

CITY OF SHOREVIEW

NOTICE OF PUBLIC HEARING

EDGETOWN ACRES – PHASE 2

STREET & UTILITIES RECONSTRUCTION, PROJECT 21-02

NOTICE IS HEREBY GIVEN that the City Council of the City of Shoreview, Minnesota, will meet at the Shoreview City Hall Council Chambers, 4600 Victoria Street North, Ramsey County, Minnesota, at **7:00 p.m.**, Local Time on **Monday March 1, 2021**, to consider the making of an improvement by reconstructing streets including concrete curb and gutter, installing storm sewer, installing city street lights, repairing water main, replacing sanitary sewer, and other necessary appurtenances in that area lying and being in the City of Shoreview, Ramsey County, Minnesota, pursuant to Minnesota Statutes, Sections 429.011 to 429.111. There are assessments proposed for the improvements. The properties included in the project area are all of the property in the City fronting, abutting or have primary access from a portion of streets described as follows to wit:

Aldine Street – County Road I to Lois Drive
Hillview Road – Fairview Avenue to Snelling Avenue
Lois Drive – Fairview Avenue to Snelling Avenue

The estimated cost of the reconstruction, construction and repairs of the above mentioned streets and utilities is Three Million Five Hundred Thousand Dollars (\$3,500,000.00).

A reasonable impact of the assessment will be available at the hearing. Such persons as desire to be heard with reference to the proposed improvement will be heard at this meeting.

ORDER OF THE CITY COUNCIL

/s/ Terry C. Schwerm

City Manager

Published two times in the Shoreview Press on February 2 and 16, 2021.

CITY OF SHOREVIEW

ORDINANCE NO. 990

AN ORDINANCE ESTABLISHING A FEE SCHEDULE FOR THE OPERATION AND MAINTENANCE COSTS ASSOCIATED WITH THE AUGMENTATION OF SNAIL LAKE, EFFECTIVE FEBRUARY 3, 2021

THE COUNCIL OF THE CITY OF SHOREVIEW ORDAINS:

Section 1. Pursuant to Minnesota Law, and the Shoreview City Code, and upon review and analysis of City Enterprise Funds, a fee schedule for the operation and maintenance costs associated with the augmentation of Snail Lake is hereby adopted.

2021 Snail Lake Augmentation Fee Schedule

- The fees for the operation and maintenance costs associated with the augmentation of Snail Lake be set by the Shoreview City Council
- The Snail Lake Improvement District Board has reviewed the current Augmentation Fee Schedule and is recommending that the 2021 Snail Lake Augmentation Fee Schedule, hereto attached as Amendment 1 to Exhibit A, be adopted.
- Upon consideration and review of the Shoreview City Council, the 2021 Snail Lake Augmentation Fee Schedule, hereto attached as Exhibit A, is hereby adopted and becomes effective February 3, 2021.

Section 2. This ordinance shall become effective one day after publication. Sandra C. Martin, Mayor
Adopted February 1, 2021
Published February 2, 2021
Effective February 3, 2021

AMENDMENT 1 TO EXHIBIT A

Snail Lake Augmentation Charges:

Homeowner with the Snail Lake Improvement District \$ 116.30 per unit per quarter

Published one time in the Shoreview Press on February 2, 2021.

CITY OF SHOREVIEW

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that the Shoreview Planning Commission will hold a Public Hearing at **7:00 p.m. Tuesday, February 23, 2021** via a virtual platform due to the Covid-19 pandemic.

APPLICANT: Kath Fuel Oil Service Co.

LOCATION: 3467 Rice Street

REQUEST: Preliminary Plat, Rezoning the property from C2, General Business to Planned Unit Development (PUD) and a Planned Unit Development (PUD) – Development Stage – Site is proposed to be redeveloped with a new fuel station.

Persons who want to comment on this proposal are invited to attend this hearing. Please call the Shoreview Department of Community Development (651-490-4680) after Thursday, February 18 to find out where this item will be located on the meeting agenda or you can look on the City's website, <https://www.shoreviewmn.gov/government/agendas-and-minutes>. Information on how to access the meeting virtually will also be posted on-line. The meeting will also be cable cast on Channel 16.

BY ORDER OF THE CITY COUNCIL

/S/ Terry C. Schwerm, City Manager

Published one time in the Shoreview Press on February 2, 2021.

CITY OF SHOREVIEW

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that the Shoreview Planning Commission will hold a Public Hearing at **7:00 p.m. Tuesday, February 23, 2021** via a virtual platform due to the Covid-19 pandemic.

APPLICANT: Zawadski Homes

LOCATION: 960 County Road I

PROPOSAL: Conditional Use Permit to retain and exceed the 440 square feet for a detached accessory structure, when the home is torn down and rebuilt.

Persons who want to comment on this proposal are invited to attend this hearing. Please call the Shoreview Department of Community Development (651-490-4680) after Thursday, February 18 to find out where this item will be located on the meeting agenda or you can look on the City's website, <https://www.shoreviewmn.gov/government/agendas-and-minutes>. Information on how to access the meeting virtually will also be posted on-line. The meeting will also be cable cast on Channel 16.

BY ORDER OF THE CITY COUNCIL

/S/ Terry C. Schwerm, City Manager

Published one time in the Shoreview Press on February 2, 2021.

CITY OF SHOREVIEW RAMSEY COUNTY, MINNESOTA

ORDINANCE NO. 988

AN ORDINANCE TO AMEND CHAPTERS 100 AND 600 OF THE SHOREVIEW MUNICIPAL CODE PERTAINING TO AFFORDABLE HOUSING

The Shoreview City Council ordains that Chapter 100 General Provisions and Chapter 600, General Regulations, are hereby amended as follows:

Section 102 pertaining to administrative citations. The intent of the proposed amendment is to better define standards related to administrative citations.

Section 614 pertaining to affordable housing. The intent of the proposed amendment is to better define standards related a tenant notification period during the sale of an apartment building with at least 15% of the units being affordable.

The amendments are as hereby follows:

Section 102 Administrative Citations

A. Purpose and Findings. The City Council finds that there is a need for alternative methods of enforcing the provisions of Section 211 and Section 614. While criminal fines and penalties have been the most frequent enforcement mechanism, there are certain negative consequences for

citizens who are accused and the system does not ensure prompt resolution. Citizens resent being labeled as criminals for violations of administrative regulations. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard City Code violations as being important. Accordingly, the City Council finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for City Code violations.

B. Administrative Citations and Civil Penalties. This Section governs administrative citations and civil penalties for violations of Sections 211 and 614.

C. General provisions. A violation of Section 211 or 614 may be subject to an administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.

D. Administrative Citation. The City Manager and his/her designee may issue an administrative citation upon the finding that a Code violation has occurred. The citation must be issued in person or by mail to the property owner and/or person responsible for the violation offense. The citation must state the applicable City of Shoreview Municipal Code Section, date, time, and nature of the offense, the name of the issuing officer, the amount of the scheduled civil penalty, and the manner for paying the civil penalty or appealing the citation.

1. Response to Citation. A recipient shall respond to the citation within 4 days of receipt. The recipient may:

- Admit the violation stated in the citation and agree to pay the fine. Payment of the civil penalty constitutes admission of the violation.
- Deny the violation stated in the citation and request a hearing within fourteen (14) calendar days after issuance.

E. Administrative Hearing

1. Hearing Officers. The City shall maintain a list of hearing officers Available to conduct hearings on the merits of an administrative citation, if requested by a recipient. Hearing officers shall have executed a contract to provide hearing officer services with the City of Shoreview. The hearing officer is not a judicial officer but is a public officer as defined by Minn. Stat. § 609.415. The hearing officer must not be a City employee. The City Manager must establish a procedure for evaluating the competency of the hearing officers, including comments from accused violators and City staff. These reports must be provided to the City Council.

- Removal of Hearing Officer. The accused will have the right to request, no later than five (5) calendar days before the date of the hearing, that the assigned hearing officer be removed from the case. One request for each case will be granted automatically by the City Clerk. A subsequent request must be directed to the assigned hearing officer who will decide whether he or she can fairly and objectively review the case. The City Clerk may remove a hearing officer only by requesting that the assigned hearing officer find that he or she cannot fairly and objectively review the case. If such a finding is made, the officer shall remove himself or herself from the case, and the City Clerk will assign another hearing officer.

2. Request for Hearing. If the recipient responds by requesting a hearing, the City Manager shall assign the case to a hearing officer on the list. The Manager shall notify the hearing officer, the recipient and the issuing officer of the assignment in writing. The hearing officer shall schedule a hearing within a reasonable date of receiving the notice. Any delays in holding the hearing shall be reported to the City Manager by the hearing officer.

3. Citation Materials. At assignment, the City Manager shall transmit a copy of the citation to the hearing officer. Within five days of assignment, the issuing officer or the officer's department shall transmit copies of all materials relating to the citation to the hearing officer. The hearing officer shall transmit a copy of any materials received to the recipient at the earliest opportunity but at least three days in advance of the hearing.

4. Notice of Hearing. Notice of the hearing must be served on the person responsible for the violation at least fourteen (14) calendar days in advance, unless a shorter time is accepted by all parties. Service of the Notice will be by first class mail and will be complete upon mailing. (

5. Hearing. At the hearing, the hearing officer shall receive the testimony of any witnesses, witness statements, and comments presented by the person cited. The hearing officer will consider these items alongside the materials submitted by the issuing officer, and may weigh the evidence and make credibility determinations to the best of the hearing officer's ability. The hearing officer is not required to apply the rules of evidence in making determinations about the evidence presented. The issuing officer is not required to attend the hearing.

6. Decision/Findings. After considering all of the evidence submitted, the hearing officer shall determine, by a preponderance of the evidence, whether the person cited did or did not violate the statute or statutes identified in the citation. The hearing officer shall make written findings supporting the determination and transmit them to the cited person and the City Manager within five days of closing the hearing. The decision of the hearing officer is final without any further right of administrative appeal.

7. Failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of "good cause" are: death or incapacitating illness of the accused; a court order requiring the accused to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. "Good cause" does not include: forgetfulness and intentional delay.

F. Payment Following Finding Of Violation. If the hearing officer finds a violation, the fine for the Code Violation is due within 30 days of the date the findings are sent to the recipient. The hearing officer may not alter or reduce the fine for any offense or combine multiple offenses into a single fine. Payment of fines due shall be made to the City Manager.

G. Recovery of Civil Penalties. If a civil penalty is not paid within the time specified, the City has the authority to take the following actions:

- A lien may be assessed against the property and collected in the same manner as taxes.
- A personal obligation may be collected by appropriate legal means.
- A late payment fee of 10 percent of the civil penalty may be assessed for each 30-day period, or part thereof, that the fine remains unpaid after the due date.

H. Criminal Penalties. The following are misdemeanors, punishable in accordance with State Law:

- (i) failure, without good cause, to appear at a hearing that was scheduled under Code Section 102 (E)(4);
- (ii) failure to pay a civil penalty imposed by a hearing officer within 30 days after it was imposed, or such other time as may be established by the hearing officer.

If the final adjudication in the administrative penalty procedure is a finding of no violation, then the City may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the City from pursuing a criminal conviction for a violation of the same provision based on a different set of facts. A different date of violation will constitute a different set of facts.

Section 614 Sale of Affordable Housing Building

A. Definitions The following definitions apply in this Section of this Code. References to "Section" are unless otherwise specified, references to this Section of this Code. Defined terms remain defined terms, whether or not capitalized.

Affordable housing building means a multifamily rental housing building having three or more housing units, where at least 18% of the units rent for an amount that is affordable to households at or below 60 percent of area median income, as median income was most recently determined by the United States Department of Housing and Urban Development for the Minneapolis-St. Paul-Bloomington, Minnesota- Wisconsin Met-

ropolitian Statistical Area, as adjusted for household size and number of bedrooms.

Affordable housing unit means a rental unit in an affordable housing building that rents for an amount that is affordable to households at or below 60 percent of area median income, as median income was most recently determined by the United States Department of Housing and Urban Development for the Minneapolis-St. Paul- Bloomington, Minnesota-Wisconsin Metropolitan Statistical Area, as adjusted for household size and number of bedrooms.

Cause means the tenant or a member of the tenant's household materially violated a term of the lease or violated a provision of the City's Rental Housing Ordinance, City Code Section 8-331 Crime Free/Drug Free and Disorderly Use Lease Requirements.

Tenant protection period means the period that commences on the date when a real estate closing transfers ownership of an affordable housing building and runs through the end of the 3 calendar months following the month in which written notice of the transfer is sent to each affordable housing unit tenant pursuant to subpart (c) of this Section.

B. Purpose The purpose of this Section is to provide housing stability, protection and notification to tenants in rental housing during an ownership transition. This Section requires notice to tenants and to the City whenever title to property containing three or more rental housing units is conveyed or otherwise transferred. Under the ordinance the owner would be required to pay resident relocation benefits if they take certain actions during the three-month tenant notification period and the resident needs to move as a result of that action.

C. Notice

1. Notice to tenants. Whenever title to property containing a housing building is conveyed or otherwise transferred, the new owner must within thirty (30) days after the real estate closing deliver written notice to each housing unit tenant of the housing building that the property is under new ownership. The notice must include, at a minimum, the following information:

- The name, mailing address, and telephone number of the new owner.
- The following statement: "Shoreview City Code Section 614 provides for a three month tenant notification period for housing unit tenants. Under this Section, a housing unit tenant may be entitled to relocation assistance from the new owner if, during the three month tenant notification period, the new owner;
 - terminates or does not renew the tenant's rental agreement without cause;
 - raises the rent and the tenant terminates his or her rental agreement due to the rent increase;
 - requires existing tenants to be rescreened or comply with new screening criteria and the owner or tenant terminates the tenant's lease; or
 - imposes a material change in the terms of the lease and the owner or tenant terminates or does not renew the tenant's lease."
- Whether there will be any rent increase within the three month tenant notification period and, if so, the amount of the rent increase and the date the rent increase will take effect.
- Whether the new owner will require existing housing unit tenants to be rescreened or comply with new screening criteria during the three month tenant notification period and, if so, a copy of the applicable screening criteria.
- Whether the new owner will, without the tenant's consent, impose a material change in the terms of the lease during the three month tenant notification period and, if so, the language of the material change and explanation of its effect.
- Whether the new owner will terminate or not renew rental agreements without cause during the three month tenant notification period and, if so, notice to the affected housing unit tenants whose rental agreements will terminate and the date the rental agreements will terminate.
- Whether the new owner intends to increase rent, require existing tenants to be rescreened to determine compliance with existing or modified residency screening criteria, terminate or not renew housing unit rental agreements, or impose a material change in the terms of the lease without cause within thirty (30) days immediately following the tenant notification period.
- The date that the tenant notification period will expire.

2. Notice to the city. The new owner must deliver a copy of the notice required by clause (C1) to the City Community Development Department at the same time that the notice is delivered to tenants.

3. Required tenant notification period. The new owner of a housing building must not terminate or not renew a tenant's rental agreement without cause, raise rent, rescreen existing tenants, or impose a material change to the terms of the lease during the tenant notification period without providing the notices required by clause (C) of this Section.

D. Relocation Assistance

1. When Required. A new owner of a housing building must pay relocation assistance to housing unit tenants if, during the three month tenant notification period, the new owner:

- terminates or does not renew the tenant's rental agreement without cause;
 - raises the rent and the tenant terminates his or her rental agreement due to the rent increase;
 - requires existing tenants to be rescreened or comply with new screening criteria and the owner or tenant terminates the tenant's lease; or
 - imposes a material change in the terms of the lease and the owner or tenant terminates or does not renew the tenant's lease.
2. Amount. Relocation assistance is an amount equal to three months of the current monthly lease rent.
3. When Paid. The new owner shall, when required, pay relocation assistance to the tenant of a housing unit within thirty (30) days after receiving tenant's written notice of termination of the lease or within thirty (30) days after the owner notifies the tenant that the lease will be terminated or not renewed.

E. Tenant Complaints

1. A tenant of a housing unit who believes the new owner has not provided the tenant the notifications required under this Section may submit a notice of violation to the City. The purpose of the notice is to inform the City of an alleged violation of this Section to assist the City in determining whether to impose an administrative penalty provided for in this Section. The City is not required to take any particular action in response to a notice of violation and any enforcement action it does take shall be on behalf of the City, not the tenant. Filing a notice of violation does not prohibit the tenant from pursuing any remedy available to the tenant under law.

F. Penalty

1. A violation of clauses (C) and/or (D) of this Section is an administrative offense that may be subject to an administrative citation and civil penalties as provided in City Code Section 203.090. Notwithstanding any provision of City Code Section 203.090 the penalty for a violation of clauses (C) and/or (D) shall be the sum of the applicable amount of relocation assistance plus \$500.

2. A violation of this ordinance shall constitute a separate offense for each dwelling unit affected.

3. Within thirty (30) days after a person pays the penalty in clause (F1) to the City, the City shall pay to the displaced tenant of the housing unit in which the violation occurred an amount equal to the relocation assistance amount specified in Section D.

Effective Date. This ordinance shall become effective the day following its publication in the City's official newspaper.

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Sandra C Martin, Mayor
Published one time in the Shoreview Press on February 2, 2021.