WORKSESSION AGENDA

Please be advised that the regular meeting location is the City Hall Training Room, located at 125 3rd Avenue North, South St. Paul. Pursuant to Minn. Stat. 13D021, under the current emergency declaration due to the COVID-19 health pandemic, some or all of the council members may participate in remote locations using WebEx. Any member of the public wishing to monitor the meeting may do so electronically by logging in as follows:

WebEx Meeting - Login for the Public:
Join by Phone: 1-312-535-8110
Access Code: 133 111 6380

Monday, October 12, 2020
7:00 pm

AGENDA:

1. Discussion on Zoning Rules for Changeable Electronic Signs in Residential Zoning Districts

2. Discussion on Alter Recycling Comprehensive Plan Amendment and Rezoning Application

3. Parks & Recreation Programming/Staffing Update

4. Ordinance Updates

5. Jefferson Site Update – No Attachment

6. Council Comments & Questions
AGENDA ITEM: Discussion of Zoning Rules for Changeable Electronic Signs in Residential Zoning Districts

DESIRED OUTCOMES:

- Review South St. Paul’s existing rules for changeable copy electronic signs
- Review how other cities regulate these signs in residential areas.
- Discuss potential code changes
- Get Council feedback on whether an ordinance amendment should be brought to the Planning Commission for a public hearing

OVERVIEW:

Background

In September 2020, the City Council reviewed a variance petition from the Church of Saint John Vianney. Through the variance, the church was seeking permission to have a dynamic display changeable electronic sign, an electronic sign that could display words and graphics. The church is located in a residential zoning district and the Code prohibits changeable electronic signs in all residential zoning districts with no exceptions.

The City Council denied the variance because there was no practical difficulty. After the denial, the City Council asked Staff to facilitate a review of this part of the sign ordinance. The City Code can be amended if the City Council feels it is appropriate to begin allowing this type of signage in residential areas.

Summary of Existing Rules

South St. Paul allows electronic changeable copy signs in all of its commercial zoning districts, mixed-use zoning districts, and industrial zoning districts. The Code has very specific rules concerning setbacks from residential uses and signage lighting levels. The Code also regulates how frequently the graphics on the sign can change. The Code’s existing rules for electronic signs in commercial and industrial zoning districts are included as Attachment A.

The Code’s signage rules are very restrictive in residential zoning districts. The following rules are in place in the Community’s low and medium density zoning districts (R-1, R-2, and R-3):

- Most R-1, R-2, and R-3 properties can only have 6 square feet of total signage.

- Staff can only issue “over the counter” sign permits for area identification signs, non-lit awning signs, and non-lit canopy signs. All other signs require City Council approval through a Conditional Use Permit.
• The City Council can approve various types of wall signs through a Conditional Use Permit. They can also approve changeable copy signs as long as they are non-electronic.

• The City Council can approve monument signs with a Conditional Use Permit.
  
  o In residential zoning districts, only institutional uses can have monument signs. Institutional uses are churches, schools or educational buildings, hospitals, government buildings, day care centers, and charitable/philanthropic organizations.

  o These organizations are given permission to have 12 square foot monument signs instead of being capped at 6 square feet like all other signs.

• All types of electronic changeable copy signs are prohibited (words only, words and graphics, dynamic display with movement).

Overview of Other Cities’ Rules

It has been pointed out that many churches in the Minneapolis-Saint Paul area, including Grace Lutheran Church in South St. Paul, already have electronic changeable copy signs. Grace Lutheran Church is located in a business district on Southview Boulevard and is zoned “C-1 Retail Business” which is the reason that they were allowed to install their electronic sign.

The Church of Saint John Vianney provided Staff with a list of church dynamic display signs in surrounding communities that was provided by their sign vendor. The list included signs in Woodbury, Eagan, Inver Grove Heights, St. Paul, Little Canada, Shoreview, and North Oaks. Staff reviewed the list and determined that most of the signs are located in non-residential zoning districts. Some of these communities appear to prohibit electronic changeable signages in residential zoning districts like South St. Paul does. There were two (2) signs on the list that are located in residential zoning districts. There is one in Saint Paul and one in Shoreview:

• Shoreview allows “public and quasi-public land uses” in residential zoning districts to have electronic changeable copy display areas up to 30 square feet in size. They increase the allowance to 40 square feet if the sign is on an arterial road.

• Saint Paul allows parks, community centers, and religious, civic, educational, and philanthropic institutions located in residential zoning districts to have one electronic “bulletin board sign” with a size up to 30 square feet.

  o The sign must follow all of their normal rules for brightness and setbacks.
  o The display must be monochromatic.
  o The text is not allowed to change more often than once every 20 minutes.
  o The sign must be turned off between 10:00 PM and 7:00 AM
Discussion

Staff would note the following:

- It is unclear to Staff how attractive the Saint Paul option (electronic signs that can only change once every 20 minutes) would be for most uses. Electronic signs are pretty expensive to install and this restriction makes them significantly less useful.

- The current 12 square foot monument sign allowance is so low that no institutional user can realistically accommodate an electronic changeable copy sign unless they obtain a sign size variance or have their entire sign be electronic. Really, a 12 square foot allowance is not sufficient to even accommodate a non-electronic changeable copy sign.
  
  o If the City Council intends to amend the sign ordinance at all, that amendment should include increasing the monument sign size allowance for institutional users to either 24 square feet or 32 square feet.

Potential Ordinance Amendment

If the City Council wants to move forward with reviewing an ordinance amendment, Staff would recommend the following (draft ordinance attached):

1. Institutional uses should be allowed to have monument signs up to 32 square feet with a CUP.

2. Institutional uses should be allowed to have changeable copy electronic signs, only as part of their monument sign, with a CUP. The signs should have the following mandatory conditions:
   
   a. Must follow all of the existing Code rules for changeable copy electronic signs in commercial/industrial districts.
   b. Sign must be turned off between 10 PM and 7 AM.
   c. Text must be monochromatic (single-color).

DIRECTION NEEDED

If the City Council wants to move this idea forward for additional review, they should give staff direction regarding the draft ordinance and have Staff take the ordinance to the Planning Commission for a public hearing.

If the City Council does not want to move this idea forward, Staff should be directed to discontinue the ordinance review.

SOURCE OF FUNDS: N/A
ATTACHMENTS

A- CITY CODE RULES FOR CHANGEABLE COPY ELECTRONIC SIGNS IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS
B- SOUTH ST. PAUL ZONING MAP
C- PHOTOGRAPHS OF CHURCH SIGNS
D- DRAFT ORDINANCE
Dynamic display, electronic changeable copy, and electronic graphic display signs, subject to the following requirements:

(i) Display hold time: No part of the display shall change more than once every eight seconds; and

(ii) Number of signs and distance to other electronic signs: There shall be no more than one electronic sign per property and each sign must be located at least 60 feet from any other electronic sign on any other property as measured in a straight line from the base of the sign to the base of any other electronic sign.

(iii) Distance to residential uses: Each sign shall be located at least 60 feet from a residential use, as measured in a straight line from the base of the sign to the nearest lot line of the residential use. In the case of a mixed-use development that includes residential uses a sign may be located less than 60 feet from a residential use within that same development provided that the residential use(s) are located at a significantly higher elevation or similar means of reducing the impact of the brightness and impact of the sign to equate to the straight line distance of 60 feet.

(iv) Transitions: Display transitions shall be limited to one second. Transitions such as slideshow and fade/dissolve may be used.

(v) Illumination limits. The difference between the off and solid-message measurements using the electronic sign measurement criteria (listed in the table below) shall not exceed 0.3 footcandles at night.

(vi) Illumination measurement criteria. The illuminance of the sign shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the electronic sign off, and again with the sign displaying a white image for a full color-capable sign or a solid message for a single-color sign. All measurements shall be taken perpendicular to the face of the sign at the distance determined by the total square footage of the sign as set forth in the accompanying sign area versus measurement distance table.

### Sign Area Versus Measurement Distance

<table>
<thead>
<tr>
<th>Area of Sign (sq. ft.)</th>
<th>Measurement Distance (ft.)</th>
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<tbody>
<tr>
<td>10</td>
<td>32</td>
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<tr>
<td>15</td>
<td>39</td>
</tr>
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<td>20</td>
<td>45</td>
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<td>30</td>
<td>55</td>
</tr>
<tr>
<td>35</td>
<td>59</td>
</tr>
</tbody>
</table>
*For signs with an area in square feet other than those specifically listed in the table (i.e. 12 square feet, 112 square feet, etc.) the measurement distance may be calculated with the following formula: Measurement Distance = the square foot of (Area of the sign square feet times 100).

(vii) Dimming capabilities. All permitted electronic signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and shall be programmed to automatically dim adjusting to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or sign lighting when notified by the city that the sign is not complying with the standards in this section.

(viii) Maximum size of the sign. An electronic dynamic display or electronic graphic display sign shall not exceed 75 percent of the maximum size permitted for a freestanding sign in that district.
ATTACHMENT C
PHOTOGRAPHS OF CHURCH SIGNS

WITH ELECTRONIC CHANGEABLE COPY
WITH NON-ELECTRONIC CHANGEABLE COPY
City of South St. Paul
Dakota County, Minnesota

Ordinance No. 13XX

AN ORDINANCE ALLOWING INSTITUTIONAL USES TO HAVE CHANGEABLE COPY ELECTRONIC SIGNS WHEN LOCATED IN RESIDENTIAL NEIGHBORHOODS

The City Council of the City of South St. Paul does ordain:

SECTION 1. AMENDMENT. South St. Paul City Code Section 118-339 is hereby amended as follows:

Sec. 118-339. - Permitted signs by district.

<table>
<thead>
<tr>
<th>Figure A-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
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<tr>
<td>-------------</td>
</tr>
<tr>
<td>Maximum Gross Area of all Signage on the Property (Square Feet)</td>
</tr>
<tr>
<td>Individual Sign Maximum Gross Area (Square Feet)</td>
</tr>
<tr>
<td>Height (Feet)</td>
</tr>
<tr>
<td>Area Identification Signs</td>
</tr>
<tr>
<td>Box or Cabinet Signs</td>
</tr>
<tr>
<td>Dynamic Display Signs</td>
</tr>
<tr>
<td>Electronic Changeable Copy Signs</td>
</tr>
<tr>
<td>Electronic Graphic Display Signs</td>
</tr>
<tr>
<td>Freeway Signs</td>
</tr>
<tr>
<td>Illuminated Canopy and Awning Signs</td>
</tr>
<tr>
<td>Menu Board Signs</td>
</tr>
</tbody>
</table>
Nonelectronic Changeable Copy Signs

Nonilluminated Awning and Canopy Signs

Projecting Signs

Pylon Signs

Wall Signs

*See special conditions within each zoning district

(a) Within residential zoning districts (R-1 through R-3) signs must comply with the following regulations:

(1) Aggregate property signage: The maximum gross signage for a property shall not exceed six square feet in gross area unless otherwise excepted below.

(2) Individual signs: The maximum gross area per sign shall not exceed six square feet in gross area and six feet in height, or as otherwise excepted below.

(3) The following types of signs are permissible:
   a. Area identification signs.
   b. Nonilluminated awning signs and nonilluminated canopy signs.
   c. In the case of a residential business office as allowed pursuant to a conditional use permit for a home occupation, the city council may permit a nonilluminated business sign, not to exceed six square feet in an approved location. In the single-family residence (R-1) district, no home occupation signage is allowed.

(4) The following types of signs require a conditional use permit:
   a. Monument signs for institutional uses such as a church or recreational facility only, which shall be allowed one monument sign per lot. No such sign shall exceed a gross area of 1232 square feet.
   b. Illuminated canopy and awning signs on nonresidential buildings.
   c. Projecting signs.
   d. Nonelectronic changeable copy signs.
   e. Wall signs.
   f. Box or cabinet signs for nonresidential uses.
   g. Dynamic display signs, electronic changeable copy, and electronic graphic display signs, only when located upon the monument sign of an institutional use such as a church or recreational facility and subject to the following requirements:
      1. The signage shall adhere to all requirements of subsection 118-339(c)4c.1.
      2. The electronic sign shall be turned off between 10 PM and 7 AM.
      3. All text shall be monochromatic.

(5) The following types of signs are prohibited:
a. Dynamic display signs.
b. Electronic changeable copy signs.
c. Electronic graphic display signs.
d. Freeway signs.
e. Menu board signs.

(b) Within multifamily residential zoning districts (R-4) signs must comply with the following regulations:

1. Aggregate property signage: The maximum gross signage for a property shall not exceed 24 square feet in gross area unless otherwise excepted below.

2. Individual signs: The maximum gross area per sign shall not exceed 24 square feet in gross area and six feet in height.

3. The following types of signs are permissible:
   a. Area identification signs.
   b. Illuminated canopy and awning signs.
   c. Monument signs. Institutional uses such as a church or recreational facility are permitted to have one monument sign up to 32 square feet in size provided that it is the only sign on the property.
   d. Nonelectronic changeable copy signs.
   e. Nonilluminated awning signs and nonilluminated canopy signs.
   f. Projecting signs.
   g. Wall signs.
   h. Box or cabinet signs.

4. The following types of signs require a conditional use permit:

   a. Dynamic display signs, electronic changeable copy, and electronic graphic display signs, only when located upon the monument sign of an institutional use such as a church or recreational facility and subject to the following requirements:
      1. The signage shall adhere to all requirements of subsection 118-339(c)4c.1.
      2. The electronic sign shall be turned off between 10 PM and 7 AM.
      3. All text shall be monochromatic.

4. The following types of signs are prohibited:
   a. Dynamic display signs.
   b. Electronic changeable copy signs.
   c. Electronic graphic display signs.
   d. Freeway signs.
   e. Menu board signs.
SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The City’s sign ordinance is amended to allow institutional uses to have electronic changeable copy signage, dynamic display signage, and electronic graphic display signs when located in residential zoning districts (R-1, R-2, R-3, and R-4). Such signage is allowed only on monument signs and shall require a conditional use permit.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: _________________________

Published: _________________________

_________________________________

Christy Wilcox, City Clerk
AGENDA ITEM:  Discussion of Alter Recycling’s Request for a Comprehensive Plan Amendment and Rezone of PID #36-03900-10-011

DESIRED OUTCOMES:

- Informally discuss a development application that will be before the City Council on October 19th.
- Informally review Planning Commission’s recommendation
- Informally review City Attorney’s guidance

OVERVIEW:

Background

The City Council approved the 2040 Comprehensive Plan in December 2019 and sent it to the Metropolitan Council for review. The Metropolitan Council deemed the plan incomplete so Staff spent the first half of 2020 working with them to address their concerns. The Metropolitan Council finally deemed the plan complete on July 30, 2020 and they approved the plan “with conditions” at their meeting on September 23, 2020. Staff is currently working with our consultant HKGI to make fixes to the plan to implement the Metropolitan Council’s conditions of approval. Staff will be bringing the final plan to the City Council on either October 19th or November 2nd along with a resolution to “Implement the 2040 Comprehensive Plan.”

Most of the comprehensive plan is a “visionary document,” meaning that it contains ideals and goals for the City but does not need to be followed exactly. The only part of the comprehensive plan that 100% has the force of law and must be followed exactly is the “Future Land Use Map” which shows every parcel in the City and assigns it a land use that it is “guided towards.”

Per the City Attorney, if the “Future Land Use Map” guides a parcel towards a certain land use, the property owner has the legal right to petition the City and ask that we rezone their property to follow our comprehensive plan. The City must approve these requests, we have to follow our comprehensive plan’s future land use map or we are in violation of State Law.

Alter Recycling Development Application

Alter Recycling owns a 17-acre parcel at the northern end of South St. Paul. Their parcel is split in half by a railroad track so there is a western section and an eastern section. The City Council chose to guide the western half of the parcel towards “Industrial” in the 2040 Comprehensive Plan. The City Council chose to guide the eastern half of the parcel, the part next to the Mississippi River, towards “Open Space” in the 2040 Comprehensive Plan.
Alter Recycling has petitioned for a comprehensive plan amendment as they would like the eastern portion of their property to be guided for “Industrial” also. They also petitioned for a rezoning as they would like their entire property to be rezoned to “I-Industrial.”

**Planning Commission Public Hearing and Recommendation**

The Planning Commission held a public hearing on the application at their October 7th meeting. The Planning Commissioners generally expressed that they wish the western portion of the parcel had not been guided towards “Industrial” in the 2040 Comprehensive Plan. They would have preferred that the entire parcel remain guided as open space. They noted that the area is now accessible to the general public because of a new bridge over the railroad tracks and a bike trail that opened a couple of weeks ago that goes just south of the Alter property.

The Planning Commission recommended on a 5-0 vote that the City Council deny the comprehensive plan amendment. They recommended on a 4-0-1 vote (one abstention) that the City Council deny the rezoning request as well. They stated that they believe the rezoning request should be denied due to a technicality. They believe that because Alter requested that the entire parcel be rezoned, the City should deny their application and require Alter to submit a new rezoning petition where they only request that the western section of the parcel be rezoned.

The Planning Commission would like Alter to submit a new application or revise their existing application to so that they are only requesting a rezone of the western portion of the parcel and are requesting a rezone to I-1 Light Industrial instead of a rezone to I-Industrial.

**City Attorney Guidance**

Staff reviewed the Planning Commission’s recommendation with the City Attorney. She stated that the City must rezone the western part of the parcel to an industrial zoning district based on the current rezoning request. The City can decide whether the zoning will be I-Industrial or I-1 Light Industrial since both are considered industrial zoning districts. There is no need to require Alter to submit a new application and the City cannot legally require them to do so.

**ACTION NEEDED**

No action is needed, this is just an informal discussion in preparation for formal review of the application at the October 19th meeting. Staff can answer any questions that the City Council might have.

**ATTACHMENTS**

A- PLANNING COMMISSION MEMO FOR ALTER RECYCLING PLANNING/ZONING APPLICATION
B- LETTER FROM FRIENDS OF THE MISSISSIPPI RIVER
AGENDA ITEM 4.B  
South St. Paul Planning Commission

Prepared By:  
Michael Healy, City Planner  
Meeting Date:  
10/7/2020

Item Description:  
Public Hearing for Alter Recycling Rezoning and Comprehensive Plan Amendment Request for PID #36-03900-10-011

A motion recommending the approval or denial of the proposed rezoning and comprehensive plan amendment.

BACKGROUND/ DISCUSSION

Application

The applicant, TKDA on behalf of Alter Logistics, is requesting the two planning/zoning approvals relating to their 17-acre property (PID #36-03900-10-011):

1. An amendment to the 2040 Comprehensive Plan to steer the portion of PID #36-03900-10-011 east of the rail spur tracks towards “Industrial.” This land is currently steered towards “Open Space.”

2. Rezoning the entirety of PID #36-03900-10-011 to “I-Industrial.”

If the Comprehensive Plan amendment is not approved, then only the western half of PID #36-03900-10-011 should be rezoned to an industrial zoning district. That portion is already steered towards “Industrial” in the 2040 Comprehensive Plan.

Review Timeline

Rezoning requires approval of an ordinance amendment and a resolution. Per City Code, all ordinances must be reviewed by the City Council at two (2) separate meetings before adoption.

Application Submittal: September 6, 2020
Planning Commission: October 7, 2020
Tentative City Council Meeting for First Reading of Ordinance: October 19, 2020
Tentative City Council Meeting for Second Reading of Ordinance: November 2, 2020
60-Day Review Deadline: November 3, 2020
Background

Alter Metal Recycling is located in the Saint Paul Port Authority’s “Southport Terminal,” a riverfront industrial park that is right on the border of Saint Paul and South St. Paul. Most of their operation is located in Saint Paul proper but Alter also owns an adjacent 17-acre parcel in South St. Paul which is directly north of Kaposia Landing park. This 17-acre parcel is the “subject property” for the requested planning/zoning approvals.

The subject property is currently zoned “North Riverfront Development District” (NRDD) which is a zoning district that only allows recreational uses (i.e. boat marinas, public parks, and public recreational facilities). The NRDD zoning district has existed since the early 1990’s and was originally put in place over all of the land surrounding the Port Crosby landfill when the City began planning in earnest to transform this area into a recreational amenity. Prior to the NRDD zoning, the entire area (including the Port Crosby landfill itself), had been zoned Light Industrial.

The City acquired the 87-acre Port Crosby landfill in 2000. The landfill was capped and the land has been turned into Kaposia Landing park. The City also acquired roughly 13 acres of vacant land which is located north of Kaposia Landing and west of the subject property. The City still owns this land and it is still vacant/unused (it is steered towards “Open Space” in the Comprehensive Plan). The Metropolitan Council owns a roughly 19-acre parcel, zoned NRDD, that is across the Mississippi River from Kaposia Landing park but technically still within South St. Paul city limits. The subject property is the only property in the NRDD zoning district that is not owned by a governmental entity.

Alter Metal Recycling has several “grandfathered” uses that operate on the subject property. They have an active rail spur crossing the parcel which connects them with the Union Pacific railroad. Additionally, they have a roughly 7-acre outdoor storage yard next to the railroad tracks where they store materials.

The Applicant, an Engineering/Architecture/Planning firm, is currently assisting Alter Logistics with planning an expansion project at their facility in Saint Paul and an upgrade of their rail spur tracks in South St. Paul (possibly with some stormwater improvements in South St. Paul as well). As a part of this process, they are looking to “clean up” the zoning at the subject property. They would like the entire 17-acre parcel to be zoned “I-Industrial” to match the “I-2 General Industrial” zoning that they have in place over their land in Saint Paul proper. They do not require the rezoning for any active or planned projects but would like it in place for potential future projects.

Site Conditions at Subject Property

The subject property is one 17-acre parcel that is divided by rail spur tracks. The tracks themselves are considered “grandfathered” since railroad spurs are not an allowed use in the NRDD zoning district. The “grandfathered” outdoor storage yard is located on the 10-acre western portion of the parcel. The 7-acre eastern portion, which sits between the tracks and the Mississippi River, is undeveloped and is almost entirely wooded. The Union Pacific Railroad tracks separate the subject property from Kaposia Landing park which is located to the south.

Comprehensive Plans and Rezoning

The City of South St. Paul, like all cities in the 7-County metropolitan region, is required by State Statute to adopt a 20-year comprehensive plan and update it every ten (10) years. One element of the comprehensive plan is a “future land use map” that shows what the City wants its land use to look like in 20 years. The City
is legally obligated to adhere to its future land use map when making rezoning decisions. What this means is that:

1. The City cannot legally rezone a piece of land unless the rezoning is consistent with the future land use map.

2. In general, the City is legally obligated to adhere to its future land use map when responding to rezoning petitions from property owners. If a property owner’s land is steered “Industrial,” for instance, that property owner has a legal right to expect that the City will rezone their land to some type of industrial zoning district if requested.

3. The City can only approve a rezoning request that DOES NOT match the current future land use map if the City first approves an amendment to its comprehensive plan. Comprehensive Plan amendments require a supermajority of City Council members voting “yes” so the bar is set higher than for a rezoning.

All amendments to the comprehensive plan must also be approved by the regional planning authority, the Metropolitan Council. The Metropolitan Council will not review a comprehensive plan amendment request, however, unless/until the local municipality’s City Council has already approved the amendment.

**Applicant’s Comprehensive Plan Amendment Request**

A City may amend its comprehensive plan’s “future land use map” from time to time, usually in response to a development proposal that is viewed favorably. The current request is somewhat unusual in that there is no active development proposal in South St. Paul that requires the comprehensive plan amendment or rezone. The Applicant is able to complete their planned improvements in South St. Paul (primarily track upgrades and possibly some stormwater improvements) simply by relying on their “grandfather” rights and the existing Code rules for stormwater improvements. Legal nonconforming (grandfathered) uses are protected by State Statute and are guaranteed the right to be repaired, maintained, replaced, and improved. They just cannot be expanded.

The Applicant has noted that they want to “clean up” the zoning on their property as a long-term solution instead of relying on their grandfather rights. They also may potentially want to build a structure or building in South St. Paul at some point in the future and this would not be permitted under the current zoning.

The City is under no obligation to approve the comprehensive plan amendment. This is considered a “legislative action” and the City has broad authority to approve or deny the request since the City Council will be acting as a legislative, lawmaking body. Staff would note a few facts that the Planning Commission may want to consider while analyzing this request:

- The Planning Commission may want to review the City’s “Critical Area Plan” prior to the public hearing. This is Chapter 10 of the City’s 2040 comprehensive plan and it lays out the City’s goals and values concerning development and preservation in the area along the river. Staff will summarize some of the content of this plan. The full plan can be found on the City’s website.

- The woods on the eastern part of the subject property are considered a “significant existing vegetative strand” by the DNR.

- In general, the comprehensive plan stresses the importance of preserving scenic views along the Mississippi River and protecting the health of the river while acknowledging that it is a “working
river” that provides jobs and generates economic activity. The plan contains the following environmental policies related to the river corridor:

- Policy 10.1.2 South St. Paul will protect and minimize impacts from public and private development and land use activities to the existing Primary Conservation Areas which include floodplains, bluffs and bluff impact zones, shore impact zones, natural drainage ways, unstable soils and bedrock, and Native Plant Communities and existing vegetative stands.

- Policy 10.1.6: South St. Paul will make permanent measures (such as public acquisition, conservation easement, deed restrictions, etc.) that protect primary conservation areas a high priority.

- Policy 10.2.5: South St. Paul will protect native and existing vegetation during the development process and require its restoration if any is removed by development. Priorities for restoration shall include stabilization of erodible soils, riparian buffers, and bluffs or steep slopes visible from the river.

- The Critical Area Plan includes a discussion of several “views” that are considered valuable to the community and which the City will strive to preserve. The subject property is located at the periphery of some of these views. The Critical Area Plan discusses the need to prevent large scale vegetative clearing to preserve the views.

- The subject property is considered part of the “Urban Mixed District” in the State’s Mississippi River Critical Corridor Area rules. This is a district that has the following purpose:

  **Urban Mixed District:** The urban mixed district (CA-UM) includes large areas of highly urbanized mixed use that are a part of the urban fabric of the river corridor, including institutional, commercial, industrial, and residential areas and parks and open space. The CA-UM district must be managed in a manner that allows for future growth and potential transition of intensely developed areas that does not negatively affect public river corridor views and that protects bluffs and floodplains. Restoring and enhancing bluff and shoreline habitat, minimizing erosion and flow of untreated storm water into the river, and providing public access to and public views of the river are priorities in the district.

- It is usually administratively cumbersome to have parcels with “split zoning” since it can make it unclear to both the property owner and the City what the land use expectations are. In this specific situation, however, split zoning would not be cumbersome since the existing spur railroad tracks clearly delineate the western part of the subject property (steered Industrial) and the eastern part of the subject property (steered Open Space).

In Staff’s opinion, the City has a responsibility to ensure that the subject property continues to have a vegetated shoreline and continues to have a vegetated buffer that protects views from Kaposia Landing park to the south. There are essentially two ways to achieve this:

**Option #1:** The City can deny the comprehensive plan amendment and continue to have the eastern part of the property zoned NRDD and steered towards “Open Space.” Under NRDD zoning, the Applicant could pursue limited tree removal and topographical alterations so long as they were only using the property for open space and/or recreational uses. For example, the Applicant could remove some trees from the property to build a stormwater pond to support buildings on adjacent properties. The Applicant would generally not be permitted to “clear cut” the trees.
Option #2: The City can approve the comprehensive plan amendment and rezoning but require, as a condition of approval, that the Applicant grants the City a conservation easement over the shoreline and the area that buffers Kaposia Landing Park. Any land that is placed under a conservation easement would not be able to be altered in any way without express written permission from the City Council. The Applicant could not remove any trees or vegetation or alter the topography in any way within the easement area (with exceptions made for removal of dead trees and noxious weeds). If the City wants to go this route, Staff would recommend that the Applicant be required to dedicate a minimum of a 100-foot wide conservation easement (possibly larger) along the shoreline and a 50 to 100-foot wide conservation easement along the southern property line to buffer Kaposia Landing park (with the land around the spur track excepted from the easement area).

Option #1 is more straightforward but Option #2 would be consistent with Comprehensive Plan Policy 10.1.6 which states that the City will pursue permanent protection measures for riverfront areas such as public acquisition, deed restrictions, and conservation easements.

Staff would not recommend approval of the comprehensive plan amendment unless the conservation easement is a component. The City will have almost complete control over the conservation easement area and can ensure that the vegetation and scenic views are protected.

Applicant’s Rezoning Request for Western Portion of Property

The 2040 Comprehensive Plan’s “future land use map” currently steers the western part of the subject property towards “Industrial.” This was approved by the City Council as part of the comprehensive plan update that was undertaken in 2018/2019. The steering is an acknowledgement that this property will continue to be used as Industrial for the foreseeable future and is unlikely to see redevelopment with a recreational use (the only thing allowed under NRDD zoning).

Staff has reviewed the Applicant’s request with the City Attorney and her guidance is that, per the future land use map, the City is legally obligated to rezone the western portion of the subject property to either I-Industrial or I-1 Light Industrial. The future land use map does show the property as being “Industrial” (versus light industrial) but also notes several times that the City’s intention is generally to steer heavy industry south of Interstate-494. However, the subject property is essentially an extension of an existing heavy industrial park in a neighboring community so it may be appropriate to permit a more general Industrial zoning to match what is in place in Saint Paul. The “I-Industrial” and “I-1 Light Industrial” zoning districts are almost identical in terms of performance standards. The only significant differences are in the permitted uses. The I-1 district prohibits several uses relating to animal processing that are allowed in the I district and the I-1 district has slightly stricter performance standards for exterior storage.

The Planning Commission should review the pros and cons of I-1 Light Industrial zoning versus I-Industrial zoning for the western portion of the site and should be prepared to recommend one or the other. The code sections governing these districts are 118-129 and 118-134.

Applicant’s Rezoning Request for Eastern Portion of Property

If the comprehensive plan amendment is denied, the rezoning request for the eastern portion of the property should also be denied. If the land remains steered towards “open space” then the zoning should remain NRDD since that zoning district only allows open space uses.
If the comprehensive plan amendment is approved, the eastern portion of the property should be zoned to match the western portion. The property should then either be zoned I-Industrial or I-1 Light Industrial.

**Comments from Other Agencies**

Under the Metropolitan Council’s guidance, Staff cast a wide net and notified all of the state, local, and regional entities that the Metropolitan Council considers “affected jurisdictions” about the comprehensive plan amendment request. The Metropolitan Council requires that the City notify all adjacent municipalities, the DNR, MnDOT, adjacent counties, adjacent soil and water conservation districts, affected school districts, etc.

Staff informed all of the agencies that they had until October 7th to submit comments in order for their comments to be considered by the Planning Commission. Staff expects that some agencies will submit comments after the Planning Commission packet has already been published and these comments will be shared with the Planning Commission prior to their meeting or at the public hearing. Staff is, at a minimum, expecting formal comments from the Friends of the Mississippi River and the City of Saint Paul. The Friends of the Mississippi group is likely going to make a recommendation regarding how large the conservation easement should be if that is the route that the City chooses to go.

A couple of significant comments have already been submitted:

- The Minnesota DNR declined to comment.

- The City of Newport submitted the following comments: “Newport can support the Staff Recommendation in the report. The requirement for a Conservation Easement on the portion of the property near the Mississippi River if the rezoning is approved would protect Newport’s interests in maintaining the Primary Conservation Areas and views from Newport’s side of the river.”

**Staff Recommendation**

As previously stated, Staff would recommend the following:

1. The western portion of the property should be approved to be rezoned. The Planning Commission should evaluate whether “I-Industrial” or “I-1 Light Industrial” is appropriate.

2. The comprehensive plan amendment for the eastern portion of the property should either be denied OR should be approved but only with the condition that the City is granted a conservation easement along the shoreline and the southern property line. The easement will need to be granted and recorded before the comprehensive plan amendment takes effect.

3. If the comprehensive plan amendment is approved, Staff would recommend that the eastern portion of the parcel be given the same industrial zoning as the western portion of the parcel.

**Motion to Recommend Approval or Denial**

The Planning Commission has the following actions available on the proposed application:

#1 Comprehensive Plan Amendment
A. Approval. If the Planning Commission finds the comprehensive plan amendment to be acceptable, the following action should be recommended for approval:

- Motion to recommend approval of the comprehensive plan amendment steering the eastern portion of PID #36-03900-10-011 towards “Industrial,” contingent upon a conservation easement in favor of the City of South St. Paul being put in place along the eastern and southern property lines excepting the area where the existing spur track is located. The motion can include specific widths for the conservation easements following discussion.

B. Denial. If the Planning Commission does not favor the comprehensive plan amendment, the following should be recommended for denial

- Motion to recommend denial of the comprehensive plan amendment steering the eastern portion of PID #36-03900-10-011 towards “Industrial,”.

The Planning Commission should be prepared to give their rationale behind an approval or denial recommendation.

1. Will the comprehensive plan amendment be detrimental to surrounding properties? Yes or No? Why?
2. Does the comprehensive plan amendment endanger public health, safety, or welfare? Yes or No? Why?
3. Is the comprehensive plan amendment consistent with the general spirit of the comprehensive plan and consistent with the City’s goals and policies? Yes or No? Why?

#2 Rezoning

A. Approval. If the Planning Commission finds the application to be acceptable, the following action should be recommended for approval:

- Motion to recommend approval of the rezoning of PID #36-03900-10-011 to either I-1 Light Industrial or I-Industrial.

B. Denial. If the Planning Commission does not favor the proposed application, the following should be recommended for denial:

- Motion to recommend denial of the rezoning of PID #36-03900-10-011.

The Planning Commission should be prepared to explain their rationale for the recommendation so this can be shared with the City Council. The Planning Commission should consider the following criteria:

1. Does the rezoning comply with the comprehensive plan? Yes or No? Why?
2. Will the rezoning be detrimental to surrounding properties? Yes or No? Why?
3. Does the rezoning endanger public health, safety, or welfare? Yes or No? Why?

The motion recommending rezoning should be broken up into two separate motions if the comprehensive plan amendment is not recommended for approval and the eastern portion needs to remain NRDD-zoned.
ATTACHMENTS
A. Site Location Map
B. Aerial Photographs
C. Zoning Map
D. 2040 Comprehensive Plan Future Land Use Map
E. Exhibit Showing Applicant’s Request
F. MRCCA District Map for South St. Paul
G. Critical Area Plan Map Showing Significant Vegetation Near River
H. Applicant’s Narrative
ATTACHMENT C
ZONING MAP

City of South St Paul Zoning Map
City of South St Paul Planning Department
https://www.southstpaul.org/

This Zoning map is a representation of various maps and ordinances that make up the City of South St. Paul zoning code. Percentage of Acreage is calculated from county parcel data. Results are representational and not to be used for purposes other than zoning. For detail information pertaining to a specific property or zoning district, please contact the City of South St. Paul Planning Department at http://www.southstpaul.org/
ATTACHMENT E
EXHIBIT SHOWING APPLICANT’S REQUEST
ATTACHMENT G
CRITICAL AREA PLAN MAP SHOWING SIGNIFICANT VEGETATION NEAR RIVER

Figure 10.8: Vegetation within MRCCA
September 4, 2020

Mr. Michael Healy
City Planner/Zoning Administrator
City of South St. Paul
125 3rd Avenue North
South St. Paul, MN 55075

Re: Application to rezone parcel ID 36-03900-10-011

Dear Mr. Healy:

Our client, Alter Logistics, is requesting to have their property within South St. Paul (parcel ID 360390010011) rezoned from the “NRDD – North Riverfront Development District” to “I – Industrial District”. Our client is also requesting an amendment to the future land use designation shown in the Future Land Use Map of the 2040 Comprehensive Plan for the City for the east half of the parcel to “I – Industrial”, in order to match the designation of the rest of the parcel. These changes will not affect the current use of the property, but instead will result in a zoning designation that more closely aligns with the actual use of the site.

Alter’s property has been used for many years as part of Alter’s recycling and logistics facility located within neighboring Saint Paul. Through the years, Alter has worked with both the Saint Paul Port Authority and the City of South St. Paul to maintain and improve the site and its facilities, including significant financial investments to better contain the outdoor storage, and installing a barrier between the materials and the land. Amending the Comprehensive Plan in order to designate the east half of the parcel as “I – Industrial” in the Future Land Use Map will keep the parcel consistent with its west half, which is currently designated “I – Industrial”. Rezoning the property to the “I-Industrial District” designation is consistent with the existing, long term use of the property, as well as with the 2040 Comprehensive Plan.

An employee-owned company promoting affirmative action and equal opportunity.
October 5, 2020

Dear Planning Commissioners:

Thank you for the opportunity to comment on Alter Logistics/TKDA’s request for a comprehensive plan amendment and rezoning for PID #36-03900-10-011. We encourage the city to deny the request to change the land use steering and zoning for the eastern portion of the site.

Friends of the Mississippi River (FMR) is a non-profit organization with a mission to engage community members and other stakeholders to protect, restore and enhance the Mississippi River and its watershed in the Twin Cities region. We represent thousands of people in the metropolitan area who care deeply about the river, including a growing membership of over 2,700 people and more than 3,200 volunteers and 2,000 advocates engaged each year.

We find it reasonable for the city grant the rezoning request for the western portion of the property in line with both the current land use and the comprehensive plan’s future land use. However, we encourage the city to deny Alter/TKDA’s request for a comprehensive plan amendment and rezoning of its eastern section (the portion currently zoned NRDD) along the Mississippi River. Much of this area is designated as a “significant existing vegetative stand” in the city’s 2040 Plan and merits a land use aligned with this designation.

This undeveloped riverfront parcel provides valuable wildlife habitat and water quality functions. It also enhances visitor enjoyment of Kaposia Landing—a crown jewel the city has worked hard to create—at a time when we understand more than ever the benefits of parks and open space.

Maintaining the steering towards open space and the NRDD zoning does not hinder Alter’s current or planned uses of the property. The current designation is properly aligned with the goals in the city’s Mississippi River Corridor Critical Area chapter of its 2040 Plan to protect significant existing vegetative stands and other Primary Conservation Areas. Maintaining this status ensures long-term protections for our great river’s shoreline as we face increasingly challenging environmental threats.

Should the city approve a comprehensive plan amendment and zoning change for the eastern portion of the property, FMR strongly supports a permanent conservation easement for the shoreline and the boundary with Kaposia Landing. FMR’s staff ecologists and water quality experts agree that a 300-
foot buffer is the ideal standard for securing strong habitat and water quality benefits. Therefore we recommend a 300-foot easement as part of any agreement to amend the city’s comprehensive plan.

Thank you for your thoughtful consideration of this issue.

Sincerely,

[Signature]

Colleen O’Connor Toberman
River Corridor Director
AGENDA ITEM: Parks and Recreation Operational Discussion

DESIRED MEETING OUTCOMES:
Discuss the current and future operation of Parks & Recreation.

OVERVIEW:
The Parks & Recreation Department is analyzing the overall structure of the department with the recent departures of the Director and the Recreation Supervisor.

Current Operation of Parks and Recreation Department:
The Parks & Recreation Department is currently operating with less staff due to the departure of the Parks & Recreation Director and Recreation Supervisor. Staff is analyzing the current and future workload within the department. The programs that were provided with the Recreation Supervisor during this time of the year were suspended due to COVID-19. With limited programs currently being offered, remaining staff will be used to fulfill upcoming special events and or programs as operations are able to open.

In terms of replacing the Recreation Supervisor, staff is recommending we hold off on that decision until January 2021. This will give us time to evaluate other staffing options, provide more time to project continued programming impacts of COVID-19 on offerings in 2021, and provide the opportunity to review staffing needs with or without the continued operation of Central Square Community Center.

One staffing option we are evaluating is the replacement of the Recreation Supervisor with a Recreation Programmer which will focus on youth programming and special events. Staff is also researching hiring a part time Aquatics Manager which will focus on training and certifying lifeguards, providing instructional swim classes, and operations of the pools.

Operation of Outdoor Rinks:
Preliminary discussions took place with Parks and Recreation staff and Public Works. Currently we operate four sites within the city. Bromley, Jefferson, Lorraine, and Harmon. Lorraine and Jefferson have permanent warming houses and Harmon operates with a rented trailer each season. Bromley is a flooded pleasure rink with no warming facility. Public works will be removing the asphalt at Jefferson and replacing with crushed concrete. That option is also possible at Lorraine, but it may make more sense to redo the entire rink (concrete surface and new boards - that option can be discussed at the work session or as part of the CIP budget discussion to take place in about one month). This process will improve ice formation during the flooding season.
Staff is also looking into how operations of outdoor rink will move forward with the upcoming season and managing with Covid safety protocols. This involves whether we are opening warming houses or not given social distancing requirements. We will be reviewing what other cities are doing in this regard.

**Options for Discussion:**

There are a few options for your consideration relative to the 2020/2021 rink season.

**Option A: Operating only two outdoor rinks**
With the continued impacts of COVID-19, staff is evaluating operating only two outdoor rinks. With this option, staff would recommend that the Jefferson and Lorraine Sites be the opened sites as they have permanent warming houses and provide rinks in the north and south portions of the city. Opening warming houses is uncertain at this time as research will need to be completed with social distancing and sanitizing. Portable restrooms will be placed at both locations. (Rink Attendance numbers are attached to this memo.)

**Option B: Operation of rinks with no warming houses**
Public Works would flood and maintain all four outdoor rinks (Bromley is only a pleasure rink) with no warming houses. Challenges will be the ability to light the rinks in the evening hours. Staff would look at setting up the lights to be controlled with timers. Portable restrooms will be provided at all locations as in the past. The “no warming house” component is due to the challenges of social distancing in these structures.

**Option C: Operate all rinks with warming houses**
This would be essential business as usual except for social distancing considerations.

Regardless of the option the Council prefers, Public Works has committed to dedicate one staff member to handle rink and sidewalk snow removal at the outset of removal efforts. Previously, these areas were a lower priority and did not see attention until a day or two later in a storm event.

**SOURCE OF FUNDS:**
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**Weekly Total**: 219, 363, 308

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- Open 21 days in 15/16
- Open 23 days in 16/17
- Open 37 days in 17/18
- Open 18 days in 18/19
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SSP: Closed 24 days out of 61 16-17 828
MH: Closed 8 days out of 52 15-16 757
CG: Closed 9 days out of 52 14-15 336

Open 6 days in 14/15
Open 21 days in 15/16
Open 23 days in 16/17
Open 37 days in 17/18
Agenda Item: Ordinance Updates

Overview:

1. **Critical Water Deficiency Ordinance**

   On September 8, 2020, the City Council formally adopted the Water Supply Plan as approved by the DNR. Within six (6) months of adoption of the plan, the City is required to adopt a Critical Water Deficiency Ordinance. The DNR has provided a model ordinance prepared by the League of Minnesota Cities (attached). Staff will work with the City Attorney and bring this forward at a future Council meeting. The ordinance outlines measures that will be put in place upon the declaration of a critical water deficiency by the governor. These emergency measures include mandatory restrictions of the following nonessential water uses:

   - Outdoor irrigation of yards, gardens, parklands and other nonagricultural lands, except if irrigated with reclaimed water.
   - Washing or spraying of sidewalks, driveways, parking areas, tennis courts, patios or other paved areas.
   - Outdoor use of any water-based play apparatus connected to a pressurized water source.
   - Restaurants and other food service establishments will not be able to serve water to customers unless specifically requested.
   - Operation of outdoor misting systems used to cool public areas.
   - Filling of swimming pools, spas, fountains or other exterior water features.
   - Washing of cars, trucks, trailers and other types of mobile equipment.

   The ordinance will allow the City Clerk to grant variances for reasons involving health or safety.

2. **City Sewer System Ordinance (Section 62-132)**

   The Met Council’s approval of the City’s 2040 Comprehensive Plan requires the City to update the sewer system ordinance within 6 months of plan adoption. The ordinance must be revised to require disconnection of existing clearwater sources. This would include sewer separations and other such sources such as sump pumps.
Water Usage in a Critical Water Deficiency, LMC Model Ordinance

League models are thoughtfully developed by our staff for a city’s consideration. Models should be customized as appropriate for an individual city’s circumstances in consultation with the city’s attorney. Helpful background information on this model may be found in “Securing Payment of Utility Charges.”

This icon marks places where the city must customize the model. They offer additional provisions, optional language, or comments for your consideration. The icon, and language you do not wish to include, should be deleted from this model before use. Make other changes, as needed, to customize the model for your city.

ORDINANCE NO. _____

AN ORDINANCE REGULATING NONESSENTIAL WATER USAGE UPON CRITICAL WATER DEFICIENCY AS AUTHORIZED BY MINN. STAT. § 103G.291, SUBD. 1 AND 2.

This model ordinance was drafted in collaboration with the Minnesota Rural Water Association. Under Minnesota Statute section 103G.291, cities are required to adopt and enforce water conservation restrictions when the governor declares a critical water deficiency. Some cities may already have such restrictions in their water supply plans.

The City Council of _____, Minnesota ordains:

SECTION 1. PURPOSE.
This ordinance establishes water conservation restrictions; and the plan will be in effect at any time the governor declares by executive order a critical water deficiency, pursuant to Minnesota Statutes section 103G.291.

SECTION 2. DEFINITIONS.
2.1 Clerk in statutory cities means the person assigned duties pursuant to Minn. Stat. § 412.151; or the city manager pursuant to Minn. Stat. § 412.601 – 412.751 or in charter cities as determined by city charter.

2.2 Department means the city water department.

2.3 Emergency means the declaration of a critical water deficiency by the governor.

2.4 Irrigation means the watering of shrubs, trees, sod, seeded areas, gardens, lawns, or any other outdoor vegetation, except outdoor vegetation utilized for agricultural purposes.

2.5 Notification to public means notification through local media, including interviews and issuance of news releases.
2.6 **Public water supplier** means the city or other entity that owns, manages, or operates a public water supply, as defined in Minn. Stat. § 144.382, subdivision 4.

2.7 **Reclaimed water** means water collected from rooftops, paved surfaces, or other collection devices and all water utilized more than once before re-entering the natural water cycle.

2.8 **Water recirculation system** means any system which enables a user to reuse water at least once prior to returning the water to the natural water cycle.

**SECTION 3. APPLICATION.**

3.1 This ordinance applies to all customers of public water suppliers who own or control water use on any premises.

3.2 No person shall make, cause, use, or permit the use of water received from a public water supply for residential, commercial, industrial, governmental, or any other purpose in any manner contrary to any provision in this ordinance.

3.3 Mandatory emergency conservation measures shall be implemented based upon the declaration of a critical water emergency by the governor.

**SECTION 4. DECLARATION OF CRITICAL WATER DEFICIENCY.**

Upon the declaration of a critical water deficiency by the governor, the public water supplier shall immediately post notice of the emergency declaration at the usual meeting place of the city council, or the official city bulletin board. The city shall provide notification to the public as quickly as possible or through established water supply plans emergency response plans or procedures.

**SECTION 5. MANDATORY EMERGENCY WATER CONSERVATION MEASURES.**

Upon declaration of a water emergency and notification to the public, the following mandatory restrictions upon nonessential water use shall be enforced:

1. Outdoor irrigation of yards, gardens, golf courses, parklands, and other non-agricultural land, except for those areas irrigated with reclaimed water, is prohibited.

2. Washing or spraying of sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas with water from any pressurized source, including garden hoses, except to alleviate immediate health or safety hazards, is prohibited.

3. The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited.

4. Restaurants and other food service establishments are prohibited from serving water to their customers, unless water is specifically requested by the customer.

5. Operation of outdoor misting systems used to cool public areas is prohibited.
(6) The filling of swimming pools, fountains, spas, or other exterior water features is prohibited.

(7) The washing of automobiles, trucks, trailers, and other types of mobile equipment is prohibited, except at facilities equipped with wash water recirculation systems, and for vehicles requiring frequent washing to protect public health, safety, and welfare.

SECTION 6. VARIANCES.
The City Clerk or their designee, is authorized to grant variances to this ordinance where strict application of its provisions would result in serious hardship to a customer. A variance may be granted only for reasons involving health or safety. An applicant may appeal the denial of a variance within five (5) days of the decision by submitting a written appeal to the City Clerk. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final.

SECTION 7. VIOLATION.
7.1 Violations shall be determined and cited by the City Clerk or his/her designee. A violator may appeal the citation within five (5) days of its issuance by submitting a written appeal to the City. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final. Violators may be granted an administrative waiver if evidence is provided that equipment failure was the cause of the violation. A letter from a qualified vendor or equipment invoice will be required to show proof of equipment failure.

7.2 Upon discovery of a first violation, the violator shall be issued, either personally or by mail, a warning letter that sets forth the violation and which shall describe the remedy and fines for future violations.

7.3 Upon subsequent violations at the same location, the violator shall be issued, either personally or by mail, a citation that sets forth the violation and shall describe the remedy. Fines shall be added to the monthly water bill of the owner or current occupant of the premises where the violation occurred. The imposition of the fine shall in no way limit the right of the City to pursue other legal remedies.

SECTION 8. ENFORCEMENT.
The City Clerk or his/her designee is authorized to designate city employees or law enforcement personnel to enforce the provisions of this ordinance.

SECTION 9. SEVERABILITY.
If any provision of this ordinance or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the ordinance and the application of the ordinance to any other situation shall not be invalidated.

SECTION 10. EFFECTIVE DATE.
This ordinance becomes effective ______.
The effective date may be “from and after its passage and publication” or simply choose and insert any date after passage and publication of the ordinance.

Passed by the City Council of ________, Minnesota this _____ day of Month, Year.

______________________
Mayor

Attested:

______________________
City Clerk