at 6:00pm. Vote 5 – 0. Motion carried.

7.5 South Park Warming House Replacement Project

The school approached the City to see if they could build a new warming house as a school project. The City would pay for the supplies.

**Motion:** CH/MM to approve construction of a new warming house at South Park at a cost not to exceed \$10,000. Vote 5 – 0. Motion carried.

**Motion:** MM/CH to approve the Memorandum of Understanding between the City of Norwood Young America and Independent School District No. 108. Vote 5 – 0. Motion carried.

7.6 Accept Employee Resignation

**Motion:** DS/CS to approve the resignation of Chris Niesen as of January 12, 2018. Vote 5 – 0. Motion carried.

**Motion:** CH/MM to approve posting for a Public Service Technician. Vote 5 – 0. Motion carried.

8. Council Member & Mayor Reports

CH – Planning commission discussed reviewing towers and antennas. Will be brought to the City Council in the future. Have two openings on commission.

MM – EDC will have a joint meeting this Wednesday with Chamber to discuss main streets.

DS – none

CS – none

CL – Steve Helget received his yearly review.

Updates: At the Truth and Taxation meeting there was a question about a couple of properties that the taxes were going down but the evaluation was going up. This was an error; both the evaluation and taxes were increasing. There was also a question at this time from a resident that had a 30% tax increase. Steve contacted the county and the increase was due to the property value increase from recent home sales.

Resident had concerns about the speed on Tacoma being 40 mph. Steve Helget is going to contact the county to find out who/how it is created.

9. Adjournment

**Motion:** MM/CH to adjourn at 6:50pm. Vote 5 – 0. Motion carried.

Respectfully Submitted:

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Kelly Hayes, City Clerk / Treasurer

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Richard Stolz, Acting Mayor

**CITY OF NORWOOD YOUNG AMERICA**

**VOUCHER LIST / CLAIMS ROSTER  
and CHECK SEQUENCE**

**To Be Approved: January 22, 2018**

<b>Pre-Paid Claims</b> (Check Sequence #504625-504639)	<b><u>\$15,517.14</u></b>
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<b>Claims Pending Payment</b> (Check Sequence #27716-27754)	<b><u>\$50,035.10</u></b>
--	---------------------------

<b>Grand Total</b>	<b><u>\$51,552.24</u></b>
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## PAYROLL 1/11/18

CHECK #	EMPLOYEE	GROSS
504625	ARETZ, BRENT R	\$2,466.80
504626	BIPES, DEBORAH	\$84.83
504627	CANO, JOEY M	\$1,237.86
504628	FRATUS, DOMINIC	\$141.91
504629	HAAG, HERMAN	\$295.87
504630	HAYES, KELLY	\$2,289.20
504631	HELGET, STEVE	\$3,564.80
504632	JAUS, RODNEY D	\$1,546.50
504633	LENZ, DEBRA A	\$1,906.00
504634	MENZEL, ALICIA	\$1,665.20
504635	NIESEN, CHRISTOPHER D.	\$2,073.93
504636	SCHNEEDWIND, BRIAN O	\$1,623.54
504637	STENDER, DANIEL H	\$2,433.78
504638	VOIGT, ANTHONY	<u>\$2,331.45</u>
504639	KLEINBANK - NET	<u>\$15,517.14</u>
	GROSS	\$23,661.67



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DECEMBER 2017 to JANUARY 2018

			Check Amt	Invoice	Comment
<b>10100 CHECKING</b>					
Paid Chk#	027716	12/29/2017	<b>CARVER COUNTY</b>		
E 101-45200-310	Other Professional Services		\$1,251.12	CSER-345	4TH QTR 2017 GIS POSITION
E 101-43100-310	Other Professional Services		\$1,251.13	CSER-345	4TH QTR 2017 GIS POSITION
E 602-49450-310	Other Professional Services		\$1,251.12	CSER-345	4TH QTR 2017 GIS POSITION
E 601-49400-310	Other Professional Services		\$1,251.14	CSER-345	4TH QTR 2017 GIS POSITION
<b>Total CARVER COUNTY</b>			\$5,004.51		
Paid Chk#	027717	12/29/2017	<b>CURFMAN TRUCKING &amp; REPAIR INC</b>		
E 101-43100-437	Maintenance Contract		\$402.50	C18V009	SNOW HAULING
<b>Total CURFMAN TRUCKING &amp; REPAIR INC</b>			\$402.50		
Paid Chk#	027718	12/29/2017	<b>EMERGENCY RESPONSE SOLUTIONS</b>		
E 101-42200-223	Repair/Maintenance Bldg/Ground		\$178.93	9982	HOSE END
<b>otal EMERGENCY RESPONSE SOLUTIONS</b>			\$178.93		
Paid Chk#	027719	12/29/2017	<b>HENNEPIN TECH</b>		
E 101-42200-207	Training Instructional		\$665.00	00375996	ZUMBERGE COURSE & BOOK
<b>Total HENNEPIN TECH</b>			\$665.00		
Paid Chk#	027720	12/29/2017	<b>KWIK TRIP INC.</b>		
E 101-42200-212	Motor Fuels		\$73.44		
<b>Total KWIK TRIP INC.</b>			\$73.44		
Paid Chk#	027721	12/29/2017	<b>MUNICIPAL DEVELOPMENT GROUP</b>		
E 101-46500-310	Other Professional Services		\$1,275.15	NYA010618	EDC SERVICES
<b>Total MUNICIPAL DEVELOPMENT GROUP</b>			\$1,275.15		
Paid Chk#	027722	12/29/2017	<b>PRO AUTO &amp; TRANSMISSION REPAIR</b>		
E 101-42200-221	Repair/Maintenance Equipment		\$109.86	0058718	GRASS RIG
<b>Total PRO AUTO &amp; TRANSMISSION REPAIR</b>			\$109.86		
Paid Chk#	027723	12/29/2017	<b>RUPP, ANDERSON, SQUIRES, PA</b>		
E 101-41500-304	Legal Fees		\$202.77		MISC ATTORNEY
E 101-46500-305	Other Professional Fees		\$369.00		WEBSITE
E 101-41500-304	Legal Fees		\$48.00		PERSONNEL
E 522-43100-528	Underpass Expenses		\$160.00		SRF HWY 212 UNDERPASS
E 101-41500-304	Legal Fees		\$704.00		CUP
E 101-41500-304	Legal Fees		\$732.00		COUNCIL
G 807-22100	Escrow Collected		\$315.00		PRESERVE 5
<b>Total RUPP, ANDERSON, SQUIRES, PA</b>			\$2,530.77		
Paid Chk#	027724	12/29/2017	<b>XCEL ENERGY</b>		
E 101-45200-381	Electric Utilities		\$31.21		VETERAN PARK
E 101-43100-380	Street Lighting		\$2,991.68		CHRISTMAS LIGHTS
E 101-41940-381	Electric Utilities		\$1,308.62		
E 101-42200-381	Electric Utilities		\$344.77		
E 101-42500-381	Electric Utilities		\$12.90		



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DECEMBER 2017 to JANUARY 2018

		Check Amt	Invoice	Comment
E 101-43100-380	Street Lighting	\$3,395.19		
E 101-43100-381	Electric Utilities	\$613.00		
E 101-45200-381	Electric Utilities	\$473.55		
E 101-45500-381	Electric Utilities	\$886.40		
E 601-49400-381	Electric Utilities	\$681.80		
E 602-49450-381	Electric Utilities	\$3,742.96		
E 101-49860-381	Electric Utilities	\$360.96		
<b>Total XCEL ENERGY</b>		<b>\$14,843.04</b>		
Paid Chk# 027725	1/22/2018	<b>CARDMEMBER SERVICE</b>		
E 101-42200-433	Dues and Subscriptions	\$656.00		
E 101-42200-430	Miscellaneous	\$150.89		
E 101-42200-207	Training Instructional	\$551.75		
E 601-49400-210	Operating Supplies	\$130.09		
E 602-49450-210	Operating Supplies	\$130.09		
E 101-43100-210	Operating Supplies	\$55.09		
E 101-45200-210	Operating Supplies	\$55.09		
E 101-41400-200	Office Supplies	\$431.87		
E 101-41940-210	Operating Supplies	\$39.45		
E 101-41940-221	Repair/Maintenance Equipment	\$128.97		
E 101-41940-223	Repair/Maintenance Bldg/Ground	\$128.10		
E 101-43100-221	Repair/Maintenance Equipment	\$38.57		
E 602-49450-210	Operating Supplies	\$27.60		
<b>Total CARDMEMBER SERVICE</b>		<b>\$2,523.56</b>		
Paid Chk# 027726	1/22/2018	<b>CARVER COUNTY FD MUTUAL AID A</b>		
E 101-42200-433	Dues and Subscriptions	\$250.00	FD201808	ANNUAL DUES
<b>Total CARVER COUNTY FD MUTUAL AID A</b>		<b>\$250.00</b>		
Paid Chk# 027727	1/22/2018	<b>CARVERLINK-CARVER CO BROADBAND</b>		
E 101-41940-321	Telephone	\$142.85		
E 601-49400-321	Telephone	\$77.14		
E 602-49450-321	Telephone	\$77.14		
E 101-42200-321	Telephone	\$162.45		
E 101-43100-321	Telephone	\$48.57		
E 101-45200-321	Telephone	\$48.57		
E 101-41940-321	Telephone	\$147.14		
E 101-41300-321	Telephone	\$121.18		
E 101-41320-321	Telephone	\$121.18		
E 101-41400-321	Telephone	\$145.42		
E 101-46500-321	Telephone	\$48.47		
E 101-42100-321	Telephone	\$24.24		
E 101-45500-321	Telephone	\$24.24		
<b>al CARVERLINK-CARVER CO BROADBAND</b>		<b>\$1,188.59</b>		
Paid Chk# 027728	1/22/2018	<b>CENTER POINT</b>		
E 101-45500-383	Gas Utilities	\$258.62		314 ELM
E 101-41940-383	Gas Utilities	\$66.66		318 ELM

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DECEMBER 2017 to JANUARY 2018

		Check Amt	Invoice	Comment
E 101-41940-383	Gas Utilities	\$398.63		310 ELM
E 601-49400-383	Gas Utilities	\$344.28		104 3RD AVE SE
E 602-49450-383	Gas Utilities	\$18.33		406 2ND AVE
<b>Total CENTER POINT</b>		<b>\$1,086.52</b>		
<hr/>				
Paid Chk# 027729	1/22/2018	<b>CITIZEN STATE BANK HSA ACCTS</b>		
G 101-21718	HSA ACCOUNT	\$333.33		JANUARY 2018 HSA
G 101-21718	HSA ACCOUNT	\$333.33		JANUARY 2018 HSA
G 101-21718	HSA ACCOUNT	\$333.33		JANUARY 2018 HSA
<b>Total CITIZEN STATE BANK HSA ACCTS</b>		<b>\$999.99</b>		
<hr/>				
Paid Chk# 027730	1/22/2018	<b>CITIZENS STATE BANK WAVERLY</b>		
G 101-21718	HSA ACCOUNT	\$333.33		JANUARY 18 HSA
<b>Total CITIZENS STATE BANK WAVERLY</b>		<b>\$333.33</b>		
<hr/>				
Paid Chk# 027731	1/22/2018	<b>DOOR POWER INC</b>		
E 101-43100-223	Repair/Maintenance Bldg/Ground	\$183.00	6571	
<b>Total DOOR POWER INC</b>		<b>\$183.00</b>		
<hr/>				
Paid Chk# 027732	1/22/2018	<b>DVS RENEWAL</b>		
E 101-43100-406	LICENSES	\$16.00		HOTMIX TRAILER
E 101-43100-406	LICENSES	\$16.00		T6
E 101-43100-406	LICENSES	\$16.00		P3
E 101-43100-406	LICENSES	\$16.00		T5
E 101-43100-406	LICENSES	\$16.00		T3
E 101-43100-406	LICENSES	\$16.00		T2
E 101-43100-406	LICENSES	\$16.00		T7
E 101-43100-406	LICENSES	\$16.00		P2
E 101-43100-406	LICENSES	\$38.00		HOMEMADE TRAILER
E 101-43100-406	LICENSES	\$16.00		P4
E 101-49800-330	Transportation Expense	\$16.00		BUS 1
E 101-49800-330	Transportation Expense	\$131.00		BUS 2
E 101-42200-430	Miscellaneous	\$16.00		SMOKEHOUSE
E 601-49400-406	LICENSES	\$14.00		PORTABLE GENERATOR
E 601-49400-406	LICENSES	\$16.00		W1
E 602-49450-406	LICENSES	\$16.00		JETTER
E 602-49450-406	LICENSES	\$16.00		W2
<b>Total DVS RENEWAL</b>		<b>\$407.00</b>		
<hr/>				
Paid Chk# 027733	1/22/2018	<b>EHLERS AND ASSOCIATES, INC</b>		
E 101-41300-331	Travel/Meeting Expense	\$290.00		HELGET SEMINAR
<b>Total EHLERS AND ASSOCIATES, INC</b>		<b>\$290.00</b>		
<hr/>				
Paid Chk# 027734	1/22/2018	<b>EMERGENCY RESPONSE SOLUTIONS</b>		
E 101-42200-221	Repair/Maintenance Equipment	\$1,176.60	10148	BATTERY PACK
<b>otal EMERGENCY RESPONSE SOLUTIONS</b>		<b>\$1,176.60</b>		
<hr/>				
Paid Chk# 027735	1/22/2018	<b>HARPER BROOMS</b>		
E 101-42200-430	Miscellaneous	\$75.80	25847	SQUEEGES



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DECEMBER 2017 to JANUARY 2018

			Check Amt	Invoice	Comment
Total HARPER BROOMS			\$75.80		
Paid Chk#	027736	1/22/2018	HEALTH PARTNERS		
G 101-21706	Hospitalization/Medical Ins		\$11,015.04		
Total HEALTH PARTNERS			\$11,015.04		
Paid Chk#	027737	1/22/2018	KLEINBANK		
G 101-21718	HSA ACCOUNT		\$508.33		JANUARY 18 HSA
G 101-21718	HSA ACCOUNT		\$333.33		JANUARY 18 HSA
G 101-21718	HSA ACCOUNT		\$166.67		JANUARY 18 HSA
Total KLEINBANK			\$1,008.33		
Paid Chk#	027738	1/22/2018	LOFFLER BUSINESS SYS LLC		
E 101-41400-437	Maintenance Contract		\$175.11	2703865	COPIES
Total LOFFLER BUSINESS SYS LLC			\$175.11		
Paid Chk#	027739	1/22/2018	LOFFLER COMPANIES, INC.		
E 101-41400-437	Maintenance Contract		\$209.50		COPIER RENT
Total LOFFLER COMPANIES, INC.			\$209.50		
Paid Chk#	027740	1/22/2018	MID COUNTRY BANK		
G 101-21718	HSA ACCOUNT		\$453.33		JANUARY 18 HSA
Total MID COUNTRY BANK			\$453.33		
Paid Chk#	027741	1/22/2018	MID-COUNTY CO-OP OIL ASSN		
E 601-49400-212	Motor Fuels		\$553.40	41779	DYED DIESEL
Total MID-COUNTY CO-OP OIL ASSN			\$553.40		
Paid Chk#	027742	1/22/2018	MINNESOTA DNR - OMB		
E 601-49400-406	LICENSES		\$641.66		WATER PERMIT
Total MINNESOTA DNR - OMB			\$641.66		
Paid Chk#	027743	1/22/2018	MINNESOTA RURAL WATER ASSOC		
E 601-49400-433	Dues and Subscriptions		\$137.50		MEMBERSHIP
E 602-49450-433	Dues and Subscriptions		\$137.50		MEMBERSHIP
Total MINNESOTA RURAL WATER ASSOC			\$275.00		
Paid Chk#	027744	1/22/2018	MINNESOTA VALLEY TESTING LAB		
E 601-49400-217	Lab Fees		\$93.00	900293	COLIFORM
Total MINNESOTA VALLEY TESTING LAB			\$93.00		
Paid Chk#	027745	1/22/2018	MN POLLUTION CONTROL AGENCY		
E 602-49450-406	LICENSES		\$23.00		STENDER WASTEWATER RENEWAL
Total MN POLLUTION CONTROL AGENCY			\$23.00		
Paid Chk#	027746	1/22/2018	NAPA - NYA AUTO PARTS		
E 101-43100-210	Operating Supplies		\$11.69	264830	MACS SPRAY GREASE
Total NAPA - NYA AUTO PARTS			\$11.69		

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DECEMBER 2017 to JANUARY 2018

			Check Amt	Invoice	Comment
Paid Chk#	027747	1/22/2018	<b>NORTH AMERICAN SAFETY INC</b>		
E 101-41940-210	Operating Supplies		\$44.20	32439	GLOVES
<b>Total</b>	<b>NORTH AMERICAN SAFETY INC</b>		\$44.20		
Paid Chk#	027748	1/22/2018	<b>SPECIALTY SOLUTIONS LLC</b>		
E 101-43100-223	Repair/Maintenance Bldg/Ground		\$361.13	147412	ECO THAW
<b>Total</b>	<b>SPECIALTY SOLUTIONS LLC</b>		\$361.13		
Paid Chk#	027749	1/22/2018	<b>STATE BANK OF HAMBURG</b>		
G 101-21718	HSA ACCOUNT		\$453.33		JAN 18 HSA
<b>Total</b>	<b>STATE BANK OF HAMBURG</b>		\$453.33		
Paid Chk#	027750	1/22/2018	<b>SUN LIFE ASSURANCE COMPANY</b>		
G 101-21707	Disability Insurance		\$351.17		STD/LTD
<b>Total</b>	<b>SUN LIFE ASSURANCE COMPANY</b>		\$351.17		
Paid Chk#	027751	1/22/2018	<b>TASC</b>		
G 101-21713	Health Care Reimbursement Acct		\$448.12	IN1192743	RENEWAL FEE
<b>Total</b>	<b>TASC</b>		\$448.12		
Paid Chk#	027752	1/22/2018	<b>UNCOMN TAP CLEANING</b>		
E 101-41940-223	Repair/Maintenance Bldg/Ground		\$25.00	979246	CLEAN PAVILION LINES
<b>Total</b>	<b>UNCOMN TAP CLEANING</b>		\$25.00		
Paid Chk#	027753	1/22/2018	<b>UNUM LIFE INSURANCE CO</b>		
G 101-21705	PERA Life		\$55.55	0421562-001 7	
G 101-21705	PERA Life		\$65.38	0421563-001 4	
<b>Total</b>	<b>UNUM LIFE INSURANCE CO</b>		\$120.93		
Paid Chk#	027754	1/22/2018	<b>WENISCH, ROMIE</b>		
E 101-42200-200	Office Supplies		\$174.57		REIMBURSEMENT
<b>Total</b>	<b>WENISCH, ROMIE</b>		\$174.57		
	<b>10100 CHECKING</b>		\$50,035.10		

**Fund Summary****10100 CHECKING**

101 GENERAL FUND	\$40,180.35
522 Underpass Project	\$160.00
601 WATER FUND	\$3,940.01
602 SEWER FUND	\$5,439.74
807 Escrow - Preserve 5	\$315.00
	<b>\$50,035.10</b>



TO: Mayor Lagergren and City Council Members

FROM: Kelly Hayes, City Clerk / Treasurer

DATE: January 22, 2018

RE: Fire Department Resignation – Mark Stender

---

On December 11, 2017, Mark Stender submitted his resignation from the NYA Fire Department to Chief Zumberge. Mark has been with the Fire Department for 22 years. His official last day is February 1, 2018.

We thank Mark for his 22 years on the Norwood Young America Fire Department and we wish him the best.

**Suggested Motion:**

**Motion to accept the resignation of Fire Fighter Mark Stender as of February 1, 2018.**



TO: Mayor Lagergren and City Council Members

FROM: Kelly Hayes, City Clerk / Treasurer

DATE: January 22, 2018

RE: Fire Department Resignation – Pete Luskey

---

On January 4, 2018, Chief Zumberge had received a letter of resignation from Pete Luskey. Pete was a fire fighter for the Norwood Young America Fire Department since March 1999.

We thank Pete for his 18+ years on the Norwood Young America Fire Department and we wish him the best.

**Suggested Motion:**

**Motion to accept the resignation of Fire Fighter Pete Luskey as of August 1, 2017.**



TO: Mayor Lagergren and City Council Members

FROM: Kelly Hayes, City Clerk / Treasurer

DATE: January 22, 2018

RE: Fire Department Hiring – Jamie Schlechter

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On January 15, 2018, the Fire Department Officers interviewed Jamie Schlechter. Jamie is a member of the Plato Fire Department and is the owner of 180 Collision. He would be joining the Rescue Reserve as a day time Firefighter / First Responder contingent on the results of a background check.

**Suggested Motion:**

**Motion to accept the hiring of Jamie Schlechter as a Rescue Reserve Firefighter/First Responder contingent on the results of the background check.**



## SC/LLC

To: Honorable Mayor Lagergren  
Members of the City Council  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: January 22, 2017

Re: Southwest Paving CUP Revocation Hearing

---

### **BACKGROUND**

At the regular meeting November, 27, 2017 the City Council called for a public hearing on January 8, 2018 to consider revocation of a conditional use permit for 700 Railroad Street West for non-compliance with prescribed use conditions. Specifically the Council found a landscaping plan the property owner submitted and which was approved as part of Resolution 2015-13 had not been implemented. The specified completion date for installation of landscaping included in the resolution was October 31, 2015. Council also found weed and grass control is lacking under the terms of a letter submitted by the property owner describing operations proposed for the site received by the City on February 13, 2006.

At the January 8, 2018 City Council meeting, upon recommendation of the City Attorney, due to the property owner's inability to attend the meeting, the City Council tabled the public hearing to its January 22, 2018 regular meeting. Attached is Resolution 2018-02 for the Council's consideration.

Attached please find a copy of Resolution 2015-13, Resolution 2006-33, and attachments referenced within those resolutions for reference. Also attached is a the staff report prepared for the November 27, 2017 Council meeting. It itemizes specific landscaping non-compliance items.

A notice of public hearing has been posted, published, and mailed to property owners within 350 feet of the subject address prior to the hearing. The property owner also received a letter regarding the revocation hearing.

### **ACTION**

The Council is to continue the revocation hearing. At the time of this memo, it is unknown whether or not the property owner will be able to attend the meeting.



## **RESOLUTION 2006-33**

### **A RESOLUTION APPROVING A SITE PLAN AND A CONDITIONAL USE PERMIT FOR SOUTHWEST PAVING ON PROPERTY LOCATED AT 700 RAILROAD STREET W.**

BE IT RESOLVED by the City Council of Norwood Young America, Carver County, Minnesota as follows:

WHEREAS, the City of Norwood Young America requires approval of a site plan and conditional use permit pursuant to Sections 1270 and 1272 of the Norwood Young America City Code; and

WHEREAS, Southwest Paving, (the "Applicant") applied for approval of the site plan and conditional use permit to construct a building, associated site improvements, and to allow outdoor storage of equipment and materials (the "Use") on property located at 700 Railroad Street W

WHEREAS, the City of Norwood Young America Planning Commission held a public hearing to consider the Applicant's request for a site plan and conditional use permit to locate the Use on the Property at a meeting on March 16, 2006; and

WHEREAS, the City of Norwood Young America City Council at a regularly meeting on March 27th, 2006, considered the testimony of the public hearing, the application materials on file with the City, and the recommendation of the Planning Commission.

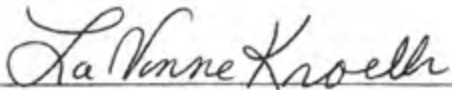
THEREFORE, BE IT RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby makes and adopts the following findings of fact:

1. The subject property is zoned C/I, Commercial/Industrial, which requires a conditional use permit for the proposed use with outside storage.
2. The use appears to be consistent with the intent of this Ordinance.
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements, and
4. The use does not have an undue adverse impact on the public health, safety or welfare.
5. The use does not negatively impact automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
6. The use appears to meet all of the performance criteria requirements as established in Section 1250 of the Zoning Ordinance.
7. The Use, subject to certain conditions, conforms to the specific conditional use provisions as established in Section 1270 of the Norwood Young America City Code.

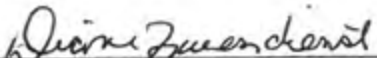
THEREFORE, BE IT FURTHER RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby approves the Applicant's request for a site plan and conditional use permit, subject to the following conditions:

1. Approval of the site plan and conditional use permit is subject to the applicant purchasing the subject property from the City.
2. The applicant shall revise and provide a site plan to the City that is to scale and complies with the standards of Section 1220, Off Street Parking and Loading, in the Zoning Ordinance. Dimensions of the parking spaces and drive-aisles shall be clearly identified on the plan and shall be in conformance with Section 1220.
3. The applicant shall comply with the conditions in the City Engineer's letter dated March 9, 2006.
4. Review and approval of plans and required applications by Carver County.
5. The applicant shall provide a 40-foot wide easement along the east property line, as recommended by the City Engineer, to accommodate the future utility extension. The location of the security fence and storage bins shall be relocated outside of the easement area.
6. The applicant shall provide a 20-foot easement along the south property line to accommodate the future westerly extension of sewer and water facilities.
7. The applicant shall provide a revised landscape plan showing additional evergreens to be planted to provide additional screening along Highway 212. The plan shall be submitted to staff for review and approval prior to issuance of building permits.
8. Prior to installation of any signage, the applicant shall submit detailed plans for all signage with the required building permit application.
9. The applicant shall submit detailed plans and fixture information for any additional lighting proposed, along with the required building permit application.
10. The applicant shall comply with the performance criteria established in Section 1250 of the Zoning Ordinance.
11. The conditional use permit allows storage of equipment and materials as identified in the application materials and description of use received by the City on February 13, 2006.
12. Building permits shall be required prior to any building construction or improvements on this property.
13. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
14. This approval shall expire one year after date of approval unless the Applicants have commenced operation of the Use on-site.
15. The permit shall be subject to annual inspection and review by the City. The City may revoke the CUP upon violation of the conditional use permit standards in the Zoning Ordinance or violation of the conditions of this resolution.
16. Any change in ownership, operations or operator shall be cause for the permit to be reviewed by the City for a determination as to whether an application for an amendment or similar consideration is necessary.

Adopted by the City Council this 27th day of March, 2006.

  
\_\_\_\_\_  
LaVonne Kroells, Mayor

ATTEST:

  
\_\_\_\_\_  
Diane Frauentdienst  
City Clerk/Treasurer



### **Description of use for 700 Railroad Street**

Use of property to conduct normal business operations for Southwest Paving, Inc.

#### **Basic Operation**

Employees will report to the shop every morning and leave shortly after to head to the job site. Employees would return every evening. Times would vary depending on workload and location of job.

Included in the basic operation will be storage and maintenance of equipment, storage of materials and daily operations of the business. Also, included are plans for the leasing of space and the upkeep of the property.

#### **Equipment list**

- Dump Trucks
- Tractor Trailers
- Several Pick-up trucks
- Paving machines
- Rollers
- Backhoes
- Skid Steers
- Bulldozers
- Other General Construction Equipment

#### **Materials Stored on-site**

- Base Material \*
- Chip Rock held in bins
- Asphalt and Concrete Chunks to be recycled\*

\*both items would be piled in the rear of the property behind berm with coniferous trees

#### **Other**

- Dumpster
- Fuel tanks in required spill protection

#### **Space to be leased**

- Proposed that Southwest Paving will lease part of the space in the building
- Proposed tenants would be similar construction type business
- Goal is to lease to two tenants

#### **Building Site Maintenance**

- Grounds will be kept neat with grass mowed as needed
- Front of the property (along Railroad St.) will be landscaped
- Fill berm across 212 edge of lot with coniferous trees
- Fence to encompass entire property once grade is complete

# RESOLUTION 2015-13

## A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT FOR THE PROPERTY AT 700 RAILROAD STREET WEST

BE IT RESOLVED by the City Council of Norwood Young America, Carver County, Minnesota as follows:

WHEREAS, a conditional use permit is required under Chapter 12, Section 1210.06, *Conditional Use Permits*, Subd. 3(B)(18) of the City Code for outdoor storage in industrial districts; and

WHEREAS, Greg Brakefield, d.b.a. Southwest Paving (the "Applicant") had previously applied for and was granted a conditional use permit to allow outdoor storage on industrial property (the "Use") at 700 Railroad Street West (the "Property"); and

WHEREAS, the terms of the conditional use permit approval were specified in City of Norwood Young America Resolution 2006-33 which is hereby incorporated by reference; and

WHEREAS, said Resolution 2006-33 provides for storage of equipment and materials as identified in the permit application materials and a description of the use received by the City on February 13, 2006, which is hereby incorporated by reference; and

WHEREAS, the Applicant makes the following representations which the City accepts as a good faith representation of the proposed operation:

1. Perimeter fencing will interfere with the day to day operations at the site and limit efficiency of site usage.
2. If the requirement for a complete perimeter fence is removed the Applicant will provide landscaping with trees and a berm for screening around the subject property.
3. The Applicant has submitted a landscape plan with the application illustrating:
  - a. A total of 19 Black Hills Spruce trees will be placed along the berm adjacent to Highway 212 (north property line). There are seven existing, so 12 will be added. New trees will have an initial size of six feet.
  - b. A total of five Black Hills Spruce trees will be planted along the east property line. Initial size six feet.
  - c. A total of eleven Norway Pine trees will be planted along the west property line. Initial size four feet.
  - d. The following will be inserted in the front yard of the property adjacent to Railroad Street:
    - 14 Black Hills Spruce. Initial size six feet.

- Five Norway Pine. Initial size four feet.
  - Six Swiss Stone Pine. Initial size four feet.
  - Three Amur Maacki. Initial size 15 inches.
  - 48 flame grass. Initial size 18 inches.
  - 59 boxwood or low bush honeysuckle. Initial size 24 inches.
4. All plantings as represented in a landscape plan submitted with the application shall be installed at 700 Railroad Street West as illustrated in said landscape plan no later than October 31, 2015.

WHEREAS, the City of Norwood Young America Planning Commission on May 19, 2015 held a public hearing regarding the request after the hearing notice was posted, published, and distributed as required under law; and

WHEREAS, the Planning Commission, after review and discussion, recommends the City Council approve the conditional use permit based on several conditions; and

WHEREAS, at a regular meeting on May 26, 2015, the City Council considered the application materials on file with the City and the recommendation of the Planning Commission.

THEREFORE, BE IT RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby makes and adopts the following findings of fact:

1. The subject property is zoned I-1, Light Industrial.
2. The Use, subject to certain conditions listed below, appears to be consistent with the intent of the Zoning Ordinance for properties with the I-1 District.
3. The Use, subject to certain conditions listed below, appears to be consistent with the goals and policies set forth in the City of Norwood Young America Comprehensive Plan for properties in the I-1 District.
4. The use, subject to certain conditions below, does not appear to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements because the use is already established and the proposed amendment does not appear to materially alter pre-existing conditions.
5. The use, subject to certain conditions below, does not appear to pose an undue adverse impact on the public health, safety or welfare.
6. The use, subject to certain conditions below, does not appear to be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood as the use is already established and the proposed amendment does not appear to materially alter preexisting conditions.
7. The use, subject to certain conditions below, will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district as the use has been previously established and the proposed amendment does not appear to materially alter preexisting conditions.
8. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.

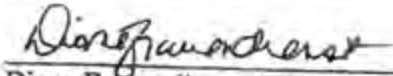
THEREFORE, BE IT FURTHER RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby approves a conditional use permit amendment for the property at 700 Railroad Street West, subject to the following conditions:

1. All conditions contained in NYA Resolution 2006-33 relating to the subject property remain in effect, except that the requirement for a perimeter fence specified in correspondence dated February 13, 2006 under condition number eleven shall be released.
2. The exact vegetation type, size, and volume proposed in a landscape plan submitted by the Applicant in conjunction with the CUP be planted by October 31, 2015.
3. The Applicant shall maintain said vegetation at all times. In the event any of the vegetation represented in the landscape plan does not survive at the site it shall be replaced as represented in the landscape plan within ninety (90) days of showing signs of distress.
4. This approval is applicable only to the property at 700 Railroad Street West.
5. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
6. The permit shall be subject to annual inspection and audit by the City.
7. The City may revoke the CUP upon violation of the conditional use permit standards in the Zoning Ordinance or violation of the conditions of this resolution, subject to the requirements of Section 1210.06, Subd. 5 "Revocation of Conditional Use Permits" of the Zoning Ordinance.
8. The conditional use permitted under this Resolution shall be revoked if the Use ceases for more than 12 consecutive months.

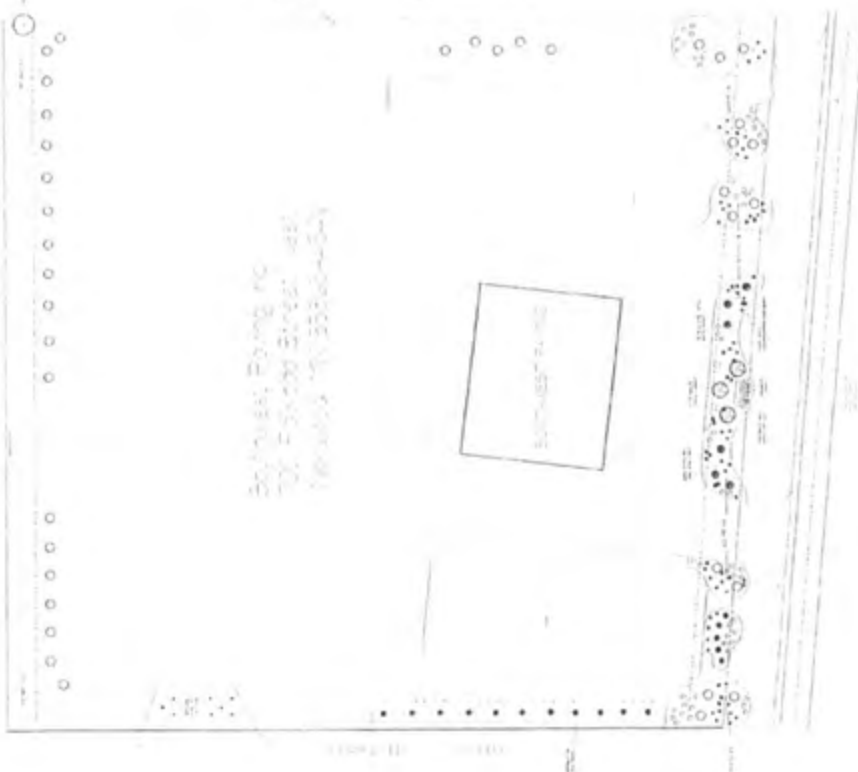
Approved and adopted by the City Council this 26<sup>th</sup> day of May, 2015.

  
Mayor

ATTEST:

  
Diane Frauendienst, City Clerk/Treasurer









To: Honorable Mayor Lagergren  
Members of the City Council  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: November 27, 2017

Re: Southwest Paving CUP Compliance

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#### **BACKGROUND**

The Planning Commission has conducted an audit of compliance with a conditional use permit and an amendment to the conditional use permit pertaining to property at 700 Railroad Street West (Southwest Paving). Review of records and site visits indicate the property is not in compliance with conditions of the use permits. The Commission recommends the Council request the owner of the property appear before the Council to discuss continued non-compliance issues with the intent of the Council being to schedule a hearing to revoke the CUP unless the Applicant demonstrates ability to comply with conditions by June 1, 2018.

Following is pertinent background information:

1. A CUP was issued on March 27, 2006 as Resolution 2006-33 allowing for the contractor operation and outdoor storage. Conditions on the use permit referenced a memo provided by the Applicant detailing how operations would be conducted and what the Applicant was committed to perform to limit impact of the use on adjacent areas.
2. An amendment to the initial CUP was approved on May 26, 2015 as Resolution 2015-13. The amendment rescinded a requirement for complete perimeter fencing which was a condition of the initial CUP. The Applicant proposed detailed site landscaping as per a landscape plan he submitted in lieu of perimeter fencing. The Council agreed to rescind perimeter fencing requirement provided the landscape plan was implemented prior to October 31, 2015.
3. In the fall of 2016 the Planning Commission discussed compliance of the site pertaining to necessary landscaping. The Commission found the CUP holder had not performed as represented. A letter was mailed to the Property Owner in November 2016 alerting him to the fact his site was not in compliance and allowing him until summer 2017 to install necessary landscaping.
4. At this time an audit of the site finds the CUP holder has made an effort to store equipment on the site in an orderly manner on appropriate surfaces, an improvement from years past. However, the site remains inconsistent with approved standards particularly related to landscaping as itemized below:
  - A. Black Hills Spruce trees have been placed on the berm adjacent to Highway 212 as illustrated in the landscape plan approved under Resolution 2015-13.
  - B. Under the landscaping plan five Black Hills Spruce trees were to be planted along the east property line with an initial size of six feet. Although there are three deciduous trees on the east side of the property parallel to Railroad Street, no spruce trees have been installed in the side property line as illustrated on the landscape plan.

- C. A total of eleven Norway Pine trees were to be planted along the west property line with an initial size of four feet. One Spruce tree is present.
- D. Under the landscape plan the following were to be installed in the front yard: (1) 14 Black Hills Spruce trees at an initial size of six feet, (2) five Norway Pine with an initial size of four feet; (3) six Swiss Stone Pine with an initial size of four feet; (4) three Amur Maacki with an initial size of 15 inches; (5) 48 flame grass plantings with an initial size of 18 inches and 59 boxwood or low bush honeysuckle with an initial size of 24 inches. At this time a total of eight spruce trees have been planted in the front yard – five are west of the building front and three east of the building front.
- E. The property owner committed to keeping the grounds neat with grass mowed as needed. Nearly all of the south, east, and west sides of the property have not been mowed.
- F. The southern part of the lot is a mix of countless piles of material and weeds.

#### **ACTION**

The Planning Commission recommends the Council request the owner of the property appear before the Council to discuss continued non-compliance issues with the intent of the Council being to schedule a hearing to revoke the CUP unless the Applicant demonstrates ability to comply with conditions by June 1, 2018. The Commission recommends a follow-up letter detailing discussion at the City Council meeting be dispatched to the owner of the property following Council discussion.

#### **ATTACHMENTS**

1. Conditional Use Permit issued March 27, 2006 as Resolution 2006-33.
2. Written narrative description of proposed use submitted by the property owner, dated February 13, 2006 as specified in Resolution 2006-33.
3. CUP Amendment dated May 26, 2015 approved as Resolution 2015-13. The amendment provided requested relief to perimeter fencing requirements prescribed by Resolution 2006-33. The CUP amendment was initiated by the property owner and reflects a landscape plan created and submitted by the property owner.
4. Landscape plan pertaining to Resolution 2015-13.
5. Draft letter from November 2016 sent to property owner alerting him of non-compliance and need to cure by summer 2017.
6. Photos of the site dated October 2017.



Norwood Young America  
310 Elm Street West – P.O. Box 59  
Norwood Young America, MN 55368  
Phone: (952) 467-1800  
Fax: (952) 467-1818  
Website: [www.cityofnya.com](http://www.cityofnya.com)

December 12, 2017

Mr. Greg Brakefield  
Southwest Paving  
700 Railroad Street West  
Norwood Young America, MN 55368

Dear Mr. Brakefield:

The Norwood Young America City Council at their regular meeting on November 27, 2017 called for a public hearing for 6:00 p.m., **January 8, 2018**, for the purpose of considering revocation of your conditional use permit for 700 Railroad Street West, due to non-compliance with the prescribed use conditions. Specifically the Council finds the landscaping plan you submitted and which was approved as part of Resolution 2015-13 has not been completed. The resolution specified a completion date for installation of landscaping as October 31, 2015.

The City Council also finds the weed and grass control is lacking under the terms of your letter describing operations proposed for the site received by the City on February 13, 2006.

Attached please find a copy of Resolution 2015-13, Resolution 2006-33, and attachments referenced within those resolutions for your convenience.

A notice of public hearing will be posted, published, and mailed to property owners within 350 feet of the subject address prior to the hearing. Anyone who is interested in submitting oral comment can do so at the public hearing. Written comments will also be accepted prior to and during the hearing.

You are invited and encouraged to attend the City Council meeting to address the possible revocation of your conditional use permit.

Please feel free to contact me with any questions at (952) 467-1800 or by email at [cityadmin@cityofnya.com](mailto:cityadmin@cityofnya.com).

Sincerely,

  
Steven Helget  
City Administrator

December 27, 2017



Mr. Steven Helget  
City Administrator  
Norwood Young America  
310 Elm St West PO BOX 59  
NYA, MN 55368

Dear Mr. Helget:

I am responding to the correspondence you sent me in November and December concerning the compliance on my property at 700 Railroad St West in Norwood Young America.

We have worked the past two years to meet the compliance request and while we have fallen a little short of the demands we continue to make improvements on our property. We have completed all the grade work, mowed the weed areas and made the property ready for final grade in the spring. We have planted the trees on the berm on Hwy 212, on the front of the property and along the west side. I have ordered the balance of the trees so they can be planted early next year.

I will not be able to attend your city meeting on Jan. 8<sup>th</sup>. My children have an appointment in Chicago with their bio-medical specialist, Dr. Anju Usman at the same time.

Please let me know if you have any questions.

Regards,  
Greg Brakefield  
Southwest Paving  
700 Railroad St W  
Norwood Young America, MN 55367

## Greg Brakefield

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**From:** Southwest Paving <greg@southwestpaving.com>  
**Sent:** Wednesday, December 20, 2017 9:09 AM  
**To:** Greg Brakefield

[This sender failed our fraud detection checks and may not be who they appear to be. Learn about spoofing at <http://aka.ms/LearnAboutSpoofing>]



Sent from my iPhone

Kevin J. Rupp  
Scott T. Anderson  
Jay T. Squires\*†  
Michael J. Waldspurger\*  
Amy E. Mace  
Trevor S. Helmers\*  
Tessa S. Wagner  
John P. Edison  
Liz J. Vieira  
Kristin C. Nierengarten  
Zachary J. Croten  
Michael J. Ervin  
Jacob J. Kimmes  
Abbi R. Kelzer  
Steven R. Gershon

**RUPP, ANDERSON, SQUIRES  
& WALDSPURGER, P. A.**



\*Also Admitted in Wisconsin

†Real Property Specialist Certified by  
the MN State Bar Association

January 8, 2018

Mr. Steve Helget  
City Administrator  
City of Norwood Young America  
310 Elm Street W.  
PO Box 59  
Norwood Young America, MN 55368

RE: Miscellaneous  
Our File No. 4040-0001

Dear Mr. Helget:

You asked me to outline for the Council the process for revocation of the above CUP for failure to abide by CUP Conditions. Following is a summary of the process.

Under both Minn. Stat. § 462.3595, and Section 1210.06, subd. 5 of City Code, a CUP can be revoked for failure to comply with conditions imposed on the CUP. The above section of City Code does not identify a detailed or elaborate process. Simply, the property owner must be given notice of the proposed revocation, and a hearing must be held upon due notice (i.e. notice given in the same manner as when a CUP application is made).

Here, I understand notice was given for a hearing to be held on January 8. However, you have received a letter from the owner of Southwest Paving indicating he is unable to attend the January 8 hearing.

Given the above, I recommend that the Council open the public hearing on January 8. It could then take testimony from whoever may be present, or it could choose to hold off on testimony. I recommend the Council, after opening the hearing, move to continue it to the January 22 meeting. Do not close the hearing. You would then notify Mr. Brakefield that he will be able to address the Council on the 22<sup>nd</sup> if he wishes.



Steve Helget  
January 8, 2018  
Page 2

Per your request, attached is a draft revocation resolution for the Council's consideration.

Very Truly Yours,



Jay T. Squires

JTS/djw

RASW: 101473

**RESOLUTION 2018-02**  
**A RESOLUTION REVOKING A CONDITIONAL USE PERMIT**

**THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG  
AMERICA, MINNESOTA DOES HEREBY RESOLVE AS  
FOLLOWS:**

**WHEREAS**, the City Council, by Resolution 2006-33, granted Southwest Paving a Conditional Use Permit (CUP) to construct a building, make associated site improvements, and store equipment outdoors at 700 Railroad Street West; and

**WHEREAS**, the CUP granted by Resolution 2006-33, and site plan submitted in conjunction with the CUP request, contemplated construction of a perimeter fence to screen stored equipment; and

**WHEREAS**, Southwest Paving applied for a CUP amendment in 2015 to allow it, in lieu of perimeter fencing, to install Pine and Spruce trees and other landscaping, and install a berm along the property perimeter; and

**WHEREAS**, by Resolution 2015-13 the City Council approved the amended CUP application, specifically permitting the landscaping in lieu of fencing, provided it was installed by October 31, 2015; and

**WHEREAS**, Southwest Paving failed to install the required perimeter landscaping by the above date, and despite numerous demands by the City, has failed to do so as of the date of this Resolution; and

**WHEREAS**, Resolution 2015-13 specifically indicates:

The City may revoke the CUP upon violation of the conditional use permit standards as prescribed in the Zoning Ordinance or violation of the conditions of this Resolution 2018-02.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council as follows:

1. Conditional Use Permits 2006-33 and 2015-13 are hereby REVOKED
2. City staff shall provide for the recording of this revocation resolution with Carver County.
3. City staff and the City attorney are authorized and directed to take all action necessary to enforce the terms of this Resolution.

Adopted by the City Council this 22<sup>nd</sup> day of January, 2018.

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Dick Stolz, Acting Mayor

ATTEST:

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Kelly Hayes, City Clerk/Treasurer



TO: Honorable Mayor Lagergren and City Council Members

FROM: Steven Helget, City Administrator

DATE: January 22, 2018

SUBJECT: U.S. Highway 212 Underpass Project Preliminary Design Update

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Kevin Jullie, SRF Consulting Group, will be present to provide an update on their progress in completing the preliminary design for construction of the Highway 212 underpass. Diane Langenbach, MnDOT, will also be in attendance.

**Suggested Motion:**

No action required.



TO: Honorable Mayor Lagergren and City Council Members

FROM: Steven Helget, City Administrator

DATE: January 22, 2018

SUBJECT: Carver County SHIP Memorandum of Understanding

=====

On behalf of the City of Norwood Young America, Carver County Health & Human Services applied to the MN Department of Health for a Statewide Health Improvement Partnership (SHIP) grant. The purpose of the grant was to obtain financial assistance to extend water service from Reform St. to the community gardens located north of the Oak Grove building. Currently garden users have to connect a garden hose to a faucet located on the west side of the Oak Grove building and run the hose across the parking lot road to the gardens. Proposed is to install a farm hydrant adjacent to the gardens.

Carver County was awarded \$4,607 for extending water service to the community gardens and the installation of the farm hydrant. The City's local match is the installation of a water meter (\$350) or equivalent in cost. The project needs to be completed in time for the next garden growing season which is by the end of May 2018.

Enclosed is a Memorandum of Understanding between the City and Carver County.

**Suggested Motion:**

**Motion to approve the Carver County SHIP Memorandum of Understanding.**





To: Honorable Mayor Lagergren  
Members of the City Council  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: January 22, 2018

Re: Ordinance Amending Chapter 12 of the City Code by Amending Sections 1210.06, Subd. 3(B)(2) and 1230.03, Subd. 4(D), and by Adding Section 1270 Pertaining to Towers and Antennae

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## BACKGROUND

The Planning Commission has been discussing code standards pertaining to towers and antennae. The discussion was prompted by an inquiry regarding the location of telecommunications towers as a principal use of industrial zoned property adjacent to Highway 212.

The PC found existing standards were problematic in that:

- If taken literally any antennas, satellite dishes, communication or radio towers in the TA or I-2 districts require issuance of a CUP. There is no distinction between personal antennae or satellite dishes and those operated for mass communication purposes.
- There is no allowance for amateur radio towers in residential areas, a fact inconsistent with federal regulations.

The Commission studied the issue and developed proposed language. The proposed Ordinance removes standards contained in Sections 1210.06, Subd. 3(B)(2) pertaining to conditional use standards for all antennae and towers and an allowance for towers as a conditional use in the Transitional Ag District. The proposed Ordinance creates a new, stand-alone section within the code pertaining specifically to towers and antennae. Following is an overview of proposed standards:

(1) A statement of purpose and intent.

(2) Definitions.

(3) Exempt activities, including but not limited to, (a) household antenna and satellite dishes, (b) adjustment, repair, or replacement of existing antenna or antenna elements, (c) placement of additional antenna on existing towers provided the overall height of the structure was not increased, (d) antenna and structures used by the City for public purposes, (e) antenna on water towers or the sides of roof of existing structures, (f) emergency repairs, (g) transmitters needed for emergency operations.

(4) Where telecommunications facilities could be placed: (a) Towers over 20 feet in height supporting amateur radio operations would be allowed in side or rear yards in residential districts under CUP. (b) Towers, antenna, and support facilities would be allowed in industrial districts under CUP and provided they industrial parcel did not abut Highway 212.

(5) Performance standards: (a) Maximum height varied by nature of use. Towers, antenna, and related equipment attached to existing structures not to exceed 20 feet in height. Towers supporting amateur radio operations are not to exceed seventy feet in height. All other towers not to exceed 175 feet in height. (b) Setbacks: If attached to an existing structure setback equal to that portion of the tower height above secure attachment. If freestanding, equal to the height of the tower plus ten feet, except if located next to a residential zone, then height of the tower plus 100 feet. (c) Colocation is required. (d) Several design standards for structures and towers were reviewed.

(6) Miscellaneous standards relating to abandoned towers, interference, and radiation.

The Commission notes existing towers located near Young America and Braunworth Lakes are currently legal non-conforming uses in the R-2 District and will continue at that status.

The PC held a public hearing on the draft ordinance on January 4<sup>th</sup>. The Planning Commission unanimously approved a motion recommending the Council approve the draft language.

### **ACTION**

Consideration of adoption of Ordinance No. 298. If approved, authorization of summary publication.

### **ATTACHMENTS**

- Proposed Ordinance No. 298
- Summary publication of Ordinance No. 298
- Excerpt of Planning Commission minutes

**CITY OF NORWOOD YOUNG AMERICA  
ORDINANCE NO. 298**

**AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE BY  
AMENDING SECTIONS 1210.06, SUBD 3(B)(2) AND 1230.03, SUBD 4(D),  
AND BY ADDING SECTION 1270 PERTAINING TO TOWERS AND  
ANTENNAE**

**I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA HEREBY ORDAINS:**

**II. SECTION 1210.06, SUBD. 3(B)(2) OF THE NORWOOD YOUNG AMERICA CITY CODE IS HEREBY AMENDED AS FOLLOWS.**

2. **Reserved.** ~~Antennas, Satellite Dishes, Communication and Amateur Radio Towers.~~

- ~~a. In all residential districts, only one of the following are permitted per lot:
  - i. Satellite dish
  - ii. Amateur radio tower
  - iii. Ground mounted vertical antenna~~
- ~~b. A ground mounted satellite dish shall not exceed fifteen (15) feet in height above the ground level.~~
- ~~c. No ground mounted satellite dish, amateur radio tower, or ground mounted vertical antenna shall be located within the required front yard setback or side yard setback.~~
- ~~d. Ground mounted satellite dish, amateur radio tower, or ground mounted vertical antennas shall be set back from all adjoining lots a distance equivalent to the height of the dish, tower, or antenna. If a portion of the tower or antenna is collapsible or securely fastened to a building, only the portion which can fall will be used to determine the setback from the property lines. Location shall not adversely obstruct views form adjacent property.~~
- ~~e. A building permit shall be required for the installation of any satellite dish, amateur tower, or ground cover mounted vertical antenna. Building permit applications shall require the submission of a site plan and structural components.~~
- ~~f. Each satellite dish, amateur radio tower, and ground mounted vertical antenna shall be grounded to protect against natural lightning strikes and be designed and installed in conformance with the National Electrical Code.~~

**III. CHAPTER 1230.03, SUBD 4(D) PERTAINING TO CONDITIONAL USES IN THE T/A TRANSITIONAL AGRICULTURAL DISTRICT SHALL BE AMENDED AS FOLLOWS:**

D. **Reserved.** ~~Antennas, satellite dishes, communication and radio towers;~~

**IV. CHAPTER 12 OF THE CITY CODE SHALL BE AMENDED BY ADDING SECTION 1270 AS ILLUSTRATED IN EXHIBIT A, ATTACHED HERETO.**

**V. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.**

Adopted by the City of Norwood Young America on this 22<sup>nd</sup> day of January, 2018.

\_\_\_\_\_  
Dick Stolz, Acting Mayor

Attest:

\_\_\_\_\_  
Kelly Hayes, City Clerk/Treasurer

## EXHIBIT A

### Section 1270 – Antennas and Towers

**1270.01. Purpose and Intent.** The purpose of this section is to manage the placement, construction, and modification of telecommunication towers, antennas, and related facilities in order to protect the health, safety, and welfare of the public while accommodating the communications needs of the public, residents, and businesses.

#### **1270.02 Definitions.**

**Antenna:** Any device which is designed to transmit or receive any electromagnetic, microwave, radio, television, or other frequency energy waves including but not limited to directional and omni-directional antennae such as microwave dishes, satellite dishes and whip antennae.

**Antenna support structure:** A building, water tower, or other structure, other than a telecommunications tower, which can be used for location of telecommunications facilities.

**Applicant:** A person who applies for a permit to develop, construct, build modify or erect a tower or antenna under this section.

**Application:** The process by which the owner of a plot of land within the city or other person submits a request to develop, construct, build, modify or erect a tower or antenna upon that land.

**Commercial wireless telecommunication services:** Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and television similar services that are marketed to the general public.

**Telecommunications facilities:** Cables, wires, lines, wave guides, antennas or any other equipment or facilities associated with the transmission or reception of telecommunications located or installed on or adjacent to a tower or antenna support structure.

**Tower:** Any ground or roof mounted pole, spire, structure or combination thereof exceeding 20 feet in height including supporting lines, cables, wires, braces and masts intended primarily for the purpose of mounting an antenna or similar apparatus above grade.

**Wireless Service Provider:** A direct provider of wireless services to end users.

**1270.03 Exemptions.** The following are exempt from permit requirements contained in this Section.



- A. Household television antennas extending less than 20 feet above the highest point of the roof of a residential structure.
- B. Satellite dish receiving antennas two meters or less in diameter.
- C. Adjustment, repair, or replacement of an antenna or the elements of an antenna, provided that such work does not constitute an increase in the height of the tower structure.
- D. Placement of additional antennas on existing towers provided that such work does not constitute an increase in the height of the tower structure.
- E. Antennas and antenna support structures used by the City for City purposes.
- F. Antennas mounted on water towers or on the sides or roof of existing structures.
- G. Antennas placed in public rights-of-way which are owned and operated by a wireless service provider, providing the antenna is placed on an existing structure.
- H. Emergency or routine repairs, reconstruction, or routine maintenance of previously approved facilities, or replacement of transmitters, antennas, or other components or previously approved facilities which do not create a significant change in visual impact or an increase in radio frequency emission levels, and provided that such work does not constitute a clear safety hazard.
- I. Two-way communication transmitters used on a temporary basis by a “911” emergency services, including fire, police and emergency aid or ambulance service.

**1270.04 Prohibited Towers.** Towers, antenna, and support facilities not specifically provided for herein shall be prohibited.

#### **1270.04 Zoning District Standards.**

- A. Towers over twenty feet in height specifically and solely designed to support amateur radio operations and antenna are allowed in the side or rear yards in residential districts provided a conditional use permit is issued.
- B. Telecommunications towers, antennas, and support facilities are allowed in industrial zoning districts provided a conditional use permit is issued and the subject parcel does not abut T.H. 212.

#### **1270.05 Performance and Design Standards.**

- A. Tower or Antenna Height:
  - 1. Antennas, towers, and related equipment attached to existing structures shall not be more than ten (10) feet in height above the highest point of the existing structure.
  - 2. Antennas, towers, and related equipment supporting amateur radio operations shall not exceed seventy (70) feet in height.
  - 3. All other towers shall not exceed 175 feet in height.
- B. Setbacks.
  - 1. Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel on which it is located.

2. Amateur radio towers when not rigidly attached to a building shall be setback from all property lines the minimum of a distance equal to the height of the antenna and tower. Setbacks for amateur radio towers rigidly attached to a building may be reduced by an amount that is equal to the distance from the point of attachment to the ground.
3. All other towers shall have a minimum setback from any property line equal to the height of the tower plus 10 feet, except that towers located adjacent to a residential zone shall have a setback equaling the height of the tower plus 100 feet.

C. Co-location required.

1. Any proposed tower over sixty (60) feet in height shall be designed for co-location of at least one additional antenna.
2. Any proposed tower over one hundred (100) feet in height shall be designed for co-location of at least two (2) additional antennas.

D. Design Standards.

1. Towers shall be designed and certified by a licensed and qualified professional engineer to conform to the latest structural standards and all requirements of the State Building Code, the Electronics Industry Association, and the National Electric Code.
2. Towers shall be designed to ensure that visual intrusiveness and impacts on nearby properties are mitigated to the greatest extent possible.
3. Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons.
4. Towers may not be artificially lit except as required by the Federal Aviation Administration.
5. Towers not requiring Federal Aviation Administration painting or marking must have durable exterior finishes and shall be light blue, gray, or other similar color which minimizes visibility.
6. Towers shall be designed to allow for future rearrangement of equipment upon the structure, and to accept attachments mounted at varying heights.
7. The use of any portion of a tower or antenna for signs other than warning, identification, emergency contact information, or equipment information is prohibited.
8. Freestanding towers must be self-supporting without the use of wires, cables, beams, or other means. The suggested design is a monopole configuration or open framework which collapses on itself in the event of structural damage.
9. To prevent unauthorized entry, towers shall be provided with security fencing as needed or when required by the City.
10. Transmitting, receiving, and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary for transmitting, receiving, and switching equipment, it shall meet setback requirement contained in the underlying zoning classification and be designed, constructed, and screened to blend in to the surrounding environment and adjacent land uses.
11. Towers and antennas should be located in areas that provide natural or existing structural screening for off-site views of the facility when feasible. Existing on-site vegetation that provides screening shall be preserved to the extent possible. Vegetative screening at the perimeter of the tower is encouraged.

**1270.06 Abandoned or Unused Towers.** Abandoned or unused towers or antennas shall be removed within twelve (12) months of the cessation of operations at the site.

**1270.07 Interference.** No new or existing tower, antenna, or related equipment shall interfere with public safety communications. Before the introduction of a new service or a change in existing services, equipment providers shall notify the City at least ten (10) calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.

**1270.08 Radiation.** Towers, antennas, and related equipment placed within the City shall be subject to State and Federal regulations, as amended. The cost of verification of compliance shall be borne by the owner and operator of the communications facilities and equipment.

## 6. Public Hearings.

Ordinance Amending Chapter 12 of the City Code by Amending Sections 1210.06, Subd. 3(B)(2) and 1230.03, Subd. 4(D), and by Adding Section 1270 Pertaining to Towers and Antennae.

Chairperson Heher introduced the agenda topic and explained the public hearing process. Heher opened the public hearing at 6:11 p.m.

Strack noted the Planning Commission reviewed draft tower and antenna standards at several previous meetings. The Commission called for a public hearing at the December meeting. The proposed tower and antennae standards include:

(1) A statement of purpose and intent.

(2) Definitions.

(3) Exempt activities, including but not limited to, (a) household antenna and satellite dishes, (b) adjustment, repair, or replacement of existing antenna or antenna elements, (c) placement of additional antenna on existing towers provided the overall height of the structure was not increased, (d) antenna and structures used by the City for public purposes, (e) antenna on water towers or the sides of roof of existing structures, (f) emergency repairs, and (g) transmitters needed for emergency operations.

(4) Where telecommunications facilities could be placed: (a) Towers over 20 feet in height supporting amateur radio operations would be allowed in side or rear yards in residential districts under CUP. (b) Towers, antenna, and support facilities would be allowed in industrial districts under CUP and provided they industrial parcel did not abut Highway 212.

(5) Performance standards: (a) Maximum height vary by nature of use. Towers, antenna, and related equipment attached to existing structures not to exceed 20 feet in height. Towers supporting amateur radio operations are not to exceed seventy feet in height. All other towers not to exceed 175 feet in height. (b) Setbacks: If attached to an existing structure setback equal to that portion of the tower height above secure attachment. If freestanding, equal to the height of the tower plus ten feet, except if located next to a residential zone, then height of the tower plus 100 feet. (c) Colocation is required. (d) Several design standards for structures and towers were reviewed.

(6) Miscellaneous standards relating to abandoned towers, interference, and radiation.

Motion – Lagergren to close the public hearing. Second by Grundahl. With all in favor the hearing was closed at 6:17 p.m.

## 7. Old Business.

Ordinance Amending Chapter 12 of the City Code by Amending Sections 1210.06, Subd. 3(B)(2) and 1230.03, Subd. 4(D), and by Adding Section 1270 Pertaining to Towers and Antennae.

Heher introduced the agenda item.

Strack noted the Planning Commission initiated review of tower and antenna standards after noting a discrepancy in the existing code which, if interpreted literally, would appear to require conditional use permits for every tower and antenna in the community regardless of size, location, or zoning classification.

Strack noted at this time towers are conditional uses in the transitional agricultural district and the industrial districts. She noted the proposed ordinance also allows for amateur radio towers as required under FCC rules.

Grundahl inquired as to how the tower ordinance proposed related to previous discussion regarding small cellular wireless technology. Strack noted “Gen 5” wireless relied less on large tower structures in favor of smaller devices located in close proximity to one another. Small cell wireless antenna were typically placed on power poles and occasionally stop lights and similar apparatus. She noted the City of Norwood Young America did not run its own electric utility which means wireless carriers will most likely need to work with Xcel Energy to locate antenna on existing poles. In the event backhaul facilities or new self-serving poles were envisions a permit under the City’s existing right-of-way ordinance would be required.

Lagergren clarified where future towers in the industrial district could be located. Strack noted towers could not be placed on industrial lots abutting Highway 212. They could be located in the vicinity of the Tacoma West industrial area.

Helget expressed concern with the allowable height of a tower affixed to a roof. The Commission considered Helget’s concern and reached consensus to amend the draft language as suggested by Eggers. Eggers’s suggestion was to limit the maximum height of a tower affixed to a structure to ten (10) feet above the highest point of the roof.

*Motion* – Lagergren to recommend approval of the proposed Ordinance with the correction regarding maximum height of a roof antenna. Second by Eggers. With all in favor the motion was approved.





To: Honorable Mayor Lagergren  
Members of the City Council  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: January 22, 2018

Re: Approval of ISD 108 Comprehensive Plan Amendment

---

**BACKGROUND:**

In October the City Council authorized submittal of a minor comprehensive plan amendment (CPA) to the Metropolitan Council after discussing challenges associated with legal non-conforming use issues related to the existing zoning classification of public school properties. The CPA contemplated a change in planned land use for approximately 60 acres owned by Central Schools. The planned land use change was from Highway Commercial to Medium Density Single Family Residential.

The Metropolitan Council has reviewed the CPA and authorized the City to place the amendment into effect. Attached please find a resolution approving the CPA.

**ATTACHMENTS:**

Letter Metropolitan Council Dated January 10, 2018  
Resolution



## Central Public Schools

The Raiders

Independent School District #108  
531 Morse Street - P.O. Box 247  
Norwood Young America, MN 55368

Brian Corlett  
Superintendent  
Phone: (952) 467-7000  
Fax: (952) 467-7003

Tom Erickson  
Secondary Principal  
Phone: (952) 467-7100  
Fax: (952) 467-7103

Ron Erpenbach  
Middle School Principal  
Activities Director  
Phone: (952) 467-7200  
Fax: (952) 467-7203

Michael Daugs  
Elementary Principal  
Phone: (952) 467-7300  
Fax: (952) 467-7303

Julie Kuenzel  
Community Ed. Director  
Phone: (952) 467-7390  
Fax: (952) 467-7303

Caitlin Featherman  
Guidance Counselor  
Phone: (952) 467-7108  
Fax: (952) 467-7165

#### BOARD OF EDUCATION

Elroy H. Latzig  
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Vice Chairperson

Richard Schug  
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Scott Knight  
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Director

Nicole Evenki  
Director

Craig Peck  
Director

October 23, 2017

Steve Helget  
City Administrator  
City of Norwood Young America  
P.O. Box 59  
Norwood Young America MN 55368

#### RE: Review of Independent School District 108 Minor Comprehensive Plan Amendment

Dear Mr. Helget:

We have received a unified plan document (UPD) for an amendment to the 2030 Norwood Young America Comprehensive Plan (2008) related to a proposed change in future land use and zoning for the public school property west of Morse Street. The UPD proposes to change the planned land use of approximately 60 acres of school property from a future land use classification of public/utility to low density residential.

The future land use change will allow for rezoning of the property to remedy an existing non-conforming use issue.

On behalf of the Central Schools please be advised the comprehensive plan amendment is accepted without requested changes.

If you have questions, please feel free to contact me at 952-467-7000.

Sincerely,

Brian Corlett

# **RESOLUTION NO. 2018-05**

## **A RESOLUTION APPROVING AN AMENDMENT TO THE 2008 COMPREHENSIVE PLAN RELATING TO THE “INDEPENDENT SCHOOL DISTRICT 108”**

WHEREAS, Pursuant to Minnesota Statute 462.355 and 473.864; the City shall adopt and amend from time to time a comprehensive municipal plan; and

WHEREAS, The City Council of the City of Norwood Young America, received a development review request relating to a project entitled “Independent School District 108”; and

WHEREAS, Independent School District 108 proposes a land use change to the 2008 Comprehensive Plan, specifically a change in the future land use classification of approximately sixty (60) acres of property from general commercial use to medium density one and two family residential use; and

WHEREAS, A public hearing to solicit public comment on the proposed land use change was scheduled before the Norwood Young America Planning Commission, the City’s planning agency; and

WHEREAS, A notice of the time, place and purpose of a hearing on the proposed Comprehensive Plan was published in the City’s official newspaper at least ten days before the day of the hearing with a copy of the notice posted for public viewing; and

WHEREAS, A copy of the proposed Comprehensive Plan amendment was available at the City Offices for public review; and

WHEREAS, A public hearing was held on October 3, 2017 as described in the public notice; and

WHEREAS, The Planning Commission reviewed the request following the public hearing and approved a motion recommending the City Council approve submittal of the Comprehensive Plan amendment request to the Twin Cities Metropolitan Council; and

WHEREAS, The City Council, on October 27, 2017, reviewed the Comprehensive Plan Amendment entitled “Independent School District 108” and approved by Resolution submittal of the Amendment to the Twin Cities Metropolitan Council; and

WHEREAS, the Metropolitan Council, in its letter dated January 10, 2018, authorized the City of Norwood Young America to place “Independent School District 108” Comprehensive Plan Amendment into effect; and

WHEREAS, the City Council is required to formally adopt the Comprehensive Plan Amendment, following the Metropolitan Council’s authorization to place said amendment into effect,

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Norwood Young America, Carver County, Minnesota, hereby approves an Amendment to the 2008 Comprehensive Plan entitled "Independent School District 108".

The motion for the adoption of the foregoing resolution was duly made by Council Member \_\_\_\_\_, and duly seconded by Council Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor:

And the following voted against the same:

Whereupon said resolution was declared duly passed and adopted this 22<sup>nd</sup> day of January 2018.

\_\_\_\_\_  
Dick Stolz, Acting Mayor

Attest:

\_\_\_\_\_  
Kelly Hayes, City Clerk/Treasurer



TO: Honorable Mayor Lagergren and City Council Members

FROM: Steven Helget, City Administrator

DATE: January 22, 2018

SUBJECT: Resolution 2018-07, Support of Funding for Trunk Highway 5 through Corridors of Commerce Program

=====

The Minnesota Transportation Alliance is requesting the City approve a resolution supporting funding for the Trunk Highway 5 through the Corridors of Commerce Program. Enclosed is Resolution 2018-06 for the Council's consideration.

**Suggested Motion:**

**Motion to approve Resolution 2018- 06, A Resolution in Support of Funding for Trunk Highway 5 Through Corridors of Commerce Program**



TO: Honorable Mayor Lagergren and City Council Members

FROM: Steven Helget, City Administrator

DATE: January 22, 2018

SUBJECT: Resolution 2018-07, A Resolution in Support of Funding for U.S. Highway  
212 Through the Corridor of Commerce Program

=====

The Minnesota Transportation Alliance and the Southwest Corridor Transportation Coalition is requesting the City approve a resolution supporting funding for the U.S. Highway 212 through the Corridors of Commerce Program. Enclosed is Resolution 2018-07 for the Council's consideration.

**Suggested Motion:**

**Motion to approve Resolution 2018- 07, A Resolution in Support of Funding for  
U.S. Highway 212 Through Corridors of Commerce Program**



# **City of Norwood Young America**

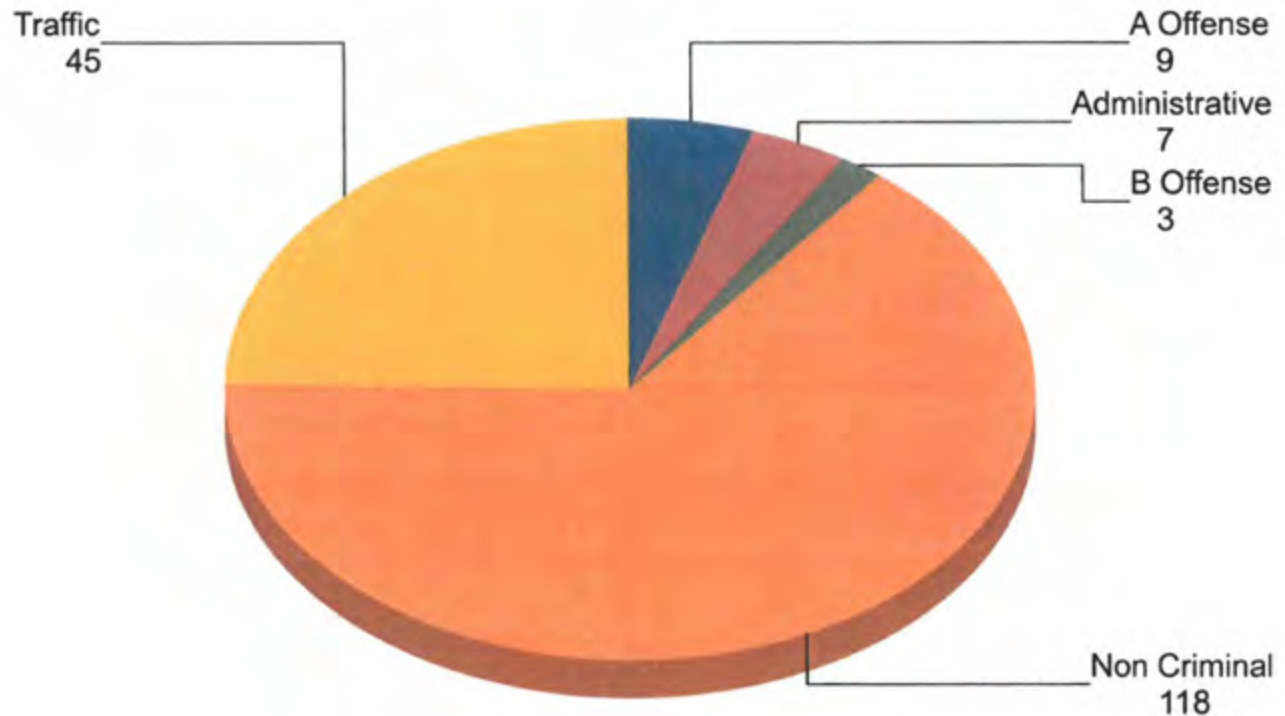
## **December 2017**





**Carver County Sheriff's Office**  
**Monthly Calls for Service**  
**From: 12/01/2017 To: 12/31/2017**

**Norwood Young America City**



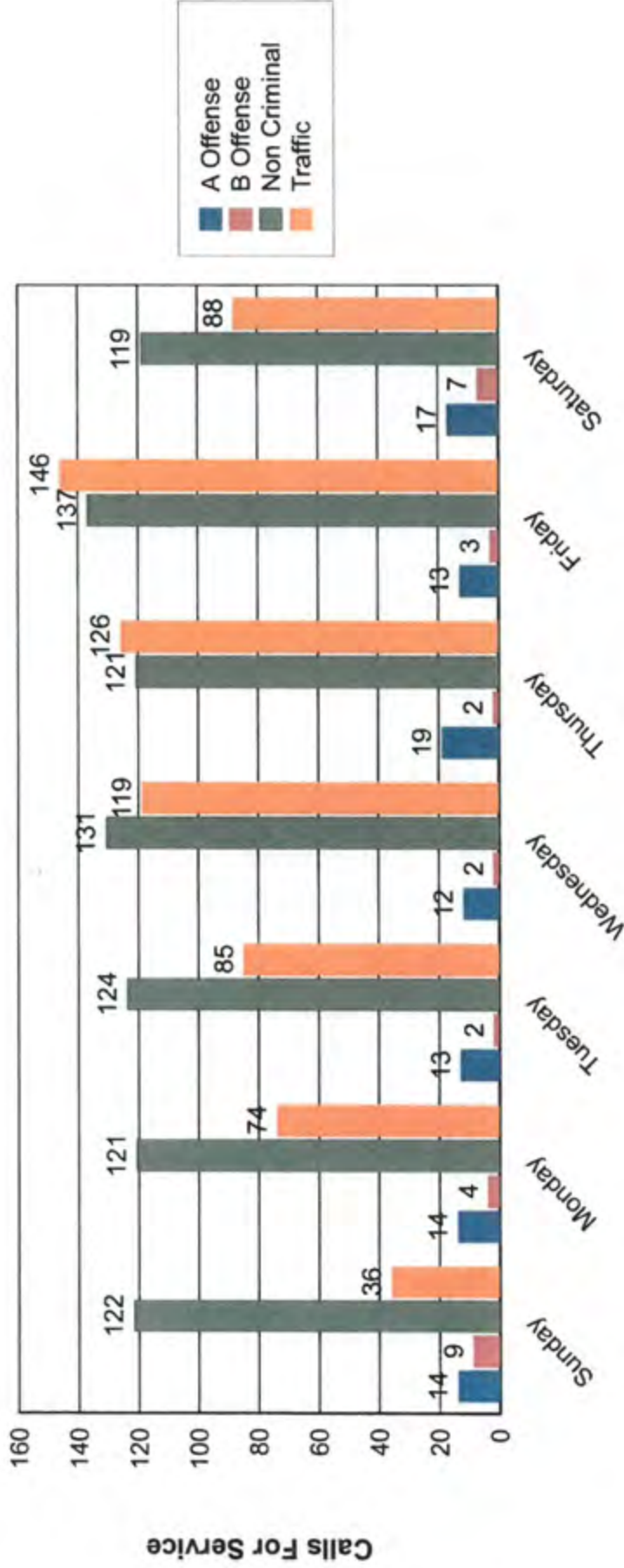
Total A Offense:	9
Total B Offense:	3
Total Non Criminal:	118
Total Traffic:	45
Total Administrative:	7

**Total Norwood Young America City: 182**



Carver County Sheriff's Office  
Day of Week Analysis of Calls for Service  
Patrol Activity  
From: 12/01/2017 To: 01/01/2017

## Norwood Young America City

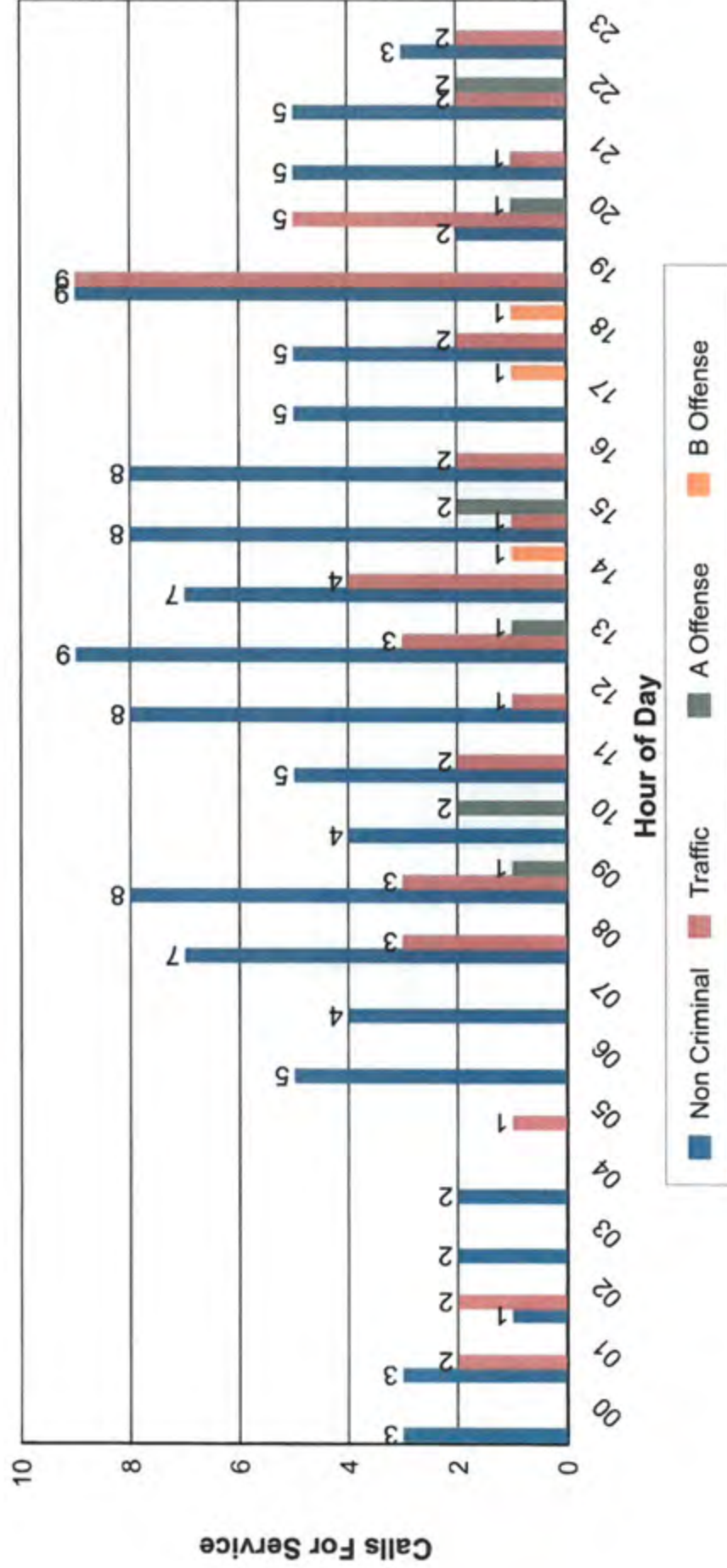


Total Norwood Young America City: 1680



Carver County Sheriff's Office  
Hour of Day Analysis of Calls for Service  
Patrol Activity  
From: 12/01/2017 To: 12/31/2017

## Norwood Young America City



Total Norwood Young America City: 175



**Carver County Sheriff's Office**  
**Monthly Calls for Service**  
**From: 12/01/2017 To: 12/31/2017**

## **Norwood Young America City**

### **Patrol**

#### **A Offense**

Assault	3
Agg. Assault	1
Burglary	1
Property Damage	2
Pornography	1
Theft	1

<b>Total A Offense:</b>	<b>9</b>
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#### **B Offense**

Misc - criminal	2
Runaway	1

<b>Total B Offense:</b>	<b>3</b>
-------------------------	----------

#### **Non Criminal**

Misc Non-criminal	11
Unlock Vehicle/bldg	1
Alarm	3
Domestic	2
Abuse/Neglect (Info Only)	2
Animal	2
Medical	18
Assist Other Agency	2
Fire Call	3
Mental Health	41
Civil Process	1
Warrant Service	2
Suspicious Activity	19
Disturbance (Info Only)	9
Child Custody Dispute	2

<b>Total Non Criminal:</b>	<b>118</b>
----------------------------	------------

#### **Traffic**

Traffic - Misc	17
Traffic Stop	21
Pd Accident	5
Driving Complaint	2

<b>Total Traffic:</b>	<b>45</b>
-----------------------	-----------

**Total Patrol: 175**

### **Administrative**

#### **Administrative**

GunPermit-Acquire	3
GunPermit-CarryNew	4

<b>Total Administrative:</b>	<b>7</b>
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**Carver County Sheriff's Office  
Monthly Calls for Service  
From: 12/01/2017 To: 12/31/2017**

**Total Administrative: 7**

**Total Norwood Young America City: 182**



# **Carver County Sherff's Office**

## **Arrest Summary**

**From: 12/01/2017 To: 12/31/2017**

### **Norwood Young America City**

13A - Aggravated Assault	1
13B - Simple Assault	1
13C - Intimidation	1
23D - Theft from Building	1
290 - Destruction/Damage/Vandalism of Proper	1
90Z - All Other Offenses	1

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Total Number of Charges Involving All Arrests:	6
Total Number Individuals Arrested:	6
Total Incident With Arrests:	6



# **Carver County Sherff's Office**

## **Traffic Citation Summary**

**From: 12/01/2017 To: 12/31/2017**

### **Norwood Young America City**

H&R Property Damage Accident:	1
Parked On Roadway/not Disabled:	1
Total Norwood Young America City:	2





**Carver County Sheriff's Office**  
**Verbal Warnings**  
**From: 12/01/2017 to 12/31/2017**

**Norwood Young America City**

Traffic - Misc:	3
Traffic Stop:	21
Grand Total Verbal Warnings:	24

Activity Code      NIBRS - Activity Codes

Activity Code	Descriptor	
<b>GROUP A</b>		
AC	Animal Cruelty	Abuse or neglect of animal
AR	Arson	Intentionally destroy property by fire
A	Assault	Altercation between parties where physical harm occurred
AA	Aggravated Assault	Assault where substantial injury is caused or weapon used
BB	Bribery	Offering, giving, receive anything of value to sway judgement
B	Burglary	Unlawful entry into a structure to commit a crime
CF	Counterfeiting/Forgery	Alter, copy, imitation, passing a copy as an original
P	Property Damage	All damage to property
D	Drugs	All drug violations, possession of, sale of, manufacture of
EM	Embezzlement	Misappropriation of money, property entrusted to person
EX	Extortion/Blackmail	Unlawful obtain money, property by use or threat of force
U	Fraud	Intentional perversion of truth to obtain money or property
G	Gambling	Unlawful operate, promote or assist in operation of gambling
H	Homicide	Intentional taking of a persons life
HT	Human Trafficking	Induce a person to perform sex act or labor via force, fraud or coercion
K	Kidnapping	Unlawful seizure, transport or detain person against their will
T	Theft/larceny	Taking of property, stealing
V	Motor Vehicle Theft	Theft of a motorized vehicle
PO	Pornography	Manufacture, publish, sell, buy, possess sexually explicit material
PR	Prostitution	Unlawfully engage in or promote sexual activity for anything of value
R	Robbery	Taking of property by use of force
S	Sex Offenses	Forcible sexual assault
SN	Sex Offenses, Nonforcible	Nonforcible sexual intercourse (incest, statutory rape)
SP	Stolen Prop Offenses	Receive, buy, sell possess, conceal, transport known stolen property
W	Weapons	Violation of manufacture, sale purchase, transport use firearm

<b>GROUP B</b>		
BC	Bad Checks	Intentional issuance of check against insufficient or nonexistent funds
CL *	Curfew/Loitering	Curfew violation/ person remain in area w/o visible means of support
DP *	Disorderly Conduct	Behavior tends to disturb public peace/shock public sense of morality
J	Driving Under Influence	Traffic stop or accident involving drive under influence
DR *	Drunkness	Drink alcohol to extent substantial impairs mental and physical function
FO	Family Offense, Non violent	Unviolent acts by family member against another family member
LV	Liquor Law Viol	Illegal consumption, sale, possession of liquor
PT *	Peeping Tom	Secretly look in windows, doorway, keyhole for purpose of voyeurism
RU	Runaway	Juvenile runaway
TR *	Trespassing	Unlawfully enter land, dwelling or other real property
M	All Other Offenses	OFP/Danco violation, Traffic - Hit & run accident
		All other offense not included in other A & B classifications
O *	Ordinances	Laws/rules created by county or cities.
		Use only when Enforcement used (citation or arrest)



**Activity Codes**  
**Non-criminal, Traffic and Administrative**

**NON CRIMINAL**

Code	Description	
1	Misc. NonCriminal	Gen law enforcement questions: citizen assists, lost and found property civil disputes, juvenile disciplinary issues, etc
2	Unlock Veh/Bldg	Unlock doors of automobile, residence or business for owners
3	Alarm	Checking on an alarm at a private residence or business
4	Domestic	Verbal argument between parties. Must have relationship. No charges
5	Missing Person	Missing / Lost person (not runaway)
6	Abuse/Neglect - Info only	Abuse or neglect of children or adults
9	Animal	Animal bites, stray animals. All calls involving animals
10	Medical	Assist persons with medical issues, natural cause deaths
11	House/Business Check	Check on residences or business when owners are away from property
12	Assist other Agency	Assist other law enforcement, state patrol, govt depts, EMT or medical
13	Fire Call	Fires and assist to fire departments
15	Mental Health	Suicides, 72 hr holds for mental health issues
16	Civil Process	Service of civil papers. Assist with civil standby situations
17	Transport	Transport persons for various reasons.
19	Warrant Service	Service of warrant for Carver County and other counties.
20	Boat & Water	All incidents involving boats, watercraft and/or lakes
21	Snowmobile	All incidents involving snowmobiles
22	ATV	All incidents involving ATV
30	Suspicious Activity	Suspicious persons, acts or vehicles. Accidental 911 calls
31	Open Door	Located an open door to a business or residence
34	Drug - Info Only	Drug information only
35	Disturbance - Info Only	Noise complaint, disturbing peace
60	Child Custody Dispute	Incidents involving dispute over child custody

**TRAFFIC RELATED**

Code	Description	
8	Traffic - Misc	Misc. traffic issues, stalled vehicle, debris on roadway, traffic control, veh in ditch, assists, all parking issues
38	Traffic - Stops	All traffic stops initiated by officers
50	Auto Accd - Prop Damage	Auto accident in which only property damage occurred
51	Auto Accd - MV vs deer	Auto accident involving a motor vehicle and deer
52	Auto Accd - Injury	Auto accident in which injury and property damage occurred
54	Auto Accd - Fatality	Auto accident in which a fatality occurred
80	Driving Complaint	Complaints of bad driving behavior.

**ADMINISTRATIVE**

Code	Description	
0	Call Error	Calls for service created in error
18	Warrant Issued	Warrant issued by Carver County Court Administration
23	Explosive/Firearm Dealer	Application for a permit for explosives or firearms dealer license.
24	Gun Permit - Acquire	Application for a permit to purchase a handgun.
25	Gun Permit - Carry (new)	Application for a permit to carry a handgun.
26	Gun Permit - Transfer	Application for the transfer of a reg. gun from one individual to another.
28	Gun Permit - Carry (renewa	Application to renew a permit to carry a handgun.
32	Gun Permit - Carry Late Re	Application to renew a permit to carry a handgun after 90 day expiration
37	Rec Ck - Immigration	Records check for updating immigration status
39	Rec Ck - Gambling Permit	Records check for gambling permit
40	Rec Ck - Citizen Academy	Records check for citizens academy
41	Rec Ck - Adoption	Records check for adoption
42	Rec Ck - Carver Cty Employ	Records check for Carver County employment
43	Rec Ck - SO Employ	Records check for Carver County Sheriff's Office employment
44	Rec Ck - SO Volunteer	Records check for Carver County Sheriff's Office Volunteer
45	Rec Ck - DHS	Records check for Dept of Human Services
46	Rec Ck - Name Change	Records check for Name change purposed
47	Rec Ck - Other Employ	Records check for other employment
48	Rec Ck - Individual	Records check for an individual
49	Rec Ck - Military	Records check for the military
61	License - Day Care	Records check for a day care license
62	License - Foster Care	Records check for a foster care license
63	License - Liquor	Records check for a liquor license
64	License - Massage Parlor	Records check for a massage parlor license
65	License - Fireworks	Records check for fireworks permit
66	License - Peddler	Records check for peddlers license
999	Sealed	Records are sealed by Court Order