



CITY OF CENTERVILLE COUNCIL
MEETING AGENDA

Wednesday, February 22, 2012
6:30 p.m. or shortly thereafter

OPEN FORUM 6:30 p.m.: An opportunity for members of the public to address the City Council on items not on the current agenda. Items requiring Council action may be deferred to staff or Boards and Commissions for research and future Council Agendas if appropriate. You will be limited to two (2) minutes and we ask that you conduct yourself in a professional, courteous manner, and refrain from the use of profanity. Failure to abide by this policy may result in the loss of your privilege to speak. Persons wishing to speak will be required to complete a sign-up sheet and give it to the Mayor or a Staff person by 6:15 p.m.

COUNCIL MEETING

I. CALL TO ORDER

- 1. Roll Call**

II. PUBLIC HEARING(S)

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

- 1. February 8, 2012 City Council Meeting Minutes (Pages 1-6)**

V. CONSENT AGENDA

- 1. City of Centerville February 9, 2012 through February 22, 2012 Claims (Check #27053-27073) W/Voided Check #27052 (Pages 7-8)**
- 2. Centennial Lakes Police Department Claims through February 9, 2012 (Check #8818-8803) w/Check #8789 Voided (Page 9)**

VI. AWARDS/PRESENTATIONS/APPEARANCES

VII. OLD BUSINESS

- 1. OnLine Ticket Education System (Update)**

VIII. NEW BUSINESS

- 1. Res. #12-0XX – Resolution Approving OnLine Ticket Education System (Pages 10-13)**
- 2. Request for Letter of Credit Reduction – Mr. Rick Carlson (Hunters Crossing 3rd Addition) (Pages 14-17)**
- 3. Res. #12-0XX – Authorizing the Centennial Fire District Chief to Explore Legislative Changes to Allow for Local Controls of Determination of Provision on Local Ambulance Services (Pages 18-19)**
- 4. Ord. #XX, Second Series – Amending City Code, Chapter 51, Adding Regulations for Illicit Storm Water Discharge & Detection (Pages 20-28)**

IX. ANNOUNCEMENTS/UPDATES

- 1. City Administrator Larson**
 - a. Trail Project**
 - b. North Metro Television Annual Report & Franchise Fees ~ \$9,595.46**

X. ADJOURNMENT

****REMINDERS****

Planning & Zoning Commission Meeting – March 6, 2012, 5:30 p.m. Council Chambers –
Public Hearing, Chapter 156

City Hall Closed in Observance of President's Day – February 20, 2012

Parks & Recreation Committee Meeting – March 7, 2012, 6:30 p.m. Council Chambers

City Council Meeting – March 14, 2012, 6:30 p.m. Council Chambers

Board of Appeal & Equalization – April 11, 2012, 6:30 p.m. Council Chambers

City Council Meeting – March 28, 2012, 6:30 p.m. Council Chambers

**CITY OF CENTERVILLE
CITY COUNCIL MEETING
February 8, 2012
6:30 p.m.**

Pursuant to due call and notice thereof, the City of Centerville held their regularly scheduled meeting of February 8, 2012, at City Hall, 1880 Main Street.

PRESENT: Mayor Tom Wilharber
Council Member Ben Fehrenbacher
Council Member Steve King
Council Member D. Love
Council Member Jeff Paar

Not Approved

ABSENT: None

STAFF: City Administrator Dallas Larson
City Attorney Kurt Glaser
City Engineer Mark Statz

I. CALL TO ORDER

Mayor Wilharber called the meeting to order at 6:30 p.m.

II. PUBLIC HEARING(S)

None

III. APPROVAL OF AGENDA

The Mayor reviewed the Set Agenda with Council.
(Check #27028-27047) W/Voided Checks #26925 & 26927 & (Check #27048-27051)
W/Voided Check #27029 - Page 6a) and addition of pages 49a-49d under Old Business,
Request for Proposals.

Motion by Council Member Paar, seconded by Council Member Love, to approve the Agenda as presented. All in favor. Motion carried unanimously.

IV. APPROVAL OF MINUTES

1. January 25, 2012 City Council Meeting Minutes

The Mayor requested that a correction be made on Page 3 regarding the attendance of the Rush Line Corridor meeting and that clarification that he and Council Member

Fehrenbacher different meetings where I-35E work had come up for discussion.. At both meetings, discussions were had regarding the proposed MnPass and Park and Ride projects.

Motion by Council Member Fehrenbacher, seconded by Council Member King, to approve the January 25, 2012 City Council Meeting Minutes with the above stated corrections. All in favor. Motion carried unanimously.

V. CONSENT AGENDA

1. City of Centerville January 26, 2012 through February 8, 2012 Claims (Check #27028-27047) W/Voided Checks #26925 & 26927 & (Check #27048-27051) W/Voided Check #27029
2. Centennial Fire District Claims through February 2, 2012 (Check #5164-5170 Payroll & Check #5171-5201) W/Voided Check #4615
3. Centennial Lakes Police Department Claims through January 26, 2012 (Check #8782-8803) W/Voided Check #8737
4. Insurance Liability Coverage Waiver Form & The City's Desire Not to Waive Monetary Limits on Municipal Tort Liability.

Council Member King requested that Item #4 be removed for further discussion.

Motion by Council Member Fehrenbacher, seconded by Council Member Love, to approve the Consent Agenda Items #1-3 as presented. All in favor. Motion carried unanimously.

Council Member King requested additional information regarding this item and clarification.

Administrator Larson explained that Minnesota Statutes provides maximum liability protections to cities. The City has the option to waive the statutory limits which would then increase the limit to the insurance threshold of \$1,500,000 per occurrence. The city normally does not waive the statutory limits.

Motion by Council Member Paar, seconded by Council Member Love, to approve Consent #4 as presented. All in favor. Motion carried unanimously.

VI. AWARDS/PRESENTATIONS/APPEARANCES

1. Ms. Debra Barnes, The Citizen Editor – “Requester Campaign”

Managing Editor Ms. Barnes stated that a post card was placed in the most recent edition of the Citizen. Ms. Barnes explained that the “Requester Campaign” is being initiated by

the Citizen to attempt to provide mailing of the newspaper more economically. Ms. Barnes also explained that individuals that desire to continue to receive the Citizen via mail service may complete the post card and return via mail or complete the same document on-line at their web site. Ms. Barnes explained that the post cards will be placed in their next issue also.

Mayor Wilharber complemented the Citizen for accurately reporting news and requested that residents complete and return the card.

VII. OLD BUSINESS

1. Centerville Lions Equipment Lease Agreement – Concession Trailer

Administrator Larson reported that the previous meeting's requested modifications were included in the presented agreement.

Motion by Council Member Love, seconded by Council Member Paar, to approve the Centerville Lions Equipment Lease Agreement – Concession Trailer as presented. Wilharber abstained due to being Treasurer of Club. Motion carried.

2. Request for Proposals – Surface Water Management Plan Update

- a. Stantec
- b. WSB

Administrator Larson stated that upon Council's direction, Administrator Larson forwarded three requests to firms that are currently completing work within the Rice Creek Watershed District and two responded. Staff's recommendation would be the lowest bidder, Stantec.

Motion by Council Member Fehrenbacher, seconded by Council Member Love, to approve Stantec's proposal to complete the required Surface Water Management Plan per the submitted proposal. All in favor. Motion carried unanimously.

VIII. NEW BUSINESS

1. Approving Building Inspection Services Agreement w/City of Lexington

Administrator Larson stated that five (5) cities, (Centerville, Circle Pines, Columbus, Lexington and Lino Lakes) have been collaborating to provide services more efficiently and economically. Through that process, the City of Lexington has expressed interest in working jointly with the City of Centerville to provide building inspection services. Administrator Larson briefly reviewed the agreement with Council and reported that the City of Lexington had not approved the agreement at this time; however, staff requested

that Council approve it. Administrator Larson stated that he and Mr. Palzer believe that providing this service would be a good cooperative measure, although revenue is minimal, it will not harm or delay any services provide to Centerville residents. Attorney Glaser stated that Lexington has very minimal buildable land so that most of the inspector's time would be for property/building code enforcement and remodeling, deck, etc. permits. Administrator Larson stated if Lexington desired modifications to the presented agreement, those modifications would be brought back to Council for consideration.

Motion by Council Member King, seconded by Council Member Paar, to approve the Building Inspection Services Agreement w/City of Lexington subject to their approval as presented. All in favor. Motion carried unanimously.

2. Approve Participation in Joint Grant – RCWD (Salt Brine System)

Administrator Larson again discussed the five (5) City collaboration and discussions regarding roadway deicing and environmental concerns. One component being considered by all of the other cities is using salt-brine as an anti-icing measure. An outcome would be to use the minimal amount of chemicals while still providing safe streets. Administrator Larson stated that the group felt that submitting a joint application for a grant to Rice Creek Watersheed District would benefit all communities, bringing larger attention to the project(s) and gain more potential for approval.

Lengthy discussion ensued regarding the benefits, current equipment, additional equipment, neighboring communities' desire to participate in the program and their needs for equipment purchases. Discussion also ensued regarding effectiveness of the brine solution, ease of use and cost savings compared to rock salt.

Administrator Larson stated that it was the desire of Staff to purchase a larger storage tank for the solution and training for the most proficient mixture and application of the brine solution. Administrator Larson stated that studies in other locations have shown that the application of the brine solution reduces costs by 30% versus rock salt.

Motion by Council Member Fehrenbacher, seconded by Council Member Love, to approve the Participation in the Joint Grant – RCWD in regards to the Salt Brine System Utilized to Deliver Winter Safe Road Way Passage as presented. All in favor. Motion carried unanimously.

IX. ANNOUNCEMENTS/UPDATES

1. City Administrator

Administrator Larson reported that the Police Governing Board will be meeting next week and intends on recommending the implementation of the on-line ticket education program to the three (3) member cities.

Administrator Larson reported that Anoka County had removed the entrance monuments to the Lakeland Hills Development when they widened CSAH14/Main Street and are now agreeing to pay for the reconstruction of them if the City is willing to assume the responsibility of a homeowner association.

Discussion ensued regarding placement within the road right-of-way, City Code restrictions, alternate available placements, public safety and maintenance. No decisions were made.

Administrator Larson reported that the engineer from the City of Lino Lakes had submitted cost estimates to the two (2) affected property owners and they have agreed to the assessments associated with the 21st Avenue Park & Ride and associated municipal improvements (water and sewer extensions). Administrator Larson stated that assessment agreements will be drafted along with a Joint Powers Agreement between the cities for the project to follow. These should come before the Council in the next month or two.

Administrator Larson also reported that they City had received the funding from CenterPoint Energy to reimburse the City for the Shovel Ready program entrance fee.

Administrator Larson requested Council's direction regarding the commercial survey that had been previously discussed and reported that the list is up to date; however, no further information was given as to procedures for going forward. Administrator Larson stated that maybe a Work Session following a regular Council meeting should be organized to discuss this. Also, it was suggested to meet with the Beard Group regarding the status of the Downtown Redevelopment Project. Council also stated that a Joint session with Committee's was also needed. Staff was directed to organize a Work Session and report back.

Mayor Wilharber stated that the Rice Creek Watershed District was again looking for an appointment to their Citizen Advisory Committee and if any resident was interested to visit their web site for an application.

Legal Counsel reported that the Centennial Lakes Police Department has been trained on the e-Charging system.

Council Member King reported that the Parks Committee would be holding their Winter Family Fun Night at Laurie LaMotte Park on Saturday and the Committee is continuing

to discuss trail signage. Council Member King also thanked those who attended the recent caucuses.

Mayor Wilharber thanked Staff for their continued efforts in collaborating with neighboring communities which has proven to be successful in the potential for the salt brine project, building inspections and secretarial services.

Council Member Love reported that he attending the most recent Fire Steering meeting and stated that Chief Streich has proposed to have duty crews of three (3) firefighters work daily shifts due to most firefighters participating in daytime employment and away from their local station. Council Member Love also stated that the Department would like to provide ambulance service in the future, since the Fire Department usually arrives prior to an ambulance, transporting the patient would be a logical next step. The Legislature would need to approve local authority to make this decision. A resolution for preliminary Council support would be forthcoming. Mayor Wilharber stated that Chief Streich would be attending an upcoming meeting to review this and the staffing situation of the Department.

Council Member Love reported that the Planning and Zoning Commission scheduled a public hearing for their next meeting to obtain public input regarding Code modification to the Commercial district relating to conditional uses.

X. ADJOURNMENT

Motion by Council Member Paar, seconded by Council Member King, to adjourn the City Council Meeting of February 8, 2012 at 7:26 p.m.. All in favor. Motion carried unanimously.

Transcribed by Staff Member, Teresa Bender, City Clerk

Check Detail – February 22, 2012

Check Date	Check #	Vender Name	Comments	Amount
2/17/2012	000260E	MINNESOTA DEPT OF REVENUE	PAY PERIOD 4 STATE PAYROLL TAXES	\$1,016.72
Check Nbr 000260 MINNESOTA DEPT OF REVENUE				\$1,016.72
2/17/2012	000261E	IRS/EFTPS	PAY PERIOD 4 - FED W/H	\$2,542.97
2/17/2012	000261E	IRS/EFTPS	PAY PERIOD 4 - FICA W/H	\$2,715.44
Check Nbr 000261 IRS/EFTPS				\$5,258.41
2/17/2012	000262E	WELLS FARGO	H.S.A. PAYABLE - PAY PERIOD 4	\$1,327.08
Check Nbr 000262 WELLS FARGO				\$1,327.08
2/17/2012	000263E	PERA	PERA W/H PAY PERIOD 4	\$2,776.41
Check Nbr 000263 PERA				\$2,776.41
2/7/2012	000264E	REV - TRAK - MERIDIAN BANK	CONVENIENCE FEES	\$15.34
Check Nbr 000264 REV - TRAK - MERIDIAN BANK				\$15.34
2/22/2012	027053	AMERICAN FLAGPOLE & FLAG CO.	FLAG POLE PARTS	\$54.22
Check Nbr 027053 AMERICAN FLAGPOLE & FLAG CO.				\$54.22
2/22/2012	027054	ANOKA COUNTY PROPERTY RECORDS	TRUTH IN TAXATION	\$393.98
2/22/2012	027054	ANOKA COUNTY PROPERTY RECORDS	TIF	\$526.06
2/22/2012	027054	ANOKA COUNTY PROPERTY RECORDS	SPECIAL ASSESSMENTS	\$1,559.95
Check Nbr 027054 ANOKA COUNTY PROPERTY RECORDS				\$2,479.99
2/22/2012	027055	ANOKA COUNTY TREASURY DEPT.	ANNUAL RENEWAL OF GIS DATABASE LICENSE AGREEMENT	\$250.00
Check Nbr 027055 ANOKA COUNTY TREASURY DEPT.				\$250.00
2/22/2012	027056	CENTENNIAL LAKES POLICE DEPT	POLICE SERVICES -FEB. 2012 - SHORTAGE	\$50.00
Check Nbr 027056 CENTENNIAL LAKES POLICE DEPT				\$50.00
2/22/2012	027057	CENTERMART	FUEL	\$191.27
Check Nbr 027057 CENTERMART				\$191.27
2/22/2012	027058	DELTA DENTAL	COBRA	-\$29.20
2/22/2012	027058	DELTA DENTAL	MARCH 2012 DENTAL INS.	\$431.15
Check Nbr 027058 DELTA DENTAL				\$401.95
2/22/2012	027059	HD SUPPLY WATERWORKS LTD	3/4" REGISTER - METER PARTS	\$246.56
2/22/2012	027059	HD SUPPLY WATERWORKS LTD	WATER METERS & PARTS	\$1,427.13
Check Nbr 027059 HD SUPPLY WATERWORKS LTD				\$1,673.69
2/22/2012	027060	HEALTH PARTNERS	MARCH 2012 HEALTH INS.	\$4,750.00
2/22/2012	027060	HEALTH PARTNERS	MARCH 2012 HEALTH INS. - CREDIT - A. ANDERSON	-\$360.18
Check Nbr 027060 HEALTH PARTNERS				\$4,389.82
2/22/2012	027061	INSTRUMENTAL RESEARCH INC	JAN. 2012 WATER TEST	\$38.00
Check Nbr 027061 INSTRUMENTAL RESEARCH INC				\$38.00
2/22/2012	027062	INTERNATIONAL UNION OF OPERATI	UNION DUES FOR MARCH 2012	\$96.00
Check Nbr 027062 INTERNATIONAL UNION OF OPERATI				\$96.00
2/22/2012	027063	JEZIORSKI, MIKE	MILEAGE REIMBURSEMENT	\$35.85
Check Nbr 027063 JEZIORSKI, MIKE				\$35.85
2/22/2012	027064	KILLMER ELECTRIC	SERVICE CABINET HIT(DAMAGED), REPAIRED ON SITE	\$721.93
Check Nbr 027064 KILLMER ELECTRIC				\$721.93

Check Detail – February 22, 2012

Check Date	Check #	Vender Name	Comments	Amount
2/22/2012	027065	KONICA MINOLTA BUSINESS SOLUTI	SERV. CONTRACT FOR COPIER AT CITY HALL	\$348.42
Check Nbr 027065 KONICA MINOLTA BUSINESS SOLUTI				\$348.42
2/22/2012	027066	LEAGUE OF MN CITIES INS TRUST	WORKER'S COMP INSURANCE THRU 3-13-13	\$1,870.20
2/22/2012	027066	LEAGUE OF MN CITIES INS TRUST	WORKER'S COMP INSURANCE THRU 3-13-13	\$60.14
2/22/2012	027066	LEAGUE OF MN CITIES INS TRUST	WORKER'S COMP INSURANCE THRU 3-13-13	\$54.55
2/22/2012	027066	LEAGUE OF MN CITIES INS TRUST	WORKER'S COMP INSURANCE THRU 3-13-13	\$323.87
2/22/2012	027066	LEAGUE OF MN CITIES INS TRUST	WORKER'S COMP INSURANCE THRU 3-13-13	\$255.14
2/22/2012	027066	LEAGUE OF MN CITIES INS TRUST	WORKER'S COMP INSURANCE THRU 3-13-13	\$6,321.91
2/22/2012	027066	LEAGUE OF MN CITIES INS TRUST	WORKER'S COMP INSURANCE THRU 3-13-13	\$107.38
2/22/2012	027066	LEAGUE OF MN CITIES INS TRUST	WORKER'S COMP INSURANCE THRU 3-13-13	\$842.75
2/22/2012	027066	LEAGUE OF MN CITIES INS TRUST	WORKER'S COMP INSURANCE THRU 3-13-13	\$1,358.19
2/22/2012	027066	LEAGUE OF MN CITIES INS TRUST	WORKER'S COMP INSURANCE THRU 3-13-13	\$2,659.69
2/22/2012	027066	LEAGUE OF MN CITIES INS TRUST	WORKER'S COMP INSURANCE THRU 3-13-13	\$1,450.97
2/22/2012	027066	LEAGUE OF MN CITIES INS TRUST	WORKER'S COMP INSURANCE THRU 3-13-13	\$38.66
2/22/2012	027066	LEAGUE OF MN CITIES INS TRUST	WORKER'S COMP INSURANCE THRU 3-13-13	\$54.55
Check Nbr 027066 LEAGUE OF MN CITIES INS TRUST				\$15,398.00
2/22/2012	027067	MAMA	2012 MEMBERSHIP DUES FOR MAMA	\$45.00
Check Nbr 027067 MAMA (Metropolitan Area Management Association)				\$45.00
2/22/2012	027068	MET. COUNCIL ENV. SERV. (SDS)	WASTE WATER SERVICE THRU MARCH 2012	\$15,769.71
Check Nbr 027068 MET. COUNCIL ENV. SERV. (SDS)				\$15,769.71
2/22/2012	027069	NATIONWIDE RETIREMENT SOLUTION	DEF COMP - PAY PERIOD 04	\$160.00
Check Nbr 027069 NATIONWIDE RETIREMENT SOLUTION				\$160.00
2/22/2012	027070	PALZER, PAUL	MILEAGE REIMBURSMENT FOR SALT SEMINAR IN CHASKA	\$50.51
Check Nbr 027070 PALZER, PAUL				\$50.51
2/22/2012	027071	UNIQUE PAVING MATERIALS	BULK WINTER MIX - ASPHALT	\$172.28
Check Nbr 027071 UNIQUE PAVING MATERIALS				\$172.28
2/22/2012	027072	VERIZION WIRELESS	CELL PHONE - SERV THRU 02-09-12	\$46.56
2/22/2012	027072	VERIZION WIRELESS	CELL PHONE - SERV THRU 02-09-12	\$46.57
2/22/2012	027072	VERIZION WIRELESS	CELL PHONE - SERV THRU 02-09-12	\$46.57
2/22/2012	027072	VERIZION WIRELESS	CELL PHONE - SERV THRU 02-09-12	\$93.13
2/22/2012	027072	VERIZION WIRELESS	CELL PHONE - SERV THRU 02-09-12	\$46.56
Check Nbr 027072 VERIZION WIRELESS				\$279.39
2/22/2012	027073	XCEL ENERGY	7098 CENTERVILLE RD - SERV THRU 2-6-12	\$10.19
2/22/2012	027073	XCEL ENERGY	1601 LAMOTTE DR - SERV THRU 2-6-12	\$30.96
2/22/2012	027073	XCEL ENERGY	STREET LIGHTS - SERV THRU 2-6-12	\$2,240.03
2/22/2012	027073	XCEL ENERGY	1875 FOX FUN - PUMP - SERV THRU 2-6-12	\$153.89
2/22/2012	027073	XCEL ENERGY	1600 LAMOTTE DR - WARMING HOUSE - SERV THRU 2-6-12	\$23.54
2/22/2012	027073	XCEL ENERGY	7300 MILL RD - SERV THRU 2-6-12	\$135.15
2/22/2012	027073	XCEL ENERGY	1889 CENTER ST - SEWER LIFT - SERV THRU 2-6-12	\$19.15
2/22/2012	027073	XCEL ENERGY	1600 LAMOTTE DR - BALLFIELD LIGHTS - SERV THRU 2-6-12	\$10.17
2/22/2012	027073	XCEL ENERGY	6970 LAMOTTE DR - SERV THRU 2-6-12	\$287.00
2/22/2012	027073	XCEL ENERGY	7285 MAIN ST - SERV THRU 2-6-12	\$57.85
Check Nbr 027073 XCEL ENERGY				\$2,967.93
Total Checks				\$55,967.92

Report Criteria:
 Report type: Summary

GL Period	Check Issue Date	Ck No	Payee	Description	Check Amount
02/12	02/09/2012	8789	DEPUTY REGISTRAR #150	LICENSE RENEWAL 2011 TAURUS	12.75- V
02/12	02/09/2012	8804	BCA CRIMINAL JUSTICE TRAINING &	FALL 2011 TRAINING	680.00
02/12	02/09/2012	8805	CIRCLE PLUMBING, INC	BLDG PLMG MTC	540.00
02/12	02/09/2012	8806	CITY CENTER HOTEL	LODGING KC	154.52
02/12	02/09/2012	8807	COVERALL OF TWIN CITIES, INC	FEB CLEANING SERVICE	798.08
02/12	02/09/2012	8808	DELTA DENTAL	MARCH DENTAL NEW RATES	1,336.05
02/12	02/09/2012	8809	DEPUTY REGISTRAR #150	LICENSE RENEWAL 2011 TAURUS	6.50
02/12	02/09/2012	8810	DON'S CIRCLE SERVICE, INC	DEC VEH REPAIR	1,132.37
02/12	02/09/2012	8811	FRATTALLONES HARDWARE, INC.	EQUIP MTC	34.69
02/12	02/09/2012	8812	IMAGE PRINTING & GRAPHICS, INC	BUSINESS CARDS	139.62
02/12	02/09/2012	8813	MICHELLE LAKSO	CERT HOURS	1,617.00
02/12	02/09/2012	8814	PETERSON COMPANIES, INC	FEB SNOW MTC	949.17
02/12	02/09/2012	8815	SHRED-N-GO, INC	SHREDDING SERVICE	66.00
02/12	02/09/2012	8816	PAUL H STEFFEL	INS AGENT OF RECORD	1,200.00
02/12	02/09/2012	8817	TELECIDE PRODUCTIONS, INC	COMPUTER MTC/SUPPORT	375.00
02/12	02/09/2012	8818	UNIFORMS UNLIMITED, INC	UNIFORMS	1,632.71
Grand Totals:					<u>10,648.96</u>

M = Manual Check, V = Void Check

A RESOLUTION APPROVING AN ONLINE TICKET EDUCATION SYSTEM

WHEREAS, the City of Centerville participates in a Joint Powers Agreement with the cities of Circle Pines and Lexington which created the Centennial Lakes Police Department; and

WHEREAS, the Centennial Lakes Police Department uses education as a means to promote public safety; and

WHEREAS, the Department would like to use emerging technology to educate offenders on an individual basis; and

WHEREAS, the prosecutor for the cities of Centerville and Lexington has developed and tested an on-line ticket education system through his subsidiary, Municipal Legal Services to provide public safety education to offenders on an individualized basis; and

WHEREAS, the Governing Board of Centennial Lakes Police Department supports implementing the alternative ticket education system, subject to policies and procedures that are attached hereto as Exhibit A.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY of CENTERVILLE, MINNESOTA, as follows:

1. The Council hereby approves implementing the ticket education system as proposed by the Centennial Lakes Police Department Governing Board.
2. The Council hereby approves the policies attached hereto as Exhibit A.
3. The Council hereby authorizes the Governing Board to enter into an agreement with Municipal Legal Services for operation of the ticket education system, subject to the approval of the City administrator and City Attorney.
4. The Governing Board shall analyze the results of the program in twelve months and shall report the results to the City Council including any recommendations for changes that might be needed to the program.

Adopted by the City Council this ____ day of _____, 2011.

Tom Wilharber, Mayor

Attest: _____

Teresa Bender, City Clerk

EXHIBIT A

PROGRAM POLICIES AND USER AGREEMENT

PLEASE READ VERY CAREFULLY THESE PROGRAM POLICIES AND THE USER AGREEMENT BEFORE APPLYING FOR THIS PROGRAM. PARTICIPATION IN THE TICKET EDUCATION PROGRAM OR VIOLATIONS BUREAU ("PROGRAM") INDICATES THAT YOU ACCEPT THESE TERMS AND CONDITIONS. IF YOU DO NOT ACCEPT THESE TERMS AND CONDITIONS, PLEASE DO NOT APPLY FOR OR PARTICIPATE IN THESE PROGRAMS.

Program Policies

- 1) The following offenses are eligible for use under the Program: All statutory petty misdemeanor offenses from the Statewide Payables List authored by Minnesota State Court Administration (for example, Speeding Tickets), and violations of municipal ordinances from Cities served by Municipal Legal Services ("MLS") (for example, Junk Vehicle violations).
- 2) A person may only use the Ticket Payment Program once in a twelve month period.
- 3) The Program shall cost no more than the amount of a fine payment for a comparable offense.
- 4) The cost of the Program is broken into two elements: a fee for each offense appearing on the citation plus a single fee to participate in the Program. These fees are set forth in the Fee Schedule adopted by the participating Cities, and this document is available at <http://www.payyourticket.org/programcosts.html>.
- 5) Payment of the offense fee(s) and the program fee are due in full before the educational component will be provided to the offender.
- 6) The Program may not impose fees which exceed the maximum statutory fine for the offenses charged by the citation issued to the offender.
- 7) The Program may not impose any condition which could not otherwise be imposed as a condition of court-ordered probation.
- 8) Completion of the Program is based on the achievement of an objective (i.e. education or other stated goal).
- 9) The Program must be completed prior to the defendant's arraignment.
- 10) The prosecutor may not request the court to reschedule a defendant's arraignment for the purpose of allowing them to complete the requirements of a ticket payment program. However, a defendant may request rescheduling of their arraignment pursuant to District Court policy.
- 11) The prosecutor may not 'continue' a charge as a condition of the Program. The decision to dismiss a case lies within the prosecutor's discretion. There is no suspension of prosecution.
- 12) Where appropriate, the prosecutor will make every reasonable effort to notify and seek input from any victim before employing the Program for certain offenses.

- 13) Offenses involving accidents, endangerment, or committed by persons with Commercial drivers licenses are not eligible for this Program.
- 14) These policies are subject to change without notice.

User Agreement With Offender

1. Introduction. This agreement ("Agreement") between you and Municipal Legal Services ("MLS") consists of the Ticket Education Program or the Municipal Violations Bureau ("Program") policies and this User Agreement. A description of the Program is available at the Education Program Info URL located at <http://www.payyourticket.org/programinfo.html> or other such URL as MLS may provide from time to time. "You" means any entity identified in the application form submitted by the same or affiliated person, or agent acting on your behalf, which shall also be bound by the terms of this Agreement.
2. Purpose. The mission of MLS is to provide relevant public safety education or objectives to offenders through an automated web application allowing offenses to remain unreported from a driving record. To achieve our mission, we make services available online and on your mobile phone to help educate you regarding traffic safety or the laws of Minnesota.
3. Scope and Intent. You agree that by applying for this Program you are entering into a legally binding agreement with MLS. Only persons 18 years old or older may participate in the Programs provided by MLS. Any participant 17 years of age or younger must obtain permission from their parent or legal guardian before participating in this Program, and other requirements or exclusions may apply.
4. Program Participation. Participation in this Program is subject to MLS's approval and your continued compliance with the Program policies and requirements. MLS reserves the right to refuse participation to any applicant or participant at any time and that decision is within its sole discretion. The Program's fees and costs are set in a Fee Schedule adopted by the participating Cities, and this schedule may be revised by them at any time and without notice.
5. Parties Responsibilities. You are required to complete all of the program requirements, including but not limited to paying the fees, completing the educational seminar and testing, or meeting specific objectives. MLS shall dismiss the citation prior to your court date once the requirements are complete.
6. Termination; Cancellation. No refunds will be given after the fees have been paid. You must complete the program requirements otherwise you forfeit the fees you have paid.
7. Program Requirements. You understand and agree that the Program features may vary. Use of the Program depends on the offense(s) cited by law enforcement. You understand and agree that successful completion of this Program requires compliance with the terms and conditions set forth in the Program Policies.

8. Tennessee Warning. MLS will use the information provided on an application to determine if you meet the qualifications for the Program. You are not legally required to provide any of the requested information. Failure to provide information, however, will result in the denial of your application. Submitting false information is grounds for denying your application. All data submitted on the application, including your name and address, are considered public data. Certain information on your application may be provided to the State of Minnesota, Anoka County District Court, Department of Public Safety, any police department or city which utilizes this Program, or other governmental agencies as required.
9. Consent to Use of Data. You agree that MLS may collect and use biographical information, including but not limited to your address and city of offense that is gathered periodically to facilitate the Program and other services to other communities. MLS may use this data to improve its products or services as long as it is in a form that does not personally identify you.
10. Indemnification. You indemnify us and hold us harmless for all damages, losses and costs (including, but not limited to, reasonable attorneys' fees and costs) related to all third party claims, charges, and investigations, caused by (1) your failure to comply with this Agreement, including, without limitation, your submission of content that violates third party rights or applicable laws, (2) any content you submit to the Services, and (3) any activity in which you engage on or through MLS.

MEMORANDUM

To: Mayor & City Council
From: Dallas Larson, City Administrator, and Kurt Glaser, City Attorney
Date: February 16, 2012
RE: Richard Carlson/Hunters Crossing III – modification of financial security requirements of development agreement with City

Recommendation:

Staff recommends granting Mr. Carlson's request to release some of its financial security as required by the development agreement with the City, and that the Council enter into the attached Agreement. The specific recommendation is contained later in this memo.

Discussion:

Given the effect of the economic downturn on housing construction within the City, it is in the City's best interests to assist Developers where possible. The Carlson request to modify the financial security requirements of the development agreement is a good example where the City can make reasonable accommodations to help reduce the carrying cost of undeveloped properties. The economy has greatly increased the amount of time undeveloped will remain on the market – and this increases costs to developers. This increased time on the market can also lead to problems for the City.

As properties remain vacant or undeveloped, irresponsible developers may not maintain their property. Properties sold by the developer to 'investment' buyers still present the same potential problems once construction finally begins. Accordingly, any change to a developer's financial security requirements cannot increase the financial risk to the City. In the Carlson request, Staff considered several factors before reaching its conclusion that some lower amount of financial security would be appropriate in this case. This conclusion is not universal for all developers who may seek a similar reduction. The principals considered in this case could be used as a general guide in the future if other developers seek relief from the City. Those principals where:

- Of the forty-four lots originally part of this development, twenty-seven remain undeveloped and owned by the Developer.
- Several of the lots that were sold are being developed by builders where security to assure proper lot maintenance is placed with the city at the same time as building permit fees are paid.
- The developer has five lot sales pending.
- By entering into the attached Agreement, there is low risk to the City for partial release of developer's security because covenants connected to each lot sold to an investment owner allow the City to enforce the development agreement or Code violations against them and/or the developer.
- In the event of the failure of the developer to maintain the property, the city has the option of specially assessing the costs incurred.
- The developer has quickly resolved all maintenance issues that have been brought to his attention by the city.
- The developer has no history of Code violations or violations of the development agreement.
- The calculation of required security takes into account past developer performance and the relative risk that the city might incur costs associated with the remaining lot development, as well as the total dollar amount of security relative to the remaining responsibility of the developer under the terms of the agreement.

RECOMMENDATION: Staff recommends a modest decrease in the letter of credit at this time, from \$300,000 down to \$250,000. Upon completion of pending lot sales such that not more than one-half of the development lots remain (22 of the original 44 lots), staff recommends reducing the amount of the financial security to \$194,000, upon proof of payment of special assessments on the pending sales.

LETTER OF CREDIT-CARLSON

Cost of Private Improvements, description:		Unit Cost	
		Number of Lots Remaining	26
a.	Lot access - gravel & silt fencing <u>44</u> Lots @ <u>\$500.00</u> each	500	\$ 13,000.00
b.	Street name signs approximately <u>2</u> @ <u>\$250.00</u> each	Complete	
c.	Traffic signs, stop signs, etc. approximately <u>3</u> @ <u>\$250.00</u> each	Complete	
d.	Trail markers approximately <u>1</u> @ <u>\$150.00</u> each	Complete	
e.	Street sweeping <u>10</u> each @ <u>\$250.00</u> each	2500	\$ 2,500.00
f.	Signage and barricades <u>1</u> @ <u>\$250.00</u> each	Complete	
g.	Flushing of storm sewers, once per year until all lots are built upon	1000	\$ 1,000.00
h.	Snowplow service of streets approximately <u>20</u> @ <u>\$100.00</u>	2000	\$ 2,000.00
i.	Shade trees (balled and burlapped) <u>2</u> per lot or <u>4</u> per corner lot (94 Total) at <u>\$225.00</u> per tree	450	\$ 11,700.00
j.	Final Grade/Sod/Curbstop @ <u>\$3,500.00</u> per lot	1500	\$ 39,000.00
	Subtotal		\$ 69,200.00
	Guarantee of Special Assments(3 yrs Installments) \$2293.29/lot per year through 2013	6879.87	\$ 178,876.62
	Total Requirement		\$ 248,076.62
	Letter of Credit Amount		\$250,000

LETTER OF CREDIT-CARLSON

Cost of Private Improvements, description:	Unit Cost	Unit Cost Reduced
Number of Lots Remaining		<u>22</u>
a. Lot access - gravel & silt fencing 44 Lots @ \$500.00 each	500	250 \$ 5,500.00
b. Street name signs approximately 2 @ \$250.00 each	Complete	
c. Traffic signs, stop signs, etc. approximately 3 @ \$250.00 each	Complete	
d. Trail markers approximately 1 @ \$150.00 each	Complete	
e. Street sweeping 10 each @ \$250.00 each	2500	\$ 2,500.00
f. Signage and barricades 1 @ \$250.00 each	Complete	
g. Flushing of storm sewers, once per year until all lots are built upon	1000	\$ 1,000.00
h. Snowplow service of streets approximately 20 @ \$100.00	2000	\$ 2,000.00
i. Shade trees (balled and burlapped) 2 per lot or 4 per corner lot (94 Total) at \$225.00 per tree	450	\$ 9,900.00
j. Final Grade/Sod/Curbstop @ \$3,500.00 per lot	1500	1000 \$ 22,000.00
Subtotal		<u>\$ 42,900.00</u>
Guarantee of Special Assments(3 yrs Installments) \$2293.29/lot per year through 2013	6879.87	\$ 151,357.14
Total Requirement		<u>\$ 194,257.14</u>
Letter of Credit Amount		\$194,000

RESOLUTION NO. 12-0__

**STATE OF MINNESOTA
COUNTY OF ANOKA
CITY OF CENTERVILLE**

**A RESOLUTION AUTHORIZING THE CENTENNIAL FIRE DISTRICT CHIEF TO
EXPLORE LEGISLATIVE CHANGES TO ALLOW FOR LOCAL CONTROL OF
DETERMINATION OF PROVISION ON LOCAL AMBULANCE SERVICES**

WHEREAS, the City of Centerville participates in a joint powers agreement with the cities of Lino Lakes and Circle Pines that created Centennial Fire District to provide emergency fire and first response medical service, and

WHEREAS, the Centennial Fire District has provided medical services to the residents of its member communities since 1985; and

WHEREAS, the Centennial Fire District is recognized for a high level of medical services providing at a minimum an EMT level response to all medical calls; and

WHEREAS, the Centennial Fire District responds to over 680 medical calls a year; and

WHEREAS, the Centennial Fire District is typically at the scene before an ambulance provider; and

WHEREAS, the Centennial Fire District has assessed its capabilities and believes it could provide more timely transport of patients as ambulance provider for the community; and

WHEREAS, there are Legislative hurdles to the ability to make a local decision on ambulance services; and

WHEREAS, the City is in the best position to make a determination about the provision of local ambulance services.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Centerville in Anoka County as follows:

1. That the Centennial Fire District Chief is given direction and authority to meet with other interested cities in developing Legislative changes to allow for the local control of the decision for provision of ambulance services.
2. That the Centennial Fire District Chief is given direction and authority to work with local Legislative members in developing appropriate Legislation to give the cities that right to determination.
3. Subsequent to the Legislature granting authority for local determination of the ambulance provider, Centennial Fire District shall submit a service plan and recommendation to the city for a decision.
4. The City acknowledges that an affirmative determination by each of the three cities will be required before implementation could begin.

Adopted this 22nd Day of February, 2012, by the City Council of the City of Centerville.

Tom Wilharber, Mayor

Dallas Larson, City Administrator

(SEAL)

CITY OF CENTERVILLE
ANOKA, MINNESOTA

ORDINANCE # _____
SECOND SERIES

AN ORDINANCE AMENDING CITY CODE ADDING REGULATIONS FOR ILLICIT
STORM WATER DISCHARGE AND DETECTION

THE CITY COUNCIL OF THE CITY OF CENTERVILLE ORDAINS:

Section 1. The City Code Chapter 51 is hereby amended by inserting new sections 51.20 through 51.34 to read as follows:

§ 51.20 FINDINGS AND PURPOSE

The city council hereby finds that nonstormwater discharges to the city's municipal separated storm sewer system are subject to higher levels of pollutants that enter into receiving water bodies adversely affecting the public health, safety and general welfare by impacting water quality, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the city to provide adequate water, sewage, flood control and other community services.

The purpose of the ordinance is to promote, preserve and enhance the natural resources within the city and protect them from adverse effects occasioned by nonstormwater discharges by regulating discharges that would have an adverse and potentially irreversible impact on water quality and environmentally sensitive land.

§ 51.21 - DEFINITIONS.

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

BEST MANAGEMENT PRACTICE OR BMP. Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

DISCHARGE. Adding, introducing, releasing, leaking, spilling, casting, throwing, or emitting any pollutant, or placing any pollutant in a location where it is likely to pollute public waters.

EROSION. The process by which ground surface is worn away by action of wind, water, ice, or gravity.

GROUNDWATER. Water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched

conditions, in near surface unconsolidated sediment or in rock formations deeper underground.

ILLICIT CONNECTION. Either of the following:

(A) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system (including any nonstormwater discharge) including sewage, process wastewater, and wash water and any connections to the storm drain system from indoor drains and sinks, regardless of whether the drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

(B) Any drain or conveyance connected from a residential, commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE. Any direct or indirect nonstormwater discharge to the storm sewer system, except as exempted herein in section 51.24(B).

MPCA. The Minnesota Pollution Control Agency.

MUNICIPAL SEPARATE STORM SEWER SYSTEM OR MS4. The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catchbasins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the city and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

NPDES. The National Pollutant Discharge Elimination System, which is the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Section 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Section 1317, 1328, 1342, and 1345 authorizing the discharge of pollutants to water of the United States.

POLLUTANT. Any substance which, when discharged has potential to or does any of the following:

- (1) Interferes with state designated water uses;
- (2) Obstructs or causes damage to public waters;
- (3) Changes water color, odor, or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or subsurface processes affecting groundwater;
- (4) Adds an unnatural surface film on the water;
- (5) Adversely changes other chemical, biological, thermal, or physical condition, in any surface water or stream channel;
- (6) Degrades the quality of ground water; or

(7) Harms human life, aquatic life, or terrestrial plant and wildlife.

POLLUTANT includes but is not limited to dredged soil, solid waste, incinerator residue, garbage, wastewater sludge, chemical waste, biological materials, radioactive materials, rock, sand, dust, industrial waste, sediment, nutrients, toxic substance, pesticide, herbicide, trace metal, automotive fluid, petroleum-based substance, and oxygen-demanding material.

POLLUTE. To discharge pollutants into public waters.

POLLUTION. The direct or indirect distribution of pollutants into public waters.

PUBLIC WATERS. Waters of the state, as defined in Minn. Stat. Sec. 103G.005(15).

STATE DESIGNATED WATER USES. Uses specified in state water quality standards.

STORM SEWER SYSTEM. A conveyance or system of conveyances that is owned and operated by the city or other entity and designed or used for collecting or conveying stormwater.

STORMWATER. Defined under Minnesota Rule 7077.0105, subpart 41(b), and means precipitation runoff, stormwater runoff, snow melt runoff and any other surface runoff and drainage.

SURFACE WATERS. All public waters other than ground waters, which include ponds, lakes, rivers, streams, tidal and nontidal wetlands, public ditches, tax ditches, and public drainage systems except those designed and used to collect, convey, or dispose of sanitary sewage.

§ 51.22. ADMINISTRATION.

The city and its authorized representatives are authorized to administer, implement, and enforce the provisions of this chapter.

§ 51.23 - ILLEGAL DISPOSAL AND DUMPING.

(A) No person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alley, sidewalk, storm drain, inlet, catchbasin conduit or drainage structure, business, or upon any public or private land, so that the same might be or become a pollutant, unless the substance is in containers, recycling bags, or any other lawfully established waste disposal device.

(B) No person shall intentionally dispose of grass, leaves, dirt, or landscape material into a water resource, buffer, street, road, alley, catchbasin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

51.24 - Illicit discharges.

(A) No person shall cause any illicit discharge to enter the storm sewer system or any surface water.

(B) *Exemptions.* The following discharges are exempt from this section:

- (1) Nonstormwater that is authorized by an NPDES point source permit obtain from the MPCA;
- (2) Fire fighting activities or other activities necessary to protect public health and safety;
- (3) Dye testing for which the city has provided a verbal notification prior to the time of the test;
- (4) Water line flushing or other potable water sources;
- (5) Landscape irrigation or lawn watering;
- (6) Diverted stream flows;
- (7) Rising ground water;
- (8) Ground water infiltration to storm drains;
- (9) Uncontaminated pumped ground water;
- (10) Foundation or footing drains (not including active groundwater dewatering systems);
- (11) Crawl space pumps, or sump pumps conforming with section 150.30;
- (12) Air conditioning condensation;
- (13) Springs;
- (14) Noncommercial washing of vehicles;
- (15) Natural riparian habitat or wetland flows;
- (16) Dechlorinated swimming pools (for pools to be considered "dechlorinated," water must be allowed to sit seven (7) days without the addition of chlorine to allow for chlorine to evaporate before discharging in an area where drainage to streets or storm sewer systems may occur); or
- (17) Any other water source not containing a pollutant.

§ 51.25 ILLICIT CONNECTIONS.

No person shall construct, use, or maintain any illicit connection to intentionally convey nonstormwater to the city's storm sewer system. This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the storm sewer system, or allows such a connection to continue.

§§ 51.26-51.28 RESERVED

§ 51.29 GENERAL PROVISIONS.

All owners or occupants of property shall comply with the following general requirements:

(A) *Septic systems.* No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or storm sewer system may occur. This section shall apply to both actual and potential discharges.

(1) Individual septic systems must be maintained to prevent failure, which has the potential to pollute surface water.

(2) No part of any individual septic system requiring on-land or in-ground disposal of waste shall be located closer than 150 feet from the ordinary high water level in the case of DNR protected waters, or the wetland boundary in the case of all other water bodies, unless it is proven by the applicant that no effluent will immediately or gradually reach the water bodies because of existing physical characteristics of the site or the system.

(3) Recreational vehicle sewage shall be disposed to a proper sanitary waste facility. Waste shall not be discharged in an area where drainage to streets or storm sewer systems may occur.

(B) *Water runoff.* Runoff of water from residential property shall be minimized to the maximum extent practicable. Runoff of water from the washing down of paved areas in commercial or industrial property is prohibited unless necessary for health or safety purposes and not in violation of any other provisions of the city code.

(C) *Mobile washing businesses.* Business that use significant amounts of water at various locations in the city, such as, but not limited to mobile vehicle washing and carpet cleaning, shall dispose of wastewater into the sanitary sewer at a location permitted by the city. Wastewater must not be discharged where drainage to streets or storm sewer system may occur.

(D) *Motor vehicle repair and maintenance.* Storage of materials, machinery and equipment for motor vehicle repair and maintenance must comply with the following requirements:

(1) Motor vehicle parts containing grease, oil or other hazardous substances and unsealed receptacles containing hazardous materials shall not be stored in areas susceptible to runoff.

(2) Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills, or discharges.

(E) *Parking lots and private streets.* Debris from parking lots and private streets should be swept at least once a year in the spring to remove debris. Such debris shall be collected and properly disposed.

(F) *Other.* Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries shall be removed as soon as possible and disposed of properly. Household hazardous waste may be disposed of through the county collection program or at any other appropriate disposal site and shall not be placed in a trash container.

§ 51.30 INDUSTRIAL ACTIVITY DISCHARGES.

Any person subject to an industrial activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with the permit may be required in a form acceptable to the city prior to the allowing of discharges to the storm sewer system. Any person responsible for a facility that has stormwater discharges associated with industrial activity, who is or may be the source of an illicit discharge, may be required to implement, at the person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the storm sewer system. These BMPs shall be part of a stormwater pollution prevention plan as necessary for compliance with requirements of the NPDES permit.

§ 51.31 NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the storm sewer system, or public water the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, the person shall notify the city no later than the next business day.

§ 51.32 - ACCESS.

If the city has been refused access to any part of the premises from which stormwater is discharged, and is able to demonstrate probable cause to believe that there may be a violation of this section or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the city may seek an administrative search warrant from any court of competent jurisdiction.

§ 51.33 - SUSPENSION OF STORM SEWER SYSTEM ACCESS.

(A) *Suspension due to illicit discharges in emergency situation.* The city may, without prior notice, suspend storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm sewer or public waters. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the storm sewer system or public waters, or to minimize danger to persons.

(B) *Suspension due to the detection of illicit discharge.* All persons discharging to the

storm sewer system in violation of this chapter may have their storm sewer system access terminated if such termination serves to abate or reduce an illicit discharge. It is a violation of this section to reinstate storm sewer system access to premises that have been terminated pursuant to this section without the prior approval of the city.

§ 51.34 VIOLATION.

(A) A violation of this chapter is a public nuisance. When the city finds that a person has violated a prohibition or failed to meet a requirement of this section, the person is deemed to have created a public nuisance subject to abatement and assessment, as provided in Chapter 91. In addition to any order issued pursuant to Chapter 91.07 through 91.08, the city may require the following:

- (1) The performance of monitoring, analysis, and reporting;
- (2) The implementation of source control or treatment BMPs;
- (3) Any other requirement deemed necessary.

(B) The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies. The City may recover all attorney's fees, court costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.

Section 2. The City Code Chapter 91.04 is hereby amended to read as follows:

§ 91.04 PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

- (A) Exposed accumulation of decayed or unwholesome food or vegetable matter;
- (B) All diseased animals running at large;
- (C) Carcasses of animals not buried or destroyed within 24 hours after death;
- (D) Accumulations of manure, rubbish, refuse or debris;
- (E) Privy vaults, garbage (except in authorized containers), garbage cans which are not rodent free and fly-tight or which are so maintained to constitute a health hazard or to emit foul and disagreeable odors;
- (F) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, industrial wastes or other substances, **or any illicit discharge as set forth in subsection 51.24;**

(G) All noxious weeds as referenced in M.S. §§ 18.75 - 18.88 and promulgated in Minnesota Rules, as may be amended from time to time, located on public or private property. The terms **WEEDS** and **RANK VEGETATION** includes, but is not limited to, the following:

(1) Noxious weeds and rank vegetation shall include but not be limited to: alum (alliums), Buckthorn, Bur Cucumber, Canada Thistle, Corncockle, Cressleaf Groundsel, Curly Dock, Dodder, Field Bindweed, French Weed, Hairy Whitetop, Hedge Bindweed, Hoary Cress, Horsenettle, Johnsongrass, Leafy Spurge, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Sowthistle, Poison Hemlock, Purple Loosestrife, Quackgrass, Russian Knapweed, Russian Thistle, Serrated Tussock, Shatter Cane, Sorghum, Wild Carrot, Wild Garlic, Wild Mustard, Wild Onion, Wild Parsnip;

(2) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for two consecutive years;

(3) Bushes of the species of tall, common, or European barberry, further known as *Berberis vulgaris* or its horticultural varieties;

(4) Any weeds or plants, other than trees, bushes, flowers or other ornamental plants, growing to a height exceeding eight inches;

(5) Rank vegetation includes the uncontrolled, uncultivated growth of annuals and perennial plants; and

(6) The term **WEEDS** does not include shrubs, trees, cultivated plants or crops.

(H) All public exposure of persons having a contagious disease;

(I) The emission of dense smoke, gas and soot, dust or cinders, and other noxious and offensive fumes, in the quantities as to render the occupancy of property uncomfortable to a person of ordinary sensibilities;

(J) Feces left by any domestic pet on public property or the property of another. The owner or person having the custody or control of the animal shall be responsible for immediately cleaning up any feces of the animal and disposing of the feces in a sanitary manner; and

(K) All other acts, omissions of acts, occupations and uses of property which are deemed by the city to be a menace to the health of the inhabitants of the city or any considerable number thereof.

Penalty, see § 91.99

Section 3. Effective Date. This ordinance shall be effective immediately upon its passage and publication of the summary according to law.

Section 4. Summary for Publication, is hereby adopted as follows:

SUMMARY OF ORDINANCE NUMBER xx, SECOND SERIES,
Adopted by the City Council of Centerville, Minnesota, on the ___ day of _____,
2012

CHAPTERS 51 & 91 RE: STORMWATER ILLICIT DISCHARGE AND ILLICIT CONNECTION

TECHNICAL AMENDMENTS:

An ordinance addition sections 51.20 to 5.34 regarding illicit storm water discharge and detection, and revising a related provision contained in Section 91.04.

PURPOSE OF PROPOSED AMENDMENTS:

To enforce prevention measures for reducing wastes entering storm water sewers, thereby reducing contamination entering local bodies of water.

FULL TEXT OF AMENDMENTS AVAILABLE:

The full text of the amendments are available at the Centerville City Hall, 1880 Main St., Centerville, MN 55038. On file with the City Clerk is the original version of the text and the amended version of the text.

Summary published this ___ day of _____, 2012
Teresa Bende, City Clerk

PASSED AND DULY ADOPTED this _____ day of February, 2012 by the City Council of the City of Centerville.

Mayor, Tom Wilharber

Attest:

City Clerk, Teresa Bender