

**Mayor**  
Tom Fischer

**Council Members**  
Teresa Miller  
Amanda Gutierrez  
Dave Miller  
Chris Kwapick



515 Little Canada Road  
East  
Little Canada, MN 55117  
[www.littlecanadamn.org](http://www.littlecanadamn.org)

**City Administrator**  
Chris Heineman

**Regular Meeting of the  
Little Canada City Council**  
Wednesday, May 10, 2023  
7:30 p.m.  
City Center Council Chambers  
**AGENDA**

1. Roll Call
2. Call To Order - Regular Meeting - 7:30 P.m.
3. Approval Of Minutes
  - A. April 26, 2023 Regular Council Meeting

Documents:

[04-26-2023 COUNCIL MINUTES.PDF](#)
4. Announcements
5. Public Comment

Please limit comments to 3 minutes per person. Items brought before the Council will be referred for consideration. Council may ask questions for clarification, but no Council action or discussion will be held on these items.
6. Presentations
  - A. Mary Jo McGuire, Ramsey County Commissioner
  - B. Angie Lewis-Dmello, President & CEO Of Northeast Youth & Family Services
7. Consent Agenda
  - A. Approval Of The Vouchers
8. Staff Reports
  - A. Administrative Enforcement Of City Code Violations

Documents:

[ADMINISTRATIVE ENFORCEMENT OF CITY CODE.PDF](#)
9. Council Reports & Meeting Updates
10. Adjourn

*This agenda is subject to change by additions and deletions.*

**MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
LITTLE CANADA, MINNESOTA**

**APRIL 26, 2023**

Pursuant to due call and notice thereof a regular meeting of the City Council of Little Canada, Minnesota was convened on the 26<sup>th</sup> day of April, 2023 in the Council Chambers of the City Center located at 515 Little Canada Road in said City.

Mayor Tom Fischer called the meeting to order at 7:30 p.m. and the following members of the City Council were present at roll call:

**CITY COUNCIL:** Mayor Fischer, Council Members T. Miller, Kwapick, Gutierrez and D. Miller.  
Absent: None.

**ALSO PRESENT:** Community Development Director Corrin Wendell, Parks & Rec/Community Services Director Bryce Shearen, Public Works Director Bill Dircks, and City Clerk/HR Manager Heidi Heller.

**APPROVAL OF MINUTES**

T. Miller introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2023-4-45 – APPROVING THE MINUTES OF THE APRIL 12, 2023 WORKSHOP AND THE APRIL 12, 2023 REGULAR MEETINGS AS SUBMITTED***

The foregoing resolution was duly seconded by Kwapick.  
Ayes (5). Nays (0). Resolution declared adopted.

**ANNOUNCEMENTS**

Mayor Fischer read aloud the 2023 Arbor Day Proclamation.

**PUBLIC COMMENT**

None.

**PUBLIC HEARING - PROPOSAL FOR A HOUSING FINANCE PROGRAM AND THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS TO FINANCE A MULTIFAMILY HOUSING DEVELOPMENT (LICA APARTMENTS PROJECT, 65 TWIN LAKE BOULEVARD)**

The Community Development Director provided background information on the project and noted that the request tonight would be for conduit financing for the second phase of the apartment development. She asked the Council to hold the public hearing and then consider the actions before it.

Mayor Fischer commented that this is common practice for a city to issue these types of bonds.

Mayor Fischer opened the public hearing for comments from the general public.

There were no comments from the public. Upon motion by T. Miller, seconded by Kwapick, the public hearing was closed. Ayes (5). Nays (0). Motion adopted.

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T. Miller introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2023-4-46 –FOR THE ISSUANCE OF CONDUIT REVENUE BONDS  
BY THE CITY OF LITTLE CANADA FOR A MULTIFAMILY AFFORDABLE HOUSING  
PROJECT KNOWN AS LICA APARTMENTS***

The foregoing resolution was duly seconded by Gutierrez.  
Ayes (5). Nays (0). Resolution declared adopted.

**PUBLIC HEARING - CONSIDER MINOR SUBDIVISION OF 2851 & 2857 VANDERBIE  
STREET**

The Community Development Director explained tonight the Council is asked to consider a minor subdivision proposal which would subdivide the rear portion of two lots facing Vanderbie Street to create a new lot that would face Labore Road. She stated that following the subdivision, all three lots would exceed the minimum zoning requirements. She stated that the Planning Commission considered this request at its April 13<sup>th</sup> meeting and received input from the adjacent neighbor and summarized the concerns raised by that resident. The Council is asked to hold a public hearing and consider the minor subdivision request.

Mayor Fischer opened the public hearing for comments from the general public.

There were no comments from the public. Upon motion by D. Miller, seconded by T. Miller, the public hearing was closed. Ayes (5). Nays (0). Motion adopted.

D. Miller asked who would own the new lot once the subdivision is completed. He also asked and received confirmation that once the split is completed, the shed would need to be removed from the new lot. The Community Development Director replied that the lot would be listed for sale, noting that one of the applicants is a realtor. She was unsure who would own the lot until it was sold.

Mark Hronski, 2857 Vanderbie Street, stated that he spoke with an attorney and they were advised that the ownership would not need to be legally defined as long as both parties are in agreement. He stated that the shed is on his current property and is in poor condition, so he will be removing that shed.

Mayor Fischer asked if the existing detached garage would meet the setback requirement. The Community Development Director confirmed that the detached structure would meet the required five-foot setback.

D. Miller asked whether there would be a requirement that the new lot would have to meet City Code requirements and could not request a variance. The Community Development Director commented that there would not be special requests or variances as a home could be constructed on the new lot within the zoning code. She stated that if there were a special request, that would need to go through the Planning Commission and City Council. She stated that the placement of the driveway would come in with the home design as it would depend on which side of the home the garage would be located.

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Mayor Fischer commented that they expect the property to be properly maintained until sold. He asked who would maintain the new lot and believed there should be a person of contact in the case there are issues before the property is sold. Mr. Hronski commented that he would be the main contact. He stated that each property owner would continue to mow the portion that was previously part of their yard. He stated that if for some reason the other party stopped mowing, he would assume that responsibility.

Kwapick commended the Planning Commission for its thorough review. He asked if the building pad is set, or whether it could be further back on the lot. The Community Development Director commented that was just provided for a point of reference to show that a home could be constructed meeting all requirements. She stated that a new home would need to meet the required front yard setback, or average setback, and therefore could not be located too far back on the lot.

T. Miller introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2023-4-47 – APPROVING A MINOR SUBDIVISION LOCATED AT 2857 AND 2851 VANDERBIE STREET FOR PARCEL ID NUMBERS 05-29-22-31-0011 AND 05-29-22-31-0012**

The foregoing resolution was duly seconded by D. Miller.  
Ayes (5). Nays (0). Resolution declared adopted.

**PUBLIC HEARING - CONSIDER ON-SALE LIQUOR LICENSE FEE INCREASE**

The City Clerk provided background information on this item and historical increases in liquor license fee increases which had previously been tied to the increase in the City levy. She commented that the levy has been increasing in higher percentage, rather than the previous three percent, and perhaps there is a different mechanism to consider for the liquor license fee. She stated that on-sale liquor license fees had not been increased since 2019 due to the pandemic.

Mayor Fischer opened the public hearing for comments from the general public.

Tom Duray, owner of Hoggsbreath Bar and Restaurant, stated that he has permission from the other on-sale license holders to speak on behalf of the group, with the exception of the Fiesta Feliz Rental Hall since he was not able to reach anyone from there. He stated that the group shares the same concerns that business is not what it used to be following COVID. He commented that the businesses are all independently owned with the exception of, Saxon Lanes, and most owners live in Little Canada. He commented that the business has not rebounded, and product costs have increased significantly in addition to challenges with the labor market. He thanked the citizens of Little Canada that have supported these businesses through the pandemic and the challenges that it brought to the restaurant industry. He asked that the Council consider not raising the liquor license fees this year. He commented that the original intent in 2006 was to increase the fee gradually to catch up to what the fee had been in other communities. He noted that in 2006 there was discussion of a sunset to that increase and perhaps a new formula could be created for the future. He stated that perhaps the fee has increased to the point where it could now level off. He reviewed some of the changes that the businesses have

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made following the pandemic which have changed the business plans and direction of those businesses.

Gutierrez noted that the three percent increase would equate to \$159. She commented that it feels that has been a lot of work for Mr. Duray to reach out to all the other businesses to save \$159. She commented that the City spends quite a bit for public safety and other elements that support the businesses that have liquor licenses and asked how the three percent increase would create a hardship.

Mr. Duray commented that the increases have been occurring for almost 17 years and he believed that there was supposed to be a sunset to the increase at some time. He stated that the business owners believed that this would be a good time to discuss the sunset of tying the increase to the levy increase.

Mr. Duray commented that the business owners do appreciate that as most of the businesses were closed for around one year or more during that time.

There were no further comments from the public. Upon motion by T. Miller, seconded by D. Miller, the public hearing was closed. Ayes (5). Nays (0). Motion adopted.

Mayor Fischer suggested that a workshop be held to discuss whether that policy should be sunset. He noted that even though the policy had been in place, the Council did not increase the fee since 2019. He recognized the comments on the challenges the businesses are facing and noted that is not unique to the restaurant industry as the City is experiencing those increased costs as well.

Kwapick asked how the revenue from these licenses is used. The City Clerk replied that those funds are contributed to the general fund. Kwapick asked if the City conducts any inspections of these businesses. The City Clerk replied that the County completes the compliance checks.

Kwapick asked if the information provided by the business owner on the fees of a neighboring community was accurate. The City Clerk confirmed that was an accurate number, explaining that Vadnais Heights bases its fees on the square footage of the bar/restaurant. She stated that cities typically do not annually raise liquor license fees, and noted that perhaps the City had fallen behind and the decision was made in 2006 to begin a slow annual fee increase to catch up with other cities.

Kwapick stated that it would seem that this is a broken formula, to tie the fee to the levy increase, and therefore liked the idea of considering that policy further in a workshop. He stated that he would be open to suggestions as to what to do this year and could support continuing the freeze for another year or increasing at a rate of three percent.

D. Miller also agreed that this should be more thoroughly discussed in workshop. He commented that three percent is not a large increase and there are only eight establishments with this type of license, so that increase does not equate to a large amount of funds for the City either. He believed that the business owners should be involved in the workshop in order to provide input going forward.

T. Miller commented that she also believes that this should be discussed in workshop as it does not seem appropriate to tie this increase to the levy increase. She commented that things have changed a

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lot following the pandemic and therefore she did not feel it necessary to raise the fee by even three percent. She agreed that they should work with the local businesses to find a better formula and continue the freeze for one more year.

Mayor Fischer stated that the policy to increase the fee in the same manner as the levy was a guideline and they have deviated from that when appropriate. He noted that City costs have also increased and even though \$159 is not that much money, it would equate to about \$1,000 for the City which does help. He stated that he is conscientious of the business owners and their challenges as well. He believed that an increase of three percent would be fair but would also be open to continuing the freeze for one additional year. He did not believe the comparison to Vadnais Heights was appropriate because of the manner those fees are calculated and noted that Little Canada is still 17 percent lower than their highest fee.

D. Miller replied that when comparing rates, Little Canada is always lower than the surrounding communities because it does control its spending. He stated that he would lean towards keeping the rate flat this year and finding a better way moving forward. Kwapick agreed and stated that he would like to find something that makes a little more sense and that would be consistent so the businesses could budget for the increase.

Fischer introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2023-4-48 – APPROVE NO INCREASE TO THE ON-SALE LIQUOR LICENSE FEE FOR 2023**

The foregoing resolution was duly seconded by T. Miller.  
Ayes (5). Nays (0). Resolution declared adopted.

Mr. Duray thanked the Council and City staff for their continued support and continuing to work with them during a challenging time.

**CONSENT AGENDA**

T. Miller introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2023-4-49 – APPROVING THE CONSENT AGENDA WHICH CONTAINS THE FOLLOWING:**

- Approval of the Vouchers
- Approve Contract with RES Pyro for Canadian Days Fireworks on August 4 & 5, 2023
- Call for a Workshop on May 24, 2023 at 6:00 p.m.
- Approve Resolution 2023-4-50 Consenting to Amendment to the City's Amended and Restated Senior Housing Revenue Note (Presbyterian Homes of Arden Hills, Inc. Project) Series 2011B and Amended and Restated Senior Housing Revenue Note (Presbyterian Homes of Arden Hills, Inc. Project) Series 2012B
- Approve Pay Request to Precision Tree for Twin Lake Boulevard Improvement Project Tree Clearing

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- Approve Resolution Renewing a Joint Powers Agreement with the Bureau of Criminal Apprehension (BCA) & Court Data Services Subscriber Amendment

The foregoing resolution was duly seconded by D. Miller.  
Ayes (5). Nays (0). Resolution declared adopted.

**STAFF REPORTS**

**NO MOW MAY PARTICIPATION**

The City Clerk explained tonight the Council is asked whether it would like to consider participation in No Mow May. She stated that the City does receive calls from residents that would like to participate, along with people complaining. She stated that if the Council does support No Mow May, City staff would like the ability to determine whether the City property would be included as there could be repercussions to not mowing on some City owned properties. She noted that if residents participate, the lawns would need to come into compliance by June 10<sup>th</sup>.

Mayor Fischer asked if there would be a meaningful impact to pollinators based on the percentage of residents that may choose to participate. The Parks & Rec/Community Services Director replied that there would be a minimal impact from not mowing. He commented that a larger impact could be gained by residents planting pollinator friendly plants or not using chemicals on their yard.

T. Miller commented that her initial thought in bringing this forward was to get people thinking about pollinators and that she would like to see more environmental initiatives and could also support a Low Mow May. She realized that there would not be a large environmental benefit but would see it as more of an educational awareness item.

D. Miller commented that he would support voluntary participation, directing staff not to enforce the ordinance for the month of May in order to increase awareness with a focus on spreading education. He asked if residents could plant pollinator friendly plants in their yard. The Public Works Director commented that there are instances of that nature, using the example of the Watershed District site or native plantings within the County ditch. He noted that area would need to be planned appropriately with native plantings and maintained to remove the noxious weeds.

Kwapick asked if this decision would only be for this year or whether it would continue in perpetuity. The City Clerk commented that staff was only proposing it for this year, and it could be considered again in the future if desired. She noted staff is not proposing changes to the City Code at this time.

Kwapick stated that he does want to encourage support for pollinators, but does not want to see people simply not mowing for the entire summer. He stated that he could support this as a pilot this year and they could then gauge whether to repeat in the future based on participation and experience. Mayor Fischer commented that now mowing a lawn does not inherently provide benefits to pollinators, and perhaps there should be a focus on education on things that can help pollinators.

Kwapick commented that often people participating would have a sign in their yard, which also spreads education to others. He noted that he found out about the initiative because he did see a yard sign in a participating yard and then looked up more information. Gutierrez commented that while she

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does not believe that there is adequate information supporting whether No Mow May is effective, she does agree that it could help to spread awareness and would support participation this year. She stated that perhaps the new Community Relations position being considered could help to develop an educational campaign in the future. Mayor Fischer asked if there are staff resources available to add this type of information to the City website. The Parks & Rec/Community Services Director confirmed that staff could handle that duty. He stated that each park project continues to add pollinator friendly plantings with educational signs.

T. Miller introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2023-4-51 – ALLOWING PARTICIPATION IN NO MOW MAY WITH THE FOLLOWING CONDITIONS:***

- ***CITY STAFF WILL DETERMINE IF AND WHERE LIMITED OR NO MOWING MIGHT OCCUR ON CITY-OWNED PROPERTY***
- ***ALL PROPERTIES MUST BE IN COMPLIANCE NO LATER THAN JUNE 10<sup>TH</sup> (CITY CODE CHAPTER 601.030(f): ALL NOXIOUS WEEDS AND GRASSES EXCEPT ORNAMENTAL VARIETIES MUST NOT BE TALLER THAN SIX INCHES***

The foregoing resolution was duly seconded by Gutierrez.  
Ayes (4). Nays (1) (Fischer). Resolution declared adopted.

**PUBLIC WORKS STAFFING**

The Public Works Director stated that the Public Works department recently lost two employees within the last month with another that has been out, which significantly impacts the department. He stated that they had advertised for the Public Works Maintenance I position, interviewing six candidates. He stated that they have two candidates that they feel would be a good fit within the department. He noted there is also another up and coming candidate that would be appropriate for the apprentice position.

Mayor Fischer appreciated the description and detail. He asked and received confirmation that the apprentice position would have benefits.

Fischer introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2023-4-52 – APPROVING THE HIRING OF TWO FULL-TIME PUBLIC WORKS MAINTENANCE I EMPLOYEES AS WELL AS A PUBLIC WORKS APPRENTICE POSITION FROM THE LATEST GROUP OF APPLICANTS***

The foregoing resolution was duly seconded by T. Miller.  
Ayes (5). Nays (0). Resolution declared adopted.

**APPROVAL OF NEW COMMUNITY RELATIONS POSITION**

The City Clerk explained tonight the Council is asked to consider and give final approval for this new position, noting that the job description has not changed since the last review. Staff sent the job description to DDA Human Resources, who recently completed the City's class and compensation



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study, for a recommendation of the State Job Match points and pay grade. She stated that after further review and the recommendation from DDA of the proposed pay scale, an amendment was made to lower that range to better match the market. The Council is asked to review and, if in agreement, direct staff to move forward with advertising and hiring for the position.

Mayor Fischer stated that the Council wanted to ensure that they would receive strong candidates. She noted that the City would be advertising the position in additional manners than positions are typically advertised in hopes of gaining more applicants. She noted that most cities do not have a higher level of this type of position, such as a manager or director, and perhaps that will attract applicants looking to move up. She believed that the proposed range would be very appropriate for the position and community. D. Miller agreed with the recommended pay range.

D. Miller introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2023-4-53 – APPROVAL OF THE COMMUNITY RELATIONS  
MANAGER POSITION DESCRIPTION AND DIRECTING STAFF TO MOVE  
FORWARD WITH ADVERTISING AND HIRING THIS POSITION***

The foregoing resolution was duly seconded by T. Miller.  
Ayes (5). Nays (0). Resolution declared adopted.

**COUNCIL REPORTS AND MEETING UPDATES**

D. Miller provided an update on a recent Ramsey County League of Local Governments meeting related to trash collection that he attended.

T. Miller provided details on an upcoming meeting for the League of Minnesota Cities.

Mayor Fischer stated that he visited Little Canada Elementary to award the 2023 button design winners for Canadian Days.

**ADJOURN**

**There being no further business, upon motion by T. Miller, seconded by D. Miller, the meeting was adjourned at 9:02 p.m.**

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Thomas Fischer, Mayor

Attest:

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Christopher Heineman, City Administrator



## STAFF REPORT

TO: Mayor Fischer and Members of the City Council

FROM: Heidi Heller, City Clerk/HR Manager  
Corrin Wendell, Community Development Director

DATE: May 10, 2023

RE: Add Chapter to City Code for Administrative Enforcement of City Code Violations

### **ACTION TO BE CONSIDERED**

Approve amending the City Code to add a chapter for an administrative enforcement of City Code violations process and fine structure, and add administrative fines to the Fee Schedule.

### **BACKGROUND**

City staff sees the need for additional options to encourage compliance when there is a City Code violation but compliance does not occur after multiple letters, or there are repeat violations at the same address. Currently, the system in place alerts the property owner of a violation with a letter and gives them 10-14 days to correct the violation. If they did not comply, then another letter is mailed with another time period in which to comply. After that step, the Code directs staff to go to City Council for abatement and/or legal action (a court citation). In between these steps would be a logical way to attempt to get compliance through accelerating fines that can be issued to the violators prior to issuing a court citation. Similar communities utilize this type of system and City Staff finds that it would be beneficial for Little Canada to have this process in place. A court citation can be a lengthy process and staff only wants to use this as a last resort, but there are always a few properties with violations where they are not complying with only a letter asking for cooperation.

Staff has drafted a new Chapter 3301 for the City Code titled “Administrative Enforcement of City Code Violations.” The purpose of this new chapter is to add an administrative fine system which would be the step between the letters and court citations, along with details on the process for abatements and appeals. This chapter also adds language that will allow unpaid abatement costs and fines to be assessed to the property. This chapter of administrative enforcement is not limited to only nuisances, it can be used for violations of any chapter in the City and Zoning Code.

Amendments to City Code Chapter 601, Nuisance, are also proposed in order to remove language that is better addressed in the new Chapter 3301.

The Fee Schedule is proposed to be amended to add the new Administrative Fines. Staff proposes the fines be set at \$100 for the first offense or notice of violation, \$250 for the second offense or notice and \$500 for the third and subsequent offenses or notices.

An example of how the accelerating fines would be used is: property A has junk in the front yard. A letter is mailed giving the owner 14 days to remove the items. A second letter is mailed after 14 days with no compliance or contact from the owner. After another 14 days with no compliance or contact, a third letter is mailed with a \$100 fine. After another 14 days with no compliance or contact, a fourth letter is mailed with a \$250 fine (this is in addition to the \$100 fine). After another 14 days with no compliance or contact, a fifth letter is mailed with a \$500 fine. Any further fines for this same case would be capped at \$500. It would be staff's discretion to determine at what point a court citation may be issued for non-compliance.

#### **STAFF RECOMMENDATION**

Staff recommends Council adopt Ordinances 869, 872 and 873 as follows:

1. Adopt Ordinance 869 adding Chapter 3301, Administrative Enforcement of City Code Violations, and approve publication of a summary ordinance.
2. Adopt Ordinance 873, Amending Chapter 601, Nuisance, and approve publication of a summary ordinance.
3. Adopt Ordinance 874, Amending the Fee Schedule to add Administrative Fines.

**CITY OF LITTLE CANADA  
RAMSEY COUNTY  
STATE OF MINNESOTA  
ORDINANCE NO. 869**

**AN ORDINANCE ADDING LITTLE CANADA CITY CODE CHAPTER 3301,  
ADMINISTRATIVE ENFORCEMENT OF CITY CODE VIOLATIONS**

The City Council of the City of Little Canada, Ramsey County, Minnesota does hereby ordain:

SECTION 1. The City Council of the City of Little Canada hereby adds new Chapter 3301 to the Little Canada Municipal Code as follows:

**CHAPTER 3301 ADMINISTRATIVE ENFORCEMENT OF CITY CODE VIOLATIONS**

**3301.010 FINDINGS.**

The City Council has determined that the health, safety, good order, general welfare and convenience of the public is threatened by certain public nuisances or violations of this Code on property within the city limits and finds the need for alternative methods of enforcing this Code. There are certain negative consequences for both the city and the accused by using only criminal fines and penalties, and the delay in that system does not ensure prompt resolution. Accordingly, the City Council finds that the use of abatement, administrative hearings and administrative citations is an addition to any other legal remedy that may be pursued. The City has the option to utilize any of the following procedures to enforce this Code. These procedures may be used separately, or in combination, to alleviate the violation.

**3301.020 ABATEMENT.**

- A. Application. This article shall apply to the abatement of all public nuisances and other violations as defined within this Code unless another procedure is specifically provided.
- B. Inspections and Investigations.
  - 1. Periodic inspections. The City Administrator and/or designee shall cause to be inspected all public and private places within the city which might contain a public nuisance or violation as defined in Chapter 601 of this Code as often as practicable to determine whether any such conditions exist. The City Administrator and/or designee shall also investigate all reports of public nuisances located within the city.
  - 2. Entry on public and private places. The City Administrator or their duly authorized agents may enter upon all public and private places at any reasonable time for the purposes of inspecting those places for public nuisances.

C. Abatement procedure.

1. Abatement authorization. Upon a determination by the City Administrator and/or designee that a public nuisance or violation of this Code exists on any public or private property within the city, the City Administrator and/or designee shall order the public nuisance or violation to be abated in a manner consistent with this Code.
2. Procedure for removal of public nuisances. Whenever the City Administrator and/or designee finds within reasonable certainty that a public nuisance or violation exists on any public or private property in the city, they shall:
  - a. Notify the affected property owner by personal service, posting on primary door of structure, U.S. mail, or by certified mail, that the nuisance or violation must be abated within the time designated on the notice, or 14 days from the date of service of the notice. If the owner of the property is unknown or absent and has no known representative upon whom notice can be served, service may be had by posting a writing or printed notice on the property.
    - (1) The notice shall state with specificity the nature of the nuisance or violations and the requirements for compliance.
    - (2) With the exception to abatements for long grass, weeds and urgent public health or safety issues, any notice that accompanies a fine, citation or pending abatement shall also state that the property owner may, within 14 days of the date of the order, request a hearing before the Community Development Director or City Administrator, or for appeals of the settlement hearing, City Council, and shall set out the procedure by which that hearing may be requested.
    - (3) The notice shall also state that failure to abate the nuisance or violation, or request a hearing within the applicable time periods will result in abatement procedures, and that the cost of abatement with penalties and interest will be billed to the property owner. Pursuant to applicable state statutes, any unpaid fees and fines will be charged against the benefitted property via special assessment under Minnesota Statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments not exceeding ten, as the Council may determine in each case.
    - (4) The notice shall state that any items removed from the property by the City or the City's designee, will be held for 15 days prior to disposal. Within those 15 days, the property owner can reclaim any items held by the City or the City's designee after

paying all fees incurred by the city associated with the abatement. If the property owner does not contact the city within 15 days to reclaim the items, all items will be disposed of or sold. Any abated items that are reclaimed and returned to the property by the property owner that are found to be in violation of this article shall be abated immediately by the City and will be assessed a new fee for the abatement according to the City's fee schedule.

- (5) Any item that is deemed hazardous, considered a public health nuisance or consists of yard waste, brush, wood or grass clippings may be disposed of immediately and is exempt from the holding period.
- (6) A property owner may waive the 15-day holding period and request all abated items are immediately disposed of provided that it is requested at least 48 hours prior to the scheduled abatement, excluding weekends and observed holidays.
  - (a) Upon expiration of the time required by the notice, the City Administrator and/or designee shall notify the property owner of the date on which the nuisance or violation will be abated and proceed with the abatement, unless a request for a hearing has been timely filed.
  - (b) The City shall, within seven (7) days after any appeal period has expired or as soon as it can be reasonably accomplished, have the property abated in accordance with this section.
  - (c) Once a property has been approved for abatement, the City reserves the right to enter the property to remove the public nuisance completely, if the work is not able to be fully carried out in one day, the City can return until the nuisance is completely abated.
- (7) A property owner may enter into a stipulated abatement agreement with the City if they wish to be brought into compliance, however, they do not have the means to do so. The owner waives any and all objection to the City abating the property allowed under ordinance, as well as any objection to assessment to the property taxes as allowed by Minnesota State Statute.

3. Hearing Procedure. Any property owner who feels aggrieved by an order of the City Administrator and/or designee issued pursuant to this article, may request a hearing before the City Council.

- a. Request.

- (1) Such request shall identify with specificity the basis for the property owner's objection to the interpretation of this Code and notice of violation.
  - (2) Such request shall be filed in writing with the Community Development Department within 14 days after the date of the service of the notice by the City Administrator and/or designee.
- b. Conference.
- (1) The Community Development Director shall schedule a conference to be conducted no more than 10 days after receipt of the hearing request. A later date may be mutually agreed upon by the parties. The conference will be held between the City and the property owner to encourage a resolution prior to a hearing brought before the City Council.
  - (2) If after the conference, no resolution has been made, the Community Development Director or designee, shall notify the property owner of the date, time and place of the hearing.
- c. Hearing.
- (1) A hearing shall be conducted during the first available City Council meeting after an appeal request from the conference is received. Appeals to the conference must be received within 10 days of final resolution of the conference unless a later date is mutually agreed to by the property owner and the City.
  - (2) Both the property owner and the City may appear at the hearing with Council and may call such witnesses and present such evidence relevant to the case.
  - (3) Any history of the property owner's prior violations shall be deemed relevant and admissible as evidence.
- d. Resolution.
- (1) A decision shall be made to affirm, repeal or modify the order of the City at the conclusion of the conference. Within 14 days after such conference, the findings of fact and final decision shall be provided to the property owner.
  - (2) Any person aggrieved by the decision reached during the conference may appeal that decision to the City Council by filing notice, in writing, of such appeal with the Community Development Department within 10 days of the decision reached during the conference.
  - (3) Within 30 days of the filing of a notice of appeal of the conference's decision, the City Council shall review the decision and findings of fact reached during the conference and shall affirm, repeal or modify that decision.

The City shall take no action to abate any nuisance or violation while the matter is still pending.

4. Implementation of hearing or City Council determination. Upon a final determination by the Conference, or the City Council if the determination of the conference is appealed, the City shall implement the decisions accordingly.
  - a. If it is determined during the Conference or the City Council hearing that no public nuisance or violation exists, then the City shall notify the affected property owner in writing to confirm the determination of the conference or City Council, and all abatement processes shall be ceased.
  - b. If the conference or the City Council finds that a public nuisance or violation of this Code does exist, then the City shall notify the affected property owner by personal service, posting notice on primary entry to home or building, or by certified mail that the nuisance must be abated within 14 days from the date of service of the notice. Service by certified mail shall be deemed complete upon mailing.
    - (1) The order shall also state that failure to abate the nuisance within the applicable time period will result in summary abatement procedures, and that the cost of abatement will be assessed against the subject property.
    - (2) Upon expiration of the time required by the notice, the City Administrator and/or designee may abate the nuisance or violation.
5. Abated property storage.
  - a. Any items, other than hazardous materials, public health nuisances, and grass, weeds and brush removed from the property by the City or the City's designee will be held for 15 days prior to disposal.
  - b. Within those 15 days, the property owner can reclaim any items held by the City or the City's designee after paying all fees incurred by the City associated with the abatement.
  - c. If the property owner does not contact the City within 15 days to reclaim the items, all items will be disposed of or sold.
  - d. Any abated items that are reclaimed and returned to the property by the property owner that are found to be in violation of this article, shall be abated immediately by the City without the need to begin a new abatement process.
  - e. The property owner may request the items stored to be disposed of anytime within the 15-day storage period, excluding weekends and observed holidays. The property owner will only be billed for the time stored until the disposal request is made.



6. Abatement costs and billing. The City Administrator and/or designee, shall keep a record of the costs of abatement performed for which the property owner shall be billed. The invoice shall state and certify the description of the land, parcels involved and the amount assessable to each. To cover administrative costs necessarily incurred in the abatement procedure, an administrative fee in the amount of not more than 25% of the cost to abate the nuisance shall be imposed, except that in no event shall the administrative fee be less than \$250.
7. Certification of unpaid abatement costs to Ramsey County Auditor. On or before October 1 of each year, the City Administrator and/or designee, shall list the total unpaid charge for each abatement or administrative citation against each separate parcel to which they are attributable under this article. After notice and hearing as provided in Minn. Stats. §429.061, the City Council may then spread the charges against property benefitted as a special assessment under Minn. Stats. §429.101 and other pertinent statutes for certification to the Ramsey County Auditor and collection along with current taxes the following year, or in annual installments, not exceeding ten, as the City Council may determine in each case.
8. Interference prohibited. It is a misdemeanor for any person to prevent, delay or interfere with the City or its agents while they are engaged in the performance of duties set forth in this article.

#### 3301.030 ADMINISTRATIVE CITATION.

- A. Application. An administrative citation may be issued in conjunction with, or in lieu of, prosecution or abatement for any violation of any section of this Code, and is subject to the administrative hearing process described herein.
- B. Notice. The City Administrator and/or designee, or any member of law enforcement, upon determining there has been a violation, shall notify the violator, or person responsible for the violation, or in the case of a vehicular violation, by attaching to said vehicle, notice of the violation, said notice setting forth the nature, date, time of the violation, the name of the official issuing the notice and the amount of the scheduled initial penalty and where applicable, any other charges relating thereto.
- C. Penalties. Upon expiration of the time required by the notice and the nuisance has not been abated by the property owner, an administrative citation may be issued.
  1. An administrative civil penalty shall be imposed per the City's rates for each violation.
- D. Payment. Once such notice is given, the person responsible for the violation shall, within 14 days of the time of issuance of the notice, pay the full amount of the stated violation to the City. Payment of the penalty shall be admission of the violation.
- E. Appeals. Any disputes and appeals shall be heard during a conference or appeals hearing, unless otherwise defined, and shall follow procedure set forth in this article.

F. Failure to pay. If a violator fails to pay the penalty imposed by this section, the matter may be abated, certified to property taxes and/or prosecuted, in accordance with this article.

3301.040 PROSECUTION. Nothing in this article shall prohibit the City from seeking prosecution as a misdemeanor for any violation of this article.

3301.050 PENALTIES. Penalties and costs of abatement procedures shall be imposed according the City's adopted fee schedule.

3301.060 SEPARABILITY. Every section, provision or part of this Chapter is declared separable from every other section, provision or part, and if any section, provision or part hereof shall be held invalid, it shall not affect other section, provision or part.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. In any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

SECTION 4. This ordinance shall take effect and be in full force from and after its adoption and publication.

Adopted this 10<sup>th</sup> day of May, 2023

By: \_\_\_\_\_  
Thomas Fischer, Mayor

Attest: \_\_\_\_\_  
Christopher Heineman, City Administrator

AYES:  
NAYS:

Published May 14, 2023

**CITY OF LITTLE CANADA  
RAMSEY COUNTY  
STATE OF MINNESOTA  
ORDINANCE NO. 873**

**AN ORDINANCE AMENDING LITTLE CANADA CITY CODE  
CHAPTER 601, NUISANCE**

The City Council of the City of Little Canada, Ramsey County, Minnesota does hereby ordain:

SECTION 1. The City Council of the City of Little Canada hereby amends Chapter 601 of the Little Canada Municipal Code by ~~deleting~~ and adding the following language:

**CHAPTER 601 NUISANCE**

601.080. POWERS OF OFFICERS. Whenever, in the judgment of the City Official, it is determined upon investigation that a public nuisance is being maintained or exists within the City, the City Official shall notify the person committing or maintaining such public nuisance and require him or her to terminate and abate such nuisance and to remove such conditions or eliminate such defects. ~~Notice requiring abatement or removal must be served on the owner, occupant, or agent of the property by certified and United States mail, or personal service. If the owner of the property is unknown or absent and has no known representative upon whom notice can be served, service may be had by posting a written or printed notice on the property. Said notice shall require the owner, occupant, or agent to abate or remove said nuisance in a manner set forth in the notice within a period not longer than ten (10) days. The notice may also include a notice of intent to abate nuisance advising the owner, occupant, or agent that if the nuisance is not removed within ten (10) days, the nuisance will be abated or removed at the expense of the owner.~~

~~When an order so given is not complied with, such noncompliance shall be reported forthwith to the City Administrator for such action as may be necessary and deemed appropriate to abate and enjoin further continuation of said nuisance.~~

601.090. ABATEMENT OF NUISANCE BY COUNCIL: COST RECOVERY. If, after service of notice of intent to abate nuisance, the person served fails to abate the nuisance or make the necessary repairs, alterations or changes in accordance with the direction of the City Official, the City Council may cause such nuisance to be abated at the expense of the City and recover such costs against the person or persons served as described in Chapter 3301.020(C6). ~~To cover administrative costs necessarily incurred in the abatement and assessment procedure, an administrative fee in the amount of not more than 25% of the cost to abate the nuisance shall be imposed, except that in no event shall the administrative fee be less than \$250.00. As to any such costs, the City Council shall direct the City Administrator to extend such sums as an assessment against the property upon which the nuisance existed and shall certify the same to the Ramsey County Auditor for collection in the same manner as taxes and special assessments are certified and collected.~~

601.100. ACCELERATED ABATEMENT PROCESS FOR CERTAIN NUISANCES. The City Official charged with enforcement of this chapter may follow the accelerated procedure described below for abating accumulations of snow and ice, decaying garbage or similar organic matter and graffiti.

Whenever the City Official charged with enforcement determines that a nuisance proscribed under this chapter is being maintained or exists on premises in the city, written notice shall be served in person; or by posting the premises; or by regular or certified first-class mail to the property owner or occupant. The notice shall specify the nuisance to be abated, that the nuisance must be abated within 5 working days, and that if the nuisance is not abated within 5 working days, that the City will have the nuisance abated and the cost of abatement certified against the property for collection with taxes.

If the owner or occupant fails to comply with the notice within 5 days, the City shall provide for abatement of the nuisance. The City Official shall keep records of the cost of abatement and shall provide this information to the City Administrator for assessment against the property pursuant to ~~Section 601.080~~ [Chapter 3301.020\(C7\)](#) of this chapter.

601.130. PENALTIES. Any person who shall cause or create a nuisance, or permit any nuisance to be created or placed upon, or to remain upon any premises owned or occupied by him, and any person who shall fail to comply with any order made under the provisions of this Code is subject to administrative enforcement as described in Chapter 3301, or charges that, upon conviction thereof shall be guilty of a misdemeanor and shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00) or by imprisonment in the County jail for not more than ninety (90) days. Such penalty is in addition to the administrative fee that may be charged under ~~section 601.090 Abatement of Nuisance by Council~~ [Chapter 3301.020\(C7\)](#).

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. In any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

SECTION 4. This ordinance shall take effect and be in full force from and after its adoption and publication.

Adopted this 10<sup>th</sup> day of May, 2023

By: \_\_\_\_\_  
Thomas Fischer, Mayor

Attest: \_\_\_\_\_  
Christopher Heineman, City Administrator

AYES:  
NAYS:

Published May 14, 2023

**CITY OF LITTLE CANADA  
RAMSEY COUNTY  
STATE OF MINNESOTA  
ORDINANCE NO. 874**

**AN ORDINANCE AMENDING THE FEE SCHEDULE FOR THE  
CITY OF LITTLE CANADA TO ADD ADMINISTRATIVE FINES**

The City Council of the City of Little Canada hereby ordains:

**Section 1.**

The City of Little Canada Municipal Code is hereby amended to update the City's Fee Schedule for administrative fines as attached hereto in Exhibit A.

**Section 2.**

This ordinance shall take effect and be in full force on May 14, 2023 after its passage and publication.

Adopted this 10<sup>th</sup> day of May, 2023

By: \_\_\_\_\_  
Thomas Fischer, Mayor

Attest: \_\_\_\_\_  
Christopher Heineman, City Administrator

AYES:  
NAYS:

Published May 14, 2023

**EXHIBIT A  
FEE SCHEDULE AMENDMENT**

**MISCELLANEOUS FEES**

<u>Administrative Fines</u>	<u>\$100 – 1<sup>st</sup> Violation or Notice of Violation</u> <u>\$250 – 2<sup>nd</sup> Violation or Notice of Violation</u> <u>\$500 – 3<sup>rd</sup> Violation or Notice of Violation (all subsequent violations and notices will be \$500)</u>
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