

<p style="text-align: center;">LAUDERDALE CITY COUNCIL MEETING AGENDA TUESDAY, OCTOBER 10, 2000 CITY HALL, 7:30 P.M.</p>

The City Council is meeting as a legislative body to conduct the business of the City according to ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL. Unless so ordered by the Mayor, citizen participation is limited to the times indicated and always within the prescribed rules of conduct for public input at meetings.

1. CALL MEETING TO ORDER AT 7:30 P. M.

2. ROLL:

Councilmembers:

Gower _____	Christensen _____
Hawkinson _____	Gill-Gerbig _____
Mayor Dains _____	

Staff:

Adm. Rick Getschow _____

3. APPROVAL

- A. Approval of agenda
- B. Approval of the minutes of the 9/26/00 City Council Meeting
- C. Approval of claims totaling \$ 42,566.94

4. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL ON ITEMS NOT ON THE AGENDA

Any member of the public may speak at this time on any item NOT on the agenda. In consideration of the public attending the meeting for specific items on the agenda, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to four (4) minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue shall be continued under Additional Items at the end of the agenda. Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter any discussion without permission of the presiding officer. Your participation, as prescribed by the Council's ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL, is welcomed and your cooperation is greatly appreciated.

5. CONSENT

**6. SPECIAL ORDER OF BUSINESS/ RECOGNITIONS/ PROCLAMATIONS/
CITIZENS ADDRESSING THE 2000 STREET AND UTILITY IMPROVEMENTS**

7. INFORMATIONAL PRESENTATIONS

- A. 2000 Street and Utility Improvement Update
- B. Housing Programs and Initiatives (Rental Licensing)- Jeremiah Anderson,
City of Mounds View

8. PUBLIC HEARINGS

Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings, all affected residents will be given an opportunity to speak pursuant to the ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL.

9. ACTION

- A. Approval of Resolution 101000A: Recycling (SCORE) Grant Resolution
- B. Policies and Fees for the City Issuance of Revenue Bonds
- C. Approval of a Computer Purchase

10. REPORTS

11. DISCUSSION

- A. Assessment Policy- Deferred Assessments
- B. Draft Zoning Ordinance- Chapters 17-18

12. ITEMS REMOVED FROM THE CONSENT AGENDA

13. ADDITIONAL ITEMS

14. SET AGENDA FOR NEXT MEETING

15. ADJOURNMENT

**Lauderdale City Council
Meeting Minutes
September 26, 2000**

1. The meeting was called to order at 7:30 P.M.

2. ROLL

Council present: Gill-Gerbig, Gower, Hawkinson, Christensen , and Mayor Dains

Staff present: City Administrator Getschow

3. APPROVAL

A. Approval of Agenda. Motion by Christensen, second by Hawkinson to approve the agenda with the addition of 13 (A)- Political lawn signs. Roll: Yes: all. Motion carried.

B. Approval of Minutes. Motion by Gill-Gerbig, second by Gower to approve the minutes of the September 12, 2000 regular City Council meeting with the correction that the meeting started at 8:00 p.m. Roll: Yes: all. Motion carried.

C. Approval of Claims totaling \$ 56,866.09. Motion by Gill-Gerbig, second by Christensen to approve the claims totaling \$56,866.09. Roll: Yes: all. Motion carried.

4. OPPORTUNITY FOR THE PUBLIC TO ADDRESS ITEMS NOT ON THE AGENDA

5. CONSENT

6. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/
CITIZEN'S ADDRESSING THE 2000 STREET AND UTILITY
IMPROVEMENTS

7. INFORMATIONAL PRESENTATIONS

A. *Competitive Cable Franchises – Cor Wilson.* Cor Wilson, Executive Director of the North Suburban Telecommunications Commission (which serves ten cities in the Ramsey County area including Lauderdale in managing cable franchises), discussed competitive franchises. At least two other cable or telecommunications companies have approached the cities' requesting franchise agreements, which the Commission is reviewing and evaluating at this time.

Wilson discussed with the Council the timetable for the review and possible approval of these franchises. Included in the discussion were the city's concerns regarding the protection of the rights-of-way and the Lauderdale Right-of-Way Management Ordinance. There was also discussion regarding the composition of the North Suburban Telecommunications Commission and the North Suburban Access Corporation.

Further discussion or action on these other franchise agreements could be before the City Council as soon as November.

B. *Conduit Financing for Children's Home Society.* Diane Pauwee, of U.S. Bank and Piper Jaffray and representing the Children's Home Society, provided a presentation to the City Council requesting conduit financing from the City for the construction of a new headquarters for Children's Home at their Eustis Street location.

The conduit financing request involves the city issuance of approximately \$7 million in tax-exempt revenue bonds whereby the city is the conduit or "pass-through" in the bond deal. The bonds do not require an obligation of the City and assets of the City are not pledged.

8. PUBLIC HEARINGS

9. ACTION

A. *Middle Mississippi River Watershed Management Organization Levy Issue.* The City Administrator and Council member Gill-Gerbig stated that over the past year there has been some confusion between the State Department of Revenue and the Board of Water and Soil Resources on levy authority. These misunderstandings center on the authority of watershed to levy their separate sub-watersheds for separate projects as opposed to levying for the entire watershed.

The other watershed organizations and districts such as the Rice Creek Watershed District (RCWD) and the Capitol Region Watershed District (CRWD) in Lauderdale equally levies all property in the watershed for projects that may or may not occur in that city or sub-watershed. Based on a ruling by the State Department of Revenue, this is the process that the MMRWMO will be required to follow.

Lauderdale has direct representation on the Board of Commissioners and also has Lauderdale storm water related capital improvements in the overall MMRWMO watershed plan. This levy issue with the MMRWMO, along with recent boundary changes with other watersheds in the area, has created discussions on the continuing and possibly expanded role of Lauderdale in the MMRWMO.

Council members were asked to consider these changes and review the provided information, while staff prepares more detailed figures for all of the watershed levies and tax capacities in Lauderdale. The City Council can then decide on watershed membership and possible boundary adjustment before the end of the year.

B. Approval of Resolution 092600A: A Resolution affirming participation in the 2001 Metropolitan Livable Communities Act. Motion by Gill-Gerbig, second by Hawkinson to approve Resolution 092600A: A Resolution affirming participation in the 2001 Metropolitan Livable Communities Act. Roll: Yes: all. Motion carried.

10. REPORTS

11. DISCUSSION

A. 2001 Budget Discussion. The Council discussed a change to the City Code that would not take effect until 2002 regarding Mayor and City Council salaries. The Administrator will return a draft change to the ordinance at a later date.

A break was taken at 9:35 p.m. The meeting resumed at 9:45 p.m.

B. Refuse Collection Program. The City Council discussed the current ordinance regarding refuse and garbage collection and licensed haulers in the City. City Staff will continue to research aspects of an organized collection program. The Council discussed holding a town meeting on this issue in early 2001.

C. Draft Zoning Ordinance. Motion by Gill-Gerbig, second by Christensen to table discussion on the draft zoning ordinance until the October 10, 2000 meeting. Roll: Yes: all. Motion carried.

12. ITEMS REMOVED FROM THE CONSENT AGENDA

13. ADDITIONAL ITEMS

A. Political Lawn Signs. The Mayor requested that City Staff contact campaigns in the City to reinforce the city code provision that does not allow campaign signs to be placed in the right-of-way.

14. SET AGENDA FOR NEXT MEETING

1. Housing Presentation – Rental Licensing
2. Conduit Financing Request – Children’s Home Society
3. 2000 Improvements- Deferred Assessments
4. SCORE Grant Resolution
5. Draft Zoning Ordinance
6. Purchase of a new computer
7. Purchase GIS Software
8. Tax Rate Public Hearing and Resolution

15. ADJOURNMENT

Motion by Gill-Gerbig, second by Christensen to adjourn at 10:20 P.M. Ayes: All.

The City of Lauderdale

Claims for Approval

10/10/00 City Council Meeting

September 29, 2000 Payroll # 6759 - 6763	\$5,083.65
October 10, 2000 Claims # 14797 - 14819	\$37,483.29
Total Claims for Approval	\$42,566.94

28 Sep 2000
Thu 9:58 AM

*Paid Register
CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
PAYROLL DATE: SEPTEMBER 29, 2000
COUNCIL MEETING DATE: OCTOBER 10, 2000

Page 1

Check Number	Employee Number	Employee Name	Social Security Number	Pay Period	Pay Group Number	Pay Group Description	Check Amount	Check Date	Status
006759	000000011	BOWNIK, JAMES		20	01	BI-WEEKLY	852.28	29-Sep-00	Outstanding
006760	000000003	GETSCHOW, RICK		20	01	BI-WEEKLY	1,494.28	29-Sep-00	Outstanding
006761	000000030	GOYETTE, SHANNON		20	01	BI-WEEKLY	739.87	29-Sep-00	Outstanding
006762	000000002	HINRICHs, DAVID C		20	01	BI-WEEKLY	1,000.15	29-Sep-00	Outstanding
006763	000000005	HUGHES, JOSEPH A		20	01	BI-WEEKLY	997.07	29-Sep-00	Outstanding

Grand Total

5,083.65

6 Oct 2000
Fri 10:56 AM

* Paid Check Reg
CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
OCTOBER 10, 2000
CITY COUNCIL MEETING

Page 1

Check Invoice Number	Number	Name	Account Code	Comments	Transaction Amount
Check Number	14797	BOONESTROO, ROSENE, ANDERLIK			
14797	72795	BOONESTROO, ROSENE, ANDERLIK	410-48410-304	ENG: '00 ST/UTIL IMPROVE	50.00
14797	72796	BOONESTROO, ROSENE, ANDERLIK	410-48410-304	ENG: '00 ST/UTIL IMPROVE	1,820.24

Totals Check Number	14797	BOONESTROO, ROSENE, ANDERLIK			1,870.24
Check Number	14798	CINTAS			
14798	754138535	CINTAS	601-49000-425	PUB WORKS UNIFORMS	27.70
14798	754139872	CINTAS	601-49000-425	PUB WORKS UNIFORMS	27.70

Totals Check Number	14798	CINTAS			55.40
Check Number	14799	CITY OF FALCON HEIGHTS			
14799	10/10/00	CITY OF FALCON HEIGHTS	101-42200-323	09/00 FIRE INSPECTIONS	112.50

Totals Check Number	14799	CITY OF FALCON HEIGHTS			112.50
Check Number	14800	CITY OF ROSEVILLE			
14800	426	CITY OF ROSEVILLE	101-43400-306	4TH QTR '00 JNT POWERS	450.00

Totals Check Number	14800	CITY OF ROSEVILLE			450.00
Check Number	14801	EAST HENNEPIN AUTO SERVICE INC			
14801	10/10/00	EAST HENNEPIN AUTO SERVICE INC	101-43100-212	09/00 TRUCK FUEL	10.17
14801	10/10/00	EAST HENNEPIN AUTO SERVICE INC	601-49000-212	09/00 TRUCK FUEL	10.18

Totals Check Number	14801	EAST HENNEPIN AUTO SERVICE INC			20.35
Check Number	14802	EPA AUDIO VISUAL, INC			
14802	133012	EPA AUDIO VISUAL, INC	202-49500-530	SONY VCR: COUNCIL CHAMBER	498.82

Totals Check Number	14802	EPA AUDIO VISUAL, INC			498.82
Check Number	14803	ICMA RETIREMENT TRUST - 457			
14803	10/10/00	ICMA RETIREMENT TRUST - 457	101-21705	9/29/00 PAYROLL	571.40

Totals Check Number	14803	ICMA RETIREMENT TRUST - 457			571.40
Check Number	14804	KNOX LUMBER			

6 Oct 2000
Fri 10:56 AM

* Paid Check Reg
CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
OCTOBER 10, 2000
CITY COUNCIL MEETING

Page 2

Check Invoice Number	Number	Name	Account Code	Comments	Transaction Amount
Check Number	14804	KNOX LUMBER			
14804	0209466850	KNOX LUMBER	101-43100-228	SUPPLIES: FENCE AT GARAGE	21.96

Totals	Check Number	14804	KNOX LUMBER		21.96
Check Number	14805	LEAGUE OF MINNESOTA CITIES			
14805	10/10/00	LEAGUE OF MINNESOTA CITIES	101-41100-438	LMC DUES THRU 8/31/00	1,925.00

Totals	Check Number	14805	LEAGUE OF MINNESOTA CITIES		1,925.00
Check Number	14806	MINNESOTA AFSCME			
14806	10/10/00	MINNESOTA AFSCME	101-21709	09/00 UNION DUES	73.26

Totals	Check Number	14806	MINNESOTA AFSCME		73.26
Check Number	14807	MN DEPARTMENT OF REVENUE			
14807	10/10/00	MN DEPARTMENT OF REVENUE	101-21702	09/00 STATE TAXES	1,044.76

Totals	Check Number	14807	MN DEPARTMENT OF REVENUE		1,044.76
Check Number	14808	NORTH STAR STATE BANK			
14808	10/10/00	NORTH STAR STATE BANK	101-21703	09/00 FICA	4,016.22

Totals	Check Number	14808	NORTH STAR STATE BANK		4,016.22
Check Number	14809	NORTH STAR STATE BANK			
14809	10/10/00	NORTH STAR STATE BANK	101-21701	09/00 FED TAXES	2,656.33

Totals	Check Number	14809	NORTH STAR STATE BANK		2,656.33
Check Number	14810	NORTHERN STATES POWER			
14810	1174406002	NORTHERN STATES POWER	101-43200-381	09/00 STREET LIGHTING	421.87
14810	10/10/00	NORTHERN STATES POWER	101-43100-383	CITY HALL: GAS	19.57
14810	10/10/00	NORTHERN STATES POWER	601-49000-383	CITY HALL: GAS	6.52
14810	10/10/00	NORTHERN STATES POWER	101-43100-381	CITY HALL: ELECTRIC	132.14
14810	10/10/00	NORTHERN STATES POWER	601-49000-381	CITY HALL: ELECTRIC	44.05
14810	10/10/00	NORTHERN STATES POWER	101-43100-383	CITY GARAGE: GAS	8.58
14810	10/10/00	NORTHERN STATES POWER	601-49000-383	CITY GARAGE: GAS	8.58

6 Oct 2000
Fri 10:56 AM

* Paid Check Reg
CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
OCTOBER 10, 2000
CITY COUNCIL MEETING

Page 3

Check Invoice Number	Number	Name	Account Code	Comments	Transaction Amount
Check Number		14810 NORTHERN STATES POWER			
14810	10/10/00	NORTHERN STATES POWER	101-43100-381	CITY GARAGE: ELECTRIC	10.21
14810	10/10/00	NORTHERN STATES POWER	601-49000-381	CITY GARAGE: ELECTRIC	10.21
14810	10/10/00	NORTHERN STATES POWER	101-45200-383	CITY PARK: GAS	19.81
14810	10/10/00	NORTHERN STATES POWER	101-45200-381	CITY PARK: ELECTRIC	7.51

Totals Check Number		14810 NORTHERN STATES POWER			689.05
Check Number		14811 NORTHERN STATES POWER			
14811	10/10/00	NORTHERN STATES POWER	601-49000-381	LIFT STATION ELECTRIC	101.25
14811	10/10/00	NORTHERN STATES POWER	601-49000-383	LIFT STATION GAS	23.28

Totals Check Number		14811 NORTHERN STATES POWER			124.53
Check Number		14812 PARK SERVICE			
14812	10/10/00	PARK SERVICE	101-43100-212	09/00 TRUCK FUEL	65.54
14812	10/10/00	PARK SERVICE	601-49000-212	09/00 TRUCK FUEL	65.54

Totals Check Number		14812 PARK SERVICE			131.08
Check Number		14813 PUBLIC EMP RETIREMENT ASSSOC			
14813	10/10/00	PUBLIC EMP RETIREMENT ASSSOC	101-21704	9/29/00 PAYROLL	787.55

Totals Check Number		14813 PUBLIC EMP RETIREMENT ASSSOC			787.55
Check Number		14814 ST. ANTHONY VILLAGE			
14814	3730	ST. ANTHONY VILLAGE	101-42100-319	11/00 POLICE SERVICES	17,196.33

Totals Check Number		14814 ST. ANTHONY VILLAGE			17,196.33
Check Number		14815 SUPER CYCLE			
14815	175534	SUPER CYCLE	203-50000-389	09/00 RECYCLING	1,837.68

Totals Check Number		14815 SUPER CYCLE			1,837.68
Check Number		14816 US WEST COMMUNICATIONS			
14816	10/10/00	US WEST COMMUNICATIONS	101-41200-391	C.H. PHONE THRU 10/27/00	176.44
14816	10/10/00	US WEST COMMUNICATIONS	101-43100-391	C.H. PHONE THRU 10/27/00	31.00

6 Oct 2000
Fri 10:56 AM

* Paid Check Reg
CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
OCTOBER 10, 2000
CITY COUNCIL MEETING

Check Invoice				Transaction
Number	Number	Name	Account Code	Amount
Check Number 14816 US WEST COMMUNICATIONS				
14816	10/10/00	US WEST COMMUNICATIONS	601-49000-391	C.H. PHONE THRU 10/27/00 31.00
Totals Check Number 14816 US WEST COMMUNICATIONS				----- 238.44
Check Number 14817 W. BROWN LAND SURVEYING, INC.				
14817	86-00	W. BROWN LAND SURVEYING, INC.	410-48410-304	BOUND SURV: '00 ST/UTIL 1,130.00
14817	87-00	W. BROWN LAND SURVEYING, INC.	410-48410-304	BOUND SURV: '00 ST/UTIL 827.50
14817	91-00	W. BROWN LAND SURVEYING, INC.	410-48410-304	BOUND SURV: '00 ST/UTIL 550.00
14817	92-00	W. BROWN LAND SURVEYING, INC.	410-48410-304	BOUND SURV: '00 ST/UTIL 550.00
Totals Check Number 14817 W. BROWN LAND SURVEYING, INC.				----- 3,057.50
Check Number 14818 WALSH, WILLIAM P.				
14818	10/10/00	WALSH, WILLIAM P.	101-43400-310	PLUM INSP THRU 9/23/00 51.20
Totals Check Number 14818 WALSH, WILLIAM P.				----- 51.20
Check Number 14819 WALTER'S RUBBISH				
14819	10323542	WALTER'S RUBBISH	101-43100-384	4TH QTR '00 RUBBISH REMOV 53.69
Totals Check Number 14819 WALTER'S RUBBISH				----- 53.69
Grand Total				----- 37,483.29

City Council Memorandum

To: Mayor and City Council
From: Rick Getschow
Council Meeting Date: October 10, 2000
Agenda Item: Housing Presentation #2: Rental Licensing Program

BACKGROUND:

Jeremiah Anderson from the City of Mounds View will be in attendance at the meeting to continue a series of planned housing presentations regarding different housing programs and initiatives.

The research of housing programs and initiatives is a major goal of the city in 2000, and is a preface to the drafting of a Lauderdale Housing Policy.

The focus of this presentation is with the implementation and use of a Housing Code titled "Minimum Housing Standards for Dwellings and Multiple Dwellings" More specifically, Jeremiah will address the rental licensing and registration program that the City operates. It should be noted that the Lauderdale Housing Maintenance Code (found in your City Code under Title 9, Chapter 3) is similar in many respects to the Mounds View Code with two major exceptions:

- (1) Mounds View defines multiple dwelling for housing maintenance code purposes as 2 or more units, whereas Lauderdale currently defines multiple dwellings as 3 or more units.
- (2) Mounds View has a registration and inspection program in place for all 2+ housing units, whereas Lauderdale enforces its Code only on a response basis.

Enclosed in the packet is the relevant Code from Mounds View that deals with the program. Special attention should be paid to Sections 1005.12 through 1005.17.

ENCLOSURES:

1. City of Mounds View Housing Code

CHAPTER 1005

HOUSING CODE

SECTION:

- 1005.01: Short Title
- 1005.02: Purpose and Scope
- 1005.03: Definitions; Construction of Words
- 1005.04: General Installation and Maintenance Standards
- 1005.05: Health and Sanitation Standards
- 1005.06: Exterior and Structural Standards
- 1005.07: Interior Standards
- 1005.08: Basic Facilities Standards
- 1005.09: Lighting and Ventilation Standards
- 1005.10: Fire Safety Standards
- 1005.11: Rooming Houses
- 1005.12: Multiple Dwelling Registration
- 1005.13: Responsibility of Occupants
- 1005.14: Inspections
- 1005.15: Access by Owner to Rented Premises
- 1005.16: Enforcement of Provisions
- 1005.17: Violation and Penalties

1005.01: **SHORT TITLE:** This Chapter shall be called the *MINIMUM HOUSING STANDARDS FOR DWELLINGS AND MULTIPLE DWELLINGS* and may be cited as the Housing Code. (1988 Code §93.04)

1005.02: **PURPOSE AND SCOPE:**

Subd. 1. Purpose: The purpose of this Chapter is to protect the public health, safety and welfare of residents of the City by enacting a Housing Code which:

- a. Establishes minimum standards for basic equipment and facilities; for safety from fire; for safe and sanitary maintenance of all dwellings and multiple dwellings now in existence or hereafter in existence.
- b. Determines the responsibilities of owners, operators and occupants of dwellings and multiple dwellings.

c. Provides for administration, enforcement and penalties. (1988 Code §93.01)

Subd. 2. Scope: Every portion of a building or premises used or intended to be used for residential purposes, except rest homes, convalescent homes, nursing homes, hotels and motels, shall comply with the provisions of this Chapter, irrespective of when such building shall have been constructed, altered or repaired and any alterations thereof or changes of use therein, which may be caused, directly or indirectly, by the enforcement of this Code, shall be done in accordance with applicable Sections of the Building Code¹ and Zoning Code². (1988 Code §93.02)

Subd. 3. Application to PreExisting Dwellings and Multiple Dwellings: This Chapter establishes minimum standards for the initial and continued occupancy of all buildings and does not replace or modify standards otherwise established for the constructions, repair, alteration or use of building equipment or facilities. (1988 Code §93.03)

1005.03: **DEFINITIONS; CONSTRUCTION OF WORDS:**

Subd. 1. Construction of Words:

a. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

b. Where terms are not defined in this Section and are defined in the Building Code³ or Zoning Code⁴, they shall have the meanings ascribed to them in the Building Code or Zoning Code.

c. Where terms are not defined under the provisions of this Chapter or in the Building or Zoning Code, they shall have ascribed to them their ordinary accepted meanings and/or such as the context herein may imply.

Subd. 2. Definitions: Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, have the meanings indicated in this subdivision:

¹ See Chapter 1001 of this Title.

² See Title 1100 of this Code.

³ See Chapter 1001 of this Title.

⁴ See Title 1100 of this Code.

- a. **APPROVED:** As applied to a material, device or method of construction, shall mean approved by the enforcement officer under the provisions of this Chapter or approved by other authority designated by law to give approval in the matter in question.
- b. **BASEMENT:** That portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to floor below is less than the vertical distance from grade to ceiling.
- c. **BUILDING CODE:** The Building Code of the City of Mounds View, including any future amendments⁵, the Electrical Code⁶, Plumbing Code⁷, Mechanical Code, Fire Code⁸ and Zoning Code⁹.
- d. **CELLAR:** That portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to floor below is equal to or greater than the vertical distance from grade to ceiling.
- e. **DWELLING:** Any building or portion thereof which is designed or used primarily for residential purposes.
- f. **DWELLING UNIT:** Residential accommodation, including complete kitchen facilities, permanently installed, which are arranged, designed, used or intended for use primarily as living quarters for one family and not more than an aggregate of two (2) roomers or boarders.
- g. **ENFORCEMENT OFFICER:** An inspector of the Building Inspection Department or an authorized representative.
- h. **EXTERIOR PROPERTY AREAS:** Open space on the premises under the control of the owners or operators of such premises.

⁵ See Chapter 1001 of this Title.

⁶ See Chapter 1003 of this Title.

⁷ See Chapter 1004 of this Title.

⁸ See Chapter 1002 of this Title.

⁹ See Title 1100 of this Code.

- i. **EXTERMINATION:** The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their feed, by poison spraying, fumigating, trapping or by another recognized and legal pest elimination method.
- j. **FAMILY:** A group of one or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, hotel or motel.
- k. **GRADE:** The surface of the ground or surface ground after completion of any change in contour.
- l. **GROSS FLOOR AREA:** The sum of the horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of exterior walls or from the center line of walls separating two (2) buildings.
- m. **HABITABLE ROOM:** A room occupied by one or more persons used or intended for living, cooking, eating or sleeping purposes but does not include bathrooms, closets, water closet compartments, laundries, serving and storage pantries, corridors, cellars and spaces that are not used frequently or during extended periods.
- n. **INFESTATION:** The presence, within or contiguous to a multiple dwelling, dwelling unit, rooming house, rooming unit or premises, of insects, rodents, vermin or other pests.
- o. **MULTIPLE DWELLING:** A building or portion thereof containing two (2) or more dwelling units. (1988 Code §93.05)
- p. **NUISANCE**¹⁰: The word "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence as whatever is dangerous to human life or detrimental to health, whatever dwelling is overcrowded with occupants or is not provided with adequate ingress and egress to or from the same or is not sufficiently supported, ventilated, sewered, drained, cleaned or lighted, in reference to its intended or actual use, and whatever renders the air or human food or drink unwholesome and any other violation of any of the provisions of this Chapter, are also severally, in contemplation of this Chapter, nuisances, and all such nuisances are hereby declared illegal. (1988 Code §93.22)

¹⁰ See Chapter 604 of this Code for nuisance provisions.

q. **OCCUPANT:** Any person over one year of age living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

r. **OPENABLE AREA:** That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

- s. **OPERATOR:** Any person who has charge, care or control of a multiple residence or rooming house in which dwelling units or rooming units are let or offered for occupancy.
- t. **OWNER:** Owner or owners of the freehold of the premises or lessor estate therein, a mortgagor or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of a building, including their managers and agents.
- u. **PERSON:** An individual, firm, corporation, association or partnership.
- v. **PLUMBING or PLUMBING FIXTURES:** Water heating facilities, water pipes, gas pipes, garbage disposal units, water closets, waste pipes, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines or other similar equipment, catch basins, drains, vents or other similarly supplied fixtures, together with all connections to water, gas, sewer or vent lines.
- w. **PREMISES:** A lot, plot or parcel of land, including the building or structures thereon.
- x. **RESIDENCE BUILDING:** A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided.
- y. **ROOMING HOUSE:** Any residence building, or any part thereof, containing one or more rooming units in which space is let by the owner or operator to three (3) or more persons who are not husband or wife, son or daughter, mother or father or sister or brother of the owner or operator.
- z. **ROOMING UNIT:** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.
- aa. **SUPPLIED:** Installed, furnished or provided by the owner or operator.
- bb. **VENTILATION:** The process of supplying and removing air by natural or mechanical means to or from any space.
- cc. **WORKMANLIKE:** Whenever the words "workmanlike state of maintenance and repair" are used in this Chapter, they shall mean that such maintenance and repair shall be made in a reasonably professional manner.

dd. YARD: All ground, lawn, court, walk, driveway or other open space constituting part of the same premises as a residence building. (1988 Code §93.05)

1005.04: GENERAL INSTALLATION AND MAINTENANCE STANDARDS:

Subd. 1. All equipment, fixtures and all building space and parts in every dwelling and multiple dwelling shall be constructed, installed and maintained in workmanlike state of repair so as to properly and safely perform their intended function. All construction, installation and maintenance shall be performed in accordance with provisions of all applicable codes. All housing facilities shall be maintained in a clean and sanitary condition so as not to breed insects and rodents or produce dangerous or offensive gases or odors. (1988 Code §93.10)

Subd. 2. In carrying out any orders of the Building Inspector which involve structural changes, the work shall be done under the supervision of the Building Inspector, in accordance with this Chapter and laws and regulations relative thereto. The required permits must be obtained at the expense of the owner. (1988 Code §93.23)

1005.05: HEALTH AND SANITATION STANDARDS: No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit for the purpose of living therein or premises which does not comply with the following requirements: (1988 Code §93.06)

Subd. 1. Sanitation: All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.

Subd. 2. Grading and Drainage: All premises shall be graded and maintained so as to prevent the accumulation of stagnant water on said premises or within any building or structure located thereon¹¹.

Subd. 3. Noxious Weeds: All exterior property areas shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health¹². (Ord. 594, 4-14-97)

Subd. 4. Insect and Rodent Harborage: Every owner and occupant of a structure containing two (2) or more dwelling units shall be responsible for the extermination of insects, rodents, vermin or other pests in all exterior areas of the premises. Whenever infestation exists in the shared or public parts of the premises, extermination thereof shall be the responsibility of the owner. In the

¹¹ See Chapter 1302 of this Code for storm water management regulations.

¹² See also Section 607.03, Subd. 1(g) and Section 606.02.

case of a single-family structure, the occupant shall be responsible for the extermination of insects, rodents and vermin in all exterior property areas.

Subd. 5. Accessory Structures: All accessory structures, including detached garages, shall be maintained structurally sound and in good repair.

Subd. 6. Unoccupied Structures: The owner of every unoccupied dwelling or multiple dwelling shall be responsible for the maintenance of exterior property areas as required under the provisions of this Section 1005.04 of this Chapter. (1988 Code §93.06)

1005.06: **EXTERIOR AND STRUCTURAL STANDARDS:** No person shall occupy, as owner-occupant, or let to another for occupancy any dwelling or multiple dwelling, dwelling unit, rooming house, rooming unit or portion thereof which does not comply with the following requirements:

Subd. 1. Foundations, Walls and Roofs: Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair.

a. The foundation elements shall adequately support the building at all points.

b. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or brick and any other conditions which might admit rain or dampness to the interior portions of the walls or to the exterior spaces of the multiple dwelling.

c. The roof shall be tight and have no defects which admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls.

Subd. 2. Stairs, Porches, Railings, Sidewalks and Driveways:

a. Every outside stair, every porch and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting a load as determined in the Building Code¹³, and shall be kept in sound condition and good repair.

b. Every flight of stairs which is more than four (4) risers high shall have handrails which are to be so located as determined by the Building Code, and every porch which is more than eighteen inches (18") above grade shall have rails so located and capable of restraining a horizontal pressure as determined by the provisions of the Building Code.

¹³ See Chapter 1001 of this Title.

c. Every rail and balustrade must be firmly fastened and must be maintained in good condition.

d. Every sidewalk shall be maintained year around in good condition, free from snow and/or debris that might build up to cause a dangerous surface¹⁴.

e. Every driveway surface shall be maintained and of a material that will not erode due to surrounding conditions¹⁵.

Subd. 3. Windows, Doors and Hatchways:

a. Generally:

(1) Every window, exterior door and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.

(2) Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as complete to exclude rain and substantially to exclude wind from entering the dwelling or multiple dwelling.

b. Windows:

(1) Every window shall be fully supplied with window panes which are without open cracks or holes.

(2) Every window sash shall be in good condition and fit reasonably tight within its frame.

(3) Every window shall be supplied with properly fitting storm windows that are without cracks or holes. Such storms shall be kept in sound condition and repair. On every window, other than a fixed window, the owner shall or shall have installed such storm windows not later than November 1 of each year. Fixed windows shall have their storms installed at all times of the year.

(4) Every window, other than a fixed window, shall be supplied and fitted with properly fitting screens that are without holes or tears. Such screens shall be kept in sound condition and repair. On every window, other than a fixed window, the owner shall or shall have installed such screens not later than June 1 of each year.

¹⁴ See also Sections 604.03(3)a and o, 801.04(2) and 901.01 of this Code

¹⁵ See Section 902.05 of this Code.

(5) Windows supplied with combination windows shall have all screens and storms required by the construction of the combination windows installed at all times of the year. Such storms and screens shall meet all other requirements set forth in this Code, except those pertaining to the yearly date of installation.

(6) Every window, other than a fixed window, shall be capable of being easily opened and shall be held in an open or closed position by window hardware.

c. Doors:

(1) Every exterior door, door hinge and door latch shall be in good condition.

(2) Every exterior door shall close, open and fit properly within its frame.

(3) Every door available as an exit shall be capable of being opened from the inside, easily and without the use of a key.

d. Basement Hatchways: Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the dwelling or multiple dwelling. (1988 Code §93.07)

1005.07: **INTERIOR STANDARDS:** No person shall occupy, as owner-occupant, or let to another for occupancy any dwelling, multiple dwelling, dwelling unit, rooming house, rooming unit or portion thereof, for the purpose of living therein, which does not comply with the following requirements:

Subd. 1. Free from Dampness: All cellars, basements and crawl space shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.

Subd. 2. Structural Members: The supporting structural members shall be maintained structurally sound, that is, showing no evidence of deterioration and being capable of bearing imposed loads in accordance with the provisions of the Building Code.

Subd. 3. Interior Stairs and Railings:

a. All interior stairs shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe

to use and capable of supporting a load as determined by the provisions of the Building Code.

b. Every stairwell and every flight of stairs, which is more than four (4) risers high, shall have handrails or railings so located in accordance with the provisions of the Building Code.

c. Every handrail or railing must be firmly fastened and must be maintained in good condition. Properly balustraded railings capable of bearing normally imposed loads as defined by the Building Code shall be placed on the open portions of the stairs, balconies, landings and stairwells.

Subd. 4. Bathroom Floors: Every toilet room floor surface and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

Subd. 5. Sanitation: The interior shall be maintained in a clean and sanitary condition, free from accumulation of rubbish, garbage, junk or debris and no materials shall be stored in a manner that impedes free access to any window, door, or heating and other fixtures. No disconnected appliances, fixtures not in use or other items shall be allowed to accumulate or be stored on the premises. (Ord. 572, 2-26-96)

Subd. 6. Insect and Rodent Harborage:

a. Every owner of a structure containing two (2) or more dwelling units shall be responsible for the extermination of insects, rodents, vermin or other pests wherever infestation exists in two (2) or more dwelling units or in the shared or public parts of the structure.

b. The occupant of a dwelling unit in a dwelling or multiple dwelling shall be responsible for such extermination within the unit occupied by the occupant whenever the occupant's dwelling unit is the only one infected.

c. Notwithstanding the foregoing provisions of this subdivision, whenever infestation of rodents is caused or permitted by failure of the owner to maintain any dwelling or multiple dwelling in a rodent-proof condition, extermination of such rodents shall be the responsibility of the owner.

Subd. 7. Interior Walls, Floors, Ceilings and Woodwork: All interior walls, floors, ceilings and associated woodwork or trim must be maintained in a sound condition and in workmanlike repair. (1988 Code §93.08)

1005.08: **BASIC FACILITIES STANDARDS:** No person shall occupy, as owner-occupant, or let to another for occupancy any dwelling unit for the purpose of living, sleeping cooking or eating therein which does not comply with the following requirements:

Subd. 1. Water Closet: Every dwelling unit shall contain within its walls a room, separate from the habitable rooms, which affords privacy and which is equipped with a water closet.

- Subd. 2. Lavatory: Every dwelling unit shall contain a lavatory which, when a water closet is required, shall be in the same room with such water closet.
- Subd. 3. Bathtub or Shower: Every dwelling unit shall contain a room which affords privacy to a person in said room and which is equipped with a bathtub or shower.
- Subd. 4. Kitchen Sink: Every dwelling unit shall contain a kitchen sink apart from the lavatory requirement in subdivision 2 of this Section.
- Subd. 5. Connection to Water and Sewer System: Every kitchen sink, lavatory basin, bathtub or shower and water closet required under the provisions of this Section shall be properly connected to either a public water and sewer system or to an approved private water and sewer system and shall be supplied with hot and cold running water¹⁶.
- Subd. 6. Water Heating Facilities: Every dwelling unit shall have supplied water heating facilities which are installed in an approved manner, properly maintained and are properly connected with hot water lines and which are capable of heating and delivering water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facilities or other similar units at a temperature of not less than one hundred thirty degrees (130E) Fahrenheit at any time needed.
- Subd. 7. Heating Facilities: Every dwelling and multiple dwelling shall have heating facilities, and the owner of said heating facilities shall be required to see that said heating facilities are properly installed, safely maintained and in good working condition and that said facilities are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein to a temperature of at least sixty eight degrees (68E) Fahrenheit with an outside temperature of minus twenty degrees (-20E) Fahrenheit. The heating facilities shall be capable of maintaining a minimum room temperature of sixty eight degrees (68E) Fahrenheit at three feet (3') above the floor in all habitable rooms, including bathrooms and toilets, at all times when rented.
- Subd. 8. Operation of Heating Facility: Every heating or water heating facility must be installed and must operate in accordance with the requirements of the Building Code.

¹⁶ See Section 906.01 and 907.02 of this Code for requirements.

Subd. 9. Cooking and Refrigeration Appliances: Appliances used for cooking or refrigeration shall be installed and maintained so they will function properly, safely and effectively.

Subd. 10. Deadbolt Locks: All exit doors leading to public areas or outside from all dwelling units and hotel units shall be provided with deadbolt locks. At least one deadbolt lock per door must be capable of being locked from the exterior of said unit. For the purpose

of this subdivision, a "deadbolt lock" is a locking bolt which, when in the locked position, can only be moved positively by turning a knob, key or sliding bolt. Deadbolt locks having a bolt moved by turning a key shall be of the five-pin tumbler type or an equivalent approved by the Building Inspector. Lock throw shall not be less than three-fourths inch (3/4"). Locks shall meet the requirements of the Uniform Building Code and shall be installed within fifty inches (50") of the floor. The tenant shall be supplied with a suitable functional key to operate each and every key-operated lock on all exit doors from the tenant's unit.

Subd. 11. Utility Shut-Offs: Except for the purpose of repairing, replacing or correcting faulty or defective equipment or protecting the health and safety of the occupants of the premises, a landlord, agent of the landlord or person acting under the landlord's direction or control shall not intentionally interrupt or cause the interruption, removal or discontinuance of electricity, heat, gas or water services to a multiple dwelling or any part of such multiple dwelling. Intentional interruption, removal or discontinuance of such services shall include, but not be limited to, failure of a landlord or a person acting under the landlord's direction or control to pay all accounts due and owing on such services. This provision is in addition to and shall not limit any proceedings provided in Minnesota Statutes 504.25. (1988 Code §93.09)

Subd. 12. Installation and Maintenance: No person shall occupy, as owner-occupant, or let to another for occupancy any dwelling, multiple dwelling, dwelling unit, rooming house or rooming unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the following requirements:

a. Plumbing Fixtures: Every water line, plumbing fixture and drain shall be properly installed, connected and maintained in working order and must be kept free from obstructions, leaks and defects and capable of performing the function for which it was designed. All plumbing fixtures shall be properly sealed so as to prevent damage to any surrounding surfaces. All repairs and installations must be made in accordance with the provisions of the Building Code and other applicable codes¹⁷.

b. Plumbing Systems: Every stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or a health hazard. All repairs and installations must be made in accordance with provisions of the Building Code¹⁸.

¹⁷ See Chapter 1004 of this Title for Plumbing Code.

¹⁸ See Chapter 1004 of this Title for Plumbing Code.

c. Heating Equipment: Every space heating, cooking and water heating device located in a dwelling or multiple dwelling shall be properly installed, connected and maintained and capable of performing the function for which it was designed in accordance with the provisions of the Building Code.

d. Electrical Service, Outlets and Fixtures: All residential structures and dwelling units shall be supplied with electrical service that is adequate to safely meet the electrical needs of the structure and dwelling units in accordance with the provisions of the Building Code. Every electrical outlet and fixture shall be installed, maintained and connected to the source of electrical power in accordance with the provisions of the Building Code¹⁹. (1988 Code §93.10)

1005.09: **LIGHTING AND VENTILATION STANDARDS:** No person shall occupy, as owner-occupant, or let to another for occupancy any dwelling, multiple dwelling, dwelling unit, rooming house or rooming unit for the purpose of living, sleeping, cooking and eating therein which does not comply with the following requirements:

Subd. 1. Natural Light in Habitable Rooms: Every habitable room shall have at least one window of approved size facing directly to the outdoors or to a court; provided, that if connected to a room or areas used seasonally (e.g., porch), then adequate daylight must be possible through this interconnection. Minimum total window area, measured between stops, for every habitable room shall be ten percent (10%) of the floor area of such room. Whenever walls or other portions of like obstructions are located less than three feet (3') from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not include as contributing to the minimum total window area.

Subd. 2. Natural Light in Nonhabitable Rooms: Every room, other than a habitable room, used or occupied by persons, except rooms with infrequent occupancy, shall be provided with one or more windows opening directly on a street or on a court or ventilating skylights conforming to the requirements of this Section, or such rooms shall be provided with an approved means of mechanical ventilation.

Subd. 3. Light in Nonhabitable Work Space: Every laundry, furnace room and all similar nonhabitable work space shall have one supplied electric light fixture available at all times.

¹⁹ See Chapter 1003 of this Title for Electrical Code.

Subd. 4. Light in Public Halls and Stairways: Every public hall and inside stairway shall be adequately lighted, at all times, with an illumination of at least five (5) lumens per square foot in the darkest portion of the normally traveled stairs and passageways.

Subd. 5. Electric Outlets Required: Every habitable room, kitchen, public hall, water closet compartment, bathroom, laundry room and furnace room shall have the minimum number of electrical outlets and electrical light fixtures as provided for in the Building Code²⁰.

Subd. 6. Adequate Ventilation: Every habitable room shall have at least one window which can be easily opened or such other device as will adequately ventilate the room. A total openable window area in every habitable room shall be equal to at least fifty percent (50%) of the minimum window area size required in subdivision 1 hereof, except where there is provided mechanical ventilation in accordance with the provisions of the Building Code.

Subd. 7. Ventilation and Light in Bathroom and Water Closet: Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subdivisions 1 and 5 hereof; except, that no window shall be required in bathrooms or water closet compartments equipped with an approved ventilation system. (1988 Code §93.11)

Subd. 8. Room Dimensions:

a. Ceiling Heights: Habitable space shall have a ceiling height of not less than seven feet six inches (7'6") except as otherwise permitted in the Section. Kitchens, halls, bedrooms, and toilet compartments may have a ceiling height of not less than seven feet (7') measured to the lower projection from the ceiling. Where exposed beam ceiling members are spaced at forty-eight inches (48") on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at forty-eight inches (48") or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than seven feet (7') above the floor.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half (1/2) the area thereof. No portions of the room measuring less than five feet (5' from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

²⁰ See Chapter 1003 of this Code for Electrical Code.

If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds ($2/3$) the area thereof, but in no case shall the height of the furred ceiling be less than seven feet (7').

b. Floor Area: Dwelling units and rooming units shall have at least one (1) room which shall have not less than one hundred twenty (120) square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than seventy (70) square feet. Where more than two (2) persons occupy a room for sleeping purposes, the required floor area shall be increased at the rate of fifty (50) square feet for each occupant. (Ord. 572, 2-26-96)

1005.10: **FIRE SAFETY STANDARDS:** No person shall occupy, as owner-occupant, or shall let to another for occupancy any dwelling, multiple dwelling, dwelling unit, rooming house, rooming unit, lodging house or lodging unit which does not comply with the applicable provisions of the Uniform Fire Code²¹ and the following additional standards for safety from fire:

Subd. 1. Storage of Flammable Liquid: No residence building or rooming unit shall be located within a building containing any business handling, dispensing or storing flammable liquids with a flash point of one hundred ten degrees (110E) Fahrenheit, as defined by the National Board of Fire Underwriters.

Subd. 2. Exits: All requirements of the Building Code as to exits shall be complied with.

Subd. 3. Cooking and Heating Equipment: All cooking and heating equipment, components and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions and kept functioning properly so as to be free from fire, health and accident hazards. All installations and repairs shall be made in accordance with the regulations of the Building Code.

Subd. 4. Fire Extinguishers: All fire extinguishers shall comply with the standards prescribed by Minnesota Statutes, Section 299F.361. All ratings required in this subdivision are as defined by the National Fire Protection Pamphlet No. 10. All fire extinguishers shall be serviced and recharged by a registered fire extinguisher company at least once a year and more often if required by the enforcement officer as defined in subdivision 1005.03(2) of this Chapter. All fire extinguishers shall bear a tag or label stating the last date of servicing and identifying the fire extinguisher company responsible for the servicing.

a. There shall be provided and installed in every multiple dwelling as defined in subdivision 1005.03(2) of this Chapter, fire extinguishers meeting either of the following requirements:

²¹ See Chapter 1002 of this Title.

(1) In each unit of a multiple dwelling, at least one fire extinguisher with a rating of not less than 1A-10BC; or

(2) Within fifty feet (50') of each unit entrance, at least one fire extinguisher with a rating of not less than 2A-10BC.

b. There shall be provided and installed in every multiple dwelling at least one fire extinguisher in the furnace room. In laundry and/or storage rooms that are separate from the furnace room, at least one additional fire extinguisher shall be required unless the enforcement officer, as defined in subdivision 1005.03(.2) of this Chapter, determines, in writing, that the construction of the building and the location of other fire extinguishers in the building make this requirement unnecessary. Fire extinguishers required by this subparagraph shall have a rating of not less than 2A-10BC.

Subd. 5. Hazardous Storage: No storage of any kind shall be allowed under stairways. An enclosed area under a stairway must be cleaned out and permanently sealed off. Individual storage lockers must be provided with locking devices so that said lockers may be kept locked at all times. (1988 Code §93.12)

1005.11: **ROOMING HOUSES:** No person shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every subdivision of this Section.

Subd. 1. Water Closet, Hand Lavatory and Bath Facilities:

a. At least one water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house, wherever said facilities are shared. All such facilities shall be located within the residence building served and be directly accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.

b. Every water closet, flush urinal, lavatory basin and bathtub or shower required by subdivision 1a above shall be located within the rooming house within rooms which:

(1) Afford privacy and are separate from the habitable rooms.

(2) Are accessible from a common hall and without going outside the rooming house.

- Subd. 2. Minimum Floor Area for Sleeping Purposes: Every room occupied for sleeping purposes by one person shall contain at least seventy (70) square feet of floor area. Every room occupied for sleeping purposes by two (2) or more persons shall contain at least fifty (50) square feet of floor area for each occupant thereof.
- Subd. 3. Bed Linen and Towels: The operator of every rooming house shall change supplied bed linen and towels therein at least once a week and prior to the letting of any room to another occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- Subd. 4. Shades, Drapes, Etc: Every window of every rooming unit shall be supplied with shades, drawn drapes or other devices or materials which, when properly used, will afford privacy to the occupant of the rooming unit.
- Subd. 5. Sanitary Maintenance: The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceiling and for the sanitary maintenance of every other part of the rooming house, and the operator shall further be responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator. (1988 Code §93.14)

1005.12: **MULTIPLE DWELLING REGISTRATION:**

- Subd. 1. Certificate Required: No person shall allow to be occupied or let to another for occupancy units in a multiple dwelling for which a certificate of registration has not been provided by the Building Inspection Department.
- Subd. 2. Registration Statement and Application: The Building Inspection Department shall issue a certificate of registration after a registration statement and application have been filed in said office if the building is found to be in compliance with this Chapter.
- a. A registration statement must be filed with the Building Inspection Department no more than ninety (90) days after the effective date hereof; a registration statement shall be filed with the Building Inspection Department after construction is completed but before any units are occupied.
- b. Registration statements shall be signed and submitted by the owner of a multiple dwelling if the owner is a natural person, if the owner is a corporation, by an officer thereof and if the owner is a partnership, by a partner thereof.

c. The registration statement shall be made on forms provided by the Building Inspection Department which shall include the following information:

- (1) Name and street address of owner of multiple dwelling.
- (2) Name and street address of the owner, operator or agent actively managing said multiple dwelling who shall be designated as the recipient of notices and personal service for purposes of subdivision 1005.16(2) of this Chapter. Said operator or agent shall be the individual responsible on a daily basis in the absence of the owner for maintaining, repairing, furnishing, renting, letting for lease and supervising the multiple dwelling.
- (3) Name and street address of all other operators or agents actively managing said multiple dwelling.
- (4) Name and street address of all partners if the registrant is a partnership.
- (5) Name and street address of all officers of the corporation if the registrant is a corporation.
- (6) Name and street address of the vendees if the multiple dwelling is being sold on a contract for deed.
- (7) Legal address of the multiple dwelling.
- (8) Number of toilet and bath facilities that are shared by the occupants of two (2) or more units.
- (9) Number and kinds of units within the multiple dwelling.
- (10) Height of multiple dwelling in stories.
- (11) Construction of the exterior of the building.
- (12) Total floor area of the building.
- (13) Total area provided on premises for off-street parking.

d. The certificate shall state that the structure has been inspected and is in compliance with the requirements of this Chapter. (Ord. 572, 2-26-96)

Subd. 3. Posting of Certificate: Every registrant of a multiple dwelling shall post the receipted copy of the certificate of registration received from the Building Inspection Department. This certificate shall be conspicuously posted, in a frame with a glass covering, by the registrant in a public corridor or hallway or lobby of the multiple dwelling for which it is issued.

Subd. 4. Annual Renewal of Registration: The owner of a multiple dwelling or an agent shall annually apply for a renewal of the certificate of registration on or before September 30. Renewal of the registration is contingent upon compliance with this Chapter. (Ord. 572, 2-26-96)

Subd. 5. Transfer of Registration: A certificate of registration for the unexpired portion of the licensed term is transferrable, for a fee of fifteen dollars (\$15.00), to any person who has acquired legal ownership of a registered building. It is the responsibility of the current owner to notify the purchaser that a transfer must be filed with the Building Inspection Department immediately upon acquiring legal ownership. The license shall terminate upon failure to apply for its transfer within 30 days following the change of legal ownership. (Ord. 572, 2-26-96)

Subd. 6. Registration Fees: An annual fee, established by City Council resolution, shall be paid by the owner for each registration and renewal required under this Chapter. Any owner or an agent who fails to apply for registration prior to the time or date set forth herein shall pay a fee double that required herein. (1988 Code §93.15)

Subd. 7. Suspension and Revocation Procedures:

a. Suspension: In the event notice of violation has been mailed and posted, as provided in subdivision 1005.16(2) of this Chapter, and the violation therein cited has not been remedied within the time allowed, the enforcement officer may suspend the certificate of registration until the violation is remedied. Such suspension may be for an entire building or for a part thereof. Notice of such suspension shall be mailed as required in subdivision 1005.16(2) of this Chapter, and the building or part thereof affected by such suspension shall be posted with a copy of such suspension notice.

b. Revocation: The enforcement officer shall revoke the certificate of registration held by any person issued under this Chapter upon showing of two (2) or more convictions, in a court of competent jurisdiction, of violation of this Chapter by such person within a twenty four (24) month period or three (3) or more such convictions within any period of time. Notice of such revocation shall be mailed and posted as provided in subdivision 1005.16(2) of this Chapter and shall be effective sixty (60) days following such mailing and posting. (1988 Code §93.21)

Subd. 8. Inspection Fees: The registration fee for an initial or renewed certificate of registration shall include the fee for two inspections or attempted inspections by Enforcement Officer. A fee, established by City Council resolution, shall be charged for any additional inspections or attempted inspections required, whether due to the multiple dwelling failure of the reinspection, the Enforcement Officer's inability to gain access to the multiple dwelling at the time of attempted reinspection, or otherwise, and must be paid before a certificate of registration will be issued. (Ord. 572, 2-26-96)

1005.13: **RESPONSIBILITY OF OCCUPANTS:**

Subd. 1. Cleanliness: Every occupant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling unit and premises thereof which he occupies, controls or uses.

Subd. 2. Disposal of Rubbish: Every occupant of a dwelling unit shall dispose of all rubbish in a clean and sanitary manner²².

Subd. 3. Plumbing Fixtures:

a. Every occupant of a dwelling unit shall keep the supplied plumbing fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.

b. Every plumbing fixture furnished by the occupant shall be properly installed and shall be maintained in good working condition, shall be clean and sanitary and free from defects, leaks or obstructions.

Subd. 4. Destruction of Premises: No person shall wilfully damage, mutilate or deface any part of residential real estate or supplied fixtures, equipment or furnishings located thereon. (1988 Code §93.13)

²² See Chapter 603 of this Code for garbage and rubbish regulations.

1005.14: INSPECTIONS:**Subd. 1. Right of Entry:**

a. **Inspections:** The enforcement officer shall be authorized to make or cause to be made inspections to determine the condition of dwellings, multiple dwellings, dwelling units, rooming houses, rooming units and premises in order to safeguard the health, safety, morals and welfare of the public. The enforcing officer or designated representatives shall be authorized to enter any dwelling, dwelling unit, multiple dwelling, rooming house or premises at any reasonable time for the purpose of performing the officer's duties under this Chapter. The owner, operator or occupant of every dwelling, multiple dwelling, dwelling unit, rooming unit or the person in charge thereof shall give the enforcement officer free access to such dwelling, multiple dwelling, dwelling unit, rooming unit at all reasonable times for the purpose of such inspection, examination and survey. If the owner, operator or person in charge thereof shall refuse to consent to the inspection, the certificate of registration shall be withheld in the case of new registration applications or revoked in the case of renewals. If the occupant refuses to consent to the inspection, a search warrant may be obtained where there is probable cause to believe that a violation exists within the particular structure.

b. **Emergency Conditions:** No warrant is needed for entry where an emergency condition exists which endangers persons or property and insufficient time is available to obtain a warrant and protect such endangered persons or property. (1988 Code §93.17)

Subd. 2. Multiple Dwellings: The enforcement officer shall make every effort to inspect the premises of all multiple dwelling buildings on an annual basis to insure compliance with this Chapter. (1988 Code §93.18; 1993 Code)

Subd. 3. Posting to Prevent Occupancy: The Building Inspection Department may prevent occupancy of any building or structure in violation of this Chapter by posting the building or structure. Posting may occur if any owner, agent, licensee, or other responsible person has been notified by inspection report of items which must be corrected within the time provided for in the inspection report of this Chapter and such corrections have not been made within the stated time. No person shall remove or tamper with any placard or other device used for posting. No person shall reside in, occupy, or cause to be occupied any building structure or dwelling that has been posted to prevent occupancy. (Ord. 572, 2-26-96)

Subd. 4. Correction of Immediate Hazards:

a. Immediate hazards shall include, but not be limited to:

(1) Heating systems that are unsafe due to burned-out or rusted heat exchangers; burned-out, rusted, or plugged flues; inadequate venting; connection to unsafe gas supplies; or lack of capacity to adequately heat the dwelling unit.

(2) Water heaters that are unsafe due to burned-out or rusted heat exchangers; burned-out, rusted, or plugged flues; inadequate venting; connection to unsafe gas supplies; or lack of temperature or pressure-relief valves.

(3) Electrical systems that are unsafe due to overloading; damaged or deteriorated equipment; improperly taped or spliced wiring; exposed uninsulated wires; inadequate distribution systems; such as the improper use of extension cords; or ungrounded systems.

(4) Plumbing systems that are unsanitary due to leaking waste systems, fixtures, or traps; lack of a water closet; lack of washing or bathing facilities; cross-connection of pure water supply with fixtures or sewage lines; or lack of adequate water supply.

(5) Structural systems, walls, chimneys, ceilings, roofs, foundations, and floor systems that will not safely carry imposed loads.

(6) Refuse, garbage, human waste, dead vermin or other animals, animal waste, or other materials causing unsanitary conditions.

(7) Lack of adequate light or air.

(8) Infestation of rats, insects, or other vermin.

(9) Other conditions creating an immediate threat to the health or safety of an occupant, the premises, or any other person or property.

b. No occupancy shall be permitted of any vacant dwelling unit if an immediate hazard exists on the premises.

c. If a dwelling unit is occupied and an immediate hazard exists on the premises, immediate corrective action shall be taken by the owner, agent, licensee, or other responsible person. If immediate corrective action is not taken, the Enforcement Officer may order that the dwelling unit be vacated. (Ord. 572, 2-26-96)

1005.15: **ACCESS BY OWNER TO RENTED PREMISES:** Every occupant of a dwelling unit or rooming unit shall give the owner or operator thereof or an agent or employee access to any part of such dwelling unit, rooming unit or its premises, at reasonable times, for the purpose of effecting such inspection and maintenance, making such repairs or making such alterations as are necessary to comply with the provisions of this Chapter. (1988 Code §93.19)

1005.16: **ENFORCEMENT OF PROVISIONS:**

Subd. 1. Enforcement Officials: It shall be the duty of the Building Inspector and authorized representatives to enforce the provisions of this Chapter. Authorized representatives shall include the building inspectors, the Fire Marshal and the proper health official. (1988 Code §93.16)

Subd. 2. Notice of Violation:

a. Notice Required:

(1) When any violation of this Chapter shall come to the attention of the enforcement officer prior to any prosecution for an alleged violation of this Chapter, it shall be the duty of the enforcement officer to cause notice of such violation to be sent to the holder or an agent of the certificate of registration or, if no certificate of registration, to the owner, operator or occupant of such premises.

(2) Prosecution for any violation of this Chapter shall not be commenced unless notice as herein provided has been mailed and posted and the cited violation has not been remedied within the given period. Failure to receive notice as provided herein shall not be a defense in any prosecution brought under this Chapter.

b. Mailing and Posting of Notice: The notice of violation shall be sent by certified mail to the last known address of such person. If the violations are not corrected within thirty (30) days, such notice shall be published once in the City's official newspaper. (Ord. 572, 2-26-96)

c. Time Constraints for Remedy of Violation: Such mailed, posted and published notice shall give the alleged violator thirty (30) days or less to correct the violation. The enforcement officer shall have the authority to give less than thirty (30) days' notice when, in the officer's opinion, the violation can be remedied in less time and is of, but not limited to, a violation that is dangerous to human life,

detrimental to health or constitutes a potential fire hazard. Said officer shall have the authority to extend the period upon good cause shown. (1988 Code §93.20)

Subd. 3. Legal Authority: The acts, proceedings and authority of the Building Inspector shall be treated as prima facie, just and legal. (1988 Code §93.23; 1993 Code)

Subd. 4. Correction of Violation by City and Assessment of Costs: In all cases of violation of this Chapter, the Building Inspection Department may abate, remove or otherwise remedy the violation and take any action permissible under State law to specially assess or otherwise charge the cost of such abatement, removal, or remedy against the premises where the violation was located. (Ord. 572, 2-26-96)

1005.17: **VIOLATION AND PENALTIES:**

Subd. 1. Violation Declared Misdemeanor: Every person who shall violate any provision of this Chapter shall, upon conviction thereof, be guilty of a misdemeanor. Each day's continuance of the violation of this Chapter shall be deemed a separate offense.

Subd. 2. Court Actions:

a. For the purpose of this Chapter, violations of orders or regulations, made pursuant to this Chapter shall be deemed violations of the Chapter.

b. In addition to the punishment specified in this Section, the City may enforce this Chapter by an appropriate form of civil action and may enjoin violation of this Chapter and compel obedience thereto by mandatory orders and writs and cause the abatement of everything existing in violation thereof and cause premises to be vacated, if occupied in violation thereof, and to remain vacant until the court shall find that violation has ceased, and for these purposes, any court of competent jurisdiction may render, enter, make and issue any and every appropriate judgment, decree, writ and order and cause the same to be executed.

c. Costs and disbursements shall be allowed in proceedings hereunder as in other actions. (1988 Code §93.23)

MEMO

To: Mayor and City Council
From: Shannon Goyette, Deputy Clerk
Date: 10/05/00
Re: 2000 SCORE Funding Grant Application

Background:

SCORE Funding Grants are annually provided to municipalities in Ramsey County. The funds are intended to be used for expenses related to the city's recycling programs (administration, promotion, equipment, and collection), and the amount to be distributed is calculated on a per capita basis. Receipt of these monies enables the City of Lauderdale to maintain a lower cost recycling program, than would be possible without the grant.

Grants are provided to a municipality pursuant to an agreement between the County and the City following the grant application by the City. Since this is an agreement, strict guidelines and requirements exist which must be adhered to by the receiving party. One of the requirements is that a formal request is needed by staff requesting allocation of SCORE Funding Grant monies.

The resolution to approve application for funding is enclosed in the packet.

Council Action Requested:

Adopt Resolution 101000A, requesting allocation of SCORE funding grant monies.

RESOLUTION NO. 101000A

**THE CITY OF LAUDERDALE
COUNTY OF RAMSEY
STATE OF MINNESOTA**

**RESOLUTION ACCEPTING 2001 SCORE FUNDING FROM RAMSEY
COUNTY FOR THE LAUDERDALE RECYCLING PROGRAM**

WHEREAS, SCORE Funding Grants are available to municipalities in Ramsey County for reimbursement of expense related to administration, promotion, and collection of, recycling materials; and,

WHEREAS, the City of Lauderdale has a comprehensive curbside residential recycling program currently in use; and,

WHEREAS, these funds will provide Lauderdale with a method of paying for some incurred costs related to the administration of this program, thus aiding in keeping the cost to the residents low;

NOW THEREFORE, BE IT RESOLVED that Lauderdale City Council does hereby authorize staff to submit an application to the St. Paul - Ramsey County Department of Public Health - Environmental Health Section for allocation of 2001 SCORE Funding Grant Monies in the amount of \$5,480.00.

I CERTIFY THAT the above resolution was adopted by the City Council of the City of Lauderdale on this 10th day of October, 2000.

(ATTEST)

Jeffrey Dains, Mayor

(SEAL)

Rick Getschow, City Administrator

SAINT PAUL - RAMSEY COUNTY DEPARTMENT OF PUBLIC HEALTH

ENVIRONMENTAL HEALTH SECTION

2000 SCORE FUNDING GRANT APPLICATION

CITY/TOWNSHIP City of Lauderdale DATE 10/05/00

PROGRAM PERIOD: January 1, 2001 through December 31, 2001

CONTACT PERSON Shannon Goyette

ADDRESS 1891 Walnut Street

Lauderdale, MN 55113

PHONE (651) 631-0300 FAX (651) 631-2066

1. DESCRIPTION OF 2000 RECYCLING PROGRAM:

A. SERVICE DESCRIPTION

SINGLE-FAMILY RESIDENCES

Single-family residences are collected at curbside twice a month.

MULTI-UNIT HOUSING (If service is not provided, please describe how they are assured the opportunity to recycle on-site.)

Multi-unit housing is collected weekly, except for the Luther Seminary Apartments which is collected twice a month.

CONDOMINIUM RESIDENCES (If service is not provided, please describe how they are assured the opportunity to recycle on-site.)

Condominiums and townhouses are collected at curbside twice a month.

MANUFACTURED HOME PARKS (If service is not provided, please describe how they are assured the opportunity to recycle on-site.)

There are no manufactured home parks in Lauderdale.

NAME OF COLLECTOR(S) Super Cycle, Inc.

ITEMS COLLECTED FOR RECYCLING:

Newspaper.
Glass - brown, clear and green.
Aluminum, Tin and Steel.
Plastic - 1 and 2.
Office Paper, Magazines, Boxboard, Mixed Mail.
Corrugated Cardboard.
Phone Books

B. DESCRIBE THE LONG TERM SOURCE(S) OF FUNDING FOR RECYCLING SERVICES:

Lauderdale has a joint powers agreement with Ramsey County for the collection of recycling fees, which is done through utility billing.

C. DESCRIBE CHANGES TO THE PROGRAM FOR 2000:

We will continue to send out a quarterly City Newsletter which will continue to give recycling information, information on Household Hazardous Waste, and compost site information.

2. HOW DO YOU PROPOSE TO USE SCORE GRANT FUNDS? PLEASE DESCRIBE HOW A SCORE GRANT WOULD ENHANCE/IMPROVE SOURCE REDUCTION AND RECYCLING EFFORTS IN YOUR COMMUNITY. (PLEASE BE VERY SPECIFIC, AND INCLUDE MEASURABLE GOALS AND ANY PROGRAM CHANGES FOR 2000).

SCORE Grant funds will be used for the following:

- 1). Staff time involved with recycling reports and programs.
- 2). Costs associated with printing of newsletter inserts.
- 3). Costs associated with printing of the newsletter due to articles.
- 4). Help to defray recycling costs to residents.

3. HOW WILL THESE ACTIVITIES BE EVALUATED?

Evaluation of success will be used through monitoring of monthly collection/tonnage reports received from Super Cycle Inc., as specified in the contract with that vendor. Also, phone calls received at City Hall from residents, and reactions to the City Newsletter will help us evaluate these activities.

4. IF THESE ACTIVITIES (INCLUDING RECYCLING COLLECTION) WILL BE CONDUCTED BY A SUBCONTRACTOR, WHAT PROVISIONS WILL BE MADE TO MONITOR AND AUDIT SUBCONTRACTOR ACTIVITIES?

Not applicable.

5. IF THESE ACTIVITIES WILL BE ONGOING AFTER THIS GRANT PERIOD, HOW WILL THEY BE FUNDED?

These activities may be funded through increases in recycling fees as approved by the Lauderdale City Council. If these fees are not increased, the funds will come from another area of the budget.

6. SCORE FUNDING GRANT PROPOSED BUDGET (ATTACH A COPY OF YOUR ADOPTED COMPLETE 2000 MUNICIPAL RECYCLING BUDGET, INCLUDING ALL FUNDING SOURCES):

The City Council has not adopted the 2000 budget at this time, but it is currently being reviewed.

ADMINISTRATION:	(85%)	\$	5130.00
-----------------	-------	----	---------

PROMOTION ACTIVITIES		\$	200.00
----------------------	--	----	--------

PLEASE DETAIL:

Newsletter articles.

EQUIPMENT \$ 150.00
PLEASE DETAIL:

Recycling containers.

COLLECTION OF RECYCLABLES \$ N/A
PLEASE DETAIL:

TOTAL \$ 5480.00

7. PLEASE DESCRIBE YOUR MUNICIPAL IN-HOUSE RECYCLING PROGRAM:

Each office is equipped with recycling containers. We reduce waste by buying recycled content items. We also recycle aluminum cans, glass, plastic, corrugated cardboard, newspaper, magazines, boxboard, mixed mail and office paper. City staff sorts the recyclables and places them out for pick-up at curbside.

8. DESCRIBE THE CITY'S SOURCE REDUCTION AND RECYCLING PROMOTIONAL EFFORTS; INCLUDE TYPES OF PROMOTIONAL MATERIALS USED AND SCHEDULES FOR DISTRIBUTION OF INFORMATION.

Information materials relating to recycling are available in the City Hall lobby. Also, if residents call to inquire about information, this is sent to them. When new residents call we send them out a city produced publication explaining the City's recycling program, including information on Household Hazardous Waste and compost site information. This information is also published in the City Newsletter, which is published quarterly.

9. PLEASE ATTACH A RESOLUTION FROM YOUR GOVERNING BODY REQUESTING THE FUNDING ALLOCATION OR A CERTIFIED COPY OF THE OFFICIAL PROCEEDINGS AT WHICH THE REQUEST WAS APPROVED.

See attached Resolution.

NAME OF PERSON AUTHORIZED TO SUBMIT GRANT:

Shannon Goyette

SIGNATURE

TITLE OF PERSON AUTHORIZED TO SUBMIT GRANT:

Deputy Clerk

PLEASE RETURN THE COMPLETED GRANT APPLICATION FORM BY OCTOBER 30, 1999
TO:

DAN DONKERS, PROGRAM ANALYST
SAINT PAUL - RAMSEY COUNTY DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH SECTION
1670 BEAM AVENUE, SUITE A
MAPLEWOOD, MN 55109-1176

City Council Memorandum

To: Mayor and City Council
From: Rick Getschow
Council Meeting Date: October 10, 2000
Agenda Item: Tax-Exempt Revenue Bonds – Policies and Fees

BACKGROUND:

As was mentioned in the September 26, 2000 memorandum regarding the conduit financing request from Children's Home Society, the City needs to address specific policies and fees for the city issuance of tax-exempt revenue bond financing on the behalf of others.

I would like feedback from the Council at this meeting as to the policy that should be adopted in terms of application fees and administrative fees. I can then present a policy or resolution for approval at the October 24, 2000 meeting.

Included in the packet are policies for the City's of Roseville, Saint Paul, and Minneapolis. Included with the fee resolution from the City of Minneapolis is an excerpt from an agreement for bond financing between Minneapolis and a non-profit day care.

ENCLOSURES:

1. City of Roseville- Application and Fees for Tax-exempt Revenue Bond Financing
2. City of Saint Paul HRA- Costs and Expenses for Bond Financing
3. City of Minneapolis- Resolution Establishing Fees for certain Bond Financing
4. City of Minneapolis- Page 1-2 of Sample Loan Agreement

COUNCIL ACTION REQUESTED:

Provide direction on policies and fees for certain revenue bond issuances. A resolution can be drafted and presented for approval at the October 24, 2000 meeting.

CITY OF ROSEVILLE

APPLICATION FOR TAX-EXEMPT MORTGAGE REVENUE FINANCING

1. INTRODUCTION

The City reserves the right to employ legal, accounting, appraisals, financial, engineering, architectural, and other consultants to review the proposed project and its financing. The cost of such consultants, together with the City's administrative expense, shall be paid by the applicant, whether or not the City agrees to finance the a project or whether or not the project is constructed.

The applicant, the purchaser of notes, and, if underwriters are involved in the issuance and sale of bonds, shall hold harmless the City, its officers, employees, consultants and agents for any alleged or actual violation of any securities laws, state or federal, in connection with the issuance of bonds or notes for the project. The City may require a bond or appropriate insurance to assure this "hold harmless" provision.

Before any City consideration can be given, proposals investigated, or staff and advisor's time expended, a \$10,000 cash deposit shall be deposited with the City to be used for administrative and consulting costs, any balance of such deposit will be refunded after all costs are paid. Any additional costs of the City are billable.

In consideration of the City's making such tax exempt financing available and to assist the City further in defraying its present and future administrative expenses, the applicant shall, subject to applicable federal arbitrage regulations, pay to the City the sum of \$10,000 or 1% of the amount financed, whichever is greater, which shall be used by the City for any other expenses in connection with the project, or for any other City purpose. To the extent permitted by law, the City will allow the applicant to use this cost as a project cost for financing purposes.

The undersigned applicant understands the approval or disapproval by the City of Roseville for bond financing does not expressly or impliedly constitute any approval, variance, or waiver of any provision or requirement relating to any zoning, building, or other rule or ordinance of the City of Roseville, or any other law applicable to the property included in this project.

SAINT PAUL

of 1968, as amended, by providing opportunities for training and employment to lower income persons residing in the city of Saint Paul and by entering into contracts for work to be contracted with firms which are located in or owned in substantial part by persons residing in the Minneapolis/Saint Paul seven county metropolitan area; and

- (e) attend with Project contractors and subcontractors a pre construction conference at which enforcement of and compliance with the above requirements, including reporting requirements, will be presented by appropriate City staff.

- 5. The Applicant hereby acknowledges and agrees to comply with the policy of the HRA to issue only rated or ratable Bonds for public sale. If the Applicant determines that an unrated public sale of Bonds is necessary to insure the financial viability of the Project, such sale must be evaluated and approved in writing by the HRA and the City's Director of the Department of Finance and Management Services, and only if the Applicant submits a detailed written request for such approval and provides such information as the HRA and Director of the Department of Finance and Management Services will request in order to perform such evaluation.

D. COSTS AND EXPENSES, INDEMNIFICATION

- ✓ 1. The HRA hereby acknowledges receipt from the Applicant the sum of \$5,000, which sum is herewith paid to the HRA as a non-refundable Application Fee to defray, in part, the HRA's initial costs and expenses in connection with the Proposal, Project and Program. The Applicant and HRA hereby agree that (a) the non-refundable Application Fee paid by the Applicant shall not be credited toward the fees required to be paid at closing of the Bonds to be issued to refinance the Project; (b) the non-refundable Application Fee paid by the Applicant shall be payment for HRA's application fee only; (c) the fees and expenses of bond counsel, the Office of the City Attorney and others shall remain the separate obligation of the Applicant as provided herein; (d) the HRA's acceptance of the non-refundable Application Fee specified above shall not prejudice or reduce the HRA's right to collect or enforce such other fees or reimbursements as may be permitted by the Requirements; and (e) the applicant shall not be entitled to any refund or rebate of any amount of the non refundable Application Fee under any and all circumstances.

2. The Applicant agrees that it will pay any and all costs heretofore incurred or to be incurred by the City, the HRA, bond counsel or others retained by the Applicant or retained by the HRA with the prior agreement of the Applicant, in connection with and reasonably related to the Proposal, Project or Program, including but not limited to, all staff charges, advertising and notifications, and all out of pocket expenses and legal fees, whether or not the HRA, or the City, if applicable, gives preliminary approval to the Program and issuance of the Bonds; whether or not the Program and issuance of the Bonds is given final approval by the HRA; whether or not the Bonds are issued; and whether or not the Project and Program are carried to completion. The Applicant further understands and agrees that bond counsel will continue to owe a fiduciary obligation solely to the City and the HRA with respect to services rendered in connection with the Project and the Program, even though the bond counsel's fees and expenses shall be the liability of the Applicant.
- ✓ 3. Upon closing of the Bonds, the HRA shall be paid an initial Service Fee equal to one-half of one percent (0.50%) of the initial principal amount of the Bonds issued, payable on the date of closing the Bonds, and on the first anniversary date of the Bonds, one-half of one percent (0.50%) of the initial principal amount of the Bonds. On the second anniversary date of the Bonds, and on each anniversary date thereafter, the HRA shall be paid a continuing Service Fee equal to one-tenth of one percent (0.10%) of the average monthly balance of outstanding Bonds during the preceding annual period. The Service Fee amounts payable as set forth above will be reduced only if and to the extent necessary to assure compliance with Section 148 of the federal Internal Revenue Code of 1986, as amended, relating to arbitrage and any determinations needed for reduction shall be made by the HRA and bond counsel. Appropriate provisions will be prepared and included in the bond documents, which provisions will set forth all fees to be paid by the Applicant during the term of the Bonds. The Applicant and its partner(s), jointly and severally, agree to pay when due the Service Fees provided for in this paragraph.
4. The Applicant further agrees to pay the Office of the City Attorney of the City of Saint Paul, on the date of closing of the Bonds, a fee for all services rendered by the Office of the City Attorney with respect to the Proposal, Project and Program at a rate of one hundred dollars (\$150.00) per hour.
5. The Applicant further understands and agrees that the HRA shall have no obligation for any expenses of the Applicant or its partners heretofore or

hereafter incurred with respect to the Proposal, Project or Program in the event Bonds are not authorized and issued for any reason; and that in the event such Bonds are issued, the inclusion of such expenditures in the development cost of the Project financed from Bond proceeds will be dependent upon the Requirements and the financial feasibility of the Project.

6. (a) The Applicant agrees to indemnify and hold the HRA and City, their officers, employees or agents, harmless against any and all losses, claims, damages, expenses or liabilities, including attorneys' fees incurred in their defense, to which the HRA or City, their officers, employees and agents may become subject in connection with the City's and HRA's consideration of the Proposal, the Program, issuance or sale of the Bonds for the Project or the carrying out of any of the transactions contemplated by this memorandum and any resolution adopted, or agreement or memorandum executed, by the HRA in connection with the issuance of its Bonds for the Project.

(b) Additionally, the Applicant hereby releases the HRA and City, their officers, employees and agents from any claims, causes of action, losses, damages or liabilities which the Applicant may have against the HRA or City, their officers, agents or employees or which the Applicant may incur in connection with (1) the HRA and City's consideration of the Proposal, Project and Program, (2) the failure of the HRA in its sole discretion to issue Bonds for the Project for any reason (including lack of authority under State or Federal law), (3) the issuance and sale of the Bonds, (4) the construction of the Project, or (5) any other matter or thing of any type or nature which may arise in connection with the foregoing.
7. This Memorandum, and the approval of the Program by the City, if any, and the HRA, shall automatically terminate and be of no further effect if the Bonds are not issued within one (1) year after the date of this Memorandum. The Applicant shall not be entitled to any refund or rebate of the amount paid pursuant to paragraph D of this Memorandum as a result of such automatic termination. The Applicant may request an extension of this Memorandum, but such an extension shall be effective only if,

(a) approved by the HRA in its discretion, (b) payment is made to the HRA of an additional non-refundable Application Fee of \$ 5,000.00; and (c) the City gives, if applicable, in its discretion, new approval to the Project and the Program and issuance of refunding bonds.

MINNEAPOLIS

Item: Amending Administrative Fees for the Issuance of Tax-exempt and Taxable Revenue Bonds

City Council: July 24, 1987

Published: Finance & Commerce, Saturday, August 1, 1987

RESOLUTION 87R-315
By Council Members Scallon
and O'Brien

Amending Resolution 83R-205, entitled "Establishing fees for the issuance of certain revenue bonds and designating the use of such fees", passed May 27, 1983, as amended by Resolutions 84R-348, 85R-066 and 85R-320, passed September 14, 1984, March 22, 1985 and August 30, 1985, respectively.

Resolved by the City Council of the City of Minneapolis: That Section a) of the above entitled resolution be amended to read as follows:

a) Application Fee — A One Thousand Five Hundred Dollar (\$1,500.00) application fee shall be paid at the time of submitting an application for revenue bond financing by the City. The Application Fee is to compensate the City for the initial review and administrative expenses of the City and the Minneapolis Community Development Agency ("Agency"). Payment of the fee shall be made to the Agency. One Thousand Dollars of the Application Fee may be refunded for those bond projects which are not issued by the City. The Application Fee shall not be refunded to the applicant unless the application is not accepted or is not acted upon by the City or the Agency.

In addition, a one percent (1%) Origination Fee shall be paid at the time of issuance of a revenue bond financing through the Minneapolis

Common Bond Fund. The Origination Fee is to compensate the City for the revenue bond security provided by the Minneapolis Common Bond Fund. Payment of the one percent (1%) Origination Fee shall be made to the Agency at the time of issuance of the bonds, and is based on one percent (1%) of the original par amount of bonds issued.

That Section b) of the above entitled resolution be amended to read as follows:

b) Annual Administrative Fee —

(1) An annual administrative fee to be payable as provided herein shall be applied to each tax-exempt revenue bond issue, except as otherwise provided. The Annual Administrative Fee for a tax-exempt bond issued on a free-standing basis shall be an amount equal to one-fourth of one percent ($\frac{1}{4}$ of 1%) per annum of the principal amount of the bonds outstanding to maturity. The fee shall be computed semiannually on the principal amount of the bonds outstanding as of December 31, and June 30 of each year or computed by such other method acceptable to the Agency.

The fee shall be payable in installment on January 1 and July 1, or by such other method acceptable to the Agency, of each year so long as any bonds are outstanding provided that at the option of the applicant with the approval of the Agency, the fee may be paid in full at the time of issuance of the bonds in an amount of the present value of the fee. The fee shall be payable to the Agency. The provisions of paragraphs (b) (1) through (5) of S1.103-14 (relating to the temporary period) shall be waived by the City, as issuer.

The Annual Administrative Fee for a tax-exempt bond issued through the Minneapolis Common Bond Fund shall be an amount equal to three-eighths of one percent ($\frac{3}{8}$ of 1%) per annum of the original par amount of bonds issued. The fee shall be computed monthly on the original par amount of the bond issue or computed by such other method acceptable to the Agency to preclude the bonds from becoming arbitrage bonds. The fee shall be payable in installment on the first (1st) day of each month, or by such other method acceptable to the Agency, of each year so long as any bonds are outstanding provided that at the option of the applicant with the approval of the Agency, the fee may be paid in full at the time of issuance of the bonds in an amount of the present value of the fee. The fee shall be

payable to the Agency. The provisions of paragraphs (b) (1) through (5) of S1.103-14 (relating to the temporary period) shall be waived by the Agency, as issuer.

(2) An annual administrative fee to be payable as provided herein shall be applied to each taxable revenue bond issue, except as otherwise provided. The Annual Administrative Fee for a taxable issue shall be an amount equal to three-eighths of one percent ($\frac{3}{8}$ of 1%) per annum of the original par amount of bonds issued. The fee shall be payable in installment on the first (1st) day of each month for a taxable bond issued through the Minneapolis Common Bond Fund, or, on January 1 and July 1 for a taxable bond issued on a free-standing basis, or by such other method acceptable to the Agency, of each year so long as any bonds are outstanding provided that at the option of the applicant with the approval of the Agency, the fee may be paid in full at the time of issuance of the bonds in an amount of the present value of the fee. The fee shall be payable to the Agency.

That Section d) of the above entitled resolution be amended to read as follows:

d) Applicability — The above fee schedule shall apply to the issuance of bonds for a project for which the bonds are issued on or after the effective date of this Resolution, except that where such bonds are issued after August 15, 1986, or are issued to refund a prior bond issue, the Administrative Fee schedule may be adjusted or modified, solely at the City's discretion, or to the extent necessary to preclude the bonds from becoming arbitrage bonds as a result of the fee, pursuant to Section 103(c) of the Internal Revenue Code and the Treasury Department Regulations thereunder.

Passed July 24, 1987, Alice W. Rainville, President of Council.

Approved July 27, 1987, Donald M. Fraser, Mayor.

Attest: Merry Keefe, City Clerk.

COMM DEV & W&M/BUDGET

Your Committee, having under consideration revisions to the City's and Minneapolis Community Development Agency's (CDA's) administrative fees relating to revenue bond financing, set forth in Petn No 243063 on file in the office of the City Clerk, having considered the reports of the Loan Coordinating and Development Advisory Committees, recommends approval by passage of the accompanying resolution, amending Resolution 83R-205, entitled "Establishing fees for the issuance of certain revenue bonds and designating the use of such fees," adopted by the Council on May 27, 1983, as amended, and approved by the Council.

Council Members Scallon and O'Brien offered a resolution, as per report, establishing fees for the issuance of certain revenue bonds and designating the use of such fees.

Yeas — Council Members Coyle, Olson, Sayles Belton, Scallon, Smic, Cramer, Schulstad, Johnson, Dziedzic, O'Brien, Rainville, President Rainville — 12.
Absent — Council Member White

See Resolution.)

**THE CITY OF MINNEAPOLIS, MINNESOTA,
as Issuer**

AND

**SEED DAYCARE,
a Minnesota nonprofit corporation,
as Company**

LOAN AGREEMENT

Dated as of December 1, 1998

The interests of Issuer in this Loan Agreement have been assigned (except for the rights of, and amounts payable to Issuer under Sections 4.2(b), 7.2, 8.4 and 10.10 hereof) pursuant to the Trust Indenture dated as of the date hereof between the Issuer and U.S. Bank Trust National Association, as trustee, and is subject to the security interest of the Trustee.

ARTICLE IV
LOAN OF PROCEEDS TO COMPANY;
LOAN PROVISIONS

Section 4.1. Loan of Proceeds. Issuer agrees, upon the terms and conditions contained in this Agreement, to lend to Company the proceeds received by Issuer from the sale of the Bonds. Such proceeds shall be disbursed to or on behalf of Company as provided in Section 3.2 hereof.

Section 4.2. Amounts Payable.

(a) Company hereby covenants and agrees to repay the loan until the principal of and premium, if any, and interest on the Bonds shall have been fully paid or provision for the payment thereof shall have been made in accordance with the Indenture. On any date on which the Purchase Price of, principal of (whether at maturity or upon redemption or acceleration or otherwise), or premium or interest on, the Bonds is due, the Company shall pay in immediately available funds an amount which, together with other moneys available therefor in the Bond Fund and Purchase Fund, will enable Trustee to pay the amount payable on such date as Purchase Price, principal, premium, if any, and interest on the Bonds as provided in the Indenture.

It is understood and agreed that all payments payable under this Section 4.2(a) by Company are assigned by Issuer to Trustee for the benefit of the Owners of the Bonds. Company assents to such assignment. Issuer hereby directs Company and Company hereby agrees to pay to Trustee at Trustee's principal corporate trust office all payments payable by Company pursuant to this Section 4.2(a).

✓ (b) So long as any Bonds remain Outstanding under the Indenture, Company will also pay all fees and expenses of the Issuer, including reasonable attorneys' fees, related to the Bonds, the Project, this Agreement or the Indenture. Specifically, the Issuer shall be paid a fee equal to \$1,500 on the date of execution and delivery hereof, and shall be paid a semiannual fee on each June 1 and December 1, commencing June 1, 1999, equal to one-eighth of one percent (.125%) of the outstanding principal amount of the Bonds on the immediately preceding day. The Issuer shall be paid directly by the Company.

(c) Company will also pay the reasonable fees and expenses of Trustee under the Indenture, such reasonable fees and expenses to be paid directly to the Trustee for the Trustee's own account as and when such reasonable fees and expenses become due and payable, and any reasonable expenses in connection with any redemption of the Bonds.

(d) In the event Company should fail to make any of the payments required in this Section 4.2, the item or installment so in Default shall continue as an obligation of Company until the amount in Default shall have been fully paid, and Company agrees to pay the same with interest thereon, to the extent permitted by law, from the date thereof at the highest rate per annum payable on the Bonds.

City Council Memorandum

To:	Mayor and City Council
From:	Rick Getschow
Council Meeting Date:	October 10, 2000
Agenda Item:	Approval of Computer Purchase

BACKGROUND:

The 2001 Budget included the replacement of the City Administrator's computer. The new computer would replace the Gateway Pentium 75 model that currently exists. There are certain systems and software, such as the Virus Shield software provided through our technology agreement with Roseville, that can not operate on the current computer. Also, there are certain specifications that must be met for the computer to conform to our standards such as possessing an ethernet card and a Windows NT operating system.

Our technology consultants in Roseville are recommending the purchase of a Compaq Deskpro and monitor with a Windows NT Operating system. You may remember from the replacement of the Administrative Analyst's computer last year that prices for different models change daily. This is especially true since we are making the purchase through the internet with the assistance of our technology consultants.

I will attempt to have specific quotes available at the meeting, but would still recommend that the Council act in a similar fashion to last year's computer replacement – and that is to approve the purchase of the computer up to a certain amount as opposed to an exact model for an exact amount that may slightly change.

COUNCIL ACTION REQUESTED:

Motion to approve purchase of a computer not to exceed \$1700.

City Council Memorandum

To: Mayor and City Council
From: Rick Getschow
Council Meeting Date: October 10, 2000
Agenda Item: Deferred Assessments

BACKGROUND:

Prior to the drafting of the assessment policy and since its adoption last summer, I have been struggling with assessment issues as they relate to larger properties and the 80-foot maximum. It is the intent of the City Council and is reflected in the assessment policy that 80 feet is a maximum adjusted front footage for a homeowner in Lauderdale. Even though that homeowner may own three (3) forty foot lots consisting of 120 feet of assessable frontage, the intent is that the three lots constitute one parcel, with one PIN (parcel identification number), for one homeowner in the City. **(Remember: parcels and lots are different. A parcel with one PIN can consist of two or more lots, which are platted. It is the parcel and the PIN that is assessed – not the individual 40-foot lots).** The assumption then exists that these lots will remain as one large property through the life of the street. But there have been two occasions in the past two years (including at least two other proposals) where owners of more than one lot have requested separate PIN's to separately develop the other lots. With the current policy and the scenario of a 120-foot parcel developed into three separate forty-foot lots – the third lot would have not realized an assessment at all.

The City Attorney and I feel that the intent of the 80 foot assessment mechanism was not to produce "free" street upgrades for separately developed lots. The intent of the 80-foot max, as is mentioned in the last paragraph, is for one developed piece of property with one owner.

A memorandum from the City Attorney that is included in the packet begins to address this issue through the use of deferred assessments. I would like to discuss this memorandum with the City Council to gauge feedback on dealing with potential developments such as these.

ENCLOSURES:

1. October 4, 2000 memorandum from the City Attorney
2. Lauderdale Assessment Policy Manual - Page 9, "Street Reconstruction and Resurfacing"

MEMORANDUM

TO: Rick Getschow, City Administrator
FROM: Ron Batty, City Attorney
DATE: October 4, 2000
RE: Deferred Special Assessments

The city council recently adopted an assessment policy manual to guide in the assessment of benefited property for public improvements. Although there are several alternative methods of calculating assessments, it is likely the adjusted front foot basis will be used for streets and sanitary sewer and water. The concept is that a property should be assessed for an improvement proportionate to its length along the improvement. The policy contains a number of adjustments in calculating the assessable front footage of a particular parcel.

The assessment policy does not explicitly address any limitation on the maximum adjusted front footage of a parcel but there has been a determination that the adjusted front footage will be limited to 80 feet. (For purposes of special assessments, a parcel is a lot or lots held under common ownership and identified on the county's tax records by a single PIN.) This means that in the case of large parcels that cannot be divided, the city will simply not assess for anything over 80 feet. However, there are instances in which property is currently held as a single parcel but may be split in the future. We have discussed methods for the city to recover special assessments in such instances if the property is subdivided after the levy of the special assessments.

One possibility is that the city council could adopt an assessment for each parcel based on its actual front footage but defer the portion of the assessment over 80 feet if the parcel has the potential for subdivision. For example, the city would levy up to 80 feet against a large lot and defer the remainder, pending subdivision. If the property is subdivided within the time period established by the resolution, the deferred assessment would be payable. If not, the property would be subject to only the original assessment.

Minnesota Statutes, section 429.061, subd. 2 authorizes the deferment of special assessments in the case of "unimproved" land. Although this is generally applied in situations in which an entire parcel has yet to be developed, I believe it can be adapted to our situation. It will require the levying of an additional assessment but then its deferral under specified terms and conditions. The city must determine the duration of the deferral and describe the event which will trigger the end of the deferral. It probably makes sense to impose the additional assessment only upon subdivision or creation of an additional tax parcel.

The council must also consider how to handle interest on the deferred assessments. Typically, only principal payments are deferred. Interest continues to accrue and is either paid annually or is added to the principal. If interest is added to principal, the effect is that the amount of the assessment grows considerably over the course of the deferral. If no interest is added, the city

fails to account for the time value of money. If there is interest to be computed, the council must determine the rate. When the triggering event occurs, the deferred assessment will become payable over a number of years such that the last assessment will not be payable more than 30 years after the date of the original assessment. This means that the city will not be able to defer assessments in this manner for more than 30 years.

The terms and conditions of the deferral will have to be specified in the resolution passed by the city council at the time of adoption of the assessment roll. A notice of deferral will have to be filed with the county recorder certifying the amount of the deferral and the conditions under which the assessment has been deferred.

3. *Assessable Cost.* The assessable cost equals 100 percent (100%) of the entire project cost for the street construction including intersections, alley openings, and street openings.

B. STREET RECONSTRUCTION AND RESURFACING

Street reconstruction and resurfacing is defined as the rehabilitation of an existing street. Street reconstruction and resurfacing projects shall include but are not limited to the following:

- *Rehabilitation of an existing street:* Reconstruction of an existing street including but not limited to grading, necessary drainage, curb and gutter and hard surfacing.
- *Cold in place recycling and repaving (CIR/Repaving):* Recycling of existing deteriorated pavements by pulverizing, mixing with new asphaltic oils and compacting in place. New paving materials are then placed over the cold recycled pavement similar to a standard overlay.
- *Bituminous Overlay:* Placement of an additional bituminous layer, generally one to two inches thick, over an existing bituminous surfaced street.
- *Concrete Pavement Restoration:* Replacement of existing concrete panels which have deteriorated, mud jacking panel to improve rideability, and the filling of joints and cracks with a petroleum-based material to eliminate flow of water to the base below the surface.
 1. *Method of Assessment.* The assessable costs for street construction shall be distributed among benefited properties on an adjusted front footage basis.
 2. *Assessable Cost.* The front footage assessment rate shall be determined by dividing the project cost by the total number of adjusted front feet in the project area x the individual adjusted front footage x 40 percent (2/5 or 0.40). The assessments per adjusted front foot may vary depending on the underlying zoning of a parcel.
 3. *Front Foot Maximum.* For only single-family residential units and duplexes, the maximum amount of footage to be assessed for individual adjusted front footage for each parcel or lot shall be eighty (80) feet.

City Council Memorandum

To: Mayor and City Council
From: Rick Getschow
Council Meeting Date: October 10, 2000
Agenda Item: Zoning Ordinance Review: Chapters 17-18

BACKGROUND:

This item was tabled from the September 12th and September 26th meetings.

The intent at the meeting is to discuss Chapters 17 and 18. These chapters cover **Home Occupations and Adult Uses**.

Please read these chapters before next Tuesday for discussion at the meeting and contact me if you have any questions about these chapters. I can then research and address any concerns or issues in these sections prior to the meeting.