



CITY COUNCIL AGENDA

March 25, 2019 – 6:30 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 The Open Meeting Law
 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 February 25, 2019 meeting
 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 March 11, 2019 meetings
 - 4.2 Approve payment of claims
 - 4.3 Chamber of Commerce Street Closing Request
5. Public Hearings
6. Old Business
 - 6.1 Approve Resolution 2019-06, Submittal of 2040 Comprehensive Plan to Metropolitan Council
 - 6.2 Approve Social Media Policies
 - 6.3 Approve Spring Clean-Up Day
7. New Business
 - 7.1 Novel Energy Solutions Presentation
 - 7.2 Review Nuisance Code
 - 7.3 Schedule next Downtown Redevelopment Joint 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

- April 2 Planning Commission – 6:00 p.m.
- April 8 Personnel Committee – 5:30 p.m.
- April 8 City Council – 6:30 p.m.
- April 10 Economic Development Commission – 6:00 p.m.
- April 16 Parks and Recreation Commission – 4:45 p.m.
- April 18 Senior Advisory Committee – 9:00 a.m.
- April 22 Work Session, EDA, City Council – 6:30 p.m.
- June Joint Meeting – City Council, EDC, Planning Commission, Parks & Recreation Commission, and Chamber of Commerce Board – 6:00 p.m.



TO: Mayor Diedrick and City Council Members
FROM: Steven Helget, City Administrator
DATE: March 25, 2019
SUBJECT: Work Session – The Open Meeting Law

Jay Squires, City Attorney, will be present to review legal considerations for City officials on the Open Meeting Law. Enclosed is a handout that Mr. Squires will utilize as an outline for his review of the Open Meeting Law.

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



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LEGAL CONSIDERATIONS FOR CITY OFFICIALS

City of Norwood Young America

March 25, 2019

By: Jay T. Squires

THE OPEN MEETING LAW

I. Purposes of the Open Meeting Law

Minnesota Statutes section 13D.01, also known as the Open Meeting Law, was passed in the 1950s. It has been amended several times over the years, but its general aim – to prevent public bodies from dissolving into executive sessions to discuss controversial issues – has remained the same.

The Minnesota Supreme Court has discussed the purposes of the Open Meeting Law as follows:

NOTE: The purpose of this presentation, and the accompanying materials, is to inform you of interesting and important legal developments. While current as of the date of presentation, the information given today may be superseded by court decisions, legislative amendments rule changes and opinions issued by bodies interpreting the area of law. We cannot render legal advice without an awareness and analysis of the facts of a particular situation. If you have questions about the application of concepts discussed in the presentation or addressed in this outline, you should consult your legal counsel.

- A. To prohibit actions from being taken at secret meetings where it is impossible for the public to be fully informed and/or detect improper influences. Lyndale v. Independent Sch. Dist. No. 306, 133 N.W.2d 23 (1965).
- B. To protect the public's right to be informed. Channel 10 v. Independent Sch. Dist. No. 709, 215 N.W.2d 814 (1974).
- C. To guarantee the public a forum to present its views to the public body, Sullivan v. Prairie River Township, 270 N.W.2d 502 (1974).

II. Meetings Subject to the Open Meeting Law

The law applies to all meetings of the City Council, and in general, meetings of City commissions and boards. Although the Open Meeting Law does not include a definition of a "meeting," the Minnesota Supreme Court has defined a meeting under the Open Meeting Law as a "gathering of a quorum, or more members of the governing body . . . at which members discuss, decide, or receive information as a group on issues relating to the official business of that governing body." Moberg v. Independent Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983)

- A. A majority of the Board constitutes a quorum.
- B. Even if a quorum of the public body is present, "chance or social gatherings" are not covered by the law. The social gathering, however, cannot be used to conduct official business unless the notice requirements discussed below have been met. St. Cloud Newspapers v. District 742 Cmty. Schs., 332 N.W.2d 1 (Minn. 1983); Moberg.
- C. The law does not apply to telephone conversations or letters between less than a quorum of members. See, e.g., MEA v. Bennett, 321 N.W.2d 395 (Minn. 1982).
- D. Courts have cautioned that serial meetings of less than a quorum may be found to violate the law if the facts and circumstances indicate the purpose was to avoid the requirements of the law or to reach an agreement on an issue before the public meeting. Moberg.
- E. The Minnesota Supreme Court has rejected the argument that a discussion between two board members, outside of an open meeting, about a matter pending before the board is an absolute or automatic violation of the law. Moberg. The Court noted that public officials

have a duty to persuade each other in an attempt to resolve issues, and the public benefits from this, so long as the discussion is not “designed to avoid public discussion altogether, to forge a majority in advance of public hearings on an issue, or to hide improper influences such as the personal or pecuniary interest of a public official.” Moberg, 336 N.W.2d at 518.

- F. An advisory opinion from the Information Policy Analysis Division (“IPAD”) concluded that email communication between board members constituted a meeting, which was required to be public. A non-member sent an email to the Advisory Board of the Metro Gang Strike Force raising several issues and asking the Board to issue a press release. Seven members replied and copied the rest of the Board members. Based on their comments, the Chair issued a press release and emailed the Board that he had taken such action. IPAD concluded that the conduct of the Board constituted a meeting because a quorum of the Board, in addition to receiving information, commented on and provided direction to the Chair on a matter relating to official business of the Board. IPAD noted that one-way communication between the Chair and other members is permissible, such as when meeting materials are sent via email, as long as no discussion or decision-making ensues.
- G. The Minnesota Court of Appeals has limited the law’s application to those committees possessing decision-making authority on behalf of the governing body. Minnesota Daily v. Univ. of Minnesota, 432 N.W.2d 189 (1988).
 - 1. Decision-making authority will be presumed where members of the committee constitute a quorum of the governing body. Sovereign v. Dunn, 498 N.W.2d 62 (Minn. App. 1993).

III. Notice Requirements

The notice requirements of the Open Meeting Law vary depending on the type of meeting: regular, special, emergency, and recessed/continued.

A. Regular Meetings

A public body must keep a schedule of its regular meetings on file at its primary office. Minn. Stat. § 13D.04, subd. 1. If a regular meeting is going to be held at a time or place different than listed on its schedule,

the public body must provide notice of the meeting in the same manner as for a special meeting. Id.

B. Special Meetings

Notice of a special meeting must be posted three days in advance of the meeting. Minn. Stat. § 13D.04, subd. 2(a). Three days means 72 hours. The notice must state the date, time, place and purpose of the meeting, and it must be posted on the City's principal bulletin board. Id. The principal bulletin board has to be located in a place that is "reasonably accessible to the public." Rupp v. Mayasich, 533 N.W.2d 893 (Minn. App. 1995). If there is no principal bulletin board, it must be posted on the door of the regular meeting room. Minn. Stat. § 13D.04, subd. 2(a).

Notice of the special meeting must also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings. Id., subd. 2(b). In the alternative, the public body can publish notice in the official newspaper three days before the special meeting. Id., subd. 2(c).

C. Emergency Meetings

An emergency meeting is defined as a meeting called because of circumstances that, in the judgment of the public body, require immediate consideration by the public body. Minn. Stat. § 13D.04, subd. 3(e).

Notice of the emergency meeting shall be given by telephone or by any other reasonable method to members of the public body. Id., subd. 3(b).

The public body must also make a good faith effort to provide notice to news media that have filed a request for notice of emergency meetings if the request includes the news medium's telephone number. Id., subd. 3(a).

D. Recessed or Continued Meetings

Published or mailed notice is unnecessary for a recessed or continued meeting as long as the time and place of the meeting were established during the previous meeting and recorded in the previous meeting's minutes. Minn. Stat. § 13D.04, subd. 4(a).

E. Closed Meetings

The same notice requirements apply to a regular, special or emergency meeting that is closed. Minn. Stat. § 13D.04, subd. 5.

IV. Materials for the Meeting

At least one copy of the agenda and any other written materials that are: 1) distributed to all members at the meeting; 2) distributed to all members before the meeting; or 3) available to all members in the meeting room must also be available in the meeting room for public inspection while the public body considers the subject matter. Minn. Stat. § 13D.04, subd. 6(a).

There are two general exceptions: 1) data classified as non-public under the Government Data Practices Act; and 2) data relating to matters discussed at a closed meeting. See Minn. Stat. § 13D.05, subd. 1(c).

V. Closing a Meeting

A meeting cannot be closed simply because private or confidential data will be discussed, unless one of the exceptions discussed below is met. So long as the meeting is not required to be closed, private data can be discussed in public without liability or penalty if the disclosure relates to a matter within the scope of the public body's authority and is reasonably necessary to conduct the public body's business. Minn. Stat. § 13D.05, subd. 1(a) and (b).

A. Valid Reasons to Close a Meeting

1. Labor Negotiations

A meeting may be closed to discuss strategy for labor negotiations, but the closed meeting must be tape recorded and the tape retained for two years after the contract is signed. Minn. Stat. § 13D.03. The recording must be available to the public after all contracts are settled for the current budget period. Id., subd. 2(b).

A majority vote is required to close the meeting, and a written roll must be taken of the members and other persons present at the closed meeting. Id., subds. 1(b) and 1(d).

2. Preliminary Consideration of Charges Against an Employee

A meeting must be closed for preliminary consideration of allegations or charges against an employee. Minn. Stat. § 13D.05, subd. 2(b). The meeting must be open if the employee requests that it be open. Id. If the meeting is closed, it must be tape recorded.

If the public body concludes that discipline may be warranted as a result of the allegations or charges, future meetings related to the allegations or charges must be open. Id.

3. Performance Evaluations

A meeting may be closed to evaluate an employee's performance. Minn. Stat. § 13D.05, subd. 3(a). The meeting must be open if the employee requests that it be open. Id. Before the meeting is closed, the employee must be identified. Id. If the meeting is closed, it must be tape recorded, and at the next open meeting, the public body must summarize its conclusions regarding the evaluation. Id.

4. Attorney-Client Privilege

A meeting may be closed if permitted by the attorney-client privilege. Minn. Stat. § 13D.05, subd. 3(b). The extent of the privilege for closing an open meeting, however, is not as broad as the privilege itself.

Generally, a meeting may be closed to discuss matters pertaining to pending or threatened litigation. A meeting cannot be closed to seek general legal advice that is basic to the deliberative process of any public body.

The Minnesota Court of Appeals has seemingly limited the ability to close meetings under the attorney-client privilege to only those circumstances where the public body can demonstrate that there is an absolute need to discuss the matter outside the public arena. See Prior Lake American v. City of Prior Lake, 642 N.W.2d 729 (Minn. App. 2002).

5. Acquisition/Sale of Land

A meeting may be closed in conjunction with discussions surrounding the acquisition or sale of land, but detailed procedures must be followed. Minn. Stat. § 13D.05, subd. 3(c).

6. Security Briefing

A meeting may also be closed to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures and to discuss security deficiencies in or recommendations regarding public services, infrastructure and facilities, if disclosure of that information would pose a danger to public safety or compromise security procedures or responses. Minn. Stat. § 13D.05, subd. 3(d). However, financial issues related to security matters must be discussed and all related financial decisions must be made during open session. Id.

Before closing the meeting, the public body must describe the subject to be discussed and refer to the facilities, systems, procedures, services or infrastructure to be considered during the closed meeting. Id. The closed meeting must be tape recorded, and the tape preserved for at least four years. Id.

7. Discussion of Certain Types of Data

Any portion of a meeting may be closed where the following types of data are discussed:

- a. Data identifying victims or reporters of criminal sexual conduct, domestic abuse, maltreatment of minors or maltreatment of vulnerable adults.
- b. Active investigation data relating to child abuse or neglect. See definition in Minn. Stat. § 13.82.
- c. Internal affairs data relating to allegations of misconduct of law enforcement personnel.
- d. Educational data, health data, medical data, welfare data and/or mental health data defined as not public data under the Government Data Practices Act. Minn. Stat. § 13D.05, subd. 2(a).

B. Procedures for Closed Meetings

During the open portion of the meeting, the public body must state the specific basis for closing the meeting and describe the subject matter that will be discussed in the closed portion of the meeting. Minn. Stat. §

13D.01, subd. 3. The specific basis should not include any non-public data.

Materials reviewed in a closed meeting should not be distributed to the public. The meeting minutes should simply state that a closed meeting was held and the basis for closing the meeting.

No business can be conducted during a closed meeting – all business must be conducted when the public body reconvenes in open session.

VI. Good Collective Decision-making

A. The Role of the Council

1. The Council is the legislative body – it sets the mission and vision.
2. The Council adopts policy – ordinances, new programs, the budget and levy.
3. Staff administers and implements policy.
4. Staff manages the day to day activities of the City.

B. Avoiding Prejudgment Allegations

1. Due Process
2. The Continental Properties cases.

C. Preserving the Distinction Between Your Position as an Individual Resident and Council Member

1. Individual Council members do not check their private opinions at the gates of City Hall.
2. The public can be easily confused by statements of opinion and belief expressed by a Council member – is the statement a personal position, or that of the City or Council?
3. Disclaimers and qualifiers should be considered.

VII. Penalties for Violations

A. Civil Penalty

Each person who intentionally violates the Open Meeting Law can be fined up to \$300 for each violation, and the penalty cannot be paid by the municipality. Minn. Stat. § 13D.06, subd. 1.

B. Removal

If a member of a public body is involved in three separate violations of the Open Meeting Law, the member could be removed. Minn. Stat. § 13D.06, subd. 3(a).

C. Costs and Attorneys' Fees

A court may award up to \$13,000 for the plaintiff's costs and attorneys' fees. Minn. Stat. § 13D.06, subd. 4(a). The municipality may, but is not required to, pay the award. *Id.*, subd. 4(c).

D. Defense Costs

A municipality is not required to reimburse members for the cost of defending an Open Meeting Law claim under the Municipal Tort Liability Act because it is not an action for damages. Minn. Stat. § 466.07; Kroschel v. City of Afton, 512 N.W.2d 351 (Minn. App. 1994) rev'd, 524 N.W.2d 721 (Minn. 1994).

DATA PRACTICES ACT

I. DATA PRACTICES

- A. Applicable Laws.** The Minnesota Government Data Practices Act ("MGDPA") presents a maze of legal challenges. With the increasing use of technology, municipalities are facing additional challenges such as how to maintain and respond to requests for electronic data, including email messages, text messages, and other data stored on smartphones, iPads, and computers.

1. **Minnesota Government Data Practices Act.** The MGDPA is a state law that applies to all state agencies, political subdivisions and statewide systems. This law governs the collection, creation, storage, maintenance, dissemination and access to government data. The public policy behind the MGDPA is to provide the public with access to data which is the basis for, and the product of, governmental decisions. Accordingly, government data are presumed to be accessible by the public for inspection and copying unless they fall within a recognized exception to the Act. *See* Minn. Stat. § 13.01; *see also* Minn. Stat. § 13.03, subd. 1.
2. **Definition of “Government Data.** “Government data” means all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use. Minn. Stat. §13.02, subd. 7. “Storage media” includes all forms of electronic data. The subject matter and content of government data determines who is entitled to have access to the data.
 - a. **Must be recorded.** In order to be “government data” under MGDPA, information must be recorded in some form.
 - (1) In *Keezer v. Spickard*, 493 N.W.2d 614 (Minn. App. 1992), a plaintiff sued a county for releasing private data about him. The claim was based upon a conversation between two county employees that was overheard by a citizen. Keezer did not recover on his claim because the information had never actually been recorded and so never became government data. The mere fact that government employees had heard or were aware of the information did not cause it to become government data.
 - (2) *Once recorded, data become government data regardless of their physical form, storage media, or the conditions of the data’s use.* Minn. Stat. § 13.02, subd. 7; *see also* Minn. Rules, Part 1205.0200, subp. 4. This is true under both the MGDPA and the Records Retention Act (Minn. Stat. § 138.17). The Records Retention Act requires that data or information be created or received in connection with the transaction of public business in order to be subject to its records retention requirements.

- a. "Data on individuals" means all government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual. Minn. Stat. §13.02, subd. 4.
 - b. The definition of "individual" includes a parent or guardian, or one acting as a parent or guardian in the absence of a parent or guardian, where the subject of the data is a minor or a person adjudged mentally incompetent. This means that the parent of a minor shares with the minor his/her right of access to all government data concerning the minor. Minn. Stat. 13.02, subd. 8.
2. **Public data.** When an individual requests access to public data, a municipality must reply **within a reasonable time**. Minn. Stat. § 13.03, subd. 1 & 3(c); Minn. R. 1205.0300. The definition of "reasonable time" may vary on a case by case basis depending on the complexity of the data request. However, a municipality should try to fulfill the request as soon as reasonably possible.
 3. **Data must be easily accessible.** "The responsible authority in every government entity shall keep records containing government data in such an arrangement and condition as to make them easily accessible for convenient use." Minn. Stat. 13.03, subd. 1.
 - a. The Department of Administration has repeatedly addressed the "reasonableness" requirement in its advisory opinions. When compliance has been delayed due to the complexity of finding voluminous data, the Department has most commonly relied upon the language cited above for concluding that the governmental unit failed to keep records in an accessible manner to facilitate timely access.
 - b. Does your municipality store electronic communications in a manner that makes them easily accessible?
 - (1) Email messages sent from private accounts?
 - (2) Text messages?

(3) Tweets?

CONFLICTS OF INTEREST

I. Statutory Conflict of Interest

Minnesota Statutes section 471.87 specifies that a public officer who is authorized to take part in any manner in making any sale, lease or contract in that officer's official capacity shall not voluntarily have a personal financial interest in that sale, lease or contract or personally benefit financially therefrom. This section applies to city officials, and would include contracts involving the purchase or sale of any property by or to the city (a direct conflict of interest).

The statute does not specify that abstention from voting would remedy what would otherwise be a conflict of interest. Instead, the language is "who is authorized to take part in any manner in making . . ." Minn. Stat. § 471.87.

Violation of the statute is a gross misdemeanor, but all elements must be present: 1) the interest must be voluntary; 2) the interest must be financial; and 3) there must be a sale, lease or contract.

Examples of transactions that have been prohibited include:

- A. A public body's contract with a newspaper in which one member was an interested party.
- B. Compensating a member of a county welfare board for services as an appraiser.
- C. County's contract for testing cattle with a commissioner who was a veterinarian.

There is a list of exceptions in section 471.88. Refer to the list when questions arise. The following are some of the exceptions:

- A. The designation of an official newspaper in which a member is an interested party, when it is the only newspaper complying with the statutory requirements relating to the designation.

- B. A contract with a cooperative association of which a member is a share/stockholder but not an officer or manager.
- C. A contract for which competitive bids are not required by law.¹
- D. The public body may apply for and accept a state or federal grant for housing, community or economic development in which a member may benefit, if the member abstains from voting on measures related to the grant.
- E. Loans or grants to a member from a local development organization.

II. Common Law Conflict of Interest

Conflicts of interest under the common law are broader than the statutory conflicts of interest and may exist where a statutory conflict of interest does not. The purpose of the common law rule is to ensure that a decision will not simply be an arbitrary reflection of a member's own selfish interests.

A conflict of interest exists under the common law when a public official has any "direct interest" in the outcome of a matter before the public body. See, e.g., Lenz v. Coon Creed Watershed Dist., 153 N.W.2d 209, 219 (Minn. 1967); E.T.O. v. Town of Marion, 375 N.W.2d 815 (Minn. 1985). Courts have generally interpreted a "direct interest" as a financial interest.

The following factors are considered by courts to determine whether a conflict of interest exists:

- A. The nature of the decision to be made;
- B. The nature of the pecuniary interest;
- C. The number of interested officials participating in making the decision;
- D. The need, if any, to have interested officials make the decision; and
- E. The other means available, if any, to ensure that the interested officials will not act arbitrarily to further their own interests (e.g., the opportunity for review).

¹ The procedures in Minnesota Statutes section 471.89 must still be followed, or the contract may be void.

If a common law conflict of interest exists, the member is prohibited from voting on the matter. However, unlike statutory conflicts of interest, a common law conflict of interest is cured by abstaining from a vote on the matter. See Op. Atty. Gen. Dec. 5, 2002.

III. How to Avoid Conflicts of Interest

Public officials should expect to be the subject of regular public scrutiny. As such, public officials must accept restrictions on their conduct that might be viewed as burdensome to the ordinary citizen. For example, public officials must avoid impropriety and the appearance of impropriety. While there is no test for what constitutes the appearance of impropriety, ask whether a person aware of the facts might reasonably entertain a doubt that the public official would be able to act with integrity, impartiality and competence.

There are many statutes dealing with ethics in government, and all of them seek to ensure that public confidence in public officials is not eroded by irresponsible or improper conduct by public officials. The Minnesota Campaign Finance and Public Disclosure Board provides advisory opinions on matters dealing with ethics. See Minn. Stat. § 10A.02, subd. 12(a). Selected advisory opinions may be found online at www.cfboard.state.mn.us/ao.

ACCEPTANCE OF GIFTS

I. General Prohibition

A public official may not accept gifts from a person or a representative of a person or association that has a direct financial interest in decisions that the official is authorized to make. Minn. Stat. §§ 471.895, 10A.071. A gift is defined as money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration of equal or greater value in return. Minn. Stat. § 10A.071, subd. 1(b).

II. Exceptions

A public official may accept the following:

- A. "Contributions" – defined as anything of monetary value given or loaned to a candidate or committee for a political purpose. See Minn. Stat. § 211A.01, subd. 5.

- B. Services to assist in the performance of official duties, including but not limited to providing advice, consultation, information and communication in connection with legislation and services to constituents.
- C. Services of insignificant monetary value.
- D. A plaque or similar memento recognizing individual services.
- E. A trinket or memento costing \$5 or less.
- F. Information material of unexceptional value.
- G. Food or a beverage given at a reception, meal or meeting away from the official's place of work by an organization before whom the official appears to make a speech or answer questions as part of a program.
- H. Gifts given by a family member.

RASW: 50181



ECONOMIC DEVELOPMENT AUTHORITY

February 25, 2019 – 6:00 p.m.

ATTENDEES: Tina Diedrick, Mike McPadden, Dick Stolz, Charlie Storms

ABSENT: Craig Heher

STAFF: Steve Helget, Kelly Hayes

1. Call Meeting of Economic Development Authority to Order
President Diedrick called to order the Economic Development Authority at 7:00 p.m.
 - 1.1 Pledge of Allegiance
2. Approve Agenda
Motion: CS/DS to approve the agenda. Motion unanimously carried.
 - 2.1 Approve minutes of January 28, 2019 meeting
Motion: MM/CS to approve the minutes. Motion unanimously carried.
3. New Business
 - 3.1 Approve Resolution 1901, Nominating and Appointing Officers of Economic Development Authority.
Mayor Diedrick suggested appointing McPadden as Vice-President since he has been appointed Acting Mayor.
Motion: DS/MM to approve Resolution 1901 to include the changes of appointing McPadden Vice-President and Stolz as Assistant Treasurer. Motion unanimously carried.
 - 3.2 Air Products & Chemicals, Inc.
 - a) Approve Resolution 1902, Approving Preliminary Development Agreement between the Norwood Young America Economic Development Authority and Air Products & Chemicals, Inc.
Motion: CS/MM to approve Resolution 1902. Motion unanimously carried.
 - b) Approve Resolution 1903, Calling for Public Hearing Regarding Land Conveyance and Associated Business Subsidy to Air Products & Chemicals, Inc.
Motion: DS/CS to approve Resolution 1903. Motion unanimously carried.
 - c) Approve Resolution 1904, Requesting the City Council call for a Public Hearing on the Modification to the Redevelopment Plan for the Tacoma West Industrial Park Redevelopment Project and the establishment of Tax Increment Financing District No. 3-7
Motion: MM/CS to approve Resolution 1903. Motion unanimously carried.
4. Adjournment
Motion: MM/CS to adjourn at 7:15 p.m. Motion unanimously carried.

Respectfully Submitted:

Tina Diedrick, President

Steven Helget, Executive Director



ATTENDEES: Tina Diedrick, Mike McPadden, Dick Stolz, Craig Heher, Charlie Storms

ABSENT: None

STAFF: Steve Helget, City Administrator

OTHERS: Justin Spande, Theresa Peterman, and Stephanie Falkers

1. Call Meeting of City Council to Order

1.1 Meeting called to order by Mayor Diedrick at 7:10 p.m.

1.2 Pledge of Allegiance

2. Approve Agenda

Helget suggested add the Economic Development consulting position update under old business

Motion: MM/DS; to approve the agenda with the addition. Vote 5 – 0, motion carried.

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

4. Consent Agenda

4.1 Approve minutes of February 25, 2019 meeting

4.2 Approve payment of claims

4.3 Approve Transient Merchant License – Fireman’s BBQ

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

5. Public Hearings

6. Old Business

6.1 Review 2040 Comprehensive Plan Update.

Stephanie Falkers, SRF Consulting Group, provided a presentation and reviewed the entire plan. Stolz provided a list of “Potential Historical Sites” on the north side of Norwood Young America. The Council consented to adding the list. Stolz also stated the City has a bus and provides public transportation. Falkers will add language identifying the City’s 5310 bus. Falkers stated the Planning Commission will hold a public hearing on the Plan at a special meeting on March 12th. The Council will be asked to consider approving a resolution at its March 25th regular meeting to submit the Plan to the Metropolitan Council. The deadline for submittal is March 29, 2019.

6.2 Carver County Road 33/Highway 5 Roundabout Project Update

Helget gave a project update as provided by Carver County. A meeting is planned for March 12th with Kwik Trip and Diedrick and Storms will attend. Diedrick expressed concern about potential congestion of 7th Street with school drop-off & pick-up.

6.3 Economic Development Consultant

Helget stated the person from the consulting firm Community Economic Development Association (CEDA), who was to be appointed to the City has recently resigned. The Council consented to wait and until a new more person is identified to serve the City before meeting with any CEDA representatives.

7. New Business

7.1 Approve Social Media

Diedrick suggested the Fire Department review the new policy before the Council considers approving it.

Motion: TD/DS to table the Social Media policies. Vote 5 – 0, motion carried.

7.2 Spring Clean-Up Day

Helget gave a brief overview of possible dates and options. Diedrick questioned the cost, number of items per person, the type of items we would take. The Council consented to not charging a fee for residents dropping off their junk but no items will be accepted that will be accepted by Carver County for their Special Waste Drop-off event planned for May 18th.

Diedrick suggested the City’s approach to nuisances, from a complaint basis, needs to be changed. McPadden suggested after the Clean-Up Day residents be given to a defined date to clean-up their yards to remove all

nuisance items and after such date the City have someone go around the entire community identifying all the nuisances still existing and give those property owners written notice to resolve the sited nuisances. This all should all be included in the City's Spring Newsletter and posted where appropriate. Diedrick suggested tie all this in with the Spring Clean-up but to also to review the Nuisance code with consideration to change the complaint basis approach.

Heher stated emphasis should be placed on cleaning up the community in preparation of events such as Stiftungsfest, Taste of NYA, Springfest Artisanfair, etc.

The Council consented to determine the date for the event, location, etc. at its next meeting.

7.3 Approve to Reschedule May 27, 2019 Work/Session/EDA/City Council Meetings.

Due to Memorial Day on the fourth Monday it is proposed to reschedule the regular May 27, 2019 Work Session/EDA/City Council meeting to 6:30 p.m. on Tuesday, May 28, 2019.

Motion: MM/CH Vote 5 - 0. Motion carried.

8. Council Member & Mayor Reports

CS - none

CH - reviewed PC items: Air Products project, considering drones ordinance, downtown redevelopment plan, 2040 comp plan, updated adult use draft ordinance, still in need of one PC member and a Parks & Rec rep

MM - EDC meeting coming up and he has attended the meetings for the Springfest Artisan Fair.

DS - none

TD - reviewed all upcoming meetings, blood drive a success, Carver County is the fastest growing county in the state

9. Adjournment

Motion: MM/CS to adjourn at 8:30 p.m.. Vote 5 - 0. Motion carried.

Respectfully Submitted,

Tina Diedrick, Mayor

Steven Helget, City Administrator



CITY COUNCIL WORK SESSION MINUTES

March 11, 2019 – 6:30 p.m.

ATTENDEES: Tina Diedrick, Mike McPadden, Dick Stolz, Charlie Storms, Craig Heher

ABSENT: none

STAFF: Steve Helget

OTHERS PRESENT: Bill Grundahl, Mike Eggers, Justin Spande, Theresa Peterman, Stephanie Falkers

1. Call Meeting of City Council Work Session to Order

Work Session was called to order by Mayor Diedrick at 6:30pm.

2. Approve Agenda

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

3. Approve Minutes

Diedrick had additions to the minutes, she wanted it noted that the Council consented to not include auto repair in the downtowns, that Helget stated the public hearing for the 2040 Comprehensive Plan has been rescheduled to March 12, 2019 due to the delay in posting the notice in the newspaper, and also that she stated she also wants to maintain in the downtowns the 50% storefront or commercial use in the zoning code so the buildings are not used 100% for storage.

Motion: TD/DS to approve the minutes with the three additions. Vote 5 – 0. Motion carried.

4. Auto Repair Uses – Joint meeting with Planning Commission

Helget gave a brief overview of the Planning Commission's request to consider allowing general auto repair to be allowed in the C-3, RC-1, and I-1 zoning districts. Helget reviewed the draft language Cynthia Smith-Strack, Planning Consultant, provided for the Council. Diedrick stated the Council has had Joint Meetings on the downtown redevelopment for the past two years and the Council does not want to allow auto repair in the C-3 District, stating it does not match with the downtown redevelopment plan. Stolz questioned the distinction between major vs minor auto repair and how to define it in the code. Eggers stated minor is auto repair such as brake jobs, transmission, oil changes, etc. and major is body shops for doing vehicle painting, or removing and replacing body parts. Following further discussion, Heher gave an overview of what the Council is consenting to: 1) continue to allow automobile service stations with a CUP in the C-2 District; 2) continue to allow automobile repair, major as a permitted use in the B-1 District; continue to allow auto repair as an accessory use in the C-3 District; 3) to consider amending the Zoning Code to allow auto repair, minor, as a conditional use in the RC-1 District; 4) to consider amending the Zoning Code to allow auto repair, minor or major, as a conditional use in the I-1, Light Industrial District; and to consider rezoning the properties located on the north side of Railroad Street west of Reform Street from C-3 to RC-1.

5. Adjournment

Motion: CH/CS to adjourn at 7:05pm. Vote 5 – 0. Motion carried.

Respectfully Submitted,

Tina Diedrick, Mayor

Steven Helget, City Administrator



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

To Be Approved: March 25, 2019

Payroll EFT (Check Sequence#505288-505304)	<u>\$17,152.97</u>
Claims Pending Payment (Check Sequence #29086-29126)	<u>\$128,334.91</u>
Grand Total	<u>\$145,487.88</u>

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DECEMBER 2018 to MARCH 2019

			Check Amt	Invoice	Comment
10100 CHECKING					
Paid Chk#	029086	3/25/2019			CITY OF WACONIA
E 101-43100-437	Maintenance Contract		\$28,558.65	IVC4050	2018 SWEEPER LEASE
	Total CITY OF WACONIA		\$28,558.65		
Paid Chk#	029087	3/25/2019			ADC SERVICES INC
E 101-43100-208	Medical-Physicals		\$37.50	191712	ANNUAL FEE
E 101-45200-208	Medical-Physicals		\$37.50	191712	ANNUAL FEE
E 601-49400-208	Medical-Physicals		\$37.50	191712	ANNUAL FEE
E 602-49450-208	Medical-Physicals		\$37.50	191712	ANNUAL FEE
	Total ADC SERVICES INC		\$150.00		
Paid Chk#	029088	3/25/2019			BOLTON & MENK, INC
E 603-49500-303	Engineering Fees		\$3,400.00	0230261	WATER MANAGEMENT PLAN
G 807-22100	Escrow Collected		\$1,622.00	0230262	PRESERVE 5
E 101-41500-303	Engineering Fees		\$672.00	0230263	
E 601-49400-303	Engineering Fees		\$1,092.00	0230263	
	Total BOLTON & MENK, INC		\$6,786.00		
Paid Chk#	029089	3/25/2019			CARDMEMBER SERVICE
E 101-41400-200	Office Supplies		\$54.32		
E 101-41400-430	Miscellaneous		\$16.05		
E 101-41110-350	Print/Publishing/Postage		\$30.00		
E 101-43100-210	Operating Supplies		\$141.57		
E 101-43100-211	Personal Protection Equipment		\$37.99		
E 101-43100-223	Repair/Maintenance Bldg/Ground		\$122.89		
E 101-41940-210	Operating Supplies		\$82.66		
E 602-49450-223	Repair/Maintenance Bldg/Ground		\$345.16		
E 101-49860-406	LICENSES		\$30.00		
E 101-43100-221	Repair/Maintenance Equipment		\$399.89		
	Total CARDMEMBER SERVICE		\$1,260.53		
Paid Chk#	029090	3/25/2019			CARQUEST AUTO PARTS
E 101-42200-210	Operating Supplies		\$47.96		
	Total CARQUEST AUTO PARTS		\$47.96		
Paid Chk#	029091	3/25/2019			CARVERLINK-CARVER CO BROADBAND
E 101-41940-321	Telephone		\$114.28		
E 601-49400-321	Telephone		\$97.14		
E 602-49450-321	Telephone		\$57.14		
E 101-42200-321	Telephone		\$142.45		
E 101-43100-321	Telephone		\$68.00		
E 101-45200-321	Telephone		\$29.14		
E 101-41940-321	Telephone		\$125.71		
E 101-41300-321	Telephone		\$58.79		
E 101-41320-321	Telephone		\$58.79		
E 101-41400-321	Telephone		\$58.79		
E 101-46500-321	Telephone		\$19.60		

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			Check Amt	Invoice	Comment
E 101-42100-321	Telephone		\$97.98		
E 101-45500-321	Telephone		\$97.98		
al CARVERLINK-CARVER CO BROADBAND			\$1,025.79		
<hr/>					
Paid Chk#	029092	3/25/2019	CENTER POINT		
E 101-41940-383	Gas Utilities		\$708.94		
E 101-42200-383	Gas Utilities		\$262.69		
E 101-43100-383	Gas Utilities		\$1,906.49		
E 101-45200-383	Gas Utilities		\$716.34		
E 601-49400-383	Gas Utilities		\$464.84		
E 602-49450-383	Gas Utilities		\$2,010.24		
E 101-49860-383	Gas Utilities		\$22.54		
E 601-49400-383	Gas Utilities		\$590.01		104 3RD AVE SE
E 601-49400-383	Gas Utilities		\$33.22		640 TACOMA BLVD
E 101-41940-383	Gas Utilities		\$163.96		318 ELM ST W
E 101-41940-383	Gas Utilities		\$723.56		310 ELM ST W
E 101-45500-383	Gas Utilities		\$454.32		314 ELM ST W
E 602-49450-383	Gas Utilities		\$35.07		406 2ND AVE SE
Total CENTER POINT			\$8,092.22		
<hr/>					
Paid Chk#	029093	3/25/2019	CITIZEN STATE BANK HSA ACCTS		
G 101-21718	HSA ACCOUNT		\$1,166.66		
Total CITIZEN STATE BANK HSA ACCTS			\$1,166.66		
<hr/>					
Paid Chk#	029094	3/25/2019	CITY OF WACONIA		
E 101-43100-437	Maintenance Contract		\$17,365.23	IVC4051	2019 SWEEPER
Total CITY OF WACONIA			\$17,365.23		
<hr/>					
Paid Chk#	029095	3/25/2019	CURFMAN TRUCKING & REPAIR INC		
E 101-43100-437	Maintenance Contract		\$2,775.00	C19V050	
Total CURFMAN TRUCKING & REPAIR INC			\$2,775.00		
<hr/>					
Paid Chk#	029096	3/25/2019	DELTA DENTAL		
G 101-21714	Dental Insurance		\$645.00		
Total DELTA DENTAL			\$645.00		
<hr/>					
Paid Chk#	029097	3/25/2019	DIEDRICK, TINA		
E 101-41110-331	Travel/Meeting Expense		\$124.98		MILEAGE
Total DIEDRICK, TINA			\$124.98		
<hr/>					
Paid Chk#	029098	3/25/2019	EMERGENCY RESPONSE SOLUTIONS		
E 101-42200-542	FD Equipment		\$373.22	12749	FIRE HOSE
otal EMERGENCY RESPONSE SOLUTIONS			\$373.22		
<hr/>					
Paid Chk#	029099	3/25/2019	FAHEY, TIM		
E 601-49400-432	Refund		\$127.40		OVERPAYMENT OF UTILITY BILL
Total FAHEY, TIM			\$127.40		
<hr/>					
Paid Chk#	029100	3/25/2019	HD SUPPLY WATERWORKS		

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			Check Amt	Invoice	Comment
E 601-49400-223	Repair/Maintenance Bldg/Ground		\$84.21	K264799	
Total HD SUPPLY WATERWORKS			\$84.21		
Paid Chk# 029101 3/25/2019 HEALTH PARTNERS					
G 101-21706	Hospitalization/Medical Ins		\$11,068.69		
Total HEALTH PARTNERS			\$11,068.69		
Paid Chk# 029102 3/25/2019 HECKSEL MACHINE INC					
E 602-49450-221	Repair/Maintenance Equipment		\$264.21	105613	
Total HECKSEL MACHINE INC			\$264.21		
Paid Chk# 029103 3/25/2019 KLEINBANK					
G 101-21718	HSA ACCOUNT		\$1,333.33		
Total KLEINBANK			\$1,333.33		
Paid Chk# 029104 3/25/2019 KNUJ					
E 101-41300-340	Advertising		\$104.02		
Total KNUJ			\$104.02		
Paid Chk# 029105 3/25/2019 KWIK TRIP INC.					
E 101-43100-212	Motor Fuels		\$22.51		
Total KWIK TRIP INC.			\$22.51		
Paid Chk# 029106 3/25/2019 LANO EQUIPMENT					
E 101-43100-212	Motor Fuels		\$25.90	32527	BOBCAT
E 101-45200-221	Repair/Maintenance Equipment		\$48.37	32592	3400
E 602-49450-221	Repair/Maintenance Equipment		\$31.69	32761	
E 602-49450-221	Repair/Maintenance Equipment		\$164.63	32921	WIPER ARM
E 101-43100-221	Repair/Maintenance Equipment		\$21.77	32958	BOBCAT FILTER
E 101-43100-221	Repair/Maintenance Equipment		\$83.92	32968	FILTER
Total LANO EQUIPMENT			\$376.28		
Paid Chk# 029107 3/25/2019 LMC INSURANCE TRUST					
E 101-41400-360	Insurance		\$60.07		
E 101-42200-360	Insurance		\$186.87		
E 101-43100-360	Insurance		\$40.04		
E 601-49400-360	Insurance		\$10.01		
E 602-49450-360	Insurance		\$10.01		
Total LMC INSURANCE TRUST			\$307.00		
Paid Chk# 029108 3/25/2019 LOFFLER BUSINESS SYS LLC					
E 101-41400-437	Maintenance Contract		\$210.81	3051213	
Total LOFFLER BUSINESS SYS LLC			\$210.81		
Paid Chk# 029109 3/25/2019 MARCO TECHNOLOGIES LLC					
E 101-41400-437	Maintenance Contract		\$87.50	INV6154241	CSP AGREEMENT
Total MARCO TECHNOLOGIES LLC			\$87.50		
Paid Chk# 029110 3/25/2019 MID COUNTRY BANK					

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DECEMBER 2018 to MARCH 2019

			Check Amt	Invoice	Comment
G 101-21718	HSA ACCOUNT		\$453.33		
	Total MID COUNTRY BANK		\$453.33		
Paid Chk# 029111	3/25/2019	MID-COUNTY CO-OP OIL ASSN			
E 101-43100-212	Motor Fuels		\$930.95	45179	WINTER DIESEL
	Total MID-COUNTY CO-OP OIL ASSN		\$930.95		
Paid Chk# 029112	3/25/2019	MINI BIFF			
E 101-45200-418	Other Rentals (Biffs)		\$122.91	A-103699	LEGION PARK
	Total MINI BIFF		\$122.91		
Paid Chk# 029113	3/25/2019	MINNESOTA VALLEY TESTING LAB			
E 601-49400-217	Lab Fees		\$93.00	964619	COLIFORM
	Total MINNESOTA VALLEY TESTING LAB		\$93.00		
Paid Chk# 029114	3/25/2019	MN DEPT OF LABOR & INDUSTRY			
E 101-41940-223	Repair/Maintenance Bldg/Ground		\$100.00		FOOD SHELF ELEVATOR
	Total MN DEPT OF LABOR & INDUSTRY		\$100.00		
Paid Chk# 029115	3/25/2019	MN DEPT OF PUB SAFETY ERC			
E 601-49400-433	Dues and Subscriptions		\$100.00		
E 602-49450-433	Dues and Subscriptions		\$100.00		
E 101-49860-433	Dues and Subscriptions		\$100.00		
	Total MN DEPT OF PUB SAFETY ERC		\$300.00		
Paid Chk# 029116	3/25/2019	NCPERS 855401LIFE INS			
G 101-21705	PERA Life		\$16.00		
	Total NCPERS 855401LIFE INS		\$16.00		
Paid Chk# 029117	3/25/2019	NUSS TRUCK & EQUIPMENT			
E 101-43100-221	Repair/Maintenance Equipment		\$21.57	7131946P	
	Total NUSS TRUCK & EQUIPMENT		\$21.57		
Paid Chk# 029118	3/25/2019	NYA TIMES			
E 101-41320-350	Print/Publishing/Postage		\$34.02	676938	ORD 317
E 101-43100-350	Print/Publishing/Postage		\$146.00	679093	SESONAL EMPLOYMENT
E 101-45200-350	Print/Publishing/Postage		\$146.00	679093	SESONAL EMPLOYMENT
	Total NYA TIMES		\$326.02		
Paid Chk# 029119	3/25/2019	OEM SERVICE CO, LLC			
E 101-43100-221	Repair/Maintenance Equipment		\$170.20	026572	BROKEN WING ARM
E 602-49450-221	Repair/Maintenance Equipment		\$42.55	026641	BLOWER CHUTE
E 101-43100-221	Repair/Maintenance Equipment		\$85.10	026642	P3 TAILGATE
	Total OEM SERVICE CO, LLC		\$297.85		
Paid Chk# 029120	3/25/2019	RUPP, ANDERSON, SQUIRES, PA			
E 101-41500-304	Legal Fees		\$391.00		
	Total RUPP, ANDERSON, SQUIRES, PA		\$391.00		

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			Check Amt	Invoice	Comment
Paid Chk#	029121	3/25/2019	SANTANDER		
E 275-42200-542	FD Equipment		\$24,967.01	2282918	
	Total SANTANDER		\$24,967.01		
Paid Chk#	029122	3/25/2019	STATE BANK OF HAMBURG		
G 101-21718	HSA ACCOUNT		\$533.33		
	Total STATE BANK OF HAMBURG		\$533.33		
Paid Chk#	029123	3/25/2019	SUN LIFE ASSURANCE COMPANY		
G 101-21707	Disability Insurance		\$744.58		
	Total SUN LIFE ASSURANCE COMPANY		\$744.58		
Paid Chk#	029124	3/25/2019	UNUM LIFE INSURANCE CO		
G 101-21715	Life Ins		\$64.68		
G 101-21715	Life Ins		\$55.55		
	Total UNUM LIFE INSURANCE CO		\$120.23		
Paid Chk#	029125	3/25/2019	VOIGT, TONY		
E 101-43100-331	Travel/Meeting Expense		\$64.96		MILEAGE
	Total VOIGT, TONY		\$64.96		
Paid Chk#	029126	3/25/2019	XCEL ENERGY		
E 101-41940-381	Electric Utilities		\$1,440.23		
E 101-42200-381	Electric Utilities		\$291.77		
E 101-42500-381	Electric Utilities		\$12.40		
E 101-43100-380	Street Lighting		\$3,968.51		
E 101-43100-381	Electric Utilities		\$599.37		
E 101-45200-381	Electric Utilities		\$676.54		
E 101-45500-381	Electric Utilities		\$972.44		
E 601-49400-381	Electric Utilities		\$436.13		
E 602-49450-381	Electric Utilities		\$3,102.77		
E 101-49860-381	Electric Utilities		\$400.13		
E 101-45200-381	Electric Utilities		\$16.06		710 RR
E 601-49400-381	Electric Utilities		\$4,578.62		104 3RD AVE SE
	Total XCEL ENERGY		\$16,494.97		
	10100 CHECKING		\$128,334.91		

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DECEMBER 2018 to MARCH 2019

Check Amt Invoice Comment

Fund Summary

10100 CHECKING

101 GENERAL FUND	\$84,400.85		
275 CAPITAL	\$24,967.01		
601 WATER FUND	\$7,744.08		
602 SEWER FUND	\$6,200.97		
603 STORM WATER UTILITY	\$3,400.00		
807 Escrow - Preserve 5	\$1,622.00		
	<hr/>		
	\$128,334.91		



TO: Mayor Diedrick and City Council Members
FROM: Steven Helget, City Administrator
DATE: March 25, 2019
SUBJECT: Chamber of Commerce Street Closing Request

Enclosed is letter and map from Karen Hallquist, Executive Director, NYA Area Chamber of Commerce, requesting certain segments of Elm Street be closed on May 18, 2019 for the 1st Annual Springfest Artisan Fair.

Suggested Motion:

Motion to approve the NYA Chamber of Commerce street closing request for the 1st Annual Springfest Artisan Fair.

Norwood Young America



To: Norwood Young America City Council
From: Stephanie Falkers, Senior Associate
Date: March 20, 2019
Subject: Comprehensive Plan Submittal

Comprehensive Plan Updates

The draft 2040 Comprehensive Plan was presented to the City Council at their March 11, 2019 hearing. During that meeting, additions to the plan were suggested by the Council or discussed by City Staff and the consultant team. The following changes have been made to the draft plan included within the Council’s packet.

Council Comment	Potential Historic Landmarks (Page 39) – The draft included 14 potentially historic sites within the community that were discussed and identified with the plan’s Advisory Committee. The Council has identified additional historic sites that will be added to the list. These sites are identified in the plan as areas that should be considered for preservation or enhancement. Additionally, it was noted that the Norwood Methodist Church identified on Page 38 had burned to the ground and should be removed from the plan.
Response	References to the Norwood United Methodist Church were removed. A total of 10 sites were added to the potentially historic sites list. The sites in bold below identify those that were added.

- Bank of Norwood (120 Union Street)
- **Carl Bachmann House (307 Shady Lane)**
- Church of the Ascension (323 Reform Street North)
- Clyde Henning House (114 Railroad Street)
- **CO-OP Store (223 Main Street E)**
- **Eric Pershon House (19 3rd Avenue NE)**
- George Bradley House (227 Park Place West)
- **Grivelli House (106 Main Street E)**
- Humboldt Lodge (*also called Masonic Lodge*) (10 3rd Avenue SE)
- Judge P.W. Morrison House (222 Morse Street)
- Larry and Elaine Pijahn House (320 Railroad Street)
- **Mau General Store (201 Main Street E)**
- **Meat Market (209 Main Street E)**

- **Old Bank Building (205 Main Street E)**
- **Old City Hall (24 2nd Avenue SE)**
- Palace Drug (224 Elm Street West)
- Paul's Funeral Home (124 Hill Street)
- Pavilion in Willkommen Park (21 Main Street)
- Peter Effertz House (510 Elm Street West)
- Peters Hall (123 Elm Street)
- **Singers Hall (101 3rd Avenue SE)**
- **St. John's Lutheran Church (101 2nd Avenue SE)**
- Sylvia Olson House (425 Elm Street West)
- Waetjen House (16 2nd Avenue SE)

Council Comment	5310 Bus (Page 69) – The draft does not address the City's 5310 bus that has been operating since the fall of 2017 within the transit discussion.
Response	The following paragraph was added to highlight existing 5310 Bus operations and future operation goals.

The City purchased a 15-passenger bus in the summer of 2017 using MnDOT's Section 5310 program, referred to as the "5310 Bus". Operation of the bus began in the fall of 2017, providing transit trips on a contract service basis for organizations and businesses within the City and greater region. As of the spring of 2019, the City had three contracts that account for 20 hours of service in 1 week. The 5310 Bus may also be contracted by residents and organizations for trips within the region. The service goal for the 5310 Bus is 32 hours per week.

Council Comment	Implementation Steps (Page 138) – The implementation chapter includes a step to, “Develop a downtown reuse plan or subarea study”. The City recently adopted its Downtown Redevelopment Plan which satisfies this step. The implementation step should be updated to implement the recommendations of the plan.
Response	The implementation step was updated to discuss the short and long-term recommendations of the Downtown Redevelopment Plan.

Implementation Step	Timeline	Responsible Agency/Department
<i>The action that will be taken over the next 20+ years.</i>	<i>When should the action be completed (on-going, short-term, or long-term)?</i>	<i>Who is primarily responsible for completing the action and who will assist (city departments, commissions, etc.)?</i>
Implement the short-term (2-3 years) and long-term (5-10 years) projects identified in the Downtown Redevelopment Plan.	Ongoing	All

Norwood Young America Planning Commission

The Norwood Young America Planning Commission held a public hearing on March 12, 2019 to review the draft Comprehensive Plan and provide a recommendation to the City Council. The changes discussed within this memo were discussed with the Planning Commission, in addition to the changes requested by MnDOT (see Attachment A) discussed at the March 11th Council Hearing. The Planning Commission unanimously passed a motion to recommend that the City Council authorize the submittal of the plan to the Metropolitan Council, subject to the inclusion of the changes discussed in this memo.

Suggested Motion

“Direct the City Administrator to distribute the Norwood Young America 2040 Comprehensive Plan to the Metropolitan Council by March 29, 2019 Pursuant to Minnesota Statutes section 473.864, with the inclusion of any comments received by affected and adjacent communities prior to submittal.”

Attachments:

Attachment A – MnDOT Comments

Attachment B - Resolution

Attachment A – MnDOT Comments

The following updates were made to the draft plan in response to comments received from MnDOT. Staff and the consultant team have updated the draft to respond to the received comments, including:

MnDOT Comment	The traffic volumes shown on page 68 in Table 19 for US 212 and MN 5 are from 2014 and 2015. Traffic volume information for these highways is also available for the years 2016 and 2017 via this link: http://mndotgis.dot.state.mn.us/tfa/Map . This more recent traffic volume data could be incorporated into Table 19 to provide a more current picture of traffic in the 2015-2016 timeframe.
Response	Table 19 was updated to include recent ADT and HCAADT volumes collected by MnDOT and Carver County. The changes to the table are highlighted in yellow in the “modified” table below. Figures 16 and 17 were also updated to include the revised volumes.

Original Table 19

Roadway	Segment	AADT	HCAADT	Percent
US TH 212	Western limits to MN TH 5	13,000 vpd	1,300 vpd	10.0%
	MN TH 5 to CSAH 33	11,700 vpd	1,200 vpd	10.2%
	CSAH 33 to Tacoma Avenue	11,300 vpd	1,150 vpd	10.2%
	Tacoma Avenue to Eastern limits	12,700 vpd	1,250 vpd	9.8%
MN TH 5	US TH 212 to CSAH 33	1,550 vpd	70 vpd	4.5%
	CSAH 33 to CSAH 34	4,100 vpd	135 vpd	3.3%
	CSAH 34 to Northern limits	6,100 vpd	220 vpd	3.6%

Modified Table 19

Roadway	Segment	AADT	HCAADT	Percent
US TH 212	Western limits to MN TH 5	13,100 vpd	1,700 vpd	13.0%
	MN TH 5 to CSAH 33	11,700 vpd	1,550 vpd	13.2%
	CSAH 33 to Tacoma Avenue	11,300 vpd	1,200 vpd	10.6%
	Tacoma Avenue to Eastern limits	12,700 vpd	1,350 vpd	10.6%
MN TH 5	CSAH 33 to CSAH 34	4,100 vpd	195 vpd	4.7%
	CSAH 34 to Northern limits	5,900 vpd	170 vpd	2.9%

**MnDOT
Comment**

Regarding the Future Roadway Concept on Figure 20 presented on page 79: It appears that the section of MN 5/25 where both highways run concurrently is shown as being realigned to the west as a new A Minor Arterial connection (dark blue dashed line). MnDOT anticipates that with the future roundabout at the intersection of MN 5 and CSAH 33, the north/south portion of MN 5/25 north of US 212 will remain as an A-Minor Arterial, as shown on Figure 14. However, there are no future MnDOT projects planned to create such a new alignment for MN 5/25. MnDOT suggests that the future roadway concept for this segment of MN 5/25 could be shown in Figure 20 as a green dashed line and labeled as a future major collector. This would also apply to the light blue dashed line that continues south at Railroad Street.

Response

Figure 20 was updated to reflect the functional classification as recommended by MnDOT. The original and modified versions are attached to this memo.

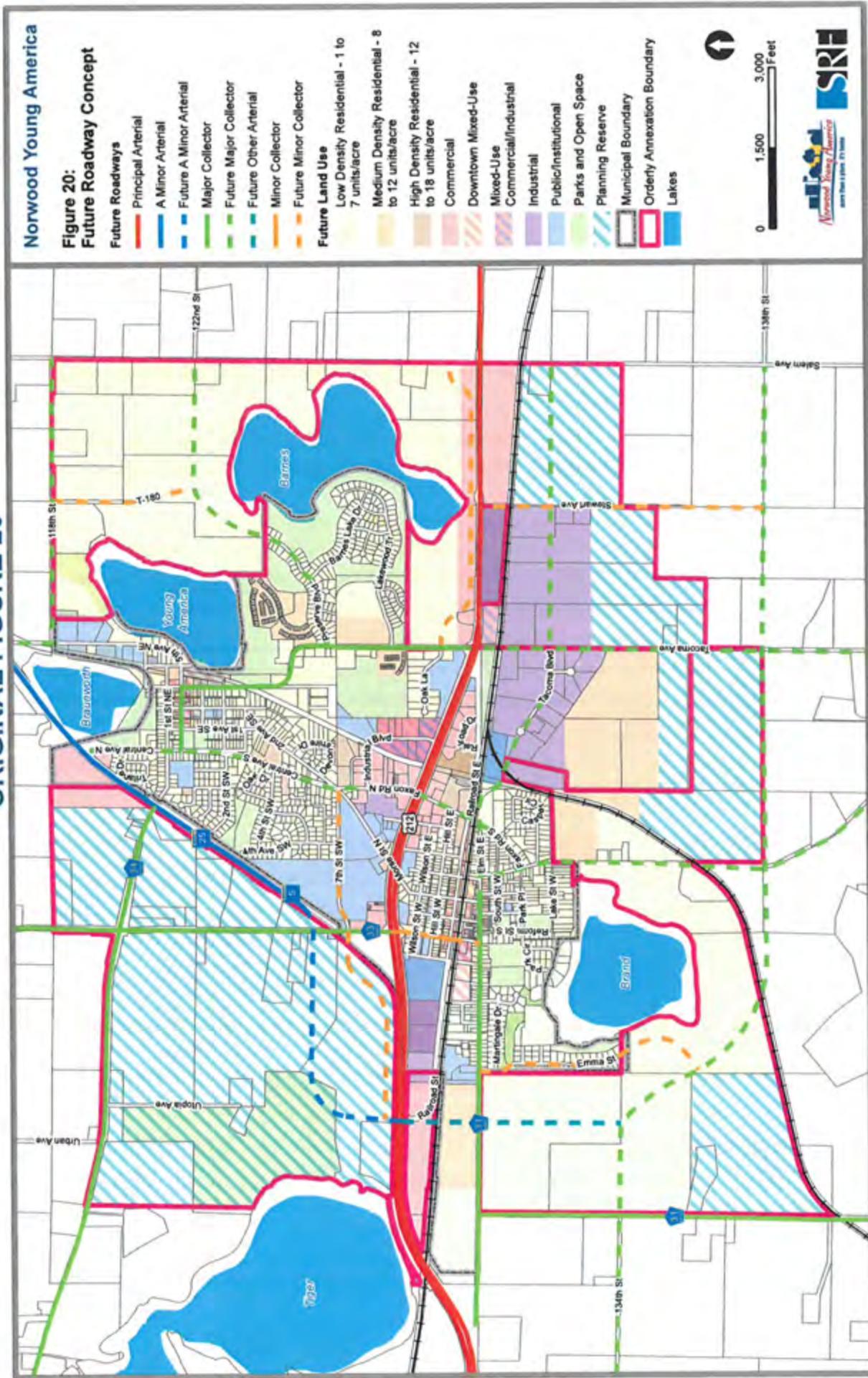
**MnDOT
Comment**

MnDOT suggests that the plan clearly identify the location of the planned pedestrian underpass under US 212. Currently, the plan says the underpass will be "near Morse Street." MnDOT recommends that the description of the underpass location reflects the currently proposed location, which is between Reform and Morse Streets.

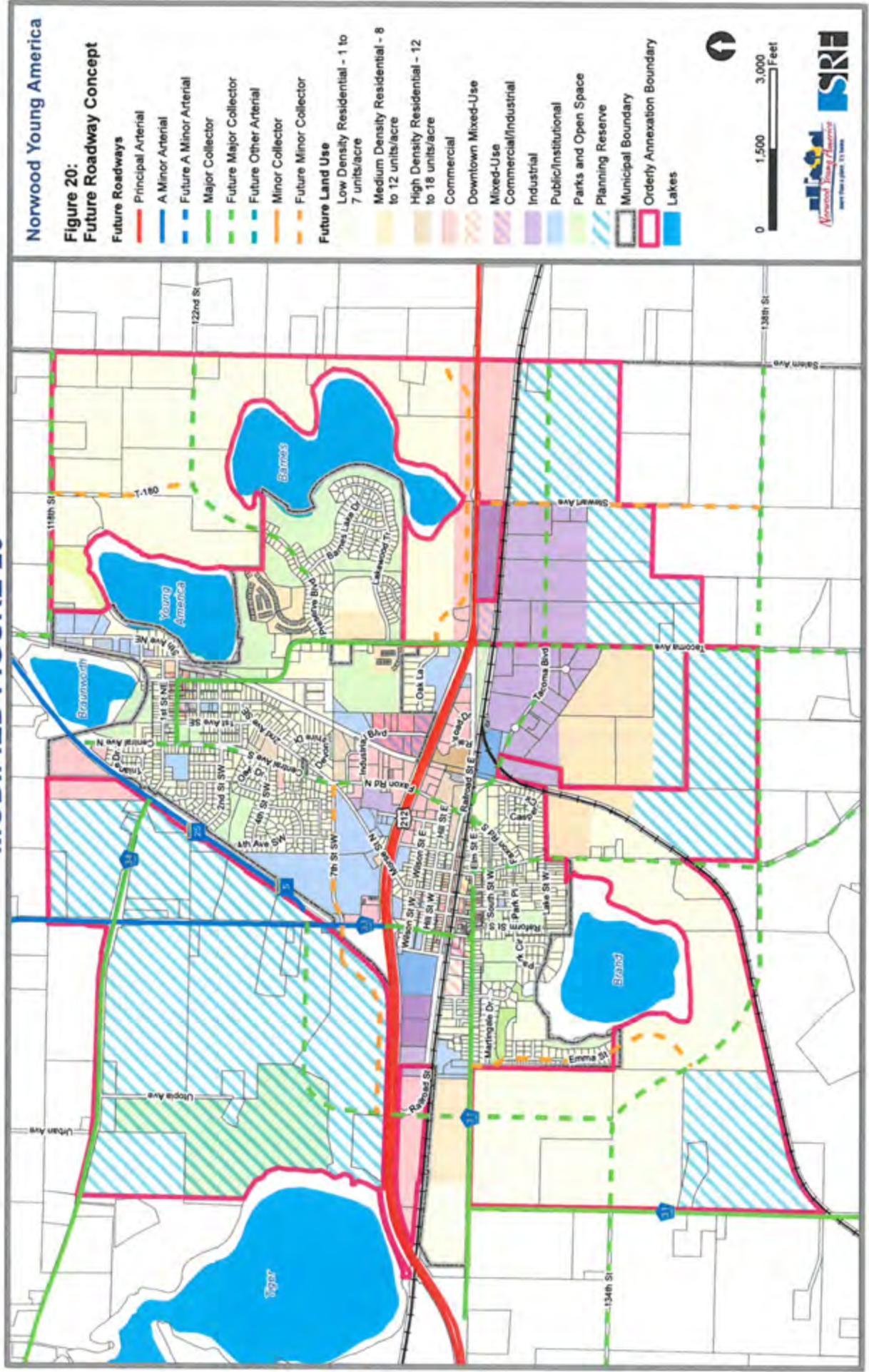
Response

The text was updated to identify the proposed location as "between Reform and Morse Streets". The proposed location shown on Figure 23 correctly identified the proposed location and no change was made.

ORIGINAL FIGURE 20



MODIFIED FIGURE 20



Norwood Young America

**Figure 20:
Future Roadway Concept**

Future Roadways

- Principal Arterial
- A Minor Arterial
- Future A Minor Arterial
- Major Collector
- Future Major Collector
- Future Other Arterial
- Minor Collector
- Future Minor Collector

Future Land Use

- Low Density Residential - 1 to 7 units/acre
- Medium Density Residential - 8 to 12 units/acre
- High Density Residential - 12 to 18 units/acre
- Commercial
- Downtown Mixed-Use
- Mixed-Use
- Commercial/Industrial
- Industrial
- Public/Institutional
- Parks and Open Space
- Planning Reserve

- Municipal Boundary
- Orderly Annexation Boundary
- Lakes



CITY OF NORWOOD YOUNG AMERICA

RESOLUTION NO. 2019-06

WHEREAS, Minnesota Statutes section 473.864 requires each local governmental unit to review and, if necessary, amend its entire comprehensive plan and its fiscal devices and official controls at least once every ten years to ensure its comprehensive plan conforms to metropolitan system plans and ensure its fiscal devices and official controls do not conflict with the comprehensive plan or permit activities that conflict with metropolitan system plans; and

WHEREAS, Minnesota Statutes sections 473.858 and 473.864 require local governmental units to complete their "decennial" reviews by December 31, 2018; and

WHEREAS, the Metropolitan Council granted the City an extension of the submittal deadline to March 29, 2019; and

WHEREAS, the City Council, Planning Commission, and the City/Town/County Staff have prepared a proposed Comprehensive Plan intended to meet the requirements of the Metropolitan Land Planning Act and Metropolitan Council guidelines and procedures; and

WHEREAS, pursuant to Minnesota Statutes section 473.858, the proposed Comprehensive Plan was submitted to adjacent governmental units and affected special districts and school districts for review and comment on OCTOBER 24, 2018, and the statutory six-month review and comment period will elapse on APRIL 24, 2019; and

WHEREAS, the Planning Commission has considered the proposed Comprehensive Plan and all public comments, and thereafter submitted its recommendations to this City Council; and

WHEREAS, the City conducted a public hearing on March 12, 2019 relative to the adoption of the proposed Comprehensive Plan; and

WHEREAS, the City Council has reviewed the proposed Comprehensive Plan and those recommendations, public comments, and comments from adjacent jurisdictions and affected districts; and

WHEREAS, Minnesota Statutes section 473.858 requires a local governmental unit to submit its proposed comprehensive plan to the Metropolitan Council following recommendation by the planning commission and after consideration but before final approval by the governing body of the local governmental unit; and

WHEREAS, based on its review of the proposed Comprehensive Plan and Planning Commission and staff recommendations, the City Council is ready to submit its proposed plan to the Metropolitan Council for review pursuant to Minnesota Statutes section 473.864.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NORWOOD YOUNG AMERICA, CARVER COUNTY, MINNESOTA, AS FOLLOWS:

1. The City Administrator is hereby directed to distribute said Comprehensive Plan to the Metropolitan Council by March 29, 2019 pursuant to Minnesota Statutes section 473.864.

Approved by the City Council this 25th day of March 2019.

Tina Diedrick, Mayor

ATTEST:

Steven Helget, City Administrator



TO: Mayor Diedrick and City Council Members
FROM: Steven Helget, City Administrator
DATE: March 25, 2019
SUBJECT: Social Media Policies

At the March 11th City Council meeting, the Council tabled their consideration of the proposed Social Media Policies.

Proposed is to consider adopting the enclosed Social Media Policy for City Staff, Council, and Commissions. In addition, proposed is to consider adopting the enclosed Social Media Policy for the Fire Department which has been reviewed by the Fire Chief and one of the other Chiefs with no changes recommended. Both policies are templates prepared by the League of MN Cities.

A further review of both Social Media Policies will be provided at the City Council meeting.

Suggested Motions:

Motion to approve the Social Media Policy for City Staff, Council, and Commissions.

Motion to approve the Social Media Policy for the Fire Department and Emergency Services.

Norwood Young America



SOCIAL MEDIA POLICY

City Staff, Council and Commissions

Purpose

Social networking in government serves two primary functions: to communicate and deliver messages directly to citizens and to encourage citizen involvement, interaction, and feedback. Information which is distributed via social networking must be accurate, consistent, and timely and meet the information needs of the City's customers. Since social media is used for social networking, this policy seeks to ensure proper use of the City of Norwood Young America's social media sites by its representatives.

The City of Norwood Young America wishes to establish a positive and informative social media presence. City representatives have the responsibility to use the City's social media resources in an efficient, effective, ethical and lawful manner pursuant to all existing City and departmental policies. This policy also provides guidelines and standards for city representatives regarding the use of social media for communication with residents, colleagues and all other followers.

Policy

The City of Norwood Young America will determine, at its discretion, how its web-based social media resources will be designed, implemented and managed as part of its overall communication and information sharing strategy. City social media sites may be modified or removed by the City at any time and without notice, as described in this document. Social media accounts are considered a City asset and administrator access to these accounts must be securely administered. The City reserves the right to shut down any of its social media sites or accounts for any reason without notice.

All social media websites created and utilized during the course and scope of an employee's performance of his/her job duties will be identified as belonging to the City of Norwood Young America, including a link to the City's official web site.

Scope

This policy applies to any existing or proposed social media web sites sponsored, established, registered or authorized by the City of Norwood Young America. This policy also covers the private use of the City's social media accounts by all City representatives including: employees, Council members, appointed board or commission members and all City consultants/contractors to the extent it affects the City. Questions regarding the scope of this policy should be directed to the City Administrator.

Definition

Social media are internet and mobile-based applications, websites and functions, other than email, for sharing and discussing information, where users can post photos, video, comments and links to other information to create content on any imaginable topic. This may be referred to as "user-generated content" or "consumer-generated media."

Social media includes, but is not limited to:

- Social networking sites such as Facebook, LinkedIn, Twitter, and online dating services/mobile apps
- Blogs
- Social news sites such as Reddit and BuzzFeed

- Video and photo sharing sites such as YouTube, Instagram, SnapChat, and Flickr
- Wikis, or shared encyclopedias such as Wikipedia
- An ever emerging list of new web-based platforms generally regarded as social media or having many of the same functions as those listed above

"Employees and Agents" means all City representatives, including employees, council members, commission members, and independent consultants or contractors.

Rules of Use

City employees and agents with administrator access are responsible for managing social media websites. All approved sites will be clearly marked as the City of Norwood Young America site and will be linked with the official City website (www.cityofnya.com). No one may establish social media accounts or websites on behalf of the City unless authorized in accordance with this policy. Administration of all social media sites must comply with applicable laws, regulations, and policies as well as proper business etiquette.

City social media accounts accessed and utilized during the course and scope of an employee's performance of his/her job duties may not be used for private or personal purposes or for the purpose of expressing private or personal views on personal, political or policy issues or to express personal views or concerns pertaining to City employment relations matters. No social media website may be used by the City or any City employee or agent to disclose private or confidential information. No social media site should be used to disclose sensitive information; if there is any question as to whether information is private, confidential or sensitive, contact the City Administrator or the League of MN Cities.

When using social media sites as a representative of the City, employees and agents will act in a professional manner. Examples include but are not limited to: adhering to all City policies and using only appropriate language. Be aware that content will not only reflect on the writer but also on the City of Norwood Young America as a whole, including elected officials and other city employees and agents. Make sure information is accurate and free of grammatical errors.

- Not providing private or confidential information, including names, or using such material as part of any content added to a site.
- Not negatively commenting on community partners or their services, or using such material as part of any content added to a site.
- Not providing information related to pending decisions that would compromise negotiations.
- Be aware that all content added to a site is subject to open records/right to know laws and discovery in legal cases.
- Always keep in mind the appropriateness of content.
- Comply with any existing code of ethical behavior established by the City.
- Social media should not be used as a mechanism for conducting official City business other than to informally communicate with the public.

Where moderation of comments is an available option, comments from the public will be moderated by City staff, with administrative rights, before posting. Where moderation prior to posting is not an option, sites will be regularly monitored by City staff.

City of Norwood Young America's staff with administrative rights will not edit any posted comments. However, comments posted by members of the public will be removed if they are abusive, obscene, defamatory, in violation of the copyright, trademark right or other intellectual property right of any third party, or otherwise inappropriate or incorrect. The following are examples of content that may be removed by City staff before or shortly after being published:

- Private, personal information published without consent;
- Comments and hyperlinks totally unrelated to the topic of the forum or discussion;

- Comments in support of, or opposition to, political campaigns and candidates; including but not limited to City official positions;
- Posts that include profanity, are defamatory or contain sexual content, abusive, discriminatory or demeaning, offensive or inappropriate, or depict unsafe activities;
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status in regards to public assistance, national origin, physical or mental disability, or sexual orientation;
- Posts that spam, solicit, advertise, promote or endorse any unauthorized commercial, political or organization.
- Our social media pages are not for the endorsement of third parties;
- Posts that contain threats, suggest violence or illegal behavior;
- Posts that include fraudulent, inaccurate, negative, libelous, false, or misleading information;
- Posting of information that may tend to compromise the safety or security of the public or public systems;
- Content that violates private or personal information release without consent;
- Content that violates a legal ownership or copyright of another party.
- Personal social media account names or email names shall not be tied to the City (eg, using your City email address when posting).
- To help prevent errors, elected officials should not post official information (eg, incorrect information about a new city ordinance) about the City as it could create liability issues.
- If a mistake is made, it should be corrected as soon as possible. Corrections should be upfront and as timely as possible. If you modify an earlier post, make it clear the posting has been corrected.
- Any contact by the media should follow the City communications protocols.

Remember that what you write or post is public, and will be so for a long time. It also may be spread to large audiences without your knowledge or permission. Refrain from sending or posting information – including images or icons – that you would not want your supervisor or other employees to read, or that you would be embarrassed to see in the newspaper or viewed by your parents, spouse, or loved ones.

Personal Social Media Use

The City of Norwood Young America respects employees and agents' rights to post and maintain personal websites, blogs and social media pages and to use and enjoy social media on their own personal devices during non-work hours. The City requires employees and agents to act in a prudent manner with regard to website and internet postings that reference the City of Norwood Young America, its personnel, its operation or its property. Employees, agents, and others affiliated with the City may not use a city brand, logo or other city identifiers on their personal sites, nor post information that purports to be the position of the City without prior authorization.

City employees and agents are discouraged from identifying themselves as city employees when responding to or commenting on blogs with personal opinions or views. If an employee chooses to identify him or herself as a City of Norwood Young America employee, and posts a statement on a matter related to City business, a disclaimer similar to the following must be used: "These are my own opinions and do not represent those of the City."

There may be times when personal use of social media (even if it is off-duty or using the employee's own equipment) may spill over into the workplace and become the basis for employee coaching or discipline. Examples of situations where this might occur include:

- Friendships, dating or romance between co-workers
- Cyber-bullying, stalking or harassment
- Release of confidential or private data; if there are questions about what constitute

- confidential or private data, contact the City Administrator
- Unlawful activities and misuse of city-owned social media
- Inappropriate use of the city's name, logo or the employee's position or title
- Using city-owned equipment or city-time for extensive personal social media use

Each situation will be evaluated on a case-by-case basis because the laws in this area are complex. If you have any questions about what types of activities might result in discipline, please discuss the type of usage with the City Administrator.

Data Ownership

All social media communications or messages composed, sent, or received on city equipment in an official capacity are the property of the City and will be subject to the Minnesota Government Data Practices Act. This law classifies certain information as available to the public upon request. The City of Norwood Young America also maintains the sole property rights to any image, video or audio captured while a City employee is representing the City in any capacity. The City retains the right to monitor employee's social media use on city equipment and will exercise its right as necessary. Users should have no expectation of privacy. Social media is not a secure means of communication.

Policy Violations

Violations of the Policy will subject the employee to disciplinary action up to and including discharge from employment.



SOCIAL MEDIA POLICY

Fire Department and Emergency Services

Purpose

The purpose of this policy is to protect nonpublic employee data, medical patients, the public, the operations of the Fire Department, and public confidence in the Fire Department and its employees. This policy is not intended to limit the right to freedom of speech or expression, but is intended to protect the rights of this organization, its members, and the public they are sworn to protect. Employees and volunteers are advised that their speech, directly or by means of instant technology either on or off duty and in the course of their official duties that has a connection to their professional duties and responsibilities, may not be protected speech under the First Amendment. Speech that impairs or impedes the performance of the Fire Department, undermines discipline and harmony among co-workers, or negatively affects the public perception of the Fire Department may be sanctioned.

This policy supplements the City's general social media policy in order to provide more specific guidance on unique Fire Department and EMS issues. To the extent that the policies contradict one another, the more specific guidance of the Fire and EMS policy should apply, unless otherwise specified.

Ownership of Work-Related Images

All photos, videos, digital images, or recordings taken by any employee or agent of the City of Norwood Young America while responding to any fire or other emergency or while engaged in any training are "work-related images" and are the property of the City of Norwood Young America. Work-related images include, but are not limited to, any written, auditory, and/or visual messages communicated via or on Fire Department resources or via or on personal devices and/or social media, videos, or pictures gathered while on Fire Department/City business.

Permission to Take Work-Related Images

Work-related images shall not be taken of any emergency response, training exercise, or fire except as permitted by policy or as directed by the City of Norwood Young America. All work-related images shall be taken using Fire Department-issued equipment, unless otherwise directed by the officer in charge of the scene. Work-related images taken by Fire Department employees using privately owned equipment are also governed by this policy.

Reasons for Taking Work-Related Images

Photos or other recordings may be taken to assist in the diagnosis or treatment of accident/fire victims. Such images should be forwarded to the appropriate medical care provider and then be deleted from Fire Department/City files. Work-related images, including recordings showing possible evidence of a crime, must be forwarded to law enforcement. Other work-related images used for internal, departmental purposes such as training or publicity shall be taken in a manner that minimizes the possibility of identifying accident victims.

Control and Dissemination of Work-Related Images

All work-related images shall be stored in the Fire Department's or city-designated computer system and be governed by the City's records management policies and procedures. Work-related images shall not be stored, retained, or disseminated in any manner by anyone other than the officer(s) appointed to review all images and approve retention, release, or dissemination and cannot be used for personal profit or business interests or to participate in personal political activity.

Professionalism and Public Confidence

The appearance of professionalism is important to public safety and the public's confidence and trust. Accordingly, an employee's personal use of social media shall not use any work-related images, department logos, or any images

which depict an employee in any uniform or in which the employee uses their job title or is otherwise identified as an employee of the department, without prior approval from an officer appointed to review all images and approve release and dissemination of such images. Similarly, in order to maintain the appearance of professionalism and public confidence, no employee shall post any material on any social media that is detrimental to the Fire Department/City's effective operation. Employees shall not disseminate protected, private, nonpublic, or confidential information including, but not limited to, the following:

- (a) Matters that are under investigation.
- (b) Patient and employee information protected by HIPAA/medical confidentiality laws.
- (c) Personnel matters/data that are protected from disclosure by law.

Definition

Social media are internet and mobile-based applications, websites and functions, other than email, for sharing and discussing information, where users can post photos, video, comments and links to other information to create content on any imaginable topic. This may be referred to as "user-generated content" or "consumer-generated media."

Social media includes, but is not limited to:

Social networking sites such as Facebook, LinkedIn, Twitter, and online dating services/mobile apps.

Blogs.

Social news sites such as Reddit and BuzzFeed.

Video and photo sharing sites such as YouTube, Instagram, SnapChat, and Flickr.

Wikis, or shared encyclopedias such as Wikipedia.

An ever-emerging list of new web-based platforms generally regarded as social media or having many of the same functions as those listed above.

Reporting Violations

Any employee becoming aware of or having knowledge of a posting or of any website or webpage in violation of this policy may anonymously report possible violations to any department officer or supervisor.

Policy Violations

Violation of this policy may be considered an extraordinary breach of the public's expectation of privacy and of Fire Department rules and regulations regarding the use of social media and may subject the offender to discipline and possible termination of employment.



TO: Mayor Diedrick and City Council Members
FROM: Steven Helget, City Administrator
DATE: March 25, 2019
SUBJECT: Spring Clean-Up Day

At the City Council regular March 11th meeting, the Council consented to not charging any fees for a residential drop-off and to also utilize roll-off dumpsters versus garbage trucks. As reported at the March 11th meeting, Randy's Environmental Services is not willing to provide roll-off dumpsters if the City wishes to use its Payloader to smash the junk down inside the dumpster. It has also been reported that Carver County will be holding their annual Special Waste Drop-Off Event on Saturday, May 18th from 8:00 a.m. to noon in the Central High School Parking lot.

The following is information relating Waste Management's fees, acceptable household waste/junk, possible event dates, and the proposed location for the spring clean-up day.

Roll-off Dumpster

30 yard dumpster @ \$470 per roll-off dumpster; 30 yards = 40.5 tons	=	\$1,880
Estimate will need 4 dumpsters at start of the event		
Landfill Rate: \$50 per ton plus 17% solid waste tax (Spruce Ridge Landfill)	=	\$9,477
Standby truck and driver: \$100 per hour	=	\$500
Estimated Cost:	=	\$11,857

Acceptable Household Waste/Junk:

1. Furniture Items (couches, chairs, tables, mattresses, box springs, etc.)
2. Remodeling Materials (siding, shingles, windows, dried out paint cans, drywall, carpet, etc.)
3. Push lawn mowers and other small lawn maintenance equipment (gas and oil drained out)

Unacceptable Items:

1. No appliances
2. No vehicles tires
3. No yard waste (grass clippings, shrubs, plants, tree limbs, leaves, garden waste, etc.)
4. No hazardous waste (paints, liquids, chemicals, batteries, asbestos materials, herbicides, pesticides)

Norwood Young America

Possible Dates: May 11, June 22 and 29

Location: Oak Grove north parking lot

Suggested Motion:

Motion to schedule with Waste Management to assist with the Spring Clean-up Day.



TO: Mayor Diedrick and City Council Members
FROM: Steven Helget, City Administrator
DATE: March 25, 2019
SUBJECT: Novel Energy Solutions Presentation

Rick Masloski, Novel Energy Solutions will be in attendance to provide a presentation on their community solar garden program and how it may benefit the City of Norwood Young America as a subscriber.

The following are some key items Mr. Masloski will mention during his presentation:

1. The maximum allowable size any new community solar garden is 1 megawatt
2. Each Community Solar Garden must have a minimum of 5 subscribers with no one subscriber accounting for more than 40% of the power generated
3. Base on the City's current Xcel Energy usage, the City would exceed 40% and so would have to be a subscriber to two community solar gardens in order to receive full benefit
4. Novel Energy Solutions is offering 5, 10, or 25 year contracts and is guaranteeing half cent to one cent savings per kilowatt hour for the entire term of the contract
5. Novel Energy Solutions is seeking subscribers for a community solar garden located in McLeod County which is scheduled to go on-line in April, 2019. They also will be developing another solar garden in McLeod County this year which is scheduled to go on-line before the end of 2019.

The following enclosures are included:

1. Norwood Young America Summary sheet
2. Star Tribune Article - "More cities across Minnesota are turning to renewable sources of energy"
3. Novel Energy Solutions PowerPoint Presentation - "Minnesota Community Solar Garden Program, March 11, 2019"

Suggested Motion:

This is an informational item so no motion is suggested.

Norwood Young America



612.345.7188
NovelEnergy.biz

1633 South Robert Street • Suite A • West Saint Paul, MN • 55118

Norwood Young America Summary (3/11/19)

Novel Energy Solutions (NES) Value of Solar (VOS) Program

- ❑ In 2013, Minnesota legislation directed Minneapolis-based utility, Xcel Energy, to create a program for community solar gardens (“CSGs”). The program is regulated by the MN Public Utility Commission
 - The current program is referred to as the Value of Solar (VOS) Program
 - Under the program Xcel Energy remains the customer’s electricity provider
 - Bill credits are issued on your Xcel Invoice based on your subscription amount
 - **NO Cost to the Subscriber**
- ❑ The Xcel VOS Bill Credit rate for 2018 projects is 9.76/kWh cents and will escalate each year for 25 years at a fixed rate of 2.27%.
- ❑ Customer's Subscription rate will **always be a half cent or 1 cent** below the VOS Bill credit rate thus **guaranteeing** a half cent or 1 cent/kWh savings
- ❑ Offering Options
 - One cent/kWh discount: 10-year contract, 2-year replacement period, NES finds replacement, extends to 25 years
 - Half cent/kWh discount: 5-year contract, 2-year replacement period, NES finds replacement, extends to 25 years
- ❑ Locally owned Minnesota made company, offices in Rochester and St. Paul, MN
- ❑ One of the largest CSG developers in the country with over 100 MW of CSGs developed
- ❑ Can be an important marketing tool, now and particularly in the future as more pressure is put on organizations for environmental leadership
- ❑ **Subscribing to 550,000 kWhs at 1 cent/kWh will produce an estimated annual savings of over \$5,000/year**



Winona, MN (350kW)

More cities across Minnesota are turning to renewable sources of energy

Solar, wind and hydro fill increasing roles in municipal power grids

By **Matt McKinney** Star Tribune staff

JUNE 23, 2018 — 7:39PM



Aaron Lavinsky, Star TribuneA 220-kilowatt solar array powers the St. Cloud Wastewater Treatment Plant, along with a biodigester that turns sewage into energy.

Text size

ST. CLOUD – The sewage plant in this city does something even a non-engineer might find remarkable: It makes so much of its own energy that on some days, when the sun shines bright, the plant’s managers don’t need to buy electricity.

Instead, they sell it.

That’s despite the fact that such plants are notorious energy hogs, burning up the equivalent of a small neighborhood’s monthly electrical use every single day to move and clean city water.

In St. Cloud, though, a pair of powerful solar arrays and a state-of-the-art biodigester that turns sewage into electricity, heat and fertilizer sometimes generate more power than the plant can use.

That happened for the first time on April 12 of last year. Since then, it's happened on 30 additional days, most recently on June 5.

Those "net zero" days in St. Cloud are among a wave of positive anecdotes from municipalities across the state about early efforts to adopt renewable energy. Driven by favorable economics and, to a lesser extent, constituent proddings, many cities have turned to solar and other renewables so quickly that even the people pushing for the change say they're surprised.

"It comes down to how can you say 'no' to saving money and doing something for the environment," said Abby Finis, senior energy planner with the [Great Plains Institute](#) of Minneapolis.

That momentum was driven by the state's 2007 renewable energy standard and solar energy laws passed in 2013 that require public utilities to generate 1.5 percent of electricity from solar by 2021, said Matt Privratsky of Fresh Energy, a Minnesota nonprofit that advocates for renewables.

Solar has grown so quickly in Minnesota, in fact, that between 2016 and 2017 the amount of solar power produced didn't just double or triple, but grew by a factor of 72, according to the Minnesota Department of Commerce. That was enough to raise solar power from .03 percent of all electricity generated in the state in 2016 to 1.2 percent a year later.

The surge has prompted several Minnesota city governments, including [Minneapolis](#), to set bold goals to go 100 percent renewable by a set date.

Of the municipalities racing to get there, St. Cloud may be the leader. Its subscriptions to solar gardens and use of geothermal and conservation measures have it claiming an 83 percent renewable rate for the city government. (This does not include private homes or businesses.)

"Our goal was to be aggressive because we knew what the potential was, particularly in the area of solar," said St. Cloud Mayor Dave Kleis.

As recently as 2014, the city government used just 5 percent renewables for its electrical demand, but that was also the year that the St. Cloud utilities department laid plans to dramatically improve the sewage plant's efficiency. Those plans soon spread across other city departments, and with Xcel Energy's help, St. Cloud began a comprehensive review of energy use.

The city has since subscribed to 32 solar gardens — at least 20 commissioned last year alone — for a total of 23 million kilowatt-hours of solar energy, or enough to meet about three-quarters of demand.

Solar panels were also installed on the roof of the police headquarters, a fire station, a senior center and three other city buildings. A conversion to LED helped cut in half electrical use for streetlights between 2015 and 2017. Efficiencies at the sewage plant lowered its power demands as the new biodigester and solar panels came online. The public transportation system, meanwhile, converted nearly two-thirds of its bus fleet to compressed natural gas. That lowers carbon emissions and has saved St. Cloud Metro Bus about \$450,000 in fuel costs over the past three years.

The savings from the solar garden subscriptions alone amount to \$28 million over 25 years, according to a city analysis. The sewage plant spends about \$400,000 a year less for electricity, money that for 14 years will go to pay a bond issued for the solar panels and biodigester. After that, the city can keep the savings.

And none of these calculations include the city's long-running hydroelectric plant, which generates nearly twice as much electricity as the city needs every day. All of that power goes to Xcel Energy for use on the grid, so the city hasn't considered it in their renewables calculations.

Renewables elsewhere

Few cities in Minnesota can match St. Cloud, but Minneapolis might come closest, where measures already underway will push the city government's use of renewables to about 65 percent by the end of this year.

St. Paul stands at about 25 percent renewable and has subscribed to solar gardens that, once built and put online, will raise the city's number closer to 50 percent. Among other large cities: Mankato will hit 52 percent by next year, Rochester is at about 17 percent and Duluth about 14.

"It's not just the right thing to do, it actually makes a lot of sense financially to do it," said Alison Zelms, Mankato's deputy city manager. Her city will save \$273,000 a year starting in 2019 thanks to subscriptions to solar gardens, a pair of city-owned solar arrays and a suite of conservation measures that include installing LED lights.

Smaller cities have switched to renewables, too. In Red Wing, the city government approved solar garden subscriptions in 2016 that would cover 100 percent of municipal demand. So far, about 40 percent of the gardens have been built, enough for the city to save about \$33,000 on its power bill last year. Once all the gardens are online, the city expects to save \$6.6 million over 25 years.

Meanwhile, a five-megawatt solar garden that went online in February 2017 helps power the Red Wing School District, which expects to save \$7.7 million over 25 years.

In Inver Grove Heights, City Administrator Joe Lynch said his city both subscribed to solar gardens and installed rooftop solar on city buildings, eventually finding that the latter didn't deliver the predicted savings while the solar gardens did. He said conversations are now underway about how to raise their renewable electricity rate of about 48 percent, perhaps by saying 'yes' to one of the solar vendors who call him pitching more solar gardens.

"We're being petitioned regularly," said Lynch.

In Woodbury, the city's subscriptions to solar gardens are expected to deliver about \$67,000 a year in savings, or about \$1.69 million over the life of a 25-year contract. The city recently signed up for more solar gardens and expects to have about 70 percent of its electrical demand matched by its subscriptions.

"Everybody has been really happy with the way that this is going," said Jen McLoughlin, the city's sustainability specialist. "We are seeing the savings."

The city installed its own solar panels on the public safety building, but analysis continues on whether that's a better move than joining more solar gardens, said McLoughlin.

Activism vs. economics

For cities making the plunge into renewables, the economics have often been at the center of the argument. Plummeting costs for wind and solar energy make it about the cheapest way to keep the lights on at City Hall. Some of the solar farms and wind stations also generate lease payments and property taxes that, in places like Jackson County, in the wind-rich region of southwest Minnesota, contribute a substantial amount to local government's bottom line.

But on top of the talk of dollars and cents are creative campaigns by environmentalists who want to push their cities to move faster.

One of the most successful projects has been led by kids like Olya Wright, 12. Last year, Wright, along with other members of a nature group she started, delivered bad news to her City Council in Grand Marais. Using a questionnaire and directions she took from the youth environmental group iMatter, based in St. Louis Park, Wright told the City Council that she had assessed its environmental efforts and determined that they were nearly failing.

"They got a grade," Wright said recently from her home in Grand Marais. "It was a D-plus."



more than a place. it's home.

Minnesota Community Solar Garden Program

March 11, 2019



Executive Summary

- ❑ In 2013, Minnesota legislation directed Minneapolis-based utility, Xcel Energy, to create a program for community solar gardens (“CSGs”). The program is regulated by the MN Public Utility Commission
 - The current program is referred to as the Value of Solar (VOS) Program
 - Under the program Xcel Energy remains Norwood Young America’s electricity provider
 - Bill credits are issued on your Xcel Invoice based on your subscription amount
 - **NO Cost to the Subscriber**
- ❑ The Xcel VOS Bill Credit rate for 2018 projects is 9.76 cents/kWh and will escalate each year for 25 years at a fixed rate of 2.27%. **Norwood Young America’s Subscription rate will always be 1 cent below the VOS Bill credit rate thus guaranteeing a 1 cent/kWh savings.**
- ❑ **Assuming a Subscription amount of 550,000 kWhs at 1 cent/kWh-- will produce an estimated annual savings of over \$5,000/year**
- ❑ Offering Options
 - One cent/kWh discount: 10-year contract, 2-year replacement period, NES finds replacement, extends to 25 years
 - Half cent/kWh discount: 5-year contract, 2-year replacement period, NES finds replacement, extends to 25 years
- ❑ Norwood Young America will be taking a leadership role in the community in demonstrating it’s support for the environment



Community Solar is an opportunity to save money over the next 25 years, help protect the environment and support local business

About Novel Energy Solutions (NES)

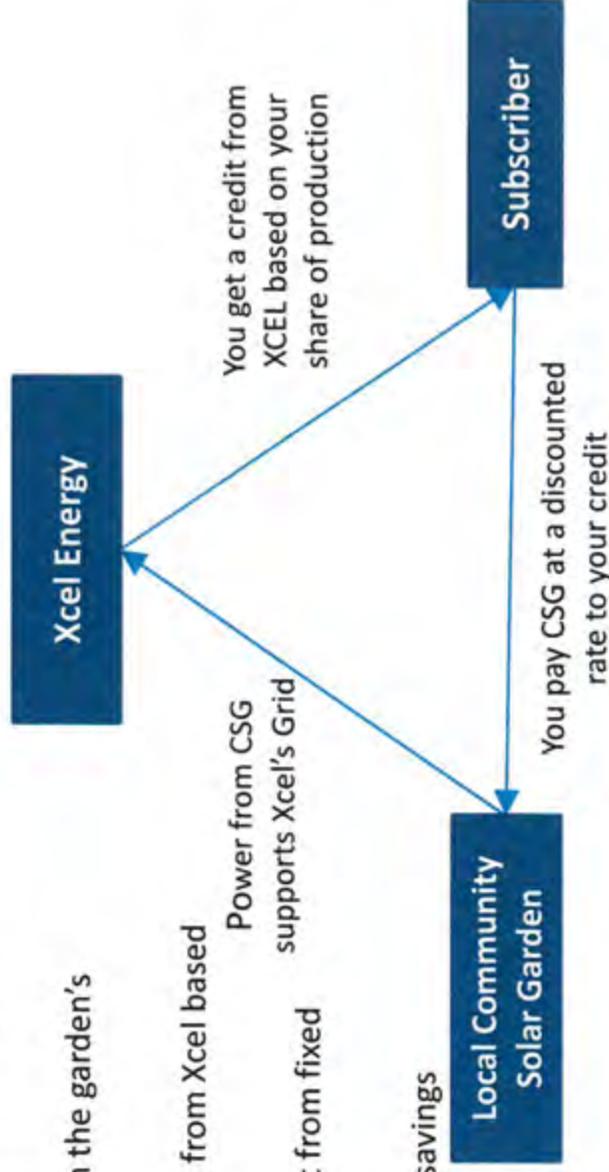
- ❑ Leading Minnesota integrated energy management company which includes complementary businesses-- community solar garden development, solar project construction, solar project finance and energy conservation
- ❑ Founded in 2011 by Cliff, Ralph and Mena Kaehler. The Kaehler family are active farmers (Purebred cattle) with over a hundred and thirty years of history in the southern Minnesota area.
- ❑ Novel Energy Solutions (“NES”) are leaders in the Minnesota solar market
 - NES/MNCS developed first 4 community solar gardens in Xcel program
 - One of the largest CSG developers in the country with over 100 MW of CSGs developed
 - NES is founded on providing profitable, reliable energy solutions to agricultural communities
 - Locally owned Minnesota made company with it's office in St. Paul, MN



Buhl Hog Farm (250 KW)

Community Solar Garden Program

- ❑ The Community Solar Garden model aims to combine the environmental and cost benefits of large scale solar energy production with the individual cost savings of rooftop or ground mount direct solar generation
- ❑ Participating local businesses, organizations and residents can manage electric costs with no upfront investment and no production risk
- ❑ In 2013, Minnesota legislation directed Minneapolis-based utility, Xcel Energy, to create a program for community solar gardens ("CSGs"). The program is regulated by the MN Public Utility Commission
 - Each CSG must have a minimum of five subscribers with no one subscriber accounting for more than 40% of generation
 - CSG subscribers must be located in the garden's county or adjacent counties
 - CSG subscribers receive bill credits from Xcel based on their subscription size
 - Subscribers to NES gardens benefit from fixed electricity rates savings
 - NES Subscription anticipated 10% savings



Subscription Opportunity

Subscription Pricing

- Opportunity to lock in Savings**
 - The 2018 VOS bill credit is \$0.0976/kWh with annual escalation of 2.27%
 - Subscription rate for the first year is set based on a one cent/kWh discount to the VOS rate on the commercial operations date of the applicable CSG
 - **In future years the subscription rate WILL always remain one cent below the VOS bill credit rate.**
 - Billing is monthly with an annual true up, Norwood Young America will only pay for electrical credits actually received

Additional Benefits

- Creates environmental marketing opportunities**
 - Norwood Young America can support green energy AND lower electricity rates
 - Can be an important marketing tool, now and particularly in the future as more pressure is put on organizations for environmental leadership

Other Terms

- Assignment and Termination**
 - Allows assignment of contract to new subscriber at limited, administrative charge
 - Lowered termination fees in the event of moving business and no termination fees if terminated due to NES fault

Flexibility

- NES is open to discussing Norwood Young America's needs and priorities and creating a custom subscription solution**

Value of Solar Estimated Annual Savings—550,000 kWh

Year	Project Total Energy Production (kWh)	Subscriber Energy Production (kWh)	Bill Credit Rate (\$/kWh)	Estimated Total Bill Credit (\$/yr)	Subscription Rate (\$/kWh)	Subscription Payments (\$/yr)	Subscription Payments (\$/mo)	Estimated Annual Savings
1	1,785,000	550,000	\$0.09760	\$53,680	\$0.08760	\$48,180	\$4,015	\$5,500
2	1,776,075	547,250	\$0.09980	\$54,616	\$0.08980	\$49,143	\$4,095	\$5,473
3	1,767,195	544,514	\$0.10210	\$55,595	\$0.09210	\$50,150	\$4,179	\$5,445
4	1,758,359	541,791	\$0.10440	\$56,563	\$0.09440	\$51,145	\$4,262	\$5,418
5	1,749,567	539,082	\$0.10670	\$57,520	\$0.09670	\$52,129	\$4,344	\$5,391
6	1,740,819	536,387	\$0.10920	\$58,573	\$0.09920	\$53,210	\$4,434	\$5,364
7	1,732,115	533,705	\$0.11170	\$59,615	\$0.10170	\$54,278	\$4,523	\$5,337
8	1,723,454	531,036	\$0.11420	\$60,644	\$0.10420	\$55,334	\$4,611	\$5,310
9	1,714,837	528,381	\$0.11680	\$61,715	\$0.10680	\$56,431	\$4,703	\$5,284
10	1,706,263	525,739	\$0.11940	\$62,773	\$0.10940	\$57,516	\$4,793	\$5,257
11	1,697,732	523,111	\$0.12210	\$63,872	\$0.11210	\$58,641	\$4,887	\$5,231
12	1,689,243	520,495	\$0.12490	\$65,010	\$0.11490	\$59,805	\$4,984	\$5,205
13	1,680,797	517,893	\$0.12770	\$66,135	\$0.11770	\$60,956	\$5,080	\$5,179
14	1,672,393	515,303	\$0.13060	\$67,299	\$0.12060	\$62,146	\$5,179	\$5,153
15	1,664,031	512,727	\$0.13360	\$68,500	\$0.12360	\$63,373	\$5,281	\$5,127
16	1,655,711	510,163	\$0.13660	\$69,688	\$0.12660	\$64,587	\$5,382	\$5,102
17	1,647,432	507,612	\$0.13970	\$70,913	\$0.12970	\$65,837	\$5,486	\$5,076
18	1,639,195	505,074	\$0.14290	\$72,175	\$0.13290	\$67,124	\$5,594	\$5,051
19	1,630,999	502,549	\$0.14620	\$73,473	\$0.13620	\$68,447	\$5,704	\$5,025
20	1,622,844	500,036	\$0.14950	\$74,755	\$0.13950	\$69,755	\$5,813	\$5,000
21	1,614,730	497,536	\$0.15290	\$76,073	\$0.14290	\$71,098	\$5,925	\$4,975
22	1,606,656	495,048	\$0.15630	\$77,376	\$0.14630	\$72,426	\$6,035	\$4,950
23	1,598,623	492,573	\$0.15990	\$78,762	\$0.14990	\$73,837	\$6,153	\$4,926
24	1,590,630	490,110	\$0.16350	\$80,133	\$0.15350	\$75,232	\$6,269	\$4,901
25	1,582,677	487,659	\$0.16720	\$81,537	\$0.15720	\$76,660	\$6,388	\$4,877
Estimated Total Savings								\$129,558

Environmental Equivalencies of Your Subscription



82.6

Passenger vehicles
driven for one year



425,192

Pounds of coal
burned



67.8

Homes' electricity
use for one year



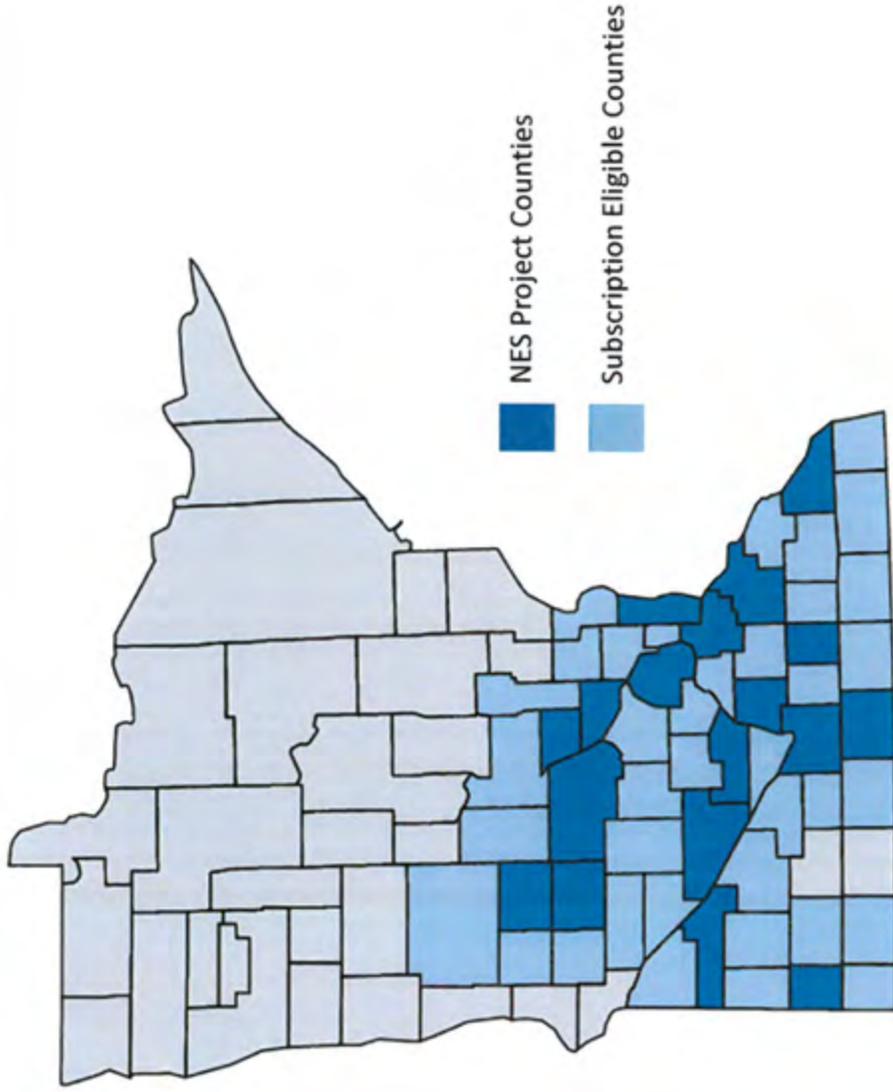
458

Acres of U.S. forest
in one year

Source: www.epa.gov/energy/greenhouse-gas-equivalencies-calculator

NES Project Locations

Project Counties
Benton
Blue Earth
Dakota
Douglas
Faribault
Goodhue
Hennepin
Le Sueur
Pipestone
Pope
Renville
Sherburne
Sibley
Stearns
Steele
Washington
Winona
Yellow Medicine



Contacts



Lead Contact:

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Additional Contact:

Cliff Kaehler, CEO
507-272-5401
cliff.kaehler@novelenergy.biz



TO: Mayor Diedrick and City Council Members
FROM: Steven Helget, City Administrator
DATE: March 25, 2019
SUBJECT: Review Nuisance Code

At the March 11th regular City Council meeting, the Council consented to review the City's current Nuisance Code. Enclosed is Chapter 6, Section 600 – Nuisances. Also enclosed is a copy of the current fee schedule for Nuisances and Administrative Penalties.

Suggested Motion:

If the City Council consents to a specific change(s) to the City Code it could elect to schedule a public hearing to consider an amendment to the City Code.

Norwood Young America

CHAPTER 6. NUISANCES

Section 600 – Nuisances

600.01 Public Nuisances Prohibition.

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

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

600.02 Public Nuisances Affecting Health.

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

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

600.03 Public Nuisances Affecting Morals And Decency.

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

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

600.04 Public Nuisances Affecting Peace And Safety:

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

- A. All snow and ice that is not removed from public sidewalks within twenty-four (24) hours after the snow or other precipitation causing the condition has ceased to fall;
- B. All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
- C. All wires and limbs of trees that are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
- D. Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person;
- E. All unnecessary and annoying vibrations;
- F. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under conditions as are permitted by this ordinance or other applicable law;
- G. Radio aërials or television antennae erected or maintained in a dangerous manner;
- H. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic and the free use of the street or sidewalk;
- I. All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by ordinance;
- J. The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to follow across any sidewalk;
- K. Any barbed wire fence located less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way;
- L. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- M. Wastewater cast upon or permitted to flow upon streets or other public properties;
- N. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other materials in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or other safety hazards from such accumulation;
- O. Any well, hole, or similar excavation that is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;
- P. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;
- Q. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances that may injure any person or animal or damage any pneumatic tire when passing over such substance;
- R. The depositing of garbage or refuse on a public right-of-way or on adjacent private property;
- S. Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one (1) footcandle when abutting any commercial or industrial parcel;
- T. Any storage container placed on a property outside of any enclosed building for more than fourteen (14) consecutive days. Storage containers include but are not limited to portable on demand storage (PODS), intermodal cargo containers, or similar types of equipment intended for temporary or long-term storage but not including lawful accessory buildings; and
- U. All other conditions or things that are likely to cause injury to the person or property of another.

610.01 Abatement Procedure.

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

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

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

Subd. 4 Immediate Abatement. Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety, or from immediately abating any of the conditions described in sections 600.02(E), (H) and 600.04(A), (D), (E), (H), (J), (M), and (P) if the city determines, in its discretion, that the public interest would be served by immediate abatement.

Subd. 5 Unlawful Parties or Gatherings. When law enforcement determines that a gathering is creating a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disburse immediately. No person shall refuse to leave after being ordered to do so by law enforcement. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

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

610.02 Recovery of Cost.

Subd. 1 Personal Liability. The owner of the premises on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed

and the cost determined, the city clerk or other city official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

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

610.03 Administrative Offense and Penalty.

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

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

- A. A statement that failure to take remedial action by the specified deadline will result in an administrative penalty for violation of the nuisance ordinance; and
- B. A statement that additional violations of the same or substantially similar offense within a 12 month period of the abatement deadline stated above will result in an automatic administrative fine, which shall be increased for each subsequent offense

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

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

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

Subd. 5 Subsequent Offenses. In the event a party is charged with a subsequent administrative offense within a 12-month period of paying an administrative penalty for the same or substantially similar offense, the subsequent administrative penalty shall be increased by 25% above the previous administrative penalty except when otherwise provided by ordinance. *(Amended by Ord. 242, 05-13-13)*

5th offense	100.00
6th offense	150.00
each additional offense increases in increments of \$50	
Sprinkling Ban Violation	
1st offense	Warning
2nd offense	50.00
3rd offense	100.00
each additional offense	200.00
Towing and Storage of Vehicles	
	Actual Cost
Nuisance Violation - rolling 12 month period	
1st offense	Warning
Offenses thereafter	administrative penalty + cost of abatement
Administrative Penalty	
1st offense	Warning
2nd offense	115.00
3rd offense	130.00
4th offense	150.00
each additional offense increases in increments of \$50	
Abatement Fees	
	Actual Cost

PLANNING - Application fees may require additional legal, engineering and associated costs.

Infrastructure Deposit (refundable)	Amount may be different based on development	900.00
Excavation Permit		Actual Cost
Fill Permit		Actual Cost
General Sign Permit (no plan review required)	60.00 permit + 1.00 surcharge	61.00
Residential Demolition Permit	100.00 permit + 1.00 surcharge	101.00
Commercial Demolition Permit	200.00 permit + 1.00 surcharge	201.00
Conditional Use Permit - Residential		200.00
Conditional Use Permit - Non-Residential		300.00
Interim Use Permit - Residential		200.00
Interim Use Permit - Non-Residential		300.00
Rezoning Application		350.00
Variance - Residential		200.00
Variance - Non-Residential		300.00
Street/Alley/Easement Vacation Application Fee		150.00
Annexation Application Fee		300.00
Storm Water Plan		250.00
Wetland Mitigation Plan	Fee + Escrow	100.00
Parking Reduction		100.00



TO: Mayor Diedrick and City Council Members
FROM: Steven Helget, City Administrator
DATE: March 25, 2019
SUBJECT: Schedule next Downtown Redevelopment Joint Meeting

Proposed is to schedule the next Downtown Redevelopment Joint Meeting. Proposed is to schedule the meeting for Wednesday, June 12, 2019 at 6:30 p.m.

Suggested Motions:

Motion to schedule the next Downtown Redevelopment Joint Meeting for 6:30 p.m., June 12, 2019.