



CITY OF GRAND RAPIDS

Meeting Agenda Full Detail City Council Work Session

Monday, March 12, 2018

4:00 PM

Conference Room 2A

CALL TO ORDER: Pursuant to due notice and call thereof a Special Meeting/Worksession of the Grand Rapids City Council will be held on Monday, March 12, 2018 at 4:00 p.m. in City Hall Conference Room 2A, 420 North Pokegama Avenue, Grand Rapids, Minnesota.

CALL OF ROLL: On a call of roll, the following members were present:

Discussion Items

1. 18-0073 Free Range Food Co-op Presentation - Sarah Verke, Megan Brekke, Carrie Barsness
Attachments: [FRFC Development Summary 3-8-18.pdf](#)

2. 18-0120 Proposed alarm ordinance amendments
Attachments: [Alarm Ordinance Proposed Amendments Jan 18 2018redlined.docx](#)
[Alarm Ordinance Proposed Amendments without Red Line Jan 22 2018.docx](#)

3. 18-0156 Snow Ordinance Revision
Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
[Attachment 5](#)

4. 14-0789 Review 5:00 PM Regular Meeting

ADJOURN

Attest: Kimberly Gibeau, City Clerk



CITY OF
GRAND RAPIDS
IT'S IN MINNESOTA'S NATURE

CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 18-0073 **Version:** 1 **Name:**

Type: Agenda Item **Status:** CC Worksession

File created: 1/25/2018 **In control:** City Council Work Session

On agenda: 3/12/2018 **Final action:**

Title: Free Range Food Co-op Presentation - Sarah Verke, Megan Brekke, Carrie Barsness

Sponsors:

Indexes:

Code sections:

Attachments: [FRFC Development Summary 3-8-18.pdf](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Free Range Food Co-op Presentation - Sarah Verke, Megan Brekke, Carrie Barsness



FREE RANGE FOOD CO-OP Development Summary

WHAT IS A FOOD CO-OP?

A food co-op is a grocery store that is owned by community members who invest in it. Every owner purchases \$100 ownership investment which consists of one \$25 voting share, and three \$25 ownership shares. The co-op is regulated under MN Statute 308B, which lays out the purpose of co-ops, how they are formed, and how they are operated. Food co-ops are open for everyone in the community to shop at regardless of ownership.

Food co-ops are typically started in communities to address a need that organizers and owners feel isn't sufficiently being met. In our case we made the decision to organize because we felt that our local farmers and producers weren't being supported as well as they could be, and we wanted better access to affordable local, organic and whole foods and goods in a convenient grocery store setting, all year round. Based on our experience with food co-ops in surrounding cities, and throughout Minnesota, we felt that a food co-op would be our best course of action to meet this need. The food co-ops closest to Grand Rapids are Natural Harvest in Virginia, Harmony in Bemidji, Crow Wing Food Co-op in Brainerd, and Whole Foods Co-op in Duluth.

Our food co-op is being built by a volunteer organizing team and a board of directors who are completing the business tasks, in addition to community outreach tasks in order to raise awareness to the co-op, and build ownership.

THE MISSION

A member-owned grocery store that will increase access to local foods and goods, provide a foundation for educational activities, enhance health and well-being, and promote sustainability within our community.

HISTORY

- 10.2015: First meeting of organizers (three people)
Asked around for more help, word of mouth
- 11.2015 Educated ourselves through research and training
Started working with Food Co-op Initiative
- 12.2015 Continued outreach to recruit more organizers
- 2.2016 Incorporated as a cooperative with State of Minnesota
Appointed board members and established bylaws per statute
Opening a bank account and set up financial systems
Created paper and electronic applications for new owners
Created social media pages and website
- 3.2016 Held first community meeting with attendance of 120+ people
Signed up first 20 owners
- 5.2016 Awarded \$10,000 seed grant from Food Co-op Initiative
- 8.2016 Reached 200 owners in 5 months through extensive tabling and community outreach
- 10.2016 Held first annual owner meeting at the Grand Rapids Armory
- 2.2017 Entered Stage 2A of our development timeline with 250 owners
- 3.2017 Three board members attended Up & Coming start-up food co-op conference in Milwaukee, WI
- 4.2017 Awarded \$500 Community Sustainability Initiative grant from IRPS
- 9.2017 Contracted market and financial feasibility studies at approx. 350 owners
Started using Basecamp as our task management system
- 10.2017 Second annual owner meeting at the Reif Center in Grand Rapids
Held owner elections for 5 new board members
- 11.2017 Implemented new outreach team structure to allow for more structure for volunteers
- 12.2017 Held board retreat; discussed preparations to move into Stage 2B

2.2018 Reached 450 owners
 Received \$400 scholarship to use towards 2018 Up & Coming conference

THE TIMELINE

We are following a timeline that was created by Food Co-op Initiative and has been used by start-up food co-ops that have successfully opened in the past 10 years. This timeline helps us to visualize and address important tasks and meet ownership goals in tandem, keeps us on course, and prevents us from moving forward before we are ready and prepared.

The average time it takes to develop a modern food co-op is 3-5 years, so we always keep that in mind as we are navigating the timeline. At 2.5 years into development, we feel that we are right on track according to our timeline.

STAGE 1: ORGANIZING 0 - 250 OWNERS

- Begin to organize and recruit volunteers
- Incorporate organization
- Form board of directors and finalize by-laws
- Set up financial and record keeping systems
- Conduct community survey
- Start building community ownership
- Build website and social media pages

STAGE 2A: FEASIBILITY 250 - 500 OWNERS

- Conduct market and financial feasibility studies
- Build local grower/producer relationships
- Develop business plan
- Build strong owner growth team

STAGE 2B: PLANNING 500 - 700 OWNERS

- Begin process of hiring a general manager
- Complete site analysis and secure store location
- Develop capital campaign model
- Approach cooperative lenders
- Finalize business plan

STAGE 3A: PRE-CONSTRUCTION 700 - 900 OWNERS

- Hire general manager
- Recruit new owners based on store location
- Secure external funding and launch capital campaign

Secure contracts with growers/producers
Finalize plans for store design and renovations

STAGE 3B & C: CONSTRUCTION & OPENING 900 - 1200 OWNERS

Finalize budget
Work with general manager to hire and train staff
Order and install equipment and inventory
Open the store

MARKET STUDY RESULTS

In October 2017, the board of directors for Free Range Food Co-op contracted with Debbie Suassuna of G2G Research Group and CDS Consulting Co-op to conduct a market study for the co-op. Debbie has over 20 years of location research and site analysis experience, and specializes in natural foods co-ops.

Summary of key findings:

- Based on the population size, demographic composition and competitive environment of the Grand Rapids market area, combined with the experiences of other natural foods co-ops that operate in similar market situations, it appears that there is sufficient sales potential to support a full-line natural foods co-op.
- The proposed natural foods co-op will serve a relatively large-sized trade area, extending between 14 and 46 straight-line miles, encompassing most of Itasca County, with a small portion of west-central St. Louis County extending to the city of Hibbing. There are an estimated 58,200 shoppers within the defined trade area.
- It is recommended that Free Range Food Co-op have about 4000 sq ft of sales area, which will allow for customers to make most or all of their grocery purchases at the co-op.
- It is strongly recommended that Free Range Food Co-op place a heavy emphasis on its deli/prepared food departments by offering a sandwich station, specialty drink bar, self-serve hot/cold food bars, and a good selection of grab and go foods.
- Our market study has identified two geographic locations that would be favorable locations for the food co-op: South Highway 169 and along the Highway 2 corridor.
- Indoor/outdoor seating space and classroom/community space are also recommended.
- The food co-op should strive to become a part of the community through various outreach programs in order to raise awareness to the co-op, but also to demonstrate how the co-op supports the community. In addition there is a need for a strong educational component in order to enhance shopper/owner awareness to the relationship between food, the environment and their health.

WHAT'S AHEAD IN THE NEXT FEW MONTHS

- Attend Up & Coming Co-op conference on March 14th, 2018 in Milwaukee, WI
- Move into new office space
- Reach goal of 500 owners by April 30th, 2018
- Reach goal of transitioning into Stage 2B by April 30th, 2018
- Hire part-time volunteer coordinator
- Begin preparations for capital campaign: training, develop a model, assemble a team to run the campaign, seek legal counsel,
- Convene site selection team



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 18-0120 **Version:** 1 **Name:** Proposed alarm ordinance amendments
Type: Agenda Item **Status:** CC Worksession
File created: 2/15/2018 **In control:** City Council Work Session
On agenda: 3/12/2018 **Final action:**
Title: Proposed alarm ordinance amendments
Sponsors:
Indexes:
Code sections:
Attachments: [Alarm Ordinance Proposed Amendments Jan 18 2018redlined.pdf](#)
[Alarm Ordinance Proposed Amendments without Red Line Jan 22 2018.pdf](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Proposed alarm ordinance amendments

Background Information:

It is not unusual for cities to have local ordinances charging a fee for police and fire response to an excessive number of alarms within a given year. The goal of these ordinances is to encourage residents and businesses to maintain their alarm systems and to educate themselves on how to properly use them. This is reflected in City of Grand Rapids Ordinance #42-6 Alarm Systems.

The ordinance states in part:

“False alarm fee. The owner of property upon which an automatic alarm device is located and/or each owner of an automatic alarm device shall pay a fee as established by resolution upon the response to a fourth false alarm by the fire department and police department. Continued responses to false alarms by the department will be billed at the rate set forth by resolution.”

The resolution referred to is the resolution setting city fees. Presently it is \$500.

The City ordinance also requires that the alarm user obtain an annual alarm permit from Itasca County.

“Application for permit. Application for permits required under this section shall be made to the county sheriff...”

“Administration fee. The administrative fee shall be as established by resolution; thereafter, an annual alarm fee shall be assessed in the amount established by resolution, which shall be payable to the sheriff’s department.”

Section 14 of Itasca County’s Alarm Ordinance states:

“Administration Fee - Each owner of property upon which an automatic alarm device is located and/or each owner of an automatic alarm device which, when triggered, results in the notification of the Itasca County Law Enforcement Center shall be assessed an annual administrative fee to offset the costs of the Itasca County Alarm Response Program. The initial fee shall be \$20.00; thereafter, an annual alarm fee shall be assessed in the sum of

\$10.00.”

After a conversation with the Sheriff, the police department has not been able to clearly understand what the Itasca County Alarm Response Program is.

City resources in the form of the police and fire departments are used in responding to alarms. The County’s only obligation is to dispatch the alarm. A City Ordinance that requires an alarm user pay an annual fee to the County to receive an alarm permit from the sheriff, while paying taxes to a city that provides its own police and fire protection that respond to an alarm, is unusual.

From time-to-time City Ordinances should be reviewed and modified to reflect changes in technology and public safety operations. There was a time when requiring an alarm permit made some sense.

- Alarms were hard wired into dispatch centers. There had to be a record in the dispatch center of who key holders were and how to contact them. For many years alarm systems have not been wired directly into dispatch centers. They now are connected, frequently wirelessly, to centralized monitoring stations that phone the dispatch center when an alarm is activated. These central stations also keep an updated list of alarm key holders.
- Alarm systems depended upon mechanical interactions. The opportunity for false alarms was greater than with the wireless electronic detection alarm systems in use today.
- The local police and fire dispatch center used to be the first to be called when the central station detected an alarm activation. This became very burdensome as some days there could be 6-12 residential burglar alarms phoned into the police department. Those days are long gone. Now the central station will typically contact a key holder for a burglar alarm before phoning law enforcement. Law enforcement agencies simply do not receive many residential burglar alarms any more.

Staff Recommendation:

For your consideration this evening is the draft of suggested amendments to Grand Rapids City Ordinance 42-6 Alarm Systems. The Police Department and Fire Department suggest that the ordinance be amended. These amendments provide for the following:

- Clarifies that “Excessive False Alarms” means four or more in a calendar year.
- Maintains the ability of the City to charge an Excessive False Alarm fee for fire or police response.
- Eliminates terms that are not needed.
- Further clarifies terms.
- Prohibits automatic voice dialers connected directly to the police or fire departments.
- Eliminates reference to the county ordinance and does not require Grand Rapids business owners and residents to obtain an alarm permit from the county sheriff.
- Provides for an appeal process prior to paying excessive alarm fees.

Sec. 42-6. - Alarm systems.

(a) Generally.

The police department and fire department respond to ~~a number of many~~ false alarms each year ~~This , a level which~~ places a burden upon the time and resources of these ~~public safety agencies.~~ ~~entities.~~ False alarms also create an increased level of risks ~~to~~ ~~on~~ the safety of responding public ~~safety personnel and the public.~~ ~~officers and to the public as well.~~ ~~The purpose of this~~ ~~Therefore,~~ ~~the justification of this~~ section is to reduce the high level of risks and ~~costs~~ ~~expenses~~ by reducing the frequency of ~~occurrence of these~~ false alarms, establish an Excessive False Alarm user fee, and establish a system of administration.

(b) Applicability

This section shall apply to ~~all types of~~ alarms that require a ~~police department law enforcement or~~ fire department response ~~including but not limited to intrusion/burglary alarms, duress alarms, panic alarms, robbery alarms, smoke alarms, heat alarms, carbon monoxide alarms and water flow alarms, whether or not called in by an alarm monitoring company or are audible at the Alarm Site.~~ This section does not apply to medical alarms, elevator alarms or alarms installed on motor vehicles.

(c) Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alarm means notification of an alarm activation either by an audible sound or a communication from an alarm company to the public safety dispatch center.

Alarm Site means a single fixed commercial or private premises or location served by an alarm system. Each tenancy, if served by a separate Alarm System in a multi-tenant building or complex shall be considered a separate Alarm Site.

Alarm System means any mechanical, electrical or electronic device designed to detect an unauthorized entry or emergency situation on real property which emits sound off the premises or transmits and electronic signal off the premises.

Alarm User means any person, firm, partnership corporation or other entity who uses or is in control of an Alarm Site. In the case of rental property, the renter is considered the Alarm User.

Automatic Voice Dialer means any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded message, when activated, over a telephone line, radio or other communication system to a law enforcement agency.

False Alarm means the activation of any alarm system resulting in notification of the police or fire department, for which responding public safety personnel find no evidence of criminal activity, fire, smoke, carbon monoxide, heat or other threat of emergency of the kind for which the Alarm System was designed to give notice. This does not include alarms caused by severe weather or power failure.

~~Alarm agent means any person who is employed by an alarm business, either directly or indirectly, including an owner, corporate officer, or director, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving, or installing on any building, place or premises, any police/fire alarm system, central station system, or burglary alarm systems.~~

~~Alarm business includes the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any police/fire alarm system.~~

~~Alarm system means any electronic device used for the purpose of notifying the general public or public safety personnel of the existence of an emergency situation to which public safety personnel respond including but not limited to automatic dialing devices, burglary alarm systems, control station systems, fire alarm systems, or police/fire alarm systems.~~

~~Alarm user means any person as defined herein, using the services of an automatic dialing device, police alarm system, a fire alarm system, a central station system or a burglar alarm system.~~

~~Answering service refers to a telephone answering service which receives signals from any alarm system and thereafter immediately relaying the message by live voice to the communications center of the sheriff's office.~~

~~Automatic dialing device refers to an automated alarm system which sends a prerecorded voice message or coded signal indicating the existence of the emergency situation which the alarm system is designed to detect.~~

~~Burglar alarm system means an alarm system signaling an entry or attempted entry into an area protected by the system, but which system is not connected to a police alarm or central station system.~~

~~Central station means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits, and where guards are maintained continuously to investigate signals.~~

~~Central station system means a system in which the operation of electrical protection circuits and devices are signaled automatically to, recorded in, maintained, and supervised from a central station having operators and security personnel on duty at all times.~~

~~Direct line means a telephone line leading directly from a central station to the communications center of the sheriff's office that is for use only to report emergency signals on a person-to-person basis.~~

~~Excessive False alarms means *four* three or more false alarms signaled by any police/fire alarm system within a single calendar year.~~

~~False alarm means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system, or of his employees or agents, to which the police department or the fire department has been dispatched, where an emergency situation does not exist. Such terminology does not include alarms caused~~

by hurricanes, tornadoes, earthquakes, lightning, power failure, image to power lines, or severe weather conditions.

~~*Fire alarm system* means any device designed for the detection of fires on premises for alerting others of a fire, and, when activated emits a sound or transmits a signal or message which system is connected to or monitored by the county sheriff's office.~~

~~*Key holder* means a person who has your permission and is able to gain entry into your house.~~

~~*Police alarm system* means any device designed for the detection of an unauthorized entry on premises for alerting others of the commission of an unlawful act, or both, and, when actuated, emits a sound or transmits a signal or message which system is connected to or monitored by the county sheriff's office.~~

~~*Primary trunk line* means any telephone line leading directly into the communications center of the sheriff's office that is for the purpose of handling emergency calls on a person to person basis, and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory issued by the telephone companies) within the sheriff's office jurisdiction.~~

~~*Proprietary system* means an alarm system sounding and/or recording alarm and supervisory signals at a control center located within the protected premises, the control center being under the supervision of the proprietor of the protected premises. A proprietary system includes a signal line connected directly to the sheriff's office communications center, a central station, or answering service; it thereby becomes an "alarm system" as defined in this section.~~

~~*Special trunk line* means a telephone line leading directly into the communications center of the Sheriff's Office and having the primary purpose of handling emergency signals or messages originating, either directly or through a central location from automatic dialing devices.~~

~~(c) *Application for permit.* Application for permits required under this section shall be made to the county sheriff within 90 days of the enacting of the ordinance from which this section is derived on forms provided by the county sheriff. Each application for a permit shall be accompanied by the correct fee. Each permit shall be valid for a period of one year and shall expire on December 31, unless sooner revoked as provided herein. Application for the next ensuing year may be filed with the sheriff beginning 90 days before January 1. The application may be obtained by calling 218-326-3477 or by going into the sheriff's department.~~

~~(d) *Prohibitions*~~

~~No Automatic Voice Dialer shall be connected to a telephone line or via cellular telephone to any city building including the police department or fire department.~~

~~(e) *Fees.*~~

~~(1) *Administration fee.* The administrative fee shall be as established by resolution; thereafter, an annual alarm fee shall be assessed in the amount established by resolution, which shall be payable to the sheriff's department.~~

~~(2) Excessive False Alarm Fee. The Alarm User owner of property upon which an automatic alarm device is located and/or each owner of an automatic alarm device shall pay a fee, as established from time to time by the City Council as noted in the Departmental Fee Schedule for City Services, resolution upon the response of City Public Safety Personnel to a fourth false alarm received from an Alarm System within twelve (12) consecutive calendar months at an Alarm Site. by the fire department and the police department. Continued responses to false alarms by the department will be billed at the rate set forth by resolution.~~

~~(3) Compliance fee. A fee in the amount established by resolution shall be charged to the owner of the property upon which an automatic alarm device is located and/or the owner of an automatic alarm device upon the police or fire departments' first response to an automatic alarm when said owners have not complied with the rules and regulations promulgated by said departments for the administration of this section.~~

~~(4) Fee payment. In the event any fee assessed pursuant to this section is not paid in full within 30 days of billing by the City, the City shall have the discretion, after notice, not to require public safety personnel respond to alarms. county sheriff shall have the discretion to disconnect the alarm, and the fire department and the police department shall have the discretion not to respond to the automatic alarm device owned or operated by the persons responsible for the payment of said fee. The property owner and/or the alarm owner or their agents shall be served with the fee statement by certified mail or by personal service by the fire department or police department in accordance with the Rules of Civil Procedure for the District Courts of the State of Minnesota applicable to the service of a summons in a civil action. The county is hereby empowered to collect all fees set forth by this section by all means allowed by law for collection of a debt.~~

(e) Appeal

The Alarm User that receives a notice of fees due under this ordinance may appeal by filing a written notice with the Chief of Police in the case of a law enforcement primary response or with the Fire Chief in the case of a fire department response. The notice of appeal must be received by the Chief of Police or Fire Chief within 30 days from the date the notice was mailed to the Alarm User by the City Finance Department.

Upon notice from the Alarm User requesting a hearing to discuss the appeal of fees, the Chief will meet with the Alarm User to hear of efforts made to curb false alarms. The Chief may uphold, suspend or waive the fees based upon timely, substantial, significant, continual, progress towards significantly reducing the frequency of Excessive False Alarms. The Chief will notify the Alarm User in writing of his or her findings.

(Ord. No. 04-01-01, ch. 29, 1-26-2004)

Sec. 42-6. - Alarm systems.

(a) Generally.

The police department and fire department respond to a number of false alarms each year. This places a burden upon the time and resources of these public safety agencies. False alarms also create an increased level of risk to the safety of responding public safety personnel and the public. The purpose of this section is to reduce risks and costs by reducing the frequency of false alarms, establish an Excessive False Alarm user fee, and establish a system of administration.

(b) Applicability

This section shall apply to alarms that require a police department or fire department response including but not limited to intrusion/burglary alarms, duress alarms, panic alarms, robbery alarms, smoke alarms, heat alarms, carbon monoxide alarms and water flow alarms, whether or not called in by an alarm monitoring company or are audible at the Alarm Site. This section does not apply to medical alarms, elevator alarms or alarms installed on motor vehicles.

(c) Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alarm means notification of an alarm activation either by an audible sound or a communication from an alarm company to the public safety dispatch center.

Alarm Site means a single fixed commercial or private premises or location served by an alarm system. Each tenancy, if served by a separate Alarm System in a multi-tenant building or complex shall be considered a separate Alarm Site.

Alarm System means any mechanical, electrical or electronic device designed to detect an unauthorized entry or emergency situation on real property which emits sound off the premises or transmits and electronic signal off the premises.

Alarm User means any person, firm, partnership corporation or other entity who uses or is in control of an Alarm Site. In the case of rental property, the renter is considered the Alarm User.

Automatic Voice Dialer means any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded message, when activated, over a telephone line, radio or other communication system to a law enforcement agency.

False Alarm means the activation of any alarm system resulting in notification of the police or fire department, for which responding public safety personnel find no evidence of criminal activity, fire, smoke, carbon monoxide, heat or other threat of emergency of the kind for which the Alarm System was designed to give notice. This does not include alarms caused by severe weather or power failure.

Excessive False alarms means four or more false alarms signaled by any alarm system within a single calendar year.

(d) Prohibitions

No Automatic Voice Dialer shall be connected to a telephone line or via cellular telephone to any city building including the police department or fire department.

(e) Fees.

(2) Excessive False Alarm Fee. The Alarm User shall pay a fee, as established from time to time by the City Council, as noted in the Departmental Fee Schedule for City Services, upon the response of City Public Safety Personnel to a fourth false alarm received from an Alarm System within twelve (12) consecutive calendar months at an Alarm Site.

(4) Fee payment. In the event any fee assessed pursuant to this section is not paid in full within 30 days of billing by the City, the City shall have the discretion, after notice, not to require public safety personnel respond to alarms.

(f) Appeal

The Alarm User that receives a notice of fees due under this ordinance may appeal by filing a written notice with the Chief of Police in the case of a law enforcement primary response or with the Fire Chief in the case of a fire department response. The notice of appeal must be received by the Chief of Police or Fire Chief within 30 days from the date the notice was mailed to the Alarm User by the City Finance Department.

Upon notice from the Alarm User requesting a hearing to discuss the appeal of fees, the Chief will meet with the Alarm User to hear of efforts made to curb false alarms. The Chief may uphold, suspend or waive the fees based upon timely, substantial, significant, continual, progress towards reducing the frequency of Excessive False Alarms. The Chief will notify the Alarm User in writing of his or her findings.

(Ord. No. 04-01-01, ch. 29, 1-26-2004)



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 18-0156 **Version:** 1 **Name:** Snow Ordinance Revision
Type: Agenda Item **Status:** CC Worksession
File created: 3/6/2018 **In control:** City Council Work Session
On agenda: 3/12/2018 **Final action:**
Title: Snow Ordinance Revision
Sponsors:
Indexes:
Code sections:
Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
[Attachment 5](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Snow Ordinance Revision

Background Information:

This winter I received a concern from a retail business that his neighbor's snow pile, on his private property was restricting visibility from his customers leaving the alley onto a public roadway within the city limits. I checked it out and in fact there was a visibility concern, please reference Attachment 1 for pictures. Minnesota State Statute 160.27 and our Municipal Code 58.2 prohibits plowing, blowing or placing snow onto public roadways. Our snow ordinance does not address site line visibility issues caused by private property snow piles, unlike our Grand Rapids Vegetation Code Sec. 74.41; "No tree or part thereof shall obstruct or endanger free passage, proper use or sight line distance of any public street, sidewalk, crosswalk, bridge or public facility." Fortunately the contractor agreed to remove the pile. Other locations that are potential sight line visibility issues are included in Attachment 2.

I discussed the issue with Chief of Police, Scott Johnson and he suggested to amend our ordinance to strengthen our position with enforcement. Scott discussed the issue with City Attorney Chad Sterle and he drafted an amendment to our ordinance. Please reference Attachment 3.

Update on Winter Parking Ordinance:

My position is that the ordinance is very effective and allows us to plow as efficiently as possible. We continue to assist people with their concerns however, the calls to Public Works are almost non-existent. The last call I received was how to sign up for the Itasca County Code Red Alert Program.

Sidewalk Ordinance:

Public Works plows the majority of sidewalks and trails within the city limits. It recognizes when the snow is plowed to the middle of the street, the efficiency of plowing the sidewalks first. The City recognizes its duty to remove snow from sidewalks that is placed there as a result of street plowing. A good example of this is the MNDOT highways. This work will be scheduled when practical and in accordance with the priorities identified in the Snow & Ice Control Policy. Sidewalk snow plowing and ice removal is the responsibility of the adjacent property owner as outlined in the Municipal Code Sec. 58-3, reference Attachment 4. The Snow and Ice Control Policy states that the removal of snow and ice on sidewalks resulting from the natural accumulation is the responsibility of the building owner or person owning land adjacent to which a sidewalk has been constructed for the use of the public. Please reference Attachment 5 for additional sidewalk pictures.

Staff Recommendation:

Discussion item, no action needed at this time.









Sec. 58-3. - Snow or ice removal.

(a) This section applies in all areas of the city except those zoned PU, S-PU, CD, AG and A.

(b) It shall be unlawful for the owners of any building in the business district in front of
Which building or adjacent to which a sidewalk has been constructed for the use of the public,
to allow any accumulation of snow or ice to remain upon the sidewalk after the snow or ice
has ceased to be deposited thereon.

(c)

All snow and ice remaining upon public sidewalks in the business district is declared to constitute a public nuisance, and all persons owning vacant property adjacent to such public walks are required to abate such nuisance or cause the nuisance to be abated within 12 hours after the snow or ice has ceased to be deposited on the sidewalk.

(d)

The public works director may cause to be removed from all such public sidewalks, beginning not less than 12 hours after any snow or ice has ceased to fall, all snow and ice which may be discovered thereon, and he shall keep a record of the cost of removal and the lot or lots adjacent to which such accumulation was found and removed. The right of the director to remove snow and ice from public sidewalks does not, in any manner, place an affirmative duty upon the city to remove snow or ice from public sidewalks.

(e)

The city attorney when so directed by the public works director shall extend the cost of removal of snow or ice as a special tax against the lots or parcels of ground abutting of which walks were cleared, and such special tax shall at the time of certifying taxes to the county auditor be certified for collection as other special taxes are certified and collected.

(f)

The city shall, at the direction of the council, bring suit in any court of competent jurisdiction to recover from the person owning land adjacent to which sidewalks were cleared by the city the cost of such clearing and the cost of suit in a civil action.

Pursuant to the authority of Minn. Stat. 160.2715 (as may be modified from time to time), it shall be unlawful for the owner, tenant, or anyone on their behalf, of any building adjacent to a public roadway to place snow upon property normally used by the public in the course of commerce or transit in such a manner as to obstruct a clear view of traffic or pedestrians when approaching the roadway or sidewalk. If there is such an obstruction created, as determined by either the Police Department or Public Works Department, such obstruction must be immediately removed by the owner or tenant. Failure to comply with Minn. Stat. 160.2715 is a misdemeanor.

(g)

If the council so directs, any person who violates this section shall be prosecuted and if convicted shall be punishable by the penalty provided for violation of this Code.

Sec. 58-3. Snow or ice removal.

(a) This section applies in all areas of the city except those zoned PU, S-PU, CD, AG and A.

(b) It shall be unlawful for the owners of any building in the business district in front of which building or adjacent to which a sidewalk has been constructed for the use of the public, to allow any accumulation of snow or ice to remain upon the sidewalk after the snow or ice has ceased to be deposited thereon.

(c) All snow and ice remaining upon public sidewalks in the business district is declared to constitute a public nuisance, and all persons owning vacant property adjacent to such public walks are required to abate such nuisance or cause the nuisance to be abated within 12 hours after the snow or ice has ceased to be deposited on the sidewalk.

(d) The public works director may cause to be removed from all such public sidewalks, beginning not less than 12 hours after any snow or ice has ceased to fall, all snow and ice which may be discovered thereon, and he shall keep a record of the cost of removal and the lot or lots adjacent to which such accumulation was found and removed. The right of the director to remove snow and ice from public sidewalks does not, in any manner, place an affirmative duty upon the city to remove snow or ice from public sidewalks.

(e) The city attorney when so directed by the public works director shall extend the cost of removal of snow or ice as a special tax against the lots or parcels of ground abutting of which walks were cleared, and such special tax shall at the time of certifying taxes to the county auditor be certified for collection as other special taxes are certified and collected.

(f) The city shall, at the direction of the council, bring suit in any court of competent jurisdiction to recover from the person owning land adjacent to which sidewalks were cleared by the city the cost of such clearing and the cost of suit in a civil action.

(g) If the council so directs, any person who violates this section shall be prosecuted and if convicted shall be punishable by the penalty provided for violation of this Code.
(Code 1978, § 7.02)

State law reference—Authority to compel snow or ice removal from sidewalks and assess cost of removing same again abutting property owner, Minn. Stat. § 412.221, subd. 6.







