

LAUDERDALE CITY COUNCIL MEETING AGENDA
TUESDAY, SEPTEMBER 26, 2000
CITY HALL, 7:30 P.M.

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 9/12/00 City Council Meeting
- C. Approval of claims totaling \$56,866.09

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.

8. CONSENT

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

10. INFORMATIONAL PRESENTATIONS

A. Competitive Cable Franchises – (Coralie Wilson, Executive Director of the
North Suburban Cable Commission)

11. Conduit Financing for Children's Home Society – (Representatives of
Children's Home Society)

12. 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. Middle Mississippi River Watershed Management Organization (MMRWMO)
tax levy issue

B. Resolution 092600A: A Resolution Electing to Continue Participating in the
Local Housing Incentives Account Program Under the Metropolitan Livable
Communities Act

10. REPORTS

11. DISCUSSION

A. 2001 Budget Discussion

B. Refuse Collection Discussion

C. 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 12, 2000**

1. **The meeting was called to order at 8:00 P.M.**

2. **ROLL**

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

Council absent: Hawkinson

Staff present: City Administrator Getschow

3. **APPROVAL**

A. Approval of Agenda. Motion by Gill-Gerbig, second by Christensen to approve the agenda with the addition of 6 (A)- Recognition of Election judges. Roll: Yes: all. Motion carried.

B. Approval of Minutes. Motion by Gower, second by Gill-Gerbig to approve the minutes of the August 22, 2000 regular City Council meeting. Roll: Yes: all. Motion carried.

Motion by Christensen, second by Gill-Gerbig to approve the minutes of the August 22, 2000 special City Council meeting. Roll: Yes: all. Motion carried.

C. Approval of Claims totaling \$ 29,951.17. Motion by Gower, second by Christensen to approve the claims totaling \$29,951.17. 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

A. *Election Judges.* The Mayor and City Council expressed their appreciation to the election judges for all of their work during the primary election.

7. EXECUTIVE SESSION RELATING TO ATTORNEY/CLIENT PRIVILEGE
TO DISCUSS PENDING LITIGATION AGAINST THE CITY OF
LAUDERDALE.

The Mayor closed the meeting at 8:15 p.m. to enter into executive session relating to attorney/client privilege to discuss pending litigation against the City of Lauderdale.

The Mayor opened the meeting at 8:55 p.m.

8. INFORMATIONAL PRESENTATIONS

A. *2000 Street and Utility Improvements Update.* The City Engineer provided an update to the City Council on the street and utility project that is almost completed for the year.

9. PUBLIC HEARINGS

10. ACTION

A. *Approval of Resolution 091200A: A Resolution Approving the Lauderdale Preliminary 2001 Tax Levy.* The City Council was presented with three options for the 2001 preliminary tax levy that included:

Option A - keeping the tax levy the same as 2000 at \$488,406;

Option B - keeping the net levy (accounting for fiscal disparities) the same as 2000 with the resulting 2001 levy being \$489,508; or

Option C - keeping the tax rate the same as 2000 with the resulting 2001 levy being \$507,103.

It was stated that the Option C can capture more revenue for capital improvements through increased tax base and tax capacity without the need to raise the tax rate, and thus city taxes overall. But, Option A, which keeps the tax levy the same illustrates that the city can provide quality services in 2001 at the same tax level as 2000 with a reduced tax rate while also completing the comprehensive street and utility improvements.

Motion by Gower, second by Christensen to approve Resolution 091200A: A Resolution Approving the Lauderdale 2001 Tax Levy, which is for \$488,406 and is the same tax levy as 2000. Roll: Yes: all. Motion carried.

B. Establishment of 2000 Truth-In-Taxation (TNT) Public Hearing dates.
Motion by Christensen, second by Gower to adopt the truth-in-taxation public hearing initial and continuation dates as Tuesday, December 5, 2000 and Monday, December 11, 2000, at 7:30 p.m. at City Hall, respectively. Roll: Yes: all. Motion carried.

C. Resolution 091200A: LMC Building Quality Communities. The City Administrator stated that the League of Minnesota Cities (LMC) is launching a two-year education effort called the Building Quality Communities initiative. This program is a two-year effort to change how legislators, the media, and citizen's look at government. Other cities in Minnesota feel that the local dialogue often focuses on the level of taxation, and without the recognition that these taxes have a direct bearing on the quality of life in all Minnesota communities. The League is requesting that representative cities approve a resolution supporting this effort.

Motion by Gill-Gerbig, second by Christensen to approve Resolution 091200A: A Resolution supporting the "LMC Building Quality Communities" statewide education effort. Roll: Yes: all. Motion carried.

11. REPORTS

12. DISCUSSION

Motion by Gill-Gerbig, second by Gower to table the discussion of the 2001 Budget and the Draft Zoning Ordinance until the September 26, 2000 meeting. Roll: Yes: all. Motion carried.

13. ITEMS REMOVED FROM THE CONSENT AGENDA

14. ADDITIONAL ITEMS

15. SET AGENDA FOR NEXT MEETING

1. Middle Mississippi River Watershed Management Organization (MMRWMO) levy issue
2. 2001 Budget Discussion
3. Draft Zoning Ordinance
4. Purchase of a new computer
5. Cable Franchising competition presentation
6. Refuse Collection discussion
7. Livable Communities Act Resolution

16. ADJOURNMENT

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

The City of Lauderdale

Claims for Approval

9/26/00 City Council Meeting

September 15, 2000 Payroll # 6746 - 6755	\$7,145.70
September 26, 2000 Claims # 14772 - 14794	\$49,720.39
Total Claims for Approval	\$56,866.09

14 Sep 2000
Thu 9:36 AM

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*Paid Register
CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
PAYROLL DATE: SEPTEMBER 15, 2000
COUNCIL MEETING DATE: SEPTEMBER 26, 2000

Check Number	Employee Number	Employee Name	Social Security Number	Pay Period	Pay Group Number	Pay Group Description	Check Amount	Check Date	Status
006746	000000011	BOWNIK, JAMES		19	01	BI-WEEKLY	847.83	15-Sep-00	Outstanding
006747	000000014	CHRISTENSEN, CLAY		19	01	BI-WEEKLY	317.68	15-Sep-00	Outstanding
006748	000000010	DAINS, JEFFREY		19	01	BI-WEEKLY	567.03	15-Sep-00	Outstanding
006749	000000003	GETSCHOW, RICK		19	01	BI-WEEKLY	1,494.28	15-Sep-00	Outstanding
006750	000000016	GILL-GERBIG, KAREN		19	01	BI-WEEKLY	317.68	15-Sep-00	Outstanding
006751	000000015	GOWER, MOOSE		19	01	BI-WEEKLY	317.68	15-Sep-00	Outstanding
006752	000000030	GOYETTE, SHANNON		19	01	BI-WEEKLY	727.66	15-Sep-00	Outstanding
006753	000000041	HAWKINSON, DENISE		19	01	BI-WEEKLY	317.68	15-Sep-00	Outstanding
006754	000000002	HINRICHS, DAVID C		19	01	BI-WEEKLY	1,096.70	15-Sep-00	Outstanding
006755	000000005	HUGHES, JOSEPH A		19	01	BI-WEEKLY	1,141.48	15-Sep-00	Outstanding

Grand Total

7,145.70

22 Sep 2000
Fri 1:10 PM

* Paid Check Reg
CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
SEPTEMBER 26, 2000
CITY COUNCIL MEETING

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Check Invoice Number	Number	Name	Account Code	Comments	Transaction Amount
Check Number	14772	AT & T			
14772	1212972390	AT & T	101-41200-391	SEP '00 LONG DISTANCE	15.47

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Check Number	14773	BIFFS, INC.			
14773	W108210-IN	BIFFS, INC.	101-45200-427	PARK BIFFY AUG 9 / SEP 5	70.26

Totals	Check Number	14773	BIFFS, INC.		70.26
Check Number	14774	CINTAS			
14774	754135883	CINTAS	601-49000-425	PUBLIC WORKS UNIFORMS	27.70
14774	754137199	CINTAS	601-49000-425	PUBLIC WORKS UNIFORMS	27.70

Totals	Check Number	14774	CINTAS		55.40
Check Number	14775	CITY OF FALCON HEIGHTS			
14775	9/26/00	CITY OF FALCON HEIGHTS	101-42200-321	AUG '00 FIRE CALLS	2,154.00

Totals	Check Number	14775	CITY OF FALCON HEIGHTS		2,154.00
Check Number	14776	EGGHEAD.COM			
14776	148928	EGGHEAD.COM	202-49500-530	WEB SITE SUPPLIES	450.89
14776	152571	EGGHEAD.COM	202-49500-530	SCANNER FOR WEB SITE	149.94

Totals	Check Number	14776	EGGHEAD.COM		600.83
Check Number	14777	ICMA RETIREMENT TRUST - 457			
14777	9/26/00	ICMA RETIREMENT TRUST - 457	101-21705	9/15/00 PAYROLL	745.82

Totals	Check Number	14777	ICMA RETIREMENT TRUST - 457		745.82
Check Number	14778	KENNEDY & GRAVEN			
14778	34387	KENNEDY & GRAVEN	101-41400-305	AUG '00 LEGAL SERVICES	44.00

Totals	Check Number	14778	KENNEDY & GRAVEN		44.00
Check Number	14779	LEAGUE OF MINNESOTA CITIES			
14779	1-00004622	LEAGUE OF MINNESOTA CITIES	101-41200-308	RICK/JAMES: LMC REG MTNG	70.00

22 Sep 2000
Fri 1:10 PM

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CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
SEPTEMBER 26, 2000
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Check Invoice Number Number	Name	Account Code	Comments	Transaction Amount
Check Number	14779 LEAGUE OF MINNESOTA CITIES			-----
Totals Check Number	14779 LEAGUE OF MINNESOTA CITIES			70.00
Check Number	14780 MET-COUNCIL ENVIRONMENTAL SER.			
14780 710604	MET-COUNCIL ENVIRONMENTAL SER. 601-49000-387		OCT '00 WASTEWATER SERV	10,696.00
Totals Check Number	14780 MET-COUNCIL ENVIRONMENTAL SER.			----- 10,696.00
Check Number	14781 NORTH STAR STATE BANK			
14781 9/26/00	NORTH STAR STATE BANK	101-41500-201	RICK REIMB: ELECTION MEAL	50.32
14781 9/26/00	NORTH STAR STATE BANK	101-41200-331	RICK REIMB: PARKING	5.50
14781 9/26/00	NORTH STAR STATE BANK	202-49500-530	SHANNON REIMB/UPS SCANNER	7.70
14781 9/26/00	NORTH STAR STATE BANK	201-45600-440	PIZZA: PCIC	13.00
14781 9/26/00	NORTH STAR STATE BANK	101-41200-331	SHANNON REIMB: PARKING	8.50
14781 9/26/00	NORTH STAR STATE BANK	101-41200-331	RICK: MILEAGE REIMB	31.81
14781 9/26/00	NORTH STAR STATE BANK	601-49000-409	REPAIR SEWER JETTER	15.00
14781 9/26/00	NORTH STAR STATE BANK	101-41500-201	JAMES REIM: ELECTION MEAL	10.10
14781 9/26/00	NORTH STAR STATE BANK	101-41500-201	JAMES REIM: ELECTION MEAL	25.93
14781 9/26/00	NORTH STAR STATE BANK	101-41200-331	JAMES: MILEAGE REIMB	10.08
14781 9/26/00	NORTH STAR STATE BANK	101-41200-201	CREAMER FOR COFFEE	1.98
14781 9/26/00	NORTH STAR STATE BANK	101-41200-201	COFFEE/WATER CUPS	17.61
Totals Check Number	14781 NORTH STAR STATE BANK			----- 197.53
Check Number	14782 NORTHDAL CONSTRUCTION, INC.			
14782 9/26/00	NORTHDAL CONSTRUCTION, INC. 410-48410-328		PAY REQ #4: '00 ST/UTIL	30,710.28
Totals Check Number	14782 NORTHDAL CONSTRUCTION, INC.			----- 30,710.28
Check Number	14783 NORTHERN STATES POWER			
14783 0240214582	NORTHERN STATES POWER 601-49000-381		LIFT STATION ELECTRIC	79.93
Totals Check Number	14783 NORTHERN STATES POWER			----- 79.93
Check Number	14784 PUBLIC EMP RETIREMENT ASSSOC			
14784 9/26/00	PUBLIC EMP RETIREMENT ASSSOC 101-21704		9/15/00 PAYROLL	818.44
Totals Check Number	14784 PUBLIC EMP RETIREMENT ASSSOC			----- 818.44
Check Number	14785 RAMSEY COUNTY			

22 Sep 2000
Fri 1:10 PM

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CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
SEPTEMBER 26, 2000
CITY COUNCIL MEETING

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Check Invoice Number Number	Name	Account Code	Comments	Transaction Amount
Check Number	14785 RAMSEY COUNTY			
14785 9/26/00	RAMSEY COUNTY	203-50000-327	2ND HALF '00 W MAN ASSESS	186.05

Totals Check Number	14785 RAMSEY COUNTY			186.05
Check Number	14786 RAMSEY COUNTY			
14786 RISK000227	RAMSEY COUNTY	101-21706	SEP '00 EMPLOYEE BENNIES	811.16

Totals Check Number	14786 RAMSEY COUNTY			811.16
Check Number	14787 SAM'S CLUB			
14787 1924	SAM'S CLUB	101-43100-228	LIGHT BULBS	12.72

Totals Check Number	14787 SAM'S CLUB			12.72
Check Number	14788 SPRINT PCS			
14788 9/26/00	SPRINT PCS	601-49000-391	CELL PHONE: PUB WORKS	16.40
14788 9/26/00	SPRINT PCS	101-41200-391	CELL PHONE: CITY ADMIN	13.75

Totals Check Number	14788 SPRINT PCS			30.15
Check Number	14789 ST PAUL POSTMASTER			
14789 9/26/00	ST PAUL POSTMASTER	101-41600-203	4TH QTR '00 NEWSLETTER	200.00

Totals Check Number	14789 ST PAUL POSTMASTER			200.00
Check Number	14790 SUPER CYCLE			
14790 175482	SUPER CYCLE	203-50000-389	AUG '00 RECYCLING	1,837.68

Totals Check Number	14790 SUPER CYCLE			1,837.68
Check Number	14791 T.A. SCHIFSKY & SONS			
14791 22185	T.A. SCHIFSKY & SONS	101-43200-228	TAX FOR INV # 22185	3.91

Totals Check Number	14791 T.A. SCHIFSKY & SONS			3.91
Check Number	14792 US WEST COMMUNICATIONS			
14792 9/26/00	US WEST COMMUNICATIONS	601-49000-391	AUTODIAL: MALVERN LIFT	59.18

Totals Check Number	14792 US WEST COMMUNICATIONS			59.18

22 Sep 2000
Fri 1:10 PM

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CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
SEPTEMBER 26, 2000
CITY COUNCIL MEETING

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Check Invoice Number Number	Name	Account Code	Comments	Transaction Amount
Check Number	14793 US WEST COMMUNICATIONS			
14793 9/26/00	US WEST COMMUNICATIONS	601-49000-391	AUTODIAL: WALNUT ST LIFT	59.18

Totals Check Number	14793 US WEST COMMUNICATIONS			59.18
Check Number	14794 WALSH, WILLIAM P.			
14794 9/26/00	WALSH, WILLIAM P.	101-43400-310	PLUMB INSP THRU 9/21/00	262.40

Totals Check Number	14794 WALSH, WILLIAM P.			262.40

Grand Total				49,720.39

City Council Memorandum

To:	Mayor and City Council
From:	Rick Getschow
Council Meeting Date:	September 26, 2000
Agenda Item:	Cable Franchise Competition (Coralie Wilson)

BACKGROUND:

Coralie Wilson, Executive Director of the North Suburban Cable Commission (NSCC), will be in attendance at the meeting to update the City Council on recent requests by two cable companies to franchise with the individual cities in the NSCC. These other companies are requesting franchise agreements with Lauderdale, and if approved, would then subsequently build a complete cable system in the City.

Included in the packet is information from meetings and reports regarding the cable franchise issue. Also included is the Cable Commission policy for the granting of second (or third) franchises that Cor Wilson will address at the meeting.

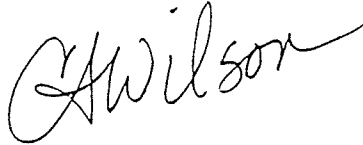
The Council also requested information on any ethics policies that the Cable Commission possesses. Cor Wilson can address the issue at the meeting.

ENCLOSURES:

1. Cable Commission reports on competitive franchises
2. Policy on granting a second franchise

to: Cable Commission

from: Coralie A. Wilson
Executive Director



subject: June/July Report

Competitive Franchises – Most of the activity on the competitive franchise applications for the past two months has been at Tom Creighton's office. He held a meeting for all of his local clients on July 11 to review the competitive franchising process and to report on the status of his analysis. I then met with Mr. Creighton on July 21 to review the community television and institutional access requirements in our current franchise agreement with MediaOne and to discuss how we might apply those to the potential competitors.

In addition, I have asked our contacts at the Mounds View and Roseville school districts to let me know what their needs are, and Mr. Creighton will be attending the Telecommunications Advisory Committee on August 16. Also in August, I plan to attend city council meetings to brief them on the status of the franchising process.

I have attached a copy of a letter which David Seykora, MediaOne's local Vice President for Law & Public Policy, sent to me and to all of our city managers and administrators. Some of them perceived the letter to be somewhat threatening, but I assured them that Mr. Creighton and I have the situation under control. Tom has indicated that he plans to respond in writing to Mr. Seykora on our behalf.

Legislative Update – In June, at the recommendation of the Legislative Committee, the MACTA Board decided to hire Spano & Janecek to take the lead on our lobbying efforts and Creighton, Bradley & Guzzetta to take the lead on our efforts to draft legislation for the 2001 session.

We then held the MACTA Summer Seminar at Arrowwood Resort on July 17 and 18 in order to enable our members to begin creating a vision for that legislation. The main reason we held the event in Alexandria was to encourage some of our members in Greater Minnesota to participate, and about one-third of our attendees were from outside the metropolitan

MediaOne
Law & Public Policy Department
10 River Park Plaza
St. Paul, MN 55107

Telephone: (612) 312-5230
Facsimile: (612) 312-5238

David G. Seykora
Vice President - Law & Public Policy



July 18, 2000

Cor Wilson, Administrator
North Suburban Cable Commission
950 Woodhill Dr
Roseville, MN 55113

Dear Ms. Wilson:

We understand that the Cities of Arden Hills, Roseville, St. Anthony, Mounds View, Lauderdale, Shoreview, North Oaks, New Brighton, Little Canada, and Falcon Heights (the "Cities") have been approached recently by GLA – Everest, Wide Open West and perhaps others seeking authorization to operate a cable communications system in the Cities.

While MediaOne/AT&T welcomes the challenge of increased competition, we believe it is incumbent upon the Cities to ensure a "level playing field" whereby any franchise or authorization granted to any competing cable operator or other provider of similar services does not favor the new operator in terms of franchise benefits or burdens or regulatory rights and obligations. If the Cities were not to assure such a "level playing field," the benefits that could come from increased competition would not be realized.

As a threshold matter, we would like to bring to your attention that Minnesota Statutes outline many specific required franchising procedures and considerations. Minnesota Statutes also provide that:

(b) No municipality shall grant additional franchise for cable service for an area included in an existing franchise on terms and conditions more favorable or less burdensome than those in the existing franchise pertaining to: (1) the area served; (2) public, educational, or governmental access requirements; or (3) franchise fees. . . . Nothing in this paragraph prevents a municipality from imposing additional terms and conditions on any additional franchises. (Minnesota Statutes Section 238.08(1)(b))

In addition, Section 2.2.c of our Franchise provides as follows:

This Franchise shall be nonexclusive, and City reserves the right to grant a Franchise to any Person at any time during the period of this Franchise for the provision of Cable Service. The terms and conditions of any such Franchise shall

be, when taken as a whole, no less burdensome or more beneficial than those imposed upon the Grantee pursuant to this Franchise.

Federal law also places an obligation on the Cities to assure that a cable operator not engage in so-called "redlining" or "cherry-picking" and requires the Cities to assure that access to cable service is not denied to any group of residents due to the income of residents in a particular area. And, of course, the Cities cannot constitutionally favor one First Amendment speaker over another by imposing disparate regulatory burdens.

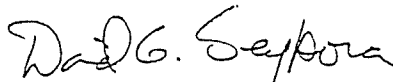
We have a strong interest in all cable communications issues in the Cities of Arden Hills, Roseville, St. Anthony, Mounds View, Lauderdale, Shoreview, North Oaks, New Brighton, Little Canada, and Falcon Heights as well as a level regulatory playing field. In order to assist us in fully understanding all issues which may affect cable communications or our business in the Cities of Arden Hills, Roseville, St. Anthony, Mounds View, Lauderdale, Shoreview, North Oaks, New Brighton, Little Canada, and Falcon Heights, pursuant to the Minnesota Data Practices Act, Minnesota Statutes Section 13.01 et seq., we request copies of all government data related to any inquiry or application by any person or entity other than MediaOne/AT&T for a franchise or other authorization to provide cable service or similar services in the Cities. This request would include, but not be limited to, any letters, proposals, staff reports, tapes or other materials collected, created, received, maintained or disseminated by the Cities regarding such inquiry or application. We request that you provide us copies within one week or as soon as reasonably possible, and if there is a charge for the copies or other arrangements must be made, please let us know.

We also request specific advance written notice of all meetings and executive sessions of the Cities, City Councils, any of their commissions or committees at which an inquiry, application or grant of a cable communications franchise or authorization for cable service or similar service may be discussed or considered.

On behalf of MediaOne/AT&T please let me express once again our appreciation for the opportunity to serve the communities. We look forward to continuing to provide excellent cable service to our customers and being an important part of the community for many years to come. Please feel free to call me at 651-312-5280 if you have any questions or concerns regarding our request.

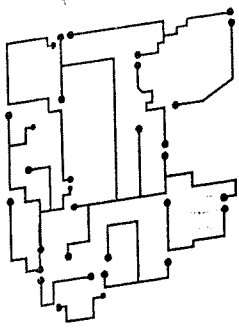
Thank you for your time and consideration.

Sincerely,



David G. Seykora

cc: Tom Creighton
Joseph Lynch, Arden Hills City Administrator
Steve Sarkozy, Roseville City Manager



North
Suburban
Communications
Commission

@tv15

memo

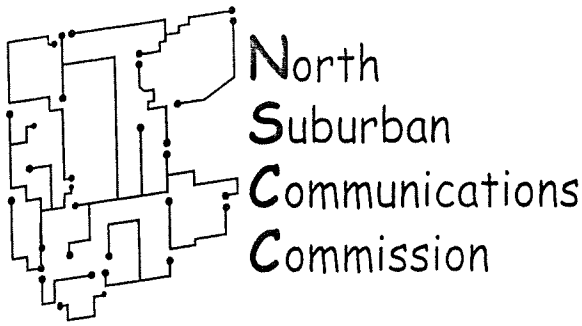
to: City Managers and Administrators

from: Cor Wilson, Executive Director

date: February 17, 2000

subject: Policy and Procedure for Grant of a Second Franchise

For your information, last fall the Commission adopted the enclosed policy and procedure for granting a second cable television franchise.



NORTH SUBURBAN CABLE COMMUNICATIONS COMMISSION

POLICIES AND PROCEDURES GOVERNING APPLICATION, REVIEW AND RECOMMENDATIONS REGARDING GRANT OF COMPETITIVE CABLE FRANCHISES

Preamble

The North Suburban Cable Communications Commission is a municipal joint powers consortium organized pursuant to Minn. Stat. § 471.59 and comprised of the Cities of Arden Hills, Falcon Heights, Lauderdale, Little Canada, Mounds View, New Brighton, North Oaks, Roseville, St. Anthony, and Shoreview. The Commission was formed by agreement of the Member Cities. The purpose for creating the Commission was to allow for efficient administration and enforcement of the cable Franchises of the Member Cities and to coordinate cable-related matters for the benefit of the Member Cities and subscribers.

The agreement of the Member Cities is embodied in the Joint and Cooperative Agreement for the Administration of a Cable Communications System, as amended, which defines the authority, powers, duties and obligations of the Commission. The Commission has been delegated all authority necessary to coordinate, administer, and enforce the Franchises of the Member Cities. The Commission must undertake all tasks required to fulfill this obligation, and must conduct such research and investigations as it deems necessary. While the Member Cities have retained final authority to grant telecommunications Franchises to cable providers, they have delegated fundamentally all other authority regarding such Franchises to the Commission.

The Commission was organized prior to initial consideration and grant of the current Franchises by the Member Cities. The Commission reviewed the applications of the initial prospective cable Franchisees and coordinated the grant of uniform Franchises by the Member Cities. Subsequently, the Commission undertook all tasks necessary for renewal of the Franchises including review of the proposal for renewal and negotiation of the terms of uniform Franchises adopted by the Member Cities.

Modern telecommunications policy, law and regulations encourage the emergence of competition in all telecommunications markets. Increased competition in the provision of all telecommunications services is expected, including in the provision of cable television service. The emergence of such competition could increase the quality and availability of enhanced telecommunications services via cable systems, encourage lower rates, encourage better customer service, and generally benefit consumers. Policies and procedures regarding application for and review of applications for competitive cable Franchises will streamline the processing of requests to provide such competitive telecommunications services.

In view of the foregoing, the Commission has formulated policies and procedures for application and review of applications for competitive Franchises within the Member Cities. Pursuant to these policies and procedures the Commission has delineated the information which must be provided in an application for a competitive Franchise, detailed a process for review of such application and negotiation of the terms of the Franchise agreement, and provided for the presentation of a formal recommendation regarding the grant of such Franchise(s) to the Member Cities. All of these functions are within the current authority delegated to the Commission in the Joint Powers Agreement.

Section 1. Definitions

“Applicant” shall mean a Cable Company that files an Application with the Commission.

“Application” shall mean the information, documentation, and data, of the form and substance required herein, filed by a Cable Company with the Commission requesting the Commission’s consideration and recommendation to the Member Cities regarding grant of a competitive Franchise.

“Application Fee” shall mean a fee which is intended to cover all costs incurred by the Commission and its Member Cities related to processing Applications up to and including the grant of a Franchise (if any) including, but not limited to, staff and attorney’s time in reviewing and considering an Application and related information, negotiating the terms and conditions of Franchises, and preparing recommendations, Franchises and other documentation related to such Application.

“Cable Company” shall mean any person owning, controlling, operating, managing or leasing a Cable System within the state or any person seeking a Franchise or authorization to do so.

“Cable System” means a system which operates the service of receiving and amplifying video programs and distributing those programs by wire, cable, microwave or other means, whether the means are owned or leased, to persons who subscribe to the service. This definition does not include:

- (a) a system which serves fewer than 50 subscribers or a system which serves more than 50 but fewer than 1,000 subscribers if the Member Cities, vote, by resolution, to not require a Franchise. No part of a system, nor any area within the Member Cities, may be removed from the requirement that a Franchise be obtained if more than 1,000 subscribers are served or to-be served by the system;

- (b) a master antenna television system;
- (c) a system which does not use the public rights-of-way for the construction of its physical plant; and
- (d) a translator system which receives and rebroadcasts over-the-air signals.

“Commission” shall mean the North Suburban Cable Communications Commission, a municipal joint powers consortium, and its lawful successors or assigns.

“Franchise” shall mean any authorization granted by a Member City in the form of a Franchise, privilege, permit, license or other municipal authorization to construct, operate, maintain, or manage a Cable System.

“Member Cities” shall mean the cities of Arden Hills, Falcon Heights, Lauderdale, Little Canada, Mounds View, New Brighton, North Oaks, Roseville, St. Anthony, and Shoreview and such other municipalities which may lawfully join the Commission.

“Policies and Procedures” shall mean these policies and procedures governing the Commission’s processing of Applications for Franchises.

Section 2. Applicability of Policies and Procedures

These Policies and Procedures apply to every Cable System and every Cable Company, including a Cable Company which constructs, operates and maintains a Cable System in whole or in part through facilities owned or operated by another provider, that seeks to operate within the territorial limits of two or more of the Member Cities.

Authority: Minn. Stat. Sec. 238.03

Section 3. Franchise requirement

Subd. 1. In accordance with state and federal law, each Member City shall require a Franchise of any Cable System providing service within the municipality.

Subd. 2. Nothing in these Policies and Procedures shall be construed to limit any of the Member Cities from the right to construct, purchase, and operate a Cable System or otherwise provide any telecommunications services either for internal municipal purposes or for sale to the public. Any municipal system shall be subject to this Franchise requirement to the same extent as would any nonpublic Cable System.

Subd. 3. Franchises for Cable Systems that are constructed in two or more Member Cities shall be reasonably uniform to permit efficient administration and enforcement by the Commission. Franchises for Cable Systems constructed solely within a single Member City’s borders shall be administered and enforced by the Member City.

Authority: Minn. Stat. Sec. 238.08

Section 4. Application for Franchise

Subd 1. Franchising of Cable Systems and Cable Companies by the Member Cities shall comply with Minnesota Statutes, Chapter 238 and other applicable state and federal laws. Nothing in these Policies and Procedures shall be deemed to alter or limit the requirements of such laws.

Subd. 2. Review of Applications. Applications for competitive Franchises shall contain such information as is required below in these Policies and Procedures and shall be submitted to the Commission. Review by the Commission of any Applications pursuant to these Policies and Procedures and final determination by the Commission regarding a recommendation whether to Franchise such Applicant(s) may be based on any relevant factors. Such relevant factors may include comparisons of the level and quality and nature of services proposed by the Applicant to that provided by the incumbent Cable Company, the needs and interests of the community and institutions as identified solely by the Commission and Member Cities, and information regarding industry trends, state of the art technologies, services and other related information.

Subd. 3. Public Hearing on Applications. A public hearing before the Commission affording reasonable notice and a reasonable opportunity to be heard with respect to an Application shall be scheduled within 120 days of receipt of an Application. This public hearing shall not replace any public hearing required by law prior to adoption of individual Franchises by the Member Cities. The incumbent Cable Company shall be given notice of such hearing in writing and shall be permitted to participate.

Subd. 4. Negotiation of Franchise Terms. During the period of up to 120 days prior to the public hearing on the Application, the Commission and Applicant may negotiate specific Franchise terms and conditions for recommendation and presentation to the Member Cities. In addition, during this period the Commission shall review the Application and may request such additional information which Commission deems necessary to make final recommendations to the Member Cities.

Subd. 5. Determinations. Determinations by the Commission regarding the qualifications of Applicant(s) and recommendations to the Member Cities regarding grant of Franchises shall be made based on information provided by the Applicant as required herein and such other information which Commission deems relevant in its sole discretion. The Commission may, in its sole discretion, consider information developed during any negotiations with the Applicant during the 120 review period and any information or evidence adduced by the incumbent Cable Company. Within 60 days after such public hearing the Commission shall issue written recommendations to the Member Cities regarding such Application. These recommendations may include a uniform Franchise document for adoption by the Member Cities.

Subd. 6. Award of Franchise. Franchises may be awarded only by ordinances issued by the Member Cities.

Subd. 7. Costs of Reviewing Application and Issuing Franchise. The Applicant shall pay the Application Fee required below. The Application Fee is required for the purpose of

reimbursement of the Commission and Member Cities for all costs associated with processing Applications pursuant to these Policies and Procedures. In the event the Commission recommends denial or non-issuance of Franchises by the Member Cities, any portion of the Application Fee which remains after payment of all Commission and Member Cities' costs will be reimbursed to the Applicant. In the event Commission recommends approval or issuance of Franchises by the Member Cities, Commission shall retain the full amount of the Application Fee. Should the Application Fee not cover the expenses of the Commission, those unreimbursed expenses shall be reimbursed prior to any consideration of the Franchise by a Member City. A successful Applicant shall be fully responsible to reimburse all the Member Cities for all costs of awarding the Franchise.

Subd. 8. Franchising nonprofit or municipally-owned system. Nothing contained in this section prohibits a Member City from franchising a nonprofit or municipally-owned system. The municipality or nonprofit entity may be considered an Applicant subject to these Policies and Procedures in the event service will be provided outside of a single Member City.

Authority: Minn. Stat. § 238.081

[Note: Minn. Stat. § 238.081, Subd. 10, specifically authorizes municipalities to delegate all of the above rights and responsibilities to a joint powers consortium such as the Commission. The Joint Powers Agreement could be amended to better clarify this delegation. Delegation of this authority is currently implied but not explicit in the Agreement.]

Section 5. Information Required in Application.

An Application for a competitive Franchise must be signed by an authorized officer or principle of the Cable Company and be notarized and must include at least the following:

- (1) the name of the municipality(ies) in which the Applicant seeks to construct a Cable System and provide services;
- (2) the name, address, and telephone number of the individuals who may be contacted for further information.
- (3) plans for channel capacity, including both the total number of channels capable of being energized in the system and the number of channels to be energized immediately;
- (4) a statement of the television and radio signals for which permission to carry will be requested from the Federal Communications Commission, or any other required regulatory agency;
- (5) a description of the proposed system design and planned operation, including at least the following items:
 - (i) the general area for location of antennae and the head end, or description of programming delivery plan if otherwise;
 - (ii) the schedule for activating two-way capacity and any other system capacity to be activated in conjunction with the Cable System;
 - (iii) the type of automated services to be provided;
 - (iv) the minimum number of video channels, other Cable Services, and other kinds of services to be made available to residents;
 - (v) the number of channels and services to be made available for community/access

- programming; and
- (vi) a plan for funding of facilities and staff for community/access programming and/or a plan for interconnection and provision of such programming in cooperation with the incumbent Cable Company;
- (6) plans for the provision of Institutional Network capacity and services or other “in-kind” services and the terms, conditions and technical standards under which particular service is to be provided to governmental, educational, and other institutional entities;
- (7) a list of all institutions receiving Institutional Network service.
- (8) a schedule of proposed rates in relation to the services to be provided, and a proposed policy regarding unusual or difficult connection of services;
- (9) a time schedule for construction of the entire system with the time sequence for wiring the various parts of the area requested to be served in the request for proposals;
- (10) a statement indicating the applicant’s qualifications and experience in the cable communications field, if any;
- (11) an identification of the municipalities in which the applicant either owns or operates a Cable System, directly or indirectly, or has outstanding Franchises for which no system has been built;
- (12) detailed plans for financing of the proposed system, which must indicate every significant anticipated source of capital and significant limitations or conditions with respect to the availability of the indicated sources of capital;
- (13) a statement of ownership detailing the corporate organization of the applicant, if any, including the names and addresses of officers and directors and the number of shares held by each officer or director, and intracompany relationship including a parent, subsidiary or affiliated company;
- (14) a statement of a form and substance acceptable to Commission indemnifying Commission fully against any claims or liabilities alleged as the result of Commission’s exercise of these Policies and Procedures including any such claims or liabilities alleged or asserted by the incumbent Cable Company;
- (15) an agreement to pay the Member Cities a Franchise fee in the same percentage of gross revenues as the incumbent providers;
- (16) a notation and explanation of omissions or other variations with respect to the requirements of the Application; and
- (17) submission of an Application Fee in the amount of \$50,000.00.

Authority: Minn. Stat. Sec. 238.081, Subd. 2 and 4.

Section 6. Negotiation of Franchise Terms and Conditions.

Subd. 1. The Commission shall not negotiate and recommend to the Member Cities an additional Franchise for Cable Service for an area included in an existing Franchise on terms and conditions more favorable or less burdensome than those in the existing Franchise pertaining to: (1) the area served; (2) public, educational, or governmental access requirements; or (3) Franchise fees. The provisions of this paragraph shall not apply when the area in which the additional Franchise is being sought is not actually being served by any existing Cable Company holding a Franchise for the area. However, nothing in this paragraph prevents Commission from

recommending or the Member Cities from imposing additional terms and conditions on any additional Franchises.

Subd. 2. Nothing in these Policies and Procedures shall be construed to limit the power of any Member City to impose upon any Cable Company any legally permissible fee, tax or charge.

Authority: Minn. Stat. § 238.08.

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City Council Memorandum

To: Mayor and City Council
From: Rick Getschow
Council Meeting Date: September 26, 2000
Agenda Item: Children's Home Society – Request for Conduit Financing

BACKGROUND:

As part of the Children's Home Society expansion project, a request is coming forward to the City for issuance of revenue bonds in the amount of \$7,000,000. These bonds are normally known as "Industrial Revenue Bonds" or "Industrial Development Bonds" as defined by Minnesota State Statutes 469.152 - 469.165. This type of bonding is also known as conduit financing because the City is only a "conduit" or pass-through for the financing. The bonds are neither an obligation of the City, nor are any assets of the City pledged for the payment of the bonds. All direct costs related to the issuance of the bonds are paid by the ultimate recipient of the bonds. The benefit to Children's Home Society (and other participants) in the issuance of these bonds is the ability to obtain tax-exempt financing that possesses a lower interest rate (usually 2-4%) for financing than taxable borrowing would.

I have included in the packet a two-page summary called "Conduit Financing" that explains a few of these basics.

The City does have a history with this type of financing. The City of Lauderdale issued Industrial Revenue Bonds for Twin City Die Casting in 1978-1979 in the amount of approximately \$1,750,000. Enclosed in the packet are the extracts of the minutes where the preliminary approval for this issuance was made.

The process for issuance begins with the passage of a resolution giving preliminary approval for the issuance of the bonds. Representatives from the Children's Home Society will be in attendance at the meeting to give a presentation requesting conduit financing. It is the intent of Children's Home to bring a resolution of preliminary approval for the financing at the first October City Council meeting.

If the City Council chooses to agree to participate in the conduit financing, it is imperative that the City Bond Counsel (Briggs and Morgan) reviews and approves the resolution that would set this process in motion. Following the passage of this resolution, several other steps are needed to secure the financing that usually includes the approval of a: (1) memorandum of agreement, (2) a resolution to sell the bonds, (3) pledge agreement, (4) loan and bond purchase agreement, and (5) a combination mortgage, security, and fixture financing statement.

It is also highly recommended that an administrative fee be charged by the City for the issuance of these bonds. This is above and beyond the requirement that all out-of-pocket expenses related to the bond issue are to be paid by Children's Home Society. I have contacted other cities, such as Minneapolis and Saint Paul, that have issued conduit bond financing under this Statute and have done so for 501 (c)(3) organizations. I have requested their policies and rates for charging these administrative fees. The fees range from a one-time fee at closing for 1-2% of the issuance to an annual on-going fee of ¼% a year on the amount of outstanding bonds.

Given the City's past use of conduit financing, and the assurance that an administrative fee is properly implemented, and that City Bond counsel works extensively on this request for conduit financing - this is a project that would be recommended by staff.

ENCLOSURES:

1. **UNDER SEPARATE BOUND COVER** – Presentation Outline from Children's Home Society and US Bank
2. "Conduit Financing in Minnesota" handout
3. Extract of the Minutes of the October 10, 1978 Lauderdale City Council meeting

COUNCIL ACTION REQUESTED:

Direct staff on how to proceed with this conduit financing request from Children's Home Society.



CONDUIT FINANCING IN MINNESOTA

Minnesota Statutes, Sections 469.152 through 469.165, Municipal Industrial Development (the "Act") authorizes cities (and also housing and redevelopment authorities, port authorities, economic development authorities, area or municipal redevelopment agencies and in certain circumstances towns and counties) to issue bonds to finance projects described in the Act. Generally speaking, the requirements of Minnesota Statutes, Chapter 475 relating to municipal bonds do not apply to bonds issued under the Act. An election is not required. "Project" is generally defined as any real or personal property used or useful in connection with a revenue producing enterprise. Specific authorizations include tourism projects; health care projects including hospitals, nursing homes and related medical facilities; manufacturing projects; and jails. Residential projects are specifically excluded.

The basic structure of transactions under the Act is as follows: a privately placed note or publicly sold bonds ("obligations") are issued by the Issuer. The Issuer loans the proceeds from the sale of the obligations to a private or nonprofit party (the "borrower"). This loan is made pursuant to a loan agreement which requires the borrower to comply with certain requirements (including maintaining insurance) of state law and the Internal Revenue Code (the "Code"). The loan agreement further requires the borrower to generate revenues sufficient to pay amounts owed by the Issuer on the obligations. Payments under the loan agreement are equal to the payments due on the obligations. Because the obligations are a promise to pay between the private placement lender or bond trustee and the Issuer, and because the loan agreement is between the Issuer and the borrower, another agreement called a pledge agreement or trust indenture is used pursuant to which the Issuer pledges its receipts under the loan agreement for payment on the obligations. (Usually the loan agreement provides that the payments are made by the borrower directly to the lender or bond trustee.) In addition, the borrower usually executes a mortgage and/or security agreement in favor of the lender or bond trustee. Occasionally other types of collateral are also required such as guaranties, letters of credit, etc. In all cases the security interest in these items of collateral runs in favor of the lender or bond trustee.

The Act specifically provides that obligations issued under the Act are not payable from or charged upon any funds other than the revenue pledged to their payment, nor is the Issuer subject to any liability on them. No holder of the obligations has the right to require any exercise of the taxing power of the Issuer to pay the obligations or the interest thereon, or enforce payment of the obligations against any property of the Issuer, except those projects or portions thereof mortgaged or otherwise encumbered under the provisions and for the purposes of the Act.

As you can see, the only recourse the lender or bond trustee has is to the project revenues and the real estate and/or equipment pledged as collateral for the loan.

The Act also contains certain procedural requirements in order for the obligations to be validly issued. These include holding a public hearing and submitting a request to the Minnesota Department of Trade and Economic Development for project approval.

In order for obligations issued under the Act to be tax exempt, there must be compliance with certain requirements of the Code. One of these is public approval, which means that the issuance of the obligations must be approved after a public hearing. Usually a state law public hearing and the federal law public hearing are held simultaneously. Other Code requirements include: (1) a limitation of the costs of issuance of the obligations which can actually be paid from the proceeds of the obligations (this limit is 2%); (2) the proceeds of the obligations must be used in the trade or business of a nonprofit corporation which is the borrower; and (3) federal tax form 8038 must be filed with the Internal Revenue Service upon issuance of the obligations. There are a variety of other technical requirements under the Code which I shall not go into at this time.

I hope this information has been responsive to your needs and helps your governing body gain a greater understanding of the structure of this project. Please feel free to call Mary Frances Skala with your questions at (218) 725-6807 or e-mail her at mfskala@fryberger.com.

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EXTRACT OF MINUTES OF MEETING
OF THE CITY COUNCIL OF THE CITY
OF LAUDERDALE, RAMSEY COUNTY, MINNESOTA

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Lauderdale, Ramsey County, Minnesota, was held at the City Hall in said City on Tuesday, October 10, 1978, commencing at 7:30 o'clock p.m.

The following members were present:

Mayor Robert C. Wisen, Councilmembers: Roy W. Bensen, James Landsberger, Jane I. Lindberg and David A. Nelson

and the following were absent:

NONE

* * *

* * *

* * *

The following resolution was presented by Councilmember

Roy W. Bensen who moved its adoption:

RESOLUTION NO. 101078A

RESOLUTION GIVING PRELIMINARY APPROVAL TO
A PROJECT UNDER THE MUNICIPAL INDUSTRIAL
DEVELOPMENT ACT; REFERRING THE PROPOSAL TO
THE COMMISSIONER OF SECURITIES FOR APPROVAL;
AND AUTHORIZING EXECUTION OF A MEMORANDUM OF
AGREEMENT AND PREPARATION OF NECESSARY DOCUMENTS

BE IT RESOLVED by the City Council of the City of Lauderdale, Minnesota, as follows:

1. It is hereby found, determined and declared as follows:

1.1. The welfare of the State of Minnesota requires active promotion, attraction, encouragement and development of economically sound industry and commerce through governmental acts to prevent, so far as possible, emergence of blighted lands and areas of chronic unemployment, and the state has encouraged local government units to act to prevent such economic deterioration.

1.2. Twin City Die Castings Company, a Minnesota corporation (the "Company"), has advised this Council of its desire to

improve land and construct and equip thereon additional new facilities of approximately 20,000 square feet, to remodel existing facilities, and to equip such facilities within the City (the "Project") for use by the Company in its business of manufacturing custom zinc and aluminum die castings for industrial use.

1.3. The existence of the Project within the City would significantly increase the tax base of the City, County and school district in which the City is located, and would provide opportunities for employment for residents of the City and surrounding area.

1.4. The City has been advised that conventional, commercial financing to pay the capital cost of the Project is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced, but that with the aid of municipal financing, and its resulting low borrowing cost, the Project is economically more feasible.

1.5. This Council has been advised by a representative of the First National Bank of Minneapolis, St. Anthony Falls office, that on the basis of information submitted to them and their discussions with representatives of the Company, Industrial Development Revenue Bonds can be successfully issued and sold by the City to finance the Project.

1.6. The City is authorized by Minnesota Statutes, Chapter 474, to issue its revenue bonds to finance capital projects consisting of properties used and useful in connection with a revenue producing enterprise, such as that of the Company, and the issuance of such bonds by the City would be a substantial inducement to the Company to construct its facility within the City.

2. On the basis of information given the City to date, it appears that it would be in the best interest of the City to issue its industrial development revenue bonds under the provisions of Chapter 474 to finance the Project of the Company at a cost presently estimated to be approximately \$1,750,000.

3. The Project above referred to is hereby given preliminary approval by the City and the issuance of bonds for such purpose and in such amount approved, subject to approval of the Project by the Commissioner of Securities of the State of Minnesota and to the mutual agreement of this body, the Company and the initial purchasers of the bonds as to the details of the bond issue and provisions for their payment. In all events, it is understood, however, that the bonds of the City shall not constitute a charge, lien or encumbrance legal or equitable upon any property of the City except the Project, and each bond, when, as and if issued, shall recite in substance that the bond, including interest thereon, is payable solely from the revenues received from the Project and properly pledged to the payment thereof, and shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation thereon.

4. The form of Memorandum of Agreement now on file with the City Clerk relating to the issuance of revenue bonds of the City to finance the cost of the Project is hereby approved and the Mayor and City Manager are hereby authorized and directed to execute the Memorandum of Agreement in behalf of the City.

5. In accordance with Minnesota Statutes, Section 474.01, Subdivision 7A, the City Manager is hereby authorized and directed to submit the proposal for the Project to the Commissioner of Securities for his approval. The Mayor, City Clerk, City Attorney and other officers, employees, and agents of the City are hereby authorized to provide the Commissioner with any preliminary information he may need for this purpose, and the City Attorney is authorized to initiate and assist in the preparation of such documents as may be appropriate to the Project, if it is approved by the Commissioner.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember James Landsberger, and upon vote being taken thereon, the following voted in favor of the motion: Mayor Robert C. Wisen, Councilmembers: Roy W. Bensen, James Landsberger, Jane I. Lindberg and David A. Nelson and the following voted against:

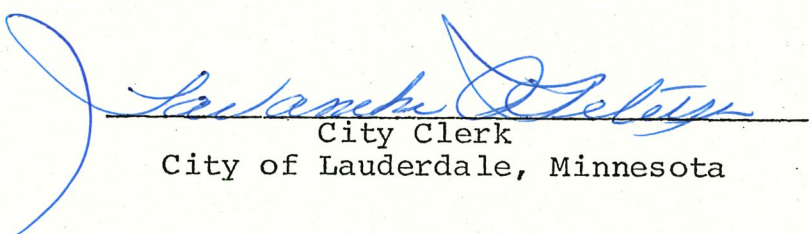
NONE

whereupon said resolution was declared duly passed and adopted.

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY) SS.
)
CITY OF LAUDERDALE)

I, the undersigned, being the duly qualified and acting City Clerk of the City of Lauderdale, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of a regular meeting of the City Council of said City held on Tuesday, October 10, 1978, with the original thereof on file in my office and the same is a full, true and correct copy thereof, insofar as the same relates to the preliminary approval of a Project to be financed by Industrial Development Revenue Bonds of the City.

WITNESS My hand as such City Clerk and the corporate seal of the City this 17th day of October, 1978.



City Clerk
City of Lauderdale, Minnesota

(SEAL)



City Council Memorandum

To: Mayor and City Council
From: Rick Getschow
Council Meeting Date: September 26, 2000
Agenda Item: Middle Mississippi River Water shed Management
Organization (MMRWMO) Levy Issue

BACKGROUND:

Council member Gill-Gerbig requested that this item be placed on the agenda at the last meeting. She serves as a Commissioner on the MMRWMO Board of Commissioners as the Lauderdale representative.

The issue to be discussed and was touched upon at the last meeting is the levy authority of the MMRWMO. Over the past year there have been some contradictions and misunderstandings 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 (Minneapolis, St. Anthony, St. Paul, and Lauderdale) 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 will also be the process that the MMRWMO will be required to follow.

I have enclosed in the packet the 2000 tax rates in Lauderdale that illustrate the differences in rates due to which watershed residents of the community are in. The second column delineates the watershed. (C) is for the Capitol Region Watershed District, (R) is for the Rice Creek Watershed District, and (I) is for the Middle Mississippi River Watershed Management Organization. The MMRWMO rate is the lowest at 132.271% because they did not levy a tax in 2000. The CRWD rate for 2000 was ½%, while the RCWD rate was approximately ¾%. These rates are included in the miscellaneous tax rate column. It is interesting to note that every Lauderdale resident and/or property owner would have the same tax rate were it not for the different watersheds.

Fortunately, unlike the RCWD and the CRWD, Lauderdale has direct representation on the Board of Commissioners and also has Lauderdale storm water related capital improvements in the overall MMRWMO watershed plan. I am not yet sure what the 2001 levy would be to Lauderdale, but I have been told to assume that it would not exceed the other watershed levies in Lauderdale for 2001. 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 member Gill-Gerbig has stated that discussions have begun regarding Lauderdale continued membership in the watershed and the possible boundary changes that could occur. The MMRWMO was planning on providing material for the Council to review for discussions on this levy issue and these other related topics. The material has not arrived in time for inclusion in his packet. If the material is submitted, it will be provided at the meeting.

ENCLOSURES:

1. Lauderdale 2000 Tax Rates

COUNCIL ACTION REQUESTED:

Provide feedback to the Lauderdale MMRWMO Commissioner and staff on how we plan on proceeding with the proposed levy and other related issues such as continued and/or expanded membership.

Ramsey County FINAL Tax Rates for Taxes Payable in 2000

MUNICIPALITY &	SCH. DIST	& W/S	CITY OR TOWN	(1) COUNTY	(2) SCHOOLS	S.I.S.D. # 916	(3) MISC	(4) TOTAL LOCAL TAX RATE	(5) MARKET TAX RATE
LAUDERDALE	623	(C)	29.041%	44.839%	51.942%	0.261%	6.687%	132.770%	0.28280%
LAUDERDALE	623	(I)	29.041%	44.839%	51.942%	0.261%	6.188%	132.271%	0.28280%
LAUDERDALE	623	(R)	29.041%	44.839%	51.942%	0.261%	6.953%	133.036%	0.28280%

City Council Memorandum

To: Mayor and City Council
From: Rick Getschow
Council Meeting Date: September 26, 2000
Agenda Item: Resolution 092600A: LCA Resolution

BACKGROUND:

Beginning in 1995, the Lauderdale City Council elected to participate in a program that was made available by a law enacted by the Legislature called the Metropolitan Livable Communities Act. The Metropolitan Livable Communities Fund is comprised of three accounts that provide monies and other assistance to metropolitan area municipalities. The fund's accounts are:

- Tax Base Revitalization Account
- Livable Communities Demonstration Account
- Local Housing Incentives Account; and the
- Inclusionary Housing Incentive Account

The City is eligible to receive grants or loans under the Metropolitan Livable Communities Fund or eligible to receive certain polluted sites cleanup funding from the Minnesota Department of Trade and Economic Development (DTED) when it is participating in the Local Housing Incentives Program. The City Council may elect to participate in the program on an annual basis. Lauderdale has participated in the tax base revitalization program in past years and as a result has received over \$900,000 in funding to mitigate polluted sites for redevelopment - Bolger Publications and the Lightning Transient Research Institute (LTRI) site.

The Act requires the Metropolitan Council to negotiate with each municipality to establish affordable and life-cycle housing goals for that municipality that are consistent with and promote the policies of the Metropolitan Council as provided in the adopted Metropolitan Development Guide. Because the Lauderdale meets or exceeds the housing goals as defined by the Metropolitan Council's benchmarks, Lauderdale is not required to establish new goals.

Attached is a letter from the Metropolitan Council explaining 2001 participation.

COUNCIL ACTION REQUESTED:

Motion to adopt Resolution Number 092600A, A Resolution electing to participate in the Local Housing Incentives Account Program under the Metropolitan Livable Communities Act.

DATE: August 4, 2000

TO: City Managers and Administrators

FROM: Elizabeth J. Ryan, Director of Housing & Livable Communities *EL*

SUBJECT: Certification of 2000 ALHOA (Expenditures in 2001)

Thank you for your participation in the 2000 *Metropolitan Livable Communities Act* (LCA) Local Housing Incentives Account. Your community's commitment and involvement has contributed to the region's overall economic competitiveness and its tangible progress in providing affordable and life-cycle housing for metro area residents.

Looking ahead to 2001, the Metropolitan Council seeks your community's renewed participation and continued cooperation in Livable Communities efforts. As part of the LCA legislation, the Council annually notifies each community of its "Affordable and Life-cycle Housing Opportunities Amount (ALHOA)". The ALHOA is derived from the formula prescribed in law including market value, tax capacity and tax rates by the county assessor. It is an amount of local expenditure to support or assist the development of affordable and life-cycle housing or maintain and preserve such housing. The enclosed ALHOA is the amount of local expenditure expected of the community during 2001.

Communities have some flexibility in determining which local expenditures fulfill the ALHOA contribution. Examples include local dollars contributed to housing assistance, development or rehabilitation efforts, local housing inspection and code enforcement, or local taxes to support a local or county HRA.

Incentives for your community's renewed participation include access to nearly \$15 million for housing development, clean-up of polluted sites for business and housing development, and mixed-use and mixed-income development. Also, your community's ALHOA expenditure will be reported in the Council's Annual Housing Report Card required by the LCA.

Your community's intent to participate in the 2001 LCA Local Housing Incentives Program is needed by Nov. 15. To help you in verifying your community's continued participation, a model resolution is enclosed. Planning assistance for staff or information presentations for elected officials are available by contacting your sector representative (see below). Questions about the ALHOA can be referred to Guy Peterson at 651/602-1418.

We look forward to continuing our mutual commitment to affordable and life-cycle housing. Thank you for your consideration.

Sector Representatives:

Dakota, Anoka and Ramsey Counties	Sandra Pinel	651-602-1513
Washington County	Bob Mazanec	651-602-1330
Scott and Carver Counties	Tom Caswell	651-602-1319
Minneapolis and St. Paul	Richard Thompson	651-602-1457
Hennepin County	Phyllis Hanson	651/602-1566

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RESOLUTION NO. 092600A

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

**RESOLUTION ELECTING TO CONTINUE PARTICIPATING IN THE LOCAL HOUSING
INCENTIVES ACCOUNT PROGRAM UNDER THE METROPOLITAN LIVABLE
COMMUNITIES ACT**

WHEREAS, the Metropolitan Livable Communities Act (Minnesota Statutes Section 473.25 to 473.254) establishes a Metropolitan Livable Communities Fund which is intended to address housing and other development issues facing the metropolitan area defined by Minnesota Statutes section 473.121; and

WHEREAS, the Metropolitan Livable Communities Fund, comprising the Tax Base Revitalization Account, the Livable Communities Demonstration Account, Local Housing Incentives Account and the Inclusionary Housing Incentive Account is intended to provide certain funding and other assistance to metropolitan area municipalities; and

WHEREAS, a metropolitan area municipality is not eligible to receive grants or loans under the Metropolitan Livable Communities Fund or eligible to receive certain polluted sites cleanup funding from the Minnesota Department of Trade and Economic Development unless the municipality is participating in the Local Housing Incentives Account Program under Minnesota Statutes section 473.254; and

WHEREAS, the Metropolitan Livable Communities Act requires the Metropolitan Council to negotiate with each municipality to establish affordable and life-cycle housing goals for that municipality that are consistent with and promote the policies of the Metropolitan Council as provided in the adopted Metropolitan Development Guide; and

WHEREAS, each municipality must identify to the Metropolitan Council the actions the municipality plans to take to meet the established housing goals through preparation of the Housing Action Plan; and

WHEREAS, the Metropolitan Council adopted, by resolution after a public hearing, negotiated affordable and life cycle goals for each participating municipality; and

WHEREAS, a metropolitan area municipality which elects to participate in the Local Housing Incentives Account Program must do so by November 15 of each year; and

WHEREAS, for calendar year 2001, a metropolitan area municipality that did not participate in the Local Housing Incentive Account Program during the calendar year 2000, can participate under Minnesota Statutes section 473.254 on if (a) the municipality elects to participate in the Local Housing Incentives Program by November 15, 2000; and (b) the Metropolitan Council and the municipality have successfully negotiated affordable and life-cycle housing goals for the municipality:

NOW, THEREFORE, BE IT RESOLVED THAT the City of Lauderdale hereby elects to participate in the Local Housing Incentives Program under the Metropolitan Livable Communities Act during calendar year 2001.

Dated this the 26th day of September, 2000.

(ATTEST)

Jeff Dains, Mayor

(SEAL)

Rick Getschow, City Administrator

City Council Memorandum

To: Mayor and City Council
From: Rick Getschow
Council Meeting Date: September 26, 2000
Agenda Item: 2001 Budget Discussion

BACKGROUND:

This item was tabled from the September 12, 2000 Council meeting.

At a previous budget discussion, the Council requested that research be presented as it relates to Mayor and City Council salaries. Shannon has completed this research and has enclosed a spreadsheet that displays the salaries of City Councils that are in the metropolitan area and are of a similar size to Lauderdale.

Also enclosed is the relevant material from the City Code that sets the salaries. The last change in Mayor and Council pay was in 1986. The ordinance would need to be revised reflecting any changes in the salaries. The change would then be effective following the next City election, which would occur in November of 2001.

ENCLOSURES:

1. Mayor and City Council Salary comparisons
2. City Code material related to Mayor and City Council Salary
3. Minnesota State Statutes 415.11 related to municipal salaries

COUNCIL ACTION REQUESTED:

Council direction on how to proceed with issue. Staff can revise the ordinance and present a draft to the Council at a future meeting if the Council wishes to proceed with this issue.

Mayor/City Council Salaries

	Mayor	City Council
*Bayport	\$3,600.00	\$3,200.00
*Belle Plaine	\$3,000.00	\$2,800.00
*Deephaven	\$3,600.00	\$2,400.00
*Excelsior	\$3,600.00	\$2,400.00
*Jordan	\$3,696.00	\$2,496.00
*Lexington	\$3,000.00	\$2,400.00
*Maple Plain	\$3,600.00	\$1,800.00
*Medina	\$2,700.00	\$1,800.00
*Newport	\$3,000.00	\$2,000.00
*New Prague	\$4,440.00	\$3,144.00
*Osseo	\$1,800.00	\$1,380.00
*St. Francis	\$2,700.00	\$2,100.00
*Victoria	\$2,700.00	\$2,400.00

Metro Average =	\$3,187.38	\$2,332.31
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Lauderdale	\$2,456.00	\$1,376.00
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Lexington pays \$35 for every meeting, and \$75 for meetings held during business hours.
 Maple Plain pays \$25 for special meetings, and one City Council member is the head of the
 Public Works Dep't, which pays an additional \$150/month.

CHAPTER 5
CITY OFFICIALS

SECTION:

- 1-5-1: Mayor And City Council Compensation
- 1-5-2: Council Meeting Bylaws
- 1-5-2- 1: Regular Meetings
- 1-5-2- 2: Special Meetings And Work Sessions
- 1-5-2- 3: Emergency Meetings
- 1-5-2- 4: Quorum
- 1-5-2- 5: Minutes
- 1-5-2- 6: Motions
- 1-5-2- 7: Petitions, Memorials, Etc.
- 1-5-2- 8: Votes
- 1-5-2- 9: Rules Of Order
- 1-5-2-10: Language Included On Agenda
- 1-5-2-11: Order Of Business
- 1-5-2-12: Seating Of Council
- 1-5-2-13: Items Not On Agenda
- 1-5-3: City Administrator

1-5-1: MAYOR AND CITY COUNCIL COMPENSATION¹:

- A. Mayor: The annual salary for the Mayor shall be two thousand four hundred fifty six dollars (\$2,456.00).
- B. Council Members: The annual salary for each member of the City Council shall be one thousand three hundred seventy six dollars (\$1,376.00).
- C. Payment: The salaries established in this Section shall be paid in four (4) equal installments at the March, June, September and December Council meetings of each year. (Ord. 72, 10-14-1986)

1. M.S.A. § 415.11.

Minnesota Statutes 1999, Table of Chapters

Table of contents for Chapter 415

415.11 Second to fourth class cities; governing body salaries.

Subdivision 1. **Set by ordinance.** Notwithstanding the provisions of any general or special law, charter, or ordinance, the governing body of any statutory or home rule charter city of the second, third or fourth class may by ordinance fix their own salaries as members of such governing body, and the salary of the chief elected executive officer of such city, in such amount as they deem reasonable.

Subd. 2. **After next election.** No change in salary shall take effect until after the next succeeding municipal election.

HIST: Ex1967 c 42 s 1,2; 1976 c 44 s 34

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City Council Memorandum

To: Mayor and City Council
From: Rick Getschow
Council Meeting Date: September 26, 2000
Agenda Item: Refuse Collection

BACKGROUND:

A goal of 2000 is to research alternatives to the current refuse collection program in the City of Lauderdale. The current program consists of licensing refuse haulers without much further regulation by the City.

Staff has done some preliminary research on the refuse collection issue and feels that a very vital question needs to be addressed before further action is taken and that is...

1. **Does the City wish to keep the current arrangement of licensing independent haulers without actual organized collection under city jurisdiction but possibly with more regulations on the license (such as limiting pick-up days and pick-up locations) or;**
2. **Does the City wish to begin seriously exploring the implementation of citywide organized refuse collection through the development of a waste collection plan. (Read: enter into the business of waste management)**

The discussion at the meeting should be limited to this topic. Once the staff has been direction on this issue more specific research will be done. Enclosed in the packet is the complete current garbage and refuse ordinance. Two major relevant highlights of the ordinance include:

- The City has the authority to make regulations concerning the days of collection, and such other matters pertaining to waste collection and disposal; and
- The City currently limits the hours of garbage pick-up in a day to between 6:30 a.m. and 8:30 p.m.
- Collection can not occur on Sundays

Also enclosed a brief summary completed by Shannon on the basics involved in implementing organized collection and pursuing the development of a waste collection plan. If the City chooses to stay with the current arrangement with more regulations, our City Code would simply be revised along with the license applications.

ENCLOSURES:

1. Current City Code, Section 4, Chapter 2 Regulating Garbage and Refuse
2. Summary Sheet regarding the basics of implementing organized refuse collection

COUNCIL ACTION REQUESTED:

Provide direction to staff on whether:

1. **To keep the current arrangement of licensing independent haulers without actual organized collection under city jurisdiction but possibly with more regulations on the license (such as limiting pick up days and locations) or;**
3. **To begin seriously exploring the implementation of citywide organized refuse collection through the development of a waste collection plan. (Read: enter into the business of waste management).**

CHAPTER 2

GARBAGE AND REFUSE¹

SECTION:

- 4-2- 1: Definitions
- 4-2- 2: Disposal Of Garbage And Refuse
- 4-2- 3: Collection, Supervision And Control
- 4-2- 4: Precollection Practices
- 4-2- 5: Containers
- 4-2- 6: Multiple Residence Units
- 4-2- 7: Commercial Establishments
- 4-2- 8: Air Pollution Control Regulations
- 4-2- 9: Burning
- 4-2-10: Vehicles For Hauling Garbage And Refuse
- 4-2-11: Garbage And Refuse Collectors
- 4-2-12: Disposal At Landfill
- 4-2-13: Incinerators
- 4-2-14: Penalty

4-2-1: **DEFINITIONS:** For the purpose of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word shall is always mandatory and not merely directory:

COMMERCIAL ESTABLISHMENT: Any premises where a commercial or industrial enterprise of any kind is carried on, and shall include clubs, churches and establishments of nonprofit organizations where food is prepared or served or goods are sold.

GARBAGE: Animal and vegetable wastes resulting from the handling, preparation, cooking, service and

1. M.S.A. § 412.221, subd. 22.

consumption of food and shall also include all other animal wastes.

INCINERATOR: Any device used for the destruction of refuse, rubbish, or waste materials by fire.

LICENSED PRIVATE GARBAGE AND REFUSE COLLECTOR: Any person holding a valid license from the City for the collection of garbage and refuse.

REFUSE: All wastes which normally result from the operation of a household, except body wastes and garbage, including but not limited to rubbish, tin cans, paper, cardboard, glass jars, bottles, wood, grass clippings, Christmas trees, ashes, sod, dirt, tires, rocks, household construction material, cement, bricks, trees, leaves, hedge or tree trimmings, burning barrels and mesh backyard burners, household appliances and furniture or any other household refuse or materials small enough for one man to handle. The term refuse shall not include construction material or other waste or debris resulting from construction or reconstruction of buildings and other improvements by contractors, or trees in excess of six inches (6") in diameter.

RESIDENTIAL DWELLING UNIT: Any single building consisting of four (4) or less separate dwelling places with individual kitchen facilities for each. It also includes any boarding house in a residential district. (Ord. 11, 7-7-1970)

4-2-2: DISPOSAL OF GARBAGE AND REFUSE:

- A. Disposal Required: Every tenant, lessee, owner, or occupant of every private dwelling, house, multiple residence, store, motel, restaurant, and every other type of property in the City shall dispose of such garbage and refuse as provided in this Chapter.

B. Minimum Disposal Requirements:

1. Residential Dwelling Units: Garbage and refuse shall be disposed of at least once each week from residential dwelling unit properties.

2. Commercial Establishments: Garbage and refuse in outside storage at any commercial establishment shall be disposed of at least once each week and as often as once each day if necessary to protect the public health.

C. Accumulation Prohibited: No person shall accumulate or permit to accumulate any refuse on any property in the City which might constitute a nuisance by reason of appearance, odor, sanitation, possible littering of neighboring properties, littering of the property on which the refuse is accumulated, or a fire hazard. (Ord. 11, 7-7-1970)

4-2-3: COLLECTION, SUPERVISION AND CONTROL:

- A. Authority To Regulate:** The City Council shall have the authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance, and disposal as they shall find necessary, and to change and modify the same.
- B. Right To Appeal:** Any person aggrieved by a regulation of the City Council shall have the right of appeal to the City Council which shall have the authority to confirm, modify, or revoke any such regulation. (Ord. 11, 7-7-1970)

4-2-4: PRECOLLECTION PRACTICES:

- A. Preparation Of Garbage Or Refuse:** Grass clippings, leaves, and other similar refuse shall be placed in bags or bundles not exceeding three feet (3') in any dimension and securely fastened to avoid spillage. Household appliances and furniture falling within the definition of refuse need not be so packaged.
- B. Placement For Pickup:** Refuse shall be deposited at one place, at ground level, on each property. Refuse and garbage shall not be deposited on the traveled roadway of any street.

- C. Time Of Placement; Removal: Refuse and garbage shall not be deposited next to streets for collection prior to six o'clock (6:00) P.M. on the day preceding the day of collection, and containers and any garbage or refuse which is not picked up shall be removed from any such location on the day of collection.
- D. Containers, Wrapping Or Bagging Required: Except as otherwise provided in subsections A, B and C, all garbage and refuse as accumulated on any premises shall be placed and maintained in containers and shall have drained from it all free liquids before being deposited for collection and shall be wrapped or bagged.
- E. Explosive Or Highly Inflammable Material: No explosive or highly inflammable material shall be so deposited. Such material shall be disposed of as directed by the Fire Inspector at the expense of the owner or possessor thereof.
- F. Contagious Disease Refuse: Refuse such as, but not limited to, bedding, wearing apparel, or utensils from residential dwelling units or other units where highly infectious or contagious diseases are present shall not be deposited for regular collection but shall be disposed of as directed by the Health Officer at the expense of the owner or possessor thereof. (Ord. 11, 7-7-1970)

4-2-5: CONTAINERS:

- A. Provided By User: Garbage and refuse containers shall be provided by the owner, tenant, lessee, or occupant of the premises located in such a manner so as to prevent them from being overturned.
- B. Sanitary Condition: Such containers shall be kept in a clean and sanitary condition and kept free from any substance which will attract or breed flies, mosquitoes, or other insects.
- C. Size: No garbage or refuse container shall exceed thirty two (32) gallons in capacity or have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof.
- D. Nonconforming Containers: Containers not complying with the requirements of this Chapter shall be promptly replaced upon notice.
- E. Garbage Containers: Garbage containers shall be made of metal, or other suitable material, which is rodent, fire, and waterproof and

which will not easily corrode and is equipped with suitable handles and tight-fitting covers and shall be kept tightly covered when there is garbage therein.

- F. Refuse Containers: Refuse containers shall be of a kind suitable for collection purposes, and shall be of such size and weight that they can be handled by one man, and kept tightly covered when there is refuse therein.
- G. Storage Of Containers: Garbage cans and other garbage and refuse containers shall be so located as to be out of the public view, insofar as possible, except on the day of pickup. (Ord. 11, 7-7-1970)

4-2-6: MULTIPLE RESIDENCE UNITS:

- A. Pickup Service Or Commercial Incinerator Required: Multiple residence units having more than four (4) family units shall either be equipped with refuse containers and refuse pickup service as provided in this Chapter or be equipped with a commercial incinerator complying with the requirements of the Minnesota Pollution Control Agency and licensed by the City as provided in this Chapter.
- B. Containers: Refuse containers provided as an alternative to or in addition to such incineration shall be at least one cubic yard in capacity, shall be conveniently located in relationship to the residence units for which they are provided, shall be watertight and rodentproof with self-closing lids and shall be kept in an enclosing structure concealing them from public view. Such structure shall have a raised concrete floor and shall be surrounded by a concrete barrier curb. Such structure shall be kept in a state of good repair at all times. The refuse containers shall be located so that their contents are inaccessible to at least three feet (3') above the base of the enclosing structure.
- C. Daily Pickup: The owner or operator of such multiple residence property shall provide for garbage pickup from such containers each day. Refuse, debris, garbage and other waste materials shall not be permitted to be accumulated in or near the enclosing structures (except in the containers). There shall be daily cleanup in and around each such enclosing structure. (Ord. 11, 7-7-1970)

4-2-7: **COMMERCIAL ESTABLISHMENTS:** The owner or occupant of any commercial establishment or any other property which produces a volume of garbage or refuse or both, which requires garbage and refuse pickup more frequently than once each week, shall also comply with the provisions of Section 4-2-6 of this Chapter. (Ord. 11, 7-7-1970)

4-2-8: **AIR POLLUTION CONTROL REGULATIONS:**

- A. Standards Adopted: Pursuant to Minnesota Statutes, section 471.62, Air Pollution Controls and Regulations and Ambient Air Quality Standards 1-15, inclusive, of the Minnesota Pollution Control Agency are hereby adopted by reference.
- B. Copies On File: The City Administrator shall mark and keep on file in his office three (3) copies of said regulations, marked "official copies," for use and examination by the public and shall furnish a copy of this Chapter and said regulations at cost to any person upon request. The effective date of such regulations, however, shall be the effective date of the Ordinance codified in this Chapter. (Ord. 11, 7-7-1970)

4-2-9: **BURNING:**

- A. Permit Required: No person shall wilfully burn or set fire to any grass, weeds, or other natural ground cover, or any building, fixture or appurtenance of real property unless a permit therefor has been secured from the Fire Inspector.
- B. Containment: No person shall negligently or carelessly set on fire or cause to be set on fire any woods, prairie, grass or other combustible material, whether on his own land or not, by means whereof the property of another will be endangered, and no person shall wilfully allow any fire on his own land, or land occupied by him, to extend beyond the limits thereof.
- C. Conditions Of Permit: If a permit is required by the terms of this Chapter for any burning, the Fire Inspector may condition the granting of such permit in such a manner as he shall deem appropriate.
- D. Allowable Conditions: Permits shall be issued only under such circumstances as may be allowed by the Air Pollution Regulations

adopted in this Chapter and as may be allowed by the other ordinances of the City.

- E. Violation: A violation of such conditions shall be a violation of this Chapter. (Ord. 11, 7-7-1970)

4-2-10: VEHICLES FOR HAULING GARBAGE AND REFUSE:

- A. Cover Required: All persons hauling or conveying garbage or refuse over the streets of the City shall use a vehicle provided with a tight cover and so operated and maintained as to prevent offensive odors escaping therefrom and garbage or refuse from being blown, dropped or spilled from the vehicle.
- B. Cleanliness: Any such vehicles shall be kept clean and as free from offensive odors as possible.
- C. Standing On Streets: Any such vehicle customarily used for the hauling of garbage or refuse shall not be allowed to stand in any street, alley, or other place longer than is reasonably necessary to collect garbage and refuse.
- D. Disinfection: Any vehicle customarily used for such purposes shall be kept in a clean and sanitary condition and shall be thoroughly disinfected at least once each week unless the same has not been used since the last disinfection thereof. (Ord. 11, 7-7-1970)

4-2-11: GARBAGE AND REFUSE COLLECTORS:

- A. License Required: No person shall engage in the business of garbage or refuse collection in the City unless he shall first pay the license fee as prescribed from time to time by resolution of the City Council and secure a license from the City to do so in accordance with the provisions of this Section.
- B. Application: Any person desiring a license shall make application to the City Administrator. The application shall accurately state:
1. The name of the owner or the licensee;
 2. The proposed charges for the hauling;
 3. A description of the kind of services to be rendered;

4. A description of each motor vehicle to be used for hauling, including the license number thereof; and

5. The manner and kind of service proposed to customers and the schedule of pickups.

C. Insurance:

1. Policy Of Insurance: No license shall be issued until the applicant files with the City Administrator a current certificate of insurance covering all vehicles to be used by the applicant in his business.

2. Minimum Limits: The minimum limits of coverage for such insurance are:

a. Each person injured, at least one hundred thousand dollars (\$100,000.00);

b. Each accident, at least three hundred thousand dollars (\$300,000.00);

c. Property damage at least twenty five thousand dollars (\$25,000.00).

3. Notice Of Termination: Such insurance shall be kept in force during the term of the license and shall provide for notification of the City prior to termination or cancellation.

4. Revocation Of License: Any license issued shall automatically be revoked at the time of termination or cancellation of such insurance unless and until other insurance is provided as required by this subsection.

D. Bond: Before a license is granted, the applicant shall furnish to the City and deposit with the City Administrator a certified bond in the sum one thousand dollars (\$1,000.00) for each vehicle licensed, to be conditioned upon the faithful performance by the licensee for all work entered into or contracted for by said licensee and conditioned upon compliance with all the provisions and requirements of this Chapter and all applicable sanitary rules and regulations.

E. License Fee: The annual license fee is for the first vehicle and for each additional vehicle in the business of garbage and refuse hauling within the City.

- F. Hours: No person engaged in hauling refuse or garbage for hire within the City shall do so after eight thirty o'clock (8:30) P.M. or before six thirty o'clock (6:30) A.M. of any day. There shall be no garbage or refuse pickup from residential dwelling units on Sundays.
- G. Inspection¹: Each vehicle for which a license is applied for or which is licensed shall be subject to inspection by the City at all reasonable times.
- H. Vehicles²:
 - 1. Name Of Licensee: Any such vehicle, while it is used by the licensee in the City, shall have the name of the licensee clearly printed on both sides of the vehicle.
 - 2. License To Be Kept In Vehicle: The license for the vehicle shall be kept in the vehicle at all times while it is being so used.
- I. No Vested Right: No person licensed pursuant to this Section shall gain a vested right in said license. The City may, upon finding that public necessity requires, determine to establish another means of refuse collection.
- J. Obligation Of Licensed Collectors: A licensed garbage and refuse collector shall pick up any garbage and refuse of his customers which has been deposited for collection in the manner provided by this Chapter. (Ord. 11, 7-7-1970; 1996 Code)

4-2-12: **DISPOSAL AT LANDFILL:** No person shall dispose of garbage or refuse upon any property in the City except at an approved landfill site. An approved landfill site is a site for disposal of refuse operated in accordance with the rules and regulations of the Minnesota Pollution Control Agency. (Ord. 11, 7-7-1970)

4-2-13: **INCINERATORS:**

- A. Compliance Required: No person shall operate an incinerator within the City for the burning of garbage or refuse unless such incinerator

1. See also subsection 2-4-2B2 of this Code.

2. See also Section 4-2-10 of this Chapter.

complies with the requirements of the Minnesota Pollution Control Agency.

- B. License Required; Exceptions: No incinerator, except an incinerator for a residential dwelling unit, shall be operated within the City unless the operation of such incinerator has been licensed by the City as provided in this Section.
- C. Application: Application for a license shall be made to the City Administrator. The application shall state the name and address of the owner of the property on which the incinerator is located, a description of the type of incinerator, and, except in renewal applications, a plan showing that the incinerator will comply with applicable rules and regulations.
- D. License Fee: The application shall be accompanied by the annual license fee in such sum as determined from time to time by resolution of the City Council.
- E. Approval/Denial Of Application:
 - 1. Issuance By Building Inspector: Applications for incinerator licenses may be granted by the City Building Inspector if he ascertains that the incinerator meets the requirements of the Minnesota Pollution Control Agency and the ordinances of the City.
 - 2. Referral To City Council: The Building Inspector may, however, refer any such application to the City Council. In the event of such referral to the City Council, the Council may grant or deny the application.
 - 3. Grounds For Denial: It shall be grounds for denial of the application that applicant, or other persons occupying the premises at which the incinerator is or would be located, have not complied with regulations of the City relating to health, safety, building or zoning or any regulations applicable to such incinerator. (Ord. 11, 7-7-1970; 1996 Code)

4-2-14: **PENALTY:** Any person violating any of the provisions of this Chapter shall be subject to the penalties provided for in Section 1-4-1 of this Code. (Ord. 11, 7-7-1970)

Refuse Hauler Information

Attached are the relevant statutes in Minnesota State Law.

Here are the basics:

1. Cities can create their own waste collection plan, basically however they want, as long as they follow these steps:
 - a. The City must legally give notice of intent to organize collection, in a public hearing. It must give a public notice of the hearing, and also mail notices to persons who operate solid waste collection services in the city.
 - b. 180 days before implementing the plan, the City announces its intent to organize collection and invite the participation of interested person, including any licensed companies, in the creation of the plan.
 - c. The first 90 days after the declaration of intent, the City is supposed to create plans for collection. The City should invite and employ the assistance of licensed haulers.
 - d. The second 90 days after the declaration of intent, the City discusses possible arrangements with all collectors who have expressed interest. If the City cannot agree on an arrangement with a majority of those collectors within the 90 days, then it appears the City can just go ahead. (you might want to have one of the City's lawyers read that paragraph – I'm not entirely sure)
 - e. The City develops a specific plan that outlines
 1. how it developed its plan in cooperation with collectors.
 2. Evaluates the proposed method by the standards of achieving the stated collection goals of the City, minimizing collector displacement, ensuring participation of interested parties and maximizing efficiency.
 - f. Upon request the City should provide mailed notice of all proceedings.
 - g. If all licensed operators in the City agree on the plan, then the City can skip the 180-day period.

The statute also exempts Cities from anti-competition laws to the extent necessary to plan and implement the collection system.

