



CITY COUNCIL AGENDA

August 28, 2017 – 6:00 p.m.

Work Session; followed by EDA / City Council Meetings

WORK SESSION

1. Call Meeting of City Council Work Session to Order
 2. Approve Agenda
 - 2.1 Brand Lake Highlands – Open Space Easement
 3. Adjournment
-

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 July 24, 2017
 3. Adjournment
-

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.)
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 August 10, 2017 and August 14, 2017 meetings
 - 4.2 Approve payment of claims
 - 4.3 Approve Street Closure – Preserve Blvd on September 9, 2017 from 3pm – 11pm
 - 4.4 Approve Temporary Liquor License for NYA West Carver Lions Club - Harvest Moon Wine Tasting event
 - 4.5 Accept James Martin's resignation from Norwood Young America Fire Department
5. Public Hearings
6. Old Business
 - 6.1 Resolution 2017-14, 600 Railroad Street W. Variance
 - 6.2 Resolution 2017-15, 600 Railroad Street W. Conditional Use Permit
 - 6.3 Resolution 2017-16, 600 Railroad Street W. Site Plan
7. New Business
 - 7.1 Resolution 2017-17, 125 Railroad Street Variance
 - 7.2 Resolution 2017-18, 170 Industrial Boulevard Conditional Use Permit
 - 7.3 Ordinance No. 293, Rental Code Revision
 - 7.4 Planning Commission Appointment
 - 7.5 Transportation of Passengers Agreement

7.6 Schedule Special City Council meeting

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:

UPCOMING MEETINGS / EVENTS

September 6 Planning Commission – 6:00 p.m.

September 11 City Council – 6:00 p.m.

September 13 Special Joint Meeting – 6:30 p.m. with Planning Commission, EDC, & Chamber of Commerce Board

September 14 Senior Advisory Committee – 9:00 a.m.

September 19 Parks and Rec. Commission – 5:30 p.m.

September 25 City Council Work Session – 6:00 p.m.; EDA and City Council to follow



more than a place, it's home.

TO: Honorable Mayor Lagergren and City Council Members

FROM: Steven Helget, City Administrator

DATE: August 28, 2017

SUBJECT: Brand Lake Highlands – Open Space Easement

Currently the City has an existing Open Space Easement in the Brand Lake Highlands development which identifies certain areas within the development that are to remain in their natural state (see enclosed aerial photo). At this time, some property owners are infringing on that easement area. Proposed is to discuss the enforcement of the Open Space Easement.

Enclosed is a copy of a letter dated July 20, 2016 that I sent the property owners. Also enclosed is a copy of the Open Space Easement and some appropriate correspondence for this discussion.



July 20, 2016

Re: Brand Lake Highlands – Open Space Easement

Dear Property Owners:

The purpose of this letter is to inform you, in case you're not already aware, of an Open Space Easement that exists in the Brand Lake Highlands development. In 2004, prior to the City of Norwood Young America approving the Brand Lake Highlands final plat, the City and DDTR Incorporated (the Developers) were required to obtain plat approval from the Minnesota Department of Natural Resources (DNR). According to DNR rules, any housing development located within 1,000 feet of a shoreline requires their approval. In this case the approval was triggered by the development's proximity to Brand Lake.

Due to the absence of a City shoreland ordinance in 2004, the City fell under the DNR's standards for management of shoreland areas. But the proposed Brand Lake Highlands development plan didn't meet the state standards which included among other things minimum lot sizes of 20,000 square feet and 125 feet minimum lot widths. As an alternative to meeting the state standards, the DNR allowed the City to apply for a Planned Unit Development (PUD). A PUD is a designed grouping of both varied and compatible land uses. The PUD allowed for smaller lots but it also required the establishment of open space preservation and management.

As a condition of the DNR's approval, DDTR Incorporated was required to give the City an Open Space Easement so certain areas within the development would remain in their natural state. The City was required to install signage as a means to remind property owners that the buffer area is to be left natural. In addition, DDTR Incorporated was required to include in its protective covenants a reference to the Open Space Easement stating that all Brand Lake Highlands lots are subject to the easement.

At this time it appears some property owners have infringed on the easement area. This letter serves as notice that any items identified in the Open Space Easement that are prohibited must be removed. In addition, except in the front yards, the vegetation within the easement area is not to be maintained but allowed to grow naturally. If the area has been sodded the DNR recommends removal and seeded with a native mix. If desired, you may spot treat invasive species in the easement area. If any open space identification signs have been removed and still exist please contact me and the City will reinstall them.

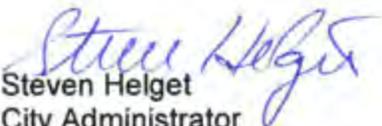
Page 2
Brand Lake Highlands – Open Space Easement

For your information and convenience, enclosed is a copy of the Open Space Easement document, the Protective Covenants for Brand Lake Highlands, an aerial photo which illustrates the open space easement areas, and a copy of the Brand Lake Highlands final plat.

Please feel free to contact me at 952-467-1805 or cityadmin@cityofnva.com with any questions or to discuss further.

Thank you in advance for your cooperation in this matter.

Respectfully yours,


Steven Helget
City Administrator

From: Julie Ekman
 To: tterry@cityofnya.com
 Date: 12/12/2003 3:31:42 PM
 Subject: Brand Lake Highlands

Tom,

Subdivisions must conform to all official controls adopted by local governments (since this area is currently under Carver County jurisdiction, technically, the County's ordinance requirements should be applied). Local governments must not approve subdivisions that are designed so that variances from one or more standards will be needed to use the lots for their intended purpose. Recognizing that the City is in the process of developing their shoreland management ordinance, DNR Waters staff recommend adoption of the "Statewide Standards for Management of Shoreland Areas" (Minnesota Rules 6120.2500 - 6120.3900).

Brand Lake Highlands falls short of state standards in the following ways:

- 1) Open space area does not meet the 50% requirement for a Planned Unit Development (PUD), therefore, this must be reviewed as a subdivision and the tier concept of increasing density with distance from the lake can't be applied.
- 2) Eleven lot sizes are smaller than the 20,000 sq. ft. minimum.
- 3) Several lots are narrower than the 125-foot minimum.

Brand Lake Highlands exceeds state standards in the following way:

- 1) A 75-foot or wider buffer zone above the OHW for Brand Lake is being dedicated for public use.

Storm water management:

- 1) We encourage the use of vegetated swales wherever possible. The existence of clay soils presents a challenge to the installation of infiltration areas, but consider the possibility of replacing clay soils in some areas with coarser materials to provide infiltration in conjunction with the storm water pond.
- 2) The storm water pond is located in a drainage & utility easement behind Lot 7; the plans do not indicate how access to this area can be obtained for maintenance.

The following requirements are not apparent from the plans submitted but are included in the State Shoreland Standards:

- 1) Decks must meet the 150-foot setback requirement. ✓
- 2) The height of the structures is limited to 25 feet. ✓
- 3) Impervious surface coverage of lots must not exceed 25% of the lot area.

Recommendations:

- 1) Signage or some means to remind residents that the buffer area is public and is to be left natural (not mowed).
- 2) Require covenants that clarify that no accessory buildings are allowed. ✓

Minnesota Rule 6120.2800, Subp 3. allows for flexibility within shoreland standards under special circumstances. At our meeting on November 12, 2003, and in subsequent phone conversations we discussed the City's thoughts for inclusion of flexibility into their shoreland ordinance to accommodate future development and the Brand Lake Highlands proposal. Approval for flexibility in shoreland districts must be considered within the context of the entire shoreland ordinance which does not yet exist. It is not known at this time that the flexibility required for this development, as planned, can be incorporated into a shoreland ordinance that DNR Waters could approve. Therefore, at this time, DNR Waters cannot approve the Brand Lake Highlands development plan because it is not a PUD and doesn't comply with the county's ordinance or state's standards.

CITY OF

nya

NORWOOD

YOUNG AMERICA

10 First Avenue NE • P.O. Box 59 • Norwood Young America MN 55368

Phone: (952) 467-1800 • Fax: (952) 467-1818 • email: info@cityofnya.com • Internet: www.cityofnya.com

January 21, 2004

Julie Ekman
Area Hydrologist
Mn Department of Natural Resources-Waters
1200 Warner Road
St. Paul, MN 55106-6793



Re: Brand Lake Highlands Review

Julie:

Attached are the updated plans for the Brand Lake Highlands development. The changes should reflect recommendations made by you and Dale Homuth at our meeting on December 30th, 2003. If you have any further questions, please feel free to contact me at (952) 467-1810 or Marty Campion of Otto and Associates at (763) 682-4727. Our next meeting of the Planning Commission is on February 19th, 2004. If you would please respond by Friday, February 6th, 2004 that should give us enough time to incorporate your comments into the report. Please let me know as soon as possible if this time frame does not work for you. Thank you for your time dedicated to this review.

Sincerely,

Chelsea Rasmussen

Chelsea Rasmussen
Community Development Assistant

(952) 467-1810



Minnesota Department of Natural Resources
Central Region Waters - 1200 Warner Road, St. Paul, MN 55106-6793
Telephone: (651) 772-7910 Fax: (651) 772-7977

July 29, 2004

Mr. Tom Simmons, City Administrator
City of Norwood Young America
P.O. Box 59
10 First Avenue NE
Norwood Young America, MN 55368

Re: APPROVAL OF "BRAND LAKE HIGHLANDS" SHORELAND PLANNED UNIT
DEVELOPMENT, BRAND LAKE (10-110P), CITY OF NORWOOD YOUNG AMERICA,
CARVER COUNTY

Dear Mr. Simmons:

The above referenced project has been reviewed by DNR Waters pursuant to Minnesota Rules 6120.3800, relating to planned unit developments within shoreland areas. Based on our review, we find that Brand Lake Highlands of Norwood Young America PUD is consistent with State standards for cluster and planned unit developments. The preliminary grading plans, dated 11/12/03 and received 1/22/04; the preliminary plat signed 5/3/04 and received 5/6/04; the Open Space Easement document and descriptions in Exhibit "A" received via email 7/7/04; and the Declaration of Standards, Protective Covenants, Conditions, and Restrictions received via email 7/22/04; all for the Brand Lake Highlands development, are found to be consistent with these rules. Therefore, on behalf of the Commissioner of the Department of Natural Resources, I hereby give approval for the City to make its final decisions on of this development.

Erosion control measures should be utilized in accordance with Carver SWCD guidelines and SWCD staff should be notified of the construction timetable so that site visits can be scheduled accordingly.

Please continue to work with Area Hydrologist Julie Ekman if you have questions or need assistance.

Sincerely,

Dale E. Homuth
Regional Hydrologist

C: Marty Campion, Otto Associates
David Hubert, Melchert-Hubert-Sjodin
Aaron Mlynek, Carver SWCD
Brand Lake (10-110P) file
City of Norwood Young America Shoreland File

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929



City Admin

From: Skancke, Jennie (DNR) <Jennie.Skancke@state.mn.us>
Sent: Friday, July 01, 2016 9:20 AM
To: City Admin
Subject: Brand Lake Highlands lake buffer area (outlot)

Hi Steve,

Per our conversation earlier, we would recommend that the outlot be maintained in vegetation that is not sod. I think you're right that if folks are just mowing the vegetation that is there to have it be more like a lawn, some natives should come in if they quit mowing it, so seeding wouldn't be necessary. However, if there is sod that has been placed, we would recommend removal and seeding with a native mix.

I think that spot treating invasives would be Ok, though this could end up with loading of phosphates or other chemicals to the water body, so I'd hope it would be limited. Treating of buckthorn or other woody invasives is sometimes necessary so that an understory can develop. Sometimes the woody species need to be thinned to allow the low lying plants to establish so the ground is more stabilized.

I'm glad the City is planning to make the residents aware of the outlot and hopefully replace any signs that have been removed.

Thanks much,
Jennie

Jennie Skancke - Area Hydrologist (Scott, Dakota and Carver Counties)
MnDNR | 1200 Warner Road | St. Paul, MN 55106 | T: 651-259-5798 | Jennie.Skancke@state.mn.us

City Admin

From: City Admin
Sent: Wednesday, July 20, 2016 7:58 AM
To: 'Skancke, Jennie (DNR)'
Subject: RE: Brand Lake Highlands Open Space Easement

Ok. No one has been attempting to access the lake from their property. Thanks again!!

From: Skancke, Jennie (DNR) [mailto:Jennie.Skancke@state.mn.us]
Sent: Tuesday, July 19, 2016 7:26 PM
To: City Admin
Subject: RE: Brand Lake Highlands Open Space Easement

I don't see anything about that, so it's totally up to the City. One example is areas around Lake Wasserman where there is an easement. They are not allowed shoreland access. The lots are not sold as shoreland. If the plat shows their lot ending before it reaches the lake, they are not allowed to access the easement for that purpose, typically. The City should make the determination and document it. The area for sure needs to be maintained in permanent vegetated buffer regardless, due to the buffer requirements in the shoreland rules.

Jennie Skancke - Area Hydrologist (Scott, Dakota and Carver Counties)
MnDNR | 1200 Warner Road | St. Paul, MN 55106 | T: 651-259-5790 | Jennie.Skancke@state.mn.us

From: City Admin [mailto:cityadmin@cityofnva.com]
Sent: Tuesday, July 19, 2016 3:40 PM
To: Skancke, Jennie (DNR)
Subject: RE: Brand Lake Highlands Open Space Easement

Did you say that properties abutting the trail can maintain an access through the easement area?

From: Skancke, Jennie (DNR) [mailto:Jennie.Skancke@state.mn.us]
Sent: Tuesday, July 19, 2016 10:10 AM
To: City Admin
Subject: RE: Brand Lake Highlands Open Space Easement

Steve, I'm attaching the final approval letter again for our reference.

Unfortunately, we don't seem to have that attachment A or the covenants that are referenced in the letter. Does the City have a copy of those? In response to your questions,

1. My understanding is that this easement was deeded to the City. So, yes, this is the City's responsibility indefinitely.
2. It's in the City's best interest to enforce it and there should be plenty of basis to do so because the City was deeded this easement.
3. Sheds are not permitted because this land is not the landowners to use.
4. If I could see the original documents, I believe they would address the issue of the shaded area in the front yard.

Your questions raise the importance of ensuring that lot sizes are adequate to meet the needs of homeowners. When too many lots get squeezed in the shoreland, these issues arise.

Jennie

Jennie Skancke - Area Hydrologist (Scott, Dakota and Carver Counties)
MnDNR | 1200 Warner Road | St. Paul, MN 55106 | T: 651-259-5790 | Jennie.Skancke@state.mn.us

From: City Admin [<mailto:cityadmin@cityofnva.com>]
Sent: Monday, July 18, 2016 1:15 PM
To: Skancke, Jennie (DNR)
Subject: RE: Brand Lake Highlands Open Space Easement

Pardon me but I'm trying to be prepared for future questions, so I'd like to ask you some more. Does the City have to maintain this Open Space easement indefinitely? What happens if the City elects not to enforce it? Why are sheds not permitted? Can property owners store things in the shaded area in the front yards such as vehicles, trailers, RVs, boats, fish houses, etc. I suspect driveways are fine but what about off to the side of the driveway? Thank you again for your assistance!!

From: Skancke, Jennie (DNR) [<mailto:Jennie.Skancke@state.mn.us>]
Sent: Monday, July 18, 2016 11:43 AM
To: City Admin
Cc: Petrik, Daniel (DNR)
Subject: RE: Brand Lake Highlands Open Space Easement

Yes, if any of the development is within 1000 feet of the lake it is in the City's shoreland overlay.

Jennie Skancke - Area Hydrologist (Scott, Dakota and Carver Counties)
MnDNR | 1200 Warner Road | St. Paul, MN 55106 | T: 651-259-5790 | Jennie.Skancke@state.mn.us

From: City Admin [<mailto:cityadmin@cityofnva.com>]
Sent: Monday, July 18, 2016 11:42 AM
To: Skancke, Jennie (DNR)
Subject: RE: Brand Lake Highlands Open Space Easement

In respect to the DNR's approval of this development plan, was it due to the development's location to Brand Lake? If yes, what is the distance from the lake that triggers DNR approval?

From: Skancke, Jennie (DNR) [<mailto:Jennie.Skancke@state.mn.us>]
Sent: Monday, July 18, 2016 11:31 AM
To: City Admin
Subject: RE: Brand Lake Highlands Open Space Easement

Hi Steve,
Since I didn't work on this one, I don't know the specifics, but I'd assume that the road easement was actually set aside as a road right of way, but in order to reach the 50% open space requirement for the PUD, the developer needed to resort to this approach or else the houses would have had to be pushed further toward the road, resulting in a variance from the front setback from the road in order to gain more open space and more easement in the back. It looks like they were trying to balance things so they could meet that requirement. I've never seen this approach before, normally we prefer to see a contiguous open space, but I'm guessing that's what happened here.

Jennie Skancke - Area Hydrologist (Scott, Dakota and Carver Counties)
MnDNR | 1200 Warner Road | St. Paul, MN 55106 | T: 651-259-5790 | Jennie.Skancke@state.mn.us

From: City Admin [<mailto:cityadmin@cityofnva.com>]
Sent: Monday, July 18, 2016 11:24 AM

To: Skancke, Jennie (DNR)

Subject: Brand Lake Highlands Open Space Easement

Hi Jennie,

I'm hoping you can assist me with another question. I've attached a copy of the Brand Lake Highlands development. The shaded areas define the Open Space Easement. I understand the DNR approved this development as a PUD and there were provisions for a PUD approval. My question relates to the open space easement area between the ROW and setback and also the open space easement for the lots located in Block 2. In respect to the easement in front of the homes, I see this was addressed in the correspondence you forwarded me so that leads me to think that was a requirement of the PUD and maybe the same is true for the Block 2 areas. What is the reason to have those areas as an open space easement.

Steve Helget

City Administrator

City of Norwood Young America

P.O. Box 59

310 Elm Street W.

Norwood Young America, MN 55368

952.467.1805

www.cityofnya.com

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Document No
T 148780



OFFICE OF THE
REGISTRAR OF TITLES
CARVER COUNTY, MINNESOTA

Check # 2014 Fee: \$ 19.50
Cert. # 31567

Certified and filed on 09-28-2004 at 03:30 AM PM




Carl W. Hanson, Jr.
Registrar of Titles

OPEN SPACE EASEMENT

This Easement is made this 19 day of September, 2004, by and between **DDTR Incorporated**, a Minnesota corporation, hereinafter referred to as "**Grantor**", and the **City of Norwood Young America**, a Minnesota municipal corporation, hereinafter referred to as "**City**".

WITNESSETH:

Pursuant to the provisions of Minnesota Statutes Chapter 84C, Grantor, for good and valuable consideration, grants to the City a permanent open space easement for the purposes set forth in this instrument, over, under, and across the real property described on **Exhibit "A"**, attached hereto, hereinafter referred to as the "**subject property**".

1. For the purpose of retaining and protecting natural, scenic and open space values of real property, grantor, its successors and assigns, and the City as holder of this easement, agree that without specific written authorization from the City the following are prohibited in perpetuity on the subject property;

- (a) Constructing, installing, or maintaining anything made by man, including, but not limited to, buildings, structures, fences, clothes line poles, antennas, and playground equipment. This does not include

public utility facilities, public trails or driveways to homes from a public street.

- (b) Storage of vehicles or boats or other items or material of any kind.
- (c) Cutting, removing, or altering trees, shrubs or other vegetation, except along public streets, and except for control of noxious weed or tree disease control by or as directed by a governmental agency.
- (d) Grading, excavation, filling, tiling or other topographical alterations.
- (e) Any commercial use.
- (f) Deposit of waste, garbage, yard waste, junk or debris of any kind.

2. City may enter upon the subject property for purposes of inspection and enforcement of the restrictions contained herein and to cause to be removed from the subject premises without any liability, any structures, uses, materials, substances or unnatural matter inconsistent with the covenants contained herein and the natural state of the subject property.

3. In addition to any other remedy the City may have, the restrictions contained herein may be enforced by injunction. The owners of the subject property shall pay to the City all expenses including reasonable attorney's fees incurred by City in enforcing the terms of this easement.

4. The public shall not have any interest in the subject property by virtue of this easement or otherwise, except as herein set forth.

5. It is not the intent of this easement to deprive Grantor, their successors or assigns, the use of the subject property or a reasonable means of access across the subject property, provided that such use or means of access is not specifically prohibited by the terms of this easement.

EXHIBIT "A"

LEGAL DESCRIPTION OF SUBJECT PROPERTY

The Easterly 30.00 feet of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, Block 2, BRAND LAKE HIGHLANDS Carver County, Minnesota, according to the record plat thereof.

AND

The Westerly 30.00 feet of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, Block 1, BRAND LAKE HIGHLANDS, Carver County, Minnesota, according to the record plat thereof.

AND

That part of Lots 7, 8, 9, 10, 11, 12, 13, 14, and 15, Block 2, BRAND LAKE HIGHLANDS, Carver County, Minnesota, according to the record plat thereof that lies Westerly of the following described line:

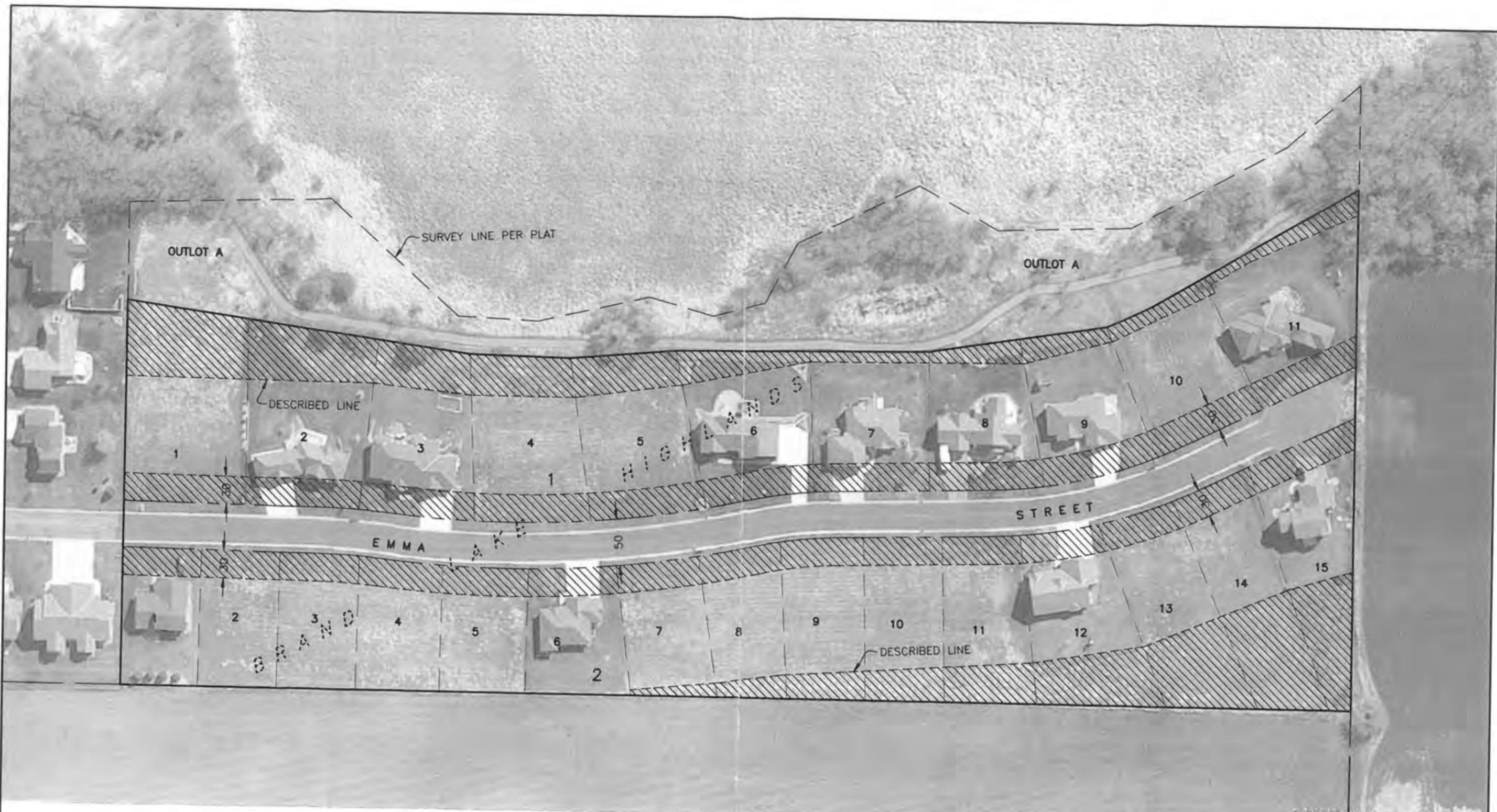
Commencing at the Southwest corner of said Lot 15; thence on an assumed bearing of North 89 degrees 23 minutes 53 seconds East, along the South Line of said Lot 15, a distance of 150.57 feet to the point of beginning; thence North 17 degrees 24 minutes 55 seconds West, a distance of 72.00 feet; thence North 22 degrees 51 minutes 08 seconds West, a distance of 169.23 feet; thence North 10 degrees 04 minutes 27 seconds West, a distance of 121.13 feet; thence North 04 degrees 24 minutes 12 seconds West, a distance of 272.93 feet; thence North 08 degrees 33 minutes 31 seconds West, a distance of 72.13 feet; thence North 06 degrees 10 minutes 57 seconds West, a distance of 92.02 feet to the North Line of said Lot 7, Block 2, and said line there terminating.

AND

That part of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, Block 1, BRAND LAKE HIGHLANDS, Carver County, Minnesota, according to the record plat thereof that lies Easterly of the following described line:

Commencing at the Southwest corner of said Lot 11, BRAND LAKE HIGHLANDS; thence on an assumed bearing of North 89 degrees 23 minutes 53 seconds East, along the South Line of said Lot 11, a distance of 162.63 feet to the point of beginning of the line to be described; thence North 24 degrees 55 minutes 03 seconds West, a distance of 126.68 feet; thence North 30 degrees 56 minutes 13 seconds West, a distance of 49.25 feet; thence South 63

degrees 56 minutes 24 seconds West, a distance of 10.12 feet; thence North 26 degrees 48 minutes 56 seconds West, a distance of 123.44 feet; thence North 15 degrees 45 minutes 27 seconds West, a distance of 98.00 feet; thence North 01 degrees 09 minutes 19 seconds West, a distance of 231.81 feet; thence North 11 degrees 48 minutes 51 seconds West, a distance of 141.61 feet; thence North 08 degrees 16 minutes 19 seconds West, a distance of 114.90 feet; thence North 00 degrees 22 minutes 05 seconds West, a distance of 112.19 feet; thence North 05 degrees 25 minutes 59 seconds East, a distance of 106.06 feet; thence North 00 degrees 07 minutes 29 seconds East, a distance of 266.73 feet to the North Line of said Lot 1, Block 1, and said line there terminating.



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OPEN SPACE EASEMENT
PER DOC. NO. T148780



Easement Exhibit
Norwood Young American, Carver County, MN

BOLTON & MENK, INC.
Consulting Engineers & Surveyors

2638 SHADOW LANE, SUITE 200
CHASKA, MINNESOTA 55318
(952)-448-8838

PART OF
BLK'S 1 & 2
BRAND LAKE HIGHLANDS

FOR: CITY OF NORWOOD YOUNG AMERICA

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H:\NOYA\C1235710 - MISC\EMMA STREET OPEN SPACE EASEMENT\CAD\C3D\35710_EX01.DWG 04-29-2016 1:11p.m.

JOB NUMBER: C12.035710

FIELD BOOK:

DRAWN BY: ASE



City of Norwood Young America

EDA Minutes

July 24, 2017 – 6:00 p.m.

City Hall Council Chambers

310 Elm Street West, Norwood Young America

ATTENDEES: Craig Heher, Carol Lagergren, Mike McPadden, Charlie Storms, Dick Stolz
CITY STAFF: City Administrator Steve Helget, City Clerk Kelly Hayes, City Attorney Jay Squires, Planning Consultant Cynthia Smith-Strack
OTHERS: Mark Lagergren, Mike & Kim Eggers, Hil Hoof, Diane Bruers, Tricia Mackenthun, Sarah Alsleben, Mark Schneider, Kim & Eric Hawkinson, Chrissy Druley, Julie Schmidt, Brad Droege, Mike Villalva, Chris Glander, Steven Noll, Cara Otto, Eric Loomis, Theresa Peterman, Ryan Kromerek

ECONOMIC DEVELOPMENT AUTHORITY

1. Call Meeting of Economic Development Authority to Order

1.1 Pledge of Allegiance

Meeting was called to order by President Lagergren at 6:15pm.

2. Approve Agenda

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

2.1 Approve minutes of June 26, 2017

Motion: MM/DS to approve the minutes of June 26, 2017. Vote 5 – 0. Motion carried.

3. Adjournment

Motion: DS/MM to adjourn at 6:17pm. Vote 5 – 0. Motion carried.

Respectfully Submitted:

Kelly Hayes, City Clerk / Treasurer

President



ATTENDEES: Craig Heher, Carol Lagergren, Mike McPadden, Dick Stolz
ABSENT: Charlie Storms
CITY STAFF: City Administrator Steve Helget, City Clerk Kelly Hayes
OTHERS: Diane Henning, Hil Hoof, Mel Matzke, Dustin Hoen, Amber Payton, Jerrod Felt, Bill Grundahl

1. Call Meeting of the City Council to Order

1.1 Pledge of Allegiance

Meeting was called to order by Mayor Lagergren at 6:00pm.

2. Approve Agenda

Motion: MM/CH to approve the agenda. Vote 4 – 0. Motion carried.

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

Resident Mel Matzke of 218 2nd Ave SE addressed the council regarding a nuisance letter that he had received. His deadline to be compliant with City Code was August 15, 2017 and he was requested an extension. At this time was added to the agenda.

Motion: CH/DS to amend the agenda with the addition of 7.5 Nuisance Letter for 218 2nd Ave SE. Vote 4 – 0. Motion carried.

Hil Hoof wanted to bring concerns regarding the 212 Underpass. He believes there is already a safe alternative to cross the highway and if the underpass is built people that would not use the underpass should be punished.

4. Consent Agenda

4.1 Approve minutes of July 24, 2017 meetings

4.2 Approve payment of Claims

4.3 Accept Jodi Miller Resignation

4.4 Firefighters Hiring Recommendations

4.5 Approve Temporary Fence Request - Last Call

4.6 Uncle Thirsty's Outdoor Request during Stiftungsfest

Motion: DS/MM to approve the consent agenda. Vote 4 – 0. Motion carried.

5. Public Hearings - none

6. Old Business

6.1 City Rental Buildings – Civic Organizations Definition

Follow-up from July 24, 2017 meeting where Ordinance 191 was approved. City Staff was requesting to define who is considered a Civic Organization.

Motion: DS/MM to approve the definition as present in Mayor Lagergren's memo.

Motion to amend: DS/MM to amend the definition to include "within the City limits" after the word "group". Vote 4 – 0. Motion carried.

Motion: DS/MM to approve the amended definition. Vote 4 – 0. Motion carried.

Definition of Civic Organizations are any local service group within City limits, veterans' post, fraternal society or association, volunteer fire or rescue groups or local civic league or association of 10 or more persons not organized for profit but operated exclusively for educational or charitable purposes, including the promotion of community welfare, and the net earnings of which are devoted exclusively to charitable, educational, recreational or social welfare purposes. Groups to include: Lions Groups, VFW and Legion, Chamber of Commerce, Yellow Ribbon Committee, Central Public Schools, Red Cross, Boy Scouts, Girl Scouts, and 4h groups.

7. New Business

7.1 Young America Corporation Donation – Park Bench Proposal

Prior to Young America Corporation leaving the City, they donated \$5000 to the City to be used in the Parks Department. The Park & Recreation Commission considered many options and are proposing a park bench that has a German man with a sign saying "Willkommen". They are suggesting that the remainder of the donation would go towards the Willkommen Park restroom project.

Motion: MM/CH to utilize Young America Corporation's donation to construct a decorative park bench and also for the Willkommen Memorial Park Restroom Project. Vote 4 – 0. Motion carried.

7.2 Dustin Hoen Encroachment Request

Resident Dustin Hoen of 905 and 915 Lakewood Trail is requesting an Encroachment Agreement to us the future City property so he can continue to access his dock that is on Barnes Lake. He received approval for this non-paved trail from Centra Homes (previous owner of the said property). City Attorney Jay Squires said that an Encroachment Agreement is possible for Mr. Hoen to access his dock; however, it should include to indemnify the City of any possible liability claims and prove proof of insurance of such. Mr. Hoen uses the dock for hunting in the fall.

Councilman Stolz brought up concerns that other residents could possibly want to build docks in any of the lakes within the City and other people could actually use the docks because all waters in MN are controlled by the DNR.

As the agreement currently states, the encroachment would stay with the property perpetually. Council member McPadden requested to amend to have the last line say the following: the said encroachment will expire in five years or immediately upon removal of the road.

Motion: MM/DS to approve the amended Encroachment Agreement between the City and Dustin Hoen (subject to Outlot A, The Preserve 5th Addition being deeded to the City of Norwood Young America). Vote 4 – 0. Motion carried.

7.3 Willkommen Memorial Park Restrooms Project

Final inspection was completed last week. Grass is growing. Change order #2 to reduce the cost by \$5268 – due to eliminating the epoxy floor coating and waived part of the building code fee. The final project total was \$115,432. \$80,000 was budgeted for this project; \$19,700 was received in donations, which leaves an outstanding balance of \$15,700. It was suggested to use the Capital Equipment Outlay fund to cover the overages. The lawnmower that was purchased earlier this year was budgeted for \$80,000 but because we were able to purchase a demo model so there was a savings of \$16,500.

Motion: DS/CH to approve Change Order #2 for the Willkommen Memorial Park Restroom. Vote 4 – 0. Motion carried.

Motion: MM/CH to approve the final payment request to Shanahan Construction. Vote 4 – 0. Motion carried.

Motion: CH/DS to approve utilize the Capital Equipment Outlay Fund to finance the Willkommen Memorial Park Restroom Project budget over-run . Vote 4 – 0. Motion carried.

7.4 Custodian Position

Due to the resignation of Jodi Miller, the Personnel Committee recommends hiring Deborah Bipes at a Pay Grade 5, Step 1.

Motion: To hire Deborah Bipes at \$12.76 for the custodian position. Vote 4 – 0. Motion carried.

7.5 Nuisance letter for 218 2nd Ave SE

Complaint was received regarding a nuisance violation at 218 2nd Ave SE. The tree was taken down the end of May. According to the property owner, the company that was supposed to saw it up at the address had an incident and is unable to get it done until the beginning of September. The Council has directed the resident that the nuisance violation must be remedied by September 15, 2017. The owner assured that would happen.

8. City Council Members & Mayor Reports

CH – Planning: discussed CUP for 170 Industrial Boulevard, and variance for 125 and 119 Railroad Street East. These will be coming to the council on August 28, 2017. Meeting with applicant for the Planning Commission opening.

MM – Stiftungsfest: moved meeting up a week due to Stiftungsfest. EDC: meeting this week. Had a ribbon cutting for My Box, an indoor storage container company. There is room for 199 units.

DS – Senior Advisory: Survey response was nearly 50%. We have results and will be seeking assistance on how to read and understand the results.

CL – Comp Plan: Discussed top 5 community priorities. Next meeting is in October. Mobility Management: Smartlink handles two more people per hour compared to all other transportation companies in the metro area. Working with DOT to try to figure out a solution for the partnership of our bus and Encore. Personnel: Interviewed Custodian. Pool closing August 24. Carver County Mayors: Many cities are working on similar issues.

9. Adjournment

Motion: MM/CH to adjourn at 7:24pm. Vote 4 – 0. Motion carried.

Respectfully Submitted:

Kelly Hayes, City Clerk / Treasurer

Mayor

UPCOMING MEETINGS / EVENTS

August 15 Parks and Rec. Commission – 5:30 p.m.
August 16 Economic Development Commission – 6:30 p.m.
August 18 Kick off to the State Amateur Baseball Tournament
August 19 Mini-Rod Pull 1:00pm
August 21 City Council Special Meeting – 2018 Budget
August 25 Stiftungsfest begins
August 28 City Council Work Session – 6:00 p.m.; EDA and City Council to follow
September 6 Planning Commission – 6:00 p.m.
September 14 Senior Advisory Committee – 9:00 a.m.

CITY OF NORWOOD YOUNG AMERICA

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

To Be Approved: August 28, 2017

Pre-Paid Claims **\$49,675.78**
(Check Sequence #504390-504417; 27154-27155)

Claims Pending Payment **\$97,188.85**
(Check Sequence #27156-27202)

Grand Total **\$146,864.63**

PAYROLL 8/24/17

CHECK #	EMPLOYEE	GROSS
504390	ANDERSON, HAYDEN	\$618.76
504391	ARETZ, BRENT R	\$2,412.00
504392	BIXBY, ATTICUS	\$518.13
504393	BRINKMAN, MATTHEW J.	\$936.94
504394	CANO, JOEY M	\$1,476.00
504395	CARLSON, COURTNEY	\$255.68
504396	GOLBERG, KAILEY	\$770.96
504397	GOLBERG, KATANA J.	\$924.16
504398	HAAG, HERMAN	\$46.90
504399	HAYES, KELLY	\$2,238.40
504400	HELGET, STEVE	\$3,485.60
504401	HEUER, ANDREW	\$349.30
504402	HOEN, ROBERT G.	\$619.65
504403	Hormann, Duane	\$468.98
504404	JACOBS, CAMBRIA S	\$557.99
504405	J AUS, RODNEY D	\$738.00
504406	LAGERGREN, BEN	\$881.68
504407	LENZ, DEBRA A	\$1,887.20
504408	MENZEL, ALICIA	\$1,628.01
504409	MILLER, JODI	\$464.64
504410	NIESEN, CHRISTOPHER D.	\$1,866.40
504411	ORR, AMBER G	\$641.56
504412	SCHNEEDWIND, BRIAN O	\$1,549.60
504413	STENDER, DANIEL H	\$1,980.00
504414	VOIGT, ANTHONY	\$2,630.38
504415	WENISCH, MARY	\$396.63
504416	WICKENHAUSER, GRACE	\$709.44
504417	KLEINBANK - NET	\$21,587.51
	GROSS	\$31,052.99

CITY OF NORWOOD YOUNG AMERICA

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*Check Summary Register©

JUNE 2017 to AUGUST 2017

Name	Check Date	Check Amt
10100 CHECKING		
Paid Chk# 027154 CARVER COUNTY ATTORNEYS	8/11/2017	\$2,656.27 FINES
Paid Chk# 027155 SHANAHAN CONSTRUCTION	8/11/2017	\$25,432.00 RESTROOMS FINAL PAYMENT
Total Checks		\$28,088.27

CITY OF NORWOOD YOUNG AMERICA

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AUGUST 2017

	Check Amt	Invoice	Comment
10100 CHECKING			
Paid Chk# 027156	8/28/2017	A-1 ELECTRIC SERV OF WACONIA	
E 602-49450-223	Repair/Maintenance Bldg/Ground	\$289.92	20313 SLUDGE RECIRCULATING PUMP
E 602-49450-223	Repair/Maintenance Bldg/Ground	\$148.99	20314 REPAIR GARAGE LIGHT
E 602-49450-223	Repair/Maintenance Bldg/Ground	\$149.75	20315 REPLACE HOUR METER ON BLOWER
Total A-1 ELECTRIC SERV OF WACONIA		\$588.66	
Paid Chk# 027157	8/28/2017	BRYAN ROCK PRODUCTS, INC.	
E 101-45200-221	Repair/Maintenance Equipment	\$437.30	
Total BRYAN ROCK PRODUCTS, INC.		\$437.30	
Paid Chk# 027158	8/28/2017	CANO, JOEY	
E 101-43100-207	Training Instructional	\$720.00	CDL TRAINING & LICENSE
Total CANO, JOEY		\$720.00	
Paid Chk# 027159	8/28/2017	CARDMEMBER SERVICE	
E 601-49400-207	Training Instructional	\$250.00	
E 101-41400-430	Miscellaneous (GENERAL)	\$113.90	
E 101-41320-350	Print/Publishing/Postage	\$107.70	
E 101-49860-251	Concessions	\$141.18	
E 101-42200-223	Repair/Maintenance Bldg/Ground	\$182.81	
E 101-43100-221	Repair/Maintenance Equipment	\$179.64	
E 101-45200-223	Repair/Maintenance Bldg/Ground	\$1,411.21	
E 101-45200-221	Repair/Maintenance Equipment	\$192.45	
E 101-41400-430	Miscellaneous (GENERAL)	\$153.54	
Total CARDMEMBER SERVICE		\$2,732.43	
Paid Chk# 027160	8/28/2017	CARVER COUNTY CDA	
E 101-41940-223	Repair/Maintenance Bldg/Ground	\$19,265.75	2017
E 101-41940-223	Repair/Maintenance Bldg/Ground	\$8,405.01	2016
Total CARVER COUNTY CDA		\$27,670.76	
Paid Chk# 027161	8/28/2017	CARVER COUNTY RECORDER	
E 101-41320-350	Print/Publishing/Postage	\$46.00	COVENANTS LOOMIS
E 101-41320-350	Print/Publishing/Postage	\$46.00	124 RR VARIANCE CURFMAN
E 101-41320-350	Print/Publishing/Postage	\$46.00	124 RR LOT SPLIT CURFMAN
E 101-41320-350	Print/Publishing/Postage	\$46.00	600 RR CUP CURFMAN
E 101-41320-350	Print/Publishing/Postage	\$46.00	600 RR VARIANCE CURFMAN
E 101-41320-350	Print/Publishing/Postage	\$46.00	DEVELOPMENT AGRMT LOOMIS
E 101-41320-350	Print/Publishing/Postage	\$46.00	170 INDUSTRIAL JEURISSEN
Total CARVER COUNTY RECORDER		\$322.00	
Paid Chk# 027162	8/28/2017	CARVERLINK-CARVER CO BROADBAND	
E 101-49860-321	Telephone	\$30.70	
E 101-46500-321	Telephone	\$48.32	
E 101-41400-321	Telephone	\$144.96	
E 101-41320-321	Telephone	\$120.80	
E 101-41300-321	Telephone	\$120.80	

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AUGUST 2017

			Check Amt	Invoice	Comment
E 101-41940-321	Telephone		\$146.90		
E 101-45200-321	Telephone		\$48.45		
E 101-43100-321	Telephone		\$48.45		
E 101-42200-321	Telephone		\$162.19		
E 602-49450-321	Telephone		\$76.90		
E 601-49400-321	Telephone		\$76.90		
E 101-45500-321	Telephone		\$24.16		
E 101-41940-321	Telephone		\$172.96		
E 101-42100-321	Telephone		\$24.16		
al CARVERLINK-CARVER CO BROADBAND			\$1,246.65		
Paid Chk# 027163 8/28/2017 CENTER POINT					
E 101-41940-383	Gas Utilities		\$15.00		318 ELM ST W
E 601-49400-383	Gas Utilities		\$23.91		104 3RD AVE SE
E 101-41940-383	Gas Utilities		\$21.00		310 ELM ST W
E 602-49450-383	Gas Utilities		\$16.28		406 2ND AVE SE
E 101-45500-383	Gas Utilities		\$15.00		314 ELM ST W
Total CENTER POINT			\$91.19		
Paid Chk# 027164 8/28/2017 CITIZEN STATE BANK HSA ACCTS					
G 101-21718	HSA ACCOUNT		\$333.34		ARETZ
G 101-21718	HSA ACCOUNT		\$333.34		MENZEL
G 101-21718	HSA ACCOUNT		\$333.34		LENZ
Total CITIZEN STATE BANK HSA ACCTS			\$1,000.02		
Paid Chk# 027165 8/28/2017 CITIZENS STATE BANK WAVERLY					
G 101-21718	HSA ACCOUNT		\$333.34		NIESEN
Total CITIZENS STATE BANK WAVERLY			\$333.34		
Paid Chk# 027166 8/28/2017 COHRS TREE SERVICE					
E 101-43100-223	Repair/Maintenance Bldg/Ground		\$200.00		TREE BRANCH REMOVAL
Total COHRS TREE SERVICE			\$200.00		
Paid Chk# 027167 8/28/2017 DELTA DENTAL					
G 101-21714	Dental Insurance		\$1,767.00		
Total DELTA DENTAL			\$1,767.00		
Paid Chk# 027168 8/28/2017 DPC INDUSTRIES INC					
E 601-49400-216	Chemicals and Chem Products	\$144.00	827001272-17		CHLORINE
E 602-49450-216	Chemicals and Chem Products	\$192.00	827001273-17		CHLORINE & SULFUR DIOXIDE
Total DPC INDUSTRIES INC			\$336.00		
Paid Chk# 027169 8/28/2017 EMERGENCY RESPONSE SOLUTIONS					
E 101-42200-221	Repair/Maintenance Equipment	\$212.82	9256		HIGH CYCLE SPRING CLIPS
otal EMERGENCY RESPONSE SOLUTIONS			\$212.82		
Paid Chk# 027170 8/28/2017 HAWKINS WATER TREATMENT GROUP					
E 101-49860-216	Chemicals and Chem Products	\$1,253.74			

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AUGUST 2017

			Check Amt	Invoice	Comment
tal HAWKINS WATER TREATMENT GROUP			\$1,253.74		
Paid Chk#	027171	8/28/2017	HEALTH PARTNERS		
	G 101-21706	Hospitalization/Medical Ins	\$10,324.57		
Total HEALTH PARTNERS			\$10,324.57		
Paid Chk#	027172	8/28/2017	HILGERS PLUMBING & HEATING, IN		
	E 101-45200-223	Repair/Maintenance Bldg/Ground	\$177.00	11598	BASEBALL PARK
	E 101-45200-223	Repair/Maintenance Bldg/Ground	\$117.00	11656	DRINKING FAUCET
Total HILGERS PLUMBING & HEATING, IN			\$294.00		
Paid Chk#	027173	8/28/2017	HILLYARD FLOOR CARE SUPPLY		
	E 101-41940-210	Operating Supplies (GENERAL)	\$848.85	602657270	TISSUE DISPENSER, TOWEL ROLL
Total HILLYARD FLOOR CARE SUPPLY			\$848.85		
Paid Chk#	027174	8/28/2017	HORIZON COMMERCIAL POOL SUPPLY		
	E 101-49860-221	Repair/Maintenance Equipment	\$310.30	170726068	WEIR FLOATING, ROPE, COLORQ TEST TABS
	E 101-49860-221	Repair/Maintenance Equipment	\$55.90	170728146	SKIMMER BASKET
tal HORIZON COMMERCIAL POOL SUPPLY			\$366.20		
Paid Chk#	027175	8/28/2017	INFINITE TRADING INC		
	E 101-43100-221	Repair/Maintenance Equipment	\$22.50	38330	OLD BELL STYLE LUG NUT
Total INFINITE TRADING INC			\$22.50		
Paid Chk#	027176	8/28/2017	J.P.COOKE CO		
	E 101-42700-210	Operating Supplies (GENERAL)	\$70.50	466033	ANIMAL TAGS
Total J.P.COOKE CO			\$70.50		
Paid Chk#	027177	8/28/2017	JANES-BARTLEY, DAWN		
	E 601-49400-432	Refund	\$102.73		WATER BILL OVERPAYMENT
Total JANES-BARTLEY, DAWN			\$102.73		
Paid Chk#	027178	8/28/2017	JENSEN DECORATIVE CONCRETE INC		
	E 101-43100-224	Street Maint Materials	\$3,000.00	613	SOUTH FIRE STATION
tal JENSEN DECORATIVE CONCRETE INC			\$3,000.00		
Paid Chk#	027179	8/28/2017	KLEINBANK		
	G 101-21718	HSA ACCOUNT	\$333.34		STENDER
	G 101-21718	HSA ACCOUNT	\$166.66		SCHNEEWIND
	G 101-21718	HSA ACCOUNT	\$453.34		HELGET
Total KLEINBANK			\$953.34		
Paid Chk#	027180	8/28/2017	LANO EQUIPMENT		
	E 101-45200-223	Repair/Maintenance Bldg/Ground	\$300.00	13524	BOBCAT RENTAL
Total LANO EQUIPMENT			\$300.00		
Paid Chk#	027181	8/28/2017	LENZ, DEBRA		
	E 101-41400-200	Office Supplies (GENERAL)	\$53.91		
	E 101-41400-331	Travel/Meeting Expense	\$60.72		

CITY OF NORWOOD YOUNG AMERICA

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AUGUST 2017

			Check Amt	Invoice	Comment
Total LENZ, DEBRA			\$114.63		
Paid Chk# 027182	8/28/2017	MCFOA			
E 101-41400-433	Dues and Subscriptions		\$40.00		HAYES MEMBERSHIP
Total MCFOA			\$40.00		
Paid Chk# 027183	8/28/2017	METRO WEST INSPECTION SERVICES			
E 101-42400-312	Building Inspection Fee		\$3,497.29		
Total METRO WEST INSPECTION SERVICES			\$3,497.29		
Paid Chk# 027184	8/28/2017	MID COUNTRY BANK			
G 101-21718	HSA ACCOUNT		\$433.34		HAYES
Total MID COUNTRY BANK			\$433.34		
Paid Chk# 027185	8/28/2017	MID-COUNTY CO-OP OIL ASSN			
E 101-43100-212	Motor Fuels		\$897.70	40250	DYED DIESEL
Total MID-COUNTY CO-OP OIL ASSN			\$897.70		
Paid Chk# 027186	8/28/2017	MINI BIFF			
E 101-45200-418	Other Rentals (Biffs)		\$107.61	A-88878	FRIENDSHIP PARK
E 101-45200-418	Other Rentals (Biffs)		\$189.21	A-89056	SPORTS COMPLEX
E 101-45200-418	Other Rentals (Biffs)		\$81.60	A-89067	WILLKOMMEN PARK
E 101-45200-418	Other Rentals (Biffs)		\$215.22	A-89096	WILLKOMMEN PARK
Total MINI BIFF			\$593.64		
Paid Chk# 027187	8/28/2017	MINNESOTA VALLEY TESTING LAB			
E 602-49450-217	Lab Fees		\$36.20	877618	PHOSPHORUS
E 602-49450-217	Lab Fees		\$36.20	878695	PHOSPHORUS
Total MINNESOTA VALLEY TESTING LAB			\$72.40		
Paid Chk# 027188	8/28/2017	NYA TIMES			
E 101-41400-350	Print/Publishing/Postage		\$26.46	218708	CIVIC GROUP FEES
Total NYA TIMES			\$26.46		
Paid Chk# 027189	8/28/2017	ORR, AMBER			
E 101-49860-207	Training Instructional		\$75.00		LIFEGUARD TRAINING
Total ORR, AMBER			\$75.00		
Paid Chk# 027190	8/28/2017	QUILL CORPORATION			
E 101-41400-200	Office Supplies (GENERAL)		\$153.98	8913049	INK
E 101-41400-200	Office Supplies (GENERAL)		\$126.97	8913156	BANKERS BOX
Total QUILL CORPORATION			\$280.95		
Paid Chk# 027191	8/28/2017	SENSUS METERING SYSTEMS			
E 601-49400-437	Maintenance Contract		\$1,715.95	ZA17023806	ANNUAL SUPPORT
Total SENSUS METERING SYSTEMS			\$1,715.95		
Paid Chk# 027192	8/28/2017	SRF CONSULTING GROUP INC			
E 101-41320-310	Other Professional Services		\$981.64	10479.00-2	COMP PLAN UPDATE

CITY OF NORWOOD YOUNG AMERICA

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AUGUST 2017

			Check Amt	Invoice	Comment
Total		SRF CONSULTING GROUP INC	\$981.64		
Paid Chk#	027193	8/28/2017	STATE BANK OF HAMBURG		
	G 101-21718	HSA ACCOUNT	\$433.34		JAUS
Total		STATE BANK OF HAMBURG	\$433.34		
Paid Chk#	027194	8/28/2017	SUN LIFE ASSURANCE COMPANY		
	G 101-21707	Disability Insurance	\$177.29		DISABILITY
Total		SUN LIFE ASSURANCE COMPANY	\$177.29		
Paid Chk#	027195	8/28/2017	SW CORRIDOR TRANS COALITION		
	E 101-41110-433	Dues and Subscriptions	\$2,500.00		MEMBERSHIP
Total		SW CORRIDOR TRANS COALITION	\$2,500.00		
Paid Chk#	027196	8/28/2017	THE MULCH STORE		
	E 101-45200-223	Repair/Maintenance Bldg/Ground	\$3,142.50	22162	PLAYGROUND MATERIAL
Total		THE MULCH STORE	\$3,142.50		
Paid Chk#	027197	8/28/2017	TOWMASTER		
	E 101-43100-221	Repair/Maintenance Equipment	\$1,733.00	395080	TRUCK REPAIRS
Total		TOWMASTER	\$1,733.00		
Paid Chk#	027198	8/28/2017	TURFWERKS		
	E 101-45200-221	Repair/Maintenance Equipment	\$11.68	EI03130	BLADE BOLT
	E 101-45200-221	Repair/Maintenance Equipment	\$402.08	EI03132	SOLID T NS
Total		TURFWERKS	\$413.76		
Paid Chk#	027199	8/28/2017	UNUM LIFE INSURANCE CO		
	G 101-21715	Life Ins	\$121.20	0421562-001 7	LIFE INSURANCE
	G 101-21715	Life Ins	\$55.89	0421563-001 4	LIFE INSURANCE
Total		UNUM LIFE INSURANCE CO	\$177.09		
Paid Chk#	027200	8/28/2017	VESSCO, INC.		
	E 601-49400-221	Repair/Maintenance Equipment	\$1,315.48	70431	RED OIL
Total		VESSCO, INC.	\$1,315.48		
Paid Chk#	027201	8/28/2017	WOODBURY, JANICE		
	G 101-22102	Community Garden Escrow	\$25.00		COMMUNITY GARDEN
Total		WOODBURY, JANICE	\$25.00		
Paid Chk#	027202	8/28/2017	XCEL ENERGY		
	E 101-43100-381	Electric Utilities	\$413.39		
	E 101-49860-381	Electric Utilities	\$1,586.81		
	E 602-49450-381	Electric Utilities	\$8,466.11		
	E 601-49400-381	Electric Utilities	\$3,698.42		
	E 101-45200-381	Electric Utilities	\$765.95		
	E 101-43100-380	Street Lighting	\$446.77		
	E 101-42500-381	Electric Utilities	\$11.65		
	E 101-42200-381	Electric Utilities	\$452.78		

CITY OF NORWOOD YOUNG AMERICA

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AUGUST 2017

Check Amt Invoice Comment

E 101-41940-381	Electric Utilities	\$4,783.44		
E 101-45500-381	Electric Utilities	\$2,722.47		
	Total XCEL ENERGY	\$23,347.79		
	10100 CHECKING	\$97,188.85		

Fund Summary

10100 CHECKING

101 GENERAL FUND	\$80,449.11
601 WATER FUND	\$7,327.39
602 SEWER FUND	\$9,412.35
	\$97,188.85



TO: Mayor Lagergren and City Council Members
FROM: Kelly Hayes, City Clerk/Treasurer
DATE: August 28, 2017
SUBJECT: Streets Closing Request – Preserve Blvd

Resident Ron Erpenbach, address 1060 Preserve Boulevard, is requesting approval to close the street beginning at 1060 Preserve Boulevard and heading northeast to the end of Preserve Boulevard on Saturday, September 9, 2017, from 3:00pm – 11:00pm. The street closing is for a neighborhood block party and all neighbors are aware of the request.

RECOMMENDATION:

Motion to approve street closure beginning at 1060 Preserve Boulevard and heading east to the end of Preserve Boulevard on September 9, 2017 from 3pm – 11pm.

Norwood Young America



TO: Mayor Lagergren and City Council Members
FROM: Kelly Hayes, City Clerk / Treasurer
DATE: August 28, 2017
RE: Approve temporary liquor license for NYA West Carver Lions Club

The NYA West Carver Lions Club is requesting a temporary intoxicating on-sale liquor license. They have scheduled a Harvest Moon Wine Tasting event on Friday, October 27, 2017, at the Willkommen Memorial Park Pavilion. The Council is asked to approve the application pending receipt of certificate of insurance.

Recommendation:

A motion approving a temporary intoxicating on-sale liquor license for the NYA West Carver Lions Club contingent on receipt of certificate of insurance.



TO: Mayor Lagergren and City Council Members
FROM: Kelly Hayes, City Clerk / Treasurer
DATE: August 28, 2017
RE: Firefighter resignation – James Martin

On August 21, 2017, James Martin of the Norwood Young America Fire Department submitted his resignation. James has been with the fire department since 2014 and now plans to join to the New Germany Fire Department.

We thank James for his service and wish him the best.

Recommendation:

To approve the resignation of James Martin from the Norwood Young America Fire Department.



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

From: Cynthia Smith Strack, Consulting Planner

Date: August 28, 2017

Re: Curfman Trucking: 600 Railroad Street West – Rear Yard Setback Variance, Conditional Use Permit,
and Site Plan Approval Requests

Applicant: Steve Curfman, d.b.a. Curfman Trucking & Repair Inc.

Subject Address: 600 Railroad Street West

Legal Description: THAT P/O N1/2 SECT 15-115-26 BOUNDED AS FOLLOWS: BOUNDED ON N BY S R-O-W OF HWY 212 BOUNDED ON S BY N R-O-W OF OLD HWY 212 NOW RAILROAD ST BOUNDED ON E BY LINE DESC AS: COMM AT SE CORN BLK 14 VILLAGE OF NORWOOD TH W ON N LINE OF RAILROAD ST TO SW CORN VAC TH S 75' +OR- TO A PT ON S R-O-W LINE OF HWY 212-S AID PT BEING PT OF BEG OF LINE TO BE DESC TH CONT ON A BEARING OF S 468.68' TO N R-O-W LINE OF OLD HWY 212 (NOW RAILROAD ST) & SAID LINE THERE TERMINATING EXC: W 6 ACRES THEREOF & EXC E 6 ACRES THEREOF

Property ID: 580150700

Zoning Class: I-1 Light Industrial District

Request:

1. Conditional use permit allowing outdoor storage with a contractor operation
2. Variance to rear yard setback requirement
3. Site plan approval

Representative: Steve Curfman

Attachments: Site plan dated July 17, 2017 and previous expired/superseded versions
Exterior Elevations
Parking lot standards
Survey
Site Map
Application, Narrative
Memo from City Engineer dated May 18, 2017
Memo from Fire Chief Steve Zumberge dated May 25, 2017
Excerpt from June 6, 2017 Planning Commission Meeting Minutes
Excerpt from August 1, 2017 Planning Commission Draft Meeting Minutes

BACKGROUND

Conditional use permit, variance, and site plan applications, a narrative description, and site plan sketches have submitted for review by the City of Norwood Young America in conjunction with a proposed contractor operation with ancillary outdoor storage at 600 Railroad Street West. The application materials are attached for consideration/information.

A variance to required rear yard setback in the I-1 Light Industrial District (1230.12, Subd. 5(E)) will allow placement of a new structure on an existing foundation. Rear setback required is 50 feet; setback of the existing foundation is fifteen (15) feet.

A CUP is required under Section 1230.12, Subd. 4(E) for ancillary outdoor storage. Principal use of the property for a contractor operation is a permitted use within the I-1 District.

The Applicant represents:

- Curfman Trucking & Repair, Inc. is proposed to be relocated to this site.
- Curfman Trucking & Repair is a commercial trucking company that performs its own service, repair, and maintenance on its fleet of tractors, trucks, and trailers and offers truck repair and service to the public.
- The Applicant proposes a new 120' X 80' (9,600 sf) truck maintenance facility to be located on an existing foundation. The truck maintenance facility will have four (4) bays for semi repair or eight bays for straight truck repair, a truck wash bay, office, restrooms, storage, and showroom area. The building will be wood frame with steel siding, roofing, and trim.
- The site plan illustrates a future option to add a 24' X 80' addition to the west side of the building for truck repair.
- The Applicant proposes the four bays (also defined as eight bays) are to be used for repair, maintenance, and service of Curfman Trucking's own fleet and for the public business of repair/maintenance/service of other commercial trucks.
- Curfman's private truck fleet consists of seventeen (17) trucks and seven (7) trailers.
- The Applicant proposes a maximum of four (4) commercial trucks not owned by Curfman Trucking will be repaired on site on any day.
- The proposed wash bay will be used for Curfman Trucking's own fleet. The Applicant projects two (2) fleet vehicles will be washed at the site each day.
- The Applicant employs fifteen (15) truck drivers who drive to the site in personal vehicles and depart the site in a Curfman Trucking fleet vehicles. Fleet drivers work off-site throughout the day and return to the site at the close of the work day.
- The Applicant employs an additional eight (8) persons on site, including office staff.
- A water service line is present at the site of the existing foundation/proposed new structure.
- A sanitary sewer service line will be extended from an existing service near the eastern property boundary.

- The Applicant proposes three aggregate storage piles.
 - The two southernmost aggregate storage piles will be contained on three sides by a bunker wall a minimum of five (5) feet in height. The third aggregate storage pile (northernmost) will be contained on two sides by a bunker wall a minimum of five (5) feet in height.
 - Full capacity of each of the three bunkers will be 3,500 yards of material. An estimated 3,500 yards of red rock, 3,500 yards of unrecycled aggregate material, and 3,500 yards of recycled aggregate material.
 - Maximum estimated height of the outdoor storage piles is twenty-five (25) feet.
 - The Applicant estimates fifteen (15) loads of aggregate materials will pass in or out of the facility each day during the construction season (six to seven months of the year) and seven (7) in or outbound trucks loads of aggregate material will pass in or out of the facility each day during the off-season (five to six months of the year).

- The Applicant proposes outdoor storage of tires, mulch, boulders, pallets, stones, and rocks in ten (10) bunkers each sized 20' by 20' and no greater than five feet in height if constructed of wood or eight feet in height if constructed of concrete. Tires stored outdoors will be covered to prohibit water from pooling in said tires.

- The existing truck scale and truck scale building will be used privately by Curfman Trucking for the scaling of aggregate material.

- Proposed parking will accommodate parking of Curfman Trucking's fleet of tractors, trailers, and trucks. Employee parking and spaces for trucks not owned by Curfman Trucking which are being repaired are also proposed.

- A three foot driveway apron extended from the existing roadway surface is proposed.

The Planning Commission held a public hearing following posted, published, and mailed notice relating to the variance and conditional use permit on June 6, 2017. The Planning Commission then reviewed each of the requests (variance, CUP, site plan) individually. Please find attached an excerpt from the draft PC meeting minutes of June 6, 2017 relating to the requests. The Planning Commission reviewed a revised site plan at the August 1, 2017 regular meeting. Draft minutes are attached.

The Council is to review and act on the items related to this request in the following order: variance, CUP, and site plan.

EXAMINATION OF CODE REQUIREMENTS: REAR YARD SETBACK VARIANCE

The Applicant proposes a variance to the required rear yard setback of fifty (50) feet. The Applicant proposes a rear yard setback of fifteen (15) feet which corresponds to the location of an existing foundation remaining from a former structure. If approved the variance will enable use of the existing structural foundation.

Section 1210.04 of the City Code pertains to issuance of variances.

A variance from the literal provisions of the Code may be approved where strict enforcement would cause practical difficulties. Practical difficulties when used in connection with the granting of a variance means:

1. The property owner proposes to use the property in a reasonable manner not permitted by the Code.
2. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
3. The variance, if granted will not alter the essential character of the locality.

Variances to allowable uses of property are not allowed, variances to performance standards such as setbacks may be considered. Economic considerations alone do not constitute a practical difficulty.

PC Recommendation: Variance

The PC, following public hearing and discussion, recommended the City Council approve the variance requested based on the following findings:

- The proposed development is consistent with the Comprehensive Plan in terms of future land use (industrial) and policies relating to industrial development.
- The property has previously been developed and used for industrial purposes with berming present on the perimeter of the property. The property is zoned for industrial use the proposed industrial use with certain conditions recommended appears to be a reasonable use of the property.
- The variance is not for the use of the property.
- The property was previously designed, graded, and built with placement of a structure adjacent to the northern property boundary.
- An existing foundation suitable for reuse exists on the property. Utilities are suitably placed.
- Reuse of the existing foundation minimizes disturbance of the existing site and maximizes efficiency of redevelopment.

The Commission recommended the following conditions be placed on approval:

1. The variance is applicable to the property at 600 Railroad Street West.
2. Approval of a Conditional Use Permit to allow ancillary outdoor storage in conjunction with a contractor operation at 600 Railroad Street West.
3. Approval of a site plan for the proposed development at 600 Railroad Street West.
4. Initiation of construction of a proposed 80' X 120' (9,600 square foot) structure shall begin within one-year of City Council approval of the variance. If construction has not been initiated within one year of Council approval the variance, said variance approval shall expire without further action by the Council.

EXAMINATION OF CODE REQUIREMENTS: CONDITIONAL USE PERMIT ANCILLARY OUTDOOR STORAGE

The Applicant proposes ancillary outdoor storage in conjunction with a contractor operation. Outdoor storage to specifically include:

1. Parking of Curfman Trucking fleet vehicles.
2. Three aggregate storage piles containing 3,500 cubic yards of material each.
3. Outdoor storage of tires, mulch, boulders, pallets, stones, and rocks in ten (10) bunkers each sized 20' by 20' no greater than five feet in height if constructed of wood or eight feet in height if constructed of concrete.
4. Parking of commercial trucks being repaired on site.

Code requirements applicable to this Conditional Use Permit Request are itemized below; consulting staff comments are illustrated in ***red bold, italic type face***.

1210.06 Conditional Use Permits, Subd. 3(B)(18) Requirements

Outdoor storage must conform to the following standards:

- a. All outdoor storage yards shall be completely screened from roads or developed areas with a solid fence or wall six feet or more in height, maintained in good condition, and screened with suitable planting. **Berming, fencing (chain link), and vegetative screening adjacent to Railroad Street are present at the site and maintained in good condition. The Commission should discuss how the existing screening relates to this requirement.**
- b. No un-screened outdoor storage yards shall be established after the effective date of the Code located closer than 500 feet to existing State and Federal roads, nor closer than 100 feet to any other City streets. **The previous use (Waste Management Recycling Center) occupied the portion of the site currently surfaced with compacted aggregate material. No significant change in the portion of the site used for outdoor storage is proposed. As such a new or expanded outdoor storage yard is not proposed.**

General Criteria for Approval of Conditional Use Permits

The aforementioned standards relate specifically to outdoor storage. In addition, the Planning Commission is required to examine the request under a series of general standards as set for under Section 1210.06 Conditional Use Permits, Subd. 3(A).

1. The use is consistent with goals, policies and objectives of the Comprehensive Plan. **DISCUSSION: The 2008 NYA Comprehensive Plan guides the subject area to industrial use.**
2. The use is consistent with the intent of this Ordinance. **DISCUSSION: Contractor operations are permitted uses within the I-1 District. Outdoor storage is allowed as an accessory use under CUP.**
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements. **DISCUSSION: The proposed use will occur on an existing lot which is currently served by a full array of urban services. The redevelopment will not overly burden existing utilities in terms of volume used/capacity required or type of waste produced.**
4. The use does not have an undue adverse impact on the public health, safety or welfare. **DISCUSSION: The outdoor storage will be confined in scope and size by proposed conditions and contained within a bermed, fenced, and partially screened area. Proposed conditional use permit standards will limit any adverse impact on the public's health, safety, or welfare.**
5. The use will not 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. **DISCUSSION: Adjacent uses are a mix of open space ag uses and industrial uses. The use as provided for in the City Code and with conditions proposed appears to blend in with the uses within the general locale.**
6. The use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. **DISCUSSION: The subject site was previously developed for industrial use with outdoor storage. Berming, fencing, and screening were required under the previous use and exist on site.**

7. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. **DISCUSSION: The subject parcel is an existing, improved lot with a full complement of urban services provided.**
8. Adequate measures have been or will be taken to provide for vehicular and pedestrian safety and convenience to, from and within the site. **DISCUSSION: access to the site is from Railroad Street West. A proposed driveway apron will minimize tracking of material off-site. Truck traffic is anticipated to be routed from the site to the west for access to Highway 212. Alternately, trucks exiting the site will be required to use designated truck routes.**
9. The use meets all of the performance criteria requirements as established in Section 1245.01 of this chapter. **DISCUSSION: As a condition of approval, the proposed use shall meet the requirements of Section 1245.01 of the City Code relating to noise, vibration, smoke, particulate matter, odor, and connection to municipal utilities.**
10. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. **DISCUSSION: A variance to required rear yard setback is as a companion to this CUP request and a request for site plan approval. The variance, if approved, will allow for use of an existing foundation. All other performance standards are met.**

PC Recommendation

The PC, following public hearing and discussion, recommended the City Council approve a conditional use permit to allow outdoor storage subject to the following conditions:

1. The conditional use permit is applicable only to the property at 600 Railroad Street West.
2. Approval of Resolution 2017-█, granting a variance to a required rear yard setback at 600 Railroad Street West.
3. Approval of Resolution 2017-█, relating to a site plan for a commercial trucking operation at 600 Railroad Street West.
4. The approval specifically authorizes ancillary outdoor storage at the subject site. Said outdoor storage is directly and specifically limited to that represented in the site plan dated July 17, 2017, attached hereto as Exhibit B.
 - a. A maximum of forty-three (43) vehicles may be stored on site at one time. Vehicles are limited to Curfman Trucking commercial fleet vehicles or commercial vehicles with a minimum of three axels. Fleet vehicles must be related to the contractor operation and under licensed ownership of the contractor operation.
 - b. Vehicles as defined above stored on site:
 - i. Must be in an operable condition;
 - ii. Must not be extensively damaged. "Extensively damaged" shall mean damage including such things as broken or missing tires and wheels, missing or non-operable motors, missing body parts, missing or broken windows, non-functioning drive train or transmission; and,
 - iii. Shall have a fair market value greater than the approximate value of the scrap in them.
 - c. A maximum of three (3) stockpiles of aggregate material are allowed on site provided:
 - i. The aggregate materials being stored near the southern property boundary shall be contained on three (3) sides by solid, continuous bunker walls with a minimum

height of five feet constructed and maintained in a manner that aggregate materials are dependably contained within the walls at all times.

- ii. The aggregate materials being stored near the northern property boundary shall be contained on two (2) sides by solid, continuous bunker walls with a minimum height of five feet constructed and maintained in a manner that aggregate materials are dependably contained within the walls at all times.
 - iii. No single stockpile shall contain more than 3,500 cubic yards of material.
 - iv. No storage pile shall exceed twenty-five (25) feet in height at any time.
 - v. Aggregate materials allowed to be stored on site are limited to red rock, unrecycled aggregate material, and recycled aggregate material.
- d. Outdoor storage of tires, mulch, boulders, pallets, stones, and rocks is allowed provided items are stored in a designated bunker. A maximum of ten (10) bunkers each sized a maximum of twenty (20) feet by twenty (20) feet with a height no greater than five (5) feet if constructed of wood or eight (8) feet if constructed of concrete shall be allowed. The bunkers shall be located as depicted in the site plan attached hereto as Exhibit B. The storage bunker containing tires shall be covered at all times in a manner suitable to prevent water from pooling in tires. Outdoor storage of all other material or items on site is expressly prohibited, including but not limited to: garbage and refuse material; miscellaneous equipment and/or parts, tires, and fluids; brush and tree parts; horse, stock, or travel trailers, campers, unlicensed passenger vehicles, passenger automobiles not licensed as fleet vehicles, personal property, buses, agricultural equipment, portions of heavy construction equipment, and heavy construction equipment exceeding its normal lifecycle. Storage pods, shipping containers, and the like shall not be stored on the site unless completely enclosed within a principal or accessory structure as defined and approved by the City Council. Outdoor storage of pods, shipping containers, and the like is expressly prohibited under the terms of this conditional use permit.
5. Building permits for principal and accessory structure, including as needed for the bunker walls, shall be secured.
 6. Construction of the proposed 9,600 square foot principal structure shall be substantially completed prior to establishment of ancillary outdoor storage. A decision as to whether or not the construction is 'substantially complete' shall be rendered by the Building Official.
 7. A certificate of occupancy is issued for the proposed 9,600 square foot principal structure by December 31, 2018.
 8. This conditional use permit shall expire one year after date of approval unless the Applicant has commenced construction of the principal structure.
 9. This conditional use permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
 10. This conditional use permit shall be subject to annual inspection and audit by the City.
 11. The City may revoke the CUP upon violation of the conditional use permit standards in the Zoning Ordinance or violation of the conditions of an approving Resolution, subject to the requirements of Section 1210.06, Subd. 5 "Revocation of Conditional Use Permits" of the Zoning Ordinance, as may be amended.
 12. The conditional use permitted under this Resolution shall be revoked if the Use ceases for more than twelve (12) consecutive months.

EXAMINATION OF CODE REQUIREMENTS: SITE PLAN APPROVAL

On August 1st the Planning Commission reviewed a revised site plan submitted by Steve Curfman and discussed the following changes from a previous version presented to the Council June 26, 2017:

The bunker sizes used for storage of tires, mulch, boulders, pallets, stones, and rocks have been increased from 12' by 20' to 20' by X 20'. The Planning Commission's recommendation from June 6th capped the number of bunkers at eight and the size of the bunkers at 12' X 20'; meaning both the number of bunkers (eight approved ten now proposed) and the size of the bunkers (12' X 20' approved; 20' X 20' now proposed) have expanded. The Planning Commission conceded to the adjustment.

A proposed 36' by 80' (2,880 sf) "open front business storage area" is illustrated on the site plan. At the August 1, 2017 regular Planning Commission meeting the Applicant rescinded the proposed 'open front business storage area' request. As such the item is no longer considered as part of the site plan. As such, the 'open front business storage area' is not allowed. The area is to remain free and open of structure, including any additional fencing.

The width of an illustrated driveway apron has been reduced from beginning at the street, progressing through the boulevard, and terminating twenty (20) feet (as measured north starting from the gate entry to the property i.e. 20 feet north of the gate) onto the private property. The latest site plan iteration illustrates a three (3') foot concrete strip in the public boulevard. The Planning Commission accepts the proposed three foot apron. Required standards are attached.

A containment wall on the west side of the northernmost aggregate material stockpile has been removed resulting in proposed containment on two rather than three sides. The Planning Commission accepts this change.

A discussion regarding storage pods/shipping containers on site occurred at the Planning Commission meeting. The PC specifies storage pods, shipping containers, and the like are not allowed on site, except if completely enclosed in an approved principal or accessory structure.

District and Use:

The property is zoned I-1 Light Industrial District. The principal use (contractor operation) is permitted within the subject district. Ancillary outdoor storage is subject to issuance of a conditional use permit (concurrent processing).

The Applicant also proposes repair of commercial trucks not owned by Curfman Trucking on site. At this time, repair of vehicles, including heavy and super heavy trucks which are not owned by Curfman Trucking, is not allowed in the I-1 District and is therefore prohibited. The City has indicated an interest in allowing auto and truck repair in the I-1 District if an ordinance amendment is pursued.

Site Plan Review:

Lot performance, building setback, building height, and lighting standards appear to have been met.

Conditions

Parking:

The plans illustrate twenty-seven employee parking spaces to the west of the proposed building. The plans include a potential addition to the building which eliminate nine (9) of the proposed employee parking spaces.

Parking space calculation standards for contractor operations are not specifically detailed in the Code. Staff has used standards applicable to "Storage, Wholesale, and Warehouse Establishments" for parking demand purposes. The applicable standard is one (1) space for every 2,000 square feet of building space or one space for every employee on the shift utilizing the most employees, whichever is greater. In this instance, the number of employees is the most restrictive standard and thus applicable. The Applicant represents twenty-two (22) employees on staff.

At this time adequate parking is provided. If a building addition is proposed in the future, employee parking must be re-evaluated.

Landscaping: meets standards

Section 1255.05 of the Code establishes landscape requirements for expansions of non-residential uses. The Code requires a minimum of one (1), or one (1) tree per 1000 square feet of gross building area. The standard requires ten (10) trees on the site. At this time more than ten trees exist on the site.

Signage: Individual Permit Required.

Any signage, if contemplated, requires a separate permit and is subject to Section 1260 (Signs) of the City Code.

Building Permit Required.

Building permits shall be required prior to any building construction or improvements on the property.

Additional Department/Agency Comments

Public Works: The plans have been forwarded to Public Services Director Tony Voigt for review and comment. Any/all comments from the Director are hereby incorporated by reference.

Fire Department: The plans have been forwarded to the Fire Chief Steve Zumberge for review and comment. Chief Zumberge advises the intended occupancy classification and size will require fire suppression installation. Comments from Fire Chief Zumberge in a letter dated May 25th are hereby incorporated by reference.

City Engineer: The City Engineer has reviewed the application and plans. Comments and recommendations contained in a memo from John Swanson dated May 18, 2017 are hereby incorporated by reference.

PC Recommendation

After review and discussion, the Planning Commission approved a MOTION recommending approval of the site plan with the following conditions:

1. The "Use" is a contractor operation with ancillary outdoor storage at 600 Railroad Street West, the "Property".
2. Retail and wholesale repair and service of commercial trucks and automobiles is not allowed, unless additional steps are taken to amend the I-1 Light Industrial District allowable uses.
3. The use is only allowed as illustrated in a site plan completed by RAM Building dated July 17, 2017 attached hereto. A proposed 36' by 80' (2,880 sf) "open front business storage area" illustrated on the site plan was rescinded by the Applicant as documented at the August 1, 2017 regular Planning Commission meeting. As such the item is no longer considered as part of the site plan. Therefore, the 'open front business storage area' is not allowed. The area proposed to be occupied by the 'open front business storage area' is to remain free and open of structure, including any additional fencing or similar features.
4. Approval of a variance for rear yard setback.
5. Approval of a conditional use permit applicable to ancillary outdoor storage and compliance with conditions as specified within the CUP.
6. Compliance with recommendations as set forth within the memo from Consulting Planner, Cynthia Smith Strack, dated June 26, 2017.

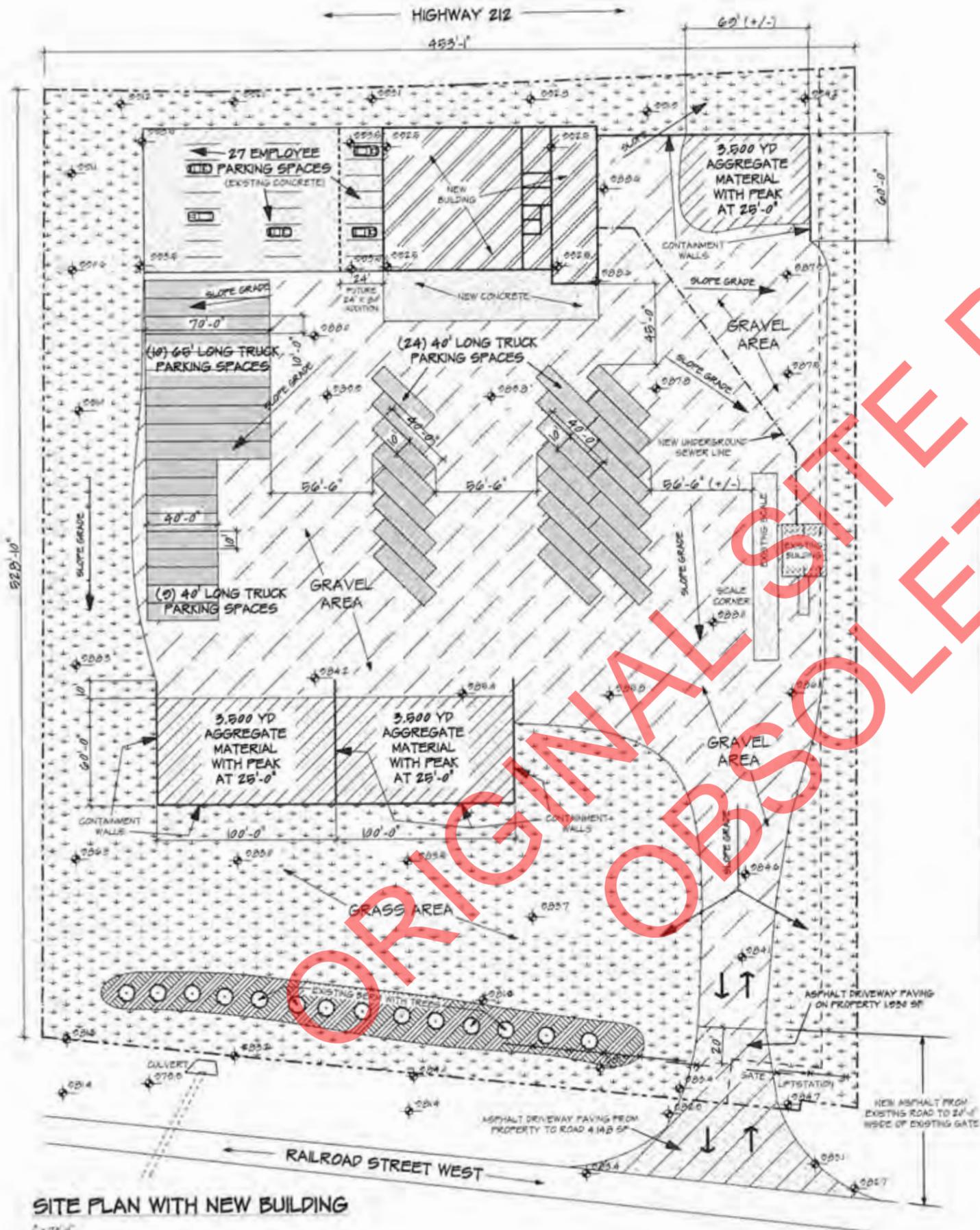
7. Compliance with all recommendations as set forth within the memo from John Swanson, Bolton-Menk (City Engineer) dated May 18, 2017.
8. Compliance with recommendations as set forth within a memo from Fire Chief Steve Zumberge dated May 25, 2017.
9. Evidence of review and issuance of a permit, if required by the Carver County Water Management Organization.
10. All signage shall require submittal of a sign permit application and approval by the Zoning Administrator and/or Building Official.
11. Building permits shall be required prior to any building construction or improvements on the property.
12. This approval is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
13. This approval shall expire one year after date of approval unless the Applicants have commenced construction of the Use on the Property.
14. Approval of the site plan does not constitute approval of any future expansion or associated improvements on-site, including, but not limited to a 24 foot by 80 foot future addition to the proposed structure.
15. Any modifications not defined as "minor" pursuant to Section 1210.08, Subd. 4, shall require separate site plan approval.

ACTION

The Council shall take action, individually, on the requested variance, CUP, and site plan.

Sample RESOLUTIONS relating to each item are attached for Council consideration.

In addition to consideration of the aforementioned items, City Administrator Helget requests the Council discuss required parameters (i.e. equivalent regulatory unit) for determination of WAC/SAC. The City Engineer's Office has established the ERU at four (4) parameters.



SOILS LEGEND

GRADE ELEVATIONS

IMPERVIOUS SOIL AREAS	
	NEW BUILDING 0.704 SF
	AGGREGATE STORAGE AREA 15,504 SF
	ASPHALT DRIVEWAY PAVING 1,050 SF
	EXISTING BUILDING 724 SF
	EXISTING CONCRETE 15,428 SF
	GRAVEL AREAS 102,670 SF
TOTAL AREA	145,040 SF

PERVIOUS SOIL AREAS	
	GRASS AREAS 98,878 SF
	BERM AREA 7,073 SF
TOTAL AREA	105,951 SF

OVERALL SOIL AREA TOTALS	
IMPERVIOUS SOIL AREAS	145,040 SF
PERVIOUS SOIL AREAS	105,951 SF
TOTAL LOT AREA	251,000 SF

SITE PLAN WITH NEW BUILDING
1-17-16

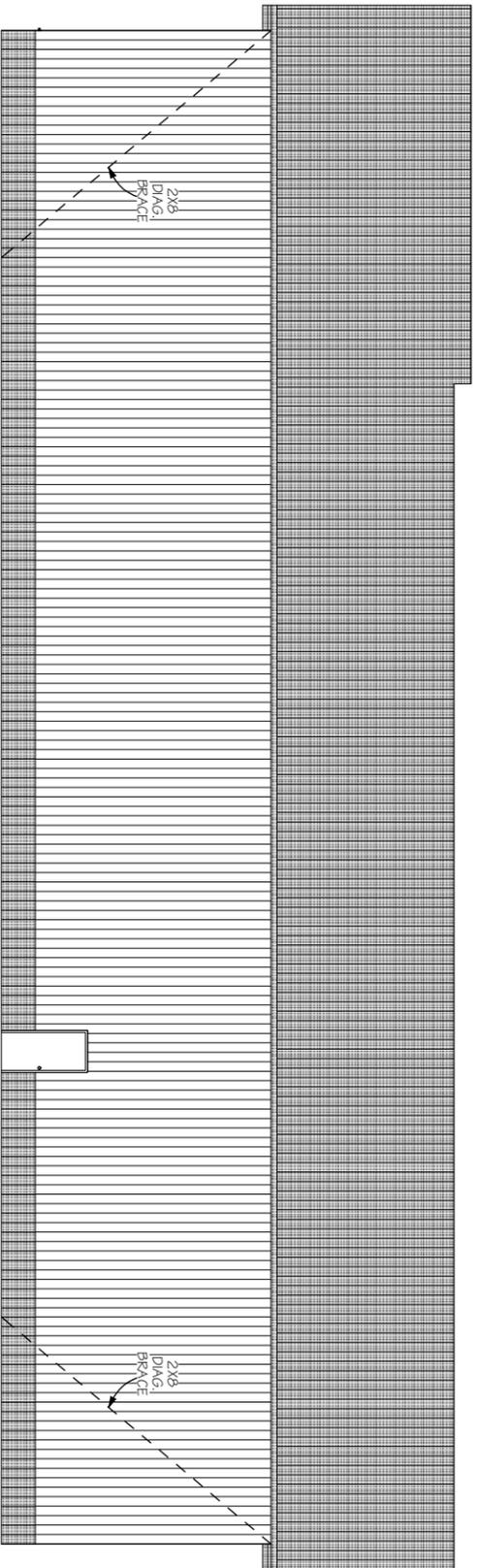
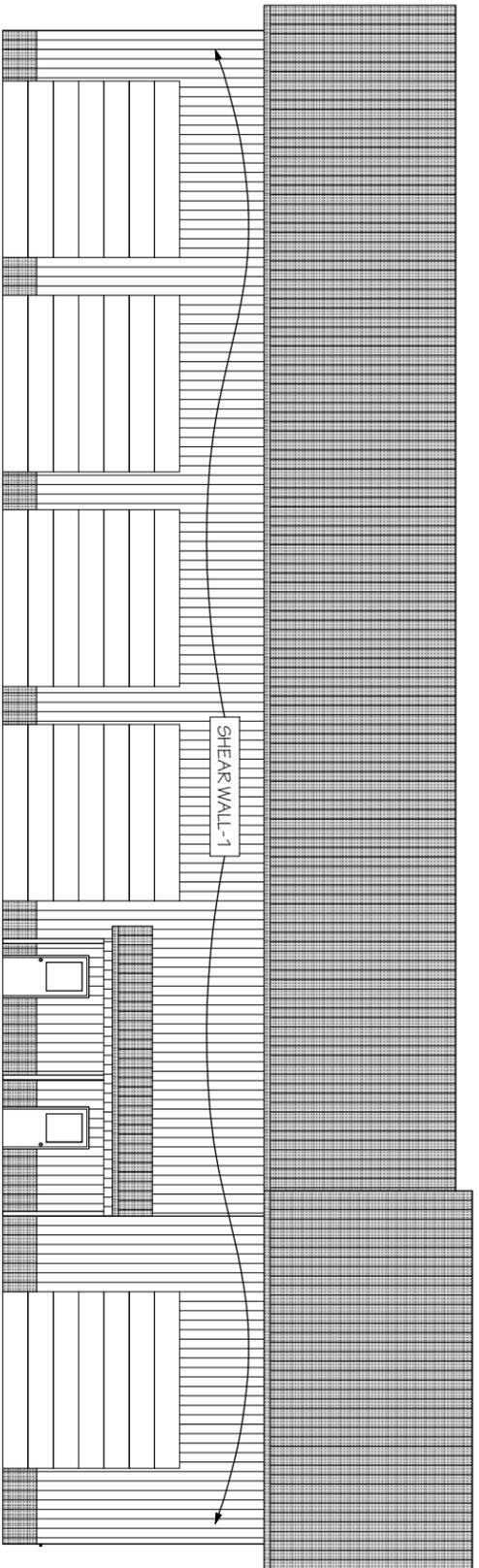
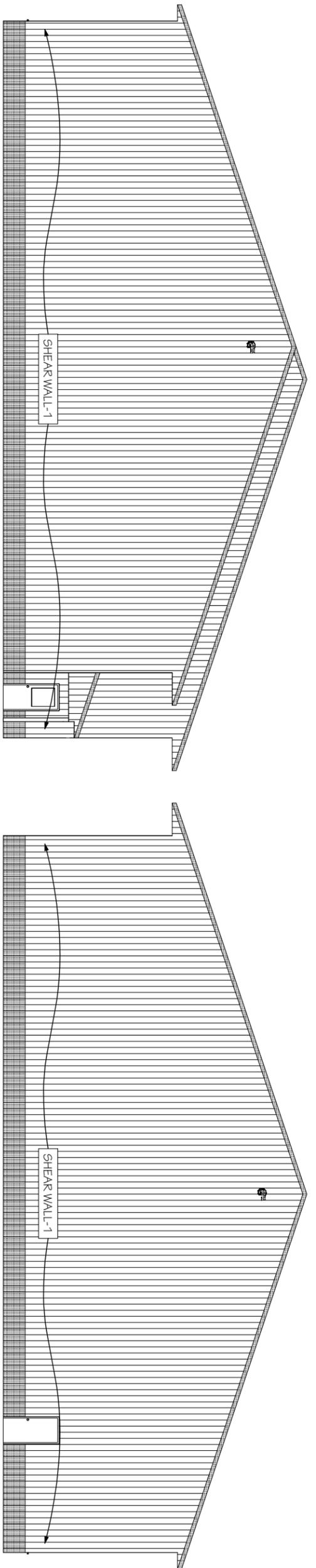
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DRAWN BY: R.S.
DATE: 8/8/2017
SHEET: 2 OF 3

PROJECT NAME: CURFMAN TRUCKING
NORWOOD YOUNG AMERICA, MN
PROJECT NUMBER:
BUILDING DESCRIPTION: 80' X 94' X 22'
DESIGN NUMBER: P17035 88' X 26' X 22'

592 Industrial Drive
P.O. Box 660
Winnet, Minnesota 55395
320-485-2844 800-710-4726
Fax 320-485-3025
www.rambuildings.com
Contractor License Number 20171976





I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Date: 6/2/17
Jared K. Larson
 Jared K. Larson
 Reg. No. 15847

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Date: 6/2/17
Jared K. Larson
 Jared K. Larson
 Reg. No. 15847

DRAWN BY: JEREMY B.
 DATE: 6/2/2017
 SHEET 1 OF 8

PROJECT NAME: CURFMAN TRUCKING

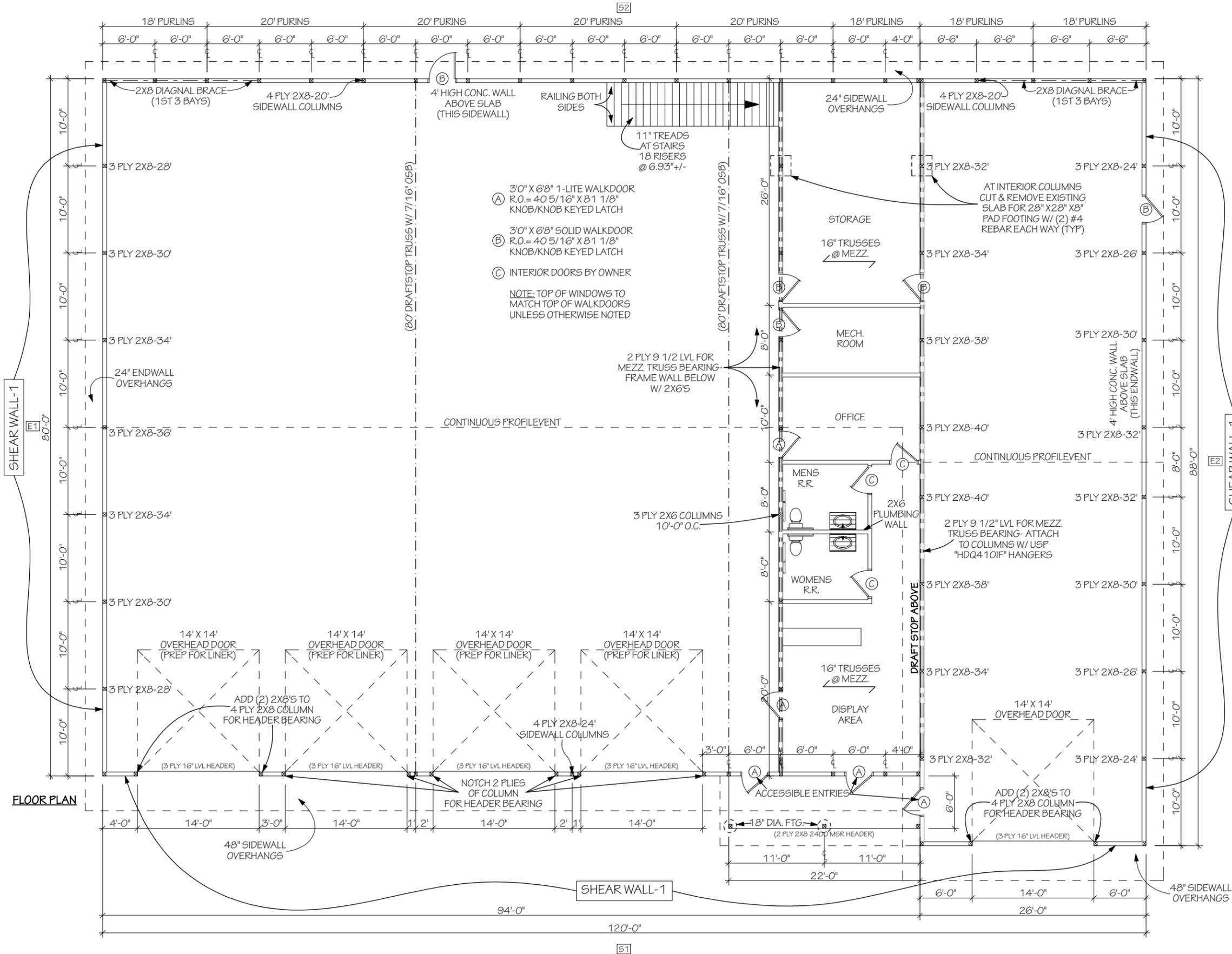
PROJECT NUMBER: (17-057)
 BUILDING DESCRIPTION:
 DESIGN NUMBER: P17039

80'-0" X 94'-0" X 22'-0" &
 88'-0" X 26'-0" X 22'-0"

592 Industrial Drive
 P.O. Box 660
 Winsted, Minnesota 55395
 320-485-2844 800-710-4726
 Fax 320-485-3625
 www.rambuildings.com
 Contractor License Number BC171976



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- (A) 3'0" X 6'8" 1-LITE WALKDOOR
R.O. = 40 5/16" X 81 1/8"
KNOB/KNOB KEYED LATCH
 - (B) 3'0" X 6'8" SOLID WALKDOOR
R.O. = 40 5/16" X 81 1/8"
KNOB/KNOB KEYED LATCH
 - (C) INTERIOR DOORS BY OWNER
- NOTE: TOP OF WINDOWS TO MATCH TOP OF WALKDOORS UNLESS OTHERWISE NOTED

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Jared K. Larson
Jared K. Larson
Reg. No. 15847
Date: 6/12/17

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Jared K. Larson
Jared K. Larson
Reg. No. 15847
Date: 6/12/17

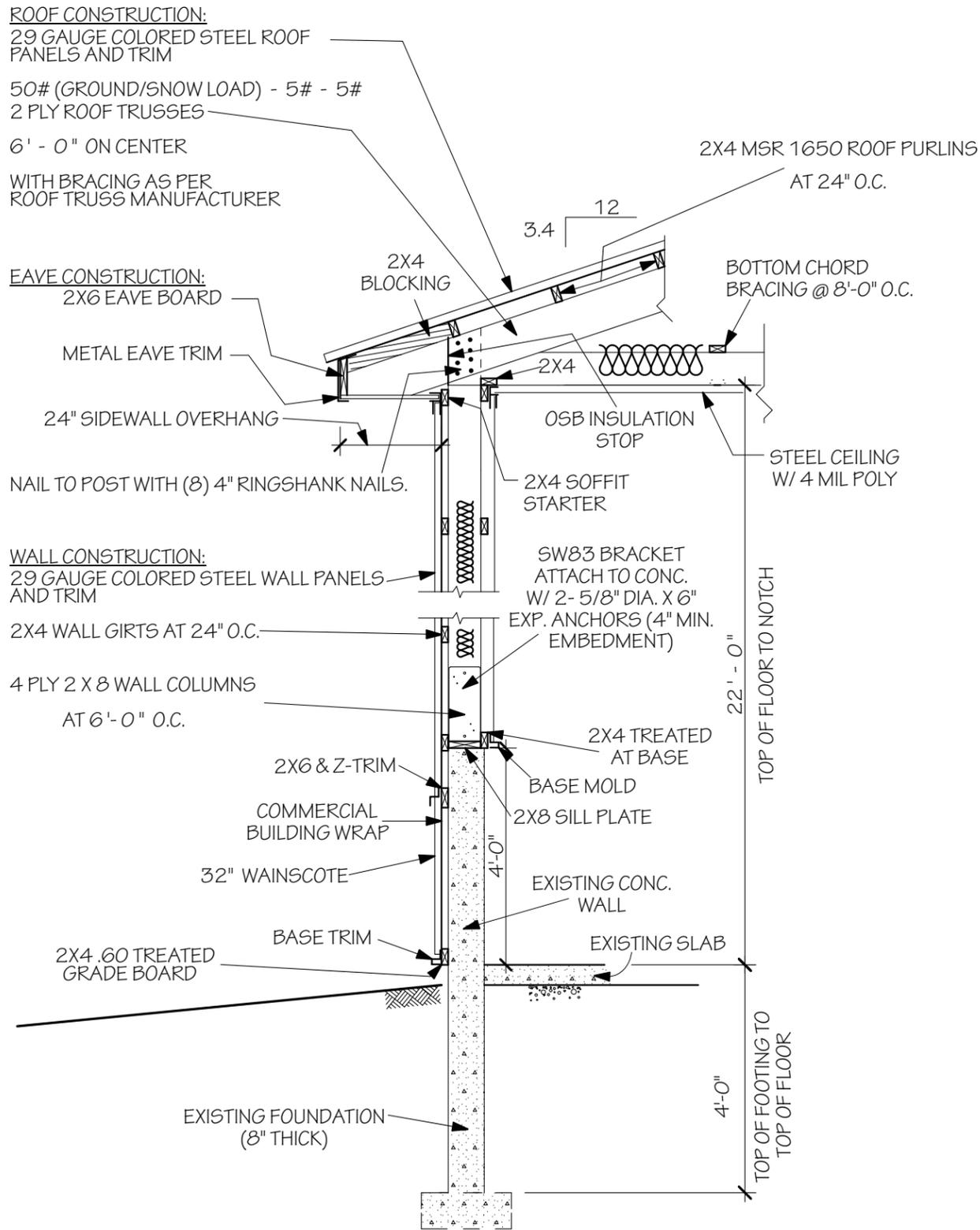
DRAWN BY: JEREMY B.
DATE: 6/2/2017
SHEET: 2 OF 8

PROJECT NAME: CURFMAN TRUCKING
PROJECT NUMBER: (17-057)
BUILDING DESCRIPTION: 80'-0" X 94'-0" X 22'-0" & 88'-0" X 26'-0" X 22'-0"
DESIGN NUMBER: P17039

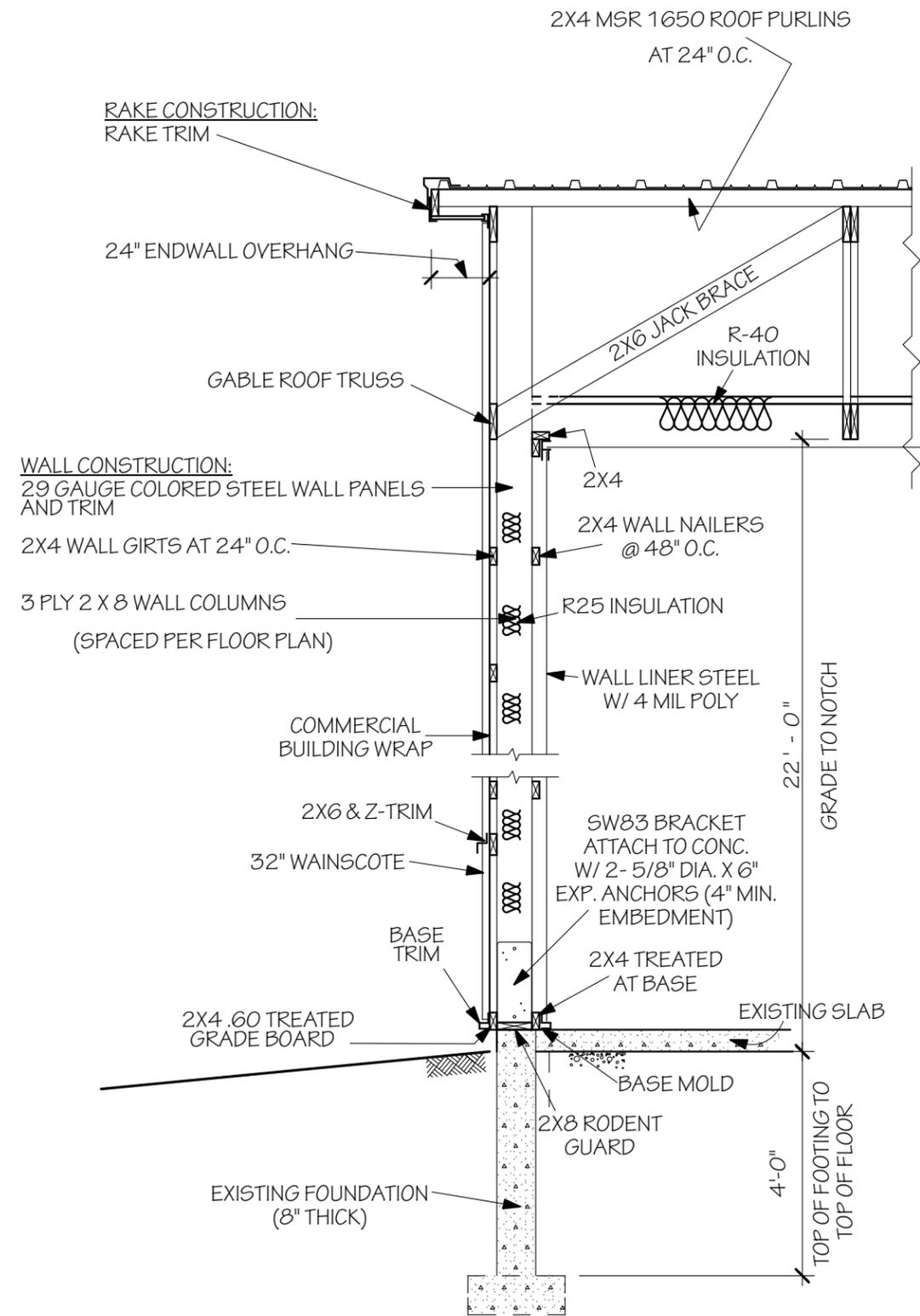
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SIDEWALL 2 SECTION (80' WIDE)



ENDWALL SECTION (80' WIDE)

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Jared K. Larson
 Jared K. Larson
 Date: 6/2/17 Reg. No. 15847

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Jared K. Larson
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 Date: 6/2/17 Reg. No. 15847

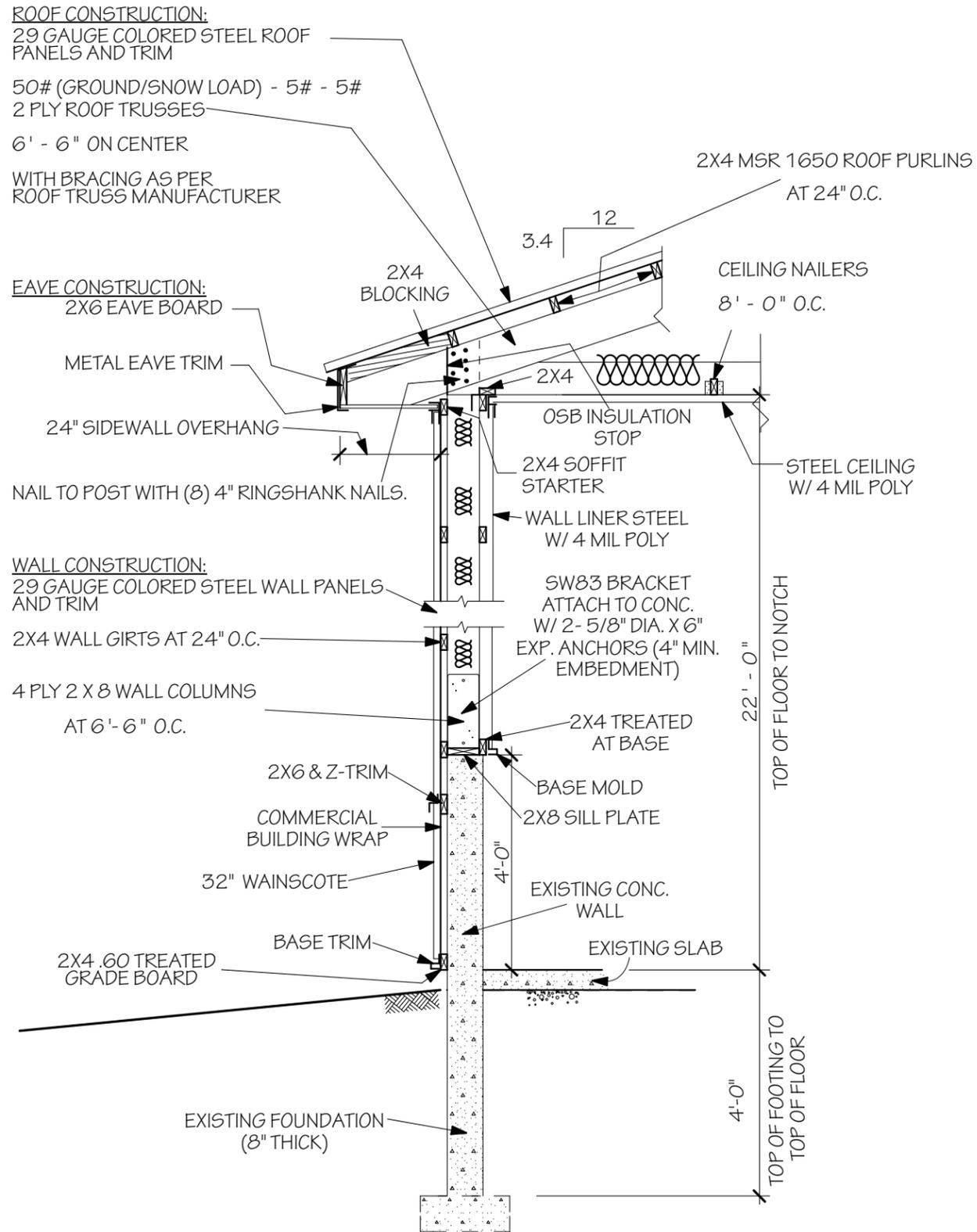
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DRAWN BY: JEREMY B.
 DATE: 6/2/2017
 SHEET: 3 OF 8

PROJECT NAME: CURFMAN TRUCKING
 PROJECT NUMBER: (17-057)
 BUILDING DESCRIPTION: 80'-0" X 94'-0" X 22'-0" & 88'-0" X 26'-0" X 22'-0"
 DESIGN NUMBER: P17039

592 Industrial Drive
 P.O. Box 660
 Winsted, Minnesota 55395
 320-485-2844 800-710-4726
 Fax 320-485-3625
 www.rambuildings.com
 Contractor License Number BC171976





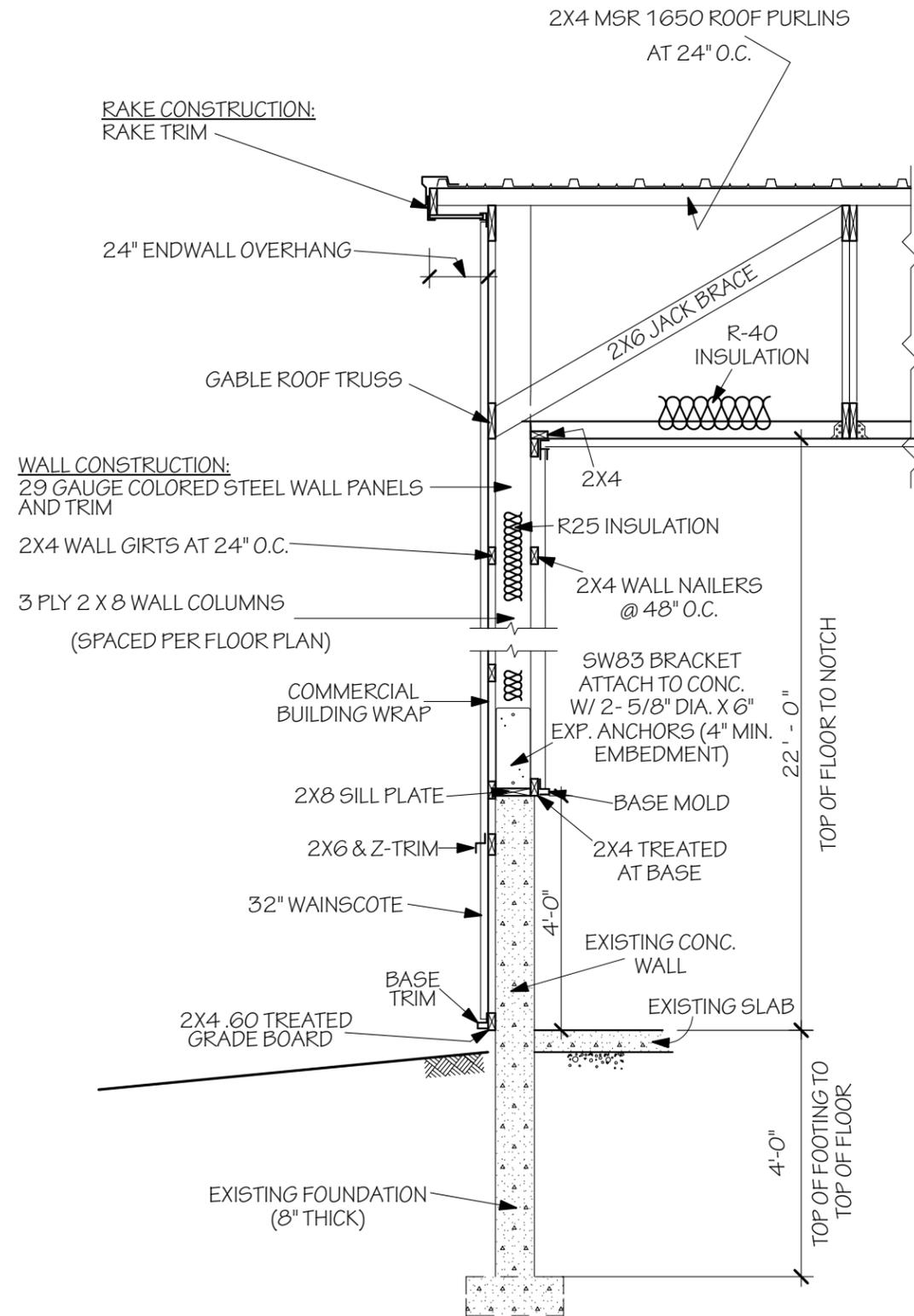
SIDEWALL 2 SECTION (88' WIDE)

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ENDWALL SECTION (88' WIDE)

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 SHEET: 4 OF 8

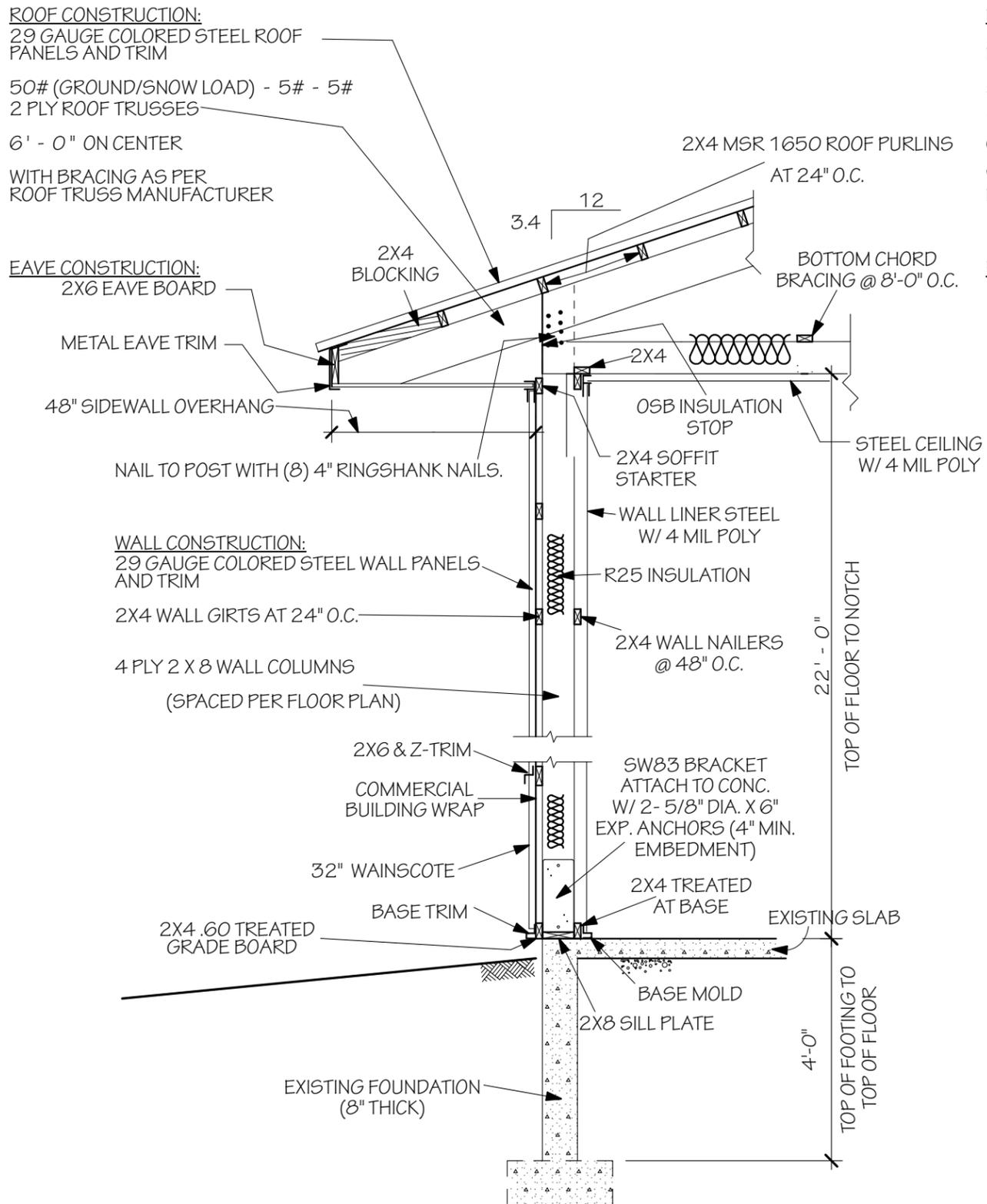
CURFMAN TRUCKING

PROJECT NAME:
 PROJECT NUMBER: (17-057)

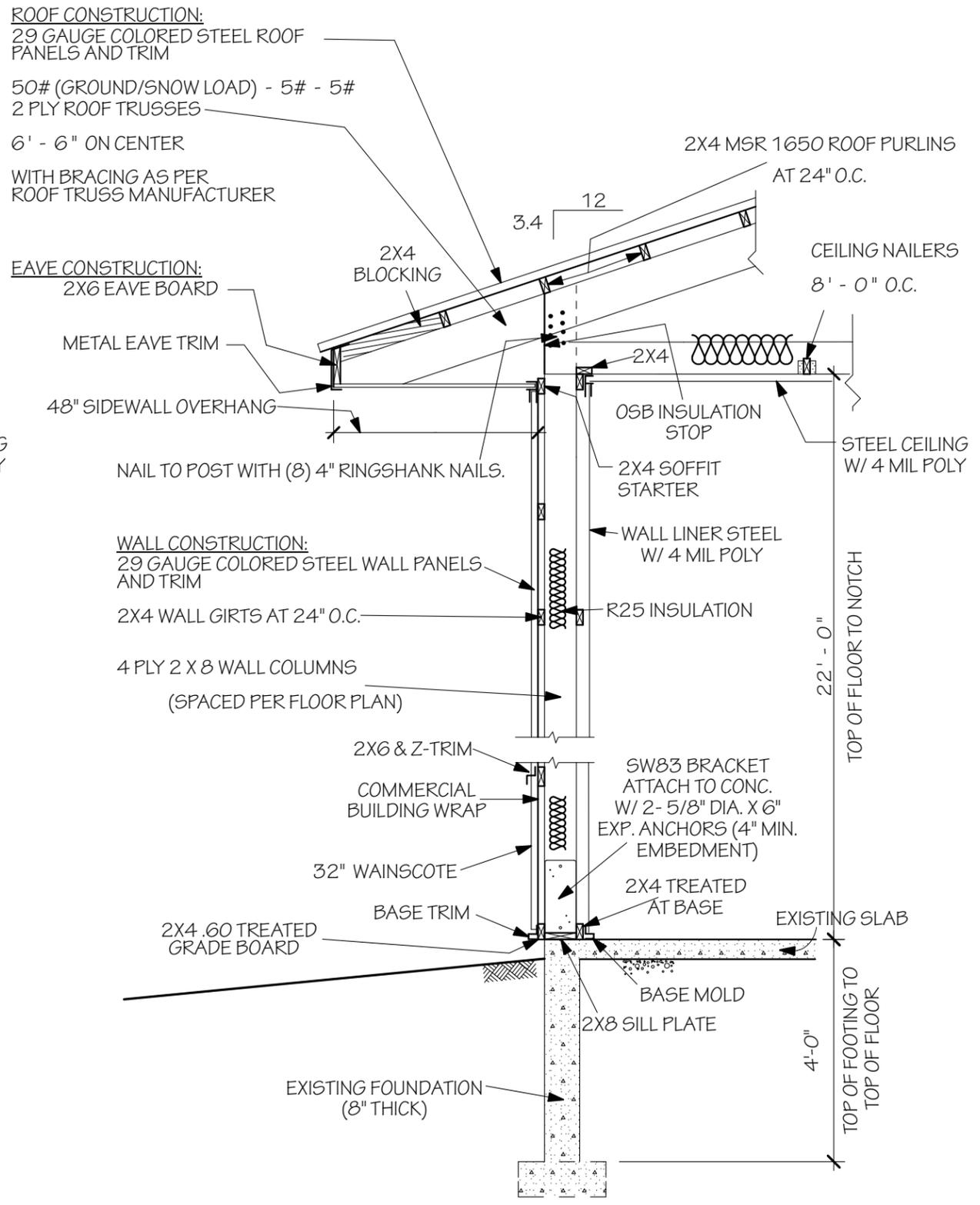
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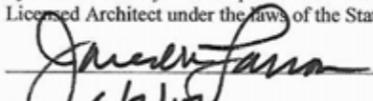


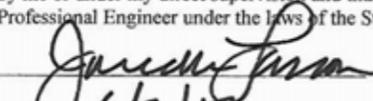


SIDEWALL 1 SECTION (80' WIDE)



SIDEWALL 1 SECTION (88' WIDE)

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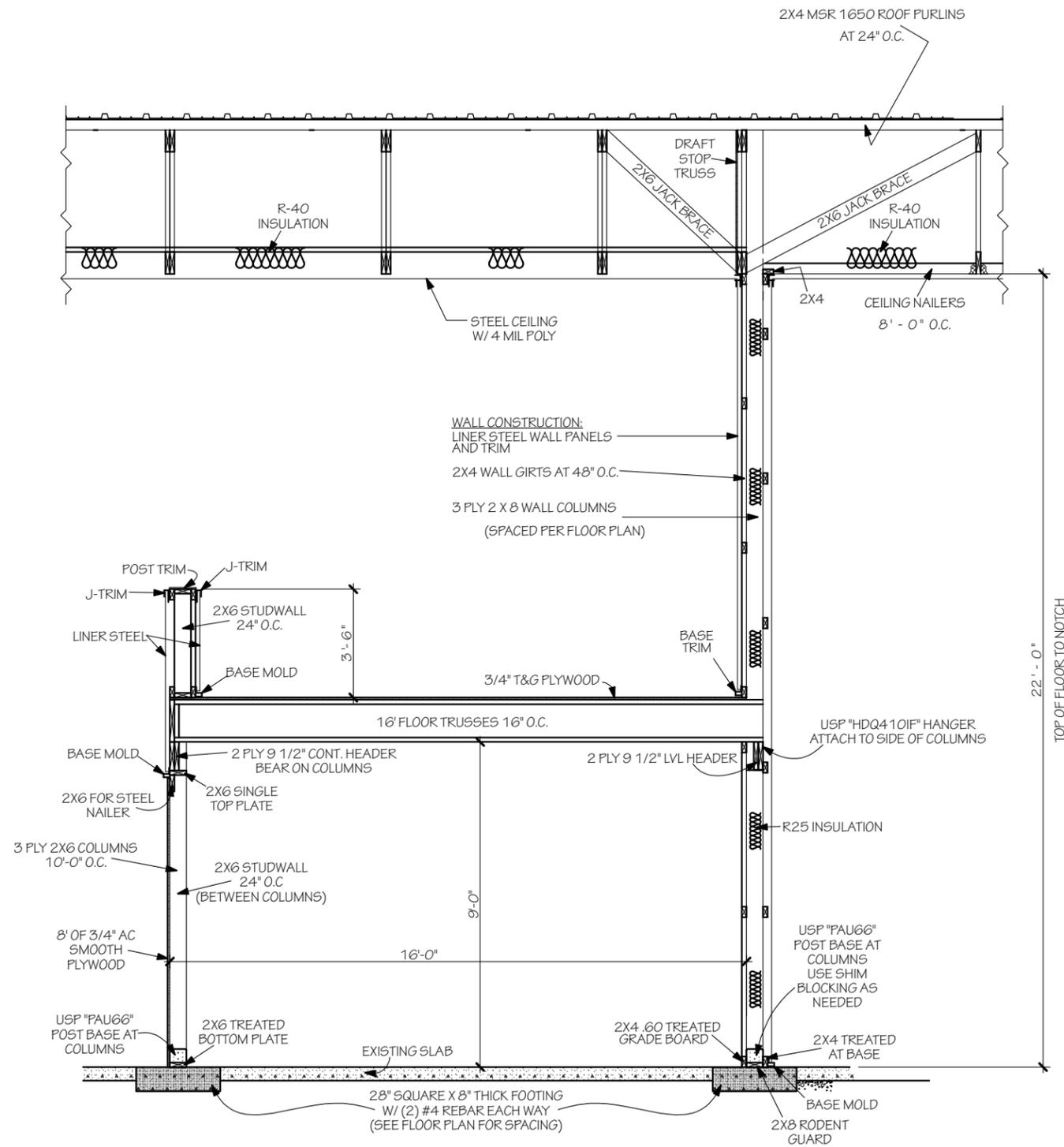
CURFMAN TRUCKING

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ENDWALL SECTION

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 SHEET 6 OF 8

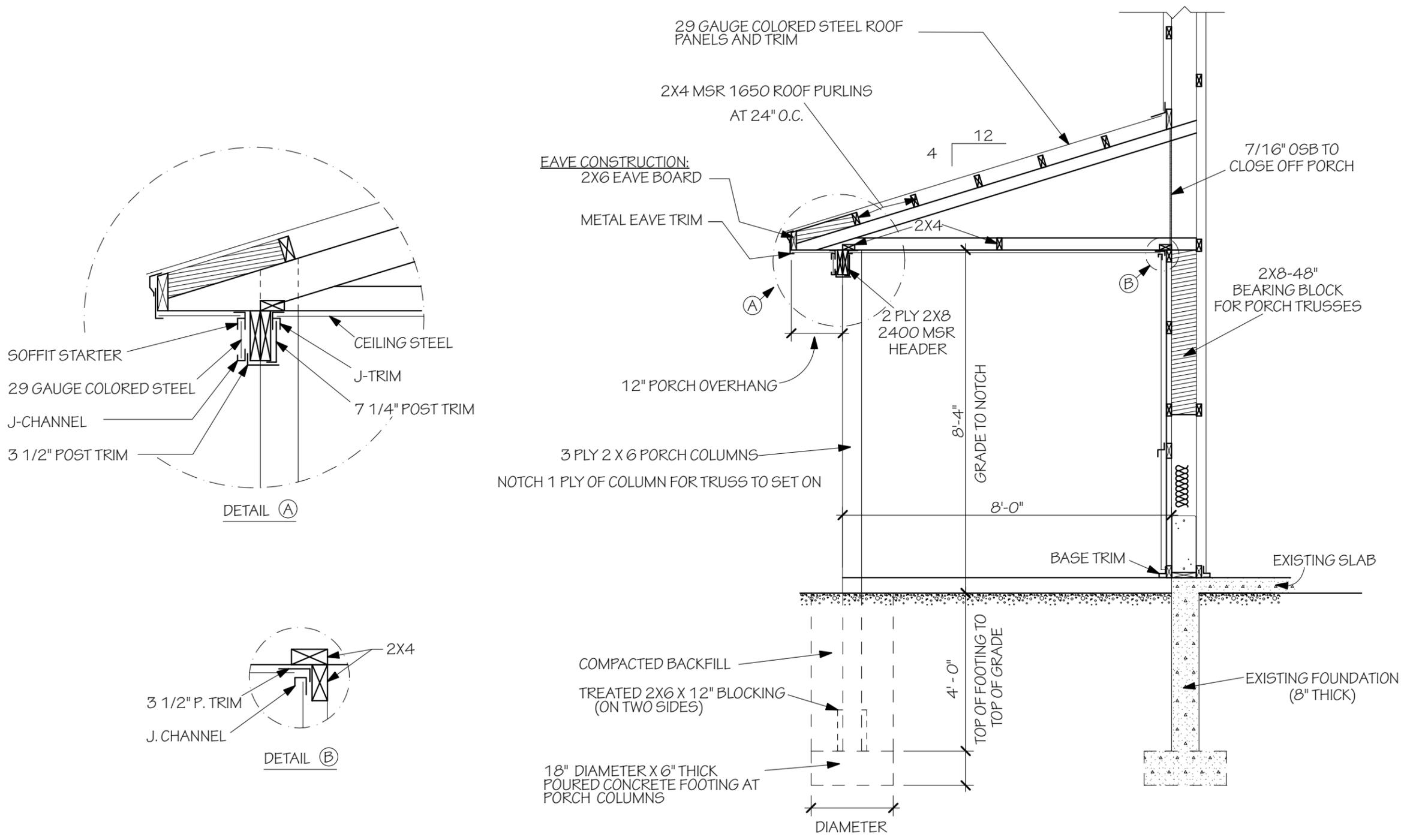
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PORCH SECTION

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Jared K. Larson
 Jared K. Larson
 Date: 6/2/17 Reg. No. 15847

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Jared K. Larson
 Jared K. Larson
 Date: 6/2/17 Reg. No. 15847

BUILDING CODE DATA

Building Occupancy & Occupant Load

Based on the 2015 Minnesota State Building Code

Curfman Trucking Building

Repair Shop (S-1)	6,240 s.f. / 300 s.f. per occ. (average)	21 people
Wash Bay (S-1)	2,288 s.f. / 300 s.f. per occ. (average)	8 people
Mech./Storage	544 s.f. / 300 s.f. per occ.	2 people
Office (B occupancy)	736 s.f. / 100 s.f. per occ.	7 people
Total Building	9,808 s.f.	38 people
Mezzanine - Storage	1,280 s.f. / 300 s.f. per occ.	4 people
Total Building		42 people

Allowable Building Floor Area and Occupancy Separations

Construction Type - 5-B Building - Non Rated, Combustible, Non-sprinklered building.

B Occupancy - Allowable Basic Floor Area = 9,000 s.f. per floor
S-1 Occupancy - Allowable Basic Floor Area = 9,000 s.f. per floor

No occupancy separations are required per Minnesota Code Table 508.4

With sideyard separations around the building the allowable area can be increased to more than 9,808 s.f. Therefore no fire wall separations are required based on allowable area.

Attic Ventilation and Draftstopping

Provide ventilation in the eaves and at the ridge of the roof equal to 1/300 of the area of the attic space.

Provide access into each attic space with access panels in ceiling to be located as directed by the owner. Minimum opening size is to be 22" x 42" clear.

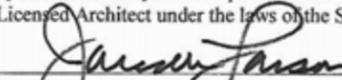
The main attic space will be separated by draftstops attached to the side of a roof trusses as shown on the floor plan to limit the maximum area between draftstops to 3,000 sq. ft.

Sanitation Facilities

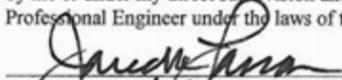
Based on Chapter 29 of the International Building Code

42 people requires two toilet rooms each with 1 water closet and 1 lavatory.

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Structural Notes

- The building will be placed on existing foundation walls and footings. It is assumed that the existing footings bear on natural soils or engineered fill capable of safely supporting a uniform load of at least 2000 pounds per square foot, without harmful settlement.
- Notify the Architect/ Engineer immediately if any questionable conditions are encountered during construction. Foundations are subject to change depending on the conditions encountered on site
- Provide a minimum of 6" of compacted granular material below the exterior concrete slabs.
- Roof truss, purlin and wall girt framing is shown as a general layout only. Consider the spacing shown on the plans to be the maximum.
- All prefabricated wood trusses shall be manufactured in accordance with designs prepared by a Registered Professional Engineer. Submit shop drawings for each type of truss showing bearing locations, truss lengths, member sizes and grade of lumber, member stresses, connecting plate sizes and material, and bridging locations. The shop drawings shall be certified by an Engineer registered in the State of Minnesota.
- Concrete work shall comply with the current "Building Code Requirements for Reinforced Concrete" (ACI 318) as published by the American Concrete Institute.

Shear Wall Construction Schedule

As noted on the plans install shear walls as follows:

Shear Wall - 1

Exterior Shear wall to have 2 x 4 horizontal wall girts at 24" on center installed to the outside of the columns with 7/16" OSB sheathing installed at the exterior of the wall, attached with 8d nails spaced at 6" o.c. along all panel edges and 12" o.c. at the intermediate wall girts. Panels to be installed with long direction horizontal. Install vertical 2x4 blocking between the girts to the outside of the columns. Block all panel edges.

Design Live Loads

The Structural design is based on the following superimposed Live Loads:

Roof (Snow) - 35 PSF
Floors - 250 PSF existing slab
Upper mezzanine - 125 psf - storage
Wind - 90 MPH

The Structural design is based on the building in the completed state. Contractors shall take the necessary precautions to insure that the building is braced during construction to resist all vertical and horizontal loads encountered.

Material Strengths

Concrete: 3000 psi for new footings.
4000 psi for exterior slabs
Lumber: Dimension lumber: No. 2 S.P.F. or as noted on the plans
Laminated poles: Fb = 1,700 psi
Soil Bearing Value: 2,000 psf (assumed)

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DRAWN BY: JEREMY B.
DATE: 6/2/2017
SHEET: 8 OF 8

CURFMAN TRUCKING

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Section 1250 – Off-street Parking and Loading

1250.01 Scope. Off-street parking and loading regulations shall apply to all buildings and uses of land established after the effective date of this chapter.

1250.02 Required Site Plan. Any application for a building permit shall include a site plan or plot plan drawn to scale and dimensioned showing off-street parking and loading space to be provided in compliance with this chapter.

1250.03 Reduction and Use of Space. Off-street parking facilities existing at the effective date of this chapter shall not subsequently be reduced to an amount less than that required under this chapter for a similar new building or use. Off-street parking facilities provided to comply with the provisions of this chapter shall not subsequently be reduced below the requirements of this chapter. Such required parking or loading space shall not be used for storage of goods or for storage vehicles that are inoperable or for sale or rent.

1250.04 Computing Requirements. In computing the number of parking spaces required, the following rules shall apply:

- A. Floor space shall mean the gross floor area of the specific use.
- B. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

1250.05 Yards. Off-street parking and loading facilities shall be subject to the front yard, side yard and rear yard regulations for the use district in which the parking is located, except that:

- A. In any of the residence districts, parking or loading space may not be located within fifteen (15) feet of any property line.
- B. In the R-4, Multiple Family Residential District, C-2, General Commercial District, B-1, Business Industrial District or I-1, Light Industrial District, no parking or loading space shall be located within ten (10) feet of any property line nor shall any parking space be located within twenty-five (25) feet of any residence district.
- C. In the C-3, Downtown District or RC-1, Residential Neighborhood Commercial District, no parking and loading space shall be located within five (5) feet of any property line nor shall any parking space be located within ten (10) feet of any residence district.

1250.06 Buffer Fences and Planting Screens. Off-street parking and loading areas in, near or adjoining residence districts, except areas serving single-family dwellings, shall be screened by a buffer fence of adequate design or a planting buffer screen. Plans of such screen or fence shall be submitted for approval as a part of the required site or plot plan and such fence or landscaping shall be installed as part of the initial construction.

1250.07 Access.

- A. Parking and loading space shall have adequate access from a public right-of-way.
- B. Access drives shall be so located as to minimize traffic and congestion and abnormal traffic hazards. No driveway shall be closer than fifty (50) feet to any right-of-way line of a street intersection.

- C. Access drives shall be located a minimum of five (5) feet from a side property line.
- D. Access drive widths shall not exceed forty (40) feet for multiple family, commercial, or industrial uses. The established width for multiple family, commercial, or industrial uses may be exceeded if the City Engineer finds traffic circulation purposes warrant increased width.
- E. Residential, commercial, and industrial driveways shall be hard-surfaced with materials such as concrete, asphalt, or brick/paver, except that driveways accessed from non-hard-surfaced alleys may be non-hard-surfaced.
- F. Residential parking pads shall be setback a minimum of five (5) feet from side property lines. *(Amended by Ord. 267; 11-9-2015)*

1250.08 Combined Facilities. Combined or joint parking facilities may be provided for one (1) or more buildings or uses provided that the total number of spaces shall be determined as provided in Section 1250.12.

1250.09 Construction and Maintenance. In all districts, parking areas, access drives and curb and gutter shall be hard-surfaced with materials such as concrete, asphalt, or brick/paver, except that in industrial districts parking areas in side or rear yards may be surfaced with compacted gravel or red rock. Plans for surfacing and drainage of driveways and stalls for five (5) or more vehicles shall be submitted to the City Engineer for review and the final plans shall be subject to the Engineer’s written approval. *(Amended by Ord. 267; 11-9-2015)*

1250.10 Lighting. Light of parking and loading spaces shall be indirect or diffused and shall not be directed upon the public right-of-way or adjacent properties.

1250.11 Parking Lot Dimensions.

Table 1

Angle of Parking	Stall Width	Stall Length	Aisle Width
45°	12.5’ 15.5’ handicapped	18’	16’
60°	10.5’ 13.5’ handicapped	18’	18’
90°	9.0’ 12.0’ handicapped	18’	24’

Note: All angle parking requires one-way aisles

1250.12 Required Number of Off-street Parking Spaces. Off-street parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors, residents and employees shall be provided on the premises of each use. The following standards are minimum criteria. The city may increase the requirements beyond the minimum based upon findings that, due to proposed use and/or design, that additional parking demand is anticipated. The City may decrease the number of spaces required for uses in the C, Civic District and CBD, Central Business District. The number of required parking spaces shall comply with the following:

- A. Calculating the number of spaces shall be in accordance with the following:
 1. If the number of off-street parking spaces results in a fraction, each fraction of one-half or more shall constitute another space.

2. In churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty-four (24) inches of such seating shall be counted as one (1) seat for the purpose of this division.
 3. Except in shopping centers or where joint parking arrangements have been approved, if a structure contains two (2) or more uses, each use shall be calculated separately in determining the total off-street parking spaces required.
 4. For mixed use buildings, parking requirements shall be determined by the City based on the existing and potential uses of the building. In cases where future potential uses of a building will generate additional parking demand, the City may require a proof of parking plan for the difference between minimum parking requirements and anticipated future demand.
 5. If warranted by unique characteristics and/or documented parking demand for similar developments, the City may allow reductions in the number of parking spaces actually constructed as long as the applicant provides a proof of future parking plan. The plan must show the location for all minimum required parking spaces in conformance with applicable setback requirements. The city may require installation of the additional parking spaces wherever a need arises.
 6. One (1) handicapped parking stall shall be provided for each fifty (50) stalls. Handicapped parking spaces shall be in compliance with the Uniform Building Code and State Law.
 7. The parking requirements for uses not listed in this division may be established by the City based on the characteristics of the use and available information on parking demand for such use.
- B. Table 2 designates the minimum number of parking spaces that are required to be provided and maintained at the time any new use or structure is occupied, or any existing use or structure is enlarged or increased in capacity.
- C. For uses not specifically listed in this chapter or for joint parking facilities serving two or more different uses, the planning commission shall determine the number of spaces to be required by utilizing the requirements of the most similar use listed below.

Table 2

Type	Required Parking Spaces
Assembly or exhibition hall, auditorium, theater or sports arena	One parking space for each four (4) seats, based upon design capacity.
Auto sales, trailer sales, marine and boat sales, implement sales, garden supply store, building materials sale, auto repair	One parking space for each five hundred (500) square feet of floor area
Automobile service station	Four (4) parking spaces, plus two (2) parking spaces for each service stall; such parking spaces shall be in addition to parking space required for gas pump areas
Boarding and Lodging Houses	Two (2) parking spaces for each four beds
Bowling alley	Five (5) parking spaces for each bowling lane
Car Washes (in addition to stacking space) Automatic Drive-Through Service Self-Service	Two (2) spaces per attendant Ten (10) spaces per attendant
Churches	One (1) parking space for each three (3) seats, based on the design capacity of the main seating area, plus one (1) space per classroom
Cinemas and Movie Theaters	One (1) space for every three seats

Convenience Stores	One (1) parking space per 200 square feet of floor space
Day Care Centers	One (1) stall for each six (6) children of design capacity
Dwellings: Single-Family and Two-Family Townhouses/Multi-Family Senior Housing	Two (2) parking spaces Two (2) parking spaces per dwelling unit Dependent upon parking study
Financial institutions	One (1) space for each two hundred fifty (250) square feet of floor space
Furniture or appliance store	One (1) space for each four hundred (400) feet of floor space
Hospitals and nursing homes	One (1) space for every two (2) beds, plus one (1) space for every two (2) employees on the largest single shift
Manufacturing or processing plant	One (1) parking space for each employee on the major shift and one (1) parking space for each motor vehicle when customarily kept on the premises
Medical and Dental clinics and animal hospitals	One (1) parking space for each one hundred fifty (150) square feet of floor area
Mortuaries	One (1) parking space for every three (3) seats
Motel or hotel	One (1) parking space for each rental room or suite, plus one (1) space for every two (2) employees
Office buildings (administrative, business or professional)	4.5 stalls per 1,000 square feet gross floor area
Public Service buildings – including municipal administrative buildings, community center, public library, post office, etc.	One (1) parking space for each five hundred (500) square feet of floor area in the principle structure, plus one (1) parking space for each four (4) seats within public assembly or meeting rooms
Recreational facilities, including country club, swimming club, racquet club, public swimming pool	20 (twenty) spaces, plus one (1) space for each five hundred (500) square feet of floor area in the principal structure or two (2) spaces per court
Research, experimental or testing stations	One (1) parking space for each four hundred (400) square feet of gross floor area within the building, whichever is greater
Restaurant, café, nightclub, tavern or bar Without full liquor license With full liquor license	One space per sixty (60) square feet of gross floor area or one (1) space per two and one-half (2 ½) seats whichever is greater One space per fifty (50) square feet of gross floor area or one (1) space per two (2) seats, whichever is greater

Retail stores and service establishments	One (1) space for each two hundred (200) square feet of gross floor area
Schools: Elementary (public, private or parochial)	One parking space for each classroom plus one space for every 50 students
Junior, Senior High School and Colleges	One parking space for every classroom plus one space for every 4 students
Shopping Center: Up to 50,000 square feet	Five (5) parking spaces for every 1,000 square feet of floor space
More than 50,000 square feet	Four (4) parking spaces for every 1,000 square feet of floor space
Storage, wholesale, or warehouse establishments For each 2,000 square feet	One (1) space, or one space for every employee on the shift utilizing the most employees, whichever is greater. One (1) space for each company vehicle operating from the premises



Carver County GIS, 2014 Pictometry International

This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

Map Date: 5/21/2017

N 1/4 COR
SEC. 15-115-26

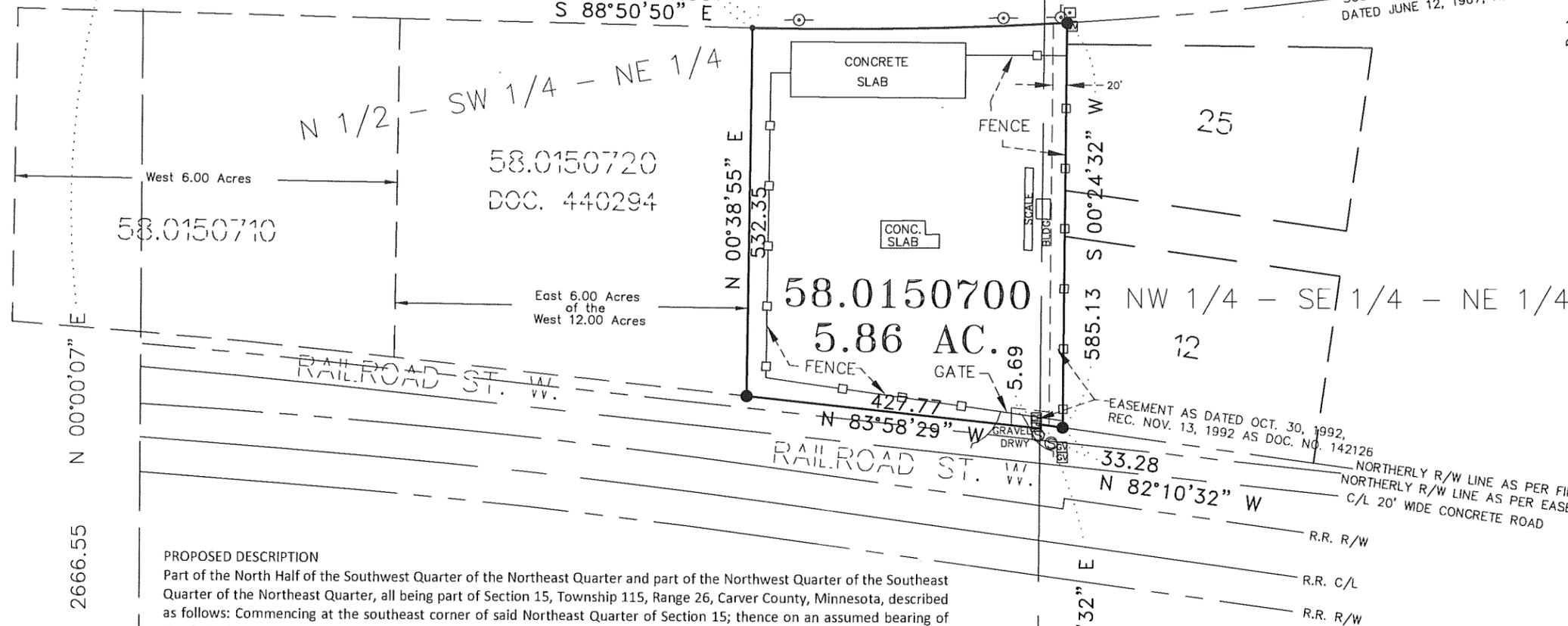
TRUNK HWY. 212

L=449.87
R=5804.58
Δ=04°26'26"
CL=449.76
CB=N 88°49'39" E

ALTA/NSPS

LAND TITLE
SURVEY

SOUTHERLY R/W LINE AS PER FINAL CERT.
DATED JUNE 12, 1967, REC. JULY 24, 1967, IN BK. 6, PG. 269



ORIENTATION OF THIS BEARING SYSTEM
IS BASED ON THE CARVER COUNTY
COORDINATE SYSTEM (NAD 83).

NORTHERLY R/W LINE AS PER FINAL CERT. DATED MAR. 25, 1933, REC. APR. 6, 1933, IN BK. P, PG. 100
NORTHERLY R/W LINE AS PER EASE DATED NOV. 4, 1925, REC. NOV. 16, 1925, IN BK. 33, PG. 220
C/L 20' WIDE CONCRETE ROAD

PROPOSED DESCRIPTION

Part of the North Half of the Southwest Quarter of the Northeast Quarter and part of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter, all being part of Section 15, Township 115, Range 26, Carver County, Minnesota, described as follows: Commencing at the southeast corner of said Northeast Quarter of Section 15; thence on an assumed bearing of North 89 degrees 35 minutes 52 seconds West along the South line of said Northeast Quarter 1298.84 feet to the East line of the Southwest Quarter of the Northeast Quarter of said Section 15; thence North 00 degrees 24 minutes 32 seconds East along said East line 741.51 feet to a point on the northerly right-of-way line of Old State Highway No. 212, now Railroad Street, said point being the point of beginning of the tract to be described; thence North 83 degrees 58 minutes 29 seconds West along said northerly right-of-way line 427.77 feet to the East line of the East 6.00 acres of the West 12.00 acres as described in Document No. 440294 and recorded at the Carver County Recorder's Office; thence North 00 degrees 38 minutes 55 seconds East along said East line 532.35 feet to the southerly right-of-way line of Trunk Highway No. 212; thence South 88 degrees 50 minutes 50 seconds East along said southerly right-of-way line 6.90 feet; thence easterly along said southerly right-of-way line along a tangential curve that is concave to the North, said curve having a central angle of 04 degrees 26 minutes 26 seconds, a radius length of 5804.58 feet, an arc length of 449.87 feet, a chord bearing of North 88 degrees 49 minutes 39 seconds East and a chord length of 449.76 feet to the West line of vacated Blocks 12 and 25 and its northerly extension in the City of Norwood, Minnesota; thence South 00 degrees 24 minutes 32 seconds West, not tangent to last described curve, along said West line 585.13 feet to the North line of Railroad Street as platted; thence North 82 degrees 10 minutes 32 seconds West along said North line 33.28 feet to the East line of said Southwest Quarter of the Northeast Quarter; thence South 00 degrees 24 minutes 32 seconds West along said East line 5.69 feet to the point of beginning. This tract contains 5.86 acres of land and is subject to any and all easements of record.

- LEGEND**
- ⊙ POWER POLE
 - ⊠ GATE VALVE
 - ⊡ LIFT STATION
 - ⊞ CONTROL PANEL
 - ⊙ SANITARY MANHOLE
 - ⊙ HYDRANT
 - ⊠ TELE PED

NOTE: TERMS AND CONDITIONS OF FINAL CERTIFICATE DATED JUNE 3, 1927, REC. JUNE 8, 1927, IN BOOK O, PAGE 206, IS IN SECTION 16 AND DOES NOT AFFECT THIS PROPERTY.

CENTER OF SEC.
SEC. 15-115-26

To Stephen Wayne Curfman and Chicago Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPA, and includes items 1, 2, 4, 7, & 8 of Table A thereof. The fieldwork was completed on July 7, 2017.

Date: 7/13/17

Avery Grochow, Lic. No. 15475

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the state of Minnesota.

AVERY GROCHOW, LS
DATE 7/13/17 REGISTRATION NO. 15475

LAND SURVEY FOR
STEVE CURFMAN
PART OF N 1/2-SW 1/4-NE 1/4 & NW 1/4-SE 1/4-NE 1/4, SEC. 15, T115, R26 YOUNG AMERICA TWP. CARVER COUNTY, MINNESOTA

- ⊙ DENOTES CARVER CO. MONUMENT
 - DENOTES IRON PIPE FOUND
 - DENOTES IRON PIPE SET BY RLS NO. 15475
- SCALE: 1 INCH = 200 FEET

Jul., 2017

FILE NO. 2560



Planning and Zoning Application

City of Norwood Young America
 310 Elm St. W, PO Box 59
 Norwood Young America, MN 55368
 Phone: (952) 467-1800 Fax: (952) 467-1818

Applicant's Name <i>STEVE W. CURFMAN</i>	Telephone Home <input type="checkbox"/> Work/Cell <input checked="" type="checkbox"/> <i>952-292-5809</i>
Address (Street, City, State, ZIP) <i>28059 742ND AVE DASTEL MN 55325</i>	
Property Owner's Name (If different from above) <i>WASTE MANAGEMENT OF MINN</i>	Telephone Home <input type="checkbox"/> Work/Cell <input type="checkbox"/>
Location of Project <i>600 W RAILROAD ST NYA MN 55368</i>	
Legal Description	
Description of Request (Attach separate sheet, if necessary)	

Proposed Action(s): Check all that apply		
<input type="checkbox"/> Annexation \$300.00	<input type="checkbox"/> Comp Plan Amendment \$500.00 + Escrow	<input type="checkbox"/> Storm Water Plan \$250.00
<input type="checkbox"/> Application for Appeal \$150.00	<input type="checkbox"/> Sketch Plat \$200.00 + Escrow	<input type="checkbox"/> Rezoning \$350.00
<input type="checkbox"/> City Code Amendment \$250.00	<input checked="" type="checkbox"/> Site Plan \$300.00 + Escrow	<input type="checkbox"/> Street/Alley Vacation \$150.00
<input type="checkbox"/> Parking Reduction \$100.00	<input type="checkbox"/> PUD Sketch Plan \$200.00 + Escrow	<input type="checkbox"/> Zoning Text Amendment \$300.00
<input type="checkbox"/> CUP/IUP \$200.00 (Residential)	<input type="checkbox"/> PUD Plan Amendment \$300.00 + Escrow	<input checked="" type="checkbox"/> Recording Fee \$46.00
<input checked="" type="checkbox"/> CUP/IUP \$300.00 (Non Residential)	<input type="checkbox"/> PUD Final Plan \$300.00 + Escrow	<input type="checkbox"/> Boundary Line Adjustment \$100.00
<input type="checkbox"/> Variance \$200.00 (Residential)	<input type="checkbox"/> PUD Gen. Concept Plan \$400.00 + Escrow	<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/> Variance \$300.00 (Non Residential)	<input type="checkbox"/> Prelim Plat \$350.00 + \$10.00/Lot + Escrow	
<input type="checkbox"/> Lot Split \$200.00	<input type="checkbox"/> Final Plat \$250.00 + \$10.00/Lot + Escrow	
<input checked="" type="checkbox"/> Public Hearing Notice \$75.00	<input type="checkbox"/> Wetland Mitigation Plan \$100.00 + Escrow	

ALL ESCROW MUST BE PAID BY CERTIFIED CHECK
 Escrow Deposit \$2,000.00 *6808-22100*
 Escrow Deposit - Site Plan Review: \$15,000 (Tacoma West Industrial Park), \$5,000.00 (All other site plan reviews)
 Escrow Deposit - Development Review (paid at Sketch Plan): \$10,000.00

ALL PLANNING & ZONING APPLICATION FEES ARE IN ADDITION TO LEGAL, ENGINEERING AND ASSOCIATED COSTS.

APPLICATIONS WILL BE PROCESSED ONLY IF ALL REQUIRED ITEMS ARE SUBMITTED

The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of Chapter 11 and Chapter 12 of the City Code and other applicable ordinances.

Applicant's Signature:	Date
<i>[Signature]</i>	
Fee Owner's Signature:	Date
<i>[Signature]</i>	<i>5/8/17</i>

For Office Use Only		
Accepted By:	Amount	Date

May 5, 2017

To: City of Norwood Young America Planning & Zoning Board

From: Steve Curfman
Curfman Trucking & Repair, Inc.

Re: Narrative of Site use at 600 Railroad St.

Property Use

The Principle use of the property will be the relocation of Curfman Trucking & Repair, Inc. to the site. Curfman Trucking & Repair is a commercial trucking company that does its own service, repair and maintenance on its fleet of tractors, trucks, and trailers and offers truck repair and service to the public.

New Building

The new building will be built on part the foundation that exists on the site from the previous Waste Management building. The new truck maintenance facility will be 120' x 80'. This building will have 4 bays for semi repair, (or eight - ½ bays for straight truck repair), a truck wash bay, office, restrooms, storage and showroom area.

Owner has included a future option to add a 24' x 80' addition to the west side of the building for truck repair.

The bays will be used for repair/maintenance/service of Curfman Trucking's own fleet and for the public business of repair/maintenance/service of other commercial trucks. Curfman's private truck fleet consists of 17 trucks and 7 trailers. For the public repair of trucks, we are projecting 4 truck repair jobs a day.

The wash bay will be used for Curfman Trucking's own fleet. We are projecting washing 2 trucks per day.

Curfman Trucking employs 15 truck drivers (that will be offsite during the work day) and 7 to 8 onsite employees (which includes office staff). A water line connection already exists at the site of the new building. A sewer line will have to be hooked up and run from the existing sewer line located behind the scale house.

Outdoor Aggregate Storage Piles

The storage piles denoted on the site plan will be contained on three sides by a 5ft tall, 2" x 8" tongue and groove bunker wall. (see attached photos of an example of the type of proposed containment.) There will be an estimated 3500 yds. of red rock, 3500 yds. of unrecycled aggregate material, and 3500 yds. of recycled aggregate material when at full capacity. The maximum estimated height of the outdoor storage piles is 25ft.

There will be approximately 15 in/out bound loads a week during the construction season (6-7 months of the year) and approximately 7 in-bound loads a week during the off season (5-6 months of the year) relating to the outdoor aggregate storage piles.

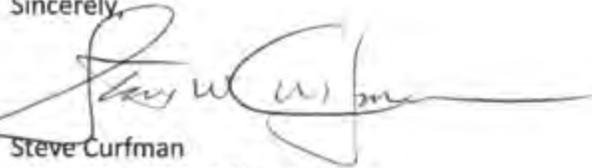
The existing Truck Scale and existing Scale Building will be used privately by Curfman Trucking for the scaling out of the aggregate materials as they are brought in and out of the facility.

Onsite Parking

The parking onsite will allow for parking of Curfman Trucking's fleet of tractors, trailers and trucks, employee parking and spaces for trucks being repaired through their public repair service. An estimated 10 spaces for tractor & Trailer parking, 33 parking spaces for straight truck parking and 27 employee parking spaces have been designed for the site.

An improvement in the driveway apron is proposed by paving starting 20ft inside the existing gate to Railroad Street West.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Curfman", with a long horizontal flourish extending to the right.

Steve Curfman
Curfman Trucking & Repair, Inc.





**BOLTON
& MENK**

Real People. Real Solutions.

2638 Shadow Lane
Suite 20C
Chaska, MN 55318-1172

Ph: (952) 448-8836
Fax: (952) 448-8806
Bolton-Menk.com

5/18/17

City of Norwood Young America
Attn: Steve Helget
310 W. Elm St.
P.O. Box 59
Norwood Young America, MN 55368

RE: Curfman Trucking
600 Railroad Street West
Site Plan Review
Project No.: C14113670

Dear Mr. Helget:

Pursuant to your request, we have completed an engineering review for the proposed building construction and site work for the above referenced project. Our review is based on Site Plan information submitted by RAM General Contracting, Inc., dated May 5, 2017. We offer the following comments and recommendations for your consideration:

General:

- 1) It is our understanding that the proposed project consists of the construction of a trucking company office and repair facility, including exterior parking for staff and trucks, aggregate stockpile storage, and a truck wash bay. The proposed improvements are located on the former Waste Management site.
- 2) The proposed building appears to be utilizing the former building area, and the existing gravel parking lot area is being maintained. Existing site drainage appears to be generally unchanged.
- 3) Construction activity and /or storage of construction equipment, materials, stock piles, concrete washouts, contractor vehicle parking, etc, shall not be allowed within public R/W without approval by the City.
- 4) The extent of site disturbance resulting from building construction, site grading, and gravel lot shaping, etc. appears as if it will exceed 1 acre. A MPCA NPDES General Storm Water permit will be required. In addition, CCWMO permits and approvals may be required.

Sewer and Water Service:

- 1) The proposed building includes bathrooms and a truck wash bay. Sewer and water service connections are required. The proposed plan indicates using the existing sewer and water services in place from the former site use. This is acceptable from an engineering perspective.
- 2) The water service and sanitary sewer service shall be constructed in accordance with current City Standards.
- 3) Inspections and testing of the services shall be scheduled with the City Building Official, Public Services Department, etc.
- 4) New service is not being provided, thus we assume MPCA and MDH extension permits are likely not required.

Drainage / Erosion Control:

- 1) The proposed improvements include approximately 13,243 SF (0.3 acres) of new impervious area, within the existing lot. This results in an estimated increased runoff from the site of approximately 0.8 cfs, for a 10 year storm event. Considering the minimal amount of additional impervious surface, and resulting increased runoff, it is anticipated that the additional runoff from the proposed improvements is insignificant with regard to the existing storm sewer system.
- 2) Erosion control BMPs should be installed and maintained on the site in accordance with current City and governing agency requirements, including but not limited to perimeter silt fence, inlet protection at downstream culverts and catch basins, prevention of soil tracking off site, and associated street cleaning and sweeping, as directed by the City.

ERU Determination:

It is our understanding, that it appears ERUs and truck charges may not have been applied to the previous site use. If that is the case, and should the City determine it is appropriate to assign ERU's and resuting fees to the site at this time, we offer the following:

- 1) It is our understanding the proposed improvements include the construction of a 9600 sf truck repair shop with an office, 2 bathrooms, and a wash bay.
- 2) We understand the proposed uses include an average of 8 employees on site daily, 15 truck drivers daily, and washing of 2 trucks per day.
- 3) Based on our understanding of the proposed improvements and uses, and the 2017 Metropolitan Council SAC Procedure Manual, it appears a total of 4 ERUs is appropriate for the proposed improvements.

City of Norwood Young America
Curfman Trucking
5/18/17

The proposed improvements appear to be acceptable from an engineering perspective subject to the comments addressed herein.

We are available to discuss this matter at your convenience.

Sincerely,

Bolton & Menk, Inc.

A handwritten signature in black ink, appearing to read "John K. Swanson", with a long horizontal flourish extending to the right.

John K. Swanson, P.E.
Senior Project Engineer

Cc: Cynthia Smith-Strack
Kreg Schmidt
Jake Saulsbury



May 25, 2017

City of Norwood Young America
Attn: Steve Helget
310 W. Elm St.
P.O. Box 59
Norwood Young America, MN 55368

RE: Curfman Trucking
600 Railroad Street West
Fire Code Plan Review

Dear Steve,

The purposed building at 600 Railroad Street West will be required to have the following in order to comply with the 2015 Minnesota State Fire Code. My review is based on Plan information submitted by RAM General Contracting, Inc., dated May 5, 2017.

1. An automatic sprinkler system in accordance with 2015 Minnesota State Fire Code, 903.2.9.1(4) and 903.2.10.1 listed below.
2. Fire Department Entry Key Lock Box.

Norwood Young America

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the International Building Code, as shown:

4. A Group S-1 fire area used for the repair of commercial trucks or buses where the fire area exceeds 5,000 square feet (464 m²).

903.2.10.1 Commercial parking garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial trucks or buses where the fire area exceeds 5,000 square feet (464 m²)

Sincerely,



Steven Zumberge

NYA Fire Chief
PO Box 85
310 Elm St. W
Norwood Young America
MN 55368
Office: (952)-467-1806
Cell: (507)-469-9145
Fax: (952)-467-1818
Email: NYAFDChief@cityofnya.com

Norwood Young America

communities require additional escrow. Helget noted the City requires a small escrow but potentially not enough for final grading and seeding/sodding.

_____ referenced a standard contained in the subdivision code which states preliminary plats expire if a final plat is not filed within one year. She also requested the ability to provide input in proposed covenants.

_____ questioned where the City's responsibility for property values dropping lies. Expansion of Prairie Dawn Park was highlighted. Concern for not being able to remove trees adjacent to Barnes Lake if the riparian area was deeded to the City was also expressed. In addition opposition to 'cookie cutter' homes was expressed. _____ inquired as to whether or not Loomis would consider building \$400,000 homes in the 5th Addition. Loomis opined he would not be able to sell housing at that price point.

_____ spoke noting value of proposed homes was a concern. He questioned how the proposal could be adjusted to encourage higher value homes.

Motion – Lagergren to close the public hearing. Second by Grundahl. With all in favor the hearing was closed at 7:44 p.m.

C. Variance and Conditional Use Permit: Steve Curfman 600 Railroad Street West.

Heher opened the public hearing at 7:45 p.m.

Strack noted Steve Curfman, doing business as Curfman Trucking has applied for a conditional use permit, variance, and site plan approval in conjunction with a proposed contractor operation with ancillary outdoor storage at 600 Railroad Street West.

A variance to required rear yard setback in the I-1 Light Industrial District (1230.12, Subd. 5(E)) will allow placement of a new structure on an existing foundation. Rear setback required is 50 feet; the setback of the existing foundation is fifteen (15) feet.

A CUP is required under Section 1230.12, Subd. 4(E) for ancillary outdoor storage. The principal use of the property for a contractor operation is a permitted use within the I-1 District.

Strack stated the Applicant represents:

Curfman Trucking and Repair is proposed to be relocated to this site.

Curfman Trucking and Repair is a commercial trucking company that performs its own service, repair, and maintenance on its fleet of tractors, trucks, and trailers and offers truck repair and service to the public.

The Applicant proposes a new 120 foot by 80 foot (9,600 square foot) truck maintenance facility to be located on an existing foundation. The truck

maintenance facility will have four (4) bays for semi repair or eight bays for straight truck repair, a truck wash bay, office, restrooms, storage, and showroom area. The building will be pre-engineered steel.

The site plan illustrates a future option to add a 24 foot by 80 foot addition to the west side of the building for truck repair.

The Applicant proposes the four bays (also defined as eight bays) are to be used for repair, maintenance, and service of Curfman Trucking's own fleet and for the public business of repair/maintenance/service of other commercial trucks.

Curfman's private truck fleet consists of seventeen (17) trucks and seven (7) trailers.

The Applicant proposes a maximum of four (4) commercial trucks not owned by Curfman Trucking will be repaired on site on any day.

The proposed wash bay will be used for Curfman Trucking's own fleet. The Applicant projects two (2) fleet vehicles will be washed at the site each day.

The Applicant employs fifteen (15) truck drivers who drive to the site in personal vehicles and depart the site in a Curfman Trucking fleet vehicles. Fleet drivers work off-site throughout the day and return to the site at the close of the work day.

The Applicant employs an additional eight (8) persons on site, including office staff.

A water service line is present at the site of the existing foundation/proposed new structure.

A sanitary sewer service line will be extended from an existing service near the eastern property boundary.

The Applicant proposes three aggregate storage piles.

All three aggregate storage piles will be contained on three sides by a bunker wall a minimum of five (5) feet in height.

Full capacity of each of the three bunkers will be 3,500 yards of material. An estimated 3,500 yards of red rock, 3,500 yards of unrecycled aggregate material, and 3,500 yards of recycled aggregate material.

Maximum estimated height of the outdoor storage piles is twenty-five (25) feet.

The Applicant estimates fifteen (15) loads of aggregate materials will pass in or out of the facility each day during the construction season (six to seven months of the year) and seven (7) in or outbound trucks loads of aggregate material will pass in or out of the facility each day during the off-season (five to six months of the year).

The existing truck scale and truck scale building will be used privately by Curfman Trucking for the scaling of aggregate material.

Proposed parking will accommodate parking of Curfman Trucking's fleet of tractors, trailers, and trucks. Employee parking and spaces for trucks not owned by Curfman Trucking which are being repaired are also proposed.

An improved driveway apron is proposed.

Steve Curfman reported outdoor storage was an issue for him. He was concerned about being able to store pallets, tires, rocks, mulch, and similar items out doors on the site. He produced a marked up version of the site plan.

Strack noted her report was based on the site plan submitted with the application not an alternate site plan being presented at this point.

Lagergren clarified Curfman intended to construct the new facility on the existing foundation. Curfman concurred noting foundation was useable and a water service line was to the foundation.

Heher asked Curfman whether or not the proposed 25 foot height representation on the site plan for the three aggregate storage piles was sufficient. Curfman concurred.

Lagergren inquired as to whether or not there was a berm on the north side of the property. Curfman stated yes.

Heher asked Strack how the existing foundation was approved. Strack noted she was not aware at this time but could perform research.

Grundahl asked Curfman if he was aware of the existing condition of Railroad Street West. Curfman acknowledged condition of roadway was fair. Grundahl noted City did not have jurisdiction over part of the roadway and did not have plans to improve.

Curfman referenced an apron as proposed on the site plan. He opined he did not need the apron. Strack stated it was illustrated on the site plan submitted for review, and it was required under code.

Curfman explained the type of landscape material he wanted to add to the site plan. He stated he would like to be allowed to store tires, mulch, rock, pallets, concrete blocks, and landscape materials on site. He proposed concrete storage bins to contain the items.

Tina Diedrick stated an existing CUP on another property owned by Mr. Curfman does not allow for the storage of personal property, only storage of property owned by the business. She also asked about the proposed wash bay.

Motion – Lagergren to close the public hearing. Second by Grundahl. With all in favor the hearing was closed at 8:17 p.m.

5. New Business.

A. Preserve 5th Addition: Rezoning and Final Plat Consideration.

Heher introduced the agenda item. Strack summarized rezoning request.

Heher summarized public comments noting cleanliness was a comment expressed repeatedly. Heher expressed confidence cleanliness of current construction sites could be addressed.

Heher noted Mr. Loomis had provided verbal testimony indicating minimum square footage for ramblers was 1,400 square feet but the covenants stated 1,100 square feet. He inquired as to whether or not Loomis was open to working on minimum square footages included in the covenants. Loomis responded in the affirmative.

Strack inquired as to whether or not Loomis could identify areas of premium lots. Loomis responded in the affirmative noting lot premiums were envisioned. Strack inquired as to whether or not Loomis could provide renderings of homes which could be suitable for the premium lots. Loomis noted they had renderings available.

Heher inquired as to impact an eagle's nest could have on the subdivision. Strack noted if the presence of an eagle's nest is confirmed the Developer must secure a permit if work is proposed within a defined area. The Developer would have to secure a permit from the U.S. Fish and Wildlife Service.

Helget noted the covenants reference trees in the boulevard. He stated the covenants should not reference boulevard trees as the City did not want trees in the boulevard.

Helget further noted the covenants reference maximum length of on-street parking is 72 hours; the City standard is 48 hours.

Heher noted the Commission had two action items before them relating to this request. The Commission would review them one at a time beginning with rezoning followed by final plat.

Heher requested discussion from the Commission regarding rezoning. He noted the rezoning was to correct an apparent error on the official zoning map. He noted rezoning as requested was consistent with an approved preliminary plat and final PUD plan. Heher stated he heard several concerns with tidiness of homes that were currently under

construction by the Applicant. He suggested the Applicant pay attention to those concerns.

Heher confirmed with Vieira the City is not able to control the purchase price or proposed values of property. Vieira stated the City has minimum lot size requirements, maximum impervious surface requirements, and setback standards all which assist in defining how a dwelling appears.

Strack noted the City also enforces minimum lot sizes and minimum dwelling unit size standards under code.

Heher voiced support for rezoning and asked Vieira to reiterate review criteria. Vieira addressed health, safety, and welfare standards and defined a potential need to examine whether or not denial of the rezoning request could amount to inverse condemnation as the property was zoned for public use but privately owned.

A member of the audience suggested requiring a minimum of 1,800 square feet for homes. Strack noted the minimum size under the City Code was in the vicinity of 900 square feet. She noted the City could suggest Loomis include the standard in proposed covenants and then require proof of recording the covenants against each lot created.

Heher asked Lagergren for comment. Lagergren noted several concerns had been addressed.

Hoernemann noted rezoning was a sensitive issue.

Lagergren asked Strack what potential options were. Strack noted the Commission could recommend approval or denial of the rezoning request or postpone a decision pending receipt of additional information.

A discussion of the next meeting date occurred. Strack noted the next meeting date was presumably July 5th as the regular meeting date was a holiday.

Motion – Heher to postpone action on rezoning until a meeting July 5th in order to receive additional information from Vieira’s office and to allow Loomis to further discuss covenants proposed. Second by Lagergren. Motion carried 4:0.

Motion – Heher to postpone action on final plat until a meeting July 5th in order to receive additional information from Vieira’s office and to allow Loomis to further discuss covenants proposed. Second by Grundahl. Motion carried 4:0.

The meeting was suspended for a five minute break. Heher reconvened the meeting at 9:01 p.m.

B. Curfman Trucking: Variance, CUP, and Site Plan Consideration.

Heher introduced the agenda item.

Strack noted three action items were before the Commission: variance consideration, CUP consideration, and site plan consideration. The Commission was to address each action item individually.

Strack summarized the rezoning request noting Curfman is requesting a rear yard variance equal to the current rear yard setback of an existing foundation. Strack noted she recommended conditional approval.

Potential findings supporting the action included:

The proposed development is consistent with the Comprehensive Plan in terms of future land use (industrial) and policies relating to industrial development.

The property has previously been developed and used for industrial purposes with berming present on the perimeter of the property. The property is zoned for industrial use the proposed industrial use with certain conditions recommended appears to be a reasonable use of the property.

The variance is not for the use of the property.

The property was previously designed, graded, and built with placement of a structure adjacent to the northern property boundary.

An existing foundation suitable for reuse exists on the property. Utilities are suitably placed.

Reuse of the existing foundation minimizes disturbance of the existing site and maximizes efficiency of redevelopment.

Potential findings for note granting a variance included:

The existing foundation could be demolished with a new foundation established in a manner consistent with the required setback.

The presence of a foundation does not constitute a circumstance unique to the physical dimensions of the property, existing environmental conditions, or topographic limitations.

Staff recommendation is to recommend approval of the variance subject to the following conditions:

The variance is applicable to the property at 600 Railroad Street West.

Approval of a Conditional Use Permit to allow ancillary outdoor storage in conjunction with a contractor operation at 600 Railroad Street West.

Approval of a site plan for the proposed development at 600 Railroad Street West.

Initiation of construction of a proposed 80 foot by 120 foot (9,600 square foot) structure shall begin within one-year of City Council approval of the variance. If construction has not been initiated within one year of Council approval the variance, said variance approval shall expire without further action by the Council.

Heher stated he favored the variance.

Motion – Heher to recommend the Council approve the variance with conditions included in the staff memo dated June 6, 2017. Second by Hoernemann. Motion carried 4:0.

Strack next provided a summary of the conditional use permit request and alluded to detailed conditions proposed in the staff memo which include:

The conditional use permit is applicable only to the property at 600 Railroad Street West.

The approval specifically authorizes ancillary outdoor storage at the subject site. Said outdoor storage is directly and specifically limited to that represented in the site plan dated May 5, 2017.

A maximum of forty-three (43) vehicles may be stored on site at one time. Vehicles are limited to Curfman Trucking commercial fleet vehicles or commercial vehicles with a minimum of three axels. Fleet vehicles must be related to the contractor operation and under licensed ownership of the contractor operation.

Vehicles as defined above stored on site:

Must be in an operable condition;

Must not be extensively damaged, with damage including such things as broken or missing tires and wheels, missing or non-operable motors, missing body parts, missing or broken windows, non-functioning drive train or transmission; and,

Shall have a fair market value greater than the approximate value of the scrap in it.

A maximum of three (3) stockpiles of aggregate material are allowed on site provided:

The aggregate materials are contained on three (3) sides by solid, continuous bunker walls with a minimum height of five feet constructed and maintained in a manner that aggregate materials are dependably contained within the walls at all times.

No single storage shall contain more than 3,500 cubic yards of material.

No storage pile shall exceed twenty-five (25) feet in height at any time.

Aggregate materials allowed to be stored on site are limited to red rock, unrecycled aggregate material, and recycled aggregate material.

Outdoor storage of the following items is prohibited on site:

Garbage and refuse material.

Miscellaneous equipment and/or parts, tires, and fluids.

Brush and tree parts.

Horse, stock, or travel trailers, campers, unlicensed passenger vehicles, passenger automobiles not licensed as fleet vehicles, personal property, buses, agricultural equipment, portions of heavy construction equipment, and heavy construction equipment exceeding its normal lifecycle.

Pallets, concrete block, rocks, stones, boulders, and brick.

Items reasonably similar to those identified as prohibited.

Construction of the proposed 9,600 square foot principal structure is substantially completed prior to establishment of ancillary outdoor storage.

A certificate of occupancy is issued for the proposed 9,600 square foot principal structure by December 31, 2018.

This approval shall expire one year after date of approval unless the Applicant has commenced construction of the principal structure.

This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.

The permit shall be subject to annual inspection and audit 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 an approving Resolution, subject to the requirements of Section 1210.06, Subd. 5 "Revocation of Conditional Use Permits" of the Zoning Ordinance, as may be amended.

The conditional use permitted under this Resolution shall be revoked if the Use ceases for more than 12 consecutive months.

Strack noted Steve Curfman had requested tires, pallets, concrete block, rocks, stones, and boulders be allowed as additional outdoor storage on site. She cautioned the Commission about allowing tires to be stored outdoors where they could collect rainwater and potentially become a public health issue. She also suggested the Commission, if they are inclined to grant Mr. Curfman's request for storage of pallets, concrete blocks, rocks, stones, and boulders outdoors to quantify an exact number of bunkers allowed/required and specific sizes and locations for said bunkers.

Curfman requested eight (8) bunkers sized 12 feet by 20 feet and no more than five feet in height if wood or eight feet in height if concrete.

The Commission discussed outdoor storage of tires and reached consensus that Curfman may use one of the proposed bunkers for storage of tires provided it was covered, as suggested by Curfman.

Motion – Lagergren to recommend the Council approve the conditional use permit with all conditions included in the staff memo dated June 6, 2017, except that tires, pallets, concrete blocks, rocks, stones, mulch, and boulders may also be stored on site providing a revised site plan illustrating the exact location of storage bunkers as defined above is submitted. Second by Hoernemann. Motion carried 4:0.

Strack reviewed the staff memo relating to the site plan. She noted Curfman's request to allow repair of non-fleet vehicles was not able to be granted until the Code was amended.

Staff recommended approval of the site plan contingent upon:

The "Use" is a contractor operation with ancillary outdoor storage at 600 Railroad Street West, the "Property".

Retail and wholesale repair and service of commercial trucks and automobiles is not allowed, unless additional steps are taken to amend the I-1 Light Industrial District allowable uses.

The "Site Plan" is a site plan completed by RAM Building dated May 5, 2017 attached hereto.

Approval of a variance for rear yard setback.

Approval of a conditional use permit applicable to ancillary outdoor storage and compliance with conditions as specified within the CUP.

Compliance with recommendations as set forth within the memo from Consulting Planner, Cynthia Smith Strack dated June 6, 2017.

Compliance with all recommendations as set forth within the memo from John Swanson, Bolton-Menk (City Engineer) dated May 18, 2017.

Evidence of review and issuance of a permit, if required by the Carver County Water Management Organization.

All signage shall require submittal of a sign permit application and approval by the Zoning Administrator and/or Building Official.

Building permits shall be required prior to any building construction or improvements on the property.

This approval is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.

This approval shall expire one year after date of approval unless the Applicants have commenced construction of the Use on the Property.

Approval of this site plan does not approve any future expansion or associated improvements on-site, including but not limited to a 24 foot by 80 foot future addition to the proposed structure.

Any modifications not defined as “minor” pursuant to Section 1210.08, Subd. 4, shall require separate site plan approval.

Discussion regarding repair of trucks and passenger autos owned by the ‘public’ as differentiated from fleet vehicles was discussed.

Curfman stated he needed to be able to repair other people’s trucks and autos on site.

Strack noted Curfman’s choices were to accept the condition of approval prohibiting repair of non-fleet vehicles and pursue ordinance amendment to allow repair of non-fleet vehicles or to accept denial of the site plan pending receipt of a code amendment request from Mr. Curfman.

Motion – Hoernemann to recommend the Council approve the site plan with all conditions included in the staff memo dated June 6, 2017. Second by Lagergren. Motion carried 4:0.

C. Ordinance: Performance Standards for Signs in the RC-1 District.

Heher introduced the agenda item.

Motion – Lagergren to recommend the Council approve the Ordinance as presented.

B. Revised Site Plan 600 Railroad Street West (Curfman Trucking).

Heher introduced the agenda item.

Strack stated at the June 6, 2017 meeting the Planning Commission scrutinized requests for a variance, conditional use permit, and site plan approval as requested by the Applicant for property at 600 Railroad Street West. The Applicant proposes a contractor operation with ancillary outdoor storage at the subject property.

After the PC meeting but prior to the City Council meeting the Applicant submitted a revised site plan. The revised site plan was required by the Planning Commission to respond to changes to the site plan proposed at the June 6, 2017 regular meeting.

In particular, the revised site plan required by the PC, was to illustrate (as proposed by the Applicant on June 6th) eight (8) bunkers each sized no greater than 12' by 20' and of no greater height than five (5) feet if constructed of wood or eight (8) feet if the bunker was constructed of concrete. The eight bunkers were to be used for outdoor storage of tires, mulch, boulders, pallets, stones, and rocks.

Rather than illustrating eight bunkers, the revised site plan illustrated ten (10) bunkers and the additional storage on the northwest property line near the proposed building. The Applicant explained at the June 26, 2017 the additional storage space was to be bounded by storage containers relocated from 125 Railroad Street East. Staff noted storage pods/containers are not allowed within the City of NYA. The Applicant questioned whether or not storage containers could be allowed if placed within accessory structures. Staff indicated in the affirmative provided accessory structures were consistent with Code requirements.

Following discussion the City Council voted to table action on the requested variance, CUP, and site plan approval in favor of review of the latest site plan iteration by the Planning Commission.

The latest site plan iteration is dated July 17, 2107. Staff notes the latest iteration contains the following changes from that presented at the June 26, 2017 Council meeting:

The bunker sizes used for storage of tires, mulch, boulders, pallets, stones, and rocks have been increased from 12' by 20' to 20' by 20'. Please recall the Planning Commission's recommendations capped the number of bunkers at eight and the size of the bunkers at 12' X 20'; meaning both the number of bunkers (eight approved ten now proposed) and the size of the bunkers (12' X 20' approved; 20' X 20' now proposed) have expanded.

A proposed 36' by 80' (2,880 sf) "open front business storage area" is illustrated on the site plan. Staff has requested a written narrative description or illustration of the 'open front business storage area'.

The width of an illustrated driveway apron has been reduced from beginning at the street, progressing through the boulevard, and terminating twenty (20) feet (as measured north starting from the gate entry to the property i.e. 20 feet north of the gate) onto the private property. The latest site plan iteration illustrates a three (3') foot concrete strip in the public boulevard.

A containment wall on the west side of the northernmost aggregate material stockpile has been removed resulting in proposed containment on two rather than three sides.

Strack offered the following for consideration:

Strack recommended the PC take deliberate action as to whether or not it approves of ten (10) storage bunkers for mulch, tires, boulders, rocks, pallets, and stones rather than the eight (8) authorized June 6th.

Strack recommended the PC take deliberate action as to whether or not it approves of increased bunker size authorized as a maximum of 12' by 20' (240 sf each) at the June 6th meeting to the 20' by 20' size now proposed (i.e. 400 sf each).

Strack recommended the PC take deliberate action relating to the proposed 'open front business storage area'. The Applicant indicated to the City Council on June 26, the 'open front business storage area' would be an accessory building. Strack noted at the June 26 Council meeting that accessory structure standards would apply. Accessory structure standards are included in the packet.

Pertaining to the site plan, the Applicant and staff had discussed requirements for parking areas and driveways at a pre-submittal concept meeting. A representative from the City Engineer's Office also attended the meeting. Strack recollected discussion regarding impact of required standards on the proposed contractor operation. Strack stated:

Section 1250.07(E). Residential, commercial, and industrial driveways shall be hard-surfaced with materials such as concrete, asphalt, or brick/paver, except that driveways accessed from non-hard-surfaced alleys may be non-hard-surfaced.

Section 1250.09 Construction and Maintenance. In all districts, parking areas, access drives and curb and gutter shall be hard-surfaced with materials such as concrete, asphalt, or brick/paver, except that in industrial districts parking areas in side or rear yards may be surfaced with compacted gravel or red rock. Plans for surfacing and drainage of driveways and stalls for five (5) or more vehicles shall be submitted to the City Engineer for review and the final plans shall be subject to the Engineer's written approval.

The City Engineer's Office accepted the apron design contained in the original site plan following discussion at the pre-submittal meeting.

Strack recommended the apron as proposed and represented in both prior site plan illustrations be required.

Strack recommended the PC take deliberate action to require a third containment wall is constructed on the west side of the northernmost aggregate stockpile area.

Strack noted the applicant was present in the audience.

Heher requested Curfman explain proposed changes in the site plan to the Commission pertaining to number and size of storage bunkers.

Curfman stated he reviewed similar storage areas in other communities and opined it was logical and rational to increase the size and number of bunkers.

Heher stated the Commission would like to accommodate Mr. Curfman's business and be direct in doing so. He asked Curfman to address a third containment wall at the northernmost aggregate storage pile. Curfman stated the east building wall would function effectively as a third

containment wall.

Heher referenced photographs provided by Curfman's contractor illustrating open front business storage area. Curfman stated he wanted a screen area on the west side property line where plow attachments and the like could be neatly stored. Curfman stated he was not able to afford the open business storage area as represented in the photograph and the site plan. He stated he wanted instead to build a twelve foot high fence composed of metal siding panels.

Heher asked Strack to comment on the fencing. Strack noted maximum height of commercial industrial fence without a conditional use permit is eight feet. Metal siding is not an acceptable fence material. Strack further noted a fence is not required as a perimeter fence already exists.

Lagergren clarified Curfman was proposing a metal wall. Curfman concurred. Lagergren asked Strack for clarification. Strack noted maximum fence height allowed without a conditional use permit is eight feet. Curfman stated that was the purpose of the meeting. Strack clarified a conditional use permit to allow a 12 foot high fence was not part of the applications being considered at this time. A separate application and review would be required.

Grundahl asked Curfman what he planned to do with storage pods/freight containers at his existing site. Curfman stated he had not arrived at a plan.

Grundahl informed Curfman the fence could be considered at a later date under a separate conditional use permit request. Therefore, the project could move forward if the fence discussion was postponed.

Lagergren asked whether or not Curfman would consider using vegetation rather than a metal wall. Curfman indicated he was not interested in vegetative screening.

Lagergren stated he could not quite envision what Curfman's proposed fence would look like. He asked Strack for direction. Strack noted fencing was not required but rather being proposed by Curfman. If the Applicant wished to proceed with the fence at this time it would need to be eight feet in height or less and composed of traditional fence materials such as chain link or wooden fence panels. It could also be a living fence.

Hoernemann informed Curfman the project could move forward without a fence at this time. He suggested Curfman, if he wanted to proceed with a fence in the future, apply for a conditional use permit to allow greater height.

Strack noted Grundahl's question regarding storage pods/shipping containers should be clarified. Curfman noted he planned to bring the pods/shipping containers to the subject property. Strack notified Curfman the shipping containers/pods would need to be stored within a building as the nuisance code did not allow pods/shipping containers.

Curfman asked Strack to read the specific code requirement. Strack noted Section 600.04, Subd. 1 (T) of the code requires *"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"*.

Heher requested the Commission discuss individual points of change, starting with whether or not the Commission was comfortable with increasing the number and size of storage bunkers to

be used for rocks, pallets, tires, mulch, etc. The Commission confirmed a maximum of ten bunkers enclosed with wood beams or concrete panels with a maximum size of twenty feet by twenty feet was acceptable.

Heher then asked for input on the lack of a third containment wall for the northernmost aggregate storage pile. The Commission confirmed two containment walls were sufficient.

Heher asked for Commissioner input on a proposed three-foot driveway 'apron'. The Commission confirmed a three foot 'apron' was acceptable.

Strack clarified the Commission and Applicant understood the open front storage facility was to be removed from the site plan and was not considered for approval. In addition no additional fencing was being approved and pods/shipping containers were not allowed unless stored completely within an enclosed building.

Motion: Hoernemann, Second Lagergren to approve a revised site plan for a contractor operation and ancillary outdoor storage at 600 Railroad Street West, subject to aforementioned discussed conditions and restrictions. Motion carried 4:0.

DRAFT



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

From: Cynthia Smith Strack, Consulting Planner

Date: August 28, 2017

Re: 1. Variances Minimum Lot Size, Minimum Lot Width, and Maximum Site Coverage in the C-2 General Commercial District– 125 Railroad Street East (Steve Curfman)
2. Approval of simple lot split.

Applicant: Steve Curfman, d.b.a. Curfman Trucking & Repair Inc.

Subject Address: 119 & 125 Railroad Street East

Legal Description: See Attached

Property ID: 580140750

Zoning Class: C-2 General Commercial

Request:

1. Variances to Section 1230.09, Subd. 6 pertaining to minimum lot size, minimum lot width, and maximum site coverage in the C-2 General Commercial District. If approved will enable split of two non-contiguous lots currently subject to one legal description and one parcel number.
2. Approval of simple lot split.



Representative: Steve Curfman

Attachments: Application
Survey
Site Map
Description of Common Wall

Background

The Applicant proposes the split of existing, developed, non-contiguous lots currently combined under one legal description and one parcel number. A certificate of survey illustrating a proposed lot split is attached.

Proposed resulting Parcel 1 (119 Railroad Street East) is existing legal non-conforming relative to minimum lot size, minimum lot width, maximum lot coverage and required setbacks. Proposed resulting Parcel 2 (125 Railroad Street East) is legal non-conforming relative to minimum lot size and required setbacks.

Section 1100.11, Subd.1 of the Code provides for simple lot divisions, providing:

***Subd. 1 Simple Lot Division.** A lot may be divided without having to comply with the requirements of this Ordinance, following a public hearing in accordance with established procedures, provided the resultant lots are easily described (e.g. N ½ and S ½) comply with the dimensional requirements of Chapter 12, Zoning and are generally consistent in size with other lots in the immediate vicinity.*

Lots resulting from the simple division will not achieve several performance standards under Chapter 1230.09, Subd. 6 of the Code as follows:

Proposed resulting Parcel 1 (western non-contiguous lot – 119 Railroad Street East):

Standard	Required	Existing
Minimum Lot Width	200'	84'
Minimum Lot Area	20,000 sf	4,962 sf
Maximum Site Coverage	80%	85%
Setbacks (Front, Rear, Side, Side)	25', 20', 5', 5'	5', 0', 4', 0'

It is noted resulting Parcel 1 shares a building wall with an adjacent structure under separate ownership, legal description, and parcel number. The Applicant has submitted a written description of the shared wall to the City. The description is attached.

Proposed resulting Parcel 2 (eastern non-contiguous lot – 125 Railroad Street East):

Standard	Required	Existing
Minimum Lot Area	20,000 sf	18,295 sf
Setbacks (Front, Rear, Side, Side)	25', 20', 5', 25'	0', 0', 140', 290'

The City Attorney has indicated variances to required performance standards are required prior to consideration of simple lot split approval.

Examination of code requirements: variances

Section 1210.04 of the City Code pertains to issuance of variances.

A variance from the literal provisions of the Code may be approved where strict enforcement would cause practical difficulties. Practical difficulties when used in connection with the granting of a variance means:

1. The property owner proposes to use the property in a reasonable manner not permitted by the Code.
2. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
3. The variance, if granted will not alter the essential character of the locality.

Variations to allowable uses of property are not allowed, variations to performance standards such as setbacks may be considered. Economic considerations alone do not constitute a practical difficulty.

Planning Commission Recommendation:

The Planning Commission recommends approval of the variations based on the following findings:

- The property exists as two non-contiguous improved and developed lots.
- The variance is not for the use of the property.
- The existing lots are of slight depth due to location between a public right of way (Railroad Street) and the TC&W Railway.
- The properties while subject to one legal description and one property number function as completely different parcels.

The PC recommendation is conditioned on the following:

1. The variance is applicable to Parcel Number 580140750.
2. No further intensification of existing non-conformities related to required setbacks, minimum lot size, minimum lot width, or maximum site coverage is allowed for either resultant parcel.
3. Uses for both resultant parcels shall be contained within and confined completely to private property.
4. Variance approval will expire one (1) year from the date of approval if the property split is not recorded at the Carver County Recorder's Office.

ACTION

The Council will consider the request for variations and the request for a simple lot split.

A RESOLUTION pertaining to the variations and lot split is attached for consideration.

CERTIFICATE OF SURVEY

TRACT 2 DESCRIPTION OF RECORD

That part of the South Half of the Northwest Quarter of Section 14, Township 115 North, Range 26 West, described as follows: Commencing at the Southeast corner of Block 18, Village of Norwood and its Additions, according to the recorded plat thereof; thence on an assumed bearing of South 8 degrees 00 minutes 00 seconds West, along the Southerly extension of the Easterly line of said Block 18, a distance of 66.00 feet; thence North 82 degrees 00 minutes 00 seconds West a distance of 120.00 feet to the point of beginning of the land to be described; thence South 82 degrees 00 minutes 00 seconds East a distance of 282.64 feet; thence Southeasterly a distance of 211.56 feet, along a tangential curve concave to the Southwest having a radius of 2822.06 feet and a central angle of 4 degrees 17 minutes 43 seconds; thence South 77 degrees 42 minutes 17 seconds East, tangent to the last described curve, a distance of 349.06 feet; thence South 27 degrees 02 minutes 00 seconds West a distance of 17.97 feet; thence North 81 degrees 58 minutes 00 seconds West a distance of 836.22 feet to the intersection with the line which bears South 8 degrees 00 minutes 00 seconds West from the point of beginning; thence North 8 degrees 00 minutes 00 seconds East 50.57 feet to the point of beginning, which lies EASTERLY of a line 240.00 feet EASTERLY of, measured at a right angle to and parallel with the following described line and its extensions. Beginning at a point on the Southerly line of the above described property distant 81.63 feet Easterly from the Southwest corner of said Above described property; thence North 10 degrees 40 minutes 56 seconds East a distance of 60.68 feet, to the Northerly line of the Southerly 10.00 feet of said Railroad Street and said line there terminating.

TRACT 1
0.11 AC.

TRACT 2
0.42 AC.

TRACT 1 DESCRIPTION OF RECORD

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That part of the Southerly 10.00 feet of Railroad Street, now vacated, lying between extensions across it of lines 33.00 feet Easterly of and 120.00 feet Westerly of, measured at a right angle to and parallel with the Easterly line of Block 18, Village of Norwood and its Addition, according to the recorded plat thereof.

Which lies Westerly of the following described line and its extensions: Beginning at a point on the Southerly line of the above described property distant 81.63 feet Easterly from the Southwest corner of said above described property; thence North 10 degrees 41 minutes 54 seconds East a distance of 60.68 feet to the Northerly line of the Southerly 10.00 feet of said Railroad Street; and said line there terminating.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the state of Minnesota.

Steve Curfman
 AVERY GROCHOW, LS
 DATE 6/7/17 REGISTRATION NO. 15475
 REVISED: 7/13/17

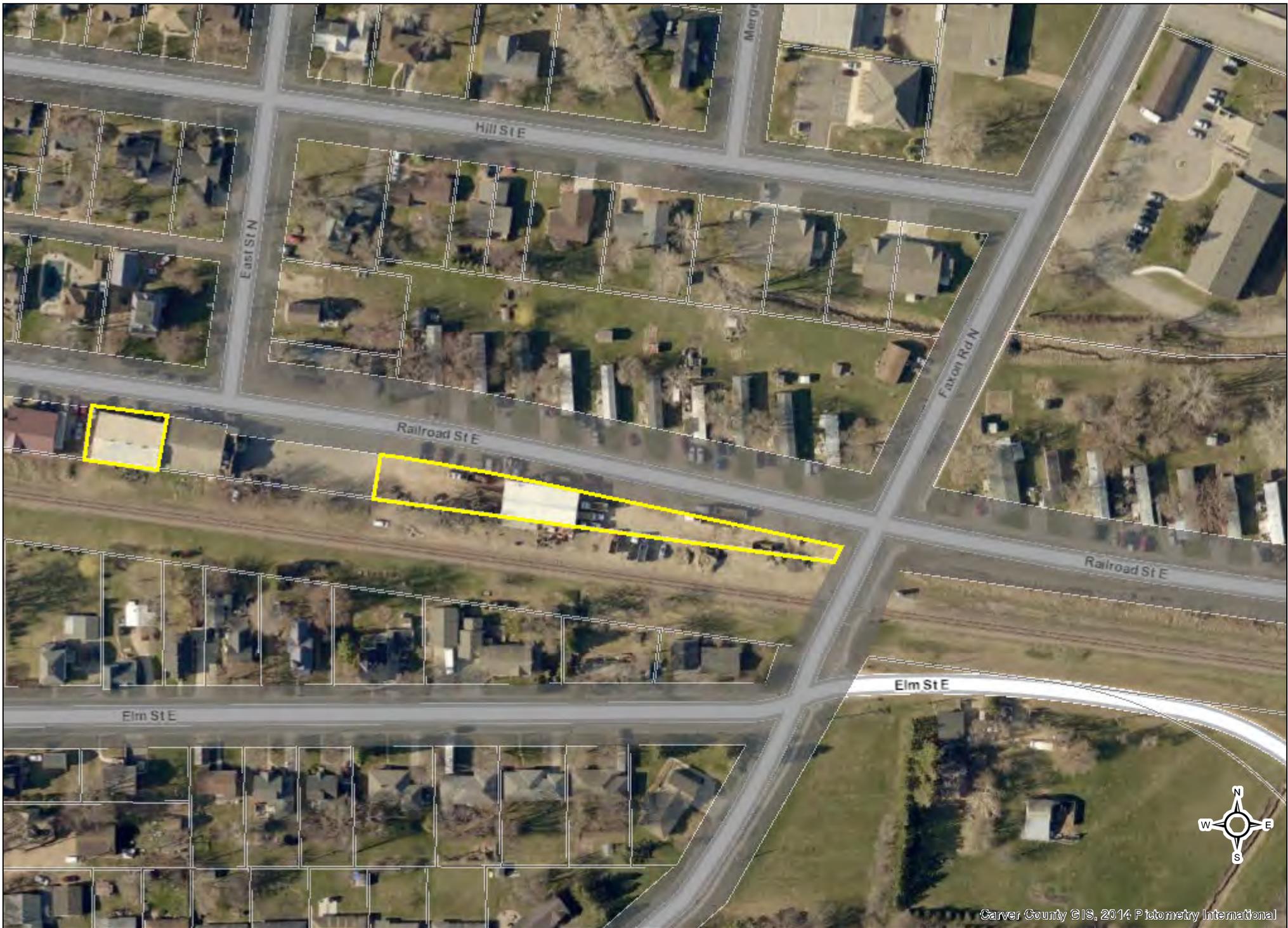
LAND SURVEY FOR
STEVE CURFMAN
 PART OF S 1/2 - NW 1/4
 SEC. 14, T115, R26 YOUNG AMERICA TOWNSHIP
 CARVER COUNTY, MINNESOTA

- ⊙ DENOTES CARVER CO. MONUMENT
 - DENOTES IRON PIPE FOUND
 - DENOTES IRON PIPE SET BY RLS NO. 15475
- SCALE: 1 INCH = 60 FEET

Jun., 2017

FILE NO. 2560





Carver County GIS, 2014 Pictometry International

This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

Planning and Zoning Application

City of Norwood Young America
 310 Elm St. W, PO Box 59
 Norwood Young America, MN 55368
 Phone: (952) 467-1800 Fax: (952) 467-1818

Applicant's Name Steve Curfman		Telephone Home Work/Cell	952-292-5609
Address (Street, City, State, ZIP) 124 W Railroad St P.O. Box 179 NYA MN 55368			
Property Owner's Name (If different from above)		Telephone Home Work/Cell	
Location of Project NYA Railroad St 125 & 119 E Railroad St			
Legal Description Attach			
Description of Request (Attach separate sheet, if necessary) Variance's: Requesting will be minimum lot size minimum lot width/structural set back/and maximum site coverage in the C-2 general commercial district. Also: lot split 119 E Railroad From 125 E Railroad St			
Proposed Action(s): Check all that apply			
<input type="checkbox"/> Annexation \$300.00	<input type="checkbox"/> Comp Plan Amendment \$500.00 + Escrow	<input type="checkbox"/> Storm Water Plan \$250.00	
<input type="checkbox"/> Application for Appeal \$150.00	<input type="checkbox"/> Sketch Plat \$200.00 + Escrow	<input type="checkbox"/> Rezoning \$350.00	
<input type="checkbox"/> City Code Amendment \$250.00	<input type="checkbox"/> Site Plan \$300.00 + Escrow	<input type="checkbox"/> Street/Alley Vacation \$150.00	
<input type="checkbox"/> Parking Reduction \$100.00	<input type="checkbox"/> PUD Sketch Plan \$200.00 + Escrow	<input type="checkbox"/> Zoning Text Amendment \$300.00	
<input type="checkbox"/> CUP/IUP \$200.00 (Residential)	<input type="checkbox"/> PUD Plan Amendment \$300.00 + Escrow	<input checked="" type="checkbox"/> Recording Fee \$46.00	
<input type="checkbox"/> CUP/IUP \$300.00 (Non Residential)	<input type="checkbox"/> PUD Final Plan \$300.00 + Escrow	<input type="checkbox"/> Boundary Line Adjustment \$100.00	
<input type="checkbox"/> Variance \$200.00 (Residential)	<input type="checkbox"/> PUD Gen. Concept Plan \$400.00 + Escrow	<input type="checkbox"/> Other _____	
<input checked="" type="checkbox"/> Variance \$300.00 (Non Residential)	<input type="checkbox"/> Prelim Plat \$350.00 + \$10.00/Lot + Escrow		
<input checked="" type="checkbox"/> Lot Split \$200.00	<input type="checkbox"/> Final Plat \$250.00 + \$10.00/Lot + Escrow		
<input checked="" type="checkbox"/> Public Hearing Notice \$75.00	<input type="checkbox"/> Wetland Mitigation Plan \$100.00 + Escrow		
ALL ESCROW MUST BE PAID BY CERTIFIED CHECK Escrow Deposit \$2,000.00 Escrow Deposit - Site Plan Review: \$15,000 (Tacoma West Industrial Park), \$5,000.00 (All other site plan reviews) Escrow Deposit - Development Review (paid at Sketch Plan): \$10,000.00			
ALL PLANNING & ZONING APPLICATION FEES ARE IN ADDITION TO LEGAL, ENGINEERING AND ASSOCIATED COSTS.			
APPLICATIONS WILL BE PROCESSED ONLY IF ALL REQUIRED ITEMS ARE SUBMITTED			
The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of Chapter 11 and Chapter 12 of the City Code and other applicable ordinances.			
Applicant's Signature: Diversified Plumbing Heating <i>[Signature]</i>		Date	6/13/17
Fee Owner's Signature: <i>[Signature]</i>		Date	6/13/17
For Office Use Only			
Accepted By:	Amount	Date	
	\$ 621.00		

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TRACT 2 DESCRIPTION OF RECORD

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7/11/17

Cynthia Smith-Strack

City of Norwood-Young America

Regards of common fire wall between Central Auto Inc and Midtown Family Restaurant

Central Auto Inc

119 E Railroad St

Nya, MN 55368

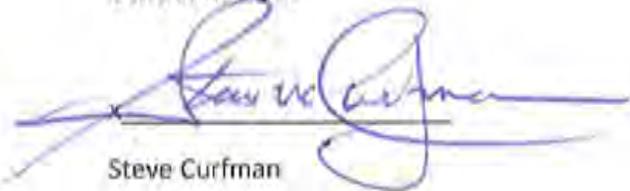
Midtown Family Restaurant

123 E Railroad St

Nya, MN 55368

The wall build code/concrete block through basement and main floor continues up to the roof above the roof line 3 feet. There are no doors on firewall.

Central Auto Inc



Steve Curfman

Midtown Family Restaurant



x
Jim Richter



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

From: Cynthia Smith Strack, Strack Consulting LLC

Date: August 28, 2017

Re: CUP Outdoor Storage in B-I District – 170 Industrial Boulevard

Applicants: Citizens State Bank (Property Owner)
Paul Jeurissen (Prospective Property Owner)

Subject Property Address: 170 Industrial Boulevard

Legal Description: S 220' of Lot 3, Block 003 As Meas At RT Angles To S Line of Lot 3, Young America Industrial Park

Property ID: 588500110

Zoning Class: B-I Business Industrial District

Request: A conditional use permit to allow outdoor storage as an accessory use

Background

A conditional use permit application and sketch have submitted for review by the City of Norwood Young America in conjunction with proposed outdoor storage of boat lifts and canopies as an accessory use at 170 Industrial Boulevard. The application materials and a map of the site are attached for consideration/information.

A conditional use permit is required under §1230.11, Subd. 4 of the City Code which provides for the proposed accessory outdoor storage use in the B-I Business Industrial District.

The Applicants (i.e. Property Owner and Prospective Property Owner) propose accessory storage in conjunction with a contractor yard which is a permitted use under §1230.11, Subd. 2(B) of the Code. In addition to the outdoor storage the Applicant notes he plans at some point in the future removal of the greenhouse structure and replacement with a permanent structure. It is noted that such activity will require a building permit with zoning review.

The Applicants represent:

- The principal use of the property is a contractor yard with accessory retail which are permitted uses in the B-1 District.
- Approximately ten (10) percent totaling of the area of the principal structure, approximately 400 square feet, will be used for retail purposes. The remaining will be used for contractor operations and warehousing.

- Items stored outdoors at the site will be limited to marine recreational products.
- A maximum of fifty (50) units of marine recreational products will be stored outdoors on the site at any one time.
- At least five (5) parking spaces in the parking lot in front of the building shall be reserved for customer and employee parking.
- There will be one to three employees at the site with additional seasonal employees.
- No structural changes to the principal structure are proposed. The Applicant may at some point in the future remove the existing greenhouse and replace with a permanent structure (will require a building permit).

Examination of Code Requirements

NYA City Code requirements applicable to this Conditional Use Permit Request are itemized below; consulting staff comments are illustrated in ***red bold, italic type face***.

1210.06 (B) Specific Standards for Outdoor Storage

Conditions for outdoor storage yards are prescribed under Section 1210.06(B) of the Code. Specifically the standards require:

1. All outdoor storage yards shall be completely screened from roads or developed areas with a solid fence or wall 6 feet or more in height, maintained in good condition, and screened with suitable planting. ***It is noted a large wetland exists to the east and north of the subject parcel. The wetland is zoned for residential use, however, the natural area is subject to protection under the Wetland Conservation Act and, therefore, unlikely to be used for residential purposes. Lot perimeter screening exists at this time. The Planning Commission discussed the need for required screening of storage areas from the north property line (trail users).***
2. No un-screened outdoor storage yards established after the effective date of this Chapter shall be located closer than 500 feet to existing State and Federal roads, nor closer than 100 feet to any other City streets. ***The subject property is greater than 500 feet from a state or federal roadway. A 20-foot landscaped screening area exists adjacent to Industrial Boulevard. The Planning Commission discussed existing landscaping adjacent to Industrial Boulevard.***

1210.07 Interim Use Permits Conditions for Approval.

IUP's must meet Requirements of 1210.06, Subd. 3(B)(16): General Criteria for Approval of Conditional Use Permits.

1. The use is consistent with goals, policies and objectives of the Comprehensive Plan. ***DISCUSSION: The existing and future use are consistent with the Comprehensive Plan.***
2. The use is consistent with the intent of this Ordinance. ***DISCUSSION: The proposed use is an allowed as a conditional use in the B-I District.***
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements. ***DISCUSSION: The proposed outdoor storage will not impact government facilities, utilities, services, or existing improvements. No changes to the existing lot, structure, or parking facility are proposed.***

4. The use does not have an undue adverse impact on the public health, safety or welfare. ***DISCUSSION: No changes to the existing property, structure, or parking facility are proposed.***
5. The use will not 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. ***DISCUSSION: No changes to the existing property, structure, or parking facility are proposed.***
6. The use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. ***DISCUSSION: The proposed outdoor storage will not impede orderly development and improvement of surrounding properties.***
7. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. ***DISCUSSION: No changes to the existing property, structure, or parking facility are proposed.***
8. Adequate measures have been or will be taken to provide for vehicular and pedestrian safety and convenience to, from and within the site. ***DISCUSSION: No changes to the existing property, structure, or parking facility are proposed.***
9. The use meets all of the performance criteria requirements as established in Section 1245.01 of this chapter. ***DISCUSSION: No new construction is contemplated at this time.***
10. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. ***DISCUSSION: No new construction is contemplated.***

Planning Commission Recommendation

If approval of the conditional use permit is recommended to the City Council, staff recommends the following conditions be included with the approval, these conditions may be subject to modification depending upon the outcome at the Planning Commission meeting:

1. Outdoor storage is approved for the property at 170 Industrial Boulevard, accessory to a contractor operation.
2. Items stored outdoors at the site shall be limited to marine recreational products.
3. A maximum of fifty (50) units of marine recreational products may be stored outdoors on the site at any one time.
4. At least five (5) parking spaces in the parking lot in front of the building shall be reserved for customer and employee parking.
5. Vegetative evergreen screening, envisioned as arborvitae, shall be planted near the north side property line beginning at the northeast corner of the existing principal structure and extending to the berm in the rear yard. Screening shall be placed at approximately ten foot intervals.
6. Any signage shall require issuance of a sign permit.
7. Any changes to outdoor lighting shall require approval from the City.
8. This approval shall expire one year after date of approval unless the Applicants have commenced operation of the use on-site.

9. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
10. The permit shall be subject to annual inspection and audit by the City.
11. 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.
12. The conditional use permitted under this Resolution shall be revoked if the Use ceases for more than 12 consecutive months.

Action

The City Council is to consider the request. A sample RESOLUTION is attached for consideration.

Planning and Zoning Application

City of Norwood Young America
 310 Elm St. W, PO Box 59
 Norwood Young America, MN 55368
 Phone: (952) 467-1800 Fax: (952) 467-1818

Applicant's Name <i>Paul Jeurissen</i>	Telephone Home <i>612-718-5251</i> Work/Cell
Address (Street, City, State, ZIP) XXXXXX <i>170 Industrial Blvd Norwood Young America, MN 55368</i>	
Property Owner's Name (If different from above) <i>Citizens State Bank NYA</i>	Telephone Home <i>952-467-3000</i> Work/Cell
Location of Project <i>170 Industrial Blvd NYA</i>	
Legal Description <i>S 220' of Lot 3 Blk 3 AS meas AT RT Angles TO S line of Lot 3</i>	
Description of Request (Attach separate sheet, if necessary) <i>Display of Shewest... But L Fr & copy</i>	

Proposed Action(s): Check all that apply

- | | | |
|--|--|--|
| <input type="checkbox"/> Annexation \$300.00 | <input type="checkbox"/> Comp Plan Amendment \$500.00 + Escrow | <input type="checkbox"/> Storm Water Plan \$250.00 |
| <input type="checkbox"/> Application for Appeal \$150.00 | <input type="checkbox"/> Sketch Plat \$200.00 + Escrow | <input type="checkbox"/> Rezoning \$350.00 |
| <input type="checkbox"/> City Code Amendment \$250.00 | <input type="checkbox"/> Site Plan \$300.00 + Escrow | <input type="checkbox"/> Street/Alley Vacation \$150.00 |
| <input type="checkbox"/> Parking Reduction \$100.00 | <input type="checkbox"/> PUD Sketch Plan \$200.00 + Escrow | <input type="checkbox"/> Zoning Text Amendment \$300.00 |
| <input type="checkbox"/> CUP/IUP \$200.00 (Residential) | <input type="checkbox"/> PUD Plan Amendment \$300.00 + Escrow | <input checked="" type="checkbox"/> Recording Fee \$46.00 |
| <input checked="" type="checkbox"/> CUP/IUP \$300.00 (Non Residential) | <input type="checkbox"/> PUD Final Plan \$300.00 + Escrow | <input type="checkbox"/> Boundary Line Adjustment \$100.00 |
| <input type="checkbox"/> Variance \$200.00 (Residential) | <input type="checkbox"/> PUD Gen. Concept Plan \$400.00 + Escrow | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Variance \$300.00 (Non Residential) | <input type="checkbox"/> Prelim Plat \$350.00 + \$10.00/Lot + Escrow | |
| <input type="checkbox"/> Lot Split \$200.00 | <input type="checkbox"/> Final Plat \$250.00 + \$10.00/Lot + Escrow | |
| <input checked="" type="checkbox"/> Public Hearing Notice \$75.00 | <input type="checkbox"/> Wetland Mitigation Plan \$100.00 + Escrow | |

ALL ESCROW MUST BE PAID BY CERTIFIED CHECK
 Escrow Deposit \$2,000.00
 Escrow Deposit - Site Plan Review: \$15,000 (Tacoma West Industrial Park), \$5,000.00 (All other site plan reviews)
 Escrow Deposit - Development Review (paid at Sketch Plan): \$10,000.00

9421-

ALL PLANNING & ZONING APPLICATION FEES ARE IN ADDITION TO LEGAL, ENGINEERING AND ASSOCIATED COSTS.

APPLICATIONS WILL BE PROCESSED ONLY IF ALL REQUIRED ITEMS ARE SUBMITTED

The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of Chapter 11 and Chapter 12 of the City Code and other applicable ordinances.

Applicant's Signature: <i>Paul Jeurissen</i>	Date <i>7-11-17</i>
Fee Owner's Signature: <i>Citizens State Bank NYA</i> <i>By: Perry Fosst Pres./ CEO</i>	Date <i>7-11-17</i>

For Office Use Only

Accepted By:	Amount	Date
--------------	--------	------

Property Card	Parcel ID Number 8500110
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Taxpayer Information
Taxpayer Name CITIZENS STATE BANK
Mailing Address PO BOX 789 NYA, MN 55368-0789



Property Address
Address 170 INDUSTRIAL BLVD
City NORWOOD YOUNG AMERIC, MN

Parcel Information			
Uses	Commercial	GIS Acres	1.76
		Net Acres	
		Deeded Acres	1.77
		Plat	YOUNG AMERICA INDUSTRIAL PARK
		Lot	003
		Block	003
Tax Description S 220' OF LOT 3 BLK 3 AS MEAS AT RT ANGLES TO S LINE OF LOT 3 OLD # 95.5500080			

Building Information		
Building Style	Above Grade Finished Sq Ft	Bedrooms
Year Built	Garage	

Miscellaneous Information				
School District 0108	Watershed District WS 067 CARVER CO WMO	Homestead N	Green Acres N	Ag Preserve N

Assessor Information				
Estimated Market Value	2016 Values (Payable 2017)	2017 Values (Payable 2018)	Last Sale	
Land	\$118,800.00	\$124,700.00	Date of Sale	12/21/2004
Building	\$233,700.00	\$282,500.00	Sale Value	\$48,574.00
Total	\$352,500.00	\$407,200.00		

The data provided herewith is for reference purposes only. This data is not suitable for legal, engineering, surveying or other similar purposes. Carver County does not guarantee the accuracy of the information contained herein. This data is furnished on an 'as is' basis and Carver County makes no representations or warranties, either expressed or implied, for the merchantability or fitness of the information provided for any purpose. This disclaimer is provided pursuant to Minnesota Statutes §466.03 and the user of the data provided herein acknowledges that Carver County shall not be liable for any damages, and by using this data in any way expressly waives all claims, and agrees to defend, indemnify, and hold harmless Carver County, its officials, officers, agents, employees, etc. from any and all claims brought by anyone who uses the information provided for herein, its employees or agents, or third parties which arise out of user's access. By acceptance of this data, the user agrees not to transmit this data or provide access to it or any part of it to another party unless the user includes with the data a copy of this disclaimer.



Property Map



*Lot Dimensions are Estimated



Building 1 of 2

Characteristics

Lot Acres:	1.77	Total Building Sq Ft:	17,220
Lot Sq Ft:	77,101	First Floor Sq Ft:	8,960
Land Use - County:	Commercial	Above Grade Sq Ft:	4,200
Land Use - CoreLogic:	Store Building	Exterior:	Shingle Siding
Building Type:	Store	Cooling Type:	Wall/Window Unit
Year Built:	2005	Heat Type:	Forced Air
Finished Sq Ft:	8,960		

Features

Building Description	Building Size
Building Size	4,900

Building 2 of 2

Characteristics

Lot Acres:	1.77	Finished Sq Ft:	8,260
Lot Sq Ft:	77,101	Total Building Sq Ft:	17,220
Land Use - County:	Commercial	First Floor Sq Ft:	8,260
Land Use - CoreLogic:	Store Building	Above Grade Sq Ft:	3,360
Building Type:	Other	Exterior:	Shingle Siding
Year Built:	2005	Quality:	Poor

Courtesy of Brenda Schmitz, NorthstarMLS

The data within this report is compiled by CoreLogic from public and private sources. The data is deemed reliable, but is not guaranteed. The accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality.

Property Detail

Generated on 07/10/2017

Page 3 of 3



Carver County GIS, 2014 Pictometry International

This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

Map Date: 7/13/2017



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

From: Cynthia Smith Strack, Consulting Planner

Date: August 28, 2017

Re: Ordinance Repealing and Replacing Section 350 of the City Code Pertaining to Rental Licenses

BACKGROUND

The City Council directed the Planning Commission to review and update the rental code. The PC has been working on an update for nearly a year. The Commission's review began with an overview of the existing code and a literature review. The Commission then requested input from the City Attorney's Office. Following development of a draft code the Commission met with rental property owners to gain input. The Commission then further refined the draft revision. A public hearing was held August 1st. The Commission recommended the City Council approve the proposed Ordinance to repeal and replace the rental Section 350 of the Code with proposed language as attached.

Please note proposed changes include:

1. Language included in the 'scope' related to "direct family members" has been removed.
2. A reference to 'overcrowding' as a 'nuisance' has been removed.
3. Definitions for 'license years' based on previous dates more than three years previous have been removed.
4. A definition of 'occupant' has been removed.
5. Miscellaneous references to various codes have been updated.
6. Rental licenses are proposed to be in effect for three rather than two years
7. References to "Building Official" changed to "Code Official".
8. The definition of 'rent' was updated by removing the last sentence.
9. Subd. 10, Section 350.03 relating to tenant registry is proposed new language.
10. Subd. 14, Section 350.04 relating to disorderly conduct is proposed new language.

ACTION

Consideration of the attached Ordinance and draft repeal/replacement language is requested. Please find attached the Ordinance, proposed language, and a sample management plan. The management plan is referenced within the proposed text as a remedy to assist in managing instances of disorderly conduct.

**CITY OF NORWOOD YOUNG AMERICA
ORDINANCE NO. 293**

**AN ORDINANCE REPEALING AND REPLACING SECTION 350 OF THE CITY
CODE RELATING TO RENTAL LICENSES**

- I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA HEREBY ORDAINS:**
- II. SECTION 350 OF THE NORWOOD YOUNG AMERICA CITY CODE IS HEREBY REPEALED AND REPLACED.**
- III. THE REPLACEMENT TEXT SHALL BE AS ILLUSTRATED IN EXHIBIT A, ATTACHED HERETO.**
- IV. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.**

Adopted by the City of Norwood Young America on the 28th day of August, 2017.

Carol Lagergren, Mayor

Attest:

Kelly Hayes, City Clerk/Treasurer

(S E A L)

EXHIBIT A: ORDINANCE NO. 293

Section 350 – Rental Housing Licensing

350.01 Purpose and Scope.

Subd. 1 Purpose. The purpose of this ordinance is to provide minimum standards to safeguard life or limb, health, and public welfare by regulating and controlling the use and occupancy, maintenance and repair of all buildings and structures within the City used for the purpose of rental housing. The purpose of this ordinance is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance. *(Amended by Ord. 161, 9/27/04)*

Subd. 2 Scope. The provisions of this ordinance shall apply to all buildings or portions thereof used, or designed or intended to be rented, leased, or let for human habitation. All provisions of this ordinance shall apply to dwellings in existence at the time of adoption of this ordinance. Rest homes, convalescent homes, nursing homes, hotels, and motels, ~~and units rented, let or leased to direct family members of the property owner~~ are exempt from the provisions of this ordinance. *(Amended by Ord. 184, 7/10/2006)*

Subd. 3 Application to Existing Buildings. Additions, alterations or repairs, shall be done in compliance with the Building, Fire, Plumbing and Mechanical Codes. Applicable permits shall apply as required by these Codes.

All properties, whether pre-existing as Rental Property at the time of adoption of this ordinance or afterward becoming Rental Property shall comply with all terms of this ordinance. *(Amended by Ord. 222, 8/16/10)*

350.02 Definitions.

Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's New International Dictionary of the English Language, Unabridged, as may be amended, shall be considered as providing ordinary accepted meanings. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. *(Amended by Ord. 161, 9/27/04)*

Apartment Building. A building or portion of a building that contains three or more dwelling units.

Board of Appeals. The Board of Appeals shall be a three-member board consisting of a City Council representative, the Fire Chief, and a Planning Commission representative. *(Amended by Ord. 222, 8/16/10)*

Building Code. "Building Code" is the Minnesota State Building Code.

Code Official. "Code Official" is the official who is charged with the administration and enforcement of this ordinance, or any duly authorized representative.

Condemn. "Condemn" shall mean to adjudge unfit for occupancy.

EXHIBIT A: ORDINANCE NO. 293

Direct Family Member. "Direct Family Member" is a parent, child, sibling, grandparent, grandchild, step-parent, step-child, step-grandparent, or step-grandchild of the property owner. *(Amended by Ord. 222, 8/16/10)*

Dwelling. "Dwelling" is a building wholly or partly used or intended to be used for living, sleeping, cooking or eating purposes by human occupants; but not including hotels and motels.

Dwelling Unit. "Dwelling Unit" is a room or a group of rooms located within a dwelling forming a single habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking and eating purposes.

Egress. "Egress" is an arrangement of exit facilities to assure a safe means of exit from a building.

Electrical Code. "Electrical Code" is the Minnesota State National Electrical Code.

Extermination. "Extermination" is the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination method approved by the code official; and to remove all signs of extermination thereafter.

Fire Code. "Fire Code" is the Minnesota State Fire Code.

Health Officer. "Health Officer" is the legally designated health officer or official of the State, County and/or City.

Infestation. "Infestation" is the presence of insects, rodents, or other pests within or around the dwelling on the premises.

Kitchen. "Kitchen" is a room or an area equipped for preparing and cooking food.

Lease, Leased, or Let. "Lease, Leased, or Let" is to give the use of a dwelling, dwelling unit or rooming unit by an owner or manager to a tenant in return for rent.

~~**License Period, Year One.** The first year of the three-year rental license period, starting in 2013 and occurring every three years thereafter. *(Amended by Ord. 222, 8/16/10)*~~

~~**License Period, Year Three.** The third year of the three-year rental license period. *(Amended by Ord. 222, 8/16/10)*~~

Manager. "Manager" is a person or firm who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let.

Mechanical Code. "Mechanical Code" is the Minnesota State International Mechanical Code.

Nuisance. The following shall be defined as nuisances:

EXHIBIT A: ORDINANCE NO. 293

- A. Any public nuisance as defined in Chapter 6 of the City Code.
- B. Any attractive nuisance that may prove detrimental to children whether in a building, on the premises of a building or on an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation that may prove a hazard for inquisitive minors.
- C. Whatever is dangerous to human life or is detrimental to health, as determined by the code official or health officer.
- ~~D. Overcrowding a room with occupants.~~
- E. Insufficient ventilation or illumination.
- F. Inadequate or unsanitary sewage or plumbing facilities.
- G. Un-cleanliness, as determined by the health officer.
- H. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the Health Officer.

Occupancy. "Occupancy" is the purpose for which a building or portion thereof is utilized or occupied.

Occupant. ~~"Occupant" is a person living alone, or two or more persons all related by blood, marriage or adoption, including foster children, occupying and maintaining a common household in a single dwelling unit, or a group of not more than 5 persons, any 2 of whom are not related by blood, marriage or adoption, including foster children, occupying and maintaining a common household in a single dwelling unit.~~

Owner. "Owner" is a person, firm or corporation who, alone, jointly or severally with others, owns or has an ownership interest in a dwelling, dwelling unit or rooming unit within the city.

Plumbing Code. "Plumbing Code" is the Minnesota State International Plumbing Code.

Premises. "Premises" are the dwelling and its land and all buildings thereon and areas thereof.

Refuse. "Refuse" is all putrescible and non-putrescible waste solids including garbage and rubbish. Refuse is liable to undergo bacterial decomposition when in contact with air and moisture at normal temperatures.

Rent. "Rent" is a stated return or payment for the temporary possession of a dwelling, dwelling unit or rooming unit. ~~The return or payment may be money or service or property.~~

Safety. "Safety" is the condition of being reasonably free from danger and hazards, which may cause injury or illness.

EXHIBIT A: ORDINANCE NO. 293

Substandard Building. "Substandard Building" means any rental dwelling or portion thereof that is not safe due to inadequate maintenance, dilapidation, physical damage, unsanitary condition, abandonment or any other reason.

Substandard Property Condition Citation. "Substandard Property Condition Citation" shall be issued in the event of a 'Substandard Building' and shall, upon posting of the citation, prohibit the occupancy of the building or unit until such time as corrections are made and verified by inspection. *(Amended by Ord. 184, 7/10/2006)*

Tenant. "Tenant" can be a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Variance. "Variance" is a difference between that which is required or specified and that, which is permitted. *(Amended by Ord. 161, 9/27/04)*

350.03 Rental Housing License.

Subd. 1 License Required. No person may operate, let, or cause to be let, a rental dwelling unit without first having obtained a rental housing license from the City as hereinafter provided. Further, no owner or manager shall allow the occupancy of a rental dwelling unit by a tenant after the expiration of the rental housing license for the rental dwelling in which the rental dwelling unit is located unless the license has been properly renewed. *(Amended by Ord. 222, 8/16/10)*

- A. **Temporary License.** The code official may issue a temporary rental housing license not exceeding 3 months in duration in order to bring the unit into compliance with this ordinance. *(Amended by Ord. 161, 9/27/04)*
- B. **Licensing Period.** The licensing period shall encompass ~~two~~ **three** calendar years. *(Amended by Ord. 222, 8/16/10)*

Subd. 2 Application contents. Owners of one or more rental dwelling units who have not yet received a license are responsible for applying to the City for a license. With the application the owner must supply the following information:

- A. Name, address, and telephone number of dwelling owner, owning partners if a partnership, or corporate officers if a corporation;
- B. Name, address, and telephone number of designated resident agent, if applicable;
- C. Legal address of the dwelling;
- D. Number of dwelling units with the dwelling;
- E. At least one emergency telephone number;

EXHIBIT A: ORDINANCE NO. 293

- F. The names, telephone numbers and addresses of principal tenants. *(Amended by Ord. 222, 8/16/10)*

Subd. 3 Fees.

- A. **Inspection Fee.** A Rental Housing License-inspection fee shall be established by the City Council. *(Amended by Ord. 161, 9/27/04)*
- B. **Additional Fees.** The City shall have the right, and just cause, to bill or to assess owner for additional costs associated with:
1. Required additional follow up Rental Inspections, beyond the prescribed number allowed, for a single Rental Inspection cycle.
 2. Failure of the responsible party to appear for a scheduled inspection without prior notification of the inspector.
 3. After hours, weekend or holiday inspections. *(Amended by Ord. 184, 7/10/2006)*
 4. Complaint Inspections *(Amended by Ord. 222, 8/16/10)*

Subd. 4 Rental Dwelling Inspections No license may be issued or renewed unless the City determines, following an inspection conducted pursuant to this section, that rental dwelling unit(s) conform to the provisions of this Section 350. As more specifically provided below, the code official and his or her agents may cause inspections, follow-up inspections, and reinspections on rental dwelling units within the city on a scheduled basis, and on rental dwelling units when reason exists to believe that a violation of an applicable subdivision of this Section 350 exists, has been, or is being committed. *(Amended by Ord. 222, 8/16/10)*

- A. **Consent.** The code official and his or her agents are authorized to contact owners, tenants and/or managers of rental dwellings to schedule inspections of rental dwellings at reasonable times. If the City is unsuccessful in securing consent for an inspection pursuant to this Section 350, the City shall seek permission, from a judicial officer through an administrative warrant, for its enforcement officer or his or her agents to conduct an inspection. Nothing in this Section shall limit or constrain the authority of the judicial officer to condition or limit the scope of the administrative warrant. *(Amended by Ord. 222, 8/16/10)*
- B. **Inspections not Required.** Inspection for the issuance or renewal of a license may be waived by the City if the owner of a dwelling unit:
1. Proves that within the previous 12 months the dwelling unit(s) passed an inspection required by the County, State, or Federal regulations that is at least as stringent as the inspection required under this Section 350.

EXHIBIT A: ORDINANCE NO. 293

2. Has, within the 12 months preceding the licensing period deadline as defined in Subd. 6 below, applied for and received a rental dwelling license from the city.
(Amended by Ord. 222, 8/16/10)

Subd. 5 Issuance. The code official shall issue a rental housing license for each dwelling, dwelling unit or rooming unit, when upon inspection finds such unit meets or exceeds the minimum requirements set forth by this ordinance; also a rental housing license shall be issued for each dwelling, dwelling unit or rooming unit, when a variance has been granted by the Board of Appeals, pursuant to Section 350.06 of this Chapter; provided, however, it is found that no condition exists, in a shared or public area of the building or in any other part of the unit, which could endanger the health or safety of the occupants of such unit or of the public. Such license shall show the number of occupants for which the dwelling, dwelling unit or rooming unit is approved for and once issued shall remain valid until it expires or such time as the code official or housing inspector determines that the dwelling, dwelling unit or rooming unit does not meet the minimum requirements set by this ordinance. (Amended by Ord. 161, 9/27/04)

Subd. 6 Licensing period Deadline. The licensing period deadline shall be January 1 of the Year-One License Period. All properties required to be licensed by this Ordinance shall have applied for licensing with the City Office, shall have paid the required fee or fees, and shall have satisfactorily completed the required Rental Housing Inspection by the deadline date. Failure to comply with this section may result in fines and/or denial of a Rental Housing License for the property in violation. (Amended by Ord. 184, 7/10/2006)

Subd. 7 Renewals. A rental housing license shall expire December 31 of the Year-~~Two~~ **Three** License Period. Re-inspection of all dwellings, dwelling units or rooming units shall be required prior to issuance of a new certificate, pursuant to Subd. 4 above. In order to allow sufficient time to complete the renewal process, applications for licenses shall be made in writing on forms provided by the City and accompanied by the required fee at least sixty (60) days prior to the licensing period deadline.
(Amended by Ord. 222, 8/16/10)

Subd. 8 License and Inspection Report Posting. Every registrant of a rental dwelling shall post the license issued by the City. The license shall be conspicuously posted (in a frame with a glass covering) by the registrant, in a public corridor, hallway, or lobby of the rental dwelling for which they are issued. In addition to posting the license, the owner shall post the inspection report completed for the license renewal or any complaint inspection next to the posting of the rental license for a period of 30-days after receipt of the license.

Subd. 9 Transfer of Rental Property. A license is not transferable to another person or to another rental dwelling. Every person holding a license must give notice in writing to the city within 72 hours after having legally transferred or otherwise disposed of the legal control of any rental dwelling. The notice must include the name and address of the person(s) succeeding to the ownership or control of such rental dwelling(s). The person succeeding to the ownership or control of the rental dwelling(s) must obtain a temporary permit or operating license in order to continue operating the rental dwelling(s). An inspection is not required to obtain this temporary permit or license unless the rental dwelling(s) have not been inspected within two years of the transfer of ownership or control. (Amended by Ord. 222, 8/16/10)

EXHIBIT A: ORDINANCE NO. 293

Subd. 10 Tenant Register. A licensee must, as a continuing obligation of its license, maintain a current register of tenants and other persons who have a lawful right to occupancy of dwelling units within an apartment building or dwelling. In its application, the licensee must designate the person or persons who will have possession of the register; and must promptly notify the Code Official of any change of the identity, address, or telephone numbers of such persons. The register must be available for the inspection by the Code Official at all times.

~~Subd. 10~~ 11 Revocation. A Rental Housing License may be suspended or revoked as prescribed in this ordinance.

- A. A rental housing license may be suspended or revoked by the City Council if the City Council finds that the provisions of this ordinance have been violated in regard to the rental dwelling for which the license was issued. Before any suspension or revocation occurs, the City shall send written notice to the license holder specifying the ordinance violations alleged. This notice shall also specify the date for a hearing before the Board of Appeals, which shall not be less than ten (10) days from the date of the notice.
- B. At such hearing before the Board of Appeals, the license holder or their attorneys may submit and present witnesses on their behalf.
- C. After a hearing, the City Council shall act upon the Board of Appeals recommendation at the next available meeting and may suspend or revoke the license if the Council deems it necessary to protect public health, safety or general welfare. *(Amended by Ord.222, 8/16/10)*

350.04 Requirements.

Subd. 1. Substandard Buildings. No substandard buildings are allowed.

Subd. 2. Condition. No owner or manager shall allow infestation if extermination is not the tenant's responsibility by law.

Subd. 3. Improper Occupancy. No rental dwelling shall be used in manner inconsistent with its design or construction.

Subd. 4. Smoke Detectors. No smoke detector installed in a rental dwelling shall be allowed to remain disabled or nonfunctional. The tenant of a rental dwelling shall notify the owner or manager within 24 hours of discovering that a detector is disabled or not functioning. The owner or manager shall take immediate action to render the smoke detector operational or replace it.

Subd. 5. Carbon Monoxide Alarms. Each rental dwelling shall have an approved and operational carbon monoxide alarm installed with ten feet of each room used for sleeping purposes as required by Minnesota Statutes §§ 299F.50 and 51, as amended, unless an exception listed in Section 299F.51, Subd. 5, applies.

EXHIBIT A: ORDINANCE NO. 293

Subd. 6. Refuse. Each rental dwelling shall have an adequate number of refuse containers to hold the amount of refuse produced by the occupants of the rental dwelling or as required elsewhere by the Norwood Young America City Code. Containers shall be rodent and animal proof plastic, fiberglass or rust resistant metal with a tight fitting cover. Tenants shall properly dispose of their recyclables, rubbish, garbage and other organic waste.

Subd. 7. Nuisance. No rental dwelling premise shall be kept in any state which creates a nuisance.

Subd. 8. Storage of Items. Large amounts of combustible items and materials shall not be stored in attics, basements, common areas, or any other underutilized areas of a rental dwelling. Storage shall be maintained two (2) feet or more below ceilings and floor joists. Combustible materials and items shall not be stored within one (1) foot of any fuel burning appliances. Storage of items shall be orderly and shall not block or obstruct exits. A minimum three (3) foot wide aisle shall be maintained to all exits, furnaces, water heaters, water meters, gas meters or other equipment serving the rental dwelling.

Subd. 9. Fuel Storage. LP tanks shall only be stored outdoors.

Subd. 10. Fueled Equipment. Fueled equipment including, but not limited to, motorcycles, mopeds, lawn-care equipment and portable cooking equipment shall only be stored outdoors or in the garage of a rental dwelling.

Subd. 11. Barbecues and Open Flames. No person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, on any roof, or on any ground floor patio within 15 feet of any structure. Further, no person shall store or use any fuel, barbecue, torch, or similar heating or lighting chemicals or device in such locations.

Subd. 12. Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas on a premises shall be kept in a proper state of repair and maintained free from hazardous conditions.

Subd. 13. Defacement of Property. If a rental dwelling is defaced by graffiti, it shall promptly be removed.

Subd. 14. Disorderly Conduct Prohibited. Disorderly conduct is prohibited on all licensed premises. It shall be the responsibility of the licensee to take appropriate action to prevent disorderly conduct by tenants and their guests on the licensed premises.

A. For purposes of this subchapter, a conviction under the following statutes or ordinances shall be deemed disorderly conduct:

1. Minn. Stat. §§ 609.75–609.76 (gambling);
2. Minn. Stat. §§ 609.321–609.324 (prostitution);
3. Minn. Stat. §§ 152.01-152.025, and 152.027, subds. 1 and 2 (unlawful sale or possession of controlled substances);
4. Minn. Stat. § 340A.401 (unlawful sale of alcohol beverages);

EXHIBIT A: ORDINANCE NO. 293

5. Minn. Stat. § 340A.503 (underage use of alcoholic beverages);
 6. Chapter 600 of this Code (nuisances);
 7. Minn. Stat. §§ 97B.021, 97B.045, 609.66–609.67, and 624.712–624.716 (unlawful possession, transportation, sale, or use of a weapon);
 8. Minn. Stat. § 609.72 (disorderly conduct);
 9. Minn. Stat. §§ 609.185, 609.19, 609.195, 609.20, and 609.205 (murder and manslaughter);
 10. Minn. Stat. §§ 609.221, 609.222, 609.223, and 609.2231 (assault);
 11. Minn. Stat. §§ 609.342, 609.343, 609.344, 609.345, and 609.3451 (criminal sexual conduct);
 12. Minn. Stat. § 609.52 (theft);
 13. Minn. Stat. §§ 609.561, 609.562, 609.563, 609.5631, and 609.5632 (arson);
 14. Minn. Stat. § 609.582 (burglary);
 15. Minn. Stat. § 609.595 (damage to property);
 16. Failure to comply with the dangerous dog requirements in violation of Minn. Stat. Ch. 347;
 17. Minn. Stat. § 152.07, subd. 4 (sale or possession of small amounts of marijuana);
 18. Minn. Stat. § 152.092 (unlawful possession or use of drug paraphernalia).
- B. Upon determination by the Code Official that a licensed premises or unit within a licensed premises was used for disorderly conduct activities as set forth in this Subdivision, the Code Official shall cause notice to be made to the owner and manager of the conviction and direct the owner and property manager to take steps to prevent further disorderly conduct convictions.
- C. If a second disorderly conduct conviction as determined by the Code Official occurs within a continuous twelve month period involving the same tenancy, the Code Official shall cause notice to be made to the owner and manager of the second conviction. The owner or manager shall be required to immediately submit a Management Plan to the Code Official within ten (10) business days of receipt of the second disorderly conduct notice. Management Plan forms are available with the Code Official. The City Official shall review the Management Plan and determine whether it is sufficient to prevent future violations of this Section. Upon receiving notice that the City has approved an Owner's Management Plan, the Owner must adhere to the terms and conditions in the Management Plan. Failure to do so may result in the suspension or revocation of the Owner's Rental Housing License.
- D. If a third disorderly conduct conviction occurs within a continuous twelve month period involving the same tenancy, the owner or manager shall notify the tenant or tenants within ten days of Crime Free/Drug Free lease language within the lease and proceed with termination of the tenancy of all tenants occupying the unit. The owner shall not enter into

EXHIBIT A: ORDINANCE NO. 293

a new lease for a unit located in the licensed property with an evicted tenant for a period of one year after the eviction.

- E. If a licensed premises was used for disorderly conduct activities resulting in a third conviction as set forth in this Subdivision within a twelve month period, the rental dwelling license for the premises may be denied, revoked, suspended, placed on probation, or not renewed. An action to deny, revoke, suspend, place on probation, or not renew a license under this section shall be initiated by the City in the manner described in Section 350, Subdivision 11, and proceed according to the procedures established therein.
- F. No adverse license action shall be imposed where the instance of disorderly conduct occurring on the licensed premises occurred during the pendency of evictions proceedings or within 30 days after notice is given by the licensee to a tenant to vacate the premises. Evictions proceedings shall not be a bar to a license action, however, unless the licensee diligently pursues them. A notice to vacate shall not be a bar to adverse license action unless a copy of the notice is submitted to the City within ten days of receipt of the conviction notice. Further, an action to deny, revoke, suspend, place on probation, or not renew a license based upon convictions of this section may be postponed or discontinued by the Code Official at any time if it appears that the licensee has taken appropriate action to prevent further instances of disorderly conduct.

350.05 Enforcement.

Subd. 1 Authority. The code building official is hereby authorized and directed to enforce or cause the enforcement of all of the provisions of this ordinance. For such purposes, the code building or his/her designated representative shall have the powers of a code official. The code official shall have the power to render interpretations of this ordinance. Such interpretations shall be in conformity with the intent and purpose of this ordinance. *(Amended by Ord. 161, 9/27/04)*

Subd. 2 Responsibilities Defined. Property owners remain liable for violations of duties imposed by this ordinance even if the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this ordinance. *(Amended by Ord. 222, 8/16/10)*

- A. Buildings and structures and parts thereof shall be maintained in a safe and sanitary condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be re-inspected.
- B. Owners, in addition to being responsible for maintaining buildings in a sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.

EXHIBIT A: ORDINANCE NO. 293

- C. Owners shall, when required by this ordinance, health laws or the health officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and when infestation has taken place, shall be responsible for any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling. *(Amended by Ord 161, 9/27/04)*

Subd. 3 Right of Entry. When it is necessary to make an inspection to enforce the provisions of this ordinance, or when the code official has reasonable cause to believe that there exists in a building or upon a premises a condition that is contrary to or in violation of this ordinance, the code official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this ordinance, provided that if such building or premises are occupied that credentials be presented to the occupant and entry requested. If such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry, pursuant to Section 350.04, Subd. 4.A. of this Chapter. *(Amended by Ord.161, 9/27/04)*

Subd. 4 Complaint Inspections. When the code official or a health officer has reasonable cause to believe that a condition exists in regards to a rental dwelling or premises that violates this ordinance including, but not limited to, a written tenant complaint made in good faith, the code official or health officer may enter the rental dwelling to inspect, re-inspect, or otherwise perform the duties imposed by this ordinance. No such entry shall be made, however, until: i) the owner, manager or tenant permits entry; ii) the code official or health officer secures an administrative warrant from a court with jurisdiction; or iii) an emergency exists.

Subd. 5 Compliance Order. Upon completion of a complaint inspection and finding of a violation(s), the code official shall prepare a compliance order, listing all violations and the date or dates when such violations shall be corrected. The property owner shall have the responsibility to correct such alleged violations and have them re-inspected and verified by the Code Official for compliance with this Ordinance within the time period as set forth:

- A. Smoke Detector Violations. Corrections must be completed immediately and re-inspected within three (3) working days.
- B. All Other Violations. Preparations for the actual work for correcting the alleged violations shall be commenced immediately and work re-inspected within twenty-five (25) working days OR within the time period as specified by the Code Official.
- C. Follow-Up Inspection. Upon completion of the second follow up inspection:
 - 1. If the infraction(s) have been satisfactorily addressed or corrected the City will, at its discretion, levy a reinspection fee to cover the cost of the second follow up inspection. The fee will be set by the City Council.

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2. If the infractions remain, the following penalties shall be imposed upon the property owner(s) if the alleged violations are not corrected and verified by the Code Official within the time period allowed by this Ordinance:
 - a. A \$50.00 fine,
 - b. The assessment of \$5.00 per day, each and every day thereafter until a satisfactory follow up inspection is conducted.
 3. The \$50.00 fine and subsequent \$5.00 per day assessment must be paid in full to the city within 14 days of the satisfactory follow up inspection or, pursuant to Section 350.04 Subd 10, the City of Norwood Young America shall have the right and just cause to revoke or deny licensing the property as Rental Housing Property.
 4. The property owner or agent shall be notified in writing of Section 350.06, indicating his or her right of appeal. *(Amended by Ord.184, 7/10/2006)*
- D. Extensions. Extensions may be granted by the Code Official. The request shall be made in writing and justifiable cause must be demonstrated for the requested extension. All requests shall be made and delivered to the Code Official prior to the expiration date of the violation or violations.

Subd. 6 Substandard Property Condition.

- A. When, during the course of a Rental Housing Inspection or complaint investigation, the code official encounters or observes a condition or conditions that are considered dangerous to life, safety, health, or the welfare of the occupants, the inspector shall, if the situation warrants, issue a Substandard Property Condition Citation.
- B. Prior to, or immediately after, the issuance of the Substandard Property Condition Citation, the code official will be required to notify the City of the posting and the reason for the posting.
- C. The code official shall have the authority to require immediate evacuation of the premises in the event of immediate danger to life or safety.
- D. The removal or defacing of, or tampering with, a Substandard Property Condition Citation posting shall be punishable as a criminal offense and subject to the provisions of State Statutes regulating misdemeanors and as outlined in this ordinance.
- E. The Property shall remain unoccupied until such time as the condition is, or conditions are, corrected and satisfactorily reinspected. *(Amended by Ord. 184, 7/10/2006)*

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Subd. 7 Substandard Buildings. Buildings or portions thereof that are determined to be substandard as defined in this ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal, pursuant to Chapter 6, Nuisances, of the Norwood Young America City Code.

Subd. 8 Notice to Vacate. The code official shall have the authority to issue a NOTICE TO VACATE order on any building that is, in the opinion of the code official and as defined in this ordinance, deemed substandard. *(Amended by Ord.161, 9/27/04)*

350.06 Appeals.

Subd. 1 Appeal. Any person may appeal from any notice and order or any action of the code official under this ordinance by filing an appeal to the City Administrator. A written appeal to the City a brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant. *(Amended by Ord.161, 9/27/04)*

Subd. 2 Time Allotted for Appeal. The appeal shall be filed within 10 days or within the time of correction as allowed by the code official, whichever is shorter, from the date of the service of such order or action of the code official. *(Amended by Ord.161, 9/27/04)*

Subd. 3 Scheduling and Noticing Appeal for Hearing. In the event that an appeal is filed with the City Administrator, the Board of Appeals shall fix a date for a hearing, which shall be held within ten (10) business days from the date the appeal is filed. *(Amended by Ord. 222, 8/16/10)*

Subd. 4 Notice. The City Administrator shall mail a notice of the date, time, place and subject of the hearing to the owner, occupant(s) and any other known responsible parties. *(Amended by Ord. 222, 8/16/10)*

Subd. 5 Orders after an Appeal. Following a hearing, any order of the Board of Appeals made pursuant to this ordinance shall be forwarded to the City Council who shall act upon the Board of Appeals recommendation at its next available meeting. The City Council shall issue a decision in writing to the appealing party within 10 days of the hearing. Any fines or penalties imposed must be paid no later than 30 days of the date of the order. The decision of the City Council is final and may only be appealed to the Minnesota Court of Appeals by petitioning for a writ of certiorari pursuant to Minnesota Statute Section 606.01.

350.07 Violation and Penalties.

Subd. 1 Administrative Charge. Failure to obtain a license pursuant to this Section 350 will subject the owner of a dwelling unit to an administrative service charge up to \$250 per unit, plus \$10 per unit per day each and every day thereafter until a license is obtained. *(Amended by Ord. 222, 8/16/10)*

EXHIBIT A: ORDINANCE NO. 293

Subd. 2 Violation. Any person that maintains a rental dwelling unit without having either a valid temporary permit or a valid license, or permits new occupancy in violation of this Section 350, is guilty of a misdemeanor, and upon conviction is subject to a fine and imprisonment as prescribed by state law. In addition to, or in lieu of, charging a misdemeanor, the City may impose an administrative fee in an amount set in the City Fee Schedule. An administrative fee may be appealed pursuant to Subsection 350.06 of this Section. Upon the failure to appeal an administrative fee within the period established in Subsection 350.06 of this Section, the City may post the dwelling unit as illegal for habitation. Thereafter, all persons must vacate the premise and the dwelling unit may not be occupied by anyone other than the primary homestead owner and that person's immediate family until (a) the administrative fee has been paid and (b) a rental license is obtained or the City is satisfied that the dwelling unit will not be used as a rental dwelling unit. Each day of each violation constitutes a separate offense.
(Amended by Ord. 222, 8/16/10)

Subd. 3 Assessment of Unpaid Fees. Any fees imposed under the authorization of Section 350 shall be paid in full. In the event of non-payment, the City Clerk may certify the entire unpaid amount and any penalty to the County Auditor to levy the charges in the same manner as special assessments against the real estate involved, or the real estate of the person or entity responsible for the fee.
(Amended by Ord. 222, 8/16/10)

NORWOOD YOUNG AMERICA MANAGEMENT PLAN BASIC REQUIREMENTS

Rental Property Address: _____

Owner Name (person required): _____

Company Name: _____

Owner Full Street Address (not the rental property address): _____

Owner Phone: _____ **Owner Email:** _____

Licensee Name/Company (required if different from manager and owner): _____

Full Street Address (not the rental property address): _____

Phone: _____ **Email:** _____

Property Manager Name (required if different from Licensee and Owner): _____

Full Street Address (not the rental property address): _____

Phone: _____ **Email:** _____

**** This plan applies to ALL of my rental properties in Norwood Young America****

The City requires that this form be filled out and returned by email. You may also mail it to
NAME.

TENANT APPLICATION AND SCREENING

1. Applicants will be required to give their consent for a criminal history check and rental history profile. Rental license holder will employ the following applicant screening service to perform the background check:

Company: _____

Mailing Address: _____

Phone: _____

Web address: _____

Email: _____

2. The following background information on applicants is provided by this company: _____

3. I use the following criteria when accepting tenants with a criminal history (specify types of crimes, time-frame where convictions or patterns of arrests are unacceptable): _____

4. I use the following other criteria when processing applicants (minimum rent-to-income ratio, rental history etc.): _____

5. I will use the Rental Application Denial Form (following this questionnaire), or a form with selected criteria from the form when receiving applications, and provide it to rejected applicants (circle AGREED to indicate acceptance).

AGREED

LEASE PROVISIONS

6. I use the lease available from:

___ Minnesota Association of Realtors (mnrealtor.com)

___ Minnesota Bar Association (mnbar.org)

___ Minnesota Multi Housing Association (mmha.com)

___ If none of the above, I have attached/provided a copy of my lease.

7. The term of my rental agreement/lease is

month-to-month

six months

annual

other: _____

8. I issue written warnings for the all lease violations by residents and/or their guests.

AGREED

9. I will file for and pursue an eviction of residents in violation of the lease who are given notice and do not move.

AGREED

10. If you discover that someone has moved in with a tenant without your permission, how do you deal with it? Detail all actions you take in this situation:

11. I will use the Crime Free Lease Addendum (following this questionnaire), or have equivalent language in my lease, that the tenant must read and sign before moving in or renewing their lease.

AGREED

12. I will create Resident Conduct Rules and Building Rules largely patterned off the examples following this questionnaire, which must be submitted to the Code Official for approval. All residents must read, sign, and agree to follow the Conduct and Building Rules before moving in or renewing their lease.

AGREED

MONITORING AND INSPECTIONS

In order to ensure that properties remain a safe and healthy environment for tenants and neighbors, adequate monitoring and inspection of properties are essential. Monitoring needs to address both the physical condition of the property and the conduct of tenants.

13. I will visit my properties, or have my employees visit them, at least biweekly to monitor the activity of residents and their guests, and to ensure there are no issues with the physical condition of the properties.

AGREED

14. I will run the background check required under Minnesota Statute section 299C.68 (Kari Koskinen Background Check Law) for any building manager, employee, or contractor who works for me and who has access to keys to occupied units.

AGREED

15. I participate in the following local or regional rental property owner/manager group:

16. I will take the following steps to prevent further conduct violations and criminal activity by my residents and/or their guests:

PLAN IMPLEMENTATION

17. I will maintain all written and electronic records necessary to document the above management plan provisions. I will respond to any request from the City to confirm the implementation of my plan after 20 days from the date of my plan being filed as Satisfactory with the City. I will respond to any such request within 30 days.

AGREED

18. Additional comments or questions you might have: _____

I agree to abide by the provisions set forth above in this management plan.

Owner: _____ Date: _____

Authorized Property Manager: _____ Date: _____

Management plan accepted on: (Date)

RENTAL APPLICATION DENIAL FORM

Name of Property Owner or Manager: _____

Address: _____

Phone Number: _____

Applicants Name: _____

Applicants Address: _____

Applicant's Phone Number: _____

Unit Applied For: _____

Rental Disqualifications

APPLICATION

- _____ Application incomplete
- _____ Application falsified
- _____ Rent equals more than- ____ % of monthly income
- _____ Insufficient funds for deposit check
- _____ Insufficient fund check for application fee or credit check

RENTAL HISTORY

- _____ Negative landlord reference-current or past rental
- _____ Unable to verify current or past home ownership
- _____ Unable to verify current or past rental
- _____ Late or non-payment of rent-current or past rental
- _____ NSF check(s) used for payment of rent
- _____ Eviction-current or past rental
- _____ Unlawful Detainer-current or past rental
- _____ Property damage-current or past rental

Lack of proper notice-current or past rental

Lack of adequate rental history

EMPLOYMENT HISTORY

Unacceptable employment history

Unable to verify employment

Unable to verify income

CREDIT HISTORY

Unacceptable credit history

Lack of credit history

Unable to verify credit references

Unacceptable credit references

CRIMINAL HISTORY

Unacceptable criminal history

OTHER

Unable to rent under terms or conditions requested

Specify: _____

This application was denied due to information from the following Credit Reporting Agency:

Name: _____ Phone: _____

Address: _____ Fax: _____

RESIDENT CONDUCT RULES

The following rules are made in the interest of the health and safety of all residents. Everyone is expected to comply. Violations of these rules are grounds for immediate eviction.

1. Sale, possession, or possession with intent to distribute controlled substances (illegal drugs) on the premises will not be permitted.
2. Repeated incidents which disturb the peace of other residents are prohibited.
3. Intentional or repeated damage to the building or property belonging to the owner or another resident's property is prohibited.
4. Theft from the owner or his/her agent or another resident is prohibited.
5. Keeping anything that may be considered a hazard to the health and safety of residents (such as gasoline or other highly flammable or explosive chemicals storage in a unit or on the property) without permission is prohibited.
6. Possession of illegal weapons is prohibited.
7. Any violent act or verbal threat to an employee of the building on or off the property or to another resident or guests of a resident on the property is prohibited.
8. Do not prop open security doors at any time. Do not admit strangers through security doors.
9. Excessive police calls complaining about the conduct of you, your family, or your guests is grounds for eviction.

A signed copy of these rules will be kept in each Resident's file.

I have read the "Resident Conduct Rules" and fully understand and agree to abide by the contents.

Date: _____

Applicant or Resident

Applicant or Resident

BUILDING RULES

1. Residents are responsible for their guests. Parents are responsible for their children.
2. Your monthly rent is due and payable on or before the first of the month. Please make your checks or money orders payable to: _____

3. Only the persons specified in the Apartment Lease can reside in your apartment. Additional occupants cannot reside in the unit without applying for residency and, upon acceptance, signing a written lease that is approved by Owner.
4. You need written permission from Owner for guests to stay in your dwelling unit for more than 10 consecutive days.
5. No names other than those of a leased tenant are permitted on mailboxes.
6. No children under the age of twelve (12) years are to be left unattended in the apartment or on the grounds.
7. If there is any damage done to the property by your guests or children, you will be held responsible and must pay for all damages.
8. Bikes, tricycles, wagons, and all toys must be kept in your apartment or garage. If these items are left unattended outside the building or in the hallways, Owner will discard them.
9. Congregating, loitering, or playing in the hallways, entry steps, entrance area, back entrance steps, or parking lots is not permitted.
10. Screens shall not be removed from any window for any reason other than an emergency. Packages or other items cannot be delivered or passed through any windows.
11. Unnecessary horn honking at any time of the day or night by tenants or their guests is not permitted.
12. No motorcycle, moped, or bicycle riding will be allowed on the lawn or sidewalk. No parking of the above vehicles will be allowed on the lawn or sidewalks.
13. No loud music or loud parties will be tolerated in your apartment or on the property after 10 p.m.
14. No loud or profane language will be allowed on the premises.
15. All draperies or other window coverings must be compatible with the rest of the building. No sheets, blankets, or newspapers will be allowed to be used as drapes or window coverings.
16. Residents are responsible for placing all trash in the proper receptacles. Trash may not be left in the hallways or placed on sidewalks or in the grass.
17. To ensure the safety of all residents, Owner urges residents to call 911 on any crimes in progress, disturbances, disorderly behavior, or suspicious activity on or around the premises.
18. Each adult resident will be provided with one entry door, apartment door, and mailbox key. Residents are not to change, alter, or add additional locks or other security measures anywhere in the apartment or on the property without prior permission. If you desire

CRIME FREE/DRUG FREE LEASE ADDENDUM

In consideration of the execution or renewal of the lease of the dwelling unit identified in the attached lease, Owner and Resident agree as follows:

1. Resident, any members of the resident's household, a guest or other person under the resident's control, shall not engage in criminal activity, including drug-related criminal activity, on or near the said premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802]).
2. Resident(s), any member of the resident's household, a guest or other person under the resident's control, shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity, on or near the said premises.
3. Resident or members of the household will not permit the dwelling unit to be used for, or to facilitate criminal activity, including drug-related criminal activity regardless of whether the individual engaging in such activity is a member of the household, or a guest.
4. Resident, any member of the resident's household, a guest, or another person under the resident's control, shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance at any location, whether on or near the dwelling unit or otherwise.
5. Resident, any member of the resident's household, a guest or another person under the resident's control, shall not engage in any criminal activity, including prostitution, criminal street gang activity, threatening, intimidating, or assaultive behavior including but not limited to the unlawful discharge of firearms, on or near the dwelling unit premises, or any breach of the lease agreement that otherwise jeopardizes the health, safety, and welfare of the landlord, his agent or other residents and/or involving imminent or actual serious property damage.
6. VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY.
7. In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of this addendum shall govern.
8. This LEASE ADDENDUM is incorporated into the lease executed or renewed this day between Owner and Resident(s).

It is understood and agreed that a single violation shall be good cause for termination of the lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by the preponderance of the evidence.

Management Signature

Date

Resident Signature

Date

Resident Signature

Date

different or additional security for your apartment door, patio door, storage locker, or windows please contact Owner. Depending on your request, you may have to pay for additional security measures. All additional security devices will remain Owner's property.

Please have respect for all residents in your building.

I have read the "Building Rules" and fully understand and agree to abide by the contents.

Date: _____

Applicant or Resident

Applicant or Resident

**City of Norwood Young America
Summary of Ordinance No. 293**

The City Council of the City Norwood Young America has adopted Ordinance 293, thereby amending Chapter 3, Section 350 of the City Code pertaining to Rental Licenses.

The purpose of this ordinance is to provide minimum standards to safeguard life or limb, health, and public welfare by regulating and controlling the use and occupancy, maintenance and repair of all buildings and structures within the City used for the purpose of rental housing. The purpose of this ordinance is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance.

Effective Date: Ordinance No. 293 shall become effective upon its passage and publication according to law. The ordinance was adopted by the Norwood Young America City Council on August 28, 2017.

A complete copy of this ordinance is available for review at the Norwood Young America City Hall, 310 Elm Street W., Norwood Young America. If you have questions, contact the City at (952) 467-1800.

Submitted by:
Kelly Hayes
City Clerk/Treasurer



TO: Honorable Mayor Lagergren and City Council Members

FROM: Steven Helget, City Administrator

DATE: August 28, 2017

SUBJECT: Planning Commission Appointment

=====

Mike Eggers of 1055 Preserve Blvd., has applied to serve on the Planning Commission. Mayor Lagergren, Council Member Heher, and I met with Mr. Eggers earlier this month to discuss his interest in serving on the Commission and to review the duties and responsibilities of the Planning Commission.

Suggested Motion:

Motion to appoint Mike Eggers to the Planning Commission.



TO: Honorable Mayor Lagergren and City Council Members
FROM: Steven Helget, City Administrator
DATE: August 28, 2017
SUBJECT: Schedule Special City Council Meeting

=====

Proposed is schedule a special City Council meeting for 6:30 p.m., September 13th. This will be a joint meeting with the EDC, Planning Commission, and Chamber of Commerce Board for the purpose of continuing our discussion on our downtowns and ways we can improve them.

Suggested Motion:

Motion to schedule a special City Council meeting for 6:30 p.m., September 13, 2017.