

Special Meeting – Nuisance Ordinance #194
City Hall Council Chambers
Wednesday, August 16th, 2023 @ 6:00 P.M.

1. Call To Order: Mayor Tollefson called the meeting to order at 6:00 P.M.

2. Roll Call – Mayor Tracy Tollefson; Council Members Justin Schreiber, Patrick McCoy, Bryant DeVries & Steven Ring; Police Chief Justin Vogel; City Attorney Ken Norman; City Clerk Wendy Affield.

Attendees: Pam & Jesse Mendoza; Shaun Erickson; Corey Malko

Absent: None

Virtual Attendees: unknown guest

3. Discussion Concerning Draft Copy of Nuisance Ordinance #194

Sections to Review:

a. 3d on page 2 – Mayor Tollefson said this portion refers to “intoxicating liquor or fermented malt beverages,” and she did see that the state allows for home brewing only for family use. She said the information was found on the website of the MN Department of Public Safety, Alcohol, & Gambling Enforcement Division, which stated “a license is not required if a person may make wine and brew beer in their own home for family use.” Affield suggested adding this verbiage to this section? Norman said it isn’t really needed because the ordinance already mentions state laws.

b. 4g on page 2 – This section discusses visual obstructions at intersections. Mayor Tollefson said surrounding cities reference thirty-six inches (36”) and thirty feet (30’) as their distances. Norman said these heights and distances are at the discretion of the Council to determine. Ring said he would only be concerned if a person received a fence permit which may conflict with this section. McCoy said the City does not require a permit for building a fence. Affield said they usually advise people who are going to build a fence that it should be at least three feet (3’) off of the property line in order to allow room to do maintenance on the other side without being on your neighbor’s property. Norman said fences will fall under the City’s zoning ordinance. McCoy also added there is already a height restriction for fences in front yards. Council agreed to stay with the height and distance listed.

c. G on page 3 – This section discusses “inoperable vehicles.” Mayor Tollefson said she wants to look again at the seven (7) day timeline. She read a portion of another city’s ordinance that has their timeline at sixty (60) days, and she feels this is a little more reasonable when considering someone is working on repairing a vehicle. Ring said they need to consider the location of the repair work, and if the City really wants to see a torn apart vehicle in the front yard of a house for sixty (60) days? Vogel said the timeline actually stretches to fourteen (14) days once notice has been served before fines start. He said if the vehicle is being worked on in a garage, then it is not a nuisance. Mayor Tollefson said she is leaning towards a little bit longer timeline. DeVries said he admires people who are taking on repair of a vehicle but acknowledges this could potentially bother other people even if it does not bother him

personally. Vogel said there are major differences sometimes, and in particular where a vehicle has sat so long that trees are growing up around it. He said this will not be an issue for anyone as long as they are working on their vehicle inside their garage. Ring said he can agree with a thirty (30) day timeframe. Affield agreed and said good communication between those who receive these notices and City Hall will always be considered. Vogel said for example there are derby or racing vehicles sitting on properties that may be technically “operable,” but they are not licensed. Schreiber said he would like to see progress on these types of vehicles, so he can see going thirty (30) days but no longer than that. He also knows that some residents may not have a garage either. DeVries asked how racing vehicles will be affected. Vogel said it will need to be on a gravel or concrete slab and will also need to be licensed. He said the seven (7) day timeframe as it is worded now, is consistent throughout the entire ordinance and it could end up being confusing if there are a bunch of different timeframes in it. Council agreed to set the timeframe for unregistered vehicles at seven (7) days and registered vehicles at no longer than thirty (30) days.

d. 2a on page 4 – This section is in regard to Unlawful Parking and Storage “of ice fishing houses, skateboard ramps, playhouses, or other similar non-permanent structures outside for longer than twenty-four (24) hours in the front yard area of a residential property unless it is at least one hundred feet (100’) back from the front property line.” Mayor Tollefson said she did some review of another city’s ordinance referring to ice houses as an “accessory structure” and their requirements regarding setbacks, condition, registration, etc. She said this particular ordinance did not reference any timeline that this structure could be at a property. Vogel said the difficult part of this is the timeline in reference to the setback, as that sets the clock for the twenty-four (24) hours. Mayor Tollefson asked if some properties might not have a setback of one hundred feet (100’)? Vogel said that is correct, and he said he reached out to City Engineer Kris Carlson for more information about boulevards and City rights-of-way. Carlson provided information that properties which have curb and gutter end at fifteen feet (15’) from the edge of the road to where a sidewalk would be, and twenty feet (20) if the property has a ditch in the front. Vogel said he feels the length of the setback for this section has to be between the fifteen feet (15’) and twenty feet (20’), as this is where a sidewalk would normally be. Mayor Tollefson asked if the length of the icehouse matters? Ring said it shouldn’t matter as long as the setback is observed. Vogel said he would rather get rid of the twenty-four (24) hour timeframe altogether. Ring suggested they change the wording to include both types of properties so that both the fifteen feet (15’) and the twenty feet (20’) setbacks are observed. Vogel agreed and said they need to include trailers and campers as well. Mayor Tollefson asked about the properties in Centennial? Vogel agreed some of those will be impacted as there is no ditch in the cul de sac of Magnolia Court. Council agreed to move forward with the setback lengths, add in campers, boats, axels, and remove the twenty-four (24) hour timeline from this section.

e. 2c ii & iii on page 4 – Covered in the above section.

f. 1-1-2, A.1 on page 5 – This section covers Removal of Snow and Ice, and Schreiber had a question about the part referring to the 9:00 p.m. deadline to have snow cleared. He asked what happens when it is still snowing at that time? He said he’d like to see the wording changed to reflect a twenty-four (24) hour deadline after snow has stopped falling. Council agreed to the change.

g. A1 on page 8 – This section refers to Horns, Signaling Devices, etc. Mayor Tollefson said she found an ordinance that stated no horn or signaling device can emit a sound that lasts longer than

fifteen (15) seconds. Vogel said he had a question earlier about a semi-truck engine noise in residential areas, and he is not sure if those are covered in this section. Norman said the wording can always be changed to add in “any machine” in subsection 1-1-5, A.1.b.

h. 1g on page 13 – Already covered above (4g on pg. 2)

Mayor Tollefson asked to clarify where the Council was in terms of grass length? Affield said the current City ordinance has grass length to be no higher than six (6) inches. She said the new ordinance has it now set at eight (8) inches as that is what surrounding cities have in their mowing ordinances.

4. Open Forum – Resident Corey Malko pointed out that on page 9, number 12 “Blowers” has wording that covers noise from any “internal combustion engine,” which would cover semi-trucks. MHC Manager Pam Mendoza said the trailer park lease already provides residents with a twenty-four (24) hour notice to move inoperable vehicles before they are towed, and residents are also not allowed to do work on vehicles in their driveways. Norman said there may be some difficulty in enforcing violations on private property. Vogel said he will check on how violations and notices will be served in regard to trailer parks, but as he understands it they will work the same way as other properties in the City. Resident Shaun Erickson asked about the setbacks and was wondering if that starts from the center of the road/street? Vogel said the setback starts from the edge of the street. Norman clarified that it begins from the paved area of the edge of the street. Erickson then asked if a pickup truck attached to a trailer would also have to be behind the setback? Vogel said yes. Erickson also asked about the recent cannabis laws and would that fall under any section of this ordinance? Affield said they will be looking at creating a separate ordinance for this. Erickson clarified the smell of marijuana smoke outdoors could be potentially seen as a nuisance. Vogel and Council agreed, and they will be looking at it very soon.

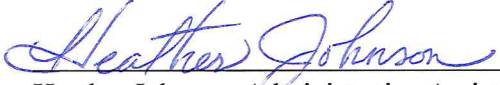
5. Adjournment – The Special Meeting ended at 6:56 p.m. with a motion made by Steven Ring, seconded by Bryant DeVries. All in favor.
Motion Carried.



Tracy Tollefson, Mayor



Wendy Affield, City Clerk



Heather Johnson, Administrative Assistant