



City Council Meeting

August 28, 2023

7:00 PM

Fridley City Hall, 7071 University Avenue N.E.

Agenda

Call to Order

The Fridley City Council (Council) requests that all attendees silence cell phones during the meeting. A paper copy of the Agenda is at the back of the Council Chambers. A paper copy of the entire Agenda packet is at the podium. The Agenda and all related materials may also be found on the City's website at FridleyMN.gov/1564/Agenda-Center.

Pledge of Allegiance

Proclamations/Presentations

- [1.](#) Proclamation: Constitution Week, September 17-23, 2023

Proposed Consent Agenda

The following items are considered to be routine by the Council and will be approved by one motion. There will be no discussion of these items unless a Councilmember requests, at which time that item may be moved to the Regular Agenda.

Meeting Minutes

- [2.](#) Approve the Minutes from the City Council Meeting of August 14, 2023
- [3.](#) Receive the Minutes from the City Council Conference Meeting of August 14, 2023
- [4.](#) Receive the Minutes from the Parks and Recreation Commission Meeting of June 5, 2023
- [5.](#) Receive the Minutes from the Planning Commission Meeting of August 16, 2023

New Business

- [6.](#) Resolution No. 2023-96, Approving Gifts, Donations and Sponsorships Received Between July 15, 2023, and August 18, 2023

Claims

- [7.](#) Resolution No. 2023-97, Approving Claims for the Period Ending August 23, 2023

Open Forum

The Open Forum allows the public to address the Council on subjects that are not on the Regular Agenda. The Council may take action, reply, or give direction to staff. Please limit your comments to five minutes or less.

Regular Agenda

The following items are proposed for the Council's consideration. All items will have a presentation from City staff, are discussed, and considered for approval by separate motions.

Old Business

- [8.](#) Ordinance No. 1414, Creating Title No. 4 (Public Nuisance) of the Fridley City Code and the Chapters Contained Therein (Second Reading)

New Business

- [9.](#) Ordinance No. 1415, Amending the Fridley City Code to Add Chapter 311, Public Use of Cannabis Products

Informal Status Reports

Adjournment

Upon request, accommodation will be provided to allow individuals with disabilities to participate in any City of Fridley services, programs, or activities. Hearing impaired persons who need an interpreter or other persons who require auxiliary aids should contact the City at (763) 572-3450.



AGENDA REPORT

Meeting Date: August 28, 2023

Meeting Type: City Council

Submitted By: Roberta Collins, Assistant to the City Manager

Title

Proclamation: Constitution Week, September 17-23, 2023

Background

September 17, 2023, marks the 236th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention. Public Law 915 guarantees the issuance of a proclamation each year by the President of the United States of America designating September 17 through 23, 2023, as Constitution Week.

Financial Impact

None.

Recommendation

Staff recommend the City Council proclaim September 17 through 23, 2023, as Constitution Week in the City of Fridley.

Focus on Fridley Strategic Alignment

☐ Vibrant Neighborhoods & Places	☒ Community Identity & Relationship Building
☐ Financial Stability & Commercial Prosperity	☐ Public Safety & Environmental Stewardship
☐ Organizational Excellence	

Attachments and Other Resources

- 2023 Constitution Week Proclamation

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



Proclamation

Constitution Week September 17-23, 2023

Whereas, September 17, 2023, marks the 236th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to accord official recognition of this magnificent document and its memorable anniversary and to the patriotic celebrations which will commemorate the occasion; and

Whereas, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

Now therefore, be it resolved, that I, Scott, J. Lund, Mayor of the City of Fridley, do hereby proclaim the week of September 17 – 23, 2023, as Constitution Week in the City of Fridley.

In witness whereof, I have set my hand and caused the seal of the City of Fridley to be affixed this 28th day of August, 2023.

Scott J. Lund - Mayor



AGENDA REPORT

Meeting Date: August 28, 2023

Meeting Type: City Council

Submitted By: Roberta Collins, Assistant to the City Manager

Title

Approve the Minutes from the City Council Meeting of August 14, 2023

Background

Attached are the minutes from the City Council meeting of August 14, 2023.

Financial Impact

None.

Recommendation

Staff recommend the approval of the minutes from the City Council Meeting of August 14, 2023.

Focus on Fridley Strategic Alignment

- | | |
|--|---|
| ☐ Vibrant Neighborhoods & Places | ☐ Community Identity & Relationship Building |
| ☐ Financial Stability & Commercial Prosperity | ☐ Public Safety & Environmental Stewardship |
| ☒ Organizational Excellence | |

Attachments and Other Resources

- Minutes from the City Council Meeting of August 14, 2023

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



City Council Meeting

August 14, 2023

7:00 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Call to Order

Mayor Lund called the City Council Meeting of August 14, 2023, to order at 7:00 p.m.

Present

Mayor Scott Lund
Councilmember Dave Ostwald
Councilmember Tom Tillberry
Councilmember Ryan Evanson
Councilmember Ann Bolkcom

Others Present

Walter Wysopal, City Manager
Melissa Moore, City Clerk
Scott Hickok, Community Development Director
Andrew Todd, Administrative Police Sergeant
Jim Kosluchar, Public Works Director
Sarah Sonsalla, City Attorney

Pledge Of Allegiance

Proclamations/Presentations

Approval of Proposed Consent Agenda

Motion made by Councilmember Bolkcom to adopt the proposed Consent Agenda. Seconded by Councilmember Tillberry.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Approval/Receipt of Minutes

1. Approve the Minutes from the City Council Meeting of July 24, 2023.
2. Receive the Minutes from the City Council Conference Meeting of July 24, 2023.
3. Receive the Minutes from the Housing and Redevelopment Authority Meeting of June 1, 2023.

Old Business

4. Ordinance No. 1413, Amending the Fridley City Code Chapter 220, Residential Rental Property Maintenance and Licensing Code

New Business

5. Resolution No. 2023-93, Awarding 2023 Sanitary Sewer Collection System Lining Project No. 23-450.

Licenses

6. Resolution No. 2023-92, Approving City Licenses.

Claims

7. Resolution No. 2023-95 Approving Claims for the Period Ending August 14, 2023.

Adoption of Regular Agenda

Motion made by Councilmember Tillberry to adopt the regular agenda. Seconded by Councilmember Evanson.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Open Forum, Visitors: (Consideration of Items not on Agenda – 15 minutes.)

No one from the audience spoke.

Regular Agenda**Public Hearing(s)**

8. Ordinance No. 1414, Public Hearing and First Reading to Create Title No. 4 (Public Nuisance) of the Fridley City Code and the Chapters Contained Therein

Motion made by Councilmember Bolkcom to open the public hearing. Seconded by Councilmember Ostwald.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Melissa Moore, City Clerk, provided background information on the City's recodification process which is anticipated to be completed in 2025. She stated the proposed changes focus on Title No. 4, Public Nuisance, and the chapters within. She reviewed the proposed changes to the following chapters: public nuisance, abatement of exterior public nuisances, houses of prostitution, clandestine

drug lab and chemical dump sites, vehicles, and noise. She also reviewed the anticipated next steps in this process.

Councilmember Bolkcom provided some items that she would like clarification on.

Scott Hickok, Community Development Director, explained the reasonable test that is built into different provisions. He commented that parking is only allowed on a hard surface such as asphalt, concrete, or pavers. He confirmed that staff can inspect both the front and backyard of properties with complaints, even if the property owner is not home. He also provided details on the ability for someone to make payments on a fine.

Councilmember Tillberry reviewed language and asked if that is directed at panhandlers.

Administrative Police Sergeant Andrew Todd replied that would apply to panhandlers and those attempting to sell items within the right-of-way as those are not safe activities. He noted that there are grass areas where people can stand with signs, but they cannot enter the right-of-way. The Council asked additional questions related to panhandling and Mr. Todd provided clarification on those situations. He noted that the intention is not to ticket but to ensure public safety of the pedestrian and the vehicles on the roadway.

Mr. Hickok explained that some of these changes are related to things the City has experienced and learned, while others are placed in the ordinance in hopes that they never see those situations but would still have the appropriate tools to handle them.

Ms. Moore commented that she has not received any feedback from the public prior to tonight's public hearing.

Motion made by Councilmember Bolkcom to close the public hearing. Seconded by Councilmember Tillberry.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Motion made by Councilmember Evanson to approve the first reading of Ordinance No. 1414 Creating Title No. 4 (Public Nuisance) of the Fridley City Code and the Chapters Contained Therein. Seconded by Councilmember Bolkcom.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

New Business

9. Resolution No. 2023-94, Awarding 2023 Neighborhood Parks Improvements Project No. 23-70123

Jim Kosluchar, Public Works Director, provided background information on the Park System Improvement Plan and Capital Investment Plan which identified the sequencing of improvements for the neighborhood parks. He reviewed the projects identified for 2023, described the existing conditions, and reviewed the outreach that occurred with residents. He stated that the playground

improvements have been selected and items have begun to be procured along with additional design work. He provided details on the project bidding, in-kind services of operations staff, and cost of bids received and funding source. He reviewed the tentative schedule and next steps.

Councilmember Bolkom asked the if the park would be closed during construction.

Mr. Kosluchar replied that they will be working with the contractor to determine if things could be opened when safe during the off-hours or as items are completed. He confirmed that there would be signage placed providing a link to the webpage with updates. He stated that residents can also call Public Works with questions.

Motion made by Councilmember Ostwald to adopt Resolution No. 2023-94, Awarding 2023 Neighborhood Parks Improvement Project No. 23-70123. Seconded by Councilmember Evanson.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Informal Status Reports

The Council noted an upcoming bluegrass concert at Springbrook and urged residents to provide input on parks scheduled for future improvements. It was noted that Happy Tails Rescue provides emotional support animals free of charge to veterans. There are still openings for the Citizens Academy. Thanks to everyone who participated in Night to Unite.

Mr. Hickok commented that on September 9, the City will have a 5th anniversary celebration on the Civic Campus plaza with different activities. He noted that the City is soliciting input from the public on the topic of public art and provided additional details.

Adjourn

Motion made by Councilmember Ostwald to adjourn. Seconded by Councilmember Evanson.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously and the meeting adjourned at 7:51 p.m.

Respectfully submitted,

Melissa Moore
City Clerk

Scott J. Lund
Mayor



AGENDA REPORT

Meeting Date: August 28, 2023

Meeting Type: City Council

Submitted By: Roberta S. Collins, Assistant to the City Manager

Title

Receive the Minutes from the City Council Conference Meeting of August 14, 2023

Background

Attached are the minutes from the City Council Conference Meeting of August 14, 2023.

Financial Impact

Recommendation

Receive the minutes from the City Council Conference Meeting of August 14, 2023.

Focus on Fridley Strategic Alignment

- | | |
|--|---|
| ☐ Vibrant Neighborhoods & Places | ☐ Community Identity & Relationship Building |
| ☐ Financial Stability & Commercial Prosperity | ☐ Public Safety & Environmental Stewardship |
| ☒ Organizational Excellence | |

Attachments and Other Resources

- Minutes from the City Council Conference Meeting of August 14, 2023

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



Council Conference Meeting

August 14, 2023

5:30 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Roll Call

Present: Mayor Scott Lund
Councilmember Dave Ostwald
Councilmember Ryan Evanson
Councilmember Tom Tillberry
Councilmember Ann Bolkcom

Others Present: Walter Wysopal, City Manager
Becca Hellegers, Director of Employee Resources
Scott Hickok, Community Development Director

Items for Discussion

1. Employee Resources Update.

Becca Hellegers, Director of Employee Resources, provided a report on staffing changes from January 1, through August 1, 2023.

2. Cannabis Use in Public Places in Fridley.

Walter Wysopal, City Manager, provided an update and report on cannabis use in public places in Fridley, including common definitions, penalties and exceptions used in ordinances adopted by other cities in Minnesota.

3. Consideration of Public Art in Fridley.

Walter Wysopal, City Manager, made a presentation on the topic of public art throughout the city. He suggested a community outreach process, including three workshops: gathering ideas for a public art plan, learning from other cities' public art initiatives, and creating a final recommendation.



AGENDA REPORT

Meeting Date: August 28, 2023

Meeting Type: City Council

Submitted By: Mike Maher, Director of Parks and Recreation

Title

Receive the Minutes from the Parks and Recreation Commission Meeting of June 5, 2023

Background

Attached are the minutes from the Parks and Recreation Commission meeting of June 5, 2023.

Financial Impact

None.

Recommendation

Receive the minutes from the Parks and Recreation Commission meeting of June 5, 2023.

Focus on Fridley Strategic Alignment

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|--|---|
| ☐ Vibrant Neighborhoods & Places | ☐ Community Identity & Relationship Building |
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Attachments and Other Resources

- Minutes from the Parks and Recreation Commission of June 5, 2023

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



Park Commission Meeting (Work Session)

June 5, 2023

6:00 PM

Locke Park, 840 71st Avenue NE, Fridley MN 55432

Minutes

Call to Order

Chair Borman called the Parks and Recreation Commission work session to order at 6:00 p.m.

Present

EB Graham
 Peter Borman
 Tim Kirk
 Suad Maow
 Ken Schultz
 Don Whalen
 Mike Maher, Parks and Recreation Director

Absent

Luke Cardona

Approve Parks & Recreation Commission Minutes for April 3, 2023

Motion by Commissioner Graham to approve the May 1, 2023 meeting minutes. Seconded by Commissioner Whalen. The motion passed unanimously.

Approve Parks & Recreation Commission Agenda for June 5, 2023

Motion by Commissioner Schultz to approve the June 5, 2023 meeting agenda. Seconded by Commissioner Graham. The motion passed unanimously.

New Business

1. Locke Park Walking Tour

The Commissioners and Staff walked through the developed portion of Locke Park to discuss ideas for improvements and changes to the property once the City of Fridley assumes operation of the park in November of 2023.

Ideas for Park Features and Amenities:

- Exercise stations

- 9-hole disc golf course
- Possible community gardens
- Sand volleyball
- Expansion of dog park to include designated small dog area
- Singletrack mountain bike trail system
- Horseshoe pits

Trails

- Groom or plow trails in winter
- Create a loop on the south side of the creek

Natural Resource Management:

- Clear and maintain water trail on Rice Creek
- Clear and maintain invasive buckthorn

Signage and Wayfinding:

- Include "Civic Campus Playground" in Locke Park and install park sign
- Install directional signage along trails
- Consider interpretive signs along trails for nature education, invasive species, etc.
- Improve signage on University Ave and University Ave frontage road

Community Events, Education and Recreation:

- Concerts in the Park
- Movies in the Park
- Bounce house event
- Winterfest
- General encouragement for community events throughout year to increase awareness of park

Maintenance and Operations:

- Remove dumpster by dog park entrance
- Install irrigation around shelter 1 to improve and maintain turf grass
- Bathroom patrol
- Foot or bike patrol
- Spray for mosquitoes

Other Ideas and Notes:

- Promote park in City Newsletter
- Consider bike fleet programs in Locke Park and Rice Creek Trail
- Develop community survey
- Install benches along trail by creek
- Maintain geocaches in park

2. Parks and Recreation Commission 2023 Goals and Workplan Review

Parks and Recreation Director Mike Maher reviewed the 2023 Commission work plan with the Commission. Commissioners were invited to attend and participate in a series of four community engagement events to be held at parks to be improved in 2024. Events will be from 5:30 p.m. to 7:00 pm. and event dates will be July 12 at Logan Park, July 27 at Plymouth Square Park, August 10 at Edgewater Gardens Park and August 24th at Sylvan Hills Park.

Two items were suggested for addition to the work plan including development of a disposition policy for park buildings and furnishings and to review/refine the development concept plan for Commons Park.

Old Business

Staff Reports

2. Springbrook Nature Center Report

Mr. Maher presented the Springbrook Nature Center report.

3. Fridley Parks and Recreation Division Report

Mr. Maher provided details on program enrollments, recent events, and staffing for the Recreation Division.

4. Park Maintenance and Construction Report

Mr. Maher presented the park maintenance and construction report.

Adjournment

The meeting was adjourned by Chair Borman at 8:55

Respectfully submitted,

Mike Maher
Parks and Recreation Director, City of Fridley



AGENDA REPORT

Meeting Date: August 28, 2023

Meeting Type: City Council

Submitted By: Julianne Beberg, Office Coordinator

Title

Receive the Minutes from the Planning Commission Meeting of August 16, 2023

Background

Attached are the Minutes from the August 16, 2023 Planning Commission Meeting.

Financial Impact

None

Recommendation

Staff recommend the City Council receive the August 16, 2023 Planning Commission Minutes.

Focus on Fridley Strategic Alignment

☒ Vibrant Neighborhoods & Places	☐ Community Identity & Relationship Building
☐ Financial Stability & Commercial Prosperity	☐ Public Safety & Environmental Stewardship
☒ Organizational Excellence	

Attachments and Other Resources

- Planning Commission Minutes of August 16, 2023

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



Planning Commission

August 16, 2023

7:00 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Call to Order

Chair Hansen called the Planning Commission Meeting to order at 7:00 p.m.

Present

John Buyse II
Mark Hansen
Mike Heuchert
Terry McClellan
Ross Meisner

Absent

Pete Borman
Aaron Klemz

Others Present

Stacy Stromberg, Planning Manager
Nancy Abts, Associate Planner

Approval of Meeting Minutes

1. Approve June 21, 2023, Planning Commission Minutes

Motion by Commissioner Meisner to approve the minutes. Seconded by Commissioner Buyse.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously.

Public Hearing

2. Public Hearing for Registered Land Survey (RLS) PS #23-01 for 5660 Main Street

Motion by Commissioner Meisner to open the public hearing. Seconded by Commissioner Buyse.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the public hearing was opened at 7:00 p.m.

Stacy Stromberg, Planning Manager, presented a registered land survey request noting that the Fridley HRA is the petitioner, and the action would create two new lots from the property at 5660 Main Street.

She explained that this would allow the City to take ownership of Tract B, which is the area needed for right-of-way for the 57th Avenue bridge extension. She reviewed the connections that this bridge would provide and an analysis of the request. Staff recommends approval of this request.

Commissioner Meisner asked if the bridge would be decorative. He also asked about access for an adjacent parcel. Ms. Stromberg replied that they are still working on the design, noting that it would be functional for both vehicles, bicycles, and pedestrians.

Chair Hanson asked if there has been interest in the former Goodwill building, whether reuse or redevelopment. Ms. Stromberg commented that staff has received inquiries about different retail opportunities within that space but none have moved forward at this time.

Motion by Commissioner Meisner to close the public hearing. Seconded by Commissioner Buyse.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the public hearing was closed at 7:09 p.m.

Commissioner McClellan asked about traffic control anticipated at East River Road.

Chair Hanson acknowledged that funds have been received for the design and asked if a construction timeline is known. Ms. Stromberg provided additional details noting that they hope to secure funding to move forward with construction within three to five years. She provided additional details on potential funding options that the City would pursue.

Commissioner Meisner noted that the bridge would be visible from 694 and therefore it would be nice to have it be aesthetically pleasing.

Motion by Commissioner Heuchert recommending approval of a Registered Land Survey (RLS) PS #23-01 for 5660 Main Street. Seconded by Commissioner Buyse.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously.

3. Public Hearing for Text Amendment 2023-02: Interim Use Permits

Motion by Commissioner Meisner to open the public hearing. Seconded by Commissioner McClellan.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the public hearing was opened at 7:15 p.m.

Nancy Abts, Associate Planner, presented a request for a text amendment to update the zoning code to allow Interim Use Permits. She provided additional explanation on the purpose and use of an Interim Use Permit (IUP) and reviewed examples of things that could be considered for an IUP. She explained

that difference between an IUP and a Special Use Permit (SUP). Staff recommends approval of the text amendment.

Commissioner McClellan asked if staff would be required to review Special Use Permits (SUPs) to determine if they would better fall under an IUP. Ms. Abts replied that SUPs that have already been approved would continue and would not be revoked, explaining that this would provide another option going forward. Ms. Stromberg explained that this would be a tool to allow something on a temporary basis while SUPs and CUPs, once approved, provide permanent approval.

Commissioner Heuchert asked if this would change the uses typically allowed within a zoning district and whether the City has received this type of request. Ms. Abts replied that these would be distinct categories of uses compared to what it typically found in the ordinance. She noted that staff has received some temporary requests, such as a need for a temporary storage container, over the past few years and this would provide flexibility for that type of use.

Chair Hanson asked if an IUP would be approved administratively or would require a public hearing. Ms. Abts replied that this would follow the same land use process and require a public hearing.

Commissioner Meisner asked for input on whether there would be a specified end date for the permit. Ms. Stromberg confirmed that there would be an end date specified in the approval. Ms. Abts provided additional details on the enforcement that could be taken if the activity did not stop after that date. She also confirmed that a public hearing and the same approval process would need to be followed if the applicant wanted to request an extension.

Motion by Commissioner Meisner to close the public hearing. Seconded by Commissioner McClellan.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the public hearing was closed at 7:28 p.m.

Commissioner Buyse commented that this seems to be a straightforward request that would provide the City with an additional tool to use.

Motion by Commissioner Meisner recommending approval of Ordinance No. 1414. Seconded by Commissioner Buyse.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously.

Other Business

Ms. Stromberg provided an update on recent Council actions related to cases previously reviewed by the Planning Commission and a general update on development activity.

Adjournment

Motion by Commissioner Meisner to adjourn the meeting. Seconded by Commissioner McClellan.

Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the meeting adjourned at 7:34 p.m.

Respectfully submitted,
Amanda Staple, Recording Secretary



AGENDA REPORT

Meeting Date: August 28, 2023

Meeting Type: City Council

Submitted By: Korrie Johnson, Assistant Finance Director

Title

Resolution No. 2023-96, Approving Gifts, Donations and Sponsorships Received Between July 15, 2023, and August 18, 2023

Background

Each month, the City of Fridley (City) receives various donations and gifts to support City operations, programs and projects. Pursuant to Minnesota Statute § 465.03, the City may accept these donations and gifts for the benefit of residents. For specific donations or gifts, the donor may prescribe certain requirements, such as for a specific activity or department.

Consistent with the abovementioned statute, staff prepared Schedule No. 1 (Exhibit A), which outlines the various donations, gifts and/or sponsorships received by the City between July 15, 2023, and August 18, 2023. To accept the same, the Council must adopt the attached resolution by a two-third majority vote.

Lastly, for each donation, gift or sponsorship, staff ensure it meets an identified need, does not create a quid-pro-quo or long-term maintenance obligation, and the donor received an acknowledgment of their gift through a letter or publication.

Financial Impact

Every donation benefits the City of Fridley's finances.

Recommendation

Staff recommend the approval of Resolution No. 2023-96.

Focus on Fridley Strategic Alignment

☐ Vibrant Neighborhoods & Places	☐ Community Identity & Relationship Building
☒ Financial Stability & Commercial Prosperity	☐ Public Safety & Environmental Stewardship
☐ Organizational Excellence	

Attachments and Other Resources

- Resolution No. 2023-96
- Exhibit A: Schedule No. 1

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Resolution No. 2023-96**Approving Gifts, Donations and Sponsorships for the City of Fridley**

Whereas, throughout the year the City of Fridley (City) receives various gifts and donations; and

Whereas, the City is sincerely grateful for the support it receives from an array of organizations and individuals; and

Whereas, without this support, the continuation of different events or programs would be difficult to sustain; and

Whereas, the attached schedule (Exhibit A) lists all of the donations and gifts received by various City departments between July 15, 2023, and August 18 2023; and

Whereas, all of the items listed on the attached schedule (Exhibit A) are required to be accepted by the City Council by a two-thirds majority vote; and

Whereas, all items have been determined to be donated free of any quid-pro-quo expectation by the donor.

Now, therefore be it resolved, that the City Council of the City of Fridley hereby approves and accepts the various donations, gifts and sponsorships made between July 15 2023, and August 18 2023.

Passed and adopted by the City Council of the City of Fridley this 28th day of August, 2023.

Scott J. Lund – Mayor

Attest:

Melissa Moore – City Clerk

Gifts, Donations, and Sponsorships - City of Fridley

Schedule No. 1

Date Received	Department or Division	Program	Donor Name, if not anonymous	Amount/ Value	Fund
12/19/2022	SNC	Xcel grant	Springbrook Foundation	\$7,500.00	270
12/22/2022	SNC	Green Roof	Springbrook Foundation	\$67,751.20	270
12/28/2022	Public Safety - Police	Donation for Police K9 Expenses	Coss Family Foundation (St. Paul & MN Foundation)	\$20,000.00	101
12/30/2022	SNC	Donation for Winterfest - Kicksleds	Spring Lake Park Lions	\$1,500.00	270
12/31/2022	SNC	Donation Box Contents	Various	\$127.00	270
1/3/2023	Public Safety - Police	Donation for "Nite to Unite" supplies	MINCO	\$1,000.00	101
1/17/2023	Parks & Recreation - Rec Div	Donation for Winterfest - Kicksleds	Fridley Lions Club	\$1,500.00	101
1/18/2023	Public Safety - Fire	Donation for Fire Prevention Activities	MINCO	\$1,000.00	101
1/25/2023	SNC	Donation Box Contents	Various	\$145.04	270
1/25/2023	SNC	Individual Donation	Jerrilynn Boehland	\$100.00	270
2/28/2023	SNC	Donation Box Contents	Various	\$295.00	270
3/1/2023	SNC	Donation Box Contents	Various	\$88.00	270
3/10/2023	SNC	General Donation	Zoe & Brett Hildreth	\$100.00	270
3/16/2023	SNC	Memorial Donation for Dave Kondrick	Roger & Barb Van Batavia	\$25.00	270
3/23/2023	Public Works	Donation of Right of Way at 53rd	Target	\$137,600.00	406
4/10/2023	Public Safety - Police	Donation for "Shop with a Cop" gift cards	Wal-Mart	\$4,000.00	101
4/13/2023	SNC	Memorial Donation for Dave Kondrick	Various	\$295.00	270
4/13/2023	SNC	Donation Box Contents	Various	\$184.00	270
4/19/2023	SNC	Memorial Donation for Dave Kondrick	Barbara & Stephen Kondrick	\$25.00	270
4/28/2023	SNC	Donation Box Contents	Various	\$65.00	270
5/10/2023	SNC	Memorial Donation for Jeanette Oliverus	Shelly Albers	\$100.00	270
5/12/2023	SNC	SNCF Grant Reimbursement	Xcel Energy and International Paper	\$7,000.00	270
5/24/2023	SNC	Donation Box Contents	Various	\$102.00	270
5/25/2023	REC	Safety Camp - Helmet donation	Fridley Women of Today	\$700.00	101
6/1/2023	REC	Safety Camp - Presentation	Fridley Lions Club	\$1,500.00	101
6/14/2023	SNC	Donation Box Contents	Various	\$76.00	270
6/23/2023	SNC	Donation	Gregg & Theresa Dillenburg	\$75.00	270
7/14/2023	SNC	Donation Box Contents	Various	\$50.00	270
8/9/2023	SNC	Donation Box Contents	Various	\$55.00	270
8/18/2023	SNC	Fireplace Donation at SNC	Springbrook Foundation	\$28,192.30	407

Report to Date Total

\$281,150.54



AGENDA REPORT

Meeting Date: August 28, 2023

Meeting Type: City Council

Submitted By: Roberta Collins, Assistant to the City Manager

Title

Resolution No. 2023-97, Approving Claims for the Period Ending August 23, 2023

Background

Attached is Resolution No. 2023-97 and the Claims Report for the period ending August 23, 2023.

Financial Impact

Included in the budget.

Recommendation

Staff recommend the approval of Resolution No. 2023-97.

Focus on Fridley Strategic Alignment

☐ Vibrant Neighborhoods & Places	☐ Community Identity & Relationship Building
☒ Financial Stability & Commercial Prosperity	☐ Public Safety & Environmental Stewardship
☐ Organizational Excellence	

Attachments and Other Resources

- Resolution No. 2023-97
- City Council Claims Report

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Resolution No. 2023-97**Approving Claims for the Period Ending August 23, 2023**

Whereas, Minnesota Statute § 412.271 generally requires the City Council to review and approve claims for goods and services prior to the release of payment; and

Whereas, a list of such claims for the period ending August 23, 2023, was reviewed by the City Council.

Now, therefore be it resolved, that the City Council of the City of Fridley hereby approves the payment of the claims as presented.

Passed and adopted by the City Council of the City of Fridley this 28th day of August, 2023.

Scott J. Lund - Mayor

Attest:

Melissa Moore – City Clerk



City of Fridley, MN

Item 7.

Bank Transaction Report

Transaction Detail

Issued Date Range: 08/10/2023 - 08/23/2023

Cleared Date Range: -

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
Bank Draft							
08/18/2023		DFT0004531	EMPOWER RETIREMENT (for MN/MSRS)	Accounts Payable	Outstanding	Bank Draft	-1,539.23
08/18/2023		DFT0004532	EMPOWER RETIREMENT (for MN/MSRS)	Accounts Payable	Outstanding	Bank Draft	-1,193.66
08/18/2023		DFT0004533	CITY OF FRIDLEY-MISSION SQUARE-457 Def.Comp	Accounts Payable	Outstanding	Bank Draft	-19,898.47
08/18/2023		DFT0004534	CITY OF FRIDLEY-MISSION SQUARE-457 Def.Comp	Accounts Payable	Outstanding	Bank Draft	-5,272.01
08/18/2023		DFT0004536	CITY OF FRIDLEY-MISSION SQUARE RHS, Retiree Health Sav	Accounts Payable	Outstanding	Bank Draft	-363.48
08/18/2023		DFT0004538	OPTUM BANK (HSA)	Accounts Payable	Outstanding	Bank Draft	-4,215.53
08/18/2023		DFT0004539	OPTUM BANK (HSA)	Accounts Payable	Outstanding	Bank Draft	-3,110.66
08/18/2023		DFT0004540	PERA - PUBLIC EMPLOYEES	Accounts Payable	Outstanding	Bank Draft	-44,651.37
08/18/2023		DFT0004541	PERA - PUBLIC EMPLOYEES	Accounts Payable	Outstanding	Bank Draft	-164.46
08/18/2023		DFT0004542	PERA - PUBLIC EMPLOYEES	Accounts Payable	Outstanding	Bank Draft	-60,228.05
08/18/2023		DFT0004543	CITY OF FRIDLEY-MISSION SQUARE RHS, Retiree Health Sav	Accounts Payable	Outstanding	Bank Draft	-100.00
08/18/2023		DFT0004544	CITY OF FRIDLEY-MISSION SQUARE RHS, Retiree Health Sav	Accounts Payable	Outstanding	Bank Draft	-2,475.00
08/18/2023		DFT0004545	CITY OF FRIDLEY-MISSION SQUARE RHS, Retiree Health Sav	Accounts Payable	Outstanding	Bank Draft	-600.00
08/18/2023		DFT0004546	CITY OF FRIDLEY-MISSION SQUARE Roth IRA	Accounts Payable	Outstanding	Bank Draft	-4,264.60
08/18/2023		DFT0004547	BENEFIT RESOURCE LLC - BPA/VEBA	Accounts Payable	Outstanding	Bank Draft	-1,150.00
08/18/2023		DFT0004548	INTERNAL REVENUE SERVICE - PAYROLL TAXES	Accounts Payable	Outstanding	Bank Draft	-50,584.18
08/18/2023		DFT0004549	INTERNAL REVENUE SERVICE - PAYROLL TAXES	Accounts Payable	Outstanding	Bank Draft	-17,775.34
08/18/2023		DFT0004550	MINN DEPARTMENT OF REVENUE - PAYROLL TAXES	Accounts Payable	Outstanding	Bank Draft	-25,248.84
08/18/2023		DFT0004551	INTERNAL REVENUE SERVICE - PAYROLL TAXES	Accounts Payable	Outstanding	Bank Draft	-52,815.31
Bank Draft Total: (19)							-295,650.19
Check							
08/16/2023		201542	RUBEN PLIEGO ORIHUELA	Utility Billing	Outstanding	Check	-104.27
08/16/2023		201546	24RESTORE INC	Accounts Payable	Outstanding	Check	-6,753.00
08/16/2023		201547	ALLINA HEALTH SYSTEM	Accounts Payable	Outstanding	Check	-168.00
08/16/2023		201548	ARAMARK UNIFORM SERVICES	Accounts Payable	Outstanding	Check	-373.37
08/16/2023		201549	ASPEN MILLS INC	Accounts Payable	Outstanding	Check	-1,233.24
08/16/2023		201550	BACHMAN'S	Accounts Payable	Outstanding	Check	-100.00
08/16/2023		201551	BAXTER MECHANICAL	Accounts Payable	Outstanding	Check	-3,550.00
08/16/2023		201552	BLUUM OF MINNESOTA LLC	Accounts Payable	Outstanding	Check	-46,206.68
08/16/2023		201553	BRAUN INTERTEC CORPORATION	Accounts Payable	Outstanding	Check	-1,264.00
08/16/2023		201554	CENTERPOINT ENERGY-MINNEGASCO	Accounts Payable	Outstanding	Check	-147.24
08/16/2023		201555	CERES ENVIRONMENTAL INC	Accounts Payable	Outstanding	Check	-420.00
08/16/2023		201556	CHLEBECK, ZACHARY	Accounts Payable	Outstanding	Check	-15.00
08/16/2023		201557	COMCAST/XFINITY	Accounts Payable	Outstanding	Check	-317.21
08/16/2023		201558	COON RAPIDS, CITY OF	Accounts Payable	Outstanding	Check	-29,701.00

Bank Transaction Report

Issued Date Range

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
08/16/2023		201559	COSTAR REALTY INFORMATION	Accounts Payable	Outstanding	Check	-430.00
08/16/2023		201560	ENTERPRISE FM TRUST	Accounts Payable	Outstanding	Check	-26,120.28
08/16/2023		201561	FLAGSHIP RECREATION LLC	Accounts Payable	Outstanding	Check	-53,075.58
08/16/2023		201562	FLEET PRIDE TRUCK & TRAILER PARTS	Accounts Payable	Outstanding	Check	-356.33
08/16/2023		201563	FRIENDLY CHEVROLET INC	Accounts Payable	Outstanding	Check	-277.20
08/16/2023		201564	GENUINE PARTS CO/NAPA	Accounts Payable	Outstanding	Check	-652.02
08/16/2023		201565	GERTENS GREENHOUSE INC	Accounts Payable	Outstanding	Check	-1,337.91
08/16/2023		201566	GIBBS FARM	Accounts Payable	Outstanding	Check	-300.00
08/16/2023		201567	HAWKINS INC	Accounts Payable	Outstanding	Check	-3,891.13
08/16/2023		201568	HEALTH PARTNERS	Accounts Payable	Outstanding	Check	-1,552.00
08/16/2023		201569	HOME DEPOT - FRIDLEY	Accounts Payable	Outstanding	Check	-100.00
08/16/2023		201570	HOME DEPOT CREDIT SERVICES	Accounts Payable	Outstanding	Check	-118.31
08/16/2023		201571	HYDRAULIC SPECIALTY CO	Accounts Payable	Outstanding	Check	-38.46
08/16/2023		201572	INTERSTATE ALL BATTERY CENTER	Accounts Payable	Outstanding	Check	-1,259.55
08/16/2023		201573	ITRON INC	Accounts Payable	Outstanding	Check	-5,830.19
08/16/2023		201574	KORTERRA INC	Accounts Payable	Outstanding	Check	-4,688.00
08/16/2023		201575	KOSTUCH, DAVID	Accounts Payable	Outstanding	Check	-65.00
08/16/2023		201576	LAKE RESTORATION INC	Accounts Payable	Outstanding	Check	-2,465.00
08/16/2023		201577	LEAGUE OF MN CITIES INS TRUST	Accounts Payable	Outstanding	Check	-739.56
08/16/2023		201578	LEPAGE & SONS	Accounts Payable	Outstanding	Check	-1,121.30
08/16/2023		201579	LOFFLER COMPANIES-131511	Accounts Payable	Outstanding	Check	-262.56
08/16/2023		201580	MANSFIELD OIL COMPANY	Accounts Payable	Outstanding	Check	-13,524.62
08/16/2023		201581	MENARDS - FRIDLEY	Accounts Payable	Outstanding	Check	-100.00
08/16/2023		201582	METROPOLITAN COUNCIL	Accounts Payable	Outstanding	Check	-434,336.81
08/16/2023		201583	MINN IT	Accounts Payable	Outstanding	Check	-607.95
08/16/2023		201584	MINN PETROLEUM SERVICE	Accounts Payable	Outstanding	Check	-843.50
08/16/2023		201585	MINN RECREATION & PARK ASSOC - MRPA	Accounts Payable	Outstanding	Check	-1,975.00
08/16/2023		201586	MINNEAPOLIS SAW INC	Accounts Payable	Outstanding	Check	-299.99
08/16/2023		201587	NORTHERN SANITARY SUPPLY INC	Accounts Payable	Outstanding	Check	-198.78
08/16/2023		201588	NORTHERN TOOL & EQUIPMENT	Accounts Payable	Outstanding	Check	-119.80
08/16/2023		201589	NOVA FIRE PROTECTION INC	Accounts Payable	Outstanding	Check	-3,215.00
08/16/2023		201590	OMANN BROTHERS CONTRACTING CO	Accounts Payable	Outstanding	Check	-1,913.60
08/16/2023		201591	ON SITE COMPANIES	Accounts Payable	Outstanding	Check	-1,239.00
08/16/2023		201592	ONLINE SOLUTIONS LLC	Accounts Payable	Outstanding	Check	-2,500.00
08/16/2023		201593	OVERHEAD DOOR COMPANY	Accounts Payable	Outstanding	Check	-3,874.17
08/16/2023		201594	RESPEC	Accounts Payable	Outstanding	Check	-2,913.75
08/16/2023		201595	REVSPRING INC	Accounts Payable	Outstanding	Check	-3,668.59
08/16/2023		201596	SCHIFSKEY & SONS INC	Accounts Payable	Outstanding	Check	-256,668.42
08/16/2023		201597	SHORT ELLIOTT HENDRICKSON INC	Accounts Payable	Outstanding	Check	-204.35
08/16/2023		201598	SHRED RIGHT	Accounts Payable	Outstanding	Check	-128.52
08/16/2023		201599	STANDARD INSURANCE COMPANY (LIFE)	Accounts Payable	Outstanding	Check	-2,107.06
08/16/2023		201600	STANDARD INSURANCE COMPANY LTD/STD	Accounts Payable	Outstanding	Check	-7,126.00
08/16/2023		201601	STIMEY ELECTRIC	Accounts Payable	Outstanding	Check	-5,513.45

Bank Transaction Report

Issued Date Range

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
08/16/2023		201602	TAHO SPORTSWEAR	Accounts Payable	Outstanding	Check	-4,450.80
08/16/2023		201603	TALLEN AND BAERTSCHI	Accounts Payable	Outstanding	Check	-751.03
08/16/2023		201604	VERIZON WIRELESS	Accounts Payable	Outstanding	Check	-1,890.41
08/16/2023		201605	VERTEX UNMANNED SOLUTIONS	Accounts Payable	Outstanding	Check	-199.00
08/16/2023		201606	VESSCO INC	Accounts Payable	Outstanding	Check	-401.26
08/16/2023		201607	WSB & ASSOCIATES INC	Accounts Payable	Outstanding	Check	-17,779.00
08/16/2023		201608	XCEL ENERGY	Accounts Payable	Outstanding	Check	-3,939.16
08/18/2023	08/16/2023	18	18	Payroll	Cleared	Check	0.00
08/18/2023		201543	FRIDLEY FIRE RELIEF ASSOC	Accounts Payable	Outstanding	Check	-930.00
08/18/2023		201544	FRIDLEY POLICE ASSOCIATION	Accounts Payable	Outstanding	Check	-192.00
08/18/2023		201545	MINN CHILD SUPPORT PAYMENT CENTER	Accounts Payable	Outstanding	Check	-511.76
08/21/2023		201609	NXT LEVEL INVESTMENTS LLC	Utility Billing	Outstanding	Check	-71.66
08/21/2023		201610	AMANDA CARTER	Utility Billing	Outstanding	Check	-29.76
08/21/2023		201611	LYNNE MARIHART	Utility Billing	Outstanding	Check	-15.30
08/21/2023		201612	ESTATE OF STANTON BERG	Utility Billing	Outstanding	Check	-144.94
08/21/2023		201613	ROBERT WOLF	Utility Billing	Outstanding	Check	-203.55
08/21/2023		201614	K E OESTREICH	Utility Billing	Outstanding	Check	-40.13
08/21/2023		201615	VALERIE BEGAY	Utility Billing	Outstanding	Check	-34.08
08/21/2023		201616	DONALD & AUDREY MAHR	Utility Billing	Outstanding	Check	-39.77
08/21/2023		201617	ESTATE OF MICHAEL CHEVRETTE	Utility Billing	Outstanding	Check	-256.64
08/21/2023		201618	KELSI EICHTEN	Utility Billing	Outstanding	Check	-151.01
08/21/2023		201619	ESTATE OF BETTY BLASE	Utility Billing	Outstanding	Check	-175.89
08/21/2023		201620	DANIELLE MCINTOSH	Utility Billing	Outstanding	Check	-27.10
08/21/2023		201621	HENNEPIN RP FUNDING	Utility Billing	Outstanding	Check	-119.60
08/21/2023		201622	MICHAEL MAZOLENY	Utility Billing	Outstanding	Check	-9.70
08/21/2023		201623	SUSAN CARLSON	Utility Billing	Outstanding	Check	-146.20
08/21/2023		201624	JOSE MARTIN LOPEZ ROMERO	Utility Billing	Outstanding	Check	-218.46
08/21/2023		201625	TREVOR OLDENBURG	Utility Billing	Outstanding	Check	-90.20
08/21/2023		201626	ERIN & LOGAN AYOTTE	Utility Billing	Outstanding	Check	-88.52
08/21/2023		201627	ALEXANDRA CLAY	Utility Billing	Outstanding	Check	-150.43
08/21/2023		201628	DALHOUSINGD LLC	Utility Billing	Outstanding	Check	-35.11
08/21/2023		201629	ARNOLD CLARK	Utility Billing	Outstanding	Check	-49.57
08/21/2023		201630	GREG & LOIS JOHNSON	Utility Billing	Outstanding	Check	-192.41
08/22/2023		201631	AMERICAN SOLUTIONS FOR BUSINESS	Accounts Payable	Outstanding	Check	-45.82
08/22/2023		201632	ARAMARK UNIFORM SERVICES	Accounts Payable	Outstanding	Check	-1,123.97
08/22/2023		201633	ASPEN MILLS INC	Accounts Payable	Outstanding	Check	-187.60
08/22/2023		201634	BARR ENGINEERING	Accounts Payable	Outstanding	Check	-1,045.50
08/22/2023		201635	BATTERIES PLUS	Accounts Payable	Outstanding	Check	-25.15
08/22/2023		201636	BERGERSON-CASWELL INC	Accounts Payable	Outstanding	Check	-1,650.00
08/22/2023		201637	BOUND TREE MEDICAL LLC	Accounts Payable	Outstanding	Check	-275.56
08/22/2023		201638	BRODHAG, BRANDON	Accounts Payable	Outstanding	Check	-333.00
08/22/2023		201639	CARE RESOURCE CONNECTION	Accounts Payable	Outstanding	Check	-1,000.00
08/22/2023		201640	CENTERPOINT ENERGY-MINNEGASCO	Accounts Payable	Outstanding	Check	-1,675.24

Bank Transaction Report

Issued Date Range

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
08/22/2023		201641	CENTRAL RENTAL CO	Accounts Payable	Outstanding	Check	-83.97
08/22/2023		201642	CENTURY LINK	Accounts Payable	Outstanding	Check	-64.91
08/22/2023		201643	CORE & MAIN LP	Accounts Payable	Outstanding	Check	-432.38
08/22/2023		201644	CUSTOM GRAPHIX	Accounts Payable	Outstanding	Check	-165.26
08/22/2023		201645	DAVE PERKINS CONTRACTING	Accounts Payable	Outstanding	Check	-7,591.00
08/22/2023		201646	DEM-CON COMPANIES LLC	Accounts Payable	Outstanding	Check	-5,851.87
08/22/2023		201647	DIAMOND VOGEL PAINT	Accounts Payable	Outstanding	Check	-570.00
08/22/2023		201648	ENTERPRISE FM TRUST	Accounts Payable	Outstanding	Check	-22,829.51
08/22/2023		201649	FLEET PRIDE TRUCK & TRAILER PARTS	Accounts Payable	Outstanding	Check	-1,061.18
08/22/2023		201650	GENERAL REPAIR SERVICE	Accounts Payable	Outstanding	Check	-36,005.95
08/22/2023		201651	GERTENS GREENHOUSE INC	Accounts Payable	Outstanding	Check	-862.13
08/22/2023		201652	HART'S AUTO SUPPLY	Accounts Payable	Outstanding	Check	-4,620.00
08/22/2023		201653	HAWKINS INC	Accounts Payable	Outstanding	Check	-20.00
08/22/2023		201654	HOISINGTON KOEGLER/HKGI	Accounts Payable	Outstanding	Check	-1,724.83
08/22/2023		201655	HYDRAULIC SPECIALTY CO	Accounts Payable	Outstanding	Check	-107.01
08/22/2023		201656	KLEIN UNDERGROUND LLC	Accounts Payable	Outstanding	Check	-1,410.00
08/22/2023		201657	LEPAGE & SONS	Accounts Payable	Outstanding	Check	-144.59
08/22/2023		201658	MALONE, TOM	Accounts Payable	Outstanding	Check	-1,150.00
08/22/2023		201659	MARTIN MARIETTA	Accounts Payable	Outstanding	Check	-371.64
08/22/2023		201660	MC TOOL & SAFETY	Accounts Payable	Outstanding	Check	-822.70
08/22/2023		201661	MENARDS - FRIDLEY	Accounts Payable	Outstanding	Check	-63.54
08/22/2023		201662	METRO GARAGE DOOR/WINTER INDUSTRIES LLC	Accounts Payable	Outstanding	Check	-1,340.00
08/22/2023		201663	MTI DISTRIBUTING CO	Accounts Payable	Outstanding	Check	-72.45
08/22/2023		201664	NEOGOV / GOVERNMENTJOBS.COM INC	Accounts Payable	Outstanding	Check	-159.08
08/22/2023		201665	NFP INSURANCE SERVICES INC	Accounts Payable	Outstanding	Check	-697.50
08/22/2023		201666	NOVA FIRE PROTECTION INC	Accounts Payable	Outstanding	Check	-470.00
08/22/2023		201667	OMANN BROTHERS CONTRACTING CO	Accounts Payable	Outstanding	Check	-2,412.70
08/22/2023		201668	ON SITE COMPANIES	Accounts Payable	Outstanding	Check	-316.00
08/22/2023		201669	PETERSON COMPANIES INC	Accounts Payable	Outstanding	Check	-283.92
08/22/2023		201670	POSTMASTER	Accounts Payable	Outstanding	Check	-2,500.00
08/22/2023		201671	PREMIUM WATERS INC	Accounts Payable	Outstanding	Check	-8.49
08/22/2023		201672	RAINBOW TREE CARE	Accounts Payable	Outstanding	Check	-84.00
08/22/2023		201673	SCHIFSKY & SONS INC	Accounts Payable	Outstanding	Check	-232.54
08/22/2023		201674	SLUMBERLAND	Accounts Payable	Outstanding	Check	-200.00
08/22/2023		201675	STIMEY ELECTRIC	Accounts Payable	Outstanding	Check	-3,267.78
08/22/2023		201676	SUPPLY SOLUTIONS LLC	Accounts Payable	Outstanding	Check	-487.01
08/22/2023		201677	TIMESAVER OFF SITE SECRETARIAL INC	Accounts Payable	Outstanding	Check	-318.00
08/22/2023		201678	T-MOBILE	Accounts Payable	Outstanding	Check	-25.00
08/22/2023		201679	TRUGREEN-CHEMLAWN	Accounts Payable	Outstanding	Check	-4,897.79
08/22/2023		201680	TWIN CITIES CONCRETE LLC	Accounts Payable	Outstanding	Check	-6,500.00
08/22/2023		201681	VERIZON WIRELESS	Accounts Payable	Outstanding	Check	-480.12
08/22/2023		201682	XCEL ENERGY	Accounts Payable	Outstanding	Check	-69,564.41
08/22/2023		201683	YALE MECHANICAL INC	Accounts Payable	Outstanding	Check	-392.00

Bank Transaction Report

Item 7.

						Issued Date Range	
Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
EFT							
08/18/2023		916	CITY OF FRIDLEY-IAFF DUES/INTL ASSOC/FIRE FIGHTERS	Accounts Payable	Outstanding	EFT	-80.00
08/18/2023		EFT0000192	Payroll EFT	Payroll	Outstanding	EFT	-418,259.83
						EFT Total: (2)	-418,339.83
						Report Total: (164)	-1,873,459.32

Bank Account	Count	Amount
0000100479 City of Fridley	164	-1,873,459.32
Report Total:	164	-1,873,459.32

Cash Account	Count	Amount
No Cash Account	1	0.00
999 999-101100 Cash in Bank - CITY Pooled Cash	163	-1,873,459.32
Report Total:	164	-1,873,459.32

Transaction Type	Count	Amount
Bank Draft	19	-295,650.19
Check	143	-1,159,469.30
EFT	2	-418,339.83
Report Total:	164	-1,873,459.32



AGENDA REPORT

Meeting Date: August 28, 2023

Meeting Type: City Council Meeting

Submitted By: Beth Kondrick, Deputy City Clerk
Melissa Moore, City Clerk/Communications Manager

Title

Ordinance No. 1414, Creating Title No. 4 (Public Nuisance) of the Fridley City Code and the Chapters Contained Therein (Second Reading)

Background

Pursuant to Minnesota Statute § 415.02 and Fridley City Charter (Charter) § 1.02, the Fridley City Council (Council) may codify and publish ordinances that carry the force and effect of law for the City of Fridley (City), which may be arranged into a system generally referred to as the Fridley City Code (Code).

On August 14, 2023, the Council conducted a public hearing and first reading of Ordinance No. 1414. Prior to the public hearing staff received no questions or comments regarding the ordinance. At that meeting no members of the public attended. After its deliberations, the Council unanimously approved the first reading.

Over the past few years, residents have raised "Jake Braking" as a concern to the Council. A jake brake is a type of compression release brake that helps truck drivers slow down their truck without wearing out the service brake. This activity generates a considerable noise level. After the first reading, staff realized "Jake Braking" had not been included as the Mayor and Council desired. Unfortunately, the Council had also forgotten to raise the issue at the first reading. Therefore, it is included in the second reading of the Ordinance and upon Council action may be included in the final Ordinance.

If the Council approves the second reading of the ordinance, a summary of the ordinance will be published in the City's Official Publication on August 31. The updated Code will become effective September 14.

Financial Impact

None.

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Recommendation

Staff recommend the approval of the second reading of Ordinance No. 1414, as amended.

Staff recommend the approval of Summary Ordinance No. 1414 for publication.

Focus on Fridley Strategic Alignment

- | | |
|--|---|
| ☐ Vibrant Neighborhoods & Places | ☐ Community Identity & Relationship Building |
| ☐ Financial Stability & Commercial Prosperity | ☐ Public Safety & Environmental Stewardship |
| ☒ Organizational Excellence | |

Attachments and Other Resources

- Ordinance No. 1414
- Summary Ordinance No. 1414

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Ordinance No. 1414

Creating Title No. 4 (Public Nuisance) of the Fridley City Code and the Chapters Contained Therein

The City Council of the City of Fridley does ordain, after review, examination and staff recommendation that the Fridley City Code be amended as follows:

Section 1

That the Fridley City Code Chapter 110, Public Nuisance, be hereby amended as follows:

Fridley City Code Chapter ~~110.400~~ Public Nuisance

400.01. Purpose

The Fridley City Council (Council) has determined that health, safety, good order, general welfare and convenience of the public are threatened by certain public nuisances within the City of Fridley (City).

~~110.01. Minnesota Statutes by Reference~~400.02 Adoption of State Law

Minnesota Statutes (M.S.) Sections 609.74 and 609.745 are ~~hereby~~ adopted by reference and ~~be in have~~ full force and effect in the City ~~of Fridley as if set out here in full.~~

~~110.02. Definitions~~

~~For the purpose of this chapter, certain terms and words are defined in Chapter 205, Zoning Code and or Chapter 101, Animal Control.~~

~~110.03. Public Nuisance Defined~~400.03 Definitions

Hazardous materials: paints, solvents, oil, automotive fluids, and any other hazardous wastes as defined in M.S. § 116.06.

Owner: person(s) listed as the contact on any current rental licensing application on file with the City, person(s) listed as owner by the County Assessor on the homestead record or taxpayer(s) as shown by records of the County Assessor.

Public Nuisance: Whoever, by an act or failure to perform a legal duty, intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

1. Maintains or permits a condition that unreasonably annoys, injures, or endangers the safety, health, comfort, or repose of any considerable number of members of the public.

2. Interferes with, obstructs, or renders dangerous for passage, or loiters on any public highway or right-of-way, or waters used by the public.
3. Causes obstruction or excavation affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds, except under such conditions as are permitted by this ~~Code~~Chapter, the Rights-of-Way Chapter, or other applicable law.
4. Causes any well hole or similar excavation to be left uncovered or in such other condition as to constitute a hazard, ~~to any child or other person coming on the premises where it is located;~~
5. Stores items outdoors including but not limited to machinery, equipment, ~~abandoned, unsafe, or junk motor vehicles,~~ household furnishings, ~~or materials~~ or abandoned, unsafe, or junk vehicles, in a manner conducive to the harboring of wild animals; ~~or to creating a~~ fire, health, or safety hazards ~~from such accumulations;~~ or ~~from promoting~~ the rank growth of vegetation ~~among the items so accumulated.~~ Items stored ~~outside a building outdoors~~ according to the applicable zoning ordinance provisions stipulations of an approved special use permit are not a public nuisance.
6. Deposits or causes placement of hazardous material in a manner that causes those materials to ~~drain-flow~~ into a storm sewer drain, ~~or~~ waterway as defined ~~in Section 105.02.7 of City by the Landscape Maintenance Chapter of the~~ Code or any other unpaved ground surface within the City. ~~Hazardous material shall include, but not be limited to, paints, solvents, oil, automotive fluids or any other hazardous wastes as defined in State Statute 116.06, Subd. 11;~~
7. Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.

110.04. Driveway Nuisance

~~Any driveway located within the city and not paved is a public nuisance.~~

~~Any nuisance under this provision must be abated by construction of an approved surface on the driveway in a manner prescribed by the City. The City expressly reserves and declares its statutory authority to abate any such nuisances under the assessment and levying powers granted by Minnesota Statutes chapters 429 and 463, according to the procedures established in Chapter 128 of City Code.~~

~~"Driveway", for the purpose of this Chapter, shall not include any public owned or dedicated unpaved road or alleyway used for purpose of access to any property; nor any roadway, path or other access to a parcel of unsubdivided property that can, without variance, be subdivided in the City. A roadway or path to subdividable property in the City shall be a "driveway" subject to this Chapter at such time as the property on which it is located is subdivided and the roadway or path continues to be used for the purpose of access to the property. Any roadway or path to subdividable property must be~~

~~paved to a distance of at least twenty feet from the edge of any connecting curb or roadway surface in order to qualify for this exception.~~

~~110.05.400.04~~ Power of Officers

~~The City Manager or their designee will be responsible for investigating and determining whether a public nuisance exists or is being maintained in the City.~~

~~When said official determines a public nuisance is being maintained or exists on a property, the City will issue a written notice to the owner of the property requiring the termination or abatement of the nuisance conditions within a reasonable timeframe as outlined in the Abatement of Exterior Public Nuisance Chapter of the Code.~~

~~Whenever in the judgment of a City official, designated by the City Manager who will be responsible for investigating and determining whether a public nuisance exists or is being maintained within the City, it is found by investigation, that a public nuisance is being maintained or exists on property within the City, the following procedures shall be followed to abate the nuisance:~~

~~1. Written notice shall be issued to the owner requiring the termination or abatement of said nuisance or to remove such conditions or remedy such defects;~~

~~2. Service of said written notice may be hand-delivered to the owner or posted on the property, but shall also be sent via U.S. mail;~~

~~3. If the nuisance involves public right-of-way space, it must be abated or permitted according to the requirements of the Rights-of-Way chapter of the Chapter 407. If the nuisance poses a public health or safety risk, City staff may follow emergency abatement procedures to protect public safety or require that the violation be abated within a reasonable timeframe following notice posted on the property. Other nuisances must be abated within a reasonable timeframe, according to the procedures established in the Abatement of Exterior Public Nuisances Chapter 128 of the City Code.~~

~~110.06. Abatement and Assessment of Nuisance~~

~~If after such service of notice, the owner fails to abate the nuisance or make the necessary repairs, alterations, or changes as directed by the City official, said official may abate the nuisance and assess costs according to the procedures established in Chapter 128 of the City Code.~~

~~110.07. Permitting Public Nuisance~~

~~Whoever permits real property under his or her control to be used to maintain a public nuisance, or lets the same knowing it will be so used, is guilty of a misdemeanor.~~

~~110.08.400.05~~ Emergency Abatement

If the City ~~official Manager or their designee~~ determines that a public nuisance exists and that the public health, safety, or welfare may be in immediate danger, the City may implement emergency abatement procedures to remove or abate the nuisance. When emergency abatement is authorized, the City ~~shall will~~ post a notice at the property and attempt to notify the owner and any agents of the owner and any agent or occupants of the property. However, notice to the owner, agent, or occupant of the property is not required prior to emergency abatement. Following emergency abatement, the City will mail notice of the action taken to the property owner and assess-recover abatement costs according to the procedures established in the Abatement of Exterior Public Nuisances chapter Chapter 128 of the City Code.

~~110.09. Penalties~~

~~Any violation of this Chapter is a misdemeanor and subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

~~110.10. Severability~~

~~Every section, provision or part of this Chapter is declared separable from every other section, provision or part to the extent that if any section, provision or part of this Chapter shall be held invalid, such holding shall not invalidate any other section, provision or part thereof.~~

400.06 Non-Exclusiveness

Nothing in this Chapter will be deemed a waiver or limitation of any statutory right or power of the City as to hazardous buildings, properties, or materials, nor will this Chapter be deemed to otherwise limit the right or power of the City to conduct other administrative or regulatory searches and inspections including, but not limited to, health inspections, fire scene inspections, arson inspections, and regulated business or industry inspections, nor will this Chapter be deemed to be the exclusive remedy of the City regarding the abatement of public nuisances.

Section 2

That the Fridley City Code Chapter 128 Abatement of Exterior Public Nuisances, be hereby amended as follows:

Fridley City Code Chapter ~~128.401~~ Abatement of Exterior Public Nuisances

~~128.01.401.01~~ Purpose

The ~~Council of the City of Fridley-Fridley City Council (Council)~~ has determined that the health, safety, general welfare, good order, and convenience of the public is threatened by certain exterior public nuisances on ~~property-properties~~ within the City ~~limits~~. It is ~~declared to be~~ the intention of the Council to abate such nuisances, ~~and this Chapter is enacted for that purpose.~~

401.02 Definitions

Owner: person(s) listed as the contact on any current rental licensing application on file with the City, person(s) listed as owner by the County Assessor on the homestead record or taxpayer(s) as shown by records of the County Assessor.

~~128.02~~401.03 Application

~~This Chapter shall apply to the abatement of public nuisances as defined in Chapter 110 of City Code including, but not limited to solid waste and other materials and equipment stored in a yard or conditions that are in violation of the Zoning Code or deemed to create an exterior public nuisances as described in Chapter 110.03, or a vision safety violation as defined in Chapter 205, or deemed to be a public nuisance by any other section of the City Code.~~

This Chapter applies to the abatement of public nuisances as defined in the Public Nuisance chapter of the Fridley City Code (Code) including, but not limited to, solid waste and other materials and equipment stored in a yard, conditions that are in violation of the zoning-related chapters of the Code, or any conditions deemed to be a public nuisance in any other section of the Code.

~~128.03~~401.04 Inspection and Investigation

1. Periodic Inspection. The ~~Code Enforcement Officer or other duly authorized agents shall~~City Manager or their designee may cause to be inspected~~inspect~~ all public and private properties within the City which they believe might contain an exterior public nuisance ~~as defined in this Code section as often as practicable to in order to~~ determine whether any such conditions exist. The ~~Code Enforcement Officer or other duly authorized agents shall~~City Manager or their designee may also investigate ~~all any~~ reports of exterior public nuisances located within the City pursuant to the Public Nuisances Chapter of the Code and Minnesota Statute (M.S.) § 609.74.

2. Right of Entry. The ~~Code Enforcement Officer or other duly authorized agents~~City Manager or their designee may enter upon all public and private properties for the purposes of conducting inspections for exterior public nuisances. If the property owner ~~and/or~~ occupant of ~~the any~~ property refuses ~~said inspector(s) right of~~ entry for inspection by the City, the City may seek an administrative search warrant or other order of the District Court for ~~said purpose of~~ entry and inspection.

~~128.04~~401.05 Abatement of Exterior Public Nuisances

Upon a determination by the ~~Code Enforcement Officer or other duly authorized agent~~City Manager or their designee that an exterior public nuisance exists on any public or private property within the City, said official ~~shall will~~ order the exterior public nuisance to be abated in accordance with this ~~Code section~~Chapter.

~~128.05~~401.06 Procedure for ~~Removal~~Abatement of Exterior Public Nuisances

1. The City Manager or their designee will be responsible for investigating the determining whether a public nuisance exists or is being maintained in the City. When said official determines a public nuisance is being maintained or exists on a property, procedures outlined in this Chapter will be followed to abate the nuisance.

2. If the nuisance involves public right-of-way space, it must be abated or permitted according to the requirements of the Rights-of-Way Chapter of the Code. If the nuisance poses a public health or safety risk, the City Manager or their designee may follow emergency abatement procedures to protect public safety or require that the violation be abated within a reasonable timeframe following notice posted on the property. Other nuisances must be abated within a reasonable timeframe, according to the procedures established in this Chapter.

1.3. Notice. ~~Whenever~~ When the ~~Code Enforcement Officer or other duly authorized agent~~ City Manager or their designee finds ~~with reason able certainty~~ that an exterior public nuisance exists on any public or private property in the City, said official ~~shall~~ must notify the affected property owner by hand-delivery or posted notice on the property and mailed notice by first class mail that the nuisance must be abated within a reasonable period of time, not less than ~~twenty~~ (20) days from the date ~~of service~~ of the notice. ~~(Service by mail shall be deemed complete upon mailing.)~~ The order ~~shall~~ will set forth the following:

A.(a) The specific nature of the violations and requirements for compliance. ~~Compliance may be achieved by repair or alteration of the condition(s) in violation. If repair or alteration are not practical, the item(s) in violation must be removed from the subject property.~~

B.(b) That the property owner may, within ~~ten (10)~~ 14 business days of the date of the order, request a hearing before the ~~Appeals~~ Planning Commission.

C.(c) That failure to abate the nuisance or request a hearing within the applicable ~~time period~~ time period will result in ~~summary an~~ abatement ~~action procedures~~, and the cost of abatement, including City staff time, will be ~~charged to assessed against~~ the subject property. Collection will be requested from the property owner or other person served of the charges when due. Unpaid abatement charges will be assessed against the subject property.

2.4. Hearing

(a) Any property owner who ~~feels aggrieved by~~ has received an order ~~of the Code Enforcement Officer or other duly authorized agent~~ issued pursuant to this ~~chapter~~ Chapter may request a hearing before the Planning Commission. Such request ~~shall~~ must be filed in writing with the office of the ~~Community Development Director~~ City Manager or their designee within ~~ten (10)~~ 14 days ~~after of~~ the date of ~~service of~~ the ~~notice by the Code Enforcement Officer or other duly authorized agent~~ order.

(b) The Community Development Director ~~shall or their designee will~~ notify the Planning Commission and the property owner of the date, time, and place of the hearing. The Community Development Director ~~shall will~~ notify the ~~appealing~~ property owner of the selected public hearing date not less than ~~ten (10)~~ days prior to the date of the hearing. The hearing ~~shall will~~ be conducted no more than sixty (60) days after the property owner's request, unless a later date is mutually agreed to by the property owner and the City.

(c) Both the property owner and representatives of the City may appear at the hearing with counsel and may call witnesses and present relevant and competent evidence.

(d) Within ~~ten (10)~~ days ~~after of the such~~ hearing, the Planning Commission ~~shall will~~ affirm, repeal, or modify the ~~abatement order of the Code Enforcement Officer or other duly authorized agent~~. The Planning Commission order ~~shall will~~ be accompanied by written findings of fact, and may include a finding of fact as to the absence of value of the materials deemed to constitute an exterior public nuisance.

(e) Any person ~~aggrieved by the decision of the Planning Commission~~ may appeal ~~that the decision of the Planning Commission order~~ to the City Council by filing notice of such appeal with the Community Development Director ~~or their designee~~ within ~~twenty (20)~~ days ~~of receiving the~~ notice of the Planning Commission's ~~decision order~~. At its next available regular meeting following the filing of a notice of appeal, the Council ~~shall will~~ review the decision and findings of fact of the Planning Commission and ~~shall will~~ affirm, repeal, or modify that decision.

(f) If the Council affirms the Planning Commission's ~~decision order~~ declaring that an exterior public nuisance exists, the City ~~shall will~~ abate the exterior public nuisance after ~~twenty (20)~~ days following the Council's final determination, unless the property owner ~~has remedied the public nuisance or~~ petitions for a court order to the contrary within said ~~twenty (20)~~ days.

~~3.5. Disposition~~ Abatement action. When the nuisance is present after the reasonable period of time established in the Notice has passed and all hearings have concluded, the City will abate the nuisance. Where practical, compliance will be achieved by repair or alteration of the condition(s) in violation. If repair or alteration are not practical, the item(s) in violation will be removed from the subject property.

4.6. Disposal of Property. The City maintains the right to dispose of all property that it removes from public and private properties through abatement procedures as outlined in this Chapter. Disposal of property deemed to have value ~~shall may~~ occur ~~no less than at least thirty (30)~~ days after the property is secured, but ~~in any event shall may~~ not occur until the property owner is deemed to waive administrative appeals or exhausts all administrative appeals. The City ~~shall may~~ not dispose of property if the property owner obtains a court order to the contrary ~~and/or~~ pays all costs associated with the removal and storage of said property within ~~said the thirty (30)~~ day time period. The City maintains the right to immediately dispose of refuse ~~and/or~~ junk

materials deemed to be without value. Any junk or abandoned vehicles will be impounded, stored, and sold pursuant to the process described in M.S. § 168B.

4.7. Assessment. The ~~Code Enforcement Officer or other duly authorized agent shall~~ City Manager or their designee must keep a record of the costs of the abatements completed under this Chapter and ~~shall will~~ provide detailed reports to the Finance Director or other appropriate officer regarding all work performed for which assessments are to be made, stating and certifying the description of the land, lots, or parcels involved and the amount assessable to each. The costs to be assessed ~~shall will~~ include up to an additional ~~twentyfive percent (25%)~~ to cover any administrative costs associated with the abatements. The City ~~shall will~~ list the total unpaid charges for each abatement against each separate lot ~~or parcel~~ to which they are attributable under this Chapter. The Council may ~~then~~ spread the charges, or any portion of the charges, thereof against the property involved as a special assessment under other pertinent statutes, for certification to the County Auditor and collection the following year along with current taxes. Such assessment ~~shall will~~ be payable in a single installment or by up to ~~ten (10)~~ equal annual installments as ~~City~~ Council may provide, pursuant to ~~Minnesota Statutes, Section M.S. § 429.101, Subdivision subd. 2.~~

128.06-401.07 Release of Property

To reclaim ~~those any~~ materials that have been removed by the City in a nuisance abatement action, accordance with 128.05, the owner or lienholder must pay any costs and administrative ~~fees~~ incurred by the City. The owner or lienholder reclaiming the materials ~~shall must~~ sign a "Release of Property" form and ~~shall must~~ agree not to return the items to any location in the City ~~of Fridley~~ that creates a new violation of ~~city ordinance~~ the Code. If additional removal of the same or similar items is deemed necessary by the City, an abbreviated but reasonable notice period will be provided before the removal takes place. All other provisions of this City Chapter ordinance 128, including the right to a hearing, will still apply.

401.08 Emergency Abatement

If the City Manager or their designee determines that a public nuisance exists and that the public health, safety, or welfare may be in immediate danger, the City may implement emergency abatement procedures to remove or abate the nuisance. When emergency abatement is authorized, the City must post a notice at the property and attempt to notify the owner, agent, or occupant of the property. However, notice to the owner, agent, or occupant of the property is not required prior to abatement. Following emergency abatement, the City will mail notice of the action taken to the property owner and assess costs according to the procedures established in this Chapter.

128.07. Severability

~~Every section, provision or part of this Chapter is declared separable severable from every other section, provision, or part to the extent that if any section, provision, or part of this Chapter shall be held to be invalid, such holding shall not invalidate any other section, provision, or part thereof.~~

~~128.08.401.09~~ Non-Exclusiveness

Nothing in this ~~Chapter~~~~ode-section~~ ~~shall will~~ be deemed a waiver or limitation of any statutory right ~~and/or~~ power of the City as to hazardous buildings, properties, or materials, nor ~~shall will~~ this ~~Chapter Code-section~~ be deemed to otherwise limit the right ~~and/or~~ power of the City to conduct other administrative ~~and/or~~ regulatory searches and inspections including, but not limited to, health inspections, fire scene inspections, ~~and~~ arson inspections, and regulated business ~~or~~ industries industry inspections, nor ~~shall will~~ this ~~ChapterCode-section~~ be deemed to be ~~an-the~~ exclusive remedy of the City regarding the abatement of exterior public nuisances.

Section 3

That the Fridley City Code Chapter 126, Houses of Prostitution; Public Nuisance, be hereby amended as follows:

Fridley City Code Chapter ~~126.402~~ Houses of Prostitution; ~~Public Nuisance~~

~~126.01. Statement of Purpose~~402.01 Purpose

The use or maintenance of buildings and movable property within the City of Fridley ~~(City)for purposes of to~~ conducting prostitution or prostitution related activities constitutes a threat to the public health, safety, and welfare. The City ~~of Fridley~~ has an interest in ~~insuring-ensuring~~ the lawful use of property within the community and in protecting its citizens from uses of property which endanger public health, safety, and welfare. The Fridley City Council ~~(Council)of the City of Fridley~~ deems it necessary and appropriate to enact procedures to prevent and eliminate the use of buildings and moveable property within the City ~~of Fridley for purposes of to conducting-conduct~~ prostitution or ~~prostitution-relatedprostitution-related~~ activities.

~~126.02.402.02~~ Definitions

~~The terms used in Sections 126.01 through 126.08 shall have the meaning herein given:~~

~~1.-Building: Includes any structure suitable for human shelter and the ground itself.A structure suitable for human shelter, a commercial structure that is maintained for business activities that involve human occupation, any portion of the structure or the land surrounding the structure.~~

~~2.-Movable Property: Includes furniture, fixtures and materials.~~

Property: Includes any building and/or movable property.

~~3-~~Materials: Includes books, magazines, pamphlets, papers, writings, cards, advertisements, circulars, prints, pictures, ~~photographs, motion picture~~ films, plays, images, instruments, statues, drawings, and videos.

~~4-~~Prostitution and Prostitution Related Offenses: ~~Includes the~~The conduct defined in Minnesota Statutes, ~~Sections (M.S.) §§~~ 609.321 through 609.324.

~~126.03-402.03~~ Acts Constituting a Nuisance

1. Any ~~building or portion thereof and any movable~~ property used or maintained for the purpose, of committing acts of prostitution or prostitution related offenses ~~shall~~ constitute reasonable cause ~~that to declare the existence of a~~ public nuisance ~~at said property exists.~~

2. A rebuttable presumption as to the existence of a public nuisance ~~shall~~ may exist upon proof of three ~~(3)-~~or more misdemeanor convictions or two ~~(2)-~~or more gross misdemeanors or felony convictions within the previous two ~~(2)-~~years for acts of prostitution or prostitution related offenses arising out of conduct committed within or upon such ~~property building or portion thereof.~~

3. Any ~~building or portion thereof and all movable~~ property used in conducting or maintaining a public nuisance shall be enjoined and abated as provided for in ~~Sections 126.05 through 126.08-~~this Chapter.

~~126.04-402.04~~ Notice

Notice of any convictions described in ~~Section 126.03 of,~~ this Chapter ~~shall will~~ be sent by ~~United States~~-mail to the owner of record, all other interested persons or parties of record, the, occupant(s) of such ~~building property or portion thereof~~ and ~~shall will~~ be filed with the County Recorder ~~or Registrar of Titles's~~ Office when permitted by law. Such notice ~~shall will~~ be deemed sufficient ~~as notice~~ to all interested persons, including persons or parties not of record or unknown, that the ~~building property, or a portion thereof~~ is being used for purposes constituting a public nuisance.

~~126.05-402.05~~ Injunctive Remedies

1. Whenever the County Attorney, City Attorney, Public Official or resident of the City has reasonable cause to believe that any person within the City is violating ~~Section 126.03~~this Chapter, ~~they he or she~~ may, by verified petition, seek a temporary injunction in district court in Anoka County. ~~No Prior to the issuance of a~~ temporary restraining order or preliminary injunction, ~~shall be issued without the City must schedule a a-prior~~ show cause ~~notice of~~ hearing to ensure the respondents have an opportunity to be heard. Personal service of the show cause order and of the petition made ~~as in~~ the civil actions on the named respondents, or, ~~upon~~ any of their employees or agents found within the State, is required for ~~shall constitute~~ sufficient notice. ~~Such show cause order for hearing may be returnable on the third day from the date of service, as to a respondent who is present in this State, and on the fifth day as to a person not a~~

~~resident or not found within this State.~~ In-state respondents must reply to the notice of hearing within three days of receipt informing the City of their intent to be present at the hearing. Out of state respondents must reply to the same notice within five days or receipt.

2. Any temporary restraining order or temporary injunction granted ~~shall will~~ be binding on the owner and all, other, persons or parties, known or unknown, claiming any right, title, estate, lien or other interest in the ~~building property or portion thereof~~ used or maintained for purposes constituting a public nuisance.

~~126.06.402.06~~ Trial, Order and Abatement

1. Pursuant to the Rules of Civil Procedure, the court may also order ~~the a~~ trial of the action on the merits to be advanced and consolidated with the hearing on the motion for a temporary injunction. Proof of any of the circumstances enumerated in ~~Section 126.03.2 shall~~ this Chapter will create a rebuttable presumption as to the existence of a public nuisance ~~and the court shall order the abatement of the nuisance.~~

2. The court is authorized to order ~~that the removal from the building or portion thereof of all~~ movable property used in conducting or maintaining such nuisance be removed from the property, and may direct the sale of such moveable property, ~~as belongs to the defendants who were notified or appeared~~ and shall direct the closing of the ~~building property or portion thereof~~ for a period of one ~~(1)~~ year, except ~~as to such for~~ use requested by a person appointed by the court as receiver of ~~such the building or portion property thereof~~ and as such use is further approved by the court. All remedies providing for the seizure of property for the purpose of securing satisfaction of a judgment shall be available ~~under the circumstances and~~ in the manner provided by the law of the State. All costs of receivership ~~shall must~~ be paid out of the receipts from the sale of the property or rents collected.

3. Where the ~~building or portion thereof property~~ is a nonconforming use for municipal zoning purposes, the abatement ~~shall will~~ constitute a discontinuance of such use and, thereafter, the use of the ~~building or the portion thereof~~ abated property must conform to the use permitted in the zoning district in which it is located. Additionally, if the abatement of a portion of the ~~building property~~ results in a reduction of the degree of the ~~building's property's~~ nonconformity, the degree of nonconformity may not be thereafter returned to its original status.

4. This Section does not limit the destruction of any materials pursuant to ~~Minnesota Statutes, Section M.S. §~~ 617.27.

~~126.07. Contempt~~

~~Whoever violates a restraining order, temporary injunction or abatement order granted under Sections 126.03 through 126.08 may be adjudged in contempt of court and punished accordingly. In addition, if any defendant fails to perform an ordered act, the court may direct the act to be done in accordance with Rule 70 of the Rules of Civil Procedure.~~

~~126.08. Parties to Action~~

~~Before any abatement order shall be enforced against the building or the portion thereof abated, the owner thereof shall be served with a summons in accordance with Rule 4 of the Rules of Civil Procedure. The person in whose name the building or affected portion thereof is recorded with the County Auditor for purposes of taxation shall be presumed the owner. In case of unknown persons having or claiming any ownership, right, title or interest in the property, they may be made parties to the action by designating them in the summons and complaint as "all other persons unknown claiming any ownership, right, title or interest in the property affected by the action" and service thereon made in the manner prescribed in Rule 4.04 of the Rules of Civil Procedure.~~

Section 4

That the Fridley City Code Chapter 130, Clandestine Drug Lab and Chemical Dump Sites, be hereby amended as follows:

Fridley City Code Chapter ~~130.403~~ Clandestine Drug Lab and Chemical Dump Sites

~~130.01. General Provisions.~~403.01 Purpose

~~1. — Purpose and Intent.~~ The purpose of this ~~Chapter Ordinance~~ is to reduce public exposure to health risks where law enforcement officers or fire officials have determined that hazardous chemicals from a suspected clandestine drug lab site or associated dump site may exist. The ~~Fridley City Council (Council)~~ finds that such sites may contain ~~suspected~~ chemicals and residues that place people, ~~particularly children or adults of child-bearing age,~~ at risk when exposed through inhabiting or visiting the site, ~~now and in the future.~~

Based ~~upon on~~ professional reports, assessments, testing, and investigations, the ~~City~~ Council finds that ~~such~~ hazardous chemicals can condense, penetrate, and contaminate ~~on~~ the land, surfaces, furnishings, buildings, and equipment in or near ~~structures or other~~ locations where clandestine drug labs or associated dumps such sites exist. The Council finds that these ~~se~~ conditions present potential health and safety risks to residents, occupants, and visitors who may be exposed to said conditions via through fire, explosion, skin and respiratory exposure contact, or and other related methods of exposure dangers. The Council further finds that such sites present health and safety risks to occupied residences, buildings, ~~and~~ structures, and to the general housing stock of the community.

~~2. — XXX.02 Interpretation and Application.~~403.02 Application

1. In their interpretation and application, the provisions of this ~~Chapter Ordinance~~ ~~shall~~ must be construed to protect the public health, safety, and welfare.

2. Where the conditions imposed by any provision of this ~~Chapter Ordinance~~ are either more or less restrictive than comparable provisions imposed by any other law, ordinance, statute, or

regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements ~~shall will prevail~~ preempt the less restrictive regulations.

3. ~~Should any court of competent jurisdiction~~ declare any section or subpart of this ~~Chapter Ordinance~~ to be invalid, such decision ~~shall does~~ not affect the validity of ~~this Chapter~~ Ordinance as a whole or any part thereof, other than the provision declared invalid.

3. ~~— Fees. Fees for the administration of this Chapter Ordinance are set forth in the City's fee schedule may be established and amended periodically by ordinance of the City Council.~~

4. ~~— Definitions For the purpose of this Chapter Ordinance, the following terms or words shall be interpreted as follows:~~

403.03 Definitions

Building Official: ~~shall mean the~~ The City of Fridley's (City) Chief Building Official or ~~his/her~~ their designee.

Child: ~~shall mean any~~ Any person less than 18 years of age.

Chemical dumpsite: ~~shall mean any~~ Any place or area where chemicals or other waste materials used in a clandestine drug lab has been located.

~~City shall mean the City of Fridley.~~

Clandestine drug lab: ~~shall mean the~~ The unlawful ~~manufacture~~ manufacturing of, or attempt to manufacture, any controlled substances.

Clandestine drug lab site: ~~shall mean any~~ Any place or area where law enforcement or fire officials have determined that conditions associated with the operation of an unlawful clandestine drug lab exist. A clandestine drug lab site may include motor vehicles, trailers, boats or other movable property, dwellings, accessory buildings, accessory structures, commercial structures, multi-family structures, or a chemical dump site on any land.

Controlled substance: ~~shall mean a~~ A drug, substance, or immediate precursor in Schedules I through V of ~~Minn. Stat.~~ Minnesota Statute (M.S.) § 152.02. ~~The term shall does not include distilled spirits, wine, malt beverages, intoxicating liquors, or tobacco.~~

Environmental testing and cleaning firm or contractor: ~~shall mean a~~ A business or individual with established competence as designated by the State of Minnesota Department of Health specific to the environmental task being performed.

Fire Marshal: ~~shall mean t~~ The City of Fridley's Fire Marshal or ~~their~~ his/her designee.

Hazardous wastes: ~~shall mean w~~ Waste generated, including equipment, from a clandestine drug lab. Such wastes ~~shall must~~ be treated, stored, transported, or disposed of in a manner consistent with

the Minnesota Department of Health, Minnesota Pollution Control, and Anoka County Health Department rules and regulations.

~~Manufacture; in places other than a pharmacy, shall mean and include the~~ The unlawful production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, relabeling, filling, or by other process, of drugs controlled substances.

Minnesota Department of Health ~~guidelines~~ Guidelines; ~~shall mean the~~ The most current version of standards or guidelines, including but not limited to "Clandestine Drug Labs General Cleanup GuidelinesGuidance", as promulgated by the State of Minnesota Department of Health for the testing or remediation of clandestine drug labs or chemical dump sites; ~~and which~~ Said standards or guidelines are hereby incorporated by reference and made ~~a~~ part of this ChapterOrdinance.

Owner; ~~shall mean any~~ Any person, firm, or corporation who owns, in whole or in part, the land, buildings, structures, motor vehicles, trailers, boats or other movable property associated with a clandestine drug lab site or chemical dumpsite.

~~Public health nuisance. All dwellings, accessory structures and buildings or adjacent property associated with a clandestine drug lab site are potentially unsafe due to health hazards and are considered a public health nuisance pursuant to Minn. Stat. §463.15, et seq.; § 412.221, et seq.; and 145A.01, et seq.~~

~~130.02.403.04~~ Administration

1. ~~Law Enforcement or Fire Department~~ Notice to Other Authorities. ~~Law enforcement authorities or Fire Department officials~~ Building Officials or Fire Marshals ~~that who~~ identify conditions associated with a clandestine drug lab site or a chemical dump site that ~~places neighbors, visiting public, or present and future occupants of the site at risk~~ creates a risk of ~~for~~ exposure to ~~harmful contaminants and other associated conditions~~ hazardous chemicals; must promptly notify the appropriate municipal, child protection, and public health authorities of the property conditions, location, and identity of the property owner if known; ~~and conditions found~~.

2. Declaration of Property as a Public Health Nuisance. ~~If law enforcement or fire officials determine the existence of a clandestine drug lab site or chemical dumpsite, the property shall be declared a public health nuisance. All dwellings, accessory structures and buildings or adjacent property associated with a clandestine drug lab site are potentially unsafe due to health hazards and are considered a public health nuisance pursuant to M.S. § 463.15 and M.S. § 145A.01.~~

3. Notice of Public Health Nuisance to Concerned Parties. Upon notification by ~~law enforcement or Fire Department authorities~~, the Building a Public Official or Fire Marshal ~~shall who must~~ promptly issue a Declaration of Public Health Nuisance for the affected property and prominently post a copy of the Declaration at all entrances to the dwelling, property or site. The Building Official or Fire Marshal issuing said Declaration ~~shall~~ must also notify the ~~owner of the property by mail and notify the~~ following parties via U.S. Mail:

(a) All owners of the property (if known);

A.(b) Occupants of the property (if known);

B.(c) Neighbors at potential risk;

C.(d) The ~~Fridley Police Department, Fridley Fire Department, Fridley Public Safety Department,~~ Anoka County Community Health and Environmental Services; and

D.(e) Other state and local authorities, such as Minnesota Pollution Control Agency (MPCA) and Minnesota Department of Health, which are known to have public and environmental protection responsibilities that are applicable to the situation.

E.(f) The Building Official or Fire Marshal issuing said Declaration may notify any financial institution with an interest of record of the Declaration of Public Health Nuisance and ~~shall~~ may notify such financial institution should the property owner fail to arrange for timely and appropriate assessment and clean up.

F.(g) The Building Official or Fire Marshal issuing said Declaration may notify the insurance company ~~with a policy known to be applicable to the~~ that insures the subject property and ~~shall~~ may notify such insurance company should the property owner fail to arrange for timely and appropriate assessment and clean up.

G.(h) The Building Official or Fire Marshal issuing said Declaration may ~~cause a file a~~ cause a file a certified copy of the Declaration of Public Health Nuisance ~~to be filed with the Office of the Anoka County Recorder or Registrar of Titles. Upon abatement of the nuisance as required herein, the Building Official or Fire Marshal issuing said Declaration~~ shall must cause record a notice of successful abatement or removal of Declaration of Public Health Nuisance ~~to be so recorded.~~

4. Property Owner's Responsibility to Act - Order for Abatement. The Building Official or Fire Marshal ~~shall must also~~ issue an order to the property owner to abate the public health nuisance which will, ~~including include~~ the following conditions:

A.(a) That the owner, tenant, occupants, or other persons ~~in possession of residing at or otherwise occupying~~ the premises ~~shall must~~ immediately vacate ~~those any~~ portions of the property, ~~including building and structure interiors, or dump site, which that~~ may place ~~themsuch persons~~ at risk. No person ~~shall may~~ reside in or occupy any premises or property subject to an order for abatement under this Chapter until such time as the Building Official or Fire Marshal has determined that the ~~contamination has been reduced to an acceptable level~~ hazard has been abated and that the cleaning of hazardous waste was conducted in accordance with Minnesota Department of Health guidelines.

~~B.(b) Promptly~~ That the owner or occupant must promptly contract with ~~appropriate~~ an environmental testing and cleaning firms to conduct an on-site assessment, complete clean-up, ~~and~~ remediation testing, and follow-up testing, ~~and determine that the property risks are sufficiently reduced in accordance with Minnesota Department of Health guidelines.~~ The property owner ~~shall~~ must notify the City of actions taken and reach an agreement with the City on the clean-up schedule. The City ~~shall~~ may consider practical limitations and the availability of environmental or other contractors in approving the schedule for clean-up. The property owners must receive a determination from the cleaning firm or contractor stating that the risks created by the property are sufficiently reduced in accordance with Minnesota Department of Health guidelines.

~~C.(c) That the owner or occupant must~~ Provide provide written documentation of the clean-up process, including a signed, written statement that the contamination has been reduced to an acceptable level and that the clean-up was conducted in accordance with Minnesota Department of Health guidelines.

5. Property Owner's Responsibility for Costs. The property owner ~~shall~~ will be responsible for all costs of assessment, testing, abatement, or clean-up of the site, including contractor's fees and public costs for services that were performed in association with a clandestine drug lab site or chemical dump site clean-up. The Building Official or Fire Marshal ~~shall~~ must prepare and provide ~~to the property owner~~ a Statement of Itemized Public Costs and send it to the property owner which ~~shall~~ will be due and payable upon receipt. Public costs may include, but are not limited to:

~~A.(a)~~ Posting of the site;

~~B.(b)~~ Notification of affected parties;

~~C.(c)~~ Expenses related to the recovery of costs, including the assessment process;

~~D.(d)~~ Laboratory fees;

~~E.(e)~~ Clean-up services, including septic systems;

~~F.(f)~~ Administrative fees;

~~G.(g)~~ Emergency response costs;

~~H.(h)~~ Other associated costs; and

~~I.(i)~~ Any legal costs ~~including attorney fees~~ related to the nuisance abatement.

6. Recovery of Public Costs

~~A.(a)~~ If, after service of notification of the Declaration of Public Health Nuisance, the property owner fails to arrange appropriate assessment and clean-up, the Building Official or Fire Marshal is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.

~~B.(b)~~ If the City is unable to locate the property owner within ~~ten (10)~~ days of the Declaration of Public Health Nuisance, the City is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.

~~C.(c)~~ The City may abate the nuisance by removing the hazardous structure or building, ~~or otherwise, according to Minnesota Statutes M.S. Chapter 463. In cases involving motor vehicles, recreational vehicles, trailers, boats, or other movable property, the City may abate the nuisance by disposal of the property.~~

~~D.(d)~~ If the City abates the public health nuisance, or otherwise incurs public costs, in addition to any other legal remedy, the City ~~shall be~~ is entitled to recover all public costs. The City may recover costs by civil action against the person or persons who own the property, or ~~by assessing such costs as a special tax against the property in the manner as taxes and special assessments are certified and collected pursuant to Minn. Stat. M.S. § 429.101.~~

~~E.(e)~~ Nothing herein ~~shall limit~~ limits the authority of the City to enforce this ~~Chapter ordinance~~ or seek any other legal remedy to abate the nuisance through declaratory action, injunction, nuisance declaration, or otherwise.

7. Authority to Modify or Remove Declaration of Public Health Nuisance.

~~A.(a)~~ The Building Official or Fire Marshal is authorized to modify the Declaration conditions or remove the Declaration of Public Health Nuisance.

~~B.(b)~~ Such modifications or removal of the Declaration ~~shall~~ may only occur after documentation from a qualified environmental or cleaning firm stating that the health and safety risks ~~posed by the property, including those to neighbors and potential dwelling occupants,~~ are sufficiently abated ~~or corrected~~ in accordance with Minnesota Department of Health guidelines.

~~130.03.403.05~~ City Council Review

The owner of the property or any party with a legal interest in the property who has been issued a Declaration of Public Health Nuisance, an Order for Abatement, or a Statement of Public Costs may appeal ~~the Declaration of Public Health Nuisance, the Order for Abatement or the Statement of Public Costs to the~~ City Council. The appeal ~~shall~~ must be in writing, filed with the City Clerk and Anoka County Community Health and Environmental Services, ~~and must~~ specifying the grounds for the appeal and ~~the relief requested.~~ The appeal must be filed within ~~10~~ ten days of the issuance of the item from which appeal is taken. The ~~City~~ Council ~~shall~~ will hear the appeal at the next available ~~City~~

Council meeting. Upon review, the ~~City~~ Council may affirm, modify, or reverse the action taken. The filing of an appeal ~~shall~~ may suspend the terms of the Declaration of Public Health Nuisance, Order for Abatement, or Statement of Public Costs, whichever is applicable. However, in the instance of an appeal from an Order for Abatement, the appeal ~~shall~~ may not suspend that part of the order prohibiting occupancy of the property.

~~130.04. Violations and Penalties.~~

~~Any person violating any provision of this Article is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in Minn. Stat. § 609.02, Subd. 3.~~

403.06 Fees

Fees for the administration of this Chapter are set forth in the Fees chapter of the Code.

Section 5

That the Fridley City Code Chapter 114, Abandoned Junk or Unsafe Motor Vehicles, be hereby amended as follows:

Fridley City Code Chapter ~~114.404~~ Abandoned Junk or Unsafe Motor Vehicles

~~114.01.404.01~~ Purpose

Abandoned ~~or junk and unsafe motor~~ vehicles constitute a hazard to the health and welfare of the residents of the community. ~~in that such~~ Abandoned or junk vehicles can harbor noxious diseases, ~~furnish~~ serve as shelter and breeding places for vermin, may contain fluids that can cause significant health risks, and otherwise present physical dangers to the safety and ~~well-being~~ well-being of children and other citizens. ~~Motor vehicles contain fluids that if released into the environment can and do cause significant health risks to the community. The condition of vehicles that are junked and abandoned, junk or unsafe significantly increase the likelihood that these dangerous fluids might be so released.~~

Abandoned, ~~or junk or unsafe motor~~ vehicles ~~and other scrap metals~~ also constitute a blight on the landscape of the ~~City and therefore are detrimental to the environment. The abandonment and retirement of motor vehicles and other scrap metal constitutes a waste of a valuable source of useful metal.~~ It is ~~therefore~~ in the public interest that the present accumulation of abandoned ~~or junk junk, or unsafe motor~~ vehicles ~~and other scrap metals~~ be eliminated, that future abandonment of ~~motor vehicles and other scrap metals~~ be prevented, and that other acceptable ~~and economically useful~~ methods for the disposal of abandoned ~~or junk or unsafe motor~~ vehicles ~~and other forms of scrap metal~~ be utilized.

~~114.02.404.02~~ Definitions

~~1. Abandoned Motor Vehicle: A motor vehicle that has remained illegally outdoors on public property within the City for a period of more than 48 hours on public property illegally or, or has remained for a period of more than four hours 48 hours on private property without consent of the person in control of the such property and, or lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building. in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to the City or a duly authorized agent of the City. A classic car or pioneer car, as defined by Minnesota Statutes (M.S.) § 168.10 in Minnesota Statutes, is shall not be considered an abandoned motor vehicle within the meaning of this Section. Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with M.S. § 161.242, or that are licensed and maintained in accordance with local laws and zoning regulations, are not considered abandoned vehicles. A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order is not considered abandoned, nor may it be processed as abandoned while the police hold, writ, or court order is in effect.~~

Garagekeeper: An operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair, or maintenance of motor vehicles.

~~2. ——— Unsafe Motor Vehicle.~~

~~Any vehicle located outdoors on property within the city in which any systems, including braking, steering, suspension, electrical, lighting, motor, or drive train system are not functioning or a vehicle that cannot legally be driven or is in violation of any state, federal or local vehicle equipment or safety regulation including, but not limited, to Minnesota statutes.~~

~~3. Junk Motor Vehicle~~

~~A motor vehicle that is located outdoors on property in the city that meets all any of the following criteria shall be defined as a junk vehicle:~~

- ~~a. Any motor vehicle that is not in operable condition.~~
- ~~b. Any motor vehicle that is partially dismantled.~~
- ~~c. Any motor vehicle that is a source of repair or replacement parts for other vehicles.~~
- ~~d. Any motor vehicle that lacks vital component parts.~~
- ~~e. Any motor vehicle that is not currently registered and properly licensed for operation with and by the State of Minnesota.~~

Junk Vehicle: A vehicle that meets all of the following criteria:

1. Is extensively damaged with the damage including such things as broken or missing wheels, motor, drive train, transmission or appears to be otherwise inoperable; and

2. Does not have a valid and current registration plate.

4. ~~Vital Component Parts.~~

~~Those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train and wheels.~~

Motor Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks including automobiles, trucks, trailers, motorcycles, and tractors.

5. Motor Vehicle Definition

~~A machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transports persons or property or pulls machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, 3-wheelers, 4-wheelers and snowmobiles.~~

114.03.404.03 Impoundment~~ABATEMENT~~

The City, or its duly authorized agent, may take into custody and impound any abandoned or junk ~~or unsafe~~ motor vehicle.

~~A vehicle may be impounded after notice of such proposed impoundment (in a form similar to that set forth herein) has been securely attached to and conspicuously displayed on the vehicle for a period of five days prior to such impoundment excluding Saturdays, Sundays and city holidays for the following reasons:~~

~~A. When such vehicle is parked and/or used in violation of any law, ordinance or regulation; or~~

~~B. When such vehicle is abandoned, junk or unsafe.~~

114.04.404.04 Vehicles Immediately Subject to Public Sale~~Sale of Abandoned or Junk Vehicles~~

An impounded abandoned or junk vehicle is eligible for disposal or sale 15 days after notice to the owner. This includes junk vehicles that have a valid, current registration plate.~~When an abandoned motor vehicle is more than seven (7) model years of age, lacks vital component parts and does not~~

~~display a license plate currently valid in Minnesota or in any other state or foreign country, it shall immediately be eligible for sale by a duly authorized agent of the City or at public auction and shall not be subject to the notification or reclamation procedures established by this Chapter. (Ref 1236)~~

~~114.05.404.05 NOTICE–Notice of Sale~~

~~1. When an abandoned an abandoned motor vehicle does not fall within the provisions of Section 114.04, the City shall give notice of the taking within ten (10) days. The notice shall set forth the date and place of the taking, the year, make, model and serial, number of the abandoned, junk or unsafe motor vehicle and the place where the vehicle is being held, shall inform the owner and any lienholders of their right to reclaim the vehicle under Section 114.06 and shall state that failure of the owner or lienholders to exercise their right to reclaim the vehicle shall be deemed a waiver by them of all rights, title and interest in the vehicle and a consent to the sale of the vehicle at a public auction pursuant to Section 114.07.~~

~~2. The notice shall be sent by mail to the registered owner, if any, of the abandoned, junk or unsafe motor vehicle and to all readily identifiable lienholders of record. The notice shall be mailed to the registered owner at the address provided by the motor vehicle division of the Minnesota Department of Public Safety or the corresponding agency of any other state or province. A copy of such notice may be sent to the property owner where the vehicle is found. If the person mailing the notice has reason to believe that the registered owner of the vehicle, or one who claims to be the registered owner of the vehicle, is residing or in custody at some different address, a copy of the notice shall be mailed or personally delivered to such owner or claimant in a manner designed, as nearly as may be practicable, to give actual notice to him or her. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was abandoned junk or unsafe. Published notices may be grouped together for convenience and economy.~~

1. When an abandoned or junk vehicle is taken into custody, the City must give written notice of the taking within five business days, to the registered vehicle owner and any lienholders. The notice must set forth the date and place of the taking, the year, make, model and serial number of impounded vehicle (if such information can be reasonably obtained), and the place where the vehicle is being held. The notice must further inform the owner and any lienholders of their right to reclaim the vehicle under this Chapter, and state that failure of the owner or lienholders to exercise their right to reclaim the vehicle will be deemed a waiver by them of all right, title, and interest in the contents and a consent to the sale of the vehicle at a public auction pursuant to this Chapter. The notice must also state that a vehicle owner who provides to the impound lot operator documents from a government or nonprofit agency or legal aid office that the owner is homeless, receives relief based on need, or is eligible for legal aid services, has the unencumbered right to retrieve any and all contents without charge. "Contents" does not include any permanently affixed mechanical or nonmechanical automobile parts; automobile body parts; or automobile accessories, including audio or video players.

2. The notice will be sent by mail to the registered owner, if any, of the impounded vehicle and to all readily identifiable lienholders of record. The notice shall be mailed to the registered owner at the address provided by the motor vehicle division of the Minnesota Department of Public Safety or the corresponding agency of any other state or province. If the person mailing the notice has reason to believe that the registered owner of the vehicle, or any person who claims to be the registered owner of the vehicle, is at a different address, a copy of the notice shall be mailed or personally delivered to the owner or claimant so as to give them actual notice of the sale. If it is impossible to determine, with reasonable certainty, the identity and address of the registered owner or any lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was towed from or abandoned. Published notices may be grouped together for convenience and economy.

114.06.404.06 Reclaim

1. The owner or any lienholder of an abandoned, ~~or~~ junk ~~or unsafe~~ motor vehicle ~~shall~~ will have a right to reclaim such vehicle from the City upon payment of all towing and storage charges resulting from taking the vehicle into custody within ~~fifteen (15)~~ days after the date of the notice required by ~~Section 114.05~~ this Chapter.

2. Nothing in this Chapter ~~shall~~ may be construed to impair any lien of a garagekeeper ~~under the laws of this State~~, or the right of a lienholder to foreclose. ~~For the purposes of this Section, "garagekeeper" is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.~~

~~3. To reclaim a motor vehicle impounded pursuant to this ordinance, the owner or lienholder must pay any costs and administrative fees incurred by the city, and must agree to relocate the vehicle in accordance with local state and federal regulations. The owner or lienholder reclaiming such vehicle shall sign a "Release of Property" and shall agree to immediate impoundment without notice if such vehicle again violates this section. In addition, the City may require a bond to be posted if said vehicle has been subject to a prior impoundment.~~

114.07404.07 Hearing Appeals

~~Any property owner who feels aggrieved by an impoundment of a vehicle under this chapter may request a hearing before the Hearing Examiner. Such request shall be filed in writing with the office of the Community Development Director within twenty (20) days after the date of service of the notice by the City or other duly authorized agent. The Community Development Director shall notify the Hearing Examiner who shall notify the property owner of the date, time and place of the hearing. The hearing shall be conducted no more than twenty (20) days after the Hearing Examiner receives notice of the request, unless a later date is mutually agreed to by the Hearing Examiner, the property owner and the City. Both the property owner and the city may appear at the hearing with counsel and may call such witnesses and present such evidence as is determined by the Hearing Examiner to be relevant. Within ten (10) days after such hearing, the Hearing~~

~~Examiner shall affirm, repeal or modify the order of the City or other duly authorized agent. Notice of the decision shall be mailed to the owner at the address given in the hearing request. The Hearing Examiner's order shall be accompanied by written findings of fact, and may include a finding of fact as to the violation of this chapter. Any person aggrieved by the decision of the Hearing examiner may appeal that decision to the City Council by filing notice of such appeal with the Community Development Director within twenty (20) days of the mailing of the Hearing Examiner's decision. At its next available regular meeting following the filing of a notice of appeal, the Council shall review the decision and findings of fact of the Hearing Examiner and shall affirm, repeal or modify that decision. If the Council affirms the Hearing Examiner's decision declaring that a violation of this chapter exists, the City shall proceed to sell the vehicles after twenty (20) days following the Council's final determination, unless the property owner obtains a court order to the contrary within said twenty (20) days. (Ref Ord 1236)~~

1. Any person contesting a citation or decision associated with violations of this Chapter may file an appeal pursuant to the Appeals and Administrative Citations chapter of the Code.

2. Within 14 business days of a determination by the Hearing Examiner, any person contesting that decision may appeal to the Council by submitting a written appeal to the City Clerk. At its next regular meeting following the Hearing Examiner's decision, the Council will affirm, repeal, or modify that decision.

114.08.404.08 Public Sale

1. An abandoned, ~~or junk or unsafe~~ motor vehicle taken into custody and not reclaimed under ~~Section 114.06~~this Chapter becomes the property of ~~the duly authorized agent of the City or shall and may~~ be sold ~~by the City to the highest bidder~~ at public auction or sale, ~~following notice published a reasonable time in advance.~~ The purchaser ~~of the vehicle shall must~~ be given a receipt in a form prescribed by the ~~registrar of motor vehicles~~City, which ~~shall will~~ be sufficient title to dispose of the vehicle. The receipt ~~shall may~~ also entitle the purchaser ~~of the vehicle~~ to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

2. ~~Disposing of unsold vehicles. Abandoned vehicles~~Vehicles not sold pursuant to ~~subdivision 1 this Section shall must~~ be disposed of in accordance with ~~Minnesota Statutes~~M.S. § 168B.09.

3. ~~Disposition of sale proceeds.~~ From the proceeds of the sale under this section of ~~the abandoned motor vehicles,~~ the City ~~shall will~~ reimburse itself for the cost of towing, preserving, and storing ~~the any the~~ vehicles ~~and all administrative, notice and publication costs incurred in handling the vehicle pursuant to sections 114.01 to 114.09.~~ The City may retain all proceeds from the sale of any personal belongings and contents in the vehicle that were not claimed by the owner or the owner's agent before the sale, except that any suspected contraband or other items that likely would be subject to forfeiture in a criminal trial must be turned over to the appropriate law enforcement agency. Any remainder from the proceeds of a sale ~~shall must~~ be held for the

owner of the vehicle or entitled lienholder for 90 days and then ~~shall~~ must be deposited with the City in the treasury of the unit of government.

~~114.09.404.09~~ Disposal Authority

~~1. — Units of government. —~~ The ~~city~~ City may contract with others ~~or and may~~ utilize its own equipment and personnel for the inventory of ~~impounded abandoned — motor~~ vehicles and abandoned scrap metal, and if no bids are received, may utilize its own equipment and personnel for the collection, storage and transportation of ~~these abandoned motor vehicles and abandoned scrap metal~~; provided, however, that ~~the City a unit of government~~ may utilize its own equipment and personnel for the collection and storage of not more than five abandoned motor vehicles without advertising for or receiving bids in any 120 day period.

~~114.10. Penalties~~

~~Any person who abandons a motor vehicle on any public or private property, without the consent of the person in control of such property, or is otherwise in violation of this Chapter, is guilty of a misdemeanor and is subject to all penalties provided for such violations in Chapter 901 of this Code.~~

404.10 Vehicle Towing

1. All persons who tow or otherwise transport vehicles into, from, or through the City of Fridley (City), or who are under contract with the City to tow or transport vehicles, must not tow or otherwise transport a vehicle without taking reasonable steps to prevent or minimize the loss of parts or leaking of fluid from the vehicle, in accordance with safety concerns of both the public and the person transporting or towing the vehicle.

2. If fluids from the vehicle have leaked prior to towing or transporting the vehicle, or a leak from the vehicle occurs during towing or transportation, reasonable steps must promptly be taken by the person towing or transporting the vehicle to clean up and otherwise contain and remove the leaked fluids.

3. Persons who store vehicles towed or transported under this Chapter must comply with all environmental laws and regulations governing the leakage of motor vehicle fluids once the vehicle reaches the towing or transportation destination.

4. Any person removing a wrecked or damaged vehicle from a highway, road, alley, or street must also remove any glass, fluids, vehicle pieces, or other injurious substances from the highway, road, alley, or street.

Section 6

That the Fridley City Code Chapter 124, Noise, be hereby amended as follows:

Fridley City Code
Chapter ~~124.405~~ Noise

~~124.01.405.01~~ Purpose

The Fridley City Council (Council) ~~of the City of Fridley~~ deems that certain levels and amounts of noise are detrimental to the health, safety, and general welfare of the public.

~~124.02.405.02~~ Definitions

~~1.~~ Air Circulation Device: A mechanism designed ~~and used for the~~ to controlled ~~the~~ flow of air used in ventilating, cooling, or conditioning systems including, but not limited to, central and window air conditioning units.

~~2.~~ City: ~~A noise control officer, peace officer, or any other duly appointed representative of the City as designated by the City Manager.~~

~~3.~~ Decibel: A unit of sound pressure level, ~~abbreviated dBA.~~

~~4.~~ dBA: A unit of sound level. dBA is the weighted pound pressure level by the use of the A metering characteristic and weighting as specified in ANSI Specification for Sound Level Meters, SL4-1971, which is hereby incorporated by reference. For the purpose of those regulations, dBA is used as a measure of human response to sound.

~~5.~~ Exhaust System: A combination of components that provides for enclosed flow of exhaust gas from engine parts to the atmosphere.

Engine Retarding Brake: A Dynamic Brake, Jake Brake, Jacobs Brake, C-Brake, Paccar Brake, transmission brake or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression.

~~6.~~^{L10}: The sound level, expressed in decibels (dBA), which is exceeded ~~ten percent (10%)~~ of the time for a one ~~(1)~~ hour period, as measured by a sound level meter having characteristics as specified in the latest standards, 1.4. of the American National Standards Institute, and using test procedures approved by the City of Fridley (City).

~~7.~~^{L50}: The sound level similarly expressed and measured that is exceeded ~~fifty percent (50%)~~ of the time for a one ~~(1)~~ hour period.

~~8.~~ Noise: Any excessive and unnecessary sound not occurring in a natural environment including, but not limited to, sounds emanating from aircraft~~s~~ and highways, and industrial, commercial, and residential sources.

~~9.~~ Person: An individual, firm, partnership, corporation, trustee, association, the state and its agencies and subdivisions, or any body of persons whether incorporated or not. With respect to acts prohibited or required herein, "person" ~~shall~~will include employees and licensees.

~~10.~~ Sound: An oscillation in pressure, stress, particle displacement, particle velocity, etc., in an elastic or partially elastic medium, or the superposition of such propagated alterations.

~~11.~~ Sound Pressure Level (SPL): 20 times the logarithm to the base 10 of the ratio of the pressure of a sound, p, to the reference pressure, pr. For the purposes of ~~these regulations~~this Chapter, the reference pressure shall be 20 micronewtons per square meter (20 u N/m²). In equation form, Sound Pressure Level in units of decibels is expressed as SPL (dB) = 20 log 10p/Pr.

~~12.~~ Sound Receiving Unit: A person, activity, animal life, or property that is affected by noise.

~~124.03.405.03~~ Receiving Land Use Standards

1. The sound level requirements of this Section shall apply at the property linear zoning lines of the sound receiving unit. Measurements may be made at any location on the property for evaluation purposes and to aid in the enforcement of other sections of this Chapter.

2. The sound levels as stated below shall be the highest sound levels permitted in each of the zoning districts as defined in zoning chapters of the Fridley City Code (Code)~~Chapter 205 of the Fridley Code~~.

	Day (7 a.m. - 9 p.m.)		Night (9 p.m. - 7 a.m.)	
Zoning Districts	L50	L10	L50	L10
Residential, Public and Commercial	60	65	50	55
Planned Unit Development	65	70	65	70
Industrial	75	80	75	80

3. Sound levels resulting from cumulative travel of motor vehicles on State and County highways and railroads are exempt from these Receiving Land Use Standards, but are not exempt from other relevant sections of this Chapter ~~relating to motor vehicles and railroads~~. This ~~ordinance~~ Chapter does not exempt individual motor vehicles from applicable any and all federal, state, or local regulations. It is the intent of the City to reduce highway noise in the various land areas surrounding highways to, or below, the requirements of this Section when ~~and wherever~~ possible.

~~124.04.405.04~~ Motor Vehicles Noise Limits

No person ~~shall~~may operate a motor vehicle in the City in violation of the motor vehicle noise rules limits adopted by the Minnesota Pollution Control Agency. ~~(Minnesota Statutes Section 169.693).~~

~~124.05. Central Air Conditioning Equipment~~

~~No person shall permanently install or place any central air conditioning device, except a window air conditioning unit, in any front or side yard without a permit from the City. Window air conditioning units are exempt from the provisions of this Section, except that the noise produced by such window units, as well as by all existing air circulation devices, shall not be in violation of Section 124.03 of this Chapter.~~

~~124.06.405.05~~ Operational Limits

1. ~~Recreational~~ Motor Vehicles. ~~Recreational~~ motor vehicles ~~shall beare~~ subject to Minnesota Statutes Section 84.90 and ~~Chapter 703,~~ the Snowmobile Regulations Chapter of the ~~City~~-Code.
2. Outdoor Power Implements. No person ~~shall~~ may operate any outdoor power implement including, but not limited to, ~~gasoline or electric~~ lawn mowers, hedge clippers, chain saws, mulchers, garden tillers, edgers, leaf blowers, or ~~such other any other~~ implements designed primarily for outdoor use, ~~at any time other than between the hours of~~ before 7:00 a.m. and after 9:00 p.m. on weekdays and before 9:00 a.m. and after 9:00 p.m. on weekends and national ~~legal~~ holidays. Snow removal equipment is exempted from this provision.
3. Construction Activities. Construction work hours ~~shall beare~~ subject to ~~Chapter 206~~ the Building Code chapter of the ~~City code~~ Code.
4. Refuse Hauling. Refuse hauling hours ~~shall beare~~ subject to ~~Section 113.10~~ the Solid Waste Management Chapter of the ~~City~~-Code.

~~124.07.405.06~~ Public Nuisance Noises Prohibited

It ~~shall be is~~ unlawful for any person to make, or cause to be made, any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the health, safety, and general welfare of any persons, ~~or~~ precludes their enjoyment of property, or affects their property's value. The following acts, ~~among others~~, are declared to be nuisance noises in violation of this Chapter, but said ~~list enumeration shall not be deemed to be is not~~ is not exclusive.

1. Horns and Audible Signaling Devices. No person shall sound any horn or signaling device on any vehicle except as a warning of danger in accordance with (Minnesota Statutes ~~(M.S.) §Section~~ 169.68).
2. Radios ~~and or~~ other Sound Amplification Devices.

~~A. (a) No person shall use, operate, or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for the production or reproduction of sound in a distinctly and loudly audible manner as to disturb the peace,~~

~~quiet and comfort of any persons nearby.~~ No person may use, operate or permit the use or operation of any radio or other sound amplification device in a manner that disturbs the peace, quiet and comfort of any persons nearby.

~~B.(b)~~ No person may operate, ~~or~~ park, stop or leave standing a motor vehicle while using a radio or other electronic sound amplification device ~~emitting sound from or around the vehicle~~ that is audible from a distance of 75 or more feet, unless the electronic sound amplification device is being used to request assistance or warn against an unsafe condition.

This subsection does not apply to any of the following:

- (1) Operators of emergency vehicles when responding to an emergency.
- (2) Operators of public utility vehicles.
- (3) Operators of vehicles lawfully being used for advertising purposes.
- (4) Operators of vehicles that are being used in a licensed or permitted event, ~~or~~ celebration, procession, or assemblage.
- (5) The activation of a [vehicle](#) theft alarm signal device.

3. Participation in Noisy Parties or Gatherings.

No person shall ~~participate in host or attend any unruly party or other gathering of people in a residentially zoned or used area giving rise to which causes~~ noise ~~that, disturbing significantly disturbs or annoys~~ the peace, quiet, or repose of ~~other persons~~ a reasonable person. When a peace officer determines that a ~~gathering party~~ is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person ~~shall may~~ refuse to leave after being ordered by a peace officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance ~~shall must~~ make every reasonable effort to see that the disturbance is stopped.

4. Loud ~~S~~Speakers, Amplifiers for Advertising

Except as permitted by ~~Section 124.07.5~~ this Chapter, no person ~~shall may operate use or permit the use or operation of~~ any loudspeaker, sound amplifier, or other device for the production or reproduction of sound, on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment ~~or vehicle, or activity~~. This Section is not meant to prohibit the reasonable use of amplified sound for religious purposes, including but not limited to, the tolling of church bells or a religious call to prayer.

5. Exception for Food/Beverage Vehicles

Notwithstanding any other provision to the contrary, food/beverage vehicles may sound a ~~manually operated bell while operating between the hours of 10:00 a.m. and 4:30 p.m., and 6:00 p.m. to 8:00 p.m. in any area zoned commercial or industrial, and only between the hours of 1:00 p.m. and 4:30 p.m. and 6:30 p.m. to 8:00 p.m. in any area zoned residential or other than commercial or industrial,~~ which can produces a noise level measured at a distance of 50 feet from the source no greater than 65 decibels.

6. Animals

Animals ~~shall beare~~ subject to ~~Chapter 101~~the Animal Control Chapter of the ~~City~~ Code.

7. Exhausts

No person ~~shall may~~ discharge the exhaust ~~or permit the discharge of the exhaust~~ of any steam engine, stationary internal combustion engine, ~~or~~ motor boat, motor vehicle, or snowmobile except through a muffler or other device which will effectively prevent loud or explosive noises therefrom and complies with all applicable state laws and regulations, including but not limited to M.S. § 169.69. (Minnesota Statutes Section 169.69).

8. Defective Vehicle or Load

No person ~~shall may~~ use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.

9. Loading, Unloading, Unpacking

No person ~~shall may~~ create loud and excessive noise in connection with loading, unloading, or unpacking of any vehicle.

10. Engine Retarding Brakes Restricted

No operator of any truck may intentionally use an engine retarding brake on any City street, parking lot or alley within the City which causes abnormal or excessive noise from the engine, except in an emergency.

~~124.08.405.07~~ Exception for Emergency Work

Noise created exclusively in the performance of emergency work to preserve the public health, safety, or general welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard, ~~shall will~~ be exempt from the provisions of this Chapter. Any persons responsible for such emergency work ~~shall must~~ take all reasonable actions to minimize the amount of noise they create.

~~124.09.405.08~~ Enforcement

1. Administration

The noise control program established by this Chapter ~~shall~~will be administered by the City.

2. Testing Procedures

The City ~~shall~~must adopt guidelines establishing the test procedures and instrumentation to be used in enforcing the provisions of ~~Section 124.03 this Chapter, which imposes noise standards.~~ A copy of ~~such~~the guidelines shall be kept on file in City Hall and ~~shall~~will be available to the public for reference during office hours.

3. Studies

The City ~~shall~~will conduct such research, monitoring, and other studies related to sound as are necessary or useful in enforcing this Chapter and reducing noise in the City. The City ~~shall~~will make such investigations and inspections in accordance with law as required in applying the requirements of this Chapter.

4. Noise Impact ~~Assessment~~Statements

The City may require any person applying to the City for a change in zoning classification ~~or, a permit or license for any structure, operation, process, installation or alteration or project that may be considered as a potential noise source to submit a noise impact statement assessment on a form prescribed by the City to the City. Such assessment must be submitted in a format prescribed by the City.~~

5. Civil Action

The provisions of this Chapter may be enforced through injunction, mandamus, or any other ~~appropriate~~ civil remedy that the City may deem appropriate.

6. Other Powers and Duties

The City ~~shall~~will exercise ~~such other~~its powers and perform ~~such other~~its duties as ~~are~~may be reasonable and necessary to enforce this Chapter.

~~124.10.407.09~~ Variances ~~Exemptions~~

The ~~City~~ Council ~~shall have authority, consistent with this Section~~has the authority to grant ~~exemptions~~variances from the requirements of all sections of this Chapter.

~~124.11. Penalties~~

The violation of any provision of this Chapter, except Section 124.04, shall be subject to Chapter 901 of the City Code.

Section 7

That the Fridley City Code Chapter 123, Junk Vehicles, be hereby amended as follows:

~~Fridley City Code Chapter 123. Junk Vehicles~~

~~123.01. Purpose~~

~~This Chapter is established for the following purposes:~~

- ~~1. — To promote health, safety, order, convenience, prosperity and general welfare in the City of Fridley by establishing that the outside parking or storage, on or near residential district properties, of vehicles, materials, supplies or equipment not customarily used or needed for the use in connection with the occupancy of residential property for residential purposes, is hereby found to create a nuisance.~~
- ~~2. — To prevent obstruction of view on streets and on private property, unhealthful and noxious odors and materials in residential neighborhoods, cluttered and otherwise unsightly areas and adverse effects to residential property values and neighborhood patterns.~~
- ~~3. — To allow the full use of residential streets for residential parking.~~

~~123.02. Definitions~~

~~The following definitions shall apply in the interpretation and enforcement of this Chapter:~~

~~1. — Junk Car.~~

~~Any motor vehicle that is not in operable condition, or that is partially dismantled or that is used for sale of parts or as a source of repair or replacement parts for other vehicles, or that is kept for scrapping, dismantling, or salvage of any kind, or that is not properly licensed for operation with, and by, the State of Minnesota.~~

~~2. — Person.~~

~~Any person, firm, partnership, association, corporation, company or organization of any kind.~~

~~3. — Property.~~

~~Any real property within the City that is not a street or highway.~~

~~4. — Street or Highway:~~

~~The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.~~

~~5. — Vehicle:~~

~~A machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides, and transports persons or property or pulls machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles and tractors.~~

~~123.03. Parking and Storage of Junk Cars and Vehicles on Private Property~~

~~No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, nonoperating wrecked, junked or discarded vehicle to remain on such property longer than ten (10) days after notification by the City of a violation of this Chapter; and no person shall leave any such vehicle on any property within the City for a longer time than ten (10) days after notification by the City of a violation of this Chapter; except that this Chapter shall not apply with regard to a vehicle in an enclosed building; or a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City; or a single inoperable vehicle that is in the reasonable process of restoration to an operable vehicle provided it has current registration and does not constitute a nuisance. (Ref. 710)~~

~~123.04. Impounding~~

~~The City or its duly authorized agent is hereby authorized to remove or have removed any vehicle left at any place within the City that reasonably appears to be in violation of this Chapter or is otherwise lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with Chapter 114 of the City Code.~~

Section 8

That the Fridley City Code Chapter 111, Vehicle Towing, be hereby amended as follows:

Fridley City Code
Chapter 111. Vehicle Towing

~~111.01. Vehicle Towing~~

~~1. All persons who tow or otherwise transport vehicles into, from or through the City of Fridley, or who are under contract with the City of Fridley to tow or transport vehicles, shall not tow or otherwise transport a vehicle without taking reasonable steps to prevent or minimize the loss from the vehicle or fluids to the extent practicable and in accordance with safety concerns of both the public and the person transporting or towing the vehicle.~~

~~2. In the event that fluids from the vehicle have drained from the vehicle prior to towing or transporting, or a loss from the vehicle occurs during towing or transportation, reasonable steps shall promptly be taken by the person towing or transporting the vehicle to clean up and otherwise contain and remove the fluids lost.~~

~~3. Persons who store vehicles towed or transported under this section shall comply with all environmental laws and regulations governing the loss of motor vehicle fluids once the vehicle reaches the towing or transportation destination.~~

~~4. The person towing or transporting the motor vehicles shall be entitled to charge the owner of the motor vehicle, or the person, excluding a police officer engaged in his authorized duties, requesting that a vehicle be towed or transported, a reasonable fee for the services herein.~~

~~5. Any person removing a wrecked or damaged vehicle from a highway or street shall remove any glass or other injurious substance dropped upon the highway or street from such vehicle.~~

~~111.02 Penalty~~

~~Whoever does any act forbidden by this Chapter or omits or fails to do any act required by this Chapter shall be guilty of a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of the Fridley City Code.~~

Passed and adopted by the City Council of the City of Fridley on this 28th day of August, 2023.

Scott J. Lund - Mayor

Melissa Moore - City Clerk

Public Hearing: August 14, 2023

First Reading: August 14, 2023

Second Reading: August 28, 2023

Publication: August 31, 2023

City of Fridley
Summary Ordinance No. 1414

Creating Title No. 4 (Public Nuisance) of the Fridley City Code and the
Chapters Contained Therein

The City of Fridley does ordain, after review, examination, and staff recommendation that the Fridley City Code (Code) be amended by adopting Ordinance No. 1414. A summary of the amendments to the Code made by Ordinance No. 1414 are as follows:

The Ordinance amends Chapter 110, Public Nuisance, renumbers it to Chapter 400 and adds § 400.01, Purpose, amends § 400.02, Adoption of State Law, amends § 400.03, Definitions, removes § 110.04, Driveway Nuisance, amends § 400.04, Power of Officers, removes § 110.06, Abatement of Public Nuisance, removes § 110.07, Permitting Public Nuisance, amends § 400.05, Emergency Abatement, removes § 110.09, Penalties, and amends § 406.06, Non-Exclusiveness. The Ordinance amends Chapter 128, Abatement of Exterior Public Nuisances, renumbers it to Chapter 401, amends § 401.01, Purpose, adds § 401.02, Definitions, amends § 401.03, Application, amends § 401.04, Inspection and Investigation, amends § 401.05, Abatement of Exterior Public Nuisances, amends § 401.06, Procedure for Abatement of Exterior Public Nuisances, amends § 401.07, Release of Property, adds § 401.08, Emergency Management, removes § 128.07, Severability, and amends § 401.09, Non-Exclusiveness. The Ordinance amends Chapter 126, Houses of Prostitution, renumbers it to Chapter 402, amends § 402.01, Purpose, amends § 402.02, Definitions, amends § 402.03, Acts Constituting a Nuisance, amends § 402.04, Notice, amends § 402.05, Injunctive Remedies, amends § 402.06, Trial, Order and Abatement, and removes § 126.07, Contempt. The Ordinance amends Chapter 130, Clandestine Drug Lab and Chemical Dump Sites, renumbers it to Chapter 403 and amends § 403.01, Purpose, amends § 403.02, Application, adds § 403.03, Definitions, amends § 403.04, Administration, amends § 403.05, City Council Review, and adds § 403.06, Fees. The Ordinance Amends Chapter 114, Abandoned Junk or Unsafe Motor Vehicles, renumbers it to Chapter 404, renames it to Vehicles and amends § 404.01, Purpose, amends § 404.02, Definitions, amends § 404.03, Impoundment, amends § 404.04, Sale of Abandoned or Junk Vehicles, amends § 404.05, Notice of Sale, amends § 404.06, Reclaim, amends § 404.07, Appeals, amends § 404.08, Public Sale, amends § 404.09, Disposal Authority, removes § 114.10, Penalties, and amends § 404.10, Vehicle Towing. The Ordinance amends Chapter 124, Noise, renumbers it to Chapter 405 and amends § 405.01, Purpose, amends § 405.02, Definitions, amends § 405.03, Receiving Land Use Standards, amends § 405.04, Motor Vehicles Noise Limits, removes § 124.05 Central Air Conditioning Equipment, amends § 405.05, Operational Limits, amends § 405.06, Public Nuisance Noises Prohibited, amends § 405.07, Exception for Emergency Work, amends § 405.08, Enforcement, amends § 405.09, Exemptions and removes § 124.11, Penalties. The Ordinance repeals Chapter 123 Junk Vehicles and combines it with Chapter 404, Vehicles. The Ordinance repeals Chapter 111, Vehicle Towing and combines it with Chapter 404, Vehicles.

Ordinance No. 1414 was passed and adopted by the City Council of the City of Fridley on August 28, 2023. The full text of the Ordinance is available on the City website or for inspection by any person during regular office hours at the Office of the City Clerk.



AGENDA REPORT

Meeting Date: August 28, 2023

Meeting Type: City Council Meeting

Submitted By: Walter T. Wysopal, City Manager

Title

Ordinance No. 1415, Amending the Fridley City Code to Add Chapter 311, Public Use of Cannabis Products

Background

During the 2023 session, the Minnesota Legislature legalized the use and sale of cannabis. Even though the sale of these products will not become legal until January 1, 2025, possession and consumption became largely legal effective August 1, 2023. The State legislature did not specify where the use of cannabis would be allowed or prohibited with a few exceptions. Cities across the state are adopting ordinances to address the absence of prohibitions in public spaces such as parks, trails, sidewalks, and streets.

Ordinance No. 1415 proposes to amend the Fridley City Code to add Chapter 311, Public use of Cannabis Products. Staff recommend prohibiting cannabis and cannabis-related products on public property and in public spaces to protect the health, safety and welfare of the residents who visit and use these spaces. To align with State law, the ordinance specifies that any violation of the Chapter will be charged as a petty misdemeanor.

If the City Council approves a first reading at this evening's meeting and a second reading at its meeting on September 11, the ordinance will be published in the September 14 edition of the Official Publication and become effective on September 29, 2023.

Financial Impact

None.

Recommendation

Staff recommend the City Council approve a first reading of Ordinance No. 1415.

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Focus on Fridley Strategic Alignment

- | | |
|--|---|
| ☒ Vibrant Neighborhoods & Places | ☐ Community Identity & Relationship Building |
| ☐ Financial Stability & Commercial Prosperity | ☒ Public Safety & Environmental Stewardship |
| ☐ Organizational Excellence | |

Attachments and Other Resources

- Ordinance No. 1415

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Ordinance No. 1415

Amending the Fridley City Code to Add Chapter 311, Public Use of Cannabis Products

The City Council of the City of Fridley does ordain, after review, examination, and staff recommendation that the Fridley City Code be amended as follows:

Fridley City Code Chapter 311 Public Use of Cannabis Products

311.01 Purpose

The purpose of this Chapter is to protect the health, safety, and welfare of the community through regulation of Cannabis related items in the City of Fridley (City).

311.02 Definitions

Cannabis Flower, Cannabis Products, Lower-Potency Hemp Edibles and Hemp-Derived Consumer Products: Shall have the meanings as defined in Minnesota Statute § 342.01.

Public Place: Property that is generally open to or accessible by the public, except on those premises licensed by the State of Minnesota to permit on-site consumption.

Public Property: Property owned, leased, or controlled by a governmental unit including the City. Public places include but are not limited to City buildings and all the land thereon, parking lots, parks, pathways, trails, city rights-of-way consisting of both the traveled portion and the abutting boulevard, sidewalks and trails, and any city personal property, such as motor vehicles, city equipment, and the like. Public Property does not include the following: a private residence, including the person's curtilage or yard, private property not generally accessible to the public unless the person is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property or the premises of an establishment or event licensed to permit on-site consumption.

311.03 Prohibited Activity

No person may use cannabis flower, cannabis products, lower-potency hemp edibles or hemp-derived consumer products within public property or in a public place.

311.04 Penalty

A violation of this section is a petty misdemeanor.

Passed and adopted by the City Council of the City of Fridley on this xx day of [Month], 2023.

Scott J. Lund - Mayor

Melissa Moore - City Clerk

First Reading: August 28, 2023

Second Reading:

Publication: