



South St. Paul

WORKSESSION AGENDA
SSP City Hall
125 3rd Avenue North
Training room

Monday, September 23, 2024
7:00 pm

AGENDA:

1. South Concord Corridor Study Kickoff (Joint Worksession with Planning Commission)
2. Vacant Building Registration Program Discussion
3. Civic Clerk Training – Council Members
4. Council Comments & Questions



JOINT WORKSESSION REPORT

DATE: September 23, 2024

DEPARTMENT: PLANNING

Prepared By: Michael Healy, Planning Manager

ADMINISTRATOR: RG

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AGENDA ITEM: South Concord Corridor Study Kickoff

DESIRED OUTCOMES:

- City Staff and Swanson Haskamp Consulting (SHC) will provide a project introduction and share what information has been gathered since the corridor study began in August.
- City Staff and SHC will facilitate planning exercises to help Planning Commissioners and City Councilmembers share their perspectives regarding the future of the corridor.

OVERVIEW:

Background

The “South Concord Corridor” refers to land that is in the southeastern corner of South St. Paul between Interstate 494 and the community’s southern border with Inver Grove Heights. The corridor sits at the bottom of a 100-foot-tall river bluff. The bluff forms the corridor’s western boundary, and the Mississippi River forms its eastern boundary. The backbone of the corridor is Concord Street, a north-south arterial road that is owned by Dakota County and was the main thoroughfare in the region until the construction of US-52 in the 1970’s. There are two steeply graded local roads that provide connectivity between the South Concord Corridor and the residential neighborhoods at the top of the bluff. A large part of the South Concord Corridor consists of industrial properties located between Concord Street and the river which are served by a small network of low-amenity local roads. The local road network serving the industrial businesses is punctuated by multiple at-grade railroad crossings.

South St. Paul adopted its 2040 Comprehensive Plan in October of 2020. The adopted comprehensive plan identifies the South Concord Corridor as a future redevelopment area and calls for a study of the corridor to take place within 5-10 years. The City’s official zoning map and the 2040 Comprehensive Plan’s future land use map are not currently in alignment when it comes to many of the parcels on the South Concord Corridor. State Statute requires that the zoning map and future land use map be brought into alignment, but this task cannot be completed until the City completes its study and determines what the long-term vision is for this corridor.

Selection of Swanson Haskamp Consulting, LLC as Project Consultant

The City released a Request for Proposal (RFP) for the corridor study in June of 2024. The City received four proposals and selected a proposal from Swanson Haskamp Consulting, LLC with Michael Lamb Consulting, LLC as a subcontractor. This same team of consultants assisted the City with the successful North Concord Mixed Use District Update project in 2021.

Overview of Project Scope

The project consists of three main tasks:

1. Complete a market study of the corridor.
2. Develop a corridor vision.
3. Implement the corridor vision. *Implementation may include updates to the future land use map, updates to the zoning map, and updates to the zoning code.*

What has Taken Place so Far?

City Staff and the consultant team met on August 15th to discuss the status of the corridor and go over challenges and opportunities that have been identified by City Staff. The meeting included an exchange of background documents and a walking tour which focused on key redevelopment opportunities. For the past month, the consultant team has been working to prepare the market study. City Staff and the consultant team believe now is the right time to kick off the corridor study with the Planning Commission and City Council and begin having conversations about the future of the South Concord Corridor.

ACTION NEEDED

The Planning Commission and City Council are asked to review the Kickoff Meeting Materials (Attachment B). City Staff and the consultant team will facilitate planning exercises to help Planning Commissioners and City Councilmembers share their perspectives regarding the future of the corridor.

SOURCE OF FUNDS

This project has a \$60,000 “not to exceed” budget. A Redevelopment Incentive Grant (RIG) from the Dakota County Community Development Agency (CDA) is covering \$25,000 of that cost. The remaining \$35,000 is being covered by the South St. Paul Economic Development Authority’s Redevelopment Fund.

LINKS

Memo from May 28th City Council Worksession meeting with additional project background:
https://www.southstpaul.org/AgendaCenter/ViewFile/Agenda/_05282024-1319

Project RFP webpage with maps & historical documents related to the South Concord Corridor:
<https://www.southstpaul.org/909/South-Concord-Corridor-Study-Request-for>

ATTACHMENTS

- A- Map of the South Concord Corridor
- B- Kickoff Meeting Materials

**ATTACHMENT A
MAP OF THE SOUTH CONCORD CORRIDOR**



**ATTACHMENT B
KICKOFF MEETING
MATERIALS**



Date: September 19, 2024

To: Michael Healy, Planning Manager

CC: Mike Lamb, AICP

RE: City Council Work Session
South Concord Corridor Study Kick-off

INTRODUCTION

The following memo is provided as context and background for the City Council Work Session on September 23, 2024. The existing conditions summary provides a brief overview of the physical characteristics of the study area, including parcel configurations, land use and development patterns in the study area. The Market Study summary provides an overview of existing market trends that will influence the types of uses/development the market is likely to deliver within the study area in the short term. The following objectives for the work session are as follows:

- Project introduction and kick-off.
- Background Summary – Existing Conditions in the Corridor.
- Market Snapshot – overview of national, regional/subregional and local trends.
- Learn about City Council’s perspective for the future of the Corridor
 - SWOT Analysis and Work Seet
 - Dotmocracy Prioritization

EXISTING CONDITIONS

The South Concord Corridor Study area is generally bound by I-494 on the north, the bluff line east of Concord St, Linden Street on the south, and the Mississippi River to the west. The study area is complex given that three edges of the study area are bound by significant physical constraints that create distinct edges. The physical constraints in conjunction with past/historical development patterns further influence the character and use pattern in the study area. The following existing conditions are noted:

Parcel Configuration, Existing Land Use and Ownership

The study area is developed with a range of uses including heavy industrial, light industrial, limited commercial/retail, outdoor recreation, and residential uses. Physical characteristics including the river, bluff, railroad and transportation network have influenced the existing land use pattern and parcel configuration. The physical characteristics influence the existing land use pattern and will likely impact what the market will



deliver in the future. The following observations are applicable to the full study area (See Figure 1: Transportation/Road Network):

- Most traffic will generally flow north to connect to the I-494 loop, this is particularly true for any industrial users and operators with distribution business lines.
- Most traffic, regardless of use, within the area is directed to Concord given the limited roadway connections and loops within the study area. The existing road network, in combination with the railroad, limit access and connection points within the study area.
- Approximately 78.5 Acres of the study area is within a designated floodplain. The floodplain, without mitigation, constrains the developable area on parcels where it is present.
- Traffic, access and connections in combination with parcel configurations impact the types of users most likely to locate and succeed within the study area.
- Various parcels within the study area have been regraded and filled over several decades. The quality of the fill and whether such land is developable with traditional construction techniques is unknown. The condition of the soils and unknown geotechnical quality of some areas is (and may be) consistent with large areas of open and/or outdoor storage that are present within the study area today.

As shown in Figure 1, existing land use and parcel patterns within the study area create subareas that be grouped simply into small, small-residential, medium and large subareas. The following existing conditions summary of each subarea is provided (See Figure 1):

- **Large Parcel Subarea (326 Acres):** Properties within this subarea range in size from 1 to 90 acres, with several parcels under common contiguous ownership. The subarea is dominated by a few large landowners and/or business operators, and several existing operators have been in the community for decades. The subarea is adjacent to the Mississippi River and significant portions of the land area are within the designated floodplain. As such, several properties are developed with non-building/non-structural uses including parking lots, outdoor storage areas, and transportation infrastructure. Dakota Bulk is one of the largest users in the subarea utilizing the river port, railroad spur and transportation network for movement, storage and distribution of bulk goods/products throughout the region. Other users, such as the Gun Club, capitalize on the open space associated with the riverway, floodplain and natural area to support their recreational outdoor businesses.
- **Medium Parcel Subarea (40 Acres):** Properties within this subarea range in size from approximately 0.1 to 6 acres, with several areas under common contiguous ownership. Parcels in this area are developed with buildings that range in size between approximately 1,000 and 40,000 square feet with most buildings around 5,000 – 10,000 square feet. Paved and gravel outdoor storage is present on most parcels, with small areas of green space and vegetation. While many parcels within this subarea could support larger buildings, the existing uses are dependent on the outdoor storage areas which generally comprise the remaining area of many lots.
- **Small Parcel Subarea (11 Acres):** Properties within this subarea range in size from approximately 0.1 to 2.5 acres, and parcels (or groupings of a few smaller parcels) are primarily developed with small industrial, office and retail users. This subarea is different from the residential subarea described in the subsequent bullet, though some limited residential uses are present within this subarea. This



subarea is dominated by small structures and surface parking lots. Parcels in this subarea are located west of Concord and are constrained by the bluff on the west edge of the area.

- **Small Parcel Subarea – Residential (11 Acres):** Properties within this subarea are generally developed with single-family residential detached uses between the late 1800s and the 1930s. This area is on the south end of the study area, and the character is distinct from the other industrial/commercial uses within the other subareas of the study area. Dakota County owns a few vacant parcels within this subarea, but otherwise the majority of the parcels are developed or are under common contiguous ownership.

MARKET SNAPSHOT

To set a baseline for discussion at the work session the following market summary of national, regional and local trends is provided:

National and State Market Trends

For purposes of market analysis, it is important to study national trends in markets and metropolitan areas with similar populations and functions within the supply chain. Minnesota, and thus the Twin Cities Metropolitan Area, is not a major national hub or international port and therefore from a distribution perspective is often described as a regional market. This means that the Twin Cities is serving and/or supporting our bordering states in the upper Midwest, but we are not a first-mile location from a distribution perspective. However, we do have a significant number of manufacturers within our region, and those manufacturers must move (distribute) their goods to other markets, and that movement of goods is initiated from within our market. A couple key considerations with respect to the national/state market and uses:

- Office space continues to experience high vacancy rates. This is most pronounced in downtown metropolitan areas but is also a factor in suburban areas. Little to no office space is being constructed, and those office spaces that are coming online are highly amenitized spaces.
- Distribution operators are trending towards regionalization models (see recent Amazon trends). The shift is driven by desire to serve last-mile customers with same-day, or similar, service. This shift impacts the size of distribution/warehouse/storage spaces that are demanded.
- Speculative building in regional submarkets has tapered significantly since the industrial peak in the pandemic years.

Regional and Local Observations

The market study will address the larger Twin Cities market as well as an in-depth review of the local submarket that includes Eagan, Mendota Heights, Newport, Inver Grove Heights, St. Paul Park and Cottage Grove. While the submarket area includes cities with much larger industrial park areas, each community has industrial/business park/commercial areas with similar physical characteristics that establish it as a valid comparable for purposes of the market analysis. (See Figure 3: Submarket Area).

- Office space and large business park campuses are being converted into other uses within the subregion. For example, Blue Cross Blue Shield, Unisys and Thomson Reuters campuses in Eagan are all up for redevelopment.



- Industrial space is stable, but acquisition demand, and consequently rates/pricing, have leveled off over the past 2+ years since the end of the pandemic. SHC conducted interviews with local industrial developers in 2023, and developers indicated that industrial buildings were no longer being built on spec in our market. Most of the new development being constructed is for a known user.
 - Note – the shift is also correlated to interest rates and the lender’s contraction in willingness to lend. If interest rates change significantly, more speculative development may be viable.
- Smaller industrial buildings with modern construction including clear heights 24’+ remain in demand. Developers indicated a sweet spot in the market between 50,000 and 100,000 SF, but also indicated strong demand for small industrial buildings less than 50,000 SF. They stated that there is a lack of supply, and buildings in the 15,000 – 50,000 SF tend to be built in the last 30+/- years when clear heights were 16 – 20’ on average. Such smaller buildings are typically accompanied by at least some outdoor storage options.
- The South St. Paul market is consistent with regional trends. Existing buildings trend smaller, and older with 16’ – 20’ clear heights. This is comparable to the surrounding submarket noted.

Work Session Engagement

SHC and Michael Lamb Consulting, LLC will provide a brief presentation and overview of the memo, including some supplemental information. Building on the presentation, we will facilitate a SWOT (Strengths, Weaknesses, Opportunities, and Threats) exercise about the corridor. Once responses are compiled, Council members will be asked to prioritize their responses before the end of the work session.

FIGURE 1. TRANSPORTATION

S CONCORD CORRIDOR STUDY
JOINT KICK-OFF MEETING

CONCORD ST S
10,500 TRIP COUNT (2017)

INTERSTATE-494
108,001 TRIP COUNT (2023)

RICHMOND ST E
HARDMAN AVE S
3,139 TRIP COUNT (2021)

CONCORD ST S
15,300 TRIP COUNT (2018)

DAKOTA BULK
TERMINAL
500,000 TONS OUTSIDE
STORAGE



SOURCE: MN DEPARTMENT OF
TRANSPORTATION, FEMA NATIONAL FLOOD
HAZARD, DAKOTA BULK TERMINAL, MET
COUNCIL

SIH CREATED BY SHC
TIC DRAFT
09.18.2024

FIGURE 2. SUBAREAS

S CONCORD CORRIDOR STUDY
JOINT KICK-OFF MEETING

LARGE PARCELS

TOTAL: 326 ACRES
PARCEL SIZE RANGE:
1 - 90.1 ACRES
MEAN PARCEL SIZE: 9.3 ACRES

MEDIUM PARCELS

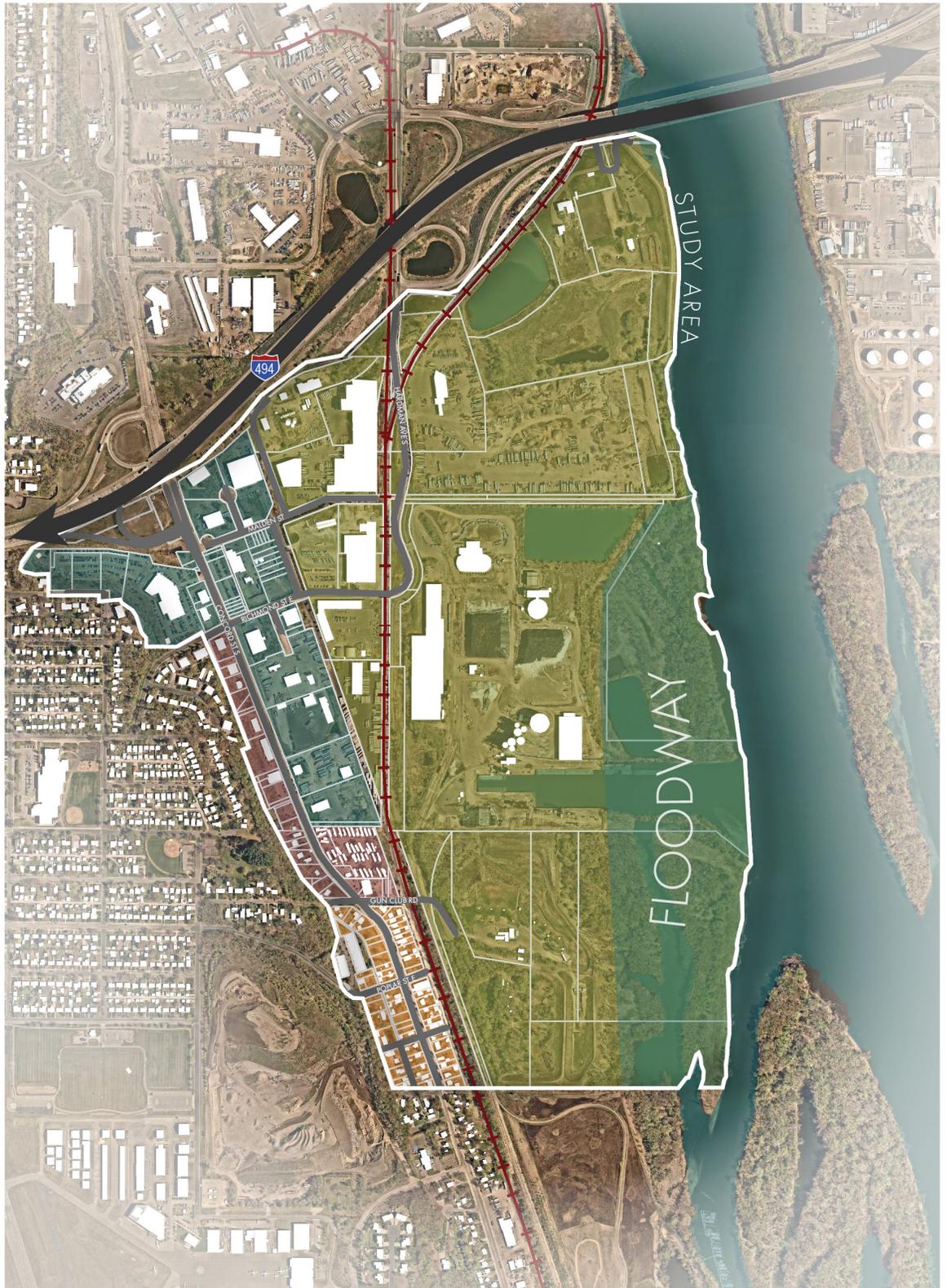
TOTAL: 40 ACRES
PARCEL SIZE RANGE:
0.10 - 6 ACRES
MEAN PARCEL SIZE: 1.1 ACRES

SMALL PARCELS

TOTAL: 11 ACRES
PARCEL SIZE RANGE:
0.10 - 2.5 ACRES
MEAN PARCEL SIZE: 0.3 ACRES

SMALL PARCELS - RESIDENTIAL

TOTAL: 11 ACRES
PARCEL SIZE RANGE:
0.10 - 0.4 ACRES
MEAN PARCEL SIZE: 0.2 ACRES



SOURCE: MN DEPARTMENT OF
TRANSPORTATION, FEMA NATIONAL FLOOD
HAZARD, MET COUNCIL

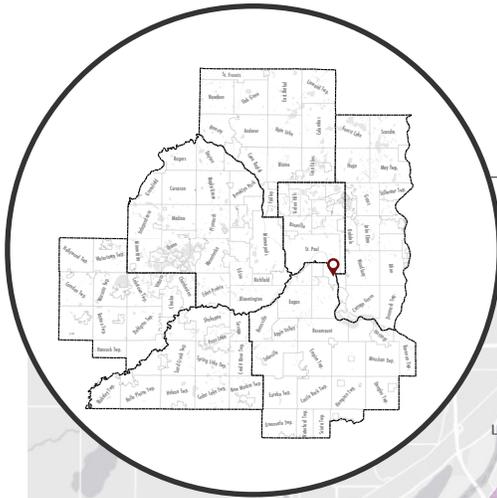
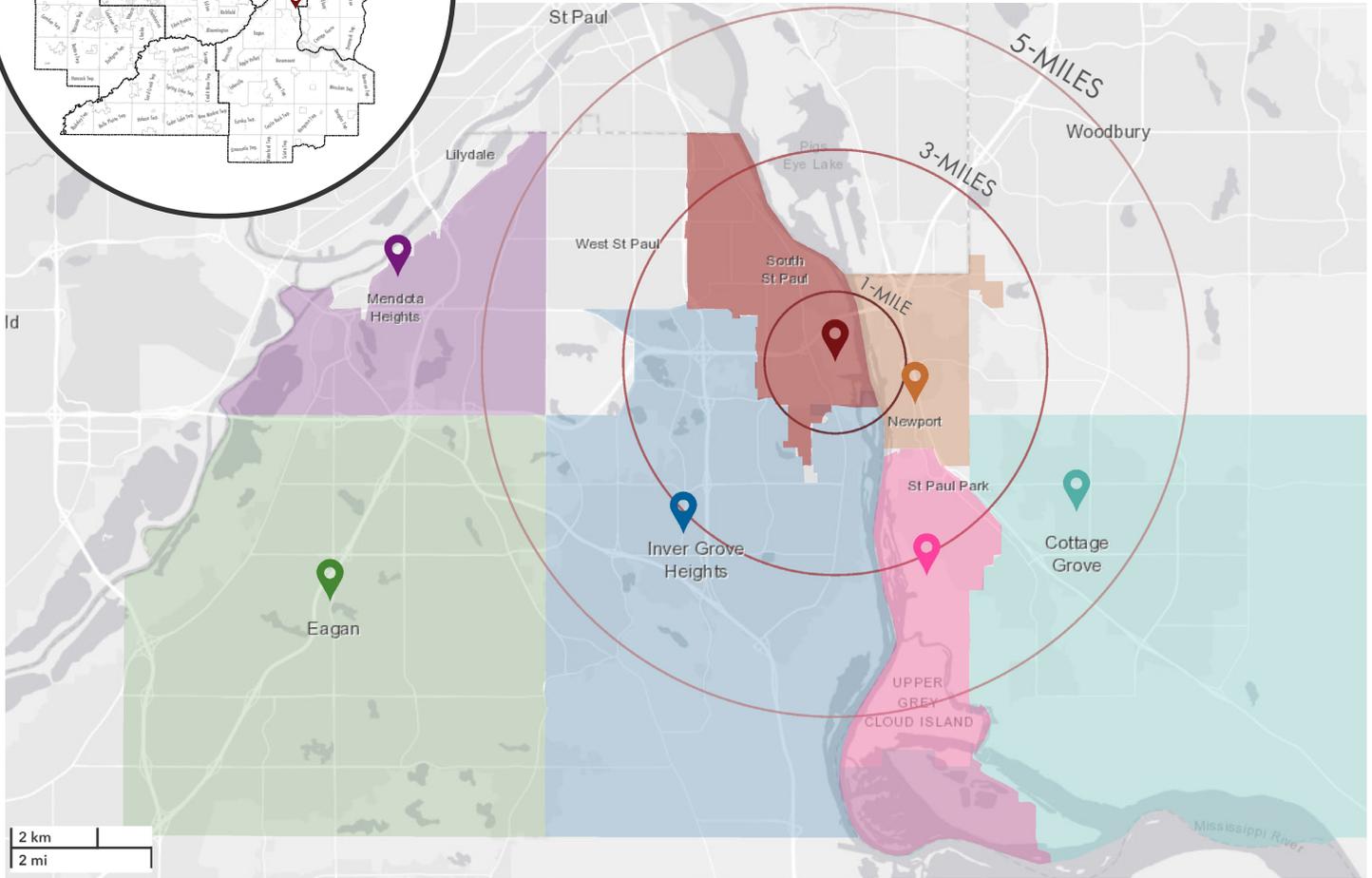


FIGURE 3. REGIONAL CONTEXT

S CONCORD CORRIDOR STUDY
JOINT KICK-OFF MEETING



EAGAN	MENDOTA HEIGHTS	INVER GROVE HEIGHTS	NEWPORT	COTTAGE GROVE	ST. PAUL PARK
<ul style="list-style-type: none"> Population (2024): 69,287 Located approximately 5-miles from study area Located along the river Access to major roadways 	<ul style="list-style-type: none"> Population (2024): 11,622 Located approximately 5-miles from study area Located along the river Access to major roadways 	<ul style="list-style-type: none"> Population (2024): 36,596 Located approximately 1-mile from study area Located along the river Access to major roadways 	<ul style="list-style-type: none"> Population (2024): 4,111 Located approximately 1-mile from study area Located across the river from study area Access to major roadways Similar industrial district 	<ul style="list-style-type: none"> Population (2024): 43,704 Located approximately 3-miles from study area Access to river and major roadways 	<ul style="list-style-type: none"> Population (2024): 5,835 Located approximately 3-miles from study area Access to river and major roadways Similar industrial district

SOURCE: ARCGIS BUSINESS ANALYST, US CENSUS (2024)



CITY COUNCIL WORKSESSION REPORT

DATE: September 23, 2024

DEPARTMENTS: PLANNING

Prepared By: Michael Healy, Planning Manager

ADMINISTRATOR: RG

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AGENDA ITEM: Vacant Building Registration Program Discussion

DESIRED OUTCOMES:

1. Discuss whether SSP should establish a vacant building registration program.
2. If Council wants to establish a program, determine whether the program should apply to all vacant buildings or only vacant buildings with nuisance conditions.
3. Get Council feedback on fee amounts for this type of program.

OVERVIEW:

Background

At their July 22nd Worksession, the City Council briefly discussed the City's policies surrounding vacant buildings. Vacant buildings that are not being maintained have a high potential for becoming a public nuisance (i.e. long grass, un-shoveled sidewalks, dilapidated building conditions, and illegal use by partiers and squatters). Some would argue that even a well-maintained building that is vacant long-term can have a negative effect on a neighborhood. Some communities in the metro require the owners of vacant buildings to register their buildings and pay an annual registration fee. The purpose of these programs is to proactively keep vacant buildings from causing a public nuisance and to make the owners of vacant buildings "cover the costs" if their property is going to require extra City resources because it is vacant.

At the July 22nd Worksession, the City Council asked City Staff to gather information about vacant building registration programs. City Staff surveyed communities in the Twin Cities metro that currently operate this type of program and determined that there are two approaches:

Approach 1: Vacant Buildings with a High Potential for Causing a Nuisance Must Register

- Some communities only require vacant buildings to be registered if they are a nuisance or have a high potential for becoming a nuisance based on clearly defined criteria.
- Anoka, Bayport, Long Lake, Minneapolis, Princeton, Saint Michael, and Saint Paul take this approach.
- Each community sets their own criteria for what triggers the vacant building registration requirement. While no two ordinances are the same, it is relatively common to require buildings to be registered if they are unoccupied and meet one of these criteria:
 1. The property is in lien foreclosure
 2. The property is without gas, electric, or water service.
 3. The building is totally unsecured for 5 days or more.

4. Windows or doors are boarded up or closed off by other than normal means for longer than 30 days.
5. The yard is not being maintained in accordance with the long grass ordinance.
6. There is an accumulation of garbage on the property.
7. Law Enforcement Agencies have documented at least two reports of trespass, vandalism, or illegal acts within 12 months.
8. The property has been posted for no occupancy or unfit for human habitation.
9. The property has code violations that are not addressed in a timely manner.

Approach 2: All Vacant Buildings Must Register

- Some communities require ALL vacant buildings to register if they are going to be vacant for longer than a certain period of time. Some communities require registration after 30 days of vacancy and others require registration after 90 days of vacancy.
- Brooklyn Center, Champlin, Crystal, Richfield, and Saint Paul Park take this approach. Hopkins also takes this approach, but their vacant building registration program only applies to residential properties with 1-4 dwelling units.
- “Snowbirds” who spend the winter outside of Minnesota are generally exempt from registering as long as they plan to return to their property within 180 days. They may be required to file paperwork with the City and sign an affidavit.

How Many Buildings in South St. Paul are Vacant?

The City does not currently track vacant buildings so it is not possible to know exactly how many buildings in town are vacant. The utility billing department was able to provide information about how many properties had zero water usage during the most recent billing cycle which may mean that the building is vacant or it may mean that the water meter is malfunctioning:

- There were 56 residential dwelling unit accounts that had zero water usage in the last billing cycle. *At least a few of these accounts appear to be one dwelling unit within a duplex. The overall duplex building may not be vacant.*
- There were 10 commercial accounts that had zero water usage in the last billing cycle. *Two of these accounts are for condo units in the Bridgepoint business condo buildings.*

What Tools Would a Vacant Building Registration Ordinance Provide City Staff?

The City Code already has many tools for dealing with nuisance properties. A vacant building registration program would potentially provide some additional tools:

1. The City can require the owner of a vacant building on the registry to provide access to the interior and exterior of the building for inspection by City Staff, upon request.

2. The City can require the owner of a vacant building on the registry to provide contact information. They can also be required to list out the name and address of any party with an ownership interest or a lien against the vacant property. This information could prove useful in some situations.
3. The City can require the owner of a vacant property to submit a “property plan.” This will help the City understand what each owner is ultimately planning to do with their vacant property. This document could be useful if the City gets questions from the public about what is happening with a vacant building.
4. The Code Enforcement Officer can proactively monitor a property on the vacant building registry and, if there are code violations, he can issue citations and undertake abatements. The City will not have to worry about claims that the property is being unfairly “targeted” because being on the registry means that the City gets to monitor it proactively.
5. The City can require the owner of a vacant property to pay an annual fee. This will partially offset the cost of providing extra City resources to monitor the vacant property and may incentivize some property owners to rehabilitate their building, sell their building, and/or find an occupant so that their building is no longer vacant.

Draft Ordinance

City Staff has prepared a draft ordinance for the purposes of this discussion. This document may change substantially because of direction provided by the City Council and additional feedback from the various City departments that will be involved in administering the ordinance. The ordinance will be primarily administered by the Planning Department but will also involve the City Clerk, Building Official, Fire Department, and Police Department. The City’s “Problem Property Team,” a group that involves all these departments, discussed the idea of a vacant building registry at its August meeting. There was a consensus that this type of program could benefit the community, but it will need to be properly calibrated.

The draft ordinance would do the following:

- Create a vacant building registration program that would require an unoccupied building to be registered if it meets any of the following criteria:
 - Records of the Dakota County Recorder show that the property is in lien foreclosure;
 - Unsecured for five (5) days or more;
 - Secured by other than normal means for thirty (30) days or more;
 - Posted for no occupancy or unfit for human habitation;
 - Has a City Code violation that exists for 30 days or more after a compliance letter has been issued;
 - The property is without gas, electric, or water service;
 - Rubbish, trash, putrescible materials, or debris has accumulated on the property;

- Law enforcement agencies have received at least two reports of trespass, vandalism, or other illegal acts being committed on the property within 12 months;
 - The property has required two or more abatements for long grass or unshoveled sidewalk code violations in a 12-month period.
- Require the owner to register their vacant property with contact information, detailed ownership information, and a “property plan.”
 - Require an annual fee to be paid that will be established in the fee schedule.
 - Require the owner of the property to provide City Staff with access to the property for inspections, upon request.
 - Require the owner of the property to keep the building secured and keep up its appearance in accordance with all state and local laws. There can be no holes in the walls or in the roof.

Establishing an Annual Registration Fee

Communities that operate a vacant building registration program can establish an annual registration fee. The courts have generally found that these fees are acceptable as long as the City is providing a level of service that is commensurate with the fee level. Most suburban communities in the Twin Cities that operate a vacant building registration program charge \$1,000 per year for each vacant building. Some communities charge a lesser amount for the first year and then increase the cost to \$1,000. Most communities are sensitive to the fact that a moderate-income property owner has limited funds and high fees may cause financial hardship and/or prevent them from having enough money left over to address outstanding code violations.

During the July 22nd Worksession, it was mentioned that Saint Paul and Minneapolis both have extremely high fees for their vacant building registration programs which apply only to nuisance properties. Minneapolis’s standard annual fee can be as high as \$7,087 but they now charge some dangerous and condemned properties as much as \$24,000 each year. Saint Paul charges some vacant properties as much as \$4,918 per year. Both of these large cities operate very far-reaching vacant building registration programs with dedicated staffing and mandatory code compliance inspections. Essentially, these two communities have decided that the City itself will function as the de-facto property manager for any vacant building that is causing a nuisance. Both cities have set up their fee schedules to cover the cost of their staff time.

The Minneapolis/Saint Paul program structure is not feasible with the staffing model that SSP and other suburban communities utilize. SSP would not have an employee dedicated solely to the vacant building registration program and the City would not be functioning as a property manager for vacant properties. In SSP, most properties on the registry would probably be visited every month or two by the Code Enforcement Officer for an exterior inspection. There would be additional steps taken if complaints are received or if the exterior inspection suggests that there are more serious issues that need further investigation.

DISCUSSION

The City has recently made a concerted effort to address “problem properties” that are causing repeated nuisances for neighbors. A vacant property registration program that targets vacant properties that are likely to cause a nuisance would provide City Staff with another tool for dealing with bad actors and negligent property owners. Vacant building registration programs are becoming more common in Minnesota, but it is still a relatively novel approach. Communities that have relatively few vacant buildings that are causing problems may not gain much benefit from this type of program. No other cities in Dakota County are currently operating vacant building registration programs.

As mentioned earlier in this memo, there are a handful of communities in the metro that have taken their vacant building registration programs a step further and require ALL vacant buildings to register and pay an annual fee, even vacant buildings that do not have nuisance conditions. These communities make the argument that all vacant buildings can hurt nearby property values and cause other negative effects that the City wants to discourage.

If the City Council wants to establish a vacant building registration program, they will need to decide which of the two approaches to take. Should all vacant buildings be required to register or only vacant buildings that are causing a potential nuisance? This is a policy decision, and the City Council should reflect on what they feel is the appropriate role of government when it comes to regulating privately owned property. Staff would note that requiring all vacant properties to register would present some unique challenges:

- This would be a more staff-intensive approach and would require “detective work” since the City would be trying to catch vacant properties that are not nuisances but have stayed vacant long enough to require registration (probably after 90 days). It is unclear whether existing staffing levels would allow for this detective work to be done consistently and effectively. The public may be upset if the City creates a new regulatory program and then is unable to administer it consistently and effectively.
- It can be difficult to determine whether a commercial/industrial building is truly vacant if the property is well maintained, and all utilities are still turned on. Property owners may claim that they are using the building as an “office” or a “warehouse” and this can sometimes be difficult to disprove. If the City Council wants to require all vacant buildings to register, they may want to consider limiting the program to residential buildings like Hopkins does.

ACTION NEEDED

The City Council is asked to provide City Staff with direction and answer the following questions:

1. Does the City Council want to establish a vacant property registration program?
2. If the City does establish a program, should it apply to all vacant properties or only vacant properties that have nuisance conditions?

3. If the City does establish a program, how does the City Council want to handle registration fees?

ATTACHMENTS

A- DRAFT ORDINANCE

B- CITY OF BAYPORT'S VACANT BUILDING REGISTRATION FORM

**ATTACHMENT A
DRAFT ORDINANCE**

**City of South St. Paul
Dakota County, Minnesota
Ordinance No. 14XX**

**AN ORDINANCE ESTABLISHING A VACANT BUILDING REGISTRATION
PROGRAM**

The City Council of the City of South St. Paul does ordain:

SECTION 1. ENACTMENT. South St. Paul City Code Chapter 106, Article VIII is hereby enacted as follows:

ARTICLE VIII. VACANT BUILDING REGISTRATION

Sec. 106-300. Purpose and findings.

The City of South St. Paul is enacting this section to help protect the public health, safety and welfare by establishing a program for the identification and regulation of vacant residential buildings. The city finds that vacant buildings are a major cause and source of blight in neighborhoods. Neglect of vacant buildings, as well as use of vacant buildings by transients and criminals creates a risk of fire, explosion or flooding for the vacant building and adjacent properties. There is a substantial cost to the city for monitoring vacant buildings. This cost should not be borne by the general taxpayers of the community; but, rather, these costs should be borne by owners of those buildings.

Sec. 106-301. Definitions.

For the purposes of this article, the terms defined in this subsection have the meanings given them and shall apply in the interpretation and enforcement of this article.

Abandoned property means property not lawfully occupied that the owner has surrendered, voluntarily relinquished, disclaimed, or ceded all right, title, claim, and possession, with the intention of not reclaiming it.

Building is any roofed structure used or intended for supporting or sheltering any use or occupancy. "Building," for purposes of this Code chapter 106, shall include a portion of a building that is a separately titled, or capable of being separately titled, such as a condominium or townhouse unit, that is part of a larger building structure.

Compliance official means the city administrator and the city administrator's designated agents authorized to administer and enforce this section.

Owner or property owner is the owner of record of a property on which a building is located according to Dakota County property tax records, those identified as owner or owners on a vacant building registration form, a holder of recorded or an unrecorded contract for deed, a mortgagee or vendee in possession, a mortgagor or vendor in possession, an assignee of rents, a receiver, an executor, a trustee, a lessee, or other person, firm or corporation in control of the freehold of the premises or lesser estate therein. "Owner" also means any person, partnership, association, corporation or fiduciary having a legal or equitable title or any interest in the property or building. This includes any partner, officer or director of any partnership, corporation, association or other legally constituted business entity. All owners shall have joint and several obligations for compliance with the provisions of this section.

Responsible party is an owner, entity or person acting as an agent for the owner who has direct or indirect control or authority over the building or real property, upon which the building is located, or any other person or entity having a legal or equitable interest in the property. "Responsible party" may include but is not limited to a realtor, service provider, mortgagor, leasing agent, management company or similar person or entity.

Vacant building means a building that is unoccupied and meets one or more of the following conditions:

- (a) Records of the Dakota County Recorder show that the property is in lien foreclosure;
- (b) Unsecured for five (5) days or more;
- (c) Secured by other than normal means for thirty (30) days or more;
- (d) Posted for no occupancy or unfit for human habitation;
- (e) Has a City Code violation that exists for 30 days or more after a compliance letter has been issued;
- (f) The property is without gas, electric, or water service;
- (g) Rubbish, trash, putrescible materials, or debris has accumulated on the property;
- (h) Law enforcement agencies have received at least two reports of trespass, vandalism, or other illegal acts being committed on the property within 12 months;
- (i) The property has required two or more abatements for long grass, un-shoveled sidewalks, or other code violations in a 12-month period.

Sec. 106-302. Vacant building registration.

- (a) *Registration Required.* The owner of a vacant building shall register the building with the city no later than 30 days after the building becomes a vacant building as defined in this chapter. Failure to register a vacant building is a code violation and will result in a compliance letter in accordance with City Code Section 38-105 followed by administrative citations in accordance with City Code Section 38-106.
- (b) *Application.* A registration shall be completed on a form provided by the city. Such completed registration may be sent to the owner and all other parties holding an ownership or security interest in the property. The completed form shall include the following:
 - (1) Property identification number and street address of the premises on which the building is situated.
 - (2) The names, addresses, telephone numbers, and email addresses of each owner and each owner's representative
 - (3) The name, address, telephone number and email address, if applicable, of a local agent or person responsible for managing or maintaining the property.
 - (4) The names, addresses, telephone numbers and email addresses, if applicable, of all known lien holders and all other persons or entities with any legal interest in the building .
 - (5) The date the building became vacant, the period of time the building is expected to remain vacant; and a property plan and timetable for correcting any code violations and returning the building to appropriate occupancy or demolishing the building. The property plan is subject to review and approval by the Compliance Official.
 - (6) The status of all water, sewer, electric, and natural gas services.

- (c) *Notification.* The property owner shall notify the city in writing of any changes in the information supplied as part of the vacant building registration within thirty (30) days of such change.
- (d) *Fee.* The owner must pay an annual registration fee. The registration fee will be in an amount adopted by resolution by the City Council. The amount of the registration fee shall be reasonably related to the administrative costs for registering and processing the registration form and for the costs of the City in monitoring the vacant building site.
 - (1) The first annual fee shall be paid at the time of registration and shall be prorated for the initial year of registration based on the number of days in the calendar year after the vacant property is required to be registered. The annual fees for subsequent years shall be paid on or before January 1 of each subsequent year.
 - (2) The fee must be paid in full prior to the issuance of any building permits or licenses, with the exception of a demolition permit.
- (e) *Assessment.* If the registration fee is not fully paid within 60 days following the annual registration due date, or within 60 days after any appeal becomes final, the City Council may certify the unpaid cost against the property in accordance with the process set forth in this code.

Sec. 106-303. Building inspection.

Registration of a vacant building shall constitute consent by the owner or responsible party to the city to go upon the property for inspection purposes. The compliance official may inspect any vacant building in the city for the purpose of enforcing and assuring compliance with this article and other applicable regulations. Upon the request of the compliance official, an owner or responsible party shall provide access to all interior portions of the building and the exterior of the property in order to complete an inspection. If the owner or responsible party is not available, is unresponsive, or refuses to provide access to the interior of the building, the city may use any legal means to gain entrance to the building for inspection purposes.

Sec. 106-304. Maintenance of Vacant Buildings

The owner must comply with any code violation correction timelines articulated in the property plan and approved by the Compliance Official. Additionally, the owner shall comply with the following:

- (a) *Appearance.* The owner shall keep the building and grounds properly maintained in compliance with all state and local laws, ordinances, and codes.
- (b) *Security.* All vacant buildings shall be secured from unauthorized entry by persons or pests. Security shall be ensured by normal building amenities such as windows and doors having adequate strength to resist intrusion. All doors and windows shall remain locked. There shall be at least one operable door into every building and into each housing unit. Exterior walls and roofs shall be without holes.

Sec. 106-305. Exemptions

- (a) Vacant buildings owned by the City or the City's Housing and Redevelopment Authority (HRA) are exempt from the vacant property registration and fee requirements of this article.
- (b) "Snowbirds," those persons who leave their residential buildings on a temporary basis for vacation purposes or to reside elsewhere during the winter season in excess of 90 sequential calendar days, and have the intent to return within 180 days, are exempt from the vacant property registration and fee requirements of this article. Exemption as a "snowbird" will be granted with proper verification.

Sec. 106-306. Appeal.

Any person or responsible party aggrieved by a decision of the compliance official under chapter 106, article VIII may appeal to the city council by serving on the compliance official a written notice of intent to appeal within 10 calendar days of receipt of notice of the decision. Upon receipt of the written notice of intent to appeal, the council shall, within a reasonable time but no later than 30 days after receipt of notice of appeal, hear the appeal, and shall promptly thereafter render its decision, which decision shall be final.

Sec. 106-307. Severability

If any provision of this article is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance establishes a registration program for vacant buildings.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: _____

Published: _____

Deanna Werner, City Clerk



City of Bayport
 294 North 3rd Street
 Bayport, MN 55003
 Phone: 651-275-4404
 Fax: 651-275-4411
<http://www.ci.bayport.mn.us>

ATTACHMENT B
CITY OF BAYPORT
VACANT BUILDING
REGISTRATION FORM

Property address:		Date:
Owner(s) on record:		
Owner's address:		
E-mail address:		Phone number:
<input type="checkbox"/> First year registration (\$500) <input type="checkbox"/> Subsequent year (\$1,000)		
OWNER'S PLAN FOR BUILDING		
<input type="checkbox"/> I plan to rehabilitate this structure commencing (date): _____		
<input type="checkbox"/> I plan to demolish this building by (date): _____		
<input type="checkbox"/> This building is vacant as a result of fire damage. The fire occurred on (date): _____ I am the property owner and wish to claim a registration and fee exemption for ninety (90) days from the date of the fire. I intend to repair, demolish or reoccupy the building.		
<input type="checkbox"/> Other: _____		
Person(s) responsible for general maintenance and care of building (if different from above):		
Name:		
Address:		
E-mail:		Phone number:
Persons, lien holders, mortgagees, mortgagors, and other interested parties known to me:		
Name/Address:		
E-mail:		Phone number:
Name/Address:		
E-mail:		Phone number:
Applicant Signature:		Date:
PLEASE COMPLETE AND RETURN FORM WITH ANNUAL REGISTRATION FEE. MAKE CHECKS PAYABLE TO CITY OF BAYPORT.		
Office Use		
<input type="checkbox"/> \$500 (First Year) <input type="checkbox"/> \$1,000 (Subsequent Year)		Date:
Payment method: <input type="checkbox"/> Cash <input type="checkbox"/> Check No.		Received by:
Permit number:		Expiration date:



City of Bayport
294 NORTH THIRD STREET
BAYPORT, MINNESOTA 55003
PHONE 651-275-4404 FAX 651-275-4411

VACANT BUILDING REGISTRATION REQUIREMENTS AND PROCESS

Registration Process

Vacant buildings in the city must be registered within 30 days of the building becoming vacant, in accordance with Chapter 18 of the Bayport Municipal Code of Ordinances (see attached ordinance for reference.) The property owner is responsible for complying with the annual registration process for as long as the property remains vacant, as follows:

1. Submitting the Vacant Building Registration Form, describing plans for rehabilitating, reoccupying or demolishing the building.
2. Submitting the annual fee with the registration form. The fee is \$500 for the first-year vacant building registration and \$1,000 for each subsequent year. If the registration fee is not received within 45 days of the due date, the amount owed will be assessed to and collected with the taxes for this property as permitted by Minnesota State Statute Chapter 429.
3. Disclosing all pertinent property owner information.
4. Disclosing all pertinent lien-holders.
5. Providing the city with unencumbered access to complete an inspection of the building and monitor the property.

Registration Fee Exemption

If the building is vacant due to a fire, the property owner must submit the registration form to the city, but may request a 90-day exemption from the registration fee. At the end of the 90-day period, rehabilitation of the structure must be complete or the property owner will be responsible for submitting the registration fee.

Maintenance Requirements

Regardless of whether the building is vacant, all property owners, agents, assignees and responsible parties are responsible for, but not limited to:

1. Cutting and maintaining the lawn/grass in a reasonable manner.
2. Removing snow and ice from sidewalks within 24 hours after an event.
3. Trimming all trees, hedges, and vegetation within the boulevard and on corner lots.
4. Maintaining the exterior of the building in accordance with the city's building and zoning ordinances.
5. Removing all refuse, junk, and debris which may be considered a public nuisance.

ORDINANCE NO. 867

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA
AMENDING CHAPTER 18-BUILDINGS AND BUILDING REGULATIONS, ARTICLE III., VACANT
BUILDINGS**

Section 1. Chapter 18, Article III., Section 18-52 is hereby deleted in its entirety and the following is substituted therefore:

Sec. 18-52. Registration and fees.

The owner shall register with the enforcement officer within thirty (30) days after any building in the city becomes a vacant building, as defined in section 18-51. The registration shall be submitted on forms provided by the enforcement officer and shall include the following information supplied by the owner:

- a. description of the premises
- b. names and address of owner(s)
- c. name and address of all known lien holders and all other parties with an ownership interest in the building
- d. period of time the building is expected to remain vacant and a plan and timetable for returning the building to appropriate occupancy or use and/or for demolition of the building

The owner of a vacant building shall pay an annual registration fee as established in Appendix D – Fee Schedule of the Bayport Code of Ordinances each year the building remains a vacant building. The registration fee is intended to at least partially cover the administrative costs for registering and processing the vacant building owner registration form and for the costs of the city in monitoring the vacant building site.

The first annual fee shall be paid within thirty (30) days of being due and the owner shall be subject to prosecution as prescribed in this ordinance if not paid by the due date. The fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.

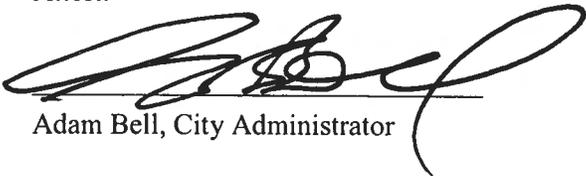
All delinquent fees shall be paid by the owner, prior to any transfer of ownership of a vacant building. If the fees are not paid prior to any transfer, the new owner shall pay the annual fee within thirty (30) days of being due and the new owner shall be subject to prosecution as prescribed in this ordinance if not paid by the due date.

The enforcement officer shall include in the file, any property-specific written statements from community organizations, other interested parties or citizens regarding the history, problems, status or blighting influence of a vacant building.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication according to law. Passed by the City Council for the City of Bayport this 8th day of January, 2018.


Susan St. Ores, Mayor

Attest:


Adam Bell, City Administrator

ORDINANCE NO. 825

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA
AMENDING CHAPTER 18-BUILDINGS AND BUILDING REGULATIONS, ARTICLE III OF
THE BAYPORT CITY CODE PROVIDING FOR THE SECURING OF VACANT BUILDINGS**

Section 1. Chapter 18 of the Bayport Municipal Code is hereby amended to include the following:

ARTICLE III. Vacant Buildings

Sec. 18-51. Definitions.

For the purpose of this ordinance, certain words and phrases are defined as follows:

Enforcement officer. The city Building Official or Zoning Administrator.

Owner. Those shown to be owner(s) on record at the Washington County Department of Property Taxation, those identified as owner(s) on a vacant building registration form, holder of an unrecorded contract for deed, a mortgagee/mortgagor or vendee/vendor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the freehold of the premises or lesser state therein, mortgagee for the benefit of the owner(s) of the beneficial interests in possession, or its nominee. Any such person shall have a joint obligation for compliance with the provisions of this ordinance.

Secure. Includes, but is not limited to, installing locks, repairing and/or boarding windows and doors, posting "no-trespassing" signs, installing exterior lighting or motion-detecting lights, fencing the property, and installing a monitored alarm or security system consistent with Minn. Stat. § 463.251.

Unoccupied building. A building which is not being used for a legal occupancy.

Vacant building. A building or a portion of a building that meets one or more of the following conditions:

- a. unoccupied and foreclosed upon as identified by Washington County
- b. unoccupied and windows or entrances to the premises are boarded up or closed off, or multiple window panes are broken and unrepaired
- c. unoccupied and doors to the premises are smashed through, broken off, unhinged, or continuously unlocked
- d. unoccupied and gas, electric, or water service to the premises has been terminated
- e. unoccupied and rubbish, trash, or debris has accumulated on the premises
- f. unoccupied and the police or sheriff's office has received at least two reports of trespassers on the premises, or of vandalism or other illegal acts being committed on the premises
- g. unoccupied and the premises is deteriorating or in imminent danger of falling below minimum community standards for public safety and sanitation
- h. unoccupied and the premises has been cited with at least one nuisance violation

Sec. 18-52. Registration and fees.

The owner shall register with the enforcement officer within thirty (30) days after any building in the city becomes a vacant building, as defined in section 18-51. The registration shall be submitted on forms provided by the enforcement officer and shall include the following information supplied by the owner:

- a. description of the premises
- b. names and address of owner(s)
- c. name and address of all known lien holders and all other parties with an ownership interest in the building
- d. period of time the building is expected to remain vacant and a plan and timetable for returning the building to appropriate occupancy or use and/or for demolition of the building

The owner of a vacant building shall pay an annual registration fee of five hundred (\$500.00) dollars each year the building remains a vacant building. The registration fee is intended to at least partially cover the administrative costs for registering and processing the vacant building owner registration form and for the costs of the city in monitoring the vacant building site.

The first annual fee shall be paid within thirty (30) days of being due and the owner shall be subject to prosecution as prescribed in this ordinance if not paid by the due date. The fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.

All delinquent fees shall be paid by the owner, prior to any transfer of ownership of a vacant building. If the fees are not paid prior to any transfer, the new owner shall pay the annual fee within thirty (30) days of being due and the new owner shall be subject to prosecution as prescribed in this ordinance if not paid by the due date.

The enforcement officer shall include in the file, any property-specific written statements from community organizations, other interested parties or citizens regarding the history, problems, status or blighting influence of a vacant building.

Sec 18-53. Exemptions.

In order to encourage the prompt renovation of property, the owner of a fire damaged building may be exempt from paying vacant building fees provided that within thirty (30) days from the date of the fire, the owner submits a written request for an exemption to the enforcement officer, which includes the following:

- a. description of the premises
- b. names and address of owner(s)
- c. statement of intent to repair and reoccupy the building in an expedient manner

An exemption granted under this section shall be valid for no more than ninety (90) days. In the event that the owner of the property, at the time of the fire, who received an exemption under this ordinance, should at any time after the fire transfer to another person any ownership interest in the subject property, the exemption under this ordinance is immediately void and any new owner(s) shall be responsible for paying any required vacant building fees.

Sec 18-54. Inspections.

The enforcement officer shall inspect any premises in the city for the purpose of enforcing and assuring compliance with the provisions of this ordinance. Upon the request of the enforcement officer, an owner shall provide access to all interior portions of a vacant building in order to permit a complete inspection.

Sec 18-55. Inventory.

The enforcement officer shall maintain a current list of all known vacant buildings, as well as a list of all previously declared vacant buildings which are no longer subject to the provisions of this ordinance. The vacant building list shall be available to the public, to the extent provided by law.

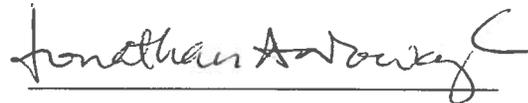
Sec 18-56. Collection of unpaid fees.

The fees associated with the vacant building program shall be a debt owed to the city and unpaid costs shall be collected by special assessment under the authority in Minnesota Statutes, Section 429.101.

Sec 18-57. Severability.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication according to law. Passed by the City Council for the City of Bayport this 6th day of December, 2010.



Jon Nowaczek, Mayor

Attest:



Mitch Berg, City Administrator



CITY COUNCIL WORK SESSION REPORT

DATE: 9/23/2024

DEPARTMENT: CITY CLERK

Prepared by: Deanna Werner

ADMINISTRATOR: RG

3

AGENDA ITEM: Civic Clerk Training for Council Members and Mayor

ACTION TO BE CONSIDERED AND DESIRED OUTCOME:

Outline and train council members for transition to a new agenda management system, Civic Clerk. By the conclusion of the meeting all Council Members and the Mayor will be able to log into the system and practice looking at and making notes about test agendas for both Council Meetings and Work Sessions.

Civic Clerk is a new agenda management software and council portal which will streamline staffs Council Meeting/Work Session Agenda process and provide an end-to-end solution for staff to easily manage agendas, minutes, and public meetings, while providing the public with access to the meeting materials. The current system we use is rather clunky on the staff end. A shared folder that can only be used one user at a time will be replaced with a web-based system that staff can access from anywhere. This will not only streamline things for staff but also make it much easier for council members and hopefully, in the very near future, other commissions and boards for the city, to use and access meeting documents and materials.

As far as the final product, the council members will still see a PDF of the full packet, but with this system, they will be able to make notes to themselves about items as they review the packet and those will appear on the packet when they access it later. There are other enhancements to the system which will be covered in the training, but the training will be relatively simple and intuitive for members of the council.

Some of the benefits of this transition to a new Agenda Management System include:

- Save time with flexible agenda item entry options, changeable custom templates, attachment uploading, and automated workflows.
- Give council members a personal, secure location to review and take notes on meeting content.
- Automatically publish your meeting content in a public-facing portal with an accessible, customized, and mobile-friendly interface.