

CITY OF FALCON HEIGHTS
City Council Workshop
City Hall
2077 West Larpenteur Avenue

AGENDA

Wednesday, October 1, 2025
6:30 P.M.

- A. CALL TO ORDER:
- B. ROLL CALL: GUSTAFSON___ LEEHY___
MEYER ___ MIELKE___ WASSENBERG___
- STAFF PRESENT: LINEHAN___ NELSON___
- C. POLICY ITEMS:
1. Review of Revised Draft of City Code Chapter 105 - City Inspections
 2. Class & Compensation Implementation Plan
 3. Planning Consultant RFP
- D. ADJOURNMENT:

DISCLAIMER: City Council Workshops are held monthly as an opportunity for Council Members to discuss policy topics in greater detail prior to a formal meeting where a public hearing may be held and/or action may be taken. Members of the public that would like to make a comment or ask questions about an item on the agenda for an upcoming workshop should send them to mail@falconheights.org prior to the meeting. Alternatively, time is regularly allotted for public comment during Regular City Council Meetings (typically 2nd and 4th Wednesdays) during the Community Forum.

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ITEM FOR DISCUSSION

Meeting Date	October 1, 2025
Agenda Item	Policy C1
Attachment	See Below
Submitted By	Kelly Nelson, Administrative Services Director/Deputy Clerk

Item	City Code Updates – Rental Inspections
Description	<p>City Code frequently needs updates as issues are raised and Staff enforces code. To reflect practices similar to those in neighboring cities and to help protect renters’ rights, Staff reviewed the City’s current practices regarding rental properties and has proposed updates to the inspection process, made revisions to the crime-free housing section and added verbiage to ensure air conditioning, if provided by landlords, then it must be kept in working order, as outlined in City Code. The proposed changes made to Chapter 105 of City Code are attached for review and discussion by City Council.</p> <p>Council previously discussed these proposed changes on December 4, 2024, during the City Council Workshop. While most items required further discussion, there was an update made to City Code for 2025. In <u>Sec. 105-87 Definitions</u>, a change was made to the definition of <i>rental dwelling</i>, adding wording to reflect a recent change in MN State Statute, to include that <i>rental dwelling</i> does not include...”group housing licensed by the Minnesota Departments of Health or Human Services having a licensed capacity of six or fewer individuals...”Such group housing is now exempt from applying for municipal licensing under MN Statute 144G.45 and 245D.02.</p> <p>In addition, while a “re-inspection fee” was already part of the City Fee Schedule, Council approved adding more clear wording to the 2025 Fee Schedule to update the description “re-inspection fee” to now read “multiple failed re-inspections and/or a failure to show fee,” and raised the fee from \$50 to \$100 per occurrence. Sec. 105-94 (d) of City Inspections below would add further language to City Code to illustrate these fees.</p> <p>The majority of the proposed changes were tabled until further discussion and review could take place. The Fire Marshal, Adrian Neis, attended the City Council Workshop on September 3, 2025, and discussed the proposed updates. Taking feedback and requests from the Council, the Fire Marshal worked with staff and the City Attorney to produce a polished draft for discussion tonight. The goal is to bring forward a final proposed draft to an upcoming Council meeting so changes to code can be made effective before 2026 rental licensure occurs. A summary of the proposed changes to discuss now are below.</p>

Changes of Note Would Include:

Sec. 105-60 Amendments

Section 108.2 Closing of Vacant Structures

Wording added to elaborate on what ordering a structure to be “closed up” means.

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post the premises and order the structure ~~closed up to be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals~~ so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be assessed to the real estate upon which the structure is located.

Sections 602.2 through 602.4 updated the distance at which a room temperature shall be measured to correlate to the height at which a thermostat should be placed (between 52 and 60 inches) and updated the dates in which heat must be furnished so that they begin and end two weeks before/after air conditioning requirements.

Section 602.2 Residential Occupancies

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) at a distance ~~3~~ **five (5)** feet above floor level in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature of -15 ° F. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Section 602.3 Heat supply

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from ~~September 15 to May 15~~ **October 1 to April 30** to maintain a temperature of not less than 68°F (20°C) at a distance ~~3~~ **five (5)** ~~feet above floor level~~ **feet above the floor, near the center of the room, and two (2) feet inward from any exterior walls** in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor

design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature shall be -15 ° F.

Section 602.4 Occupiable Work Spaces

Indoor occupiable work spaces shall be supplied with heat during the period from ~~September 15 to May 15~~ **October 1 to April 30** to maintain a temperature of not less than 65°F (18°C) at a distance ~~3~~ **five (5)** feet ~~above floor level~~ feet above the floor, near the center of the room, and two (2) feet inward from any exterior walls ~~during the period the spaces are occupied~~.

Sections 603.1 through 603.4 were added to City Code, which adds Air Conditioning Requirements and establishes maximum temperatures, enforcement and penalties.

In summary, this section states that air conditioning equipment provided by landlords in rental housing units must be properly installed, connected, and maintained. And, in units where tenants do not control the central cooling system, landlords must ensure that the air conditioning system maintains a temperature of no more than 80 degrees in at least one habitable room. These standards apply from May 15 to September 15 each year, except when maintenance is required, which must be done with limited disruption. Violations of these air conditioning standards may result in a \$500 per unit, per incident fine. A definition was also added to further define per incident.

Section 605.1 Receptables

This section's wording was updated so that instead of stating the number of receptacles a dwelling shall contain, it now states that receptable outlets must be installed in accordance of when the unit was built or remodeled in accordance with National Electrical Code.

Section 702.4 Emergency Escape Openings

This was a simple update to the specific Minnesota State Fire Code sections emergency escape opening requirements can be found.

Section 704.1 General

This section was added and is consistent with MN State Fire Code, stating that all systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times.

Section 704.1 Smoke Alarms

This section was also updated to reflect how single or multiple-station smoke alarms shall be installed and maintained in Groups I-1 and Group R occupancies as required by both MN State Fire Code and MN State Building Code.

Section 105-87 Definitions

Definitions were clarified to include *Fire Code official* and *Fire Marshal* as meaning the same. Definitions were also added for *Owner* and for *Property manager or responsible party*.

Under the definition for *Rental dwelling*, the time is updated to reflect that 30 consecutive days rather than four consecutive months determines whether the property is viewed as a rental dwelling. This keeps it consistent with MN Fire Code.

Sec. 105-94 City Inspections

- Draft proposes updating language so that fire marshal remains consistent throughout.
 - Wording added to reflect that individual units in multifamily dwellings may be subject to inspection.
 - The current City Code states that common areas of multifamily dwellings shall be inspected. The attached draft adds wording to reflect that inspections of multifamily dwellings shall include common areas but that they MAY also include any dwelling unit, with permission from any owner, operator, occupant or other person(s) in charge.
 - The Fire Marshal can currently inspect any/all units following due process and noticing requirements if there are suspicions of violations or a problem that may cover multiple units.
- c). Wording added to further state actions the City may take if any owner or occupant refuses entry for an inspection.
 - In addition to outlining legal steps the City may pursue, wording is added to state how the license itself may be suspended, revoked or denied.
- (d). Adding a mention of a re-inspection fee to City Code.
 - The previous fee schedule listed a re-inspection fee of \$50 (due to initial failure). The fee schedule was changed for 2025 to add additional fees if multiple re-inspections are needed and to clarify the reason for the fee. If during an initial inspection, a correction notice is issued, then one re-check is included in the inspection fee. Should any code violations still exist and second/further inspections are needed, then an additional fee or fees of \$100 per occurrence will be charged to the owner. These fees are included in the 2025 Fee Schedule.
- (e). Wording added stating that a re-inspection fee can be waived by the City Administrator or their designee in case of error, mistake, injustice, or other good cause.
- (f). Wording added stating that the owner/owner's representative/occupant must be present during the inspection and must permit free access and entry for inspection purposes.

	<ul style="list-style-type: none"> ○ Occasionally, an owner asks if they can provide a code to enter an unattended premise. The Fire Marshal will not enter an unoccupied property for inspections. • (g). Wording added stating that no-shows or refusals to permit entry to the rental dwelling may be subject to reinspection fees. <ul style="list-style-type: none"> • The City did not previously have an established fee that is issued for no-shows at inspections. For 2025, the Re-Inspection fee of \$50 was reworded to be more all-encompassing so that it now includes both no-shows and second and subsequent re-inspections. • (h) Wording updated to reflect that the city may inspect individual dwelling units if they receive a complaint, which may require this to be done. <p>Council is asked to review the final draft and provide comments before it is brought for approval at an October city council meeting.</p>
Budget Impact	None.
Attachment(s)	<ul style="list-style-type: none"> • City Code -City Code - Chapter 105 Buildings and Building Regulations Drafted Changes 9.17.25
Action(s) Requested	Staff requests City Council discuss these potential amendments to City Code, and provide direction in how to proceed with their implementation.

Chapter 105 - BUILDINGS AND BUILDING REGULATIONS

Article/Division/Section:

ARTICLE I	<u>IN GENERAL</u>
105-1	<u>Placement of addresses on principal structures</u>
105-2	<u>Fire code</u>
105-3 – 105-22	<i>Reserved</i>
ARTICLE II	<u>STATE BUILDING CODE</u>
105-23	<u>Codes adopted by reference</u>
105-24	<u>Application, administration and enforcement</u>
105-25	<u>Permits and fees</u>
105-26	<u>Optional provisions</u>
105-27 – 105-55	<i>Reserved</i>
ARTICLE III	<u>PROPERTY MAINTENANCE</u>
105-56	<u>General requirements</u>
105-57	<u>Purpose</u>
105-58	<u>International Property Maintenance Code adopted</u>
105-59	<u>Deletions</u>
105-60	<u>Amendments</u>
105-61 – 105-85	<i>Reserved</i>
ARTICLE IV	<u>RENTAL HOUSING</u>
105-86	<u>Purpose</u>
105-87	<u>Definitions</u>
105-88	<u>License required</u>
105-89	<u>Application for license</u>
105-90	<u>License approval</u>
105-91	<u>License renewal</u>
105-92	<u>License fees</u>
105-93	<u>Furnish license</u>
105-94	<u>City inspections</u>
105-95	<u>Maintenance standards</u>
105-96	<u>Crime free/criminal activity lease requirements</u>
105-97	<u>Revocation, suspension, and civil fines</u>
105-98	<u>Hearing on penalties, revocation, violation, suspension and civil fines</u>
105-99	<u>Summary action</u>
105-100	<u>Applicable laws</u>
105-101	<u>Multiple suspensions</u>
105-102 – 105-109	<i>Reserved</i>
ARTICLE V	<u>ELECTRICAL REGULATIONS</u>
105-110	<u>Purpose; application of this article</u>

105-111	Electrical inspector, qualifications and appointment
105-112	Standards for electrical equipment installation
105-113	Connections to installations
105-114	Permits and inspectors
105-115 – 105-119	<i>Reserved</i>
ARTICLE VI	VACANT PROPERTIES
105-120	Definitions
105-121	Policy
105-122	Registration required; form
105-123	Presumptions, exceptions, and fee waivers
105-124	Recordkeeping
105-125	Fees

ARTICLE I - IN GENERAL

Sec. 105-1 - Placement of addresses on principal structures

- (a) *Purpose.* The placement of numbers indicating correct addresses on all principal structures and accessory dwelling units within the city is deemed to be in the interests of health, welfare and safety of its residents. Properly numbered structures will allow for identification for police and fire protection purposes.
- (b) *Numbered addresses.* All residential structures and garages abutting alleys shall have the proper street address affixed as designated by the city. All businesses or commercial establishments shall have the proper street addresses affixed to both the front and back of the establishment.
- (c) *Requirements.* All letters shall be a minimum of four inches in height. (Code 1993, § 5-3.04)

Sec. 105-2 - Fire code

The Minnesota State Fire Code, as now or hereafter amended, is hereby adopted by reference. A copy shall be available in the city offices.

(Code 1993, § 2-3.02)

State Law reference – State fire code, Minn. Stats. § 299F.011; adoption by reference, Minn. Stats. § 471.62.

Secs. 105-3 – 105-22 - Reserved

ARTICLE II - STATE BUILDING CODE

Sec. 105-23 - Codes adopted by reference

The Minnesota State Building Code, as adopted by the commissioner of administration pursuant to Minn. Stats. §§ 16B.59—16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the state commissioner of administration, through the building codes and standards division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this Code. The Minnesota State Building Code is hereby incorporated in this Code as if fully set out herein.

(Ord. No. 03-05, § 1, 8-13-2003)

State Law reference – Adoption by reference, Minn. Stats. § 471.62.

Sec. 105-24 - Application, administration and enforcement

The application, administration, and enforcement of the Code shall be in accordance with the Minnesota State Building Code. The code enforcement agency of this municipality is called the Falcon Heights building official. This code shall be enforced by the state certified building official designated by this municipality to administer the code.

(Ord. No. 03-05, § 2, 8-13-2003)

Sec. 105-25 - Permits and fees

The issuance of permits and the collection of fees shall be as authorized in Minn. Stats. §326B.153. Permit fees shall be assessed for work governed by this Code in accordance with the fee schedule adopted by the municipality. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minn. Stats. 326B.148.

(Ord. No. 21-02, § 1, 4-28-2021)

Sec. 105-26 - Optional provisions

The following are hereby adopted:

- (1) Minn. Rules chapter 1306 with subpart 2, Existing and New Buildings. All floors, basements, and garages are included in this floor area threshold.
- (2) Minn, Rules chapter 1335, Floodproofing Regulations, sections 100 through sections 1406 of the 1972 edition of the “Floodproofing Regulations” from the Office of the Chief Engineers, U.S. Army, Washington, D.C.
- (3) Appendix chapter K (Grading), of the 2018 International Building Code

(Ord. No. 21-02, § 1, 4-28-2021)

Secs. 105-27 – 105-55 - Reserved

ARTICLE III - PROPERTY MAINTENANCE¹

Sec. 105-56 - General requirements

The requirements of this article apply to all buildings, structures and property within the city. All buildings and portions of buildings, including mechanical, electrical, plumbing and other building systems, previously constructed or installed in accordance with city and state codes must be maintained in conformance with the requirements of the codes in effect at the time of construction or installation.

(Ord. No. 12-04, § 1, 5-23-2012)

Sec. 105-57 - Purpose

The purpose of this article is to protect, preserve, and promote the physical and mental health of the people, investigate and control communicable diseases, regulate privately and publicly-owned dwellings for the purpose of sanitation and public health, and protect the safety of the people and promote the general welfare by legislation which shall be applicable to all dwellings now in existence or constructed in the future and which (i) establishes minimum standards for basic equipment and facilities for light, ventilation and heating, for safety from fire, for the use and location, and amount of space for human occupancy, and for safe and sanitary maintenance; (ii) determines the responsibilities of owners, operators and occupants of dwellings; and (iii) provides for the administration and enforcement of this article.

(Ord. No. 12-04, § 1, 5-23-2012)

Sec. 105-58 - International Property Maintenance Code adopted

The International Property Maintenance Code, 2012 Edition, is hereby adopted by reference and incorporated herein, subject to the amendments set forth in this article.

(Ord. No. 12-04, § 1, 5-23-2012)

Sec. 105-59 - Deletions

The following sections of the International Property Maintenance Code are deleted: 302.4, 302.8, 303, 307, 402.1, 404.4.1, 404.5, 503.4, Chapter 8 all sections.

(Ord. No. 12-04, § 1, 5-23-2012)

Sec. 105-60 - Amendments

The following sections of the International Property Maintenance Code are amended to read as follows:

Section 101.1 Title

These regulations shall be known as the Property Maintenance Code of the City of Falcon Heights hereinafter referred to as "this Code."

Section 102.3 Application of Other Codes

Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Minnesota State Building Code and Falcon Heights City Code.

Section 102.7 Referenced Codes and Standards

The codes and standards referenced in this Code shall mean the applicable provision of the Falcon Heights City Code or Minnesota State Building Code, whichever is the most restrictive requirement permitted under statute and considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply unless preempted by or in conflict with the State Building Code.

Section 103.2 Appointment

The City Administrator or the City Administrator's designated agents shall be the code official responsible for the administration and enforcement of this Code. Given limited city resources and local community standards, the City Administrator and other City Code Officials shall have discretion in responding to complaints of violations and prioritizing compliance initiatives and enforcement actions.

Section 103.5 Fees

The fees for activities and services performed by the City in carrying out its responsibilities under this Code shall be adopted by Resolution of the City Council.

Section 106.3 Prosecution of Violation

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any expenses incurred by the City in carrying out the enforcement of the provisions of this Code shall be included as a special assessment against the property.

Section 107.2 Form

Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
5. Inform the **property owner or responsible party** of the right to appeal.
6. Include a statement of the right to impose a special assessment in accordance with Section 106.3.

Commented [AS1]: Is the license issued only to an owner? Could this be "licensee" instead?

Section 108.1 General

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be subject to the provisions of this Code.

Section 108.2 Closing of Vacant Structures

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post the premises and order the structure ~~closed up to be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals~~ so as not to be an attractive nuisance. Upon failure of the owner **or responsible party** ~~or any person responsible for the premises~~ to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be assessed to the real estate upon which the structure is located.

Commented [KN2]: An example might be a contractor acting on behalf of the owner. Or, a property manager.

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Section 108.3 Notice

Whenever the code official has determined a structure or equipment is unsafe, a structure is unfit for human occupancy or a structure is unlawful under the provisions of this Article, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner **or responsible party** ~~or the any person or person responsible~~ for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the unsafe equipment. The notice shall be in the form prescribed in Section 107.2.

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Section 108.4 Posting

Upon failure of the owner ~~or any person~~ **or responsible party** to comply with the notice provisions within the time given, the code official shall place a posting on the premises or on the defective equipment which shall provide a statement of the

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penalties for occupying the premises or operating the equipment.

Section 108.4.1 Posting Removal

The code official shall provide written approval and remove the posting whenever the defect or defects upon which the enforcement action and posting were based have been eliminated. It shall be unlawful for any person to deface, obscure or remove a posting without the approval of the code official. Any person who defaces, obscures or removes a posting shall be subject to the penalties provided by this Code.

Section 108.5 Prohibited Occupancy

Any occupied structure posted by the code official shall be vacated as ordered by the code official. Any person who shall occupy posted premises or shall operate posted equipment, and any owner or any person responsible for the premises who shall let anyone occupy a posted premises or operate posted equipment shall be liable for the penalties provided by this Code.

Section 109.6 Hearing

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon filing a written notice of appeal with the Clerk, be afforded an appeal/hearing as described in this Code.

Section 110.3 Failure to Comply

If the owner, ~~any person responsible for the premises of a premise~~ fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost thereof assessed to the real estate upon which the structure is located.

Commented [KN3]: Only the owner can destroy their actual property.

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Section 111.1 Application for Appeal

Any person directly aggrieved by a notice issued under this Code, may within ten days after service of the same, appeal to the Council by filing a written notice of appeal with the Clerk. In the case of an appeal from a notice issued to vacate pending elimination of imminent dangers, the appeal shall be heard as soon as possible after the time of filing. In the case of appeals from other notices, the appeal shall be heard at such time as may be established by the Council, but the taking of an appeal from a notice other than one to vacate pending the elimination of imminent dangers shall, during the pendency of such appeal, restrain the City and its officers from proceeding in any manner to enforce such notice.

Section 111.2 Decision of the Council

All appeals under this Code shall be heard by the Council. The Council may affirm in whole or in part or deny the existence of a violation of this Code, and if the violation is found to exist, confirm or modify the corrective action to be taken or the order

requiring vacation of the premises and the time allowed for it.

Section 111.3 Correction of Violation by City; Assessment of Cost

In all cases of violation of this Code to which M.S. 145A.03 through 145A.09 are applicable, the Sanitarian may proceed as provided in M.S. 145A.03 through 145A.09 to abate or remove the violation and to have the cost of it specially assessed against the lot or parcel where the violation was located. In suitable cases, said statutory remedies and procedure may be used either concurrently with, or separate from, the procedures prescribed in this Code.

Section 112.4 Failure to comply

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor.

Section 201.3 Terms Defined in Other Codes

Where terms are not defined in this Code and are defined in the Falcon Heights City Code or the Minnesota State Building Code, such terms shall have the meanings ascribed to them as stated in those codes.

Section 304.14 Insect Screens

Except for owner-occupied residential dwellings, during the period from May 15 to October 15 every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Section 305.1 General

The interior of a rental structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property. The property owner is ultimately responsible for the whole property.

Section 307.1 General

Every exterior and interior flight of stairs shall have handrails on both sides of the stair.

Exception: Stairs having four or more risers and permitted by the Minnesota State

Building Code to be less than 44" wide may have handrails on one side. Stairs having less than four risers and permitted by the Minnesota State Building Code to be less than 44" wide are not required to have handrails.

Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards.

Handrails shall not be less than 34 inches (864 mm) high or more than 38 inches (965 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 42 inches (1067 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exceptions:

1. Guards may be not less than 36 inches (914mm) high where permitted by the Minnesota State Building Code.
2. Guards shall not be required where exempted by the adopted building code.

Section 308.4 Multiple Occupancies

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination. Whenever infestation exists in two or more dwelling units in a dwelling, extermination of the infested areas shall be the responsibility of the owner and operator.

Section 401.3 Alternative Devices

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Minnesota State Building Code shall be permitted.

Section 402.3 Other Spaces

All other spaces shall be provided with natural or artificial light to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures. Minimum artificial light shall provide 10 foot candles of light over the room area at a height of 30 inches.

Section 505.1 General. Amended to read:

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water

in accordance with the Minnesota State Building Code.

Section 602.2 Residential Occupancies

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) at a distance ~~3~~ **five (5)** feet above floor level in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature of -15 ° F. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Section 602.3 Heat supply

Every owner **or responsible party and operator** of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from ~~September 15 to May 15~~ **October 1 to April 30** to maintain a temperature of not less than 68°F (20°C) at a distance ~~3~~ **five (5)** feet above the floor, ~~near the center of the room, and two (2) feet inward from any exterior walls~~ **feet above floor level** in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature shall be -15 ° F.

Section 602.4 Occupiable Work Spaces

Indoor occupiable work spaces shall be supplied with heat during the period from ~~September 15~~ **October 1** to ~~May 15~~ **April 30** to maintain a temperature of not less than 65°F (18°C) at a distance ~~3~~ **five (5)** feet above floor level ~~during the period the spaces are occupied~~ **feet above the floor, near the center of the room, and two (2) feet inward from any exterior walls.**

602

Section 603.1 Air Conditioning Requirements

General Requirements for Landlord-Provided Equipment: Air conditioning equipment provided by the owner or responsible party **landlords** in rental housing units shall be properly installed, connected, and maintained. All air conditioning systems and units must be capable of adequately cooling the space and performing the function for which they were designed.

Section 603.2 Temperature Standards During Summer Months

For rental housing units where tenants do not control the central cooling system, the owner or responsible party **landlords** must ensure that the air conditioning system is capable of maintaining a temperature of no more than 80 degrees Fahrenheit in at least one habitable room within the dwelling unit **in each habitable room.** This temperature shall be measured at a distance of ~~three (3)~~ **five (5)** feet above the floor.

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Commented [KN5]: Dates for heat enforcement (approx. 2 weeks between AC and heat dates)

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Commented [AS6]: Should there be an enforcement provision for heat supply, similar to Section 603.4 for the air conditioning supply?

Commented [KN7R6]: 603.4 was moved to Section 105-97 subdivision 5

Commented [AS8]: This is the only section where the word "landlord(s)" is used.

Commented [KN9R8]: We updated the language to be consistent throughout.

near the center of the room, and two (2) feet inward from any exterior walls.

For rental units where tenants control the cooling system, **landlords** the owner or responsible party **must provide an air conditioning system capable of maintaining a temperature of no more than 80 degrees Fahrenheit under typical conditions in at least one habitable room.**

Section 603.-3 Seasonal Enforcement

These standards apply from ~~June 1~~ **May 15 to September 30** 15 each year, except when temporary shutdown is required for reasonable maintenance or repair purposes. Maintenance should be scheduled to minimize disruption to tenants.

~~Section 603.4 Enforcement and Penalties~~ *This section was moved to be under Section 105-97*

~~Tenants may report violations of Section 603 to the City of Falcon Heights' compliance official. Violations of the air conditioning maintenance standards may result in fines of up to \$500 per unit per incident, or occurrence, and **landlords** owners or responsible party may be required to make necessary repairs within a specified timeframe to ensure compliance. Per incident or occurrence means a single occurrence or continuous event.~~

Section 604.2 Service

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the currently adopted National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Section 605.2 Receptacles

~~Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area and bathroom in a dwelling shall contain at least one receptacle. Any electrical outlet within six feet of a water source or water outlet shall include operable ground fault circuit interrupter protection.~~

Every dwelling unit shall contain receptacle outlets that are in safe working condition installed in accordance of when the unit was built or remodeled in accordance with the National Electrical Code. Damaged or non-functioning receptacles shall be replaced under permit in accordance with the National Electrical Code in effect at the time of replacement.

Section 606.1 General

Commented [KN10]: Dates for AC enforcement (approx. 2 weeks between AC and heat dates)

Commented [KN11]: Moved to Section 105-97 and added language at the end of the paragraph to better define what per incident or occurrence means.

Commented [AS12]: "may be"? what is the specified time frame? How is this time frame communicated to the person responsible for making sure that repairs are completed?

Commented [KN13R12]: See comments under Section 105-97

Commented [AS14]: How is this measured? In hours? A certain number of hours per day?

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Elevators, dumbwaiters and escalators shall be maintained in compliance with Minnesota Elevators and Related Devices Code. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in Minnesota Elevators and Related Devices Code, except where otherwise specified by the authority having jurisdiction.

Section 702.1 General

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Minnesota State Fire Code.

Section 702.2 Aisles

The required width of aisles in accordance with the Minnesota State Fire Code shall be unobstructed.

Section 702.3 Locked Doors

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Minnesota State Building Code.

Section 702.4 Emergency Escape Openings

Required emergency escape openings for Group IRC, Groups R and Group I-1 shall comply with Minnesota State Fire Code, Minnesota Rules Part 7511.1030 and Minnesota Rules Part 7511.1104, subp. 18 Sections 1026-1030 and 1104.26.

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Section 704.1 General

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Minnesota State Fire Code.

Section 704.2 Smoke Alarms

Single or multiple station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

Commented [KN15]: This section is consistent with MN State Fire Code now.

1. on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms;
2. in each room used for sleeping purposes;
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units

with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple station smoke alarms shall be installed in other groups in accordance with the Minnesota State Fire Code.

Single or multiple station smoke alarms shall be installed and maintained in Groups I-1 and Group R occupancies in accordance with 402.8 of the Minnesota State Fire Code, Minnesota Rules Part 7511.1103, subp. 8, or as required under the Minnesota State Building Code of when it was constructed or remodeled.

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(Ord. No. 12-04, § 1, 5-23-2012)

Secs. 105-61 – 105-85 - Reserved

ARTICLE IV - RENTAL HOUSING²

Sec. 105-86 - Purpose

It is the purpose of this article to protect the public health, safety and welfare of citizens of the city who have as their place of abode a living unit furnished to them for the payment of a rental charge to another by adopting licensing regulations for all rental dwellings and multifamily rental dwellings in the city.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 9, 9-11-2019)

Sec. 105-87 - Definitions

For the purposes of this article, the terms defined in this section shall have the meanings given them as follows:

Compliance official means the city administrator or ~~his or her~~ their designees.

Fire Code official means the appointed official by the city administrator as ~~his or her~~ their designee for the purpose of enforcing the Minnesota State Fire Code and City Codes related to rental and business license inspections. The fire code official and ~~his or her~~ their designees shall be competent by virtue of certification as a fire inspector, training, or experience in fire prevention inspections and enforcement.

Fire Marshal, see *Fire Code official*

Owner. The person, firm, corporation or other entity listed in the records on file in the recorder's office as holding fee title to the building. For purposes of notice only, "owner" includes the owner's authorized agent or other person in control of the premises.

Property manager or responsible party. An individual(s) with the legal authority to make and act on decisions of tenancy, building maintenance and repairs relating to

applicable safety codes.

Operate means to charge a rental charge or other form of compensation for the use of a unit in a rental dwelling/multifamily rental dwelling.

Rental dwelling means any single-family dwelling, accessory dwelling unit, duplex dwelling or triplex dwelling, which is rented for more than ~~four consecutive months~~ **thirty (30) consecutive days** in any calendar year. Rental dwelling does not include Minnesota Department of Health–licensed rest homes, convalescent care facilities, nursing homes, hotels, motels, managed home-owner associations, cooperatives, or on-campus college housing.

Multifamily rental dwelling means any building or portion thereof, including the real property upon which it is located and which surrounds it, that contains four or more dwelling units that may be attached side-by-side, stacked floor-to-ceiling, and/or have a common entrance and have a common owner that are being rented out. Multifamily rental dwelling does not include Minnesota Department of Health–licensed rest homes, convalescent care facilities, nursing homes, hotels, motels, managed home-owner associations, cooperatives, or on-campus college housing.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 10, 9-11-2019)

Sec. 105-88 - License required

No person, firm, partnership, corporation or other legal entity shall operate a rental dwelling or multifamily rental dwelling in the city without first obtaining a license. The license is issued annually and is valid until the date of expiration. Changes that result in a 25% change in ownership of a property requires a new license. The new owner(s) must submit an application for a new license within thirty calendar days of acquiring the property. Property owners that are listed on a stock exchange are exempt from ~~section 105-88~~ **the requirements to obtain a new license due to ownership change.**

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 11, 9-11-2019)

Sec. 105-89 - Application for licenses

Applications for licenses shall be made in writing on forms provided by the city and accompanied by the fee amounts as established by the City Council. Such application shall be submitted at least 60 days prior to the expiration date of the license, and shall specify the following:

- (1) Name and address of the owner of the rental dwelling/multifamily rental dwelling.
- (2) Name and address of any agent actively managing the rental dwelling/multifamily rental dwelling. The agent must live within the Seven County Metropolitan area and must have a background check conducted by the police department.

- (3) Name and address of all partners if the registrant is a partnership.
- (4) Name and address of all officers of the corporation if the registrant is a corporation.
- (5) Name and address of the vendee if the rental dwelling/multifamily rental dwelling is owned or being sold on a contract for deed.
- (6) Legal address of the rental dwelling/multifamily rental dwelling.
- (7) Number and kind of units within the rental dwelling/multifamily rental dwelling classified as dwelling units, tenement units, or rooming units or other.
- (8) Name and address of on-site operating manager, if any.
- (9) If property contains an accessory dwelling unit, property owner must reside on the property and verify their permanent residence in either the single-family residence or accessory dwelling unit on the property.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 12, 9-11-2019)

Sec. 105-90 - License approval

The compliance official may either approve or deny the license, or may delay action for up to 60 days to permit the city to complete any investigation of the application or the applicant as deemed necessary. If the compliance official approves the license, a license shall be issued to the applicant. If the compliance official denies the application, a notice of denial shall be sent to the applicant at the business address provided on the application along with the reasons for the denial. The notice shall also inform the applicant of their right to appeal the decision to the city council pursuant to the process set forth in this article.

(Ord. No. 13-06, § 1, 12-11-2013)

Sec. 105-91 - License renewal

Notwithstanding the application signature requirements, renewals of the license as required annually by this Code may be made by filling out the required renewal form provided by the city to the owner, operator or agent of a rental dwelling/multifamily rental dwelling and mailing said form together with the required registration fee to the compliance official. Failure to file the completed application with the city at least 60 days prior to the expiration of the license is a violation of this article.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 13, 9-11-2019)

Sec. 105-92 - License fees

The license fees shall be in the amount established by the City Council. Failure to pay the license fee for renewal of a license is a violation of this article.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 14, 9-11-2019)

Sec. 105-93 - Furnish license

Every registrant of a rental dwelling/multifamily rental dwelling shall be given a copy of the license. The license shall contain a statement that the tenant or tenants may contact the Office of the Minnesota attorney Attorney general General for information regarding the rights and obligations of owners and tenants under state law. The statement shall include the telephone number and address of the Office of the Minnesota attorney Attorney generalGeneral.

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(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 15, 9-1 1-2019)

Sec. 105-94 - City inspections

(a) Rental dwellings shall be inspected by the ~~compliance official~~ **fire marshal** in their entirety every 24 months. An application and payment is required annually on a continuous basis. Rental dwellings ~~that fail that receive a correction notice after~~ their first inspection will be subjected to additional inspections until an inspection certificate is given by the compliance official. ~~Rental dwellings that fail multiple reinspections their first inspection will be subjected to an inspection the subsequent year.~~

Commented [KN16]: Section 105-94 (i) gives us enforcement

(b) Multifamily rental dwellings shall be inspected by the ~~compliance official~~ **fire marshal** every 24 months. An inspection will be made of the common areas of the property and the ~~compliance official~~ **fire marshal shall have the authority to enter, at all reasonable times, any dwelling unit, with permission from any owner, operator, occupant or other person(s) in charge.** An application and payment is required annually on a continuous basis. **Multifamily rental dwellings that fail their first inspection will be subjected to additional inspections until an inspection certificate is given by the compliance official.** ~~Multifamily rental dwellings that fail their first inspection will be subjected to an inspection the subsequent year.~~

(c) Pursuant to this section, the ~~fire marshal~~ **compliance official** shall make inspections to determine the condition of rental dwellings/multifamily rental dwellings located within the city for the purpose of enforcing the rental licensing standards ~~The compliance official or designated representative~~ and may enter, examine and survey at all reasonable times all rental dwellings/multifamily rental dwellings and premises after obtaining consent from an occupant of the premises. In the event that an owner or ~~his or her~~ **their occupant** of the premises does not consent to entry by the ~~compliance official or designate representative~~ **fire marshal**, and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the premises. ~~If any owner or occupant fails or refuses to permit entry to a rental dwelling under its control for an inspection pursuant to this article, the compliance official or designated representative~~ **The fire marshal may pursue any remedy at law or under the city code, including, but not limited to, securing an administrative search warrant for the rental dwelling, leaving the issuance of a rental license application, revoking or suspending a rental license, or denying a renewal license.**

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(d) The license application fee shall cover an initial inspection of the property and up to one recheck in the event that correction notices are issued during the initial inspection. If the ~~compliance official~~ fire marshal determines code violations still exist and a second/further inspection(s) is/are needed by them, then a fee will be charged for each subsequent re-inspection occurring after the due date for compliance with an order, as published in and according to the City's current adopted fee schedule.

(e) The compliance official or their designee may waive a re-inspection fee in case of error, mistake, injustice, or other good cause.

(f) Either the owner/owner's representative/~~tenant~~ occupant must be present during the inspection and must permit free access and entry for inspection purposes.

~~(e)(g) Should an owner, their duly authorized representative, or occupant fail to appear for a scheduled inspection without reasonable cause or refuse to permit entry to the rental dwelling, causing the fire marshal to return at another time, a re-inspection fee may be charged.~~

~~(d)(h) The city, after receiving a complaint, or at the discretion of the City Administrator, upon receipt of a creditable third party/~~third party~~ complaint or a complaint by residents with reasonable concerns, may require an inspection of rental dwellings/multifamily rental dwellings. A complaint-based inspection which may require individual dwelling units to be inspected.~~

(i) The owner's A rental housing license may be suspended, revoked or denied renewal for failing to maintain the licensed building in compliance with the property maintenance code as set forth in [chapter 105, article III](#) of this Code or otherwise failing to comply with the requirements of the City Code or applicable state or federal law.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 16, 9-11-2019)

Sec. 105-95 - Maintenance standards

(a) Every rental dwelling/multifamily rental dwelling shall maintain the standards in [chapter 105, article III](#), housing code, and [chapter 22](#), blight, in addition to any other requirement of the ordinance of the city or special permits issued by the city, or the laws of the State of Minnesota.

(b) Any code violation noted by the city must be remedied in a timely fashion by the ~~property~~ owner or responsible party and reinspected for compliance by the city.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 17, 9-11-2019)

Sec. 105-96 - Crime free/criminal activity lease requirements

(a) All tenant leases, except for state licensed residential facilities and subject to all preemptory state and federal laws, shall contain the following crime free/criminal

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Commented [AS17]: Could this also be done by an agent of the owner?

Commented [JL18]: Proposed to be completely reworked in separate draft ordinance revision

activity language:

(1) *Drug-related activity.*

- a. Resident, any members of the resident's household or a guest or other person affiliated with resident shall not engage in drug-related criminal activity, on or near the premises.
- b. Resident, any member of the resident's household or a guest or other person affiliated with resident shall not engage in any act intended to facilitate drug-related criminal activity on or near the premises.
- c. Resident or members of the household will not permit the dwelling unit to be used for, or to facilitate drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest.
- d. Resident, any member of the resident's household or a guest, or other person affiliated with the resident shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance at any locations, whether on or near the premises or otherwise.
- e. Violation of the above provisions shall be a material and irreparable violation of the lease and good cause for immediate termination of tenancy.

(2) *Criminal activity.*

- a. Resident, members of the resident's household, guests, or other persons under the resident's control shall not engage in criminal activity, engage in any act intended to facilitate criminal activity, or permit the dwelling unit to be used for or facilitate criminal activity on or near the premises.
- b. Three criminal activity violations involving the same tenancy within a continuous 12-month period shall be a substantial and material violation of the lease and good cause for termination of the tenancy.
- c. Notwithstanding the above provision, criminal activity that jeopardizes the health, safety, and welfare of the landlord, his or her agent, other residents, neighbors or other third party, or involving imminent or actual serious property damage shall be a material and irreparable violation of the lease and good cause for immediate termination of tenancy.

(3) *Definitions.*

- a. The term "criminal activity" means the violation of the following:
 1. Minn. Stats. §§ 609.75 through 609.76, which prohibit gambling;
 2. Minn. Stats. §§ 609.321 through 609.324, which prohibit prostitution and acts relating thereto;
 3. Minn. Stats. § 340A.401, which prohibit the unlawful sale of alcoholic beverages;

4. Minn. Stats. §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and section 30-3 of this Code, which prohibit the unlawful possession, transportation, sale or use of a weapon;
 5. Minn. Stats. §§ 609.185, 609.19, 609.195, 609.20, and 609.205 which prohibit murder and manslaughter;
 6. Minn. Stats. §§ 609.221, 609.222, 609.223, and 609.2231 which prohibit assault;
 7. Minn. Stats. §§ 609.342, 609.343, 609.344, 609.345, and 609.3451 which prohibit criminal sexual conduct;
 8. Minn. Stats. §§ 609.52 which prohibit theft;
 9. Minn. Stats. §§ 609.561, 609.562, 609.563, 609.5631, and 609.5632 which prohibit arson;
 10. Minn. Stats. § 609.582 which prohibit burglary;
 11. Minn. Stats. § 609.595 which prohibit damage to property;
 12. [Chapter 22, article III](#) of this Code, which prohibits nuisances;
 13. Minn. Stats. § 609.72, which prohibit disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation; and
 14. [Section 30-3](#) of the Falcon Heights City Code which prohibits the discharge of a firearm.
- b. The term "drug related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of controlled substance or any substance represented to be drugs in violation of Minn. Stats. §§ 152.01 through 152.025, and 152.027, subds. 1 and 2 and Section 102 of the Controlled Substance Act, 21 U.S.C. § 802).
- (4) *Non-exclusive remedies.* The crime free/criminal activity provisions are in addition to all other terms of the lease and do not limit or replace any other provisions.
- a. These lease provisions shall be incorporated into every new lease for a tenancy beginning January 1, 2009 and all renewed leases thereafter.
 - b. Upon determination by the compliance official that a licensed premises or unit within a licensed premises was used in violation of the drug-related activity provision of [subsection \(a\)\(1\)](#) or criminal activity provision of [subsection \(a\)\(2\)\(c\)](#), the city shall cause notice to be made to the owner and property manager of the violation. The owner or property manager shall notify the tenant or tenants within ten days of the notice of violation of the crime free/criminal activity lease language and proceed with termination of

the tenancy of all tenants occupying the unit. The owner shall not enter into a new lease for a unit located in the licensed property with an evicted tenant for a period of one year after the eviction.

- c. Upon determination by the compliance official that a licensed premises or unit within a licensed premises was used for criminal activity as set forth in [subsection \(a\)\(2\)](#) herein, the city shall cause notice to be made to the owner and property manager of the violation and direct the owner and property manager to take steps to prevent further criminal activity violations.
- d. If a second criminal activity violation occurs within a continuous 12-month period involving the same tenancy, the city shall cause notice to be made to the owner and property manager of the second violation. The owner or property manager shall respond in writing within ten days of receipt of the notice with an action plan to prevent further criminal activity violations.
- e. If a third criminal activity violation occurs within a continuous 12-month period involving the same tenancy, the city shall cause notice to be made to the owner and property manager of the third violation. The owner or property manager shall notify the tenant or tenants within ten days of the violation of the crime free/criminal activity lease language within the lease and proceed with termination of the tenancy of all tenants occupying the unit. The owner shall not enter into a new lease for a unit located in the licensed property with an evicted tenant for a period of one year after the eviction.
- f. The provisions of subsections c., d., e., and f. herein do not apply if the determination that the premises have been used in violation of the crime free/criminal activity provisions of subsections [\(a\)\(1\)](#) and [\(a\)\(2\)](#) herein originates from a call from or at the request of one or more of the tenants occupying the premises for police or emergency assistance, or in the case of domestic abuse, from a call for assistance from any source. The term "domestic abuse" has the meaning given in Minn. Stat. § 518B.01, subd. 2.

(Ord. No. 13-06, § 1, 12-11-2013)

Sec. 105-97 - Revocation, suspension, and civil fines

- (a) *Violations.* The following actions by property owners or license holders are misdemeanors and are subject to civil penalties, may constitute the basis for revocation of licenses and/or may result in injunctive action by the city. The property owner shall be responsible for the conduct of its agents or employees while engaged in normal business activities on the licensed premises. Any violation of this article shall be considered an act of the property owner or license holder for purposes of imposing a civil penalty or license revocation. If a license is revoked it is unlawful for the owner to permit new occupancy of any vacant rental unit, or any units that become vacant during license injunction.
- (b) *Basis for sanctions.* The compliance official may revoke, suspend, deny or decline to renew any license issued under this article for part or all of a rental

dwelling/multifamily rental dwelling upon any of the following grounds:

- (1) *Leasing without a license.* Leasing residential units without a license is subject to license suspension or revocation;
 - (2) *Violation of codes.* Violation of the city maintenance code, building code, or fire code;
 - (3) *Hazardous or uninhabitable units.* Leasing units that are deemed hazardous or uninhabitable or units within a building that are deemed hazardous or uninhabitable;
 - (4) *Commission of a felony.* Commission of a felony related to the licensed activity by the property owner or manager;
 - (5) *Consideration of suspension or revocation.* At any time during a license period, if a rental property does not meet or exceed the criteria established for the current license, the license may be brought forth to the city council for consideration of license suspension or revocation;
 - (6) *Updated application requirement.* Failure to provide an updated application with current information within 30 days of application renewal request from the city;
 - (7) *False statements.* False statements on any application or other information or report required by this article to be given by the applicant or licensee;
 - (8) *Fees.* Failure to pay any application, inspection, penalty, reinspection or reinstatement fee required either by this section or city council resolution. Fee amounts are subjected to change through the city fee schedule;
 - (9) *Correction of deficiencies.* Failure to correct dwelling deficiencies in the time specified in a compliance order;
 - (10) *Inspection.* Failure to schedule an inspection within 90 days of application filed and/or allow an authorized inspection of a rental dwelling/multifamily rental dwelling;
 - (11) *Violation of statute.* Violation of an owner's duties under Minn. Stats. §§ 299C.66 to 299C.71 ("Kari Koskinen Manager Background Check Act");
 - (12) *Delinquent taxes or fines.* Real estate or personal property taxes or municipal utilities have become delinquent or have unpaid fines.
- (c) *Penalties.*
- (1) *Revocation.* Any violation of this article may be grounds to revoke a license. Any civil penalty, revocation or combination thereof under this section does not preclude criminal prosecution under this article or Minnesota statutes. All fines are cumulative and revocation periods will run consecutively.
 - (2) *Violation.* Any person that maintains a rental dwelling/multifamily rental dwelling without having a property registered or after the registration for the property has been revoked or suspended or who permits new occupancy in violation is guilty of a misdemeanor and upon conviction is subject to a fine

and imprisonment as prescribed by state law.

- a. *First violation:* Compliance official will give notice to the licensee of the violation, request fine payment and direct the licensee to take steps to prevent further violations.
 - b. *Second violation:* If a second violation occurs within 60 days of a first violation the compliance official will give notice to the licensee of the violation, request fine payment and direct the licensee to take steps to prevent further violations.
 - c. *Third or more violation:* If another instance of violations occurs within 60 days of the calendar year compliance official will give notice to the licensee of the violation, request fine payment and direct the licensee to take steps to prevent further violations. If a fourth or subsequent violation occurs, suspension of the license will be pending until a hearing.
- (3) *Suspension.* The city council may temporarily suspend a license pending a hearing on the suspension or revocation when, in its judgment, the public health, safety, and welfare is endangered by the continuance of the licensed activity.
- (4) *Civil fines.* The city council may impose civil fines in addition to revocation or suspension for violations of any provision of this article as follows:

Within One Calendar Year	Fine Per Unit/Common Building
First Violation	\$300.00
Second Violation	600.00
Third or more within a 12-month period	900.00
Renting without a license after 30 days' notice shall be subject to \$1,000.00 fine per unit and also be a misdemeanor offense	

- (5) *Enforcement and Penalties.* ~~Tenants may report violations of Section 603 to the City of Falcon Heights' compliance official. Violations of Section 603, the air conditioning maintenance standards, may result in fines of up to \$500 per unit per incident, or occurrence, and the owner or responsible party may be required to make necessary repairs within a specified timeframe to ensure compliance. Per incident or occurrence means from the time the fire marshal confirms the violation until it has been abated a single occurrence or continuous event.~~

Commented [KN19]: Added language at the end of the paragraph to better define what per incident or occurrence means.

Commented [AS20]: "may be"? what is the specified time frame? How is this time frame communicated to the person responsible for making sure that repairs are completed?

Commented [KN21R20]: The reason for "may" is because it may only take one day for a technician to service it. Or, it may be one month for the part to be received. We need that discretion in there.

Commented [AS22]: How is this measured? In hours? A certain number of hours per day?

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 18, 9-11-2019)

Sec. 105-98 - Hearing on penalties, revocation, violation, suspension and civil fines

- (a) *Hearing.* Following receipt of a notice of denial or nonrenewal issued by the compliance official or a notice of a violation and penalty issued under [section 105-97](#) of this article, an applicant or license holder may request a hearing before the city council. A request for a hearing shall be made by the applicant or license holder in writing and filed with the compliance official. within ten days of the mailing of the notice of denial or alleged violation. Following receipt of a written request for hearing, the applicant or license holder shall be afforded an opportunity for a hearing before a committee consisting of the compliance official. After the committee conducts the hearing it shall report its findings and make a recommendation to the full city council.
- (b) *Findings.* If after the hearing the applicant or license holder is found ineligible for a license, or in violation of this article, the council may affirm the denial, impose a civil penalty, suspend, or revoke a license or impose any combination thereof.
- (c) *Default.* If the applicant or license holder has been provided written notice of the denial, nonrenewal, or violation and if no request for a hearing is filed within the ten-day period, then the denial or revocation take immediate effect by default. The compliance official shall mail notice of the denial, fine, suspension, or revocation to the applicant or license holder. The compliance official shall investigate compliance with the denial or revocation.
- (d) *Penalties for default.* Failure to comply with all terms of this section during the term of revocation, suspension or nonrenewal is a misdemeanor and grounds for extension of the term of revocation, suspension or continuation of nonrenewal of the license.
- (e) *Appeal.* Following receipt of a decision by the compliance official to deny, revoke, suspend, or not renew a license, the owner/licensee may request a hearing before the city council. The request must be made in writing to the compliance official within ten days of the compliance official's decision.
- (f) *Written notice, hearing.* A decision to revoke, suspend, deny, or not renew a license shall be preceded by written notice to the applicant or licensee of the alleged grounds therefor and the applicant or licensee will be given an opportunity for a hearing before the city council before final action to revoke, suspend, deny, or not renew a license. A hearing will be conducted before the city council at a public meeting, or

the city council may retain an administrative hearing officer or other impartial third party to conduct the public hearing. The licensee shall have the right to be represented by counsel, the right to respond to the charged violations, and the right to present evidence through witnesses. The rules of evidence do not apply to the hearing and the city council may rely on all evidence it determines to be reasonably credible. The determination to suspend or revoke the license shall be made upon a preponderance of the evidence. It is not necessary that criminal charges be brought in order to support a suspension or revocation of a license violation nor does the dismissal or acquittal of such a criminal charge operate as a bar to suspension or revocation.

- (g) *Decision basis.* The council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply and shall issue a decision to deny, not renew, suspend or revoke a license only upon written findings.
- (h) *Affected facility.* The council may suspend or revoke a license or not renew a license for part or all of a facility.
- (i) *Suspension.* Licenses may be suspended for up to 90 days and may, after the period of suspension, be reinstated subject to compliance with this article and any conditions imposed by the city council at the time of suspension including, but not limited to, receivership or city obtaining control to manage the property temporarily.
- (j) *Written decision, compliance.* A written decision to revoke, suspend, deny, or not renew a license or application shall specify the part or parts of the facility to which it applies. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the facility may be relet or occupied.
- (k) *Continuing obligations, penalty.* Revocation, suspension or nonrenewal of a license shall not excuse the owner/licensee from compliance with all terms of this article, this Code, and state laws for as long as any units in the facility are occupied. Failure to comply with all terms of this article during the term of revocation, suspension or nonrenewal is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of nonrenewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation or nonrenewal specified in the city council's written decision.
- (l) *New licenses prohibited.* A person who has a rental license revoked may not receive a rental license for another property within the city for a period of one year from the date of revocation. The person may continue to operate other currently licensed rental properties if the properties are maintained in compliance with city codes and other applicable regulations.

(Ord. No. 13-06, § 1, 12-11-2013)

Sec. 105-99 - Summary action

- (a) When the condition of the rental dwelling/multifamily rental dwelling of any license

holder or their agent, representative, employee or lessee is detrimental to the public health, safety and general welfare as to constitute a nuisance, fire hazard or other unsafe or dangerous condition and thus give rise to an emergency, the compliance official shall have the authority to summarily condemn or close off such area of the rental dwelling/multifamily rental dwelling.

- (b) Any person aggrieved by a decision of the compliance official to cease business or revoke or suspend the license or permit shall be entitled to appeal to the city council immediately, by filing a notice of appeal. The administrator shall schedule a date for hearing before the city council and notify the aggrieved person of the date.
- (c) The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action.
- (d) The decision of the compliance official shall not be voided by the filing of such appeal. Only after the city council has held its hearing will the decision of the compliance official be affected.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 19, 9-11-2019)

Sec. 105-100 - Applicable laws

Licenses shall be subject to all of the ordinances of the city and the State of Minnesota relating to rental dwellings/multifamily rental dwellings; and this article shall not be construed or interpreted to supersede or limit any other such applicable ordinance or law.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 20, 9-11-2019)

Sec. 105-101 - Multiple suspensions

If the license of more than one dwelling unit in a licensed premises is suspended within 12 months, the period of suspension for the second and subsequent dwelling units licensed that are suspended may be doubled for the suspension period specified in [section 105-96](#).

(Ord. No. 13-06, § 1, 12-11-2013)

Secs. 105-102 – 105-109 - Reserved

ARTICLE V - ELECTRICAL REGULATIONS³

Sec. 105-110 - Purpose; application of this article

- (a) The purpose of this article is to implement the provisions of the Minnesota State Building Code and Minnesota Rules Chapter 1315 which adopts the National Electrical Code.

- (b) The provisions of this article shall apply to all installations of electrical conductors, fittings, devices, fixtures hereinafter referred to as "electrical equipment", within or on public and private buildings and premises, with the following general exceptions. The provisions of this article do not apply to the installations in mines, ships, railway cars, aircraft, automotive equipment or the installations or equipment employed by a railway, electric or communication utility in the exercise of its functions as a utility, except as otherwise provided in this article.
- (c) As used in this article, "reasonably safe to persons and property" as applied to electrical installations and electrical equipment means safe to use in the service for which the installation or equipment is intended without unnecessary hazard to life, limb or property.
- (d) For purposes of interpretation of the provisions of this article, the most recently published edition of the National Electrical Code shall be prima facie evidence of the definitions and scope of words and terms used in this article.

(Ord. No. 11-02, § 1, 7-13-2011)

Sec. 105-111 - Electrical inspector, qualifications and appointment

Creation; qualifications. There is hereby created the office of electrical inspector. The person chosen to fill the office of electrical inspector shall be of good moral character, shall be possessed of such executive ability as is requisite for the performance of his duties and shall have a thorough knowledge of the standard materials and methods used in the installation of electrical equipment; shall be well versed in approved methods of construction for safety to persons and property; the statutes of the state relating to electrical work and any orders, rules and regulations issued by authority thereof; and the National Electrical Code as approved by the American Standards Association; shall have two years' experience as an electrical inspector or five years' experience in the installation of electrical equipment, or a graduate mechanical or electrical engineer with two years of practical electrical experience.

- (1) *Licensed inspector.* The electrical inspector shall be a licensed master or journeymen electrician as defined under Minnesota Statutes.
- (2) *Duties of the electrical inspector.* It shall be the duty of the inspector to enforce the provisions of this article. The inspector shall, upon application, grant permits for the installation or alteration of electrical equipment, and shall make inspections of electrical installations, all as provided in this article. The inspector shall keep complete records of all permits issued, inspections and reinsertions made and other official work performed in accordance with the provisions of this article.
 - a. *No financial interest.* It shall be unlawful for the inspector to engage in the sale, installation or maintenance of electrical equipment, directly or indirectly, and the inspector shall have no financial interest in any concern engaged in any such business.

- b. *Authority of electrical inspector.* The inspector shall have the right during reasonable hours to enter any building or premises in the discharge of his official duties, or for the purpose of making any inspection, reinsertion or test of electrical equipment contained therein or its installation. When any electrical equipment is found by the inspector to be dangerous to persons or property because it is defective or defectively installed, the person responsible for the electrical equipment shall be notified in writing and shall make any changes or repairs required in the judgment of the inspector to place such equipment in safe condition. If such work is not completed within 15 days, or any longer period that may be specified by the inspector in said notice, the inspector shall have the authority to disconnect or order discontinuance of electrical service to said electrical equipment. In cases of emergency where necessary for safety to persons and property, or where electrical equipment may interfere with the work of any fire department, the inspector shall have the authority to disconnect or cause disconnection immediately of any electrical equipment.

(Ord. No. 11-02, § 1, 7-13-2011; Ord. No. 21-01, § 4, 01-13-2021)

Sec. 105-112 - Standards for electrical equipment installation

- (a) All installations of electrical equipment shall be reasonably safe to persons and property and in conformity with the provisions of this article and the applicable statutes of the state and all orders, rules and regulations issued by the authority thereof. All electrical equipment shall be listed and labeled by a testing agency.
- (b) Conformity of installations of electrical equipment with applicable regulations set forth in the current National Electrical Code as adopted by the Minnesota Rules shall be prima facie evidence that such installations are reasonably safe to persons and property. Noncompliance with the provisions of this article or the National Electrical Code as adopted by the Minnesota Rules shall be prima facie evidence that the installation is not reasonably safe to persons and property.
- (c) The electrical inspector may, with approval of the building official, authorize installations of special wiring methods other than herein provided for.
- (d) Buildings or structures moved from without to within and within the limits of the city shall conform to all of the requirements of this Code for new buildings or structures.
- (e) Existing buildings or structures hereafter changed in use shall conform in all respects to the requirements of this Code for the new use.

(Ord. No. 11-02, § 1, 7-13-2011)

Sec. 105-113 - Connections to installations

- (a) It shall be unlawful for any person to make connections from a supply of electricity to any electrical equipment for the installation of which a permit is required or

which has been disconnected or ordered to be disconnected by the electrical inspector.

- (b) The public or private utility providing services shall disconnect the same upon a written order from the electrical inspector, if the inspector considers any electrical installation unsafe to life and property or installed contrary to this Code.

(Ord. No. 11-02, § 1, 7-13-2011)

Sec. 105-114 - Permits and inspectors

- (a) *Permit required.* An electrical permit is required for each installation, alteration, addition or repair of electrical work for light, heat and power within the limits of the city. Permits for the installation of electrical work in new structures shall only be issued to electrical contractors duly licensed by the state. Permits for the installation, alteration, addition or repair of electrical work in existing structures shall only be issued to electrical contractors duly licensed by the state or to resident owners of property where the work is to be done.
- (b) *Public service corporation exception.* No permit shall be required for electrical installations of equipment owned, leased, operated or maintained by a public service corporation which is used by said corporation in the performance of its function as a utility, except that such electrical installation shall conform to the minimum standards of the National Electrical Safety Code.
- (c) *Ownership.* Ownership of any transmission or distribution lines or appurtenances thereto, including, but not limited to, transformers, shall not be transferred by a public service corporation to any person, except another franchised public service corporation dealing in electric energy for distribution and sale, without a permit first having been issued therefore by the city. Such permit shall be issued only after the facilities to be transferred have been inspected and approved as provided in this article and upon payment of an inspection fee as set forth in this section of the article.
- (d) *Application and plans.* Application for such permit, describing the electrical work to be done, shall be made in writing, to the city by the person so registered to do such work. The application shall be accompanied by such plans, specifications and schedules as may be necessary to determine whether the electrical installation as described will be in conformity with all the legal requirements. The fees for electrical inspection as set forth in this section shall accompany such application. If applicant has complied with all of the provisions of this section, a permit for such electrical installation shall be issued.
- (e) *Concealment.* All electrical installations which involve the concealment of wiring or equipment shall have a "rough-in" inspection prior to concealment, wherein the inspector shall be duly notified in advance, excluding Saturday, Sunday and holidays.
- (f) *Inspection fees.*
 - (1) *Permits required.* Before commencing any installation of any work regulated by this section, a permit therefore shall be secured from the building department and the fee for such permit paid. The fees schedule set forth in Minn. Stats. § 326B.37 is adopted by reference and incorporated herein. No such permit shall be issued to do

any of the work or make any installation regulated by this section except to persons licensed to do such work under the terms of this section. Holders of a contractor's license shall not obtain permits for electrical work unless the work is supervised by them and is performed by workers employed by them or their firm.

- (2) *Fees double, when.* Should any person begin work of any kind, such as set forth in this section, or for which a permit from the electrical inspector is required by ordinance, without having secured the necessary permit therefore from the inspector of buildings either previous to or during the day of the commencement of any such work, or on the next succeeding day where such work is commenced on a Saturday or on a Sunday or a holiday, he shall, when subsequently securing such permit, be required to pay double the fees provided for such permit.
- (3) *Additional fees and/or shortages.* Additional fees and/or fee shortages must be received by the city within 14 days of written notice. If additional fees and/or fee shortages are not received within 14 days of notice, permits for electrical installations will not be accepted by the city until such time as the additional fees and/or fee shortages are received.

(g) *Electrical inspections.*

- (1) At regular intervals, the electrical inspector shall visit all premises where work may be done under annual permits and shall inspect all electrical equipment installed under such a permit since the day of his last previous inspection, and shall issue a certificate of approval for such work as is found to be in conformity with the provisions of this section, after the fee required has been paid.
- (2) When any electrical equipment is to be hidden from view by the permanent placement of parts of the building, the person installing the equipment shall notify the electrical inspector and such equipment shall not be concealed until it has been inspected and approved by the electrical inspector or until 24 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such scheduled inspection; provided, that on large installations where the concealment of equipment proceeds continuously, the person installing the electrical equipment shall give the electrical inspector due notice and inspections shall be made periodically during the progress of the work.
- (3) If upon inspection, the installation is not found to be fully in conformity with the provisions of this section, the electrical inspector shall at once forward to the person making the installation a written notice stating the defects which have been found to exist.

(Ord. No. 11-02, § 1, 7-13-2011)

Secs. 105-115 through 105-119 - Reserved

(Ord. No. 22-01, § 2, 7-13-2022)

ARTICLE VI – VACANT PROPERTIES

Sec. 105-120 - Definitions

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

Compliance official has the meaning assigned in [Sec. 105-87](#).

Vacant Properties means a property with a building or buildings constructed or reconstructed for a business or residential purpose that is unoccupied. This definition does not include an uninhabited accessory dwelling unit, unless both the accessory dwelling unit and single-family residence are unoccupied.

(Ord. No. 22-01, § 1, 7-13-2022)

Sec. 105-121 - Policy

The purpose of this subsection is to protect the public health, safety, and welfare by establishing a program for the identification and registration of vacant Properties within the City.

(Ord. No. 22-01, § 1, 7-13-2022)

Sec. 105-122 - Registration required; form

- (1) The owner of a vacant Property located within the City, or an agent of the owner, shall register the property with the compliance official. The registration shall be submitted on forms provided by the compliance official and shall include the following information supplied by the owner:
 - (a) Street address of the Vacant property;
 - (b) The names and addresses of the owner or owners;
 - (c) The contact phone number and email address of the owners and any property managers or caretakers responsible for the upkeep or supervision of the property;
 - (d) The date the building became vacant, the period of time the building is expected to remain vacant;
 - (e) A plan for compliance with all applicable provisions of City Code and other applicable regulations, including building maintenance, snow removal, yard maintenance, and nuisance prevention;
 - (f) Whether service for water, sewer, natural gas and electric utilities is active;

- (g) The owner must notify the compliance official of any changes in information supplied as part of the vacant building registration within 30 days of any change;
 - (h) The addresses of all other properties within the City, whether vacant, undeveloped, or occupied, that the owner owns or has an ownership interest in;
 - (i) If a property is vacant and the owner fails to complete the registration process, the City may administratively register the property.
- (2) The current owner of a vacant property shall file a new registration with the compliance official within 30 days of any of the following occurring:
- (a) Any transfer of ownership interest in the property;
 - (b) Change of the contact phone number or email address of the owner or the property manager or caretaker; or
 - (c) Change to the plan for compliance with applicable City Code provisions.
- (3) The owner of a vacant property shall file a new registration every two years. (Ord. No. 22-01, § 1, 7-13-2022)

Sec. 105-123 - Presumptions, exceptions, and fee waivers.

- (1) Any one of the following conditions shall constitute a rebuttable presumption that a building is vacant. It shall be the responsibility of the owner to establish that it is not a vacant property if any of these conditions exist.
- (a) Discontinuance of trash service;
 - (b) Disconnection from water or sewer service; or
 - (c) Water usage of less than an average of 50 gallons over a three-month period.
- (2) Vacant Properties are not required to register or pay the registration fee if any of the following apply:
- (a) the City or any governmental entity is the owner of the vacant property;
 - (b) the owner possesses a valid building permit for remodeling the building located thereon or for construction of a new building on such property;
 - (c) there is a valid, unexpired business license issued by the City;
 - (d) there is a valid, unexpired residential rental license issued pursuant to [Article IV of Chapter 105](#);
 - (e) there is a valid development agreement or redevelopment agreement with the City; or

- (f) the property is actively marketed as “for sale” at a reasonable price by the owner or the owner’s designee, broker, or agent. It is the obligation of the vacant Property owner to produce evidence of active marketing at a reasonable price to claim this exemption. A property listed on the MLS (multiple listing service) or similar listing service is presumed to be actively marketed.

(3) The following vacant Properties are required to register, but the registration fee is waived;

- (a) Residential properties with one or two dwelling units where the owner intends to resume occupancy of at least one unit as a dwelling within 180 days; provided, however, that failure to actually resume use of the vacant Property as a dwelling within 180 days will result in imposition of the waived registration fee; or
- (b) The City Administrator may grant a waiver of the registration fee one time for an owner suffering hardship and for which the registration fee is a burden.

(Ord. No. 22-01, § 1, 7-13-2022)

Sec. 105-124 - Recordkeeping

The compliance official shall maintain a record of all vacant buildings that have become known to the compliance official, including those registered and those not registered.

(Ord. No. 22-01, § 1, 7-13-2022)

Sec. 105-125 - Fees

The City Council may, by fee schedule or ordinance, adopt a fee or fees for the registration required by this article. If adopted, the fee must be limited to the reasonable costs associated with registration, enforcement, and compliance of this article.

(Ord. No. 22-01, § 1, 7-13-2022)

Footnotes:

¹ **Editor's note** – Ord. No. 12-04, § 1 adopted May 23, 2012, amended Art. III in its entirety to read as set out herein. Former Art. III, §§ 105-56 – 105-63, pertained to housing code and derived from the Code of 1993, §§ 10-1.01, 10-1.02, 10-2.01 – 10-2.04, 10-3.01, 10-4.01; Ord.

No. 97-05, § 1, adopted July 9, 1997.

² **Editor's note** – Ord. No. 13-06, § 1, adopted Dec. 11, 2013, amended Art. IV in its entirety to read as set out herein. Former Art. IV, §§ 105-86 – 105-99, pertained to similar subject matter and derived from Ord. No. 08-04, § 1, adopted Oct. 22, 2008.

³ **Editor's note** – Ord. No. 11-02, § 1, adopted July 13, 2011, set out provisions intended for use as Art. IV, §§ 105-70 – 105-74. Inasmuch as there were already provisions so designated, these provisions have been redesignated as Art. V, §§ 105-110 – 105-114, at the discretion of the editor.

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REQUEST FOR COUNCIL ACTION (RCA)

Meeting Date	October 1, 2025
Agenda Item	Policy C2
Attachment(s)	Presentation
Submitted By	Jack Linehan, City Administrator & Kelly Nelson, Administrative Service Director

Item	Class and Compensation Plan Implementation – Full-time Employees
Description	<p><u>Background:</u></p> <p>The City currently does not have pay ranges, and in some cases, position descriptions. The classification and compensation study will help the City establish these and include a market analysis of similarly sized cities within the metro area.</p> <p>The city’s consultant, David Drown & Associates Human Resources (DDA), looked at 17 comparable cities to Falcon Heights, taking into consideration the comparable cities’ population size, geographic proximity, and from whom the city may lose employees, to gather data from.</p> <p><u>Study Findings</u></p> <p>DDA considers a +/- 10% to be the market value to allow for differences in variables such as time on the job, differences in skills, and prior experience, as examples. When comparing Falcon Heights’ data against the market data, DDA found that no employees are paid above the salary range maximum, one employee was paid below the minimum, and that all positions, on average, would increase 2.4% (minimum) and 4.0% (maximum) according to the new pay structure.</p> <p>The cost to bring the one employee into the salary range would be \$4,767 annually The cost to bring all employees into the proposed pay structure on January 1, 2026 would be \$19,898 (a 2.29% total payroll increase) in 2026.</p> <p><u>Recommendations</u></p> <p>At the August 27th meeting, DDA presented the study results and solicited feedback on how to potentially implement. Based on feedback from City Council, I am recommending the following considerations:</p>

- The Class & Compensation plan should go into effect on January 1, 2026, but employees begin the step process at their anniversary date.
- Steps should be annual to keep pace with market, and not exclusive of cost-of-living adjustments. If they are not, we immediately are out of market.
- I worked with the City Attorney to confirm that we can have steps progression contingent upon meeting performance standards, with language suggested: *“employees who receive a “meets expectations” or above in their performance review will move to the next step in the pay plan on their anniversary date”*.
 - This would mean that employees not meeting standards would not be getting step increases.
 - As a Plan A Statutory City, staff would recommend we bring each step to the City Council for approval. This will incentivize employees and supervisors to work on timely performance evaluations to receive timely step adjustments.
- This program would replace our current pay plan of increases at the following: 6-month 5%, 18-month 5%, 5-years 5%, 10-years 3%.
 - Example: Employee was hired on October 29th, 2021. The pay plan recommends their position be placed at Grade 5, Step 2. On January 1, 2026, they’d receive their COLA. On Oct 29th, 2026, they would be placed in Step 2 following a successful performance evaluation and consent agenda approval from city council.

Analysis:

There was concern raised that a COLA & step adjustment may be too aggressive and become unduly burdensome to the City, but our analysis is that it would not significantly change the long-range financials, and would have a net positive effect on employees who stay with the city for under 5 years. See below for an example of an employee who would start on 1/1/2026 our entry rate of Grade 1, Step 1 (no COLAs calculated for ease of computation – wouldn’t significantly change separation):

Total Wages	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Current	63,683	66,866	68,497	68,497	71,922	71,922	71,922	71,922	71,922	73,925	701,078
New	62,130	64,614	66,876	68,882	70,948	73,077	75,086	77,151	79,080	80,662	718,506
Diff					6,015						(17,428)

As shown in the table, over a 10-year timeframe, the comp plan is more expensive, but for the first five years, there is actually a net savings. We have known historically that many of our employees leave after five years, and the above example shows that under the current plan there is no growth opportunity from years 5-10.

It is important to note that the majority of the city’s workforce has passed the 18-month step increase phase, with 9 of the city’s 10 full-time employees having under five years in their position and only one has not hit the 18-month mark yet due to a promotion. As such it is important to note that there are cost considerations with the pay plan, but there are benefits as well.

Plan:

The full plan is to place the following positions accordingly:

Title	Grade	Step
Administrative & Communications Coordinator	2	1
Administrative Service Director	6	3
Assistant Finance Director*	6	2
City Administrator	8	7
Community Development Coordinator	6	3
Lead Maintenance Worker	3	6
Public Works Director	7	2
Senior Maintenance Worker (2)	2	2

**currently working in Interim capacity, recommend temporary Grade 7, Step 1*

I’ve met with the employees to preview this recommendation, and it generally is supported.

Budget Impact	The 2026 budget impact of \$19,898 is based on the pay plan being implemented for the full year. As it is recommended to be on anniversary date, the city would have temporary further savings.
Attachment(s)	<ul style="list-style-type: none"> DDA Human Pay Plan
Action(s) Requested	Staff recommends that City Council confirm the findings for full-time employees and direct staff in the next steps for finalizing the pay plan approval.

**City of Falcon Heights
NEW Pay Plan Calibrated for 2025 Wages**

% of Bench Avg >

NEW 105% 107%

Grade	# points per step	Evaluation Points			Steps									
		Point Minimum	Point Maximum		4.0%	3.5%	3.0%	3.0%	3.0%	2.75%	2.75%	2.5%	2.0%	
					1	2	3	4	5	6	7	8	9	10
1		0	185		\$29.87	\$31.06	\$32.15	\$33.12	\$34.11	\$35.13	\$36.10	\$37.09	\$38.02	\$38.78
2	40	186	226	107.000%	\$31.96	\$33.24	\$34.40	\$35.43	\$36.50	\$37.59	\$38.63	\$39.69	\$40.68	\$41.49
3	40	227	256	107.000%	\$34.20	\$35.57	\$36.81	\$37.92	\$39.05	\$40.22	\$41.33	\$42.47	\$43.53	\$44.40
4	30	257	286	107.000%	\$36.59	\$38.06	\$39.39	\$40.57	\$41.79	\$43.04	\$44.22	\$45.44	\$46.58	\$47.51
5	30	287	371	107.000%	\$39.15	\$40.72	\$42.14	\$43.41	\$44.71	\$46.05	\$47.32	\$48.62	\$49.84	\$50.83
6	85	372	471	107.000%	\$41.89	\$43.57	\$45.09	\$46.45	\$47.84	\$49.28	\$50.63	\$52.02	\$53.32	\$54.39
7	100	472	611	115.000%	\$48.18	\$50.11	\$51.86	\$53.41	\$55.02	\$56.67	\$58.23	\$59.83	\$61.32	\$62.55
8	140	612	651	120.000%	\$57.81	\$60.13	\$62.23	\$64.10	\$66.02	\$68.00	\$69.87	\$71.79	\$73.59	\$75.06

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REQUEST FOR COUNCIL ACTION (RCA)

Meeting Date	October 1, 2025
Agenda Item	Policy C3
Attachment(s)	RFP Examples
Submitted By	Jack Linehan, City Administrator

Item	Planning Consultant RFP/RFQ
Description	<p>Once the University of Minnesota’s RFP for the Les Bolstad Golf Course sale is released and the development continues to move through the process, the City will require the knowledge and guidance of a planning and urban design consultant to act as a supplement our staff. To select a planning consultant, the city would issue a request for proposals (RFP) or request for qualifications (RFQ).</p> <p>Because the development process is still in its infancy stage, the way(s) in which the City will utilize the planning and design firm for consulting services is still undetermined, but may include:</p> <ul style="list-style-type: none"> • Land use, zoning and environmental reviews • Leading or assisting with continued community engagement • Administering the AUAR / EAW process • Rendering services • Design, concept and master planning • Identify conflicts, issues or challenges of the plan • Cooperative Boundary Agreements • Grant Writing • Transportation Planning <p>Below is a sample of the timeline:</p> <ul style="list-style-type: none"> • Oct 1 - Council workshop receiving materials • Oct 23 - Council Approves RFP release • Oct 24 - RFP released • Nov 21- RFP Responses due • Nov 24 - Dec 5 - Interviews/Selection • Dec 10 - Award of Contract

	We've attached some other recent RFPs from cities searching for consultants in similar capacities for an idea of what to expect. We are in the early stages of putting together an RFP, but having a workshop to discuss and allow staff to bring a final version for release will be helpful for timelines.
Budget Impact	The City has budgeted a maximum of \$60,000 for this in 2026. We will be pursuing grants and other support as well.
Attachment(s)	<ul style="list-style-type: none"> • Blaine AUAR RFP • Edina Small Area Plan RFP • Brooklyn Park Four-Park Project RFP
Action(s) Requested	Staff recommends that City Council discuss the cost, the timeline, and the City's goals of hiring a planning consultant to help guide the City through the planning and development of the Les Bolstad Golf Course property so that the City can release an RFP/RFQ at a future date.

REQUESTS FOR PROPOSALS:

TO PREPARE AN ALTERNATIVE URBAN AREAWIDE REVIEW (AUAR) FOR THE AREA OF AND SURROUNDING NORTHTOWN MALL IN BLAINE, MINNESOTA

May 16, 2023

The City of Blaine is seeking written proposals from qualified consultants to complete an AUAR for the area of and surrounding Northtown Mall.

Qualified companies are required to submit one (1) electronic copy of the material described in the **RFP Content** section.

Please remit proposals to:

Sheila Sellman
City Planner
City of Blaine
ssellman@blainemn.gov

RFP's must be received no later than 4PM on June 15, 2023



City of Blaine

10801 Town Square Drive NE
Blaine MN 55449

I. INTRODUCTION

The City of Blaine is seeking written proposals from qualified consultants to prepare facilitate and distribution of an Alternative Urban Areawide Review (AUAR) for the area of and surrounding Northtown Mall (see Exhibit A). The selected consultant will fully coordinate and complete the AUAR from project implementation to adoption.

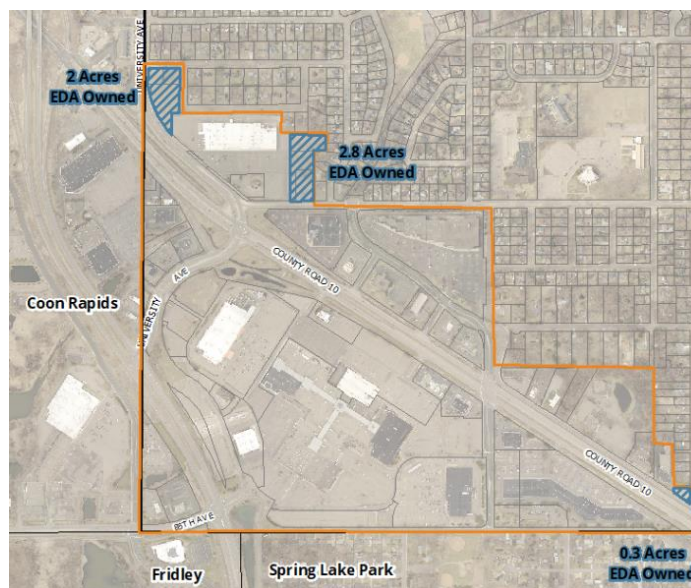
A. Project Overview

In July 2022 the city adopted the Northtown District Vision Plan. This is a long-term plan that addresses land use, redevelopment/revitalization options, multimodal transportation, and public improvements. The City's goal is to help Northtown mall continue to be relevant and important asset to the city and to spur growth appropriate with current market trends and community desires.

Northtown Mall is located in the southwestern corner of Blaine, has a square footage of 644,535 square feet, and includes approximately 68 storefronts. The mall was constructed in 1972 and the initial construction included 33 stores.

While Northtown Mall is of great importance and concern for the elected officials in Blaine, there is also retail property to the east of the mall and north of County Road 10, which has been in decline for several years. This area includes Rainbow Village and the old Kmart site, and the North Court Commons strip retail building.

The entire area is approximately 158 acres, including 43 existing tax parcels.



II. Scope of Work

The product to be delivered is to consist of a full AUAR process and review for the entire redevelopment area based on the adopted plan. Recommendations and cost analysis on improvements.

Coordinate all professional activities necessary to fully complete and process the AUAR, in accordance with applicable Minnesota rules and statutes.

Advise the City Council and City Planner of AUAR requirements and timelines
Develop a draft AUAR and draft mitigation plan meeting requirements of MN Rules 4410.3610, applicable Minnesota Environmental Quality Board guidance documents relative to AUAR preparation. In preparing the draft document, the consultant will be expected to actively solicit input from, and work closely with, those state agencies with oversight of any plan element.

Distribute draft AUAR and mitigation plan, and issue appropriate press releases, and notices in accordance with MN Rules 4410.1500.

Prepare responses to all timely and substantive comments received during the draft review comment period.

Prepare a revised AUAR document and mitigation plan based upon comments received during the draft period.

Distribute revised AUAR and mitigation plan, and issue appropriate press releases and notices in accordance with MN Rules 4410.1500

Represent the city in resolving any objections which may be filed of the revised AUAR and mitigation plan, or in preparing additional revisions which may be required by governmental agencies or the EQB.

Present revised AUAR and mitigation plan to the City Council for adoption.

Distribute the City Council's decision in accordance with MN Rules 4410.3610 Subpart 5, E.

A. Technical Services

1. **Assessment** - an assessment of existing conditions including physical conditions such as existing land-use, transportation, utilities, transit, natural resources, etc.
2. **Transportation** -Traffic study determine the traffic modifications and costs needed to support the redevelopment plan which shall include but is not limited to the study of traffic modeling, analysis of traffic control systems.
 - a. Intersection Improvements –
 - i. CR132 and Springbrook Drive
 - ii. TH47 and 85th Avenue NE
 - iii. TH47 and CSAH 3
 - iv. CSAH 3 and 86th Lane NE
 - v. CSAH 3 and CSAH 10
 - vi. CSAH 51 and 89th Avenue NE
 - vii. CSAH 51 and 91st Lane NE
 - viii. 89th Avenue NE and 87th Lane NE
 - ix. CSAH 10 and Jefferson Street NE
 - x. CSAH 10 and Able Street NE
 - xi. CSAH 10 and Washington Avenue NE
 - xii. CSAH 10 and 7th Street NE
 - xiii. Washington Avenue NE and 87th Lane NE
 - xiv. Jefferson Street NE and 85th Avenue NE
 - xv. Jefferson Street NE and Mall Entrance
 - xvi. CSAH10 and TH47 Ramps
 - b. Future roadway impacts, design layouts, and intersection improvements
 - c. Pedestrian and Bicycle Circulation

3. Permits and approvals required

4. Land Use

5. Geology, Soils and Topography/Land Forms

6. Water resources

7. Solid waste, hazardous wastes, and storage tanks

8. Fish, wildlife, plant communities, and sensitive ecological resources

9. Historic properties

10. Visual

11. Air

12. Noise

13. Utilities

B. Proposal Overview

1. **Timeline** - Provide a proposed schedule from project initiation to final completion. The schedule should include a listing of key tasks within each phase, key milestones and approximate dates, and deliverables. Provide a statement of how the workload of this project would be accommodated and what priority it would be given, including capability to maintain reasonable response times.
2. **Budget** - The proposal should include a complete budget with the chargeable hourly rate for services or personnel not included in the scope. The City will accept bids on the full scope. If multiple consultants are collaborating on the RFP submittal, please identify the specific segment of the scope for each assigned consultant and the associated pricing.
3. **City Staff Engagement** - the proposal should include expectations for city staff involvement on the various components including the number and type of on-site visits.

Additional Information:

1. The City/EDA shall not be liable for any expenses incurred by the applicant in connection with this solicitation including, but not limited to, expenses associated with the preparation of the statement, attendance at interviews, preparation of compensation fees schedule or final contract negotiations.
2. Links to relative city documents:
 - a) [Northtown District Vision Plan](#)
 - b) [2040 Comprehensive Plan](#)
 - c) [Land Use Map](#)
 - d) [Zoning Map](#)
 - e) [Zoning Code](#)

II. PROPOSAL INSTRUCTIONS

A. Proposal Submission

One electronic copy of the proposal shall be submitted to:

Sheila Sellman at the following e-mail: ssellman@blainemn.gov

All responses, questions and correspondence should be directed to Sheila Sellman via e-mail or at 763-785-6198. In the interest of fairness to all respondents, do not contact other staff or elected or appointed officials. All written questions will receive a response and will be shared with all proposers.

B. Timeline

1. City Releases Request for Proposals (RFP) May 16, 2023
2. All questions submitted.....June 8, 2023
3. RFPs Due to City of Blaine.....June 15, 2023
4. Review of RFP is CompletedJune 23, 2023
5. Interviews if neededJune 28 & 29, 2023
6. Decision Made July 10, 2023
7. Contract Consideration by EDA..... August 7, 2021

***NOTE: ALL PROPOSALS MUST BE RECEIVED
NO LATER THAN 4PM ON JUNE 15, 2023
To: ssellman@blainemn.gov***

IV. PROPOSAL CONTENT

During the evaluation process, the City of Blaine shall reserve the right to request additional information or clarifications from a consultant, or to allow corrections of errors and/or omissions.

The following material is required to be received by June 15, 2023 for a proposing consultant to be considered:

A. Transmittal Letter

A signed letter of transmittal briefly stating the consultant’s understanding of the work to be performed, the commitment to perform the work within proposed time period, a statement why the consultant believes that it is best qualified to perform the services, and a statement that the proposal is a consultant, and irrevocable offer.

B. Project Proposal

Provide specific approaches, methods, and assumptions that will be utilized to accomplish each work product item in Section II. Each item listed in the Scope of

Work (Items A-D) should have a response. The proposal for technical qualifications (items 1 thru 9 below) except resumes, references, and supplemental information.

C. Personnel Qualifications- Resumes

For each member of the professional staff proposed to be assigned to this engagement, please provide the following information:

1. Names and proposed roles of individual team members.
2. Education and experience biographies of all team members addressing the qualifications and considerations of the RFP.
3. Include information about pertinent prior experience.

D. References

1. Include a list of municipal clients where related services were provided by the professional staff proposed, along with the name and telephone number of a person who may be contacted at that municipality.
2. List of comparable projects successfully completed by the proposer (and/or sub consultant).

V. REVIEW

A. Proposal Evaluation

Representatives of the City of Blaine will evaluate all responses received by the deadline. In some instances, an interview may be part of the evaluation process. The City will review/evaluate the submitted RFP's in four areas: work plan/schedule, qualifications/experience of personnel working on the project, understanding of the project objectives, and cost. The City will select the firm/team that best understands the project, can deliver the project in a timely manner, has quality personnel and can deliver the job at a reasonable and realistic cost.

The City reserves the right to reject any and all proposals or to request additional information from any and all applicants.

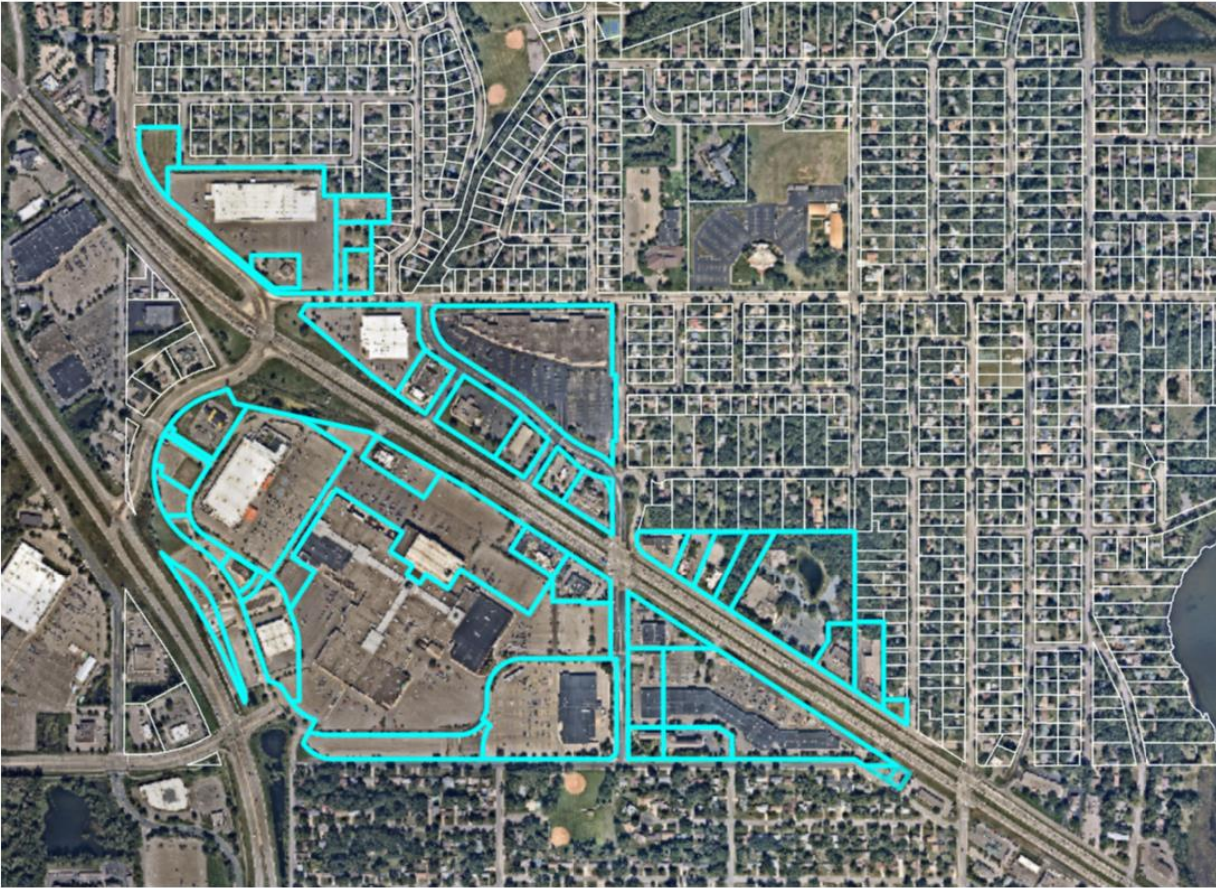
VI. CONTRACT TERMS AND CONDITIONS

Upon selection of a consultant(s), an Agreement or Contract of Services shall be entered into by the City and the consultant(s). It is expected that the contract will

provide for compensation for actual work completed on a not to exceed basis with the following conditions:

- a) Deletion of specific components such as individual project meetings, will be at the discretion of the City. Payment or reimbursement shall be made based on actual hours worked on the various tasks required for the project.
- b) The City shall retain ownership of all documents, plans, maps, reports and data prepared under this proposal. In addition to being provided with hard copy and digital documents throughout the project, the consultant shall supply the City of Blaine with fully electronic files upon project completion.
- c) The City reserves the right to amend the request for proposals at any time. The City reserves the right to determine the successful respondent. The City reserves the right to reject any or all proposals. If for any reason the selected firm is not able to commence services within thirty (30) days after the award of the proposal, the City of Blaine reserves the right to award the contract to another qualified consulting firm.
- d) Expenses incurred in the preparation of submittals, presentations, and other incidental activities related to this solicitation are solely the responsibility of the respondent.
- e) The consulting firm shall not assign any interest in this proposal and shall not transfer any interest in the same without the prior written consent of the City of Blaine.
- f) The City of Blaine expects the consultant to respond to routine questions which do not require considerable research as part of their not to exceed cost estimate.

EXHIBIT A



City of Edina, Minnesota

Lincoln and Londonderry Small Area Plan

Request for Proposal for Consulting Services



Objective

The City of Edina is seeking proposals from qualified consultants to draft a small area plan for the area near Lincoln Drive and Londonderry Road (see attached map). It is intended that the small area plan would be adopted as an amendment to the City's Comprehensive Plan and be a guide for future redevelopment and infrastructure decision making.

Overview

Located immediately southwest of Minneapolis in Hennepin County, Edina has a population of 53,494. It is a first-ring suburb known for its shopping and dining, its parks and recreation facilities and the excellent quality of life for residents. The City is conveniently located within the Metro, having access to several major highways and is just minutes from downtown Minneapolis, MSP Airport, and the Mall of America. It has developed a vibrant and diverse economy along with significant civic investments. The high standard of living enjoyed by many of the community's residents is both a source of pride, as well as an asset that attracts both young families and mature residents.

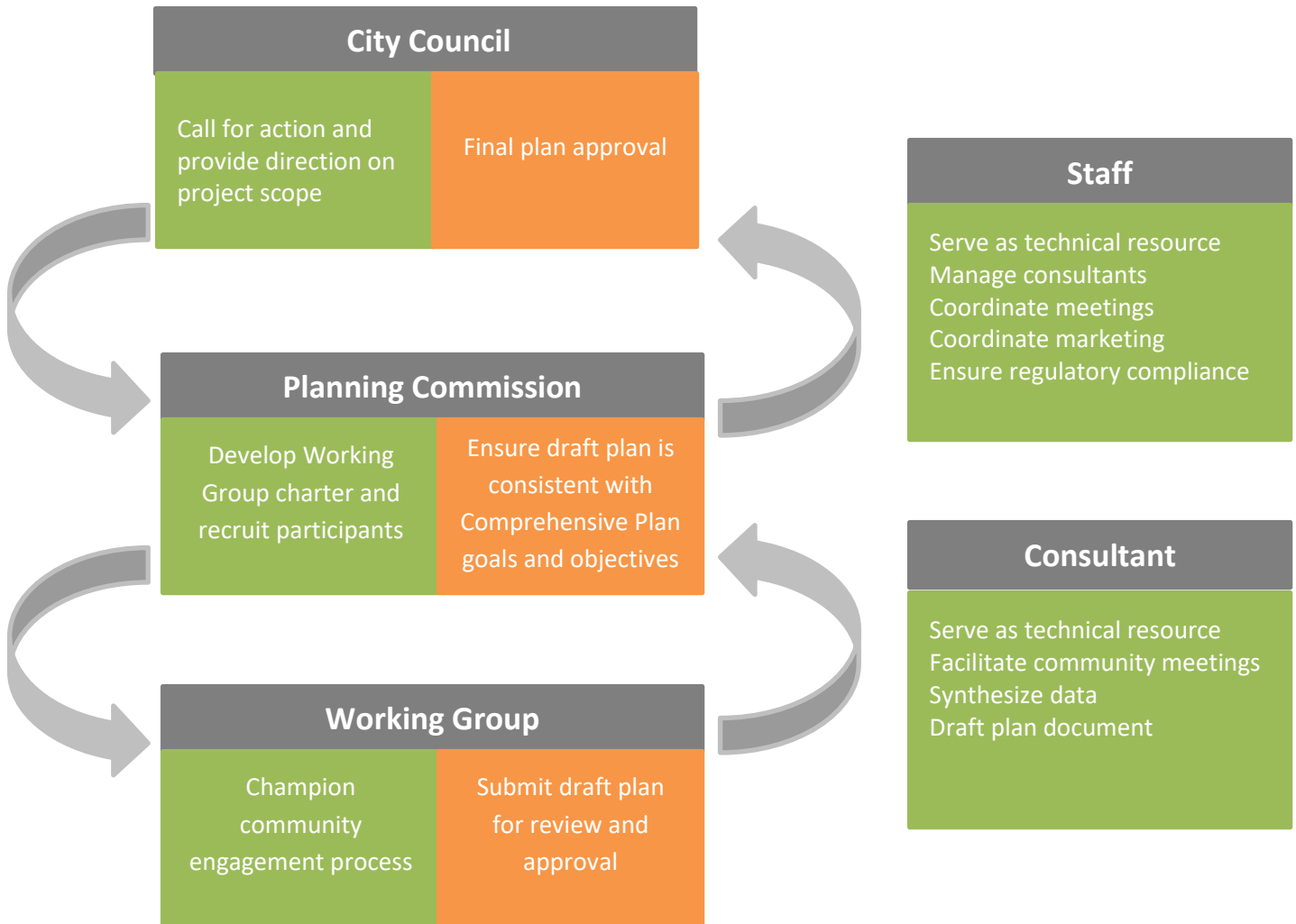
The focus for this small area plan is a 45-acre area along Edina's western border that is bounded by Highway 169 to the west, Nine Mile Creek to the east and north, and residential townhomes to the south. Existing land uses within the study area are primarily professional offices, light industrial and warehouse, but also include some multi-family residential, retail, and neighborhood service businesses. The surrounding area is primarily residential, with a mix of apartments, townhomes, and single-family homes. On the west side of Highway 169 is a business park located within the City of Minnetonka. Full access to Highway 169 is provided at Londonderry Road. The Nine Mile Creek Regional Trail also runs adjacent to this area.

Buildings in the area are generally older, having been built primarily in the 1970s and -80s. Recently, there has been interest in redevelopment of some parcels, which is expected to continue. In 2018, a vacant office building was transformed into a four-story, 246-unit multi-family development. Multi-family housing has been proposed for other sites as well. At this time, the area does not have sufficient sanitary sewer capacity to accommodate redevelopment at higher density above what exists today. The purpose of this small area plan process is to establish a vision for the area through community engagement that will be a guide:

- when considering land use changes, redevelopment proposals, and other policies that impact quality of life within the area.
- for City staff and City Council in infrastructure decisions and capital improvement planning.
- for the community when advocating for the area.

Small Area Plan Process

A successful small area plan is the result of an extended effort by several parties. In Edina, key contributors to the process include the City Council, Planning Commission, the Working Group, staff, and the consulting organization. Consultants can expect to work extensively with the Working Group which will include representatives from both the Planning Commission and neighborhood stakeholders, as well as staff liaisons. A summary of the respective roles of each party is outlined in the diagram below.



Consultant Scope of Work

Consultants will be responsible for the following activities during the planning process:

- General awareness of other applicable planning documents, including the [Comprehensive Plan](#), [Climate Action Plan](#), [Housing Strategy Task Force Report](#), and [Living Streets Plan](#).
- Assessment of existing conditions, including demographics, physical conditions, land use/zoning and other pertinent information.
- Identification of key issues and opportunities.
- Lead the facilitation of Working Group meetings, public workshop meetings, and other stakeholder meetings. The consultant's scope of work should include at least the following meetings:
 - 10 Working Group Meetings
 - 3 Public Open House / Workshop Meetings
 - 2 City Council work sessions
 - 3 Stakeholder Meetings – These could be virtual meetings with area stakeholders as needed. Potential stakeholders may include businesses and property owners, MnDOT, Metro Transit, school district(s), watershed district, utility companies, Three Rivers Park District, Hennepin County, and City of Minnetonka.
 - 3 meetings for the plan approval process (1 Planning Commission and 2 City Council)
- Drafting the small area plan document and making final edits based on public feedback. The following topics are expected to be addressed in the plan document though may not necessarily require their own chapter:
 - Area vision, goals and strategic actions
 - Existing conditions
 - Key issues and opportunities
 - Land use and community design
 - Housing
 - Economic development
 - Transportation
 - Heritage preservation
 - Parks, open space, and natural resources
 - Sustainability
 - Implementation

While the goal is to follow a common format to promote alignment with the comprehensive plan, there is flexibility to add information or topics based on specific community concerns, needs or interests.

City staff will assist with the following:

- Host and manage a platform for online community engagement
- Provision of GIS and data files
- Scheduling meetings, reserving meeting rooms, and coordination with key stakeholders
- Marketing of all community meetings
- Analysis of city utilities

Timeline

The RFP schedule is as follows:

- RFP Released – January 19
- Deadline for Question Submittal – February 5
- Answers to Questions posted – February 9
- Submittals Due – February 23 by 3pm
- Interviews – March 13 (5-7pm)
- Consultant selected – Week of March 18
- City Council approval of contract – April 2

The City is anticipating an approximate 9-to-12-month timeframe for the project by the consultant. However, the project may extend if public review of the draft plan cannot be completed prior.

Budget

The City has budgeted a maximum of \$125,000 for this project.

Response Guidelines and Deadline

Interested consultants should forward the following information in electronic format (no more than 12 pages) for consideration:

- 1) Brief description of proposed approach to the project. If alternative frameworks would be better, please outline in your recommended approach (ie: different timeframe, number of meetings).
- 2) A summary of any information or support anticipated to be needed from staff beyond what is outlined in this RFP.
- 3) Description of specific skills or experiences that make the responder particularly well suited to this work.
- 4) Brief biographies of any staff who would directly engage with the Working Group, city staff or residents, including hourly rate and estimated percentage of total budget allocation, and identification of the person that will serve as the project lead.
- 5) Examples of past similar projects with similar scope, land area, complexity, and fee, including references and links to final work products, this project team has created.
- 6) Anticipated cost and timeline of the project. If additional working group meetings need to be added beyond those stated in this RFP, please indicate the additional cost for in-person and virtual meetings.

Electronic responses and/or questions related to the RFP should be directed to Kris Aaker (KAaker@EdinaMN.gov / 952-826-0461) and Addison Lewis (ALewis@EdinaMN.gov / 952-833-9522) with the project name in the subject line. Questions must be submitted by February 5. Responses to questions will be posted at EdinaMN.gov/PlanningRFP on February 9. Proposals are due by **3pm on Friday, February 23, 2024.**

Up to three consultants will be interviewed by select Planning Commissioners and staff based on the perceived match between the information provided and the City's project needs. Interviews with the project team are anticipated to take place March 13, 5-7pm.



The CITY of
EDINA

- ▭ Lincoln-Londonderry Small Area Plan
- ▭ Parcel Boundaries



Request for Proposals to:

Provide Consulting Services for a Small Area
Plan, Alternative Urban Areawide Review and
Development Implementation Strategy for the
Northwest Portion of Brooklyn Park

REQUESTING AGENCY:

Brooklyn Park Economic Development
Authority 5200 85th Avenue North
Brooklyn Park, MN 55443

ISSUE DATE:

May 13, 2024

SUBMISSION DEADLINE:

June 14, 2024

CONTACT:

Paul Mogush
Planning Director



Overview

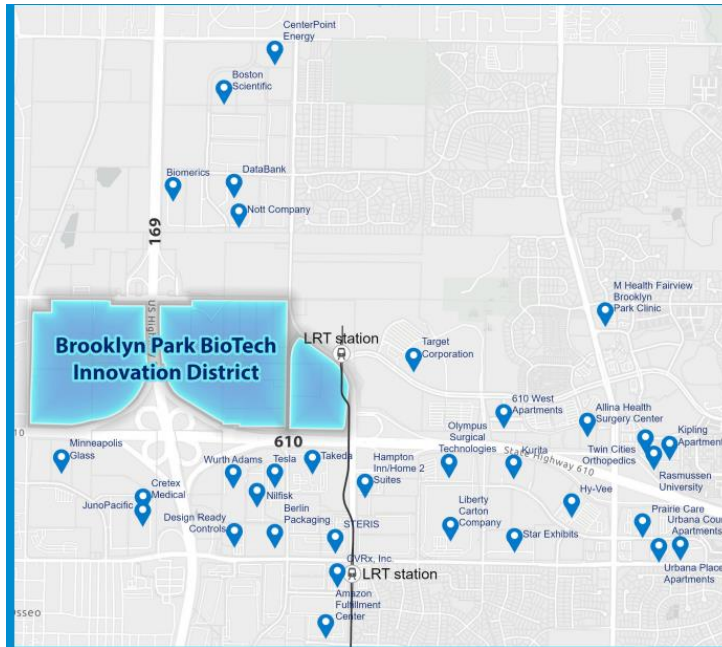
The City of Brooklyn Park is seeking proposals for a four-part project to guide the future development of the Northwest Area of the City. The property area is generally north and west of the Highway 610/169 interchange, and a portion of EDA and private land located east of the interchange. A portion of the study area is the future site of a [bio-tech innovation district](#). The City has proposed legislation that designates this area as a bio-tech district and is working to allow for special financing tools to facilitate its development. This area, over 600 gross acres, represents the last, largest contiguous “greenfield” in Brooklyn Park and is poised to accommodate significant investment in housing, commercial, and jobs development.

The properties have various landowners, including approximately 35 acres owned by the Brooklyn Park EDA, and have mostly been guided for development staging beginning in 2030 in the City’s Comprehensive Plan. The City and EDA aim to prepare the area for development earlier than anticipated in the Comprehensive Plan, building on the significant, recent development on the property immediately east of Hwy 169. The City would like to begin discussions about the vision, land use, and associated infrastructure needed to allow development in this area and document that vision in a small area plan. The scope of this work will also include an AUAR, Development Implementation Strategy, and a Comprehensive Plan Amendment application to Metropolitan Council.

Community background and context

Brooklyn Park is a growing community located just northwest of Minneapolis. It is the sixth largest city in Minnesota and the fourth largest in the seven-county Twin Cities Metro Area. The population, currently estimated at around 86,000, is expected to grow to over 95,000 with 40,000 jobs by 2040. More than 60 percent of the residents are people of color and 28 percent speaking a language other than English at home. Brooklyn Park is also home to over 1,500 businesses and continues to grow, boasting strong sectors in medical technology, high-tech manufacturing, and precision manufacturing. The proposed METRO Blue Line Extension project, traveling 13 miles northwest of downtown Minneapolis, will bring five light rail stations to Brooklyn Park.

The Brooklyn Park City Council has set a vision and is advocating at state and federal levels for resources to promote the development of a Bio-tech Innovation District, as identified in the map below:



As part of the 2024 Minnesota legislative session, Brooklyn Park has a proposed bill to designate a portion of this area as a Biotech Innovation District, which would allow special ability to leverage port authority powers in this area. See the bill here for further information:

https://www.revisor.mn.gov/bills/text.php?number=HF3449&type=bill&version=1&session=1s93&session_year=2024&session_number=0

In 2016, the City underwent an extensive process to develop a Station Area Plan for Oak Grove, the terminus of the future METRO Blue Line LRT Extension. While the City's intent is not to re-open that plan, it is important context to be incorporated into the process. The full plan can be found here:

www.hennepin.us/-/media/hennepinus/residents/transportation/bottineau/Brooklyn-Park-station-area.pdf

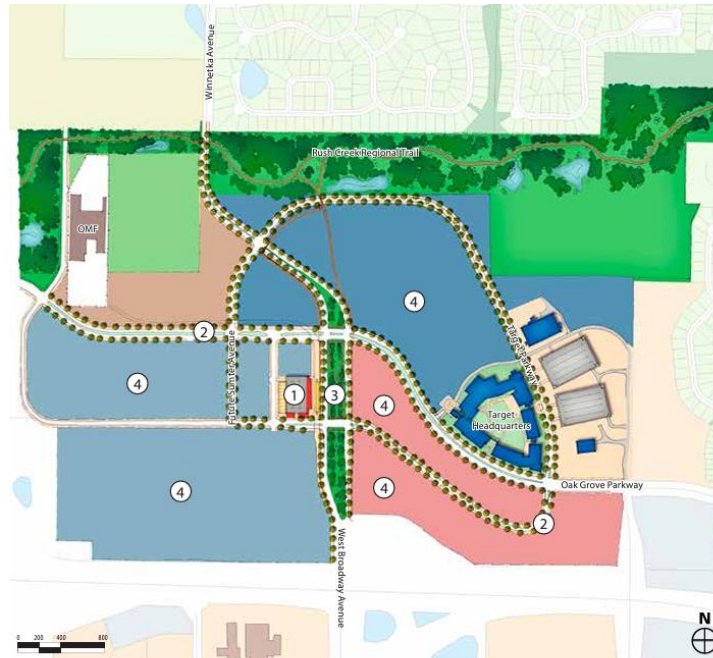


Fig. 46 ILLUSTRATIVE PLAN FOR OAK GROVE STATION AREA



The Brooklyn Park 2040 Comprehensive Plan identifies the following Economic Development Goals (not listed in priority order):

- Promote robust local restaurant, retail, bioscience, precision manufacturing, and services markets.
- Explore opportunities for new business development, especially within historically underserved communities.
- Support human capital development efforts that reinforce workforce, job quality, and density goals in Brooklyn Park.
- Identify opportunities to implement community wealth building strategies.

The Comprehensive Plan also lists the following Housing Goals (not listed in priority order):

- **Housing Preservation:** Focus on housing investment and preservation to promote well-maintained neighborhoods and high-quality housing.
- **Affordable and Supportive Housing:** Promote a range of housing choices and opportunities accessible throughout the community.
- **Housing Services:** Deliver housing services in an effective and accessible way to meet changing community needs.
- **LRT Corridor:** Support high density and walkable housing along the corridor to leverage the transit investment.
- **Housing Production:** Identify appropriate locations and opportunities

for housing in the community.

See the full 2040 Comprehensive Plan here:

https://www.brooklynpark.org/wp-content/uploads/2022/04/2040-Comprehensive-Plan_WithAppendices.pdf

The City of Brooklyn Park also has strategic goals it seeks to meet and coordinate with as a part of this planning process. The Brooklyn Park 2025 Community Strategic Plan can be located here:

<https://www.brooklynpark.org/brooklyn-park-2025/>

Project goals

The goals of this project are to:

- 1) A plan that supports racial equity and equitable development in Brooklyn Park;
- 2) Clearly state the City Council's and community's desires for the types of growth in NW Brooklyn Park;
- 3) Develop an inspiring, ambitious vision that will attract developers and significant tax base;
- 4) Provide plans for critical and essential community infrastructure for the last remaining greenfield in Brooklyn Park, including housing, jobs, utilities, parks, trails, and stormwater, which includes identifying anticipated utilities needs associated with the bio-tech district;
- 5) Complete the environmental documents required to allow development in these areas in the next two years;
- 6) Engage with the residents, businesses, landowners, and development community to create an aggressive and also realistic plan for growth;
- 7) Attract regional and national attention as the center for bio-tech and med-tech innovation including the identification of potential development partners; and
- 8) A plan with strong, multi-modal and pedestrian connections, architectural design, and other lifestyle amenities;
- 9) Identify and leverage creative public financing sources for the construction of public infrastructure.

Desired qualifications and scoring criteria

Firms owned by women and people of color are encouraged to respond to this RFP as prime or subcontractors.

A selection committee will review and rank applications according to these scoring

criteria:

SCORING CRITERIA	POINTS
RELEVANT EXPERIENCE	
○ Demonstrated success (of firm and project manager) with plans of a similar scale	15
○ Demonstrated ability to leverage creative funding strategies for the planning and construction of municipal infrastructure	15
○ Reputation/references	10
CONNECTION TO COMMUNITY	
○ A team that demonstrates knowledge and understanding of the local community	10
○ Firm or team with connections to Brooklyn Park (prior work, live, business location nearby)	5
VISION AND APPROACH	
○ Innovation and creativity in approach to the work, including key project team members who have proven ability to offer systems thinking with regard to large scale, greenfield infrastructure planning	20
○ Commitment to and alignment with equity and inclusion in team and approach	10
○ Price of Proposal	10
○ Timeline for Completion	5
TOTAL	100

Submission requirements

The proposal must include the information below. The City reserves the right to seek clarification of responses and waive minor irregularities and informalities.

1. Name, location, company size, connection to Brooklyn Park, and areas of specialty for prime and all subcontractors;
2. Information about project manager, task leads, and staff who will be working with the city (prime and subs):
 - Names and contact information
 - Qualifications, experience with similar projects, and two professional references for each project manager and task lead
 - Specific knowledge and experience with the Brooklyn Park community
3. Firm examples of at least two similar projects, including:
 - a. Location and approximate size
 - b. Information on implementation (how the plan became a reality)
 - c. Contact info for client reference from each project example
4. Fee proposal, enumerated by task (and sub-task) in scope (Exhibit A)
5. Timeline for completion, enumerated by task including timeline

dependencies inherent in community engagement and stakeholder notification process required of the AUAR

6. Any recommendations for edits/changes to the scope numerated in Exhibit A.

Email a PDF with the above information to Paul Mogush:
paul.mogush@brooklynpark.org by the deadline below.

Selection and approval process

Questions are due to Paul Mogush by May 24, 2024 at 4 p.m. Questions will be compiled and answers will be issued as an addendum to the RFP by May 28, 2024.

Qualifications will be reviewed by a committee consisting of staff and council members, based on the criteria above. Staff may follow up with questions, clarifications, or interview requests before selecting a firm.

The City may accept or reject any proposal and is not obligated to award any contracts.

Preliminary project schedule (subject to change)

ACTIVITY	DATE
RFP posted	May 13, 2024
Recommended deadline for questions	May 24, 2024
Answers to questions posted as Addendum for RFP	May 28, 2024
Proposals due	June 14, 2024 @ 4:30 p.m.
Interviews	Week of June 24
Council approval of Team	July 8, 2024
Contracting/Project Kick-Off	Week of July 22, 2024

Exhibit A: Scope of Services

Task One: Development of a Plan

1a. Existing Conditions Analysis

- Inventory and document the current conditions regarding:
 - Land area and cover
 - Existing land uses and owners
 - Natural areas, parks, wetlands
 - Other public amenities and cultural assets
 - Existing street and trail network
 - Existing utilities
 - Geology, soils, topography
 - Water Resources
 - Solid waste, hazardous waste, and storage tanks
 - Fish, wildlife, plant communities and sensitive ecological resources
 - Historic Properties

1b. Land use and Urban Design plan

- a. Develop three scenarios with varying land uses and development intensities, and tied to other plan elements (transportation, utilities, open space, phasing).
- b. Land use scenarios may draw from existing future land use designations including the recently updated Mixed Use category and may also include new strategies for guiding development consistent with Council and community goals.
- c. The land use plan should include accommodations for the proposed bio-tech innovation district, including a mix of land uses and urban design guidance that achieve the goals of the district.
- d. The land use plan should not be overly prescriptive. It will be a general land use plan.
- e. The land use plan should include urban design considerations related to walkability within a suburban context, horizontal and/or vertical mixed use and use connections, and dense development to maximize use of land.
- f. The plan should review other mixed use, suburban, several hundred-acre development sites across the country and research best practices for land use planning from those projects.

1c. Transportation plan

- a. Establish a basic street grid for undeveloped areas
- b. Future conceptual layout for Jefferson Highway, 101st Avenue, 109th Avenues, and future collector roadways
- c. Multimodal connections to future Oak Grove station
- d. Local trail connections to Rush Creek Regional Trail and other local trail network
- e. Identify needs for parking facilities

1d. Open space and park plan

- a. Consider the need for a new City park and identify a location in area, with consideration to existing park plans for the surrounding areas

- b. Integration of plazas and open spaces into new development
- c. District stormwater as amenity (See Target/Oak Grove Station stormwater plan as example)
- d. Identify preservation strategies for the oak savanna on the west side of Jefferson Highway

1e. Utility plan (sanitary sewer, water supply, stormwater, electricity)

- a. Conceptual public and private utility layout that works with transportation plan and existing park resources/infrastructure.
- b. Concept level layout and recommendations for a stormwater management system and land needed
- c. Evaluation of water and sewer utilities for major investments (trunk lines, water towers, lift stations, water looping needs, etc.)

1f. Stakeholder Engagement

It is envisioned that engagement will happen at a concept/draft plan level to give stakeholders something to react to. Engagement would include:

- Minimum of 6 city staff meetings/check ins
- Minimum of 2 City Council/EDA/Planning Commission work sessions
- Property owners (12-14 participants)
- Developers (3)
- Project website/webpage
- One all day Open House or Charette for the general public/general stakeholders (include creative engagement methods, like Creative CityMaking)
- Identify and engage appropriate agencies and jurisdictions (Three Rivers, WMO, MNDOT, Maple Grove, Champlin and other jurisdictions required for AUAR)

Task Two: Alternative Urban Areawide Review Development

This scope includes the development of a full AUAR, including the process for review and state compliance. It is the goal to maximize efficiency with regard to time, process, and fee by completing the AUAR alongside/in tandem with the planning/scenario development process in Task One. It is anticipated that the development of a plan will achieve many of the same steps that an AUAR does and, at the same time, more process and detail is needed for an AUAR. In addition to statutory notification requirements, draft plans should be sent to surrounding communities for discussion at one, adjacent community meeting.

Task Three: Development Implementation Strategy

3a. Evaluate the three scenarios from a fiscal impact and infrastructure needed perspective to inform the preferred scenario.

This task should include a community benefit analysis of each scenario (to be developed in community engagement portion of scope). It should also include an editable electronic document with narrative and tables analyzing the financial feasibility of each development scenario, including basic financial assumptions for each phase and any associated public improvements. The analysis should identify any expected financial gap for each scenario (and phase), as well as an estimate of the resultant estimated market value and City taxes paid at the building and district level. This should also include estimated increases related to tax base and

expect city tax portion of the development scenarios. This is meant to be a planning level analysis to inform preferred land use scenario and NOT a full, formal, fiscal impact assessment.

3b. Development and Infrastructure Phasing Plan

Develop a plan for a 10-15 year development horizon for the preferred development scenario, including how sewer, water, streets, multi-modal connections, structured or surface parking, and associated financing could be phased over multiple years to provide orderly, efficient investments in infrastructure that coordinate with development and market demand.

3c. Development Financing Plan

- How can the City drive implementation of this area?
- What are creative approaches or solutions for financing development (incorporating any newly approach state legislation?)
- What are next steps regarding infrastructure financing?
- Evaluation of existing and proposed implementation tools and their applicability, such as:
 - Sewer, Water, Stormwater Trunk Fees
 - Utility Rates
 - Assessment Agreements for Roads/Environmental Planning
 - Use of Pooled TIF
 - Use of Tax Abatement
 - Use of TIF
 - Private/Developer Financing
 - Special Legislation
 - Other creative financing options

The plan should review other mixed use, suburban, several hundred-acre development sites across the country and research best practices for land use planning from those projects.

Task Four: Development and Submittal of a Comprehensive Plan Amendment to Metropolitan Council

This scope includes the development of a comprehensive plan amendment and associated notification process, including the process for review and Met Council compliance. It is the goal to maximize efficiency with regard to time, process, and fee by completing the Comprehensive Plan Amendment alongside/in tandem with the planning/scenario development process in Task One and Two. It is anticipated that the development of a plan will achieve many of the same steps that a Comp Plan Amendment requires. City staff will complete subsequent zoning changes.

Deliverables:

Deliverables should be submitted in an editable, electronic format.

- 1. Summary of Stakeholder Engagement efforts and how input was used and a listing of community benefits to be evaluated as a result of engagement with community and council.**
- 2. Draft Land Use and Urban Design Plan (three scenarios)**

- 3. Draft Infrastructure Plan (conceptual for three scenarios)**
- 4. Development Plan that meets the requirements of proposed Bio-Tech Innovation District in Minnesota State Statue**
- 5. Fiscal impact and tax base Impact of each scenario.**
- 6. Draft AUAR and Mitigation Plan. Develop a draft AUAR and mitigation plan meeting requirements of MN Rules 4410.3610 and applicable Minnesota Environmental Quality Board (EQB) guidance documents relative to AUAR preparation.**
- 7. Final Land Use and Urban Design Plan**
- 8. Final Infrastructure Plan**
- 9. Infrastructure Phasing Plan**
- 10. Revised AUAR and Mitigation Plan. Prepare a revised AUAR document and mitigation plan based upon comments received during the draft comment period.**
- 11. Development Financing and Implementation Plan for preferred alternative and phasing plan.**
- 12. Submission of package for Comprehensive Plan Amendment and all supporting documentation to Metropolitan Council.**