

City of Farmington
430 Third Street
Farmington, MN 55024

Mission Statement

Through teamwork and cooperation, the City of Farmington provides quality services that preserve our proud past and foster a promising future.

**AGENDA
CITY COUNCIL WORKSHOP**

March 13, 2017

5:15 PM

Farmington City Hall

1. CALL TO ORDER

2. APPROVE AGENDA

3. DISCUSSION ITEMS

- (a) Safety Training
- (b) Rambling River Park Bank and Habitat Restoration Project
- (c) Emerald Ash Borer Update and Plan
- (d) Heritage Preservation Commission City Code Discussion
- (e) Downtown Update

4. CITY ADMINISTRATOR UPDATE

- (a) Dakota County Shop
- (b) Recent City Ordinance Updates
- (c) Sunday Liquor Sales

5. ADJOURN



City of Farmington

430 Third Street
Farmington, Minnesota
651.280.6800 - Fax 651.280.6899
www.ci.farmington.mn.us

TO: Mayor, Councilmembers and City Administrator
FROM: David McKnight, City Administrator
SUBJECT: Safety Training
DATE: March 13, 2017

INTRODUCTION

The city council will be participating in some safety training along with the Farmington School Board as a part of your work session.

DISCUSSION

NA

BUDGET IMPACT

NA

ACTION REQUESTED

Participate in the safety training program and ask any questions you may have.



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TO: Mayor, Councilmembers and City Administrator
FROM: Randy Distad, Parks and Recreation Director
SUBJECT: Rambling River Park Bank and Habitat Restoration Project
DATE: March 13, 2017

INTRODUCTION

The city partnered with the Vermillion River Watershed Joint Powers Organization (VRWJPO) to apply for a Metro Conservation Partners Legacy Grant (Grant) for the Rambling River Park Bank and Habitat Restoration Project (Project) within the city of Farmington's Rambling River Park. The grant application was driven primarily by the need to address the erosion that has been occurring along the Vermillion River bank causing the river channel to move closer to the existing trail in the park. An additional need being met through the project was to restore trout habitat in the river.

DISCUSSION

In March 2016 the city was notified that the Project was selected for funding in the amount of \$255,000.00. Since this notification, city staff members have met several times with staff from the VRWJPO, Dakota County, Minnesota Department of Natural Resources (DNR) and the Dakota County Soil and Water Conservation District to plan the project. The planning is now far enough along so staff would like to provide an update to the city council about the project.

Included in your packet are photos of the river's encroachment towards the trail and a project location document showing where in Rambling River Park the project will occur. City staff will provide project management, which will satisfy the in-kind matching requirement as identified in the grant application. The project is scheduled for construction in July and August as this is the only time the DNR will allow construction to occur in order to minimize impact on the trout in the river.

The trail within the project boundary will have to be closed in July and August during the stream bank and trout habitat restoration phase of the Project. Project work will cause damage to the trail located within the project boundary. The trail is currently in poor condition due to its age. As a result of this, it is being proposed to reconstruct the trail section located within the project boundary after the stream bank restoration project work has been completed. Trail reconstruction costs are not covered by the grant. John Schmeling from the Engineering Department has prepared an estimate of the cost to reconstruct the section of trail within the project limits, which is attached for your review. The itemized estimated cost of the trail reconstruction is \$29,388.00. A funding source, or sources, for the trail reconstruction will need to be discussed and determined.

The DNR is interested in constructing an accessible platform adjacent to the river in order to make it accessible for people with disabilities to fish the river. The city has included in its trail construction estimate the construction of a short trail section from the replacement trail to the platform area. The DNR and possibly other agencies will cover the cost of the accessible platform being constructed.

BUDGET IMPACT

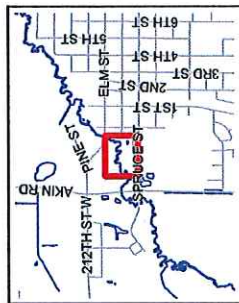
The estimated itemized cost of trail reconstruction of \$29,388.00 was included in your meeting packet. A funding source to pay for the trail construction will be determined during the meeting.

ACTION REQUESTED

Receive the presentation about the project, ask any questions of staff, and then determine a possible funding source for the trail reconstruction.

ATTACHMENTS:

Type		Description
<input type="checkbox"/>	Exhibit	Project Location and Information
<input type="checkbox"/>	Exhibit	Trail Reconstruction Estimated Budget
<input type="checkbox"/>	Exhibit	Photos current conditions

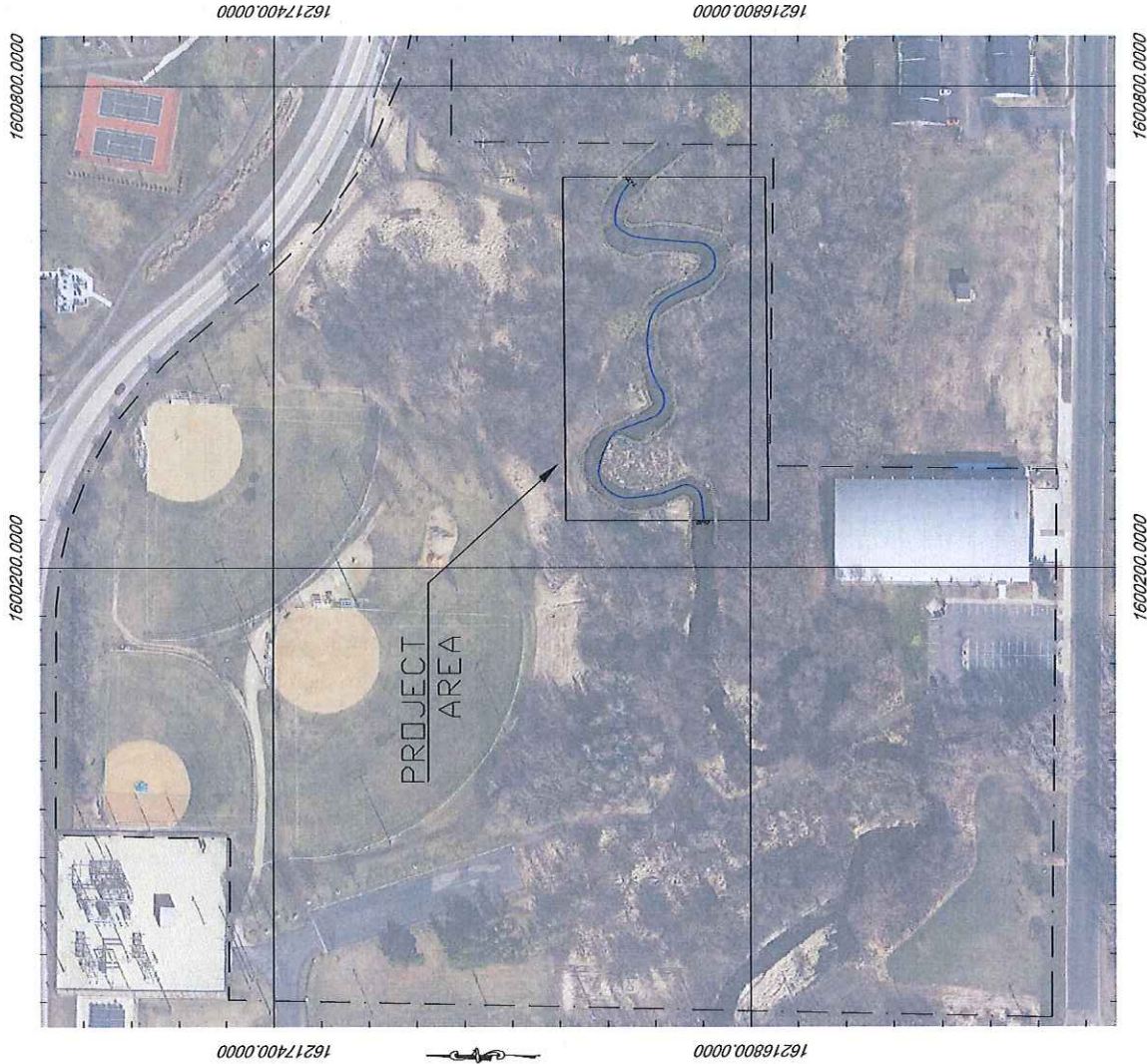


GOPHER ONE CALL

Before the start of construction the owner of any utilities must be notified 48 hours prior to any excavation. The excavator is responsible for giving notice by calling either:
Twin Cities Metro: (651)464-0002
Greater Minnesota: (800)232-1166

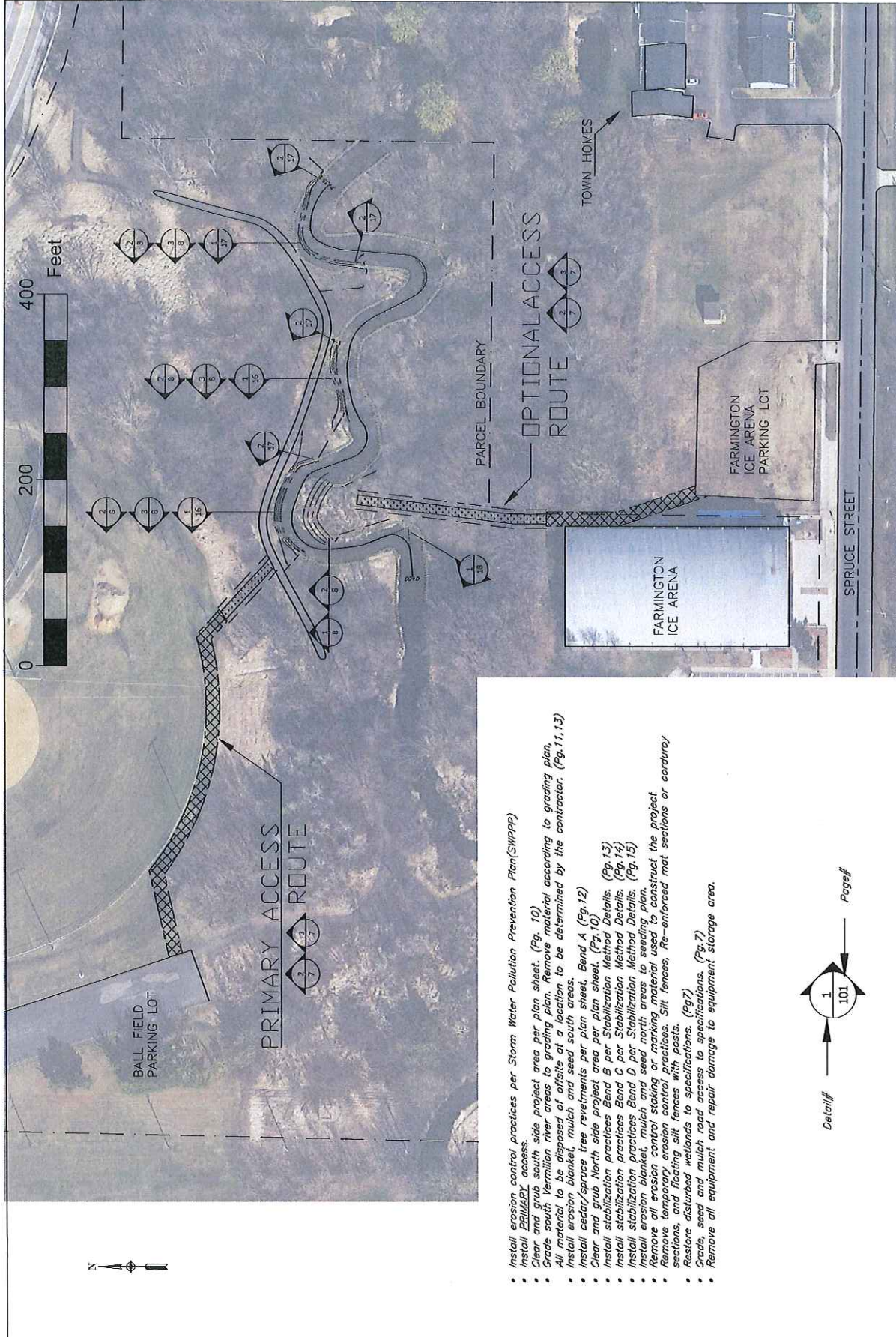
Drawing Settings:

UTM with NAD83 datum, Zone 15, US FOOT, Central Meridian 93d W



LICENSED PROFESSIONAL ENGINEER'S CERTIFICATION
I hereby certify that this report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the law of the state of Minnesota.
(Signature) _____
Michael James John Petersen, P.E. License No. 49318
My license renewed date is June 30, 2018

RAMBLING RIVER PARK
STREAM RESTORATION
Dakota County, Minnesota FARMINGTON, MN



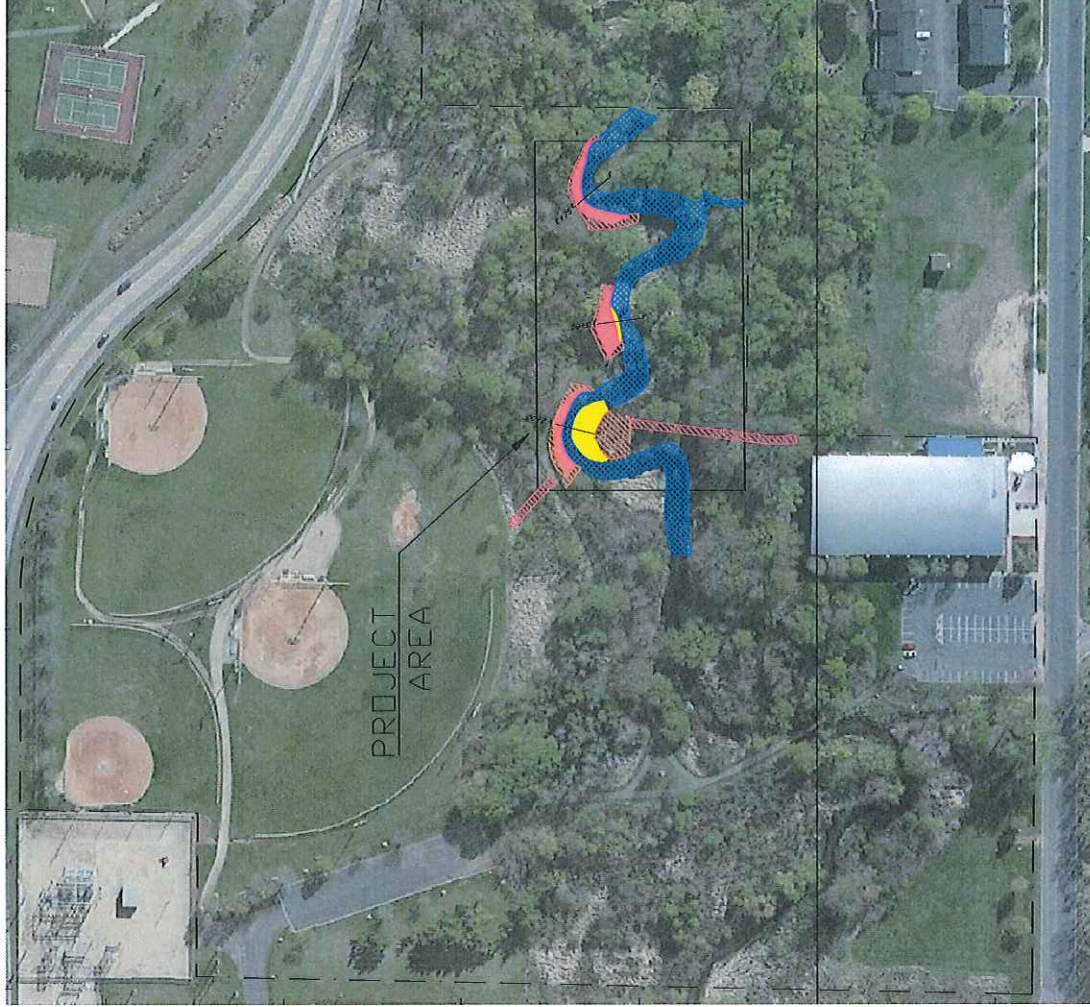


LEGEND	
PERMANENT IMPACTS	TEMPORARY IMPACTS
FILL IMPACTS	TEMPORARY IMPACT
CUT IMPACTS	EXISTING GRADE
TRIBUTARY	CONSTRUCTION LIMITS

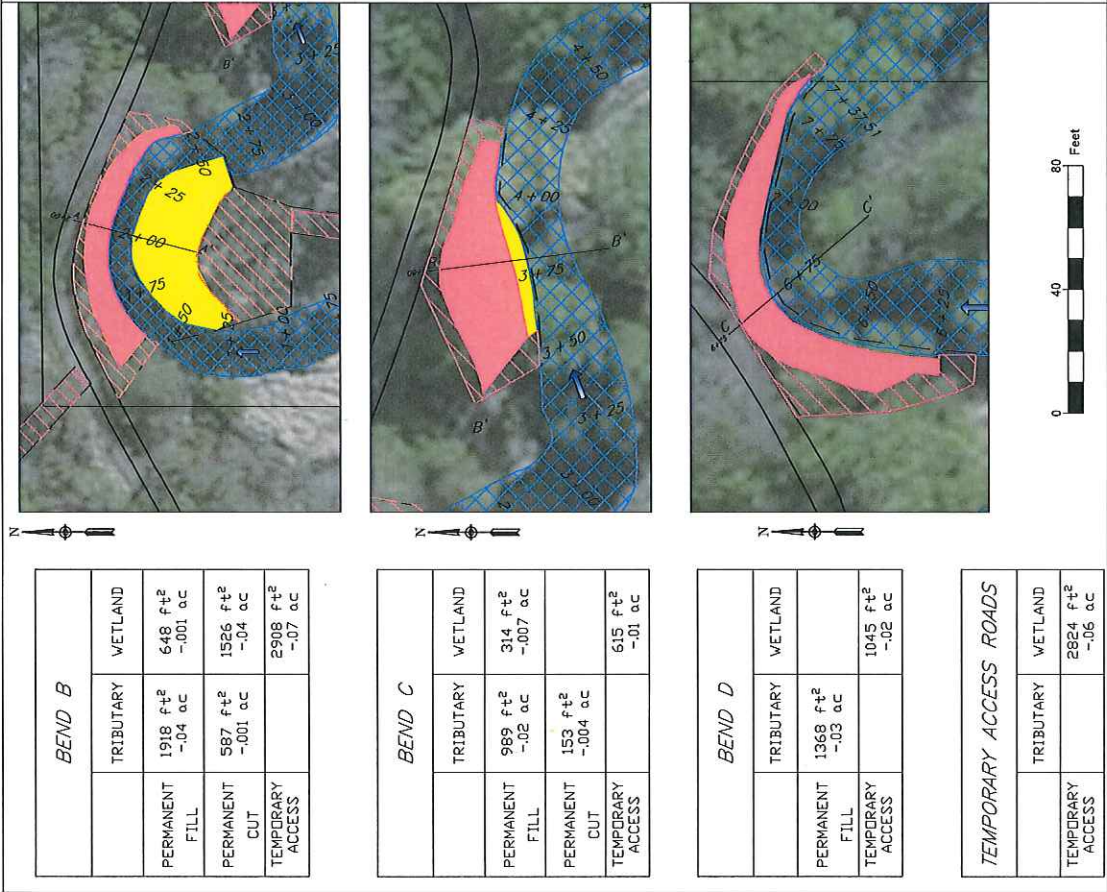
Notes:
Temporary impacts noted for access to work restoration areas.

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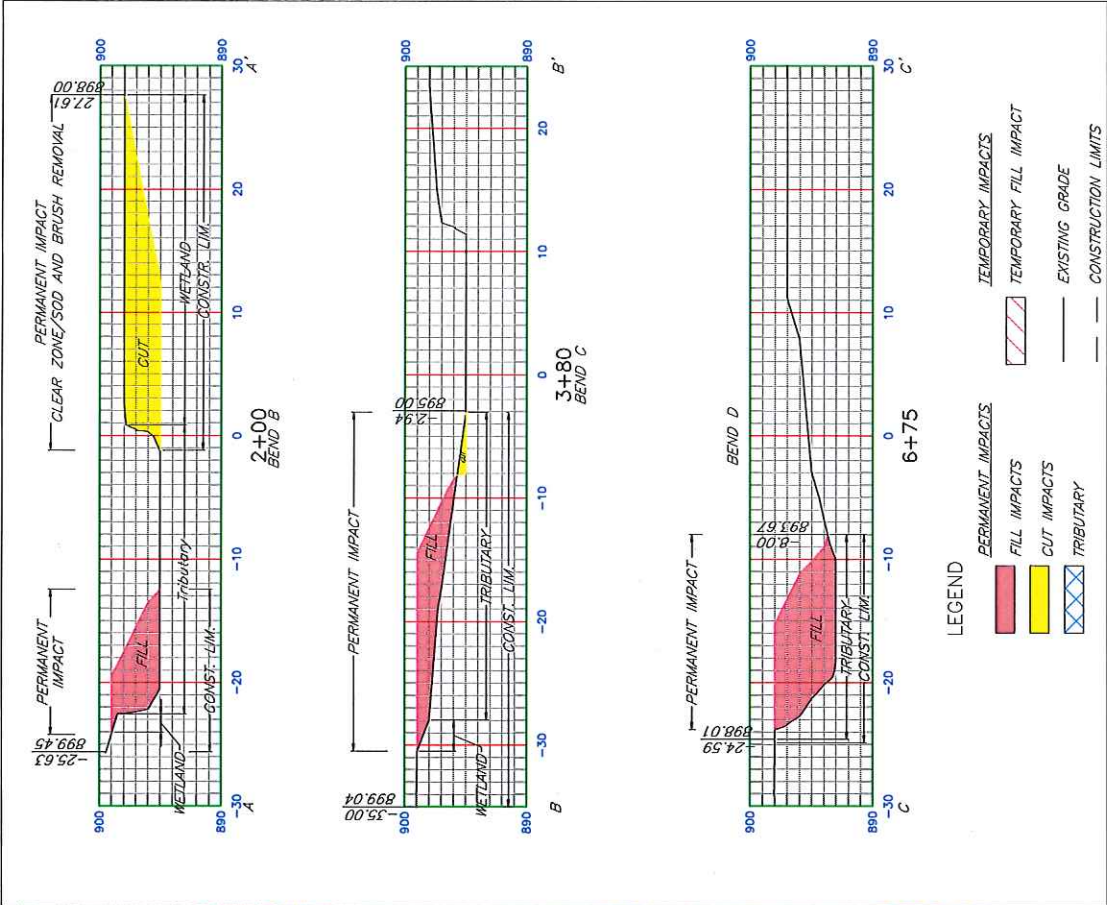
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16216800.0000



PLAN VIEW (40 scale)



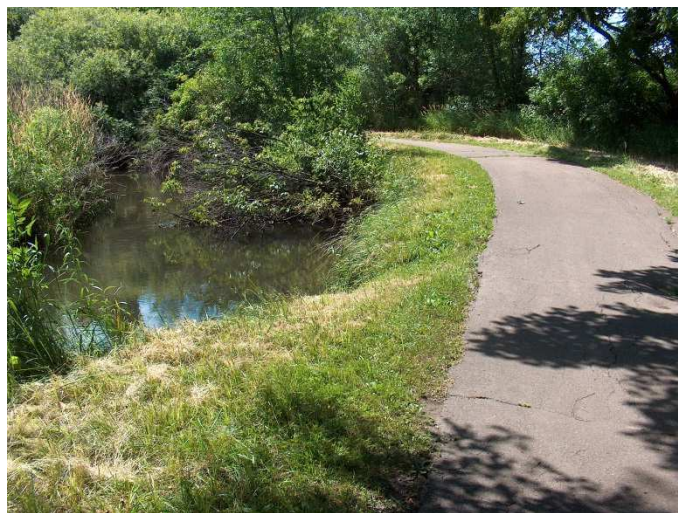
CROSS SECTION (10 scale)

Rambling River Park Stream Restoration Trail Reconstruction Engineer's Estimate

Item No.	MnDOT No.	Description	Unit	Estimated Quantity	Unit Price	Total Estimated Price
1	2021.501	Mobilization	LS	1	\$ 5,000.00	\$ 5,000.00
2	2104.505	Remove Bituminous Trail Pavement	SY	400	\$ 8.00	\$ 3,200.00
3	2104.513	Sawing Bituminous Pavement	LF	16	\$ 3.00	\$ 48.00
4	2105.501	Common Excavation (P)	CY	180	\$ 20.00	\$ 3,600.00
5	2211.501	Aggregate Base, Class 5	TON	350	\$ 15.00	\$ 5,250.00
6	2360.502	Type SP 9.5 Wearing Course Mixture (2,B)	TON	80	\$ 120.00	\$ 9,600.00
7	2515.515	Geotextile Filter, Type V	SY	500	\$ 2.00	\$ 1,000.00
8	2574.525	Organic Topsoil Borrow	CY	35	\$ 30.00	\$ 1,050.00
9	2575.501	Seeding	AC	0.045	\$ 2,000.00	\$ 90.00
10	2575.502	Seed, Mixture 34-261	LB	2	\$ 50.00	\$ 100.00
11	2575.561	Hydraulic Mulch Matrix	SY	225	\$ 2.00	\$ 450.00
Total:						\$ 29,388.00

NOTE: Trail reconstruction assumes 3" of blacktop, 12" of aggregate base, and geotextile fabric on top of existing subgrade.

Vermillion River Erosion Impact on Trails in Rambling River Park





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TO: Mayor, Councilmembers and City Administrator
FROM: Jennifer Dullum, Natural Resource Specialist
SUBJECT: Emerald Ash Borer Update and Plan
DATE: March 13, 2017

INTRODUCTION

Emerald Ash Borer (EAB) is an introduced pest from Asia that was first discovered near Detroit, MI in 2002. EAB has been moving west and in 2009 was found in St. Paul. EAB is spread by the movement of ash firewood, wood waste and nursery stock. Ash larva kill ash trees by tunneling under bark and create tremendously hazardous conditions. Currently EAB has been confirmed in fourteen (14) Minnesota counties the most recent find in Red Wing on March 2, 2017.

DISCUSSION

Staff has spent time inventorying city boulevard ash trees, creating a draft management plan and calculating costs associated with EAB. This will be presented along with next steps.

BUDGET IMPACT

None at this time but substantial costs are assumed to be in our future.

ACTION REQUESTED

City council direction on next steps including;

- EAB Management Plan
- Removal of all poor quality ash trees
- RFP for treatment of good & fair quality trees over 15" DBH
- Homeowner program
- City project ash removal policy

ATTACHMENTS:

Type	Description
□ Backup Material	draft management plan
□ Backup Material	EAB presentation

City of Farmington Emerald Ash Borer Management Plan/Program

Revised 03/02/2017

PURPOSE

The city of Farmington supports a proactive approach to identifying and planning for Emerald Ash Borer (EAB) infestation. This approach helps spread the physical and fiscal costs over a manageable time period and limits the detrimental effect on property value, quality of life and the environment.

APPLICABILITY

This management plan is applicable to all public and private properties within the city.

EAB COORDINATOR

The Natural Resource Specialist (NRS) will be responsible for implementing and overseeing this program.

INTRODUCTION

EAB (*Agrilus planipennis*) is an introduced pest that has now been confirmed in twenty-nine (29) states, including Minnesota, and two (2) Canadian provinces. It was first discovered near Detroit, Michigan in July 2002. Since its initial finding, millions of ash trees have died and it has costed states, municipalities, nurseries, forest industries and property owners millions of dollars.

EAB attacks all species of ash trees (*Fraxinus* spp.) found in Minnesota, which include green ash (*Fraxinus pennsylvanica*), black ash (*Fraxinus nigra*) and white ash (*Fraxinus americana*). Minnesota is home to more than 900 million ash trees. Mountain ash are not of the *Fraxinus* genus, so are unaffected by EAB.

By the end of 2016, EAB has been confirmed in fourteen (14) Minnesota counties. It is uncertain when EAB will move beyond the known infestation sites and impact Farmington.

While the adult beetles feed on ash leaves, but do little damage, the larvae feed on the inner bark of trees, disrupting its ability to transport water and nutrients up to the canopy. As the number of larvae in a tree increases, less and less water and nutrients reach the canopy, resulting in dieback in the canopy. Initial attacks tend to be in the upper portions of the canopy. By the time visible symptoms are obvious, the population of EAB has grown and likely spread to other trees in the area.

RECOGNITION OF EAB

Signs/symptoms of EAB that can help detect an infestation include:

- Increased woodpecker activity/damage
- Bark splitting (vertical slits)
- Canopy dieback
- D-shaped exit holes created by adult insects as they emerge from the tree
- Epicormic branching/shoots near base of tree
- Serpentine (s-shaped) larval galleries that are packed with frass

- The presence of EAB or larvae (adult are bright metallic green ½ inch long with flattened back, larvae are creamy white and legless)

EDUCATION

The city will continue to educate residents and elected officials concerning EAB using newsletter articles, the city website, social media and other applications as deemed necessary.

TRAINING

The NRS will stay informed about EAB outbreaks and research. City staff will be trained to aid in detection, responsible tree removal, disposal and coordination of city response.

INVENTORY

A citywide tree inventory has been completed on all boulevard and mowed-area park trees. This inventory will allow the city to determine what is at stake, help determine which areas should rank as priority management areas and help with overall planning efforts.

DETECTION AND MONITORING

Staff will continue to inspect ash trees on public and private properties, both on request and during routine inspections. Suspect trees will be carefully analyzed. Sampling mechanisms to be used will be consistent with Minnesota Department of Agriculture (MDA) guidelines and will include, but not be limited to, visually looking at all parts of the tree, branch removal and bark shaving. Staff from the MDA will be contacted if EAB is suspected or confirmed in a tree. If staff detects an early infection which is limited to a few trees, the city may encourage tree removal to slow the rate of spread.

As in the past, the city will volunteer to allow MDA to set up purple traps in trees on public properties to determine a presence of beetles in the city. The traps use a sticky substance to trap the beetles.

ORDINANCE REVISION

The city revised its diseased tree ordinance in 2012 to include EAB as a public nuisance. The ordinance amendment specified requirements for proper management of EAB infested trees including, but not limited to, removal and disposal, transportation and enforcement.

ASH TREE MANAGEMENT

Any EAB work needs to be conducted outside of flight season which is typically from May 1 - September 30.

Public Property Trees:

- The city will not plant any new ash trees on public property.
- The city will begin removal of all poor quality trees and trees in good or fair condition that are 15" DBH or less.
- The city will continue to cooperate with the MDA and Minnesota Department of Natural Resources (DNR) to establish EAB detection trees, as needed, on city property.
- Ash trees in wooded areas will be left alone, unless they are by a bike path or structure and could cause harm if they fall.

- If there is an early EAB infestation the city will remove infested trees as needed to slow the spread.

Boulevard Trees:

- The city will not plant any new ash trees on public boulevards.
- The city will begin removal of all poor quality trees and trees in good or fair condition that are 15" DBH or less.
- The city will begin treating trees identified as good and fair quality that are 15" DBH or greater from the 2016 tree inventory.
- The city will permit residents to hire a tree service to chemically treat any ash tree in the public ROW. The tree service shall be a bonded and insured State of Minnesota Licensed Commercial Pesticide Applicator using only state approved trunk injection pesticides. (Note: Chemical treatment would not preclude future removal of any ash tree if deemed necessary).
- Trees removed from the ROW will not be replaced unless they are on an approved boulevard tree route. Residents wanting to replace will need to do so back on private property.

Private Property Trees:

- Property owners are urged to monitor for EAB.
- NRS will advise property owners of available options. Details on removal requirements are specified in the diseased tree ordinance.
- The city will not treat or dispose of any trees found on private property.

TREE DISPOSAL AND UTILIZATION

Staff will monitor removal rates of EAB infested trees and consider local disposal sites.

Approved options for proper disposal of wood positively infected with EAB:

- Transporting the wood to an approved disposal site
- Chipping the wood to dimensions no greater than 1" x 1" x 1"
- Burning
- De-barking (removing all bark and at least 0.5" of outer wood)
- Treatment (including heat treating, kiln drying, fumigating, seasoning or another method approved by the MDA)

PLANTING

Ash trees are no longer being planted on public properties and boulevards. Ash trees are not recommended to be planted on private properties. Ash trees have been removed from the "Allowable Boulevard Trees" handout.

Staff will encourage planting other species. The city will strive to plant a variety of species, as diverse plantings reduce impacts of insect or disease outbreaks.

CHEMICAL TREATMENTS

Currently, there are no cost-effective treatments for widespread city consideration.

The NRS will provide consultation and information to help property owners devise treatment plans, as requested. Information will include the handout "Homeowner Guide to Insecticide

Selection, Use and Environmental Protection”. Staff will advocate for the use of chemical injections as the preferred method of application. For these chemicals that require professional application, only Certified Pesticide Applicators will be recommended.

BUDGET

The city currently has a Natural Resource Fund with monies allocated to both city staff time and professional services. There is currently no specific category for EAB funds.

PARTNERSHIPS WITH OTHER ENTITIES

The city has and will continue to work with several other entities, including but not limited to, the MDA, DNR, Minnesota Shade Tree Advisory Committee (MnSTAC) and South of the River Tree People (city foresters from neighboring communities).

South of the River Tree People hold meetings allowing for idea and resource sharing and a regional EAB program that is consistent and cost effective. Included local units of government include the cities of Apple Valley, Burnsville, Eagan, Eden Prairie, Inver Grove Heights, Lakeville, Mendota Heights, Prior Lake, Rosemount, St. Peter and Savage.

SUMMARY

EAB poses a serious threat to Farmington’s urban and community forest. The city will implement this EAB Management Plan/Program to the extent feasible. This management plan is dynamic and subject to revision(s) as new information about EAB becomes available and/or as new treatment options are identified. Furthermore, this plan is also subject to revision should state and/or federal policies necessitate plan updates.

2017 TASKS

- Present plan to and train city staff about EAB.
- Deliver and provide information packet to municipal services and parks staff.
- Continue regular meetings with neighboring communities (South of the River Tree People).
- Remove stressed ash trees in boulevards and parks.
- Prepare education materials on EAB for public events, newsletter and social media.

CONTACTS

EAB Coordinator: Jen Dullum, Natural Resources Specialist:

651-280-6845

jdullum@ci.farmington.mn.us

www.ci.farmington.mn.us

MDA Arrest the Pest Hotline:

651-201-6684

Summer 2016 Ash Tree Inventory

Development	# of Ash Trees
Akin Park Estates	102
Autumn Glen	134
Business Park	33
Charleswood	182
Charleswood Crossing	1
Dakota County Estates	415
Deer Meadow	68
East Farmington	115
Executive Estates	42
Fair Hills	50
Henderson	21
Hill Dee	21
Hillview	9
Hometown	3
Industrial Park	79
Limerock Ridge	38
Meadow Creek	210
Middle Creek	114
Middle Creek East	34
Middle Creek Estates	35
Municipal Campus	15
Mystic Meadows	48
Nelson Hills Farm	166
Old Town	506
Park View Ponds	21
Pine Knoll	6
Pine Ridge Forest	34
Prairie Creek	197
Riverbend	25
Riverside Estates	96
Silver Springs	59
Sunnyside	180

Swanson Acres	6
Tamarack Ridge	40
Terra	2
Troy Hills	210
Vermillion Grove	18
Vermillion River Crossing	9
Westview	30

Total= 3374

DRAFT

EMERALD ASH BORER UPDATE

March 13,
2017



BACKGROUND

- EAB was first found in Detroit, MI in 2002
- EAB is native to eastern Asia
- EAB has spread by movement of ash firewood, wood waste and nursery stock



BACKGROUND

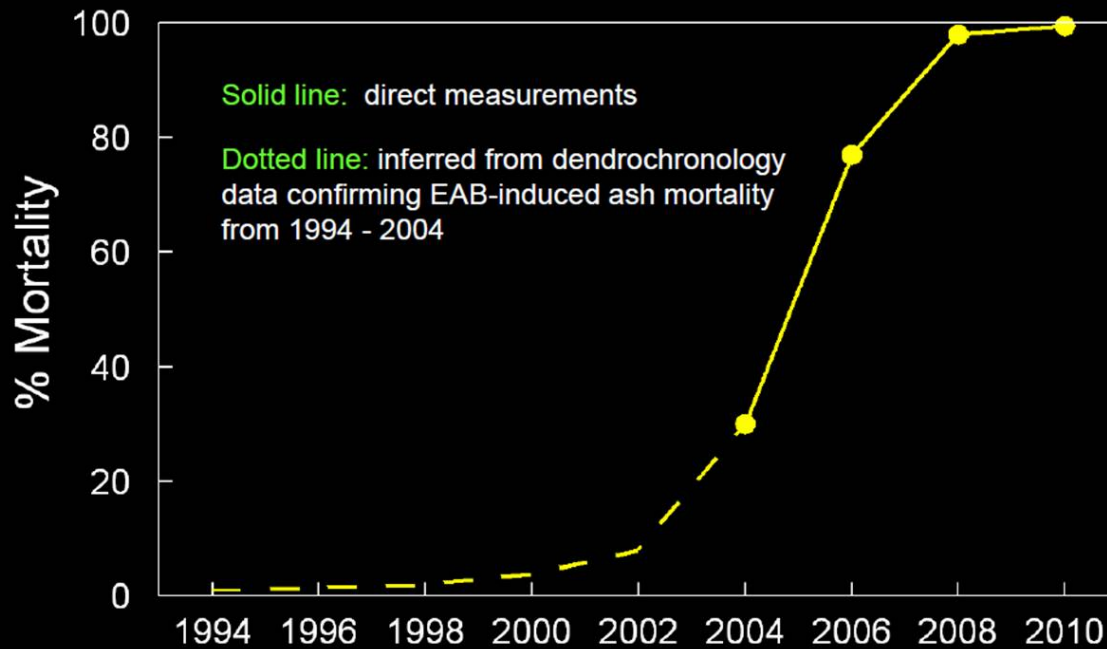
- EAB kills ash trees by tunneling under the bark layer
- Even healthy ash trees can die within 3 to 5 years of infestation



DEATH CURVE

EAB-Induced Ash Mortality in the Upper Huron River Watershed, SE Michigan

Exponential Increase in Ash Mortality (> 4 inch dbh)



Dan Herms, Ohio State University, 2012.

IMPACTS

- EAB creates brittle and hazardous tree conditions
- Contractors become less available increasing demand

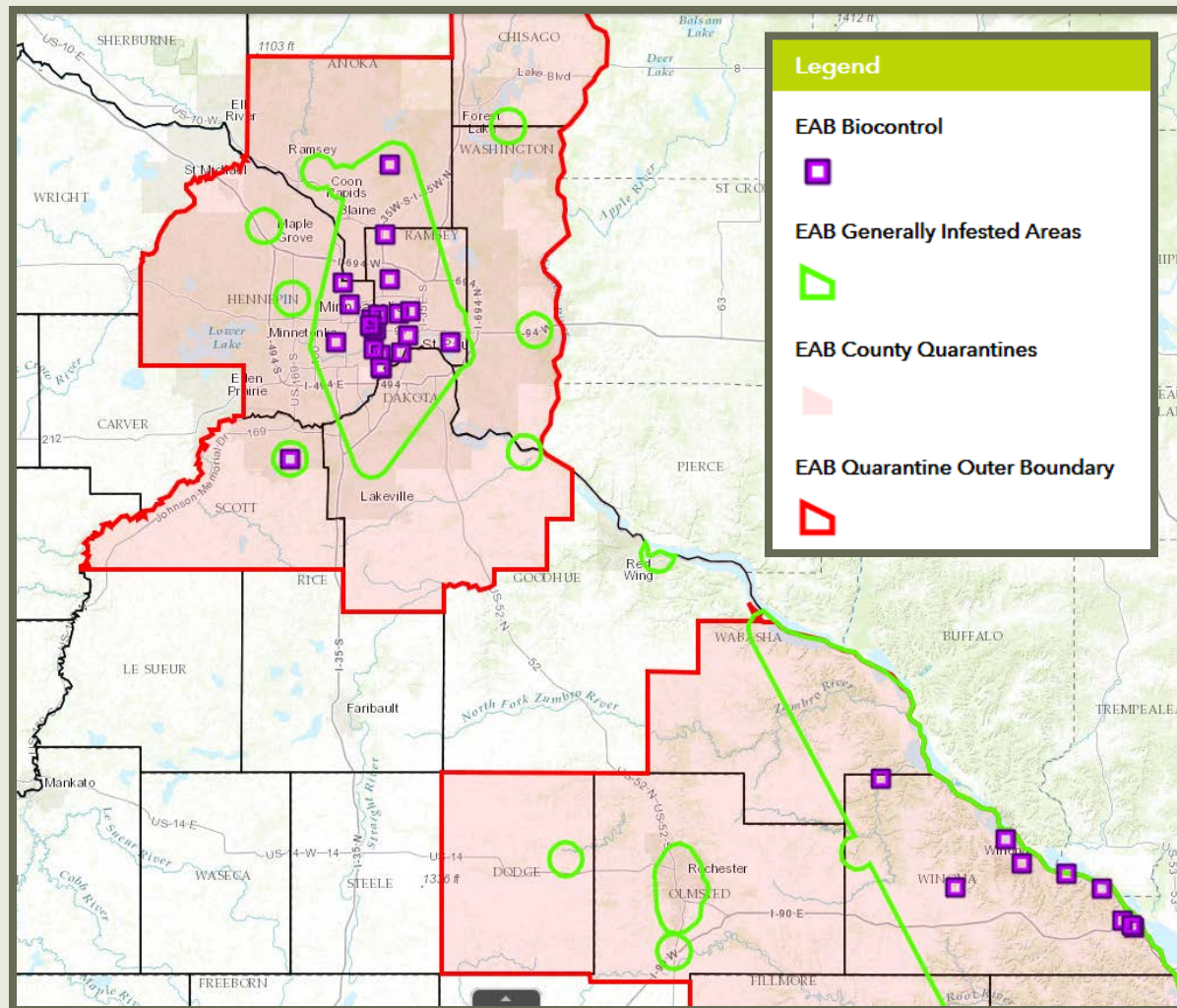


HISTORY HAS SHOWN:

- Ash trees will die fast and become extremely brittle
- There will be massive amount of debris disposal
- The amount of work will be overwhelming for city staff
- There will be city equipment maintenance and replacement costs

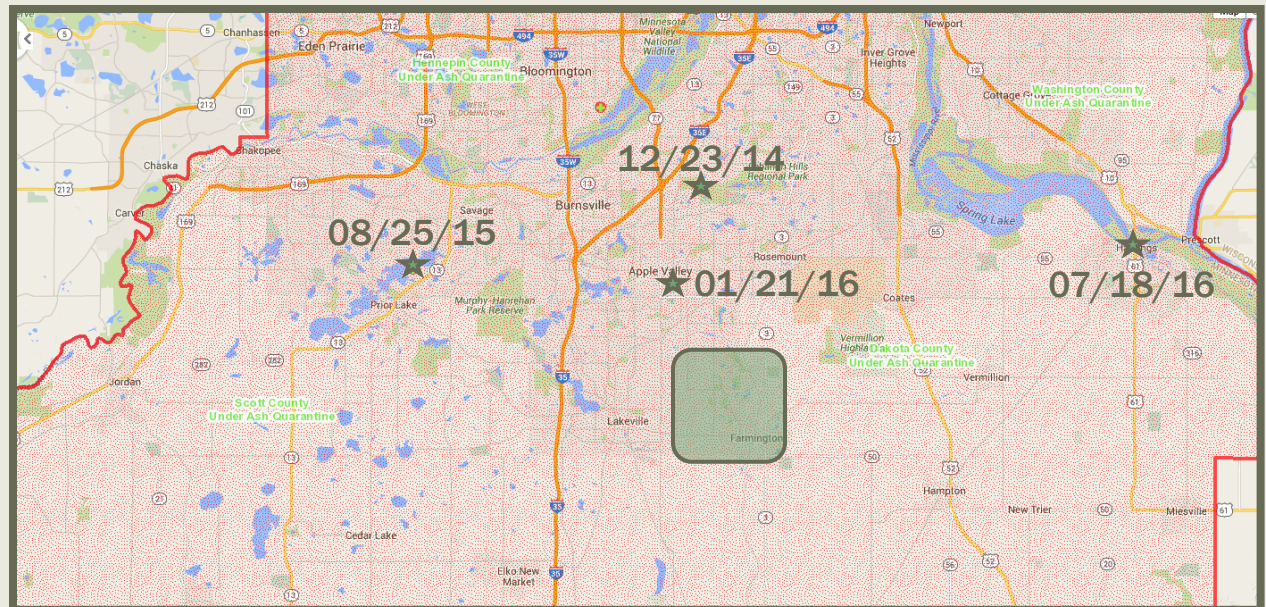


MINNESOTA



CLOSE TO HOME

- EAB confirmed in St. Paul in May 2009
- Currently found in 14 Minnesota counties
- The closest finds to Farmington are Apple Valley, Hastings and Prior Lake
- * EAB found in Red Wing on March 2, 2017

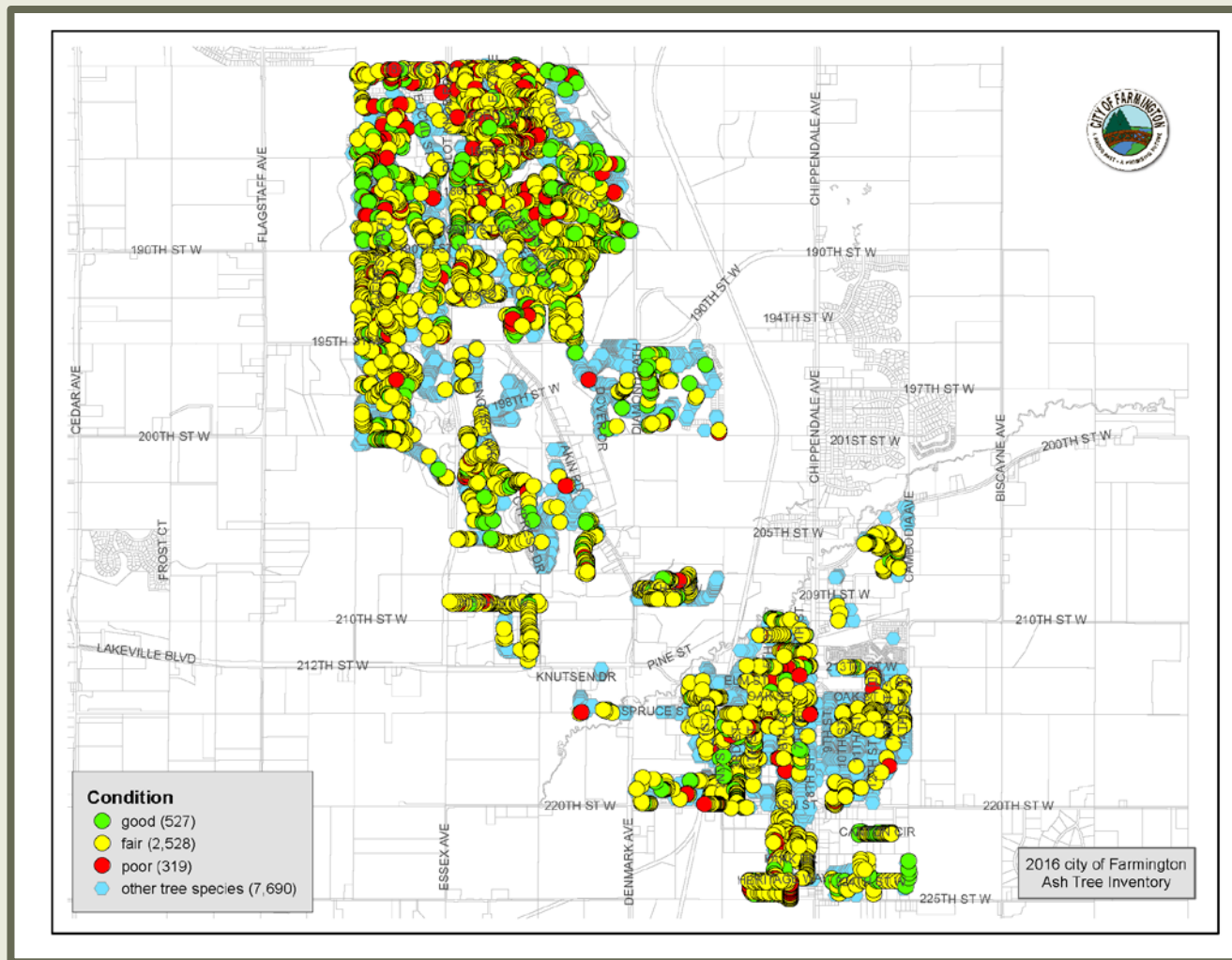


FARMINGTON

- City ordinance was updated in 2012 to include EAB as a public nuisance
- Ash is no longer planted on city property
- Ash tree inventory completed summer 2016
 - 3,374 boulevard ash trees = 44% of the city's boulevard trees
- Drafted management plan



ASH TREE INVENTORY



REMOVAL VS TREATMENT

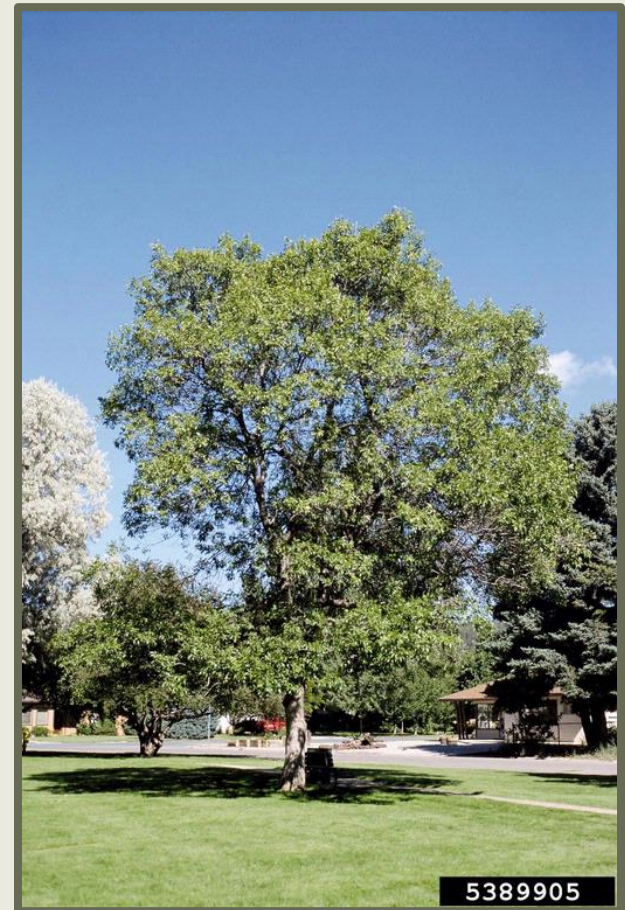
- Originally removal and replacement was the primary way to address EAB
- Treatment methods have shown to slow the spread of EAB and are becoming more economical
- Treatments can be used to protect and used to help stage removals
- The most cost effective approach may be a combination of treatment and removal
- Any EAB work needs to be conducted outside of flight season:
 - May 1 - September 30

HOMEOWNER PROGRAM

- Manage pest pressure in cooperation with our residents
- Encourage residents to address and monitor for EAB
- Pass on reduced pricing for treatment of boulevard trees not bring treated by the city and private property trees
- Education and outreach
- City may offer replacement trees for replanting on private property

COSTS

- Contractor removal and stump grinding of poor quality trees
 - 319 trees - \$128,000.00
- Treatment of good & fair quality trees over 15" DBH
 - 936 trees - \$56,000.00*
 - *over a three year period
 - 312 trees @ \$18,500.00 annually
- Removal of good & fair quality trees under 15" DBH
 - 2114 trees



NEXT STEPS

- Bring EAB Management Plan to City Council meeting for approval
- Begin removal of all poor quality ash trees
- Prepare RFP for treatment of good & fair quality trees over 15" DBH
- Develop outreach for homeowner program
- Discuss city project ash removal policy



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TO: Mayor, Councilmembers and City Administrator
FROM: Adam Kienberger, Community Development Director
SUBJECT: Heritage Preservation Commission City Code Discussion
DATE: March 13, 2017

INTRODUCTION

As part of the 2017 budget adoption process, funding for the city's Heritage Preservation Commission (HPC) was eliminated. Staff would like to discuss next steps in aligning this action with references to the HPC in city code.

DISCUSSION

Background

The city has had an active Heritage Preservation Commission since the early 1990's. Since then the Heritage Preservation Commission (HPC) has designated 16 local properties as Heritage Landmarks (of which 3 are listed in the National Register of Historic Places). Additionally, the HPC as determined 12 other properties as eligible for Heritage Landmark designation.

The purpose of heritage preservation within the community is to:

- Safeguard the heritage of the city by preserving the buildings, sites, structures, objects, and districts which reflect the elements of the city's historical, architectural, archaeological, or cultural heritage;
- To assist in protecting and enhancing the city's appeal to residents, visitors, and businesses;
- To foster civic pride in the beauty and notable accomplishments of the city's past;
- To promote the preservation, protection and use of historic buildings, sites, structures, objects and districts for the education and general welfare of the people of the city.

The HPC is referred to in the following codes:

Boards & Commissions

Then entire Title 2, Chapter 11 is for the HPC

This includes design review and issuing a Certificate of Appropriateness

Building Regulations

4-6-10 – Demolition of Historic Properties

Zoning

10-4-6 – Zoning ordinance adopts the provisions of title 2, chapter 11

10-6-24 – Bed and Breakfast Standards

10-6-3 – Limited Commercial Venture Standards

There is a question of what happens to the status of the historic properties designation if these codes are eliminated. One solution could be to have the Planning Commission become the review authority with an

ongoing contract for consultant review. This is currently an unbudgeted item and would likely utilize additional staff time.

Historically as part of the of the HPC structure, the city has employed a historic preservation consultant to assist the HPC. The total budget for the HPC was previously around \$8,000 including these professional services.

Robert Vogel has been a consultant for the city's Heritage Preservation Commission since 1993. Some of the main services that Mr. Vogel provides are:

- Completes the Certified Local Government (CLG) Annual report for the city's Heritage Preservation Commission. This report gets submitted annually to the States Historic Preservation Office and is a requirement to maintain Certified Local Government Status. CLG status enables the city to apply for federal matching grants to preserve historic properties. The Certified Local Government Program is a local-state-federal partnership that encourages the integration of historic preservation into local government policy. The city has been a CLG since the mid 1990's.
- Provides training to staff and the HPC Members are required to maintain CLG status. Past workshops have included a "Basic Training" session where Mr. Vogel explained the role and powers of the HPC and a workshop on architectural styles and history.
- Mr. Vogel is a qualified historic preservation professional as outlined in the Minnesota Certified Local Government Procedural Manual. As a qualified preservation professional he is able to identify, evaluate, register, and provide treatment activities to historic properties and/or buildings. For purposes of developing the necessary reports for designating properties as heritage landmarks they must be prepared and completed by a qualified preservation professional.
- Mr. Vogel has developed and maintains the city's heritage resources inventory. Heritage resources are identified through the process known as a survey. Survey activities include planning and background research, field survey (i.e., the physical search for and recording of heritage resources on the ground), organization and presentation of survey data. The heritage resources inventory is the compilation of information on the individual heritage resources (i.e., reports, pictures and other documentation).
- Mr. Vogel has prepared a number of comprehensive surveys for the city, with the first one being completed in 1996.
- Mr. Vogel advises staff, the HPC and as necessary the City Council on all matters related to Heritage Preservation. He has reviewed building permits, development plans and plats if a historic resource is known to be present.
- Mr. Vogel assists staff with the preparation of grants as necessary. Some previous grants that Robert has assisted to secure are:
 - 2003 - \$4,000 CLG Grant in order to complete a reconnaissance survey of rural Farmington.
 - 2006 - \$4,000 CLG Grant to assist in the preparation of Landmark Nomination Studies
 - 2009 - \$5,000 CLG Grant in order to prepare an intensive survey of three of the city's historic preservation planning areas.
- Mr. Vogel can be utilized as a conduit for identifying additional financing options and tools for historic properties.

These activities are currently not being done, and there are no scheduled meetings of the HPC.

BUDGET IMPACT

NA

ACTION REQUESTED

Staff is seeking city council guidance on how to proceed with aligning city code with the elimination of the Heritage Preservation Commission. The impacted codes are attached for reference.

ATTACHMENTS:

Type	Description
▣ Backup Material	HPC in City Code

471.193 MUNICIPAL HERITAGE PRESERVATION.

Subdivision 1. **Policy.** The legislature finds that the historical, architectural, archaeological, engineering, and cultural heritage of this state is among its most important assets. Therefore, the purpose of this section is to authorize local governing bodies to engage in a comprehensive program of historic preservation, and to promote the use and conservation of historic properties for the education, inspiration, pleasure, and enrichment of the citizens of this state.

Subd. 2. **Heritage preservation commissions.** The governing body of a statutory or home rule charter city, county, or town may establish a heritage preservation commission to preserve and promote its historic resources according to this section.

Subd. 3. **Powers.** The powers and duties of any commission established pursuant to this section may include any power possessed by the political subdivision creating the commission, but shall be those delegated or assigned by the ordinance establishing the commission. These powers may include:

(1) the survey and designation of districts, sites, buildings, structures, and objects that are of historical, architectural, archaeological, engineering, or cultural significance;

(2) the enactment of rules governing construction, alteration, demolition, and use, including the review of building permits, and the adoption of other measures appropriate for the preservation, protection, and perpetuation of designated properties and areas;

(3) the acquisition by purchase, gift, or bequest, of a fee or lesser interest, including preservation restrictions, in designated properties and adjacent or associated lands which are important for the preservation and use of the designated properties;

(4) requests to the political subdivision to use its power of eminent domain to maintain or preserve designated properties and adjacent or associated lands;

(5) the sale or lease of air rights;

(6) the granting of use variations to a zoning ordinance;

(7) participation in the conduct of land use, urban renewal, and other planning processes undertaken by the political subdivision creating the commission; and

(8) the removal of blighting influences, including signs, unsightly structures, and debris, incompatible with the physical well-being of designated properties or areas.

No power shall be exercised by a commission which is contrary to state law or denied a political subdivision by its charter or by law. Powers of a commission shall be exercised only in the manner prescribed by ordinance and no action of a commission shall contravene any provision of a municipal zoning or planning ordinance unless expressly authorized by ordinance.

Subd. 4. **Exclusion.** If a commission is established by the city of St. Paul, it shall for the purpose of this section exclude any jurisdiction over the Capitol Area as defined in section 15B.03, subdivision 1.

Subd. 5. **Commission members.** Commission members must be persons with demonstrated interest and expertise in historic preservation and must reside within the political subdivision regulated by the ordinance establishing the commission. Every commission shall include, if available, a member of a county historical society of a county in which the municipality is located.

Subd. 6. **Communication with state historic preservation officer.** Proposed site designations and design guidelines must be sent to the state historic preservation officer at the Minnesota Historical Society, who shall review and comment on the proposal within 60 days. By October 31 of each year, each commission shall submit an annual report to the state historic preservation officer. The report must summarize the commission's activities, including designations, reviews, and other activities during the previous 12 months.

History: 1971 c 128 s 1; 1973 c 123 art 5 s 7; 1985 c 77 s 1; 1989 c 9 s 2; 2003 c 17 s 2

Chapter 11

HERITAGE PRESERVATION COMMISSION

2-11-1: DECLARATION OF PUBLIC POLICY AND PURPOSE:

The Farmington City Council hereby declares as a matter of public policy that the preservation, protection, perpetuation and use of buildings, sites, structures, objects, and districts having special historical interest or value is a matter of public necessity, and is required in the interest of the health, safety, welfare and prosperity of the people. The purpose of this Chapter is to:

- (A) Safeguard the heritage of the City by preserving buildings, sites, structures, objects and districts which reflect elements of the City's historical, architectural, archaeological, or cultural heritage;
- (B) Protect and enhance the City's appeal to residents, visitors and tourists, and serve as a support and stimulus to business and industry;
- (C) Foster civic pride in the beauty and notable accomplishments of the past; and
- (D) Promote the preservation, protection and use of historic buildings, sites, structures, objects and districts for the education and general welfare of the people of the City. (Ord. 099-422, 2-16-1999)

2-11-2: DEFINITIONS:

For the purpose of this Chapter, the following words and terms shall have the meanings respectively ascribed to them by this Section:

BUILDING: A construction created principally to shelter a form of human activity, such as a house, commercial building, school, or church.

CERTIFICATE OF APPROPRIATENESS: The documentation provided by the Heritage Preservation Commission which evidences approval of activities proposed for a Farmington

Heritage Landmark.

DESIGN REVIEW: The process of finding out whether proposed changes to an historic property meet standards of appropriateness.

DISTRICT: A discrete, geographically definable area possessing a concentration, linkage or continuity of buildings, sites, structures or objects united historically by plan or physical development.

FARMINGTON HERITAGE LANDMARK: An historic property so designated by resolution of the City Council.

HISTORIC PROPERTY: Any building, site, structure or object that is significant in history, architecture, archaeology or culture.

OBJECT: A construction that is primarily artistic in nature or relatively small in scale and that is associated with a specific historic setting or environment.

SIGNIFICANCE: The historic preservation value and importance of an historic property to the history, architecture, archaeology, or culture of the City of Farmington, the State of Minnesota, or the United States.

SITE: The location of a prehistoric or historic occupation or activity that possesses historic, cultural, or archaeological value.

STRUCTURE: Constructions made for purposes other than creating human shelter, such as bridges, roadways, silos, and grain elevators.

SURVEY: The process of identifying and gathering information on historic properties. (Ord. 099-422, 2-16-1999)

2-11-3: HERITAGE PRESERVATION COMMISSION POWERS AND DUTIES:

(A) **Members:** The city of Farmington heritage preservation commission (hereinafter the "HPC") shall consist of up to five (5) voting members, adult residents of the city, to be appointed by the city council. HPC members shall include professionals in the disciplines of history, architecture, architectural history, archaeology, planning, or related disciplines and such other persons as have demonstrated interest or knowledge of historic preservation. Ex officio, nonvoting members of the HPC shall include a representative of the Dakota County Historical Society, the Farmington Historical Society, and a member of the Farmington planning commission.

- (B) Terms Of Office: All appointments for voting members shall be made for a term of three (3) years. Members may be reappointed. Term expiration shall be staggered so that no more than three (3) positions shall be filled each year. Members shall continue to hold office until their successors have been appointed. (Ord. 015-687, 2-2-2015)
- (C) Organization: The HPC shall elect from its members such officers as it may deem necessary. The HPC shall have the power to designate and appoint from its members various committees. The HPC shall make such bylaws as it may deem advisable and necessary for the conduct of its affairs, for the purpose of carrying out the intent of this chapter, which are not inconsistent with the laws of the city and the state.
- (D) Program Assistance: To accomplish the intent and purpose of this chapter, the city shall provide the HPC with staff support and technical assistance.
- (E) Powers And Duties: Unless otherwise specified herein, the powers and duties of the HPC shall be as follows:
1. Conduct a continuing survey of historic properties in the city which the HPC has reason to believe are or will be eligible for designation as Farmington heritage landmarks.
 2. Nominate properties for designation as heritage landmarks.
 3. Review and comment upon permit applications and plans relating to heritage landmarks.
 4. Increase public awareness of historic preservation and historic properties.
 5. Make recommendations to the city council concerning grants and gifts from federal and state agencies, private groups and individuals and the utilization of budgetary appropriations for historic preservation programs.
 6. Prepare a comprehensive historic preservation plan for the city.
 7. Make an annual report containing a statement of its activities and plans to the city council.
 8. Any other functions which may be designated by ordinance or motion of the city council. (Ord. 099-422, 2-16-1999)
- (F) Compensation: Members shall receive twenty dollars (\$20.00) per meeting attended in addition to reasonable personal expenses. (Ord. 015-687, 2-2-2015)

2-11-4: DESIGNATION OF FARMINGTON HERITAGE LANDMARKS:

(A) Eligibility Criteria: The following criteria shall guide the HPC and the city council in evaluating properties for designation as Farmington heritage landmarks:

1. The quality of significance in history, architecture, archaeology, and culture is present in buildings, sites, structures, objects and districts that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:
 - (a) That are associated with specific events or a pattern of events that have made a significant contribution to the broad patterns of our history; or
 - (b) That are associated with the lives of persons or groups significant in our past; or
 - (c) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master builder, or that possess high artistic values, or that represent a significant and distinguishable entity those components may lack individual distinction; or
 - (d) That have yielded, or may be likely to yield, information important in prehistory or history.
2. The singular physical appearance, historic character or aesthetic value of an established or familiar feature of a neighborhood or community within the city.

(B) Findings Of Significance: The HPC shall determine if a historic property is eligible for designation as a Farmington heritage landmark and issue a written finding of significance.

(C) Council Designation, Hearings: The city council, upon recommendation of the HPC, may by resolution designate a Farmington heritage landmark. Prior to such designation, the city council shall hold a public hearing, notice of which shall have been published in the official newspaper at least ten (10) days prior to the date of the hearing and mailed notice sent to the owner(s) of the property which is proposed to be designated a heritage landmark and to all owners of property lying adjacent to the historic property.

(D) Communication With The Minnesota Historical Society: Prior to designating a Farmington heritage landmark, the city shall forward information concerning the proposed designation to the Minnesota Historical Society for review and comment in accordance with Minnesota Statutes Annotated section 471.193.

- (E) Designation Of Heritage Landmarks On The Zoning Map: The city shall place designated Farmington heritage landmark properties on the official city zoning map. (Ord. 099-422, 2-16-1999)

2-11-5: DESIGN REVIEW:

- (A) Review Of Permits: The HPC shall review and make recommendations to the city council concerning the issuance of city permits to do any of the following in relation to a property designated as a Farmington heritage landmark:
1. Demolition of a historic building or structure.
 2. Moving a historic building, structure, or object.
 3. New construction of a principal building or accessory structure.
- (B) Alterations: The HPC shall determine whether the proposed activity will alter, disturb, deface or materially change the appearance or use of a heritage landmark. The HPC may recommend to the city council conditions for permit approval that it deems reasonable and appropriate.
- (C) Certificate Of Appropriateness: No permit will be issued by the city unless a certificate of appropriateness has been granted by the HPC. A copy of the certificate of appropriateness shall be attached to the permit when issued, and a copy filed with the city building official. A certificate of appropriateness shall become void twenty four (24) months after issuance unless a city permit has been issued.
- (D) Development Projects: Every application for a preliminary or final plat, variance or conditional use permit in relation to a significant historic property in the city shall be reviewed by the HPC and their recommendation shall be forwarded to the planning commission for consideration in making their recommendation to the city council. In determining whether or not a project will have an adverse effect upon a significant historic property, the HPC shall consider the following factors:
1. Whether the development will substantially alter the appearance of a historic building, site, structure, object or district so as to remove the features which distinguish the historic property as a heritage landmark; and
 2. Whether the use of the property will destroy, disturb or endanger a known or suspected archaeological feature.

- (E) Design Review Standards And Guidelines: The secretary of the interior's standards for the treatment of historic properties shall be the required basis for permit review decisions. The city may adopt design review guidelines; in the absence of such guidelines, design review decisions will be based upon the current secretary of the interior guidelines for preservation, rehabilitation, restoration and reconstruction.
- (F) Outside Technical Advice: The HPC may seek technical advice from outside its members on any design review.
- (G) Appeals: Any party aggrieved by a decision of the HPC shall, within ten (10) days of the HPC's action approving or denying a certificate of appropriateness, have a right to appeal such decision to the city council. When denying a certificate of appropriateness, the HPC shall advise the permit applicant of their right to file a written notice with the city administrator requesting city council review of the action taken by the HPC. Upon receipt of the notice of appeal, the city administrator shall transmit one copy to the HPC. (Ord. 099-422, 2-16-1999)

2-11-6: VIOLATIONS AND PENALTY:

It shall be a misdemeanor to alter, disturb, deface or materially change the appearance or use of a designated Farmington heritage landmark without a certificate of appropriateness. (Ord. 099-422, 2-16-1999)

2-11-7: REPOSITORY FOR DOCUMENTS:

The office of the city administrator is designated as the repository for all reports, studies, minutes, and other documents produced by the HPC. (Ord. 099-422, 2-16-1999)

4-6-10: DEMOLITION OF CERTAIN HISTORIC PROPERTIES:

For any property included within one of the following categories, no permit for the wrecking, demolition or tearing down of such property shall be released by the city until the city council has granted final approval of a redevelopment plan that is conditioned upon the wrecking, demolition or tearing down of such property:

(A) Properties listed in the National Register of Historic Places.

(B) Properties designated by the city council as heritage landmarks.

(C) Properties determined by the Farmington heritage preservation commission to be eligible for designation as heritage landmarks. (Ord. 002-475, 5-6-2002)

10-4-6: HERITAGE PRESERVATION COMMISSION:

This zoning ordinance adopts by reference, the provisions of title 2, chapter 11 of this code as they may relate to this title. (Ord. 002-469, 2-19-2002)

10-6-24: BED AND BREAKFAST STANDARDS:

(A) Intent And Purpose: The city recognizes that bed and breakfasts are an asset to the community and help the preservation of historic structures because the expense of owning and maintaining historic structures has made them less suitable for single-family dwellings or businesses. Conversion of historic structures into multi-family uses is usually determined by the neighborhood where it is located. It is therefore the intention of the city to limit bed and breakfast uses to those structures where the use would benefit the surrounding area by allowing appropriate adaptive reuse of historic structures. Bed and breakfasts are allowed by a conditional use permit, subject to the conditions provided under section 10-3-5 of this title and the following conditions in the R-1, R-2, R-T, R-D and B-2 zoning districts as regulated in this section, subject to the conditions outlined in subsection (B) of this section.

(B) Standards:

1. The structure is listed on the National Historic Register, designated on the city's list as a Farmington heritage landmark or identified as an historically significant property by the heritage preservation commission.
2. The bed and breakfast shall be occupied by the owner or an agent of the owner.
3. At least two (2) off street parking spaces shall be provided on site for the owner or manager and one additional parking space per rental unit. Parking spaces shall be hard surfaced with concrete or asphalt and shall be well drained. The parking shall not be located between the front face of the principal structure and the street.
4. The dining facilities shall not be open to the public and shall be used exclusively by the registered guests unless allowed as a separate permitted or special use.
5. An identification sign not exceeding four (4) square feet may be located on the site. The sign must match the architectural features of the structure. The sign may be located on the house or five feet (5') from the property line. The sign may not be illuminated.
6. A maximum of five (5) bed and breakfast units may be established in a structure and at least one bedroom must be reserved by the property owner(s) or agent.
7. The owner of the bed and breakfast shall maintain a guest register showing the name, address, motor vehicle license number, and inclusive dates of visits of all guests. No guest shall be permitted to rent accommodations or remain in occupancy for a period in excess of fourteen (14) calendar days during any consecutive ninety (90) day period.
8. The structure and performance of the operation of the bed and breakfast and residence shall comply with all local, county, and state regulations.

9. The facility shall obtain all applicable local, county, and state licenses as required for food service, lodging, and other service provided at, or in conjunction with, the facility.
10. The property shall comply with all bulk and density standards required in the applicable zoning district.
11. The property shall comply with applicable screening and landscaping standards required by the zoning ordinance.
12. All rental units shall be established within the principal structure. This requirement may be waived if the planning commission determines that an existing accessory structure is suitable for use as a bed and breakfast unit. The waiver shall be included with the conditional use permit.
13. The planning commission may modify standards or require additional standards that are site specific in order to assure the compatibility of the bed and breakfast activities with the neighborhood in which it is located.
14. The planning commission reserves the right to review the conditional use permit annually and either continue or modify the conditions of the permit.
15. The planning commission reserves the right to terminate the conditional use permit any time the owner fails to adhere to the standards or conditions established by this section or contained in the conditional use permit.
16. All bed and breakfasts shall obtain a bed and breakfast license from the city of Farmington prior to commencing operation. Licenses shall be renewed annually to ensure that all provisions of initial approval are satisfied. (Ord. 002-483, 12-2-2002)

10-6-30: LIMITED COMMERCIAL VENTURE STANDARDS:

- (A) Location And Uses: Limited commercial ventures shall be allowed to be conducted at historic properties located within residential zoning districts subject to the approval of a conditional use permit. All limited commercial ventures must meet the established performance standards of subsection (B) of this section; and containing one or more of the following uses: class I restaurants, catering centers, reception facilities, meeting or conference facilities, professional office uses, museums, art galleries, antique shops, craft boutiques, or other uses deemed similar by the zoning administrator.
- (B) Historic Property Performance Standards: In order to be considered eligible for a historic properties limited commercial venture conditional use permit, properties must be in conformance with the following:
1. The applicant demonstrates that the historic characteristics of the property cannot be maintained reasonably and economically unless the conditional use permit is granted.
 2. Must be designated or determined eligible for designation as a Farmington heritage landmark, or be on the national register of historic places.
 3. Adequately sized to meet the proposed use.
 4. Adequately served by municipal services or a septic system with adequate capacity for the proposed use.
 5. In conformance with all applicable building and fire codes, and ADA requirements.
 6. In conformance with all state and county health regulations.
 7. In conformance with the city's off street parking requirements pursuant to section 10-6-4 of this chapter.
 8. Adequately situated and designed so as to not create a significant traffic impact on adjoining public roadways, and includes safe ingress and egress to the site.
 9. The development meets all applicable setback requirements.
 10. Activity areas are appropriately screened from adjoining properties.
 11. The property and land use are adequately designed so as to not create an adverse impact on the residential character of the surrounding area.
 12. The development meets all applicable commercial site development performance standards.
 13. One advertising sign not to exceed twenty (20) square feet.

14. Site improvements meet the city's historic preservation standards and guidelines.

15. A certificate of appropriateness shall be obtained for site work to preserve, rehabilitate, restore or reconstruct historic buildings, structures, landscapes or objects.

(C) Applications: All applications for a limited commercial venture conditional use permit shall be processed in accordance with subsection 10-3-5(B) of this title with the exception that the heritage preservation commission shall review all limited commercial venture applications and provide a recommendation to the planning commission.

(D) Standards: The planning and/or the heritage preservation commission may modify the standards or require additional standards that are site specific in order to assure the compatibility of the activities of the limited commercial venture with the neighborhood in which it is located.

(E) Annual Review: The planning commission and heritage preservation commission may review the conditional use permit annually and may either continue or modify the conditions of the permit if agreeable by both commissions. .

(F) Permit Termination: The planning commission may terminate the conditional use permit, after review and recommendation from the heritage preservation commission, any time the owner fails to adhere to the standards and conditions established by this section or contained in the conditional use permit. (Ord. 014-669, 9-2-2014)



City of Farmington

430 Third Street
Farmington, Minnesota
651.280.6800 - Fax 651.280.6899
www.ci.farmington.mn.us

TO: Mayor, Councilmembers and City Administrator
FROM: David McKnight, City Administrator
SUBJECT: Downtown Update
DATE: March 13, 2017

INTRODUCTION

Mayor Larson has asked to discuss some issues related to downtown Farmington at the March 2017 work session. This will be an opportunity to discuss issues any of you want to discuss on this topic as well.

DISCUSSION

TBD

BUDGET IMPACT

NA

ACTION REQUESTED

Discuss issues relevant to downtown that are brought up by the mayor or any city councilmembers.



City of Farmington

430 Third Street
Farmington, Minnesota
651.280.6800 - Fax 651.280.6899
www.ci.farmington.mn.us

TO: Mayor, Councilmembers and City Administrator
FROM: David McKnight, City Administrator
SUBJECT: Dakota County Shop
DATE: March 13, 2017

INTRODUCTION

City staff has been in contact with a number of county officials about the long term future of the Dakota County shop that is located in Farmington along County Road 50.

DISCUSSION

City staff would like to discuss with the city council your thoughts on the long term future of the Dakota County shop located along County Road 50. County staff members have been discussing this issue with city staff over the past month and your input is needed on this issue.

A map of the location of the county shop and the surrounding properties is included for your review.

BUDGET IMPACT

TBD

ACTION REQUESTED

After hearing additional information from city staff, share your thoughts and questions about the long term future of the county shop currently located in Farmington.

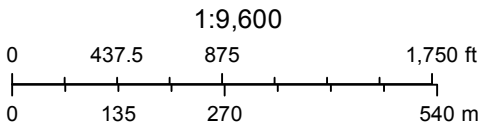
ATTACHMENTS:

Type	Description
□ Backup Material	Map of Area

Dakota County, MN



March 6, 2017



Property Information



City of Farmington

430 Third Street
Farmington, Minnesota
651.280.6800 - Fax 651.280.6899
www.ci.farmington.mn.us

TO: Mayor, Councilmembers and City Administrator
FROM: David McKnight, City Administrator
SUBJECT: Recent City Ordinance Updates
DATE: March 13, 2017

INTRODUCTION

I would like to discuss recent city ordinance updates that have taken place in a number of cities in Dakota County.

DISCUSSION

As you are probably aware, a number of cities in Dakota County have recently adopted ordinances restricting where level three sex offenders can live within their city. There are a number of reasons for the influx of this type of ordinance in neighboring cities in the past few months. There are also some concerns to putting an ordinance like this in place.

City staff would like to discuss this issue with the city council to get your feedback. City staff thought this was an important enough issue and an important regional issue where we wanted to provide you with an opportunity to discuss the issue.

BUDGET IMPACT

NA

ACTION REQUESTED

Discuss this issue among city councilmembers, ask any questions that you may have and provide city staff with direction on this issue.

ATTACHMENTS:

Type	Description
□ Backup Material	Newspaper Articles

Government • Public Safety

Apple Valley council OKs residency restrictions for sex offenders

Published February 24, 2017 at 1:46 pm

By [Andrew Miller](#)

The Apple Valley City Council approved an ordinance Feb. 23 that prevents certain convicted sex offenders from living near parks, schools, churches and day care centers.

Under the measure, offenders designated Level 3 — those most likely to re-offend — and those whose victims were under 16 years old cannot reside within 1,500 feet of those types of facilities.

The ordinance applies to predatory offenders who intend to move to Apple Valley following the City Council's approval of the measure last week. It does not affect designated offenders who are already living in the city.

Currently, there are 64 predatory offenders residing in Apple Valley. Eighteen of those are designated Level 1, six are Level 2, and one is Level 3. Many offenders are not assigned a risk level, among them juveniles, offenders who were sentenced to probation and not jail time, and offenders released from prison prior to 1997.

Police monitor all registered sex offenders regularly, Apple Valley police Capt. Nick Francis said, with a special enforcement team doing routine checks.

The city's first Level 3 offender moved to Apple Valley in November 2016, taking up residence in the vicinity of Haralson Drive and McIntosh Drive.

In October, police undertook a community notification process about the Level 3 offender, mailing out information and holding a public meeting.

Feedback received by police during the notification process suggested a "clear desire" from community members to restrict residency of sex offenders, Francis said.

Apple Valley is one of many cities in Minnesota to have enacted such an ordinance. The first was Taylors Falls, in 2006, and between 2006 and 2015 33 additional cities followed suit. Many other communities in the state are currently considering a similar measure.

In a presentation to the City Council prior to approval of the ordinance, Francis noted that if nearby cities have residency restrictions for sex offenders but Apple Valley does not, the result could be an influx of offenders into the community.

"As all the communities around us enact these ordinances, if we fail to (then) the path of least resistance is right here into our community," he said.

The residency restriction is not a complete ban, as there will remain areas within the city where designated offenders are able to reside. A map showing estimated locations where residency restrictions apply will be maintained, and updated annually, by city officials.

The ordinance also prohibits designated offenders from living near adult, or sexually oriented, businesses.

While the restriction applies to offenders taking up residence near licensed child care facilities, "in-home" day care centers are excluded from the measure.

Additionally, landlords are subject to the ordinance. Those who rent property to a designated offender in a prohibited area will be in violation.

"There's a responsibility on the landowner to know who they are renting to," Francis said.

The City Council voted 5-0 to approve the ordinance.

Filed Under: [Apple Valley](#)

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NEWS

South St. Paul policy would limit where sex offenders could live

By **NICK FERRARO** | nferraro@pioneerpress.com | Pioneer Press

PUBLISHED: September 19, 2016 at 8:00 am | UPDATED: September 20, 2016 at 3:42 pm

Within two weeks in June, two Level 3 sex offenders took up residence in South St. Paul.

What followed was concern and plenty of questions.

But when the city alerted residents in July that a third Level 3 offender was to call South St. Paul home, concern turned to fear for many, Police Chief Bill Messerich said last week.

“People were upset, and for good reason,” he said. “(These offenders) are assigned the highest risk level for a reason, because they’re the most likely to re-offend.”

The third move led to lots of talk about why the offenders were turning to South St. Paul — there are eight total in all of Dakota County — and whether the city could do anything about it.

The result is a proposed policy that would almost blanket the city with restricted zones where convicted sexual offenders could not live.

The city council held a first reading Monday of the ordinance, which would prohibit all convicted sex offenders from living within 1,500 feet of “where children regularly congregate in concentrated numbers” — schools, parks and playgrounds, and places of worship that provide educational programs.

While South St. Paul is not alone in trying to restrict where sex offenders can live — about three dozen cities across the state already have — Messerich believes the first-ring suburb would be the first city in Dakota County to do so.

Messerich said he had thought about introducing the idea of such an ordinance a while back. But at the time, no Level 3 sex offenders were living in South St. Paul, and there was no pressure from the community to do something.

Moreover, there is also an overarching concern about the legality of such regulations and whether they might be challenged in court, he said.

“There’s always that concern when you’re the first,” he said. “You don’t want to put yourself in a legal battle.”

Over the past several weeks, Messerich and the city’s engineering staff have “danced a fine line” and mapped out areas that would be off limits, City Administrator Steve King said.

“One of the considerations we have to look at is, does the law require us to leave some space where these individuals can live?” King said. “And how much is that, if the answer is yes?”

In the first draft of the ordinance introduced at a council work session last month, Messerich and the city attorney proposed a 1,000-foot restriction area. The city council asked that it be upped 500 feet.

“Some cities are going 2,000 feet, but we went somewhat conservative at 1,500 feet,” Messerich said. “If we did 2,000, it would have eliminated all areas in the entire city.”

After plugging in the distances from public places, the map revealed small parts of the city where sex offenders could reside, he said.

“There won’t be a lot of open space, but there still will be residential areas, some areas in the north end,” Messerich said.

As for why South St. Paul became the new home for three Level 3 sex offenders in such a short time, Messerich and King can only offer theories. The city has a fair amount of affordable housing and access to public transportation, they say.

The council is scheduled to hear a second reading of the ordinance on Oct. 3 and vote on it then.

Tags: Dakota County South St. Paul

Nick Ferraro

Nick Ferraro

A Minneapolis native, Nick Ferraro joined the Pioneer Press in 1997 after graduating from the University of St. Thomas in St. Paul. He’s been a reporter covering Dakota County communities since 2007.

[Follow Nick Ferraro @NFerraroPiPress](#)



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Inver Grove Heights approves interim ordinance

Submitted by admin on Sun, 10/02/2016 - 12:00am

By: [Hannah Burlingame \(/by/hannah-burlingame\)](#)



City joins others in placing restrictions on where sex offenders can reside

Inver Grove Heights is the latest city in the east metro to pass an ordinance restricting where convicted Level 3 sex offenders can reside.

City attorney Tim Kuntz explained that because the city council was considering an interim ordinance at its Sept. 26 meeting, a public hearing was not required. He emphasized that this was a temporary ordinance, and the city is planning to study the matter further and consider passing a permanent ordinance in 2017.

Under the interim ordinance, it would be unlawful for a Level 3 sex offender to establish a permanent or temporary residence within 1,000 feet of any school, licensed child-care facility, religious facility, public park or library in the suburb.

Kuntz said these areas were defined in the ordinance.

"What is thematic or central to each of their definitions is that they are identified as a place where children more probably than not would congregate or assemble," Kuntz said.

Individuals categorized as Level 3 are registered predatory offenders who before they're released from prison were determined to be at a higher risk of re-offending. After they have served their sentences, there is a community meeting in the city where they are going to live so that residents have information about them.

The intent of Inver Grove Heights' interim ordinance is to prohibit a Level 3 offender from establishing a residency within a certain distance from the prohibited areas.

Kuntz added the intent with child-care facilities was to cover both the in-home and center facilities.

Distance would be determined by following a straight line from the outer property line of the residence of the designated predatory offender to the nearest outer property line of the school, licensed child-care facility, religious facility, public park or library property.

Circles on a map show the restricted areas and the 1,000 feet around them.

City Administrator Joe Lynch said the map was purely illustrative, and it was not distributed to the media.

If the police department is notified of an offender moving into the area, officers will check with staff to see what falls within the 1,000 feet of the residence the offender gave to police.

Designated predatory offenders can live within a prohibited area if he or she had the permanent or temporary residence prior to Sept. 26, 2016, is a minor, or if the prohibited space opened after permanent or temporary residence was established.

A violation of this ordinance will be a misdemeanor.

Lynch said there had been an individual who came into the community and the city had no preparation. Lynch said South St. Paul recently discovered that it also needed clearer guidelines and restrictions when it had three registered sex offenders move there in three months.

After a year has passed, the interim ordinance will expire and the city council will need to adopt an amendment to the city's code regarding residency location of predatory offenders to make it a permanent law.

Community safety; possible legal challenges

Mayor George Tourville said there were positive aspects to holding community meetings when Level 3 sex offenders move into a city.

"Actually, they say a lot of cities become safer by having the [predatory offender] hearings [because] a lot of people get some information," Tourville said.

Council member Rosemary Piekarski Krech said she was concerned about whether ordinances restricting where sex offenders can live would hold up in court. She also said she wonders if these ordinances really work.

"It sounded like at the meeting that ... this type of [restriction] doesn't do anything to make your community safer," Piekarski Krech said. "What makes your community safer is people's awareness and education."

She said that like most folks, she doesn't want a convicted sexual predator living next door to her or even in her neighborhood.

Piekarski Krech also pointed out that not all sex offenders prey on children. She asked if the new temporary ordinance actually does anything for the city or would it be more beneficial to concentrate the city's money and efforts on education and training.

She said she was impressed the police department makes four unannounced visits on every registered sex offender no matter what level they are ranked.

Since this ordinance is only for Level 3 predatory offenders, Piekarski Krech said there could be many more offenders who are living within 10 feet of the school, church or park.

"I'm not totally opposed to this but I guess my thing is I'd truly like to make our community safer and not just do something that 'oh gee this sounds really wonderful because they passed this law,' but what did it really do for the safety of our community," Piekarski Krech said.

Tourville said there have been discussions about the Inver Grove Heights School District and the city doing a joint presentation regarding safety and sex offenders living in the community. They've also considered additional presentations with the Jacob Wetterling Foundation.

Lynch said this ordinance gives the council and city time to discuss the issues raised by Piekarski Krech.

Even without the temporary ordinance, there would still be notifications about Level 3 offenders moving in or out of the city.

The city has no authority over where halfway houses for sexual offenders can be. Lynch said the city is notified when licenses are given but can't impact the location of the houses.

He said this creates a legal challenge if someone wanted to open a halfway house in a restricted area and chooses to fight the city's interim ordinance in court.

Council member Tom Bartholomew said while the new interim ordinance came up quickly, it gives the city protection while staff and the city attorney review the issue further.

South St. Paul recently approved the first reading of a permanent ordinance to restrict where convicted Level 3 sex offenders could live in the city.

South St. Paul's ordinance would not allow sex offenders to have a permanent or temporary residence within 1,500 feet of any public or private schools, places of worship that provide regular educational programs like Sunday School, licensed child care facilities and sexually oriented businesses.

Hannah Burlingame can be reached at 651-478-7824 or hburlingame@lillienews.com (<mailto:hburlingame@lillienews.com>).

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City of Farmington

430 Third Street
Farmington, Minnesota
651.280.6800 - Fax 651.280.6899
www.ci.farmington.mn.us

TO: Mayor, Councilmembers and City Administrator
FROM: David McKnight, City Administrator
SUBJECT: Sunday Liquor Sales
DATE: March 13, 2017

INTRODUCTION

As you are all aware, Sunday off-sale liquor sales will be legal effective July 1, 2017. City staff has some thoughts on this issue related to our liquor stores and wanted to share these thoughts and provide you with an opportunity to discuss this issue.

DISCUSSION

The Minnesota legislature passed and Governor Dayton signed into law the bills that will allow Sunday liquor sales for the first time in state history starting July 1, 2017. This law change will have an impact on the two stores that Farmington operates as a part of our municipal liquor operations.

Blair Peterson and I have discussed this issue and I wanted to share our discussions with you and provide an opportunity for you to discuss this issue as well. Mr. Peterson has also been discussing this issue with the managers of the Lakeville and Apple Valley stores as well.

BUDGET IMPACT

The budget impact of the Sunday liquor sales issue is unknown at this time. While there are thoughts on both sides of the issue including an additional day of sales verses the same amount of current sale spread over seven days, only time will tell us the real budget impact of the new law.

ACTION REQUESTED

Hear an update from city staff on this issue, provide your thoughts on the issue and come to a consensus on the city's approach to this law change.