

OFFICIAL CITY COUNCIL PROCEEDINGS
REGULAR SESSION
MARCH 5, 2012

A regular session of the Granite Falls City Council was called to order by Mayor David Smiglewski at 7:30 p.m., Monday, March 5th, in the Council Chambers of City Hall. Council Members present: Bill Miller, Steve Nordaune, Steve Schaub, Joe Fagnano and Scott Peterson. Council member absent: DuWayne Galow. Staff present: City Manager Bill Lavin, Finance Director Michael Betker and City Clerk Joan Taylor. Others in attendance Bev Johnson, Vern Vosberg, DuWayne Koenen, Bob Thoma, Warren Velde, Denneth Bakkeland John Berends, Mitch Kling, Ed Cain Legislative Associates and Advocate Tribune News Editor Scott Tedrick.

MINUTES: M/S MILLER/NORDAUNE TO APPROVE THE MINUTES OF THE FEBRUARY 21ST REGULAR MEETING. Motion carried unanimously by those present.

BILLS: M/S NORDAUNE/SCHAUB TO APPROVE BILLS PRESENTED FOR PAYMENT. Motion carried unanimously by those present.

AMERICAN LEGION: Representatives from the American Legion and Granite Falls Lions Club were in attendance to discuss with council the American Legion's request for a temporary addition to their liquor license during the Western Fest Celebration that would allow for the consumption of alcoholic beverages within a fenced-in area directly adjacent to the main entrance of the Legion. Following discussion M/S SCHAUB/PETERSON TO APPROVE THE TEMPORARY ADDITION TO THE AMERICAN LEGION'S LIQUOR LICENSE AS REQUESTED. Motion failed by the following vote: Aye: None Nay: Miller, Nordaune, Smiglewski, Schaub and Fagnano. Abstain: Peterson.

REPORTS: The following reports were acknowledged at this time Building Inspector, Finance, Fire Department, Kilowatt Community Center Board and Utilities Commission.

CMMPA: CMMPA has requested the city submit a letter of interest which would outline the city's understanding of the Resource Planning Coalition's recommendations relative to future power supply planning for 2016 and beyond. Following discussion Nordaune introduced a resolution and moved its adoption authorizing the submittal of a letter of interest to CMMPA relative to the city's future power planning needs.

RESOLUTION NO. 12-37

RESOLUTION AUTHORIZING SUBMITTAL OF
LETTER OF INTEREST TO CMMPA – FUTURE POWER SUPPLY PLANNING

WHEREAS, CMMPA members are being asked to submit a letter of interest concerning future power supply planning.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRANITE FALLS, MINNESOTA, authorizing submittal of a letter of interest that the City of Granite Falls is interested in joining with CMMPA in pursuing future power supply planning beyond 2016.

Adopted by the City Council this 5th day of March, 2012.

David Smiglewski
Mayor

ATTEST:

Joan M. Taylor
City Clerk

With second by Schaub, the resolution was adopted unanimously by those present.

REPORTS: The Public Works report was acknowledged at this time.

LIBRARY/SENIOR CENTER: Pursuant to Resolution No. 12-32 council called for quotes for the purchase and installation of handicapped door openers at the Library and Senior Citizens Center. The following quotes were received.

Handicapped Door Openers - Library/Senior Center	Library Doors		Senior Center Door	
Southwest Glass Center, Marshall, MN	\$4,222.25		\$2,199.75	
French Glass Montevideo, MN	Option 1: 2-Stanley Door Opener \$5,892.00	Option 2: 2-Record Model Door Openers \$5,260.00	Option 1: Stanley Door Opener \$2,946.00	Option 2: Record Door Opener \$2,630.00
Stanley Access Technology Burnsville, MN	\$3,200.00		\$1,800.00	

Following discussion Nordaune introduced a resolution and moved its adoption accepting the quote received from Stanley Access Technology in a total amount of \$5,000 for the purchase and installation of the three handicapped door openers.

RESOLUTION NO. 12-38

RESOLUTION ACCEPTING QUOTE FOR PURCHASE AND INSTALLATION OF HANDICAPPED DOOR OPENERS

WHEREAS, pursuant to Resolution No. 12-32, council called for quotes for the purchase and installation of handicapped door openers for the Library and Senior Citizens Center; and

WHEREAS, the following quotes were received:

Handicapped Door Openers - Library/Senior Center	Library Doors		Senior Center Door	
Southwest Glass Center, Marshall, MN	\$4,222.25		\$2,199.75	
French Glass Montevideo, MN	Option 1: 2-Stanley Door Opener \$5,892.00	Option 2: 2-Record Model Door Openers \$5,260.00	Option 1: Stanley Door Opener \$2,946.00	Option 2: Record Door Opener \$2,630.00
Stanley Access Technology Burnsville, MN	\$3,200.00		\$1,800.00	

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRANITE FALLS, MINNESOTA, accepting the quote received from Stanley Access Technology in the total amount of \$5,000 for the purchase and installation of the three handicapped door openers.

Adopted by the City Council this 5th day of March, 2012.

David Smiglewski
Mayor

ATTEST:

Joan M. Taylor
City Clerk

With second by Fagnano, the resolution was adopted unanimously by those present.

POLICE DEPARTMENT: Council reviewed a memorandum submitted by Police Chief Blue requesting the purchase of a patrol car video system from L3 Communications in the amount of \$3,695 for the video system and \$110 for a flashcard upgrade. As the Police Department already has the same type of video system in the other squad car and to expedite the purchase of this equipment Nordaune introduced the

following resolution and moved its adoption waiving calling for quote and accepting the quote from L3 Communications for the purchase of this equipment.

RESOLUTION NO. 12-39

RESOLUTION WAIVING CALLING FOR QUOTES AND ACCEPTING QUOTE FOR VIDEO SYSTEM – POLICE DEPARTMENT

WHEREAS, it being in the best interest of the city to expedite the purchase of a Mobile-Vision Flashback video system for the squad car as it is the same system used in the other squad car.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRANITE FALLS, MINNESOTA, waiving calling for quotes and accepting

the quote received from L3 Communications in an amount of \$3,695 for the purchase of the video system and \$110 for a flashcard upgrade.

Adopted by the City Council this 5th day of March, 2012.

David Smiglewski
Mayor

ATTEST:

Joan M. Taylor
City Clerk

With second by Schaub, the resolution was adopted unanimously by those present.

PUBLIC HEARING: Mayor Smiglewski opened a duly advertised public hearing at 8:00 p.m. for the purpose of considering amending the city's Flood Plain Ordinance. Following discussion Mayor Smiglewski closed the hearing at 8:02 p.m.

ORDINANCE: M/S MILLER/NORDAUNE TO HAVE THE SECOND READING OF AN ORDINANCE OF THE CITY OF GRANITE FALLS, MINNESOTA, AMENDING CITY CODE CHAPTER 9.

ORDINANCE NO. 161, 2ND SERIES

AN ORDINANCE OF THE CITY OF GRANITE FALLS, MINNESOTA, AMENDING CITY CODE CHAPTER 9, LAND USE REGULATIONS (ZONING), SECTION 9.40, FLOOD PLAIN MANAGEMENT, AND ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 9.99, WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS

The City of Granite Falls does ordain as follows:

Section 1. Section 9.40, Flood Plain Management, is hereby amended to read as follows:

Sec. 9.40. FLOOD PLAIN MANAGEMENT

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SECTION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE.		

1.1 Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes, Chapters 103F and 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Granite Falls, Minnesota does ordain as follows:

1.2 Findings of Fact:

1.2.1 The flood hazard areas of Granite Falls, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

1.2.2 Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

1.2.3 National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

1.3 Statement of Purpose. It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize those losses described in Section 1.2.1 by provisions contained herein.

SECTION 2. GENERAL PROVISIONS

2.1 Lands to Which Ordinance Applies. This Ordinance shall apply to all lands within the jurisdiction of the City of Granite Falls, Minnesota, shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway and Flood Fringe Districts.

2.2 Establishment of Official Zoning Map. The Official Zoning Map, together

with all materials attached thereto, is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include: 1) the Flood Insurance Study, City of Granite Falls, Minnesota, Yellow Medicine and Chippewa Counties and the latest Flood Insurance Rate Map and Flood Boundary and Floodway Map therein, and prepared by the Federal Emergency Management Agency; 2) the Flood Insurance Study, Yellow Medicine County, Minnesota Unincorporated Areas, dated May 1978, and Flood Insurance Rate Maps with Community Panel Numbers 270544 0050 B and 270544 0175 B and the Flood Boundary and Floodway Map with Community Panel Number 270544 0002 therein, all of these maps being dated November 15, 1978, and prepared by the U.S. Department of Housing and Urban Development/Federal Insurance Administration; and 3) the Flood Insurance Study, Chippewa County (Unincorporated Areas) Flood Boundary and Floodway map panels 270066 0160 and 270066 0170, dated June 17, 1986. The more restrictive of these sets of maps and supporting data shall take precedence for determining the extent of the flood plain, floodway and flood fringe boundaries, and the regulatory flood protection elevation for the site. The Official Zoning Map shall be on file in the Office of the City Clerk and City Manager.

2.3 Regulatory Flood Protection Elevation: The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

2.4 Interpretation.

2.4.1 In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

2.4.2 The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the City Manager, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the Community adopted its initial flood plain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year flood plain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

2.5 Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

2.6 Warning and Disclaimer of Liability: This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Granite Falls, Minnesota, or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

2.7 Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

2.8 Definitions. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

2.8.1 Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

2.8.2 Basement. Basement means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

2.8.3 Conditional Use. Conditional use means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

- (a) Certain conditions as detailed in the zoning ordinance exist.
- (b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

2.8.4 Equal Degree of Encroachment - a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

2.8.5 Flood - a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

2.8.6 Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

2.8.7 Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in flood insurance studies

prepared by the U.S. Department of Housing & Urban Development/Federal Insurance Administration or the Federal Emergency Management Agency.

2.8.8 Flood Plain - the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

2.8.9 Flood Proofing - a combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

2.8.10 Floodway - the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

2.8.11 Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor.

2.8.12 Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

2.8.13 Obstruction - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel, watercourse or regulatory flood plain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

2.8.14 Principal Use or Structure - means all uses or structures that are not accessory uses or structures.

2.8.15 Reach - a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

2.8.16 Recreational Vehicle - a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

2.8.17 Regional Flood - a flood which is representative of large floods

known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

2.8.18 Regulatory Flood Protection Elevation - The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

2.8.19 Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 9.31 of this Ordinance and other similar items.

2.8.20 Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

2.8.21 Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (b) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this Ordinance, "historic structure" shall be as defined in 44 Code of Federal Regulations, Part 59.1.

2.8.22 Variance - means a modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

2.9 Annexations. The Flood Insurance Rate Map and Flood Boundary and

Floodway Map panels adopted by reference into Section 2.2 above may include flood plain areas that lie outside of the corporate boundaries of the City of Granite Falls, Minnesota, at the time of adoption of this ordinance. If any of these flood plain land areas are annexed into the City of Granite Falls, Minnesota, after the date of adoption of this ordinance, the newly annexed flood plain lands shall be subject to the provisions of this ordinance immediately upon the date of annexation into the City of Granite Fall, Minnesota.

SECTION 3. ESTABLISHMENT OF ZONING DISTRICTS

3.1 Districts.

3.1.1 Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Boundary and Floodway Map and Flood Insurance Rate Map panels adopted in Section 2.2 of this Ordinance.

3.1.2 Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe on the Flood Boundary and Floodway Map panels adopted in Section 2.2 of this Ordinance and those Zone AE areas on the Flood Insurance Rate Map panels adopted in Section 2.2 of this Ordinance that are located outside of the floodway.

3.2 Compliance. No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway and Flood Fringe Districts, all uses not listed as permitted uses or conditional uses in Sections 4.0 and 5.0 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

3.2.1 New manufactured homes, replacement manufactured homes and certain recreational vehicles are subject to the general provisions of this Ordinance and specifically Section 9.0.

3.2.2 Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 11.0.

3.2.3 As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section 10.0 of this Ordinance.

SECTION 4. FLOODWAY DISTRICT (FW)

4.1 Permitted Uses.

4.1.1 General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.

4.1.2 Industrial-commercial loading areas, parking areas and airport landing strips.

4.1.3 Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

4.1.4 Residential lawns, gardens, parking areas and play areas.

4.2 Standards for Floodway Permitted Uses.

4.2.1 The use shall have a low flood damage potential.

4.2.2 The use shall be permissible in the underlying zoning district if one exists.

4.2.3 The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

4.3 Conditional Uses:

4.3.1 Structures accessory to the uses listed in 4.1 above and the uses listed in 4.32 - 4.38 below.

4.3.2 Extraction and storage of sand, gravel, and other materials.

4.3.3 Marinas, boat rentals, docks, piers, wharves and water control structures.

4.3.4 Railroads, streets, bridges, utility transmission lines and pipelines.

4.3.5 Storage yards for equipment, machinery or materials.

4.3.6 Placement of fill or construction of fences.

4.3.7 Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 9.3 of this Ordinance.

4.3.8 Structural works for flood control such as levees, dikes and flood walls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event

equal to or less than the 10-year frequency flood event.

4.4 Standards for Floodway Conditional Uses.

4.4.1 All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

4.4.2 All floodway conditional uses shall be subject to the procedures and standards contained in Section 10.4 of this Ordinance.

4.4.3 The conditional use shall be permissible in the underlying zoning district if one exists.

4.4.4 Fill.

- (a) Fill, dredge spoil and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
- (b) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
- (c) As an alternative, and consistent with Subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the Office of the County Recorder.

4.4.5 Accessory Structures.

- (a) Accessory structures shall not be designed for human habitation.
- (b) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:

- (1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
 - (2) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- (c) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:
- (1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
 - (2) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and
 - (3) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

4.4.6 Storage of Materials and Equipment.

- (a) The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to

human, animal or plant life is prohibited.

- (b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

4.4.7 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

4.4.8 A levee, dike or flood wall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

SECTION 5. FLOOD FRINGE DISTRICT (FF)

5.1 Permitted Uses: Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District "Permitted Uses" listed in Section 5.2 and the "Standards for all Flood Fringe Uses" listed in Section 5.5.

5.2 Standards for Flood Fringe Permitted Uses.

5.2.1 All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

5.2.2 As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally flood proofed in accordance with Section 4.45 (c).

5.2.3 The cumulative placement of fill where at any one time in excess of one thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Section 5.21 of this ordinance.

5.2.4 The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

5.2.5 The provisions of Section 5.5 of this Ordinance shall apply.

5.3 Conditional Uses. Any structure that is not elevated on fill or flood proofed in accordance with Section 5.21 - 5.22 and or any use of land that does not comply with the standards in Section 5.23 - 5.24 shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Sections 5.4-5.5 and 10.4 of this Ordinance.

5.4 Standards for Flood Fringe Conditional Uses.

5.4.1 Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

- (a) Design and Certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
- (b) Specific Standards for Above-grade, Enclosed Areas. Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - (1) A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect

certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

- (2) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

5.4.2 Basements, as defined by Section 2.812 of this Ordinance, shall be subject to the following:

- (a) Residential basement construction shall not be allowed below the regulatory flood protection elevation.
- (b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with Section 5.43 of this Ordinance.

5.4.3 All areas of non residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

5.4.4 When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

5.4.5 Storage of Materials and Equipment.

- (a) The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited.
- (b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

5.4.6 The provisions of Section 5.5 of this Ordinance shall also apply.

5.5 Standards for All Flood Fringe Uses.

5.5.1 All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

5.5.2 Commercial Uses - accessory land uses, such as yards, railroad tracks and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.

5.5.3 Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 5.52 above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.

5.5.4 Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

5.5.5 Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the

5.5.6 Standards for recreational vehicles are contained in Section 9.3.

5.5.7 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

SECTION 6. RESERVED FOR FUTURE USE

SECTION 7. SUBDIVISIONS

7.1 Review Criteria. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

7.2 Removal of Special Flood Hazard Area Designation. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

SECTION 8. PUBLIC UTILITIES, RAILROADS, ROADS AND BRIDGES.

8.1 Public Utilities. All public utilities and facilities such as gas, electrical, sewer and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.

8.2 Public Transportation Facilities. Railroad tracks, roads and bridges to be located within the flood plain shall comply with Sections 4.0 and 5.0 of this Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

8.3 On-site Sewage Treatment and Water Supply Systems. Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

SECTION 9. MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF RECREATIONAL VEHICLES.

9.1 New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section 7.0 of this Ordinance.

9.2 The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 5.0 of this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 5.51, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.

9.2.1 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

9.3 Recreational vehicles that do not meet the exemption criteria specified in Section 9.31 below shall be subject to the provisions of this Ordinance and as specifically spelled out in Sections 9.33-9.34 below.

9.3.1 Exemption. Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 9.32 below and further they meet the following criteria:

- (a) Have current licenses required for highway use.
- (b) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.

- (c) The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
- 9.3.2 Areas Exempted For Placement of Recreational Vehicles.

- (a) Individual lots or parcels of record.
- (b) Existing commercial recreational vehicle parks or campgrounds.
- (c) Existing condominium type associations.

9.3.3 Recreational vehicles exempted in Section 9.31 lose this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Sections 4.0 and 5.0 of this Ordinance. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.

9.3.4 New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

- (a) Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with Section 5.51 of this Ordinance. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.
- (b) All new or replacement recreational vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of 10.4 of the Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Section 9.31 (a) and (b) of this Ordinance will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or

contaminated during times of flooding in accordance with Section 8.3 of this Ordinance.

SECTION 10. ADMINISTRATION.

10.1 City Manager: The City Manager or other official designated by the Governing Body shall administer and enforce this Ordinance. If the City Manager finds a violation of the provisions of this Ordinance the City Manager shall notify the person responsible for such violation in accordance with the procedures stated in Section 12.0 of the Ordinance.

10.2 Permit Requirements.

10.2.1 Permit Required. A Permit issued by the City Manager in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.

10.2.2 Application for Permit. Application for a permit shall be made in duplicate to the City Manager on forms furnished by the City Manager and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

10.2.3 State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the City Manager shall determine that the applicant has obtained all necessary state and federal permits.

10.24 Certificate of Zoning Compliance for a New, Altered or Nonconforming Use. It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the City Manager stating that the use of the building or land conforms to the requirements of this Ordinance.

10.25 Construction and Use to be as provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, conditional use permits or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 12.0 of this Ordinance.

10.26 Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.

10.27 Record of First Floor Elevation. The City Manager shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The City Manager shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.

10.28 Notifications for Watercourse Alterations. The City Manager shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

10.29 Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the City Manager shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

10.3 Board of Adjustment.

10.3.1 Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.

10.3.2 Administrative Review. The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Ordinance.

10.3.3 Variances. The Board of Adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this Ordinance, any other zoning regulations in the Community, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood

protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

- (a) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (b) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

10.3.4 Hearings. Upon filing with the Board of Adjustment of an appeal from a decision of the City Manager, or an application for a variance, the Board of Adjustment shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board of Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days' notice of the hearing.

10.3.5 Decisions. The Board of Adjustment shall arrive at a decision on such appeal or variance within thirty days. In passing upon an appeal, the Board of Adjustment may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the City Manager or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the Board of Adjustment may prescribe appropriate conditions and safeguards such as those specified in Section 10.46, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under Section 12.0. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

10.3.6 Appeals. Appeals from any decision of the Board of Adjustment may be made, and as specified in this community's official controls and also by Minnesota Statutes.

10.3.7 Flood Insurance Notice and Record Keeping. The City Manager shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

10.4 Conditional Uses. The Planning Commission shall hear and decide applications for conditional uses permissible under this Ordinance. Applications shall be submitted to the City Manager who shall forward the application to the Planning Commission for consideration.

10.4.1 Hearings. Upon filing with the Planning Commission an application for a conditional use permit, the Planning Commission shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

10.4.2 Decisions. The Planning Commission shall arrive at a decision on a conditional use within thirty days. In granting a conditional use permit the Planning Commission shall prescribe appropriate conditions and safeguards, in addition to those specified in Section 10.46, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance punishable under Section 12.0. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

10.4.3 Procedures to be followed by the Planning Commission in passing on Conditional Use Permit Applications within all Flood Plain Districts.

- (a) Require the applicant to furnish such of the following information and additional information as deemed necessary by the Planning Commission for determining the suitability of the particular site for the proposed use:
 - (1) Plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and
 - (2) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and

sanitary facilities.

- (b) Transmit one copy of the information described in subsection (a) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
- (c) Based upon the technical evaluation of the designated engineer or expert, the Planning Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

10.4.4 Factors Upon Which the Decision of the Planning Commission Shall Be Based. In passing upon conditional use applications, the Planning Commission shall consider all relevant factors specified in other sections of this Ordinance, and:

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (b) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (e) The importance of the services provided by the proposed facility to the community.
- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- (l) Such other factors which are relevant to the purposes of this Ordinance.

10.4.5 Time for Acting on Application. The Planning Commission shall act on an application in the manner described above within thirty days from receiving the application, except that where additional information is required pursuant to 10.43 of this Ordinance. The Planning Commission shall render a written decision within thirty days from the receipt of such additional information.

10.4.6 Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the Planning Commission shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

- (a) Modification of waste treatment and water supply facilities.
- (b) Limitations on period of use, occupancy and operation.
- (c) Imposition of operational controls, sureties and deed restrictions.
- (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees and other protective measures.
- (e) Flood proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

SECTION 11. NONCONFORMING USES

11.1 A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2.831(b) of this Ordinance, shall be subject to the provisions of Sections 11.11 – 11.15 of this Ordinance.

11.1.1 No such use shall be expanded, changed, enlarged or altered in a way that increases its non-conformity.

11.1.2 Any structural alteration or addition to a nonconforming structure or non-conforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 flood proofing classifications) allowable in the State Building Code, except as further restricted in 11.13 and 11.16 below.

11.1.3 The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Section 4.0 or 5.0 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

11.1.4 If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The Building Official shall notify the City Manager in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.

11.1.5 If any nonconforming use or structure is substantially damaged, as defined in Section 2.830 of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Sections 4.0 and 5.0 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe District, respectively.

11.1.6 If a substantial improvement occurs, as defined in Section 2.831 of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Section 4.0 or 5.0 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

SECTION 12. PENALTIES FOR VIOLATION

12.1 Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.

12.2 Nothing herein contained shall prevent the City of Granite Falls, Minnesota,

from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

12.2.1 In responding to a suspected Ordinance violation, the City Manager and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The Community must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

12.2.2 When an Ordinance violation is either discovered by or brought to the attention of the City Manager, the City Manager shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.

12.2.3 The City Manager shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the City Manager may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the City Manager may either: (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.

12.2.4 If the responsible party does not appropriately respond to the City Manager within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The City Manager shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

SECTION 13. AMENDMENTS

The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this Ordinance, including amendments to the Official Zoning Map, must

be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

Section 2. City Code, Chapter 1, "General Provisions and Definitions Applicable to the Entire City Code, Including Penalty for Violation", and Section 9.99, "Violation, a Misdemeanor", are hereby adopted in their entirety by reference as though repeated verbatim herein.

Section 3. This ordinance to become effective from and after its passage and publication according to law.

Adopted by the City Council of the City of Granite Falls, Minnesota, this 5th day of March 2012, by a unanimous vote of the Council of those present.

ATTEST:

Joan M. Taylor, City Clerk

David Smiglewski, Mayor

This Ordinance published in the *Granite Falls-Clarkfield Advocate Tribune* on the 7th day of March 2012.

Motion carried by a unanimous vote of those present.

FLOOD MITIGATION: Mitch Kling Stony Run Township Board Chair and John Berends were in attendance to discuss the flood mitigation project relative to 11th Avenue. Mr. Kling reported that the Yellow Medicine County Board at its meeting adopted a resolution agreeing to provide labor and materials to install a culvert 36" x 60' culvert across 11th Avenue. The city has offered to then complete the bituminous work through an existing contract with the costs of the project to be offset by a financial contribution from Stony Run Township in the amount of up to \$7,500 and Jon Berends of \$2,500. Following discussion Nordaune introduced a resolution and moved its adoption to approve the flood mitigation project for 11th Avenue as proposed contingent upon approval by the Stony Run Township Board at its annual meeting.

RESOLUTION NO. 12-40

RESOLUTION APPROVING PROCEEDING WITH
FLOOD MITIGATION PROJECT - 11TH AVENUE

WHEREAS, a meeting between Yellow Medicine County, Stony Run Township, John Berends owner of Bootleggers and the city was held to discuss the reoccurring flooding problems along 11th Avenue; and

WHEREAS, it was proposed that Yellow Medicine County provide materials and labor to install a 36" x 60' culvert across 11th Avenue and the city completing the bituminous work through an existing contract with the costs of the project to be offset by a financial contribution from Stony Run Township in the amount of up to \$7,500 and Jon Berends of \$2,500.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF GRANITE FALLS, MINNESOTA, approving to proceed with the flood mitigation project on 11th Avenue as stated above contingent upon Stony Run Township approval at their annual meeting.

Adopted by the City Council this 5th day of March, 2012.

David Smiglewski
Mayor

ATTEST:

Joan M. Taylor
City Clerk

With second by Schaub, the resolution was adopted unanimously by those present.

LEGISLATIVE ASSOCIATES: Ed Cain was in attendance to provide council with an update concerning his activities on the city's behalf in securing a congressional funding for

flood mitigation projects. Following discussions it was the consensus of council to table this matter until further information is received regarding future funding from the state.

ELECTION: Council reviewed a memorandum from Chippewa County Auditor/Treasurer Jon Clausen relative to combing polling places between Granite Falls Ward 2 and Granite Falls Township Precinct 1 & 2.

RESOLUTION NO. 12-41

RESOLUTION COMBINING POLLING PLACE

WHEREAS, Minnesota Statutes 204B.14 was amended by the Minnesota Legislature during the 2005 session; and

WHEREAS, Minnesota Statutes 204B.14, Subd. 2, Item 3 provides that up to four contiguous municipalities located entirely outside the metropolitan area, as defined by Section 200.02, Subd. 24,

that are contained in the same county may combine polling places for Election Day activities; and

WHEREAS, the Granite Falls, W-2 and Granite Falls Township, Precinct 1 & 2 wish to combine their polling places pursuant to Minnesota Statutes 204B.14.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF GRANITE FALLS, MINNESOTA, that the Granite Falls City Council and the Granite Falls Township Board do hereby approve the combined polling place of Granite Falls City Hall located at 641 Prentice Street in the City of Granite Falls for State and Federal elections beginning in 2012.

BE IT FURTHER RESOLVED, that representatives of both units of government are authorized to sign a copy of this resolution and file it with the Chippewa County Auditor/Treasurer and the Secretary of State.

Adopted by the City Council this 5th day of March, 2012.

City of Granite Falls

Adopted by the Granite Falls Township Board this ____ day of March, 2012.

Granite Falls Township

With second by Miller, the resolution was adopted unanimously by those present.

ELECTRIC METER REPLACEMENT PROJECT: Council reviewed a proposal received from Ferguson Waterworks relative to the necessary collection of data from existing electrical meters and the new meters to be installed. In order to collect this data accurately Ferguson Waterworks proposes the rental and programming of a Palm Pilot at a cost not to exceed \$8,000. Following discussion Nordaune introduced a resolution and moved its adoption accepting the proposal received from Ferguson Waterworks.

RESOLUTION NO. 12-42

RESOLUTION ACCEPTING PROPOSAL FOR DATA BASE SOLUTION AND HANDHELD RENTAL – ELECTRIC METER REPLACEMENT PROJECT

WHEREAS, part of the Electrical Meter Replacement Project includes the collection of data from both the existing and new meters as the installations progress; and

WHEREAS, Ferguson Waterworks has submitted a proposal for the programming and rental of a handheld Palm Pilot to accurately collect the data from both of the electrical meters in an amount not to exceed \$8,000.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF GRANITE FALLS, MINNESOTA, accepting the proposal as submitted by Ferguson Waterworks in an amount not to exceed \$8,000 for the rental and programming of the Palm Pilot for collection of the data necessary to the Electric Meter Replacement Project.

Adopted by the City Council this 5th day of March, 2012.

David Smiglewski
Mayor

ATTEST:

Joan M. Taylor
City Clerk

With second by Schaub, the resolution was adopted unanimously by those present.

FLOOD MITIGATION: Staff updated council relative to the Flood Mitigation Task Force meeting held on Friday, February 24th.

LODGING TAX: Council discussed a request received from the owner of a local motel asking the city to refund the administrative portion the city collects from the Lodging Tax. Following discussion it was the consensus of council to leave the Lodging Tax as is.

M/S/P MILLER/NORDAUNE TO ADJOURN at 8:55 p.m.

David Smiglewski
Mayor

ATTEST:

Joan M. Taylor
City Clerk

BILLS PAID:

CITIZENS ALLIANCE BANK	NSF K. SYRING	117.02
DANA F. COLE & CO LLP	FLEX	1,728.32
EFTPS	FED WHOLDING TAX	26,156.02
HEARTLAND PAYMENT SYSTEMS	AIRPORT CC FEE	67.72
KOTEK/NICOLLE	KCC CLASSES	140.00
MERCURY PAYMENT SYSTEMS	RBS CC FEES	1,005.08
MINNESOTA VALLEY TECH. INC	UBILLING COMP REMAINDER	247.00
MN DEPT OF REVENUE	SALES/USE TAX	26,011.26
MN DEPT OF TRANSPORTATION	AIRPORT	15.00
MN DNR ECO WATERS	WATER REPORT	612.06

NATIONAL PROCESSING CO	KCC CREDIT CARD FEE	111.01
PARK GENEALOGICAL BOOKS	BOOKS	31.57
PERA	PERA	18,681.98
POSTMASTER	WATER PLANT PROJ MAILING	1,478.56
REDWOOD VALLEY ENTERPRISES LLC	2012 CITY ASSESSMENTS	30,000.00
RICE LAKE CONSTRUCTON GROUP	PROGRESS BILLING	880,411.16
SIOUX VALLEY WIRELESS	EMAIL HOSTINGS	21.32
STANTEC CONSULTING SERVICES	WATER PLANT PROGRESS	127,426.98
T & R ELECTRIC	XFORMER WATER PLANT	16,631.88
UPS	POLICE SHIPPING	23.24
VANCO SERVICES	PROGRAM FEES	54.30
VERIZON WIRELESS	SQUADS INTERNET	52.04

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Final Totals... 1,131,020.22

A & B BUSINESS	COPIER COUNT	306.07
ABDO, EICK & MEYERS	PROFESSIONAL HELP	550.00
AFFILIATED MED CENTER	STREET/ELECTRICAL	47.50
AMERICAN SAFETY UTILITY CORP.	SAFETY SIGNS FOR ETRUCKS	461.54
AMERICAN WELDING SUPPLIES	SHOP WELDING SUPPLIES	32.54
BAKER & TAYLOR BOOKS	GRANT	532.24
BAKKEN/SHERMAN	ENERGY STAR REBATE	25.00
BORDER STATES ELECTRIC SUPPLY	WIRE	791.94
C&C MAGNET	KCC MAGNETS	297.00
CENTURYLINK	KCC PHONE	190.25
CHIPPEWA COUNTY	EXCESS INCREMENT	6,577.78
CLAREY'S SAFETY EQUIPMENT, INC	REPAIR SCBA	1,390.30
CNH CAPITAL	HOSES	55.48
COLLECTION BUREAU	COLLECTION SERVICES	27.50
COMPUTERS & BEYOND	COMPUTER SUPPORT	75.00
CONVENTION & VISITORS BUREAU	FEB RECPTS	751.41
COTTONWOOD COOP OIL CO	FUEL	2,992.00
CRIME STOPPERS OF MN	PROGRAM FEE	150.00
CRYSTEEL TRUCK EQUIPMENT	#22 REPAIRS/CYLINDER	762.24
DAIRY QUEEN	DEPOSIT REFUND	117.35
DAVIS TYPEWRITER CO	PD OFFICE SUPPLIES	28.25
DEPARTMENT OF ENERGY	PURCHASE POWER	29,083.68
ECONOMART	WWTP	52.11
ENGINEERING UNLIMITED, INC.	PADLOCKS	157.36
FAGEN, INC.	TIF	22,204.76
FARMERS COOPERATIVE ELEV. CO.	CORN FOR DUCKS	174.63
FARMERS UNION OIL CO	TIF	3,698.48
FIRE SAFETY U.S.A.	HEADLAMPS FIRE DEPT	1,168.04
G & K SERVICES	RUGS/TOWELS/KCC	88.39
GOPHER STATE ONE-CALL	4 LOCATES	5.80
GRANITE FALLS AUTO PARTS	CITY CAR SWITCH	290.08
GRANITE FALLS MUN. HOSPITAL	EMT G.MEYER TRAINING	700.00
GRANITE FALLS/CITY OF	PRINC PD LOAN	705.33
GRANITE FLORAL & GREENHOUSE	WAMBEKE/HUBERT FLOWERS	114.35
GRANITE TRUE VALUE	TPAPER MISC	1,153.73
GRAYMONT CAPITAL INC	WWTP CHEMICALS	1,554.28
HAMRE/ROGER	ENERGY STAR REBATE	50.00
HANSON/AUDREY	ENERGY STAR REBATE	35.00
HAWKINS INC	KCC CHEMICALS	651.53
HILLYARD-HUTCHINSON	KCC CLEANERS	158.25
HOERNEMANN/PAUL	CABLE SERVICE	255.00
HOLMSTROM & KVAM	TRUTNA HAZ BLDG	105.00
INH COMPANIES	TIF	8,183.00
JOHNSON BROS WHOLESALE LIQUOR	LIQUOR/WINE	2,596.97
K M FIRE PUMP SPECIALISTS	RESCUE TRUCK REPAIRS	1,524.30
KOTEK/NICOLLE	KCC YOGA/STRETCH CLASSES	160.00
KRANITZ/FRANK	WORK @ SENIOR CITZ	325.00
LALIM/JODI	BLDG MAINT	342.50
LIGHT FUND	WATER TREATMENT PLANT	22,238.18
LOCHER BROTHERS	BEER & MISC	5,717.65
MADDEN GALANTER HANSON LLP	MAPE CONTRACT	436.64
MADISON BOTTLING CO.	BEER W/CREDIT	6,052.10
MAGNUSON/MARY	CREDIT ON ACCOUNT	2.25
MARCO	BIZHUB COPIER COUNT	52.21
MINNESOTA LIFE	RETIREE'S LIFE INS	3.30
MN DEPT OF COMMERCE	4TH QTR 2012 ASSESSMENT	511.92
MN DEPT OF HEALTH-WATER	WATER CONNECTION FEE	1,930.00
MN NCPERS-496000	PERA LIFE INS	80.00
MN RURAL WATER ASSN	2012-2013 MEMBERSHIP	200.00
MN VALLEY TESTING LAB, INC.	WWTP TESTING	122.00

MONSON/GARY	DEPOSIT REFUND	103.26
MONTEVIDEO ELECTRONICS	SECURITY CAMERA WIRE KCC	383.25
MVTV	WWTP	362.70
OFFICE DEPOT	WWTP LEX INK	56.84
OFFICE PEEPS	MV/CALCULATOR/EVELOPES	219.50
PHILLIPS WINE & SPIRITS CO.	LIQUOR/WINE	1,837.61
PROACTION SAFETY & SALES	NEW UNIFORMS #123	151.14
QUALITY WINE SPIRITS CO.	LIQUOR	441.97
R.C. PETERSON ELECTRIC INC	BALLAST KCC	263.03
RENSLOW/TED	ENERGY STAR REBATE	50.00
RODEBERG & BERRYMAN, INC.	SANITARY SEWER	6,298.05
SCHWAN'S SALES ENT.	KCC ICE CREAM 4RESALE	70.20
SMIGLEWSKI/DAVID	MILEAGE MTG ST PAUL	144.30
SPECIALTY MANUFACTURING	TIF	2,878.61
STUDIO E ARCHITECTS LLC	*FY*WELL HEAD PROTECTION	1,900.00
SW-WC SERVICE COOPERATIVES	GRP HEALTH INSURANCE	28,050.50
TAYLOR/JOAN	ENERGY STAR REBATE	1.50
THEIN WELL CO., INC.	EAST WELL WORK	17,385.98
UPS	FIRE DEPT PAGER SHIPPING	27.32
VIKING COCA-COLA BOTTLING CO.	SODA	103.50
WBM WINE & SPIRITS	LIQUOR	3,513.66
WEST CENTRAL FIREFIGHTERS	2012 DUES	55.00
WILLMAR ELECTRIC SERVICE	PHONE TROUBLES	97.50
YACKLEY/BRANDEN	DEPOSIT REFUND	108.33
2XL CORPORATION	GYP WIPES/KCC	121.07

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Final Totals... 193,670.03