



CITY OF SPRING PARK
PLANNING COMMISSION AGENDA
MAY 8, 2019 – 6:00 PM
SPRING PARK CITY HALL

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPT AGENDA
5. APPROVAL OF MINUTES
 - a. Planning Commission Meeting Minutes from March 13, 2019
6. CONSIDERATION/DISCUSSION ITEMS
 - a. Short-Term/Rental Licensing Public Hearing
 - i. Introductory Comments – City Planner Al Brixius
 - ii. Open Public Hearing
 - iii. Receive Public Comments
 - iv. Close or Table Public Hearing
 - v. Discussion
 - vi. Table for Future Discussion or Recommend to Council
7. COMMUNICATIONS
8. MISCELLANEOUS
 - a. Park Plaque Information Provided by the Westonka Historical Society
9. ADJOURNMENT



CITY OF SPRING PARK
PLANNING COMMISSION MINUTES
MARCH 13, 2019 – 6:00 PM
SPRING PARK CITY HALL

1. CALL TO ORDER - The meeting was called to order by Chair Hoffman at 6:03 p.m.
2. PLEDGE OF ALLEGIANCE – Chair Hoffman led the audience in the Pledge of Allegiance
3. ROLL CALL

Planning Commissioners Present: Jeff Hoffman, Chair, Max Avalos; Bruce Homan (arrived 6:13 p.m.), Michael Mason, and Pete Kaczanowski

Staff Present: Dan Tolsma, City Administrator; Al Brixius, City Planner; and Theresa Schyma, City Clerk.

4. ADOPT AGENDA

Commissioner Mason asked for the addition of Item #8a – Parks Improvements Update.

M/Mason, S/Avalos to approve the agenda as amended.

Motion carried 4-0.

5. APPROVAL OF MINUTES

- a. Planning Commission Meeting Minutes from February 13, 2019

M/Avalos, S/Mason to approve the minutes.

Motion carried 4-0.

Commissioner Kaczanowski asked about an IPMC checklist example from the Building Official.

City Administrator Tolsma responded that he did not have a copy yet but will be checking with Building Official Qualle.

Rick Gorra, 8201 Stone Creek Drive, Chanhassen, and owner/landlord of Park Island Apartments, asked how the International Property Maintenance Code (IPMC) would apply to a building that was built in 1978.

City Planner Brixius responded that life-saving measures like smoke detectors would need to be implemented but the building would need to meet standards that were in place at the time it was built. The IPMC does not supersede the State Building Code. He added that Building Official Qualle will be attending future meetings to answer any questions about the IPMC.

City Administrator Tolsma added that a rental license application would trigger an IPMC inspection and a building permit application would trigger an inspection based on the State Building Code based on the project being proposed.

6. CONSIDERATION/DISCUSSION ITEMS

a. Short-Term/Rental Licensing Ordinance Discussion

City Planner Brixius presented the updated draft of a rental housing ordinance for short-term and long-term rental properties in Spring Park.

City Planner Brixius stated he had a discussion with the City Attorney regarding an insurance requirement and the City Attorney stated it is not required for applicants to provide insurance. Also, the City could not be held liable simply by enacting a rental ordinance.

City Planner Brixius stated his recommendation is to remove Section 12-256 regarding disorderly behavior from the long-term rental ordinance. He added that the draft ordinance being presented tonight was reviewed by and included all language recommended by the City Attorney.

Chair Hoffman agreed and stated the initial objective was to respond to disorderly behavior in short-term rentals that can affect neighborhoods.

The Planning Commission consensus was to remove the disorderly behavior section from long-term rental ordinance and also the section regarding insurance requirement.

Chair Hoffman stated that disorderly behavior and “party houses” are a bigger concern in short-term rental properties.

Commissioner Avalos asked how the City would track that behavior.

City Administrator Tolsma responded that there should be a requirement to file a police report for those types of issues so that neighbors can’t use the City’s complaint form to try and settle disputes.

City Planner Brixius stated he would add the language suggested by the City Attorney regarding “preponderance of evidence” and then contact Orono Police to get their opinion.

City Administrator Tolsma added that a police call wouldn’t necessarily be considered a strike if the police responded and everything was within standards; if police action is necessary because there is truly an issue then it would count as a strike.

Chair Hoffman wanted everybody to keep in mind the objective of these ordinances is to protect the neighborhoods and make sure that one property isn’t abusing the neighborhood.

The Planning Commission consensus was to add the disorderly behavior section to the short-term rental ordinance.

City Planner Brixius discussed the IPMC and stated Building Official Qualle will be attending the next meeting and also the public hearing to answer any questions. He stated that the IPMC is not overly burdensome for landlords since the standards are clear for buildings to meet the minimum standards for health, safety, and welfare.

The Planning Commission consensus was to add the adoption of the IPMC to the proposed rental ordinance.

The Planning Commission requested an example checklist from Building Official Qualle.

Chair Hoffman asked City Planner Brixius to speak with the City Attorney and the League of Minnesota Cities to see if a liability clause should be added to the rental license application.

Rick Gorra, 8201 Stone Creek Drive, Chanhassen, and owner/landlord of Park Island Apartments, stated that some tenants have a tendency to complain at the end of the month as a way to try and delay paying rent because they do not have funds available.

City Administrator Tolsma responded that this ordinance and the records of inspection would be helpful for landlords to prevent these types of false claims. The City will use facts to determine if an additional inspection is needed based on the records of inspection on file.

Commissioner Kaczanowski asked about the tenant complaint process.

City Administrator Tolsma responded that a tenant's first point of contact with an issue should be the landlord; if the landlord has ignored or refused to address the issue then the tenant could lodge a complaint with the City. The City will not be overstepping its bounds and trying to mediate a bad relationship between a tenant and landlord.

Mr. Gorra asked what would happen if a landlord disagrees with the Building Official in regard to the measurable criteria in the IPMC.

City Administrator Tolsma responded that the IPMC is not a structure related code that can sometimes be open to interpretation. The IPMC is about common sense maintenance items that are minimum safety standards for lighting, heating, sanitation, fire, and safety that are very clear and does not leave much room for disputes. He recommended Mr. Gorra look at the IPMC and contact staff with any questions.

b. Public Hearing Schedule Discussion

City Administrator Tolsma asked if the commissioners wanted two separate hearings for long-term and short-term rentals.

The Planning Commission consensus was to have one public hearing since there are overlapping issues in the long and short-term rental ordinances. The public hearing could always be continued to the next meeting if there is not enough time to in one public hearing to address all of the feedback received.

Mr. Gorra stated he was still unclear about the process if he disagrees with the Building Official.

City Administrator Tolsma responded that decisions can always be appealed to the City Council. If the landlord still disagrees with the City Council decision then there is a State Board of Appeals process that is an option for the landlord.

The Planning Commission discussed the upcoming schedule and options for the public hearing.

The Planning Commission consensus was to review the final draft at the April 10 Planning Commission Meeting. If there is consensus, the final draft would be posted to the City's website as soon as possible. Also, the public hearing will be May 8 and notices will be published in the paper and quarterly newsletter.

7. COMMUNICATIONS – None.

8. MISCELLANEOUS

a. **Parks Improvement Update** - City Administrator Tolsma stated he just received the draft language for the two park signs from the Westonka Historical Society. He added that the Planning Commission will be able to review the drafts and provide feedback at a future meeting.

Commissioner Mason discussed some of his ideas for the layout of the sign and asked if the plaque designer would be coming to a Planning Commission Meeting to discuss design options.

City Administrator Tolsma responded that the designers would not be attending a Planning Commission Meeting but they will be able to give us plenty of options based on the direction we provide them.

9. ADJOURNMENT

M/Mason, S/Avalos adjourn the Planning Commission Meeting at 7:25 p.m.

Motion carried 5-0.

Date Approved: April 10, 2019

Dan Tolsma, City Administrator

Theresa Schyma, City Clerk



STAFF MEMO

RENTAL ORDINANCE PUBLIC HEARING

1. **BACKGROUND:** City staff regularly receive complaints from renters and their neighbors pertaining to health and safety issues in rental buildings including multi-family buildings and single-family homes. Currently the Spring Park City Code does not have any regulations for rental properties in the city which limits staff's ability to resolve issues affecting a large population of the City. Furthermore, short-term rentals have grown exponentially in popularity, especially in the Lake Minnetonka area, which has led to many communities placing restrictions on them to ensure compatibility with owner-occupied neighborhoods.

In 2018 the City Council directed the Planning Commission to research options pertaining to the licensing and regulation of all rental properties in the City. The Planning Commission began the process at their November 14, 2018 regular meeting. All subsequent meetings have included detailed discussions about property maintenance and the health, safety, and welfare of all residents in the City. These ordinances have been reviewed, discussed, and edited with attempts to allow reasonable standards for landlords to manage their properties while protecting renters and also consider the needs of the entire community.

2. **DISCUSSION:** A long-term rental property ordinance would regulate any rentals over 30 days and include both multi-family rental buildings and any long-term rentals occurring in single-family homes. Issuance of a rental license will require an inspection of the building, the individual units, and the site for compliance with the International Property Maintenance Code (IPMC).

A short-term rental property ordinance would regulate any rentals under 30 days. (e.g. vacation home rentals, AirBnB, VRBO, etc.) The ordinance includes minimum parking requirements to mitigate traffic concerns and holds the property owner responsible for frequent disorderly behavior by tenants that cause nuisance or safety issues within the site or adjoining neighborhood..

3. **NOTIFICATION:** City staff went beyond the legally required means of communication for the public hearing due to the potential number of affected parties. Below are the many ways that staff tried to notify each resident and property owner prior to the public hearing.

) Website – www.ci.spring-park.mn.us/rental - The webpage became active on April 18 and includes basic information plus copies of the draft ordinances and an example of an IPMC checklist.

- J Multi-family buildings - Landlords and/or owners of multi-family buildings in the city were mailed a letter with information and copies of the ordinances on April 18.
 - J Newsletters – There was an article in the Spring 2019 newsletter about the public hearing with website and contact information. All residents and businesses with a Spring Park address or PO Box received a copy on April 19.
 - J Postcard notices with information and an invitation to public hearing were mailed on April 22. All residents and businesses with a Spring Park address or PO Box were mailed a postcard. Also, any property in Spring Park that listed a taxpayer with a mailing address outside of the city was also mailed a postcard.
 - J Legal Notice – The public hearing notice was published in The Laker on April 27.
 - J City Hall – The public hearing notice was posted in the lobby at City Hall on April 19 and copies of the draft ordinances have been made available to anybody that has contacted City Hall.
4. FINANCIAL CONSIDERATIONS: A preliminary cost estimate of a rental licensing program is included. Licenses will be issued on a multi-year cycle so the fees listed will only be assessed once per license cycle. The final length of the license cycle has not yet been determined, although it will likely be two or three years.
5. RECOMMENDATION:
 Many options are available to the Planning Commission including:
- J Continue the public hearing to a future meeting
 - J Conduct and close the public hearing but continue the Planning Commission discussion at a future meeting in order to make modifications to the proposed ordinances before voting on a recommendation to the City Council
 - J Conduct and close the public hearing; and
 - o Approve recommendation of the ordinances without changes to the Council;
 - or
 - o Deny recommendation of the ordinances to the Council.

Attachments

- J Draft Long-Term Rental Ordinance
- J Draft Short-Term Rental Ordinance
- J Draft Property Maintenance Ordinance
- J Example IPMC Checklist
- J Preliminary License Cost Estimates

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ARTICLE V. - RENTAL HOUSING

DIVISION 1. - GENERALLY.

Sec. 12-247. - Statement of policy.

- (a) The City believes that promoting the public health, safety and welfare of its citizens mandates the existence of a rental dwelling unit registration permit and maintenance program that corrects substandard conditions and maintains a standard for rental dwelling units. It is the purpose of this article to assure that rental housing in the City is decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of rental dwelling units is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to assure that the citizens of the City who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from crimes and criminal activity, nuisances or annoyances.
- (b) This article shall apply to all dwelling units that are leased in whole or in part as a rental dwelling unit for 30 consecutive days or more, including single-family and two-family townhomes or multiple family housing. It also shall apply to accessory structures such as garages and storage buildings and appurtenances such as sidewalks and retaining walls, which are on the property. This article does not apply to Minnesota Department of Health licensed rest homes, convalescent care facilities, residential group homes licensed by the state, nursing homes, hotels or motels, or owner-occupied dwelling units.

Sec. 12-248. - Definitions.

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

Apartment building means, any building or portion thereof that contains three or more dwelling units, sleeping rooms, or a combination thereof but not including condominiums or townhomes.

Building official means the building official for the City, or his/her designee.

City shall mean the city of Spring Park, Minnesota.

City administrator means the city administrator of the City, or his/her designee.

City council means the city council of the City.

Condominium means a single dwelling unit in a multi-dwelling unit building that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property. Each individual owner may sell or encumber his/her own unit.

Dwelling unit means any building or portion thereof that contains living facilities, including

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provisions for sleeping, eating, cooking and sanitation, for not more than one family.

Dwelling, single-family means a building or portion thereof containing one dwelling unit. For purposes of this article, a single-family dwelling includes a free standing single family residence, a single dwelling in a cooperative, an individual condominium or townhouse, a single dwelling unit in a non-residential structure or a dwelling unit offered for rent in a duplex in which the owner occupies the other dwelling unit.

Dwelling, two-family means a building containing two dwelling units.

Efficiency means a dwelling unit containing only one habitable room plus private bathroom facilities within the unit.

Family means one or more persons each related to the other by blood, marriage, adoption, or foster care, or a group of not more than three persons not so related maintaining a common household and using common cooking and kitchen facilities.

Lease means an oral or written, formal or informal, agreement between a dwelling unit owner and a tenant for temporary use of a rental dwelling unit, usually in exchange for payment of rent.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property or the rental dwelling unit; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property or rental dwelling unit, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, or any person representing the actual owner or holding a valid rental registration permit from the city.

Rent means the consideration paid by a tenant to the owner of a rental dwelling unit for temporary and exclusive use of the rental dwelling unit by the tenant. The consideration is not limited to cash.

Rental dwelling unit means a dwelling unit or sleeping room occupied and leased one or more tenants.

Rental registration permit means the formal approval of an activity specified on the rental registration certificate issued by the city.

Sleeping room means any room or rooms used or intended to be used by a tenant for sleeping purposes with or without meals and not licensed by the Minnesota Department of Health.

Tenant means any adult person granted temporary use of a rental dwelling unit or sleeping room pursuant to a lease with the owner of the rental dwelling unit.

Townhouse means a single-family dwelling constructed in a group of dwellings attached to each other and where each dwelling unit extends from the foundation to the roof and is separated from other dwelling units by property lines.

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DIVISION 2. REGISTRATION PERMIT.

Sec. 12-249. - Required.

No person shall operate, let or cause to be let a rental dwelling unit which has not been properly registered by the city. A registration permit must be obtained for each residential dwelling unit except, two or more residential dwelling units located within a single building and having a common owner and a common property identification number shall require only a single permit. Upon receipt of the properly executed initial application for a rental registration permit, the applicant shall cause an inspection to be made of the rental dwelling unit(s) by the building official to determine whether the unit(s) is/are in compliance with all code requirements and the laws of the State of Minnesota. If compliance is determined, the City shall issue a registration permit. Every rental dwelling unit shall be re-inspected upon submission of a renewal application, as required by this article, to determine if it still conforms to all applicable codes and laws.

Sec. 12-250. - Application.

A registration permit application shall be submitted to the city administrator on forms furnished by the city and must contain all information contained thereon, including the following:

- (a) Name, address, and telephone number of the owner of the rental dwelling unit(s). This is the address to which the city will send all future correspondence. The applicant shall indicate if the owner is an individual, corporation, partnership or sole proprietorship;
- (b) Name, address, and telephone number of any owner's agent responsible for the management of the rental dwelling unit(s), if applicable;
- (c) Legal address of the rental dwelling unit(s) and, for apartment buildings or condominiums, the unit numbers for each rental dwelling unit; and
- (d) Number and type of rental dwelling units by bedroom count (efficiency, one bedroom, two bedrooms, etc.).

Sec. 12-251. - Changes in Ownership and Amended Permits.

A registration permit is not assignable. Any changes occurring in the ownership of a rental dwelling unit(s) require a new registration permit. The new owner must obtain a new registration permit within 30 days of acquiring the property if continuing to operate a rental dwelling unit thereon. If any changes occur in any information required on the registration application, the owner must submit an amended registration application to the city within 30 days of the change. If any rental dwelling units are added to a current registration permit, the additional rental dwelling units must be registered by amendment of the current registration permit and must be accompanied by the fee required for the additional units.

Sec. 12-252. - Three Year Cycle Registration.

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All rental dwelling units shall be registered before being let, in whole or in part; provided, however, that all rental dwelling units that are leased and occupied by tenants as of the effective date of this ordinance shall be registered no later than _____, 2019. Registration permits will expire at midnight on the third April 1st following its issuance. Registration permits must be renewed at least 30 days prior to the expiration of the current permit. Rental dwelling units must be registered as an efficiency, a single-family dwelling, a two-family dwelling, or an apartment building. Any unregistered rental dwelling units are subject to penalties as provided in this article or elsewhere in state or local law.

Sec. 12-253. - Fees.

A registration fee and per-unit inspection fee shall be adopted by the city council and included in the city's official fee schedule. All required fees must accompany the registration application and shall double when an application renewal is received more than 30 days after it was due.

Sec. 12-254. - Inspection.

Upon receipt of an application for registration, the building official shall coordinate an inspection to ensure compliance with this article. The building official shall provide reasonable notice to the owner or the owner's agent as to the date and time of the inspection. Each occupant of a rental dwelling unit shall give the owner, or the owner's agent, access to any part of such rental dwelling unit at reasonable times for the purpose of effecting the inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this article. If any owner, owner's agent or tenant of a rental dwelling unit fails or refuses to permit entry to the rental dwelling unit under his/her control for an inspection pursuant to this article, the city may obtain an administrative warrant authorizing such inspection. Upon inspection, the proposed rental property shall adhere to the following:

- (a) The Minnesota State Building Code, including mechanical, electrical, plumbing and other building systems, and previously constructed or installed components must be maintained in conformance with the requirements of the codes in effect at the time of construction or installation; and
- (b) All other requirements of other sections of this code, including, but not limited to, zoning, fire, building, and nuisances, and the International Property Maintenance Code; and

In cases where a conflict may occur between any two or more code requirements, the requirements providing the greatest degree of life safety, property maintenance and general welfare to the City shall govern. If re-inspections are necessary to determine compliance, the applicant shall pay a re-inspection fee, as adopted by the city council.

Sec. 12-255. - Issuance of Permit.

The City shall issue a registration permit if the rental dwelling unit(s) and the application are found to be in compliance with the provisions of this article and all required registration and inspection fees are paid. A registration permit will be issued for each residential dwelling unit

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except, two or more residential dwelling units located within a single building and having a common owner and a common property identification number shall be issued a single registration permit. Rental registrations shall be conspicuously posted in all rental properties sharing a common entrance used by two or more rental dwelling units and the owner or agent for the owner must be able to present the registration permit if asked to do so.

Sec. 12-256. – Inspections and Investigations.

All inspections will be completed by the Fire Chief or his or her designee so as all inspections will be completed in a uniform manner.

- (a) Initial inspections of all registered properties will occur within the first year after adoption of this chapter. Properties will have a scheduled re-inspection on a schedule to be determined by the City Administrator or his or her designee. All properties shall be inspected by the city at least once every two years. The city shall have the right to make periodic inspections of all properties based on complaints of landlords; tenants, neighbors or other individuals. Inspection procedures for minor complaints should be as follows:

(1) *Tenant complaint procedure.*

- a. Verbal notification;
- b. Notify owner in writing to describe the deficiency;
- c. If owner does not respond and address the problem within a reasonable period, tenant may send a copy of the owner notice to the city to report the deficiency;
- d. City Inspector arranges to inspect the rental unit; and
- e. City Inspector notifies the owner in writing describing the deficiency and recommended corrective action.

(2) *Owner complaint procedure.*

- a. Verbal notification;
- b. Notify tenant in writing to describe the deficiency;
- c. If tenant does not respond and address the problem within a reasonable period, owner may send a copy of the tenant notice to the city to report the deficiency;
- d. City Inspector arranges to inspect the rental unit; and
- e. City Inspector notifies the tenant in writing describing the deficiency and recommended corrective action.

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his However, the city reserves the right to inspect registered properties without regard to the above-suggested procedure, if in the opinion of the City Administrator or or her designee, the facts underlying the complaint constitute a condition that is unsafe to persons or property.

- (b) Law enforcement, the City Building Official and the city's representative designees and representatives are hereby authorized to make inspections reasonably necessary to the enforcement of this chapter.
- (c) All persons authorized herein to inspect shall have the authority to enter, within seven days' notice to the registration holder or property manager any rental unit or structure containing a rental unit, registered or required to be registered, for the purpose of enforcing this chapter. All registration holders shall, as a condition of registration, consent to such entries for inspection without warrant and all registration holders shall include, as a condition of any lease or rental agreement with any tenant or occupant, that such tenants or occupants' consent to such entries for inspection without warrant. This division (C) does not limit or preclude any other right of entry authorized by law.
- (d) Written notice of a violation of this ordinance may be given to the registration holder as shown by the Administrator's registration application file. The notice may contain a compliance with this chapter shall be made immediately and, in that case, the notice shall advise the registration holder that the property may be re-inspected at a time to be determined by the person conducting the inspection.
- (e) Any person who fails to comply with a compliance order and, upon conviction therefor, shall be punished by a fine not to exceed the maximum penalties for misdemeanor crimes, together with the cost of prosecution. Each day of such failure to comply shall constitute a separate punishable offense.

Sec. 12-257. – Revoking, Suspending, Denying or Not Renewing a Registration Permit.

- (a) The city council may revoke, suspend, deny or decline to renew any registration permit issued under this article by following the process contained in this section. In buildings containing more than one rental dwelling unit, the revocation, suspension, denial or declination may apply to one or more rental dwelling units at the reasonable discretion of the city council. The basis for such revocation, suspension, denial or non-renewal may include, but shall not be limited to, any of the following circumstances:
 - (1) The registration permit was procured by misrepresentation of material facts with regard to the rental dwelling unit or the ownership of the rental dwelling unit.
 - (2) The applicant or one acting in his/her behalf made oral or written misstatements accompanying the application.

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- (3) The applicant has failed to comply with any condition set forth in any other permits granted by the city.
 - (4) The activities of the owner create or have created a danger to the public health, safety or welfare.
 - (5) The rental dwelling unit contains conditions that might injure or endanger the safety, health or welfare of any member of the public.
 - (6) Failure to pay any application fee or reinstatement fee required by this article.
 - (7) Failure to correct any code violations in the time period specified in the notice of violation.
 - (8) Following a third instance of disorderly behavior specified in section 12-256.
 - (9) Any violation of this article or any other state or local law related to the rental dwelling unit(s).
 - (10) Failure to continuously comply with any condition required of the applicant for the approval or maintenance of the registration permit.
- (b) Fines. In lieu of or in addition to revoking or suspending a registration permit for violations of this article, the city in its sole discretion may impose a civil fine pursuant to and in accordance with Spring Park City Code, section 1-14.
- (c) Notification. The city shall notify the owner or the owner's agent in writing of the basis for a revocation, suspension, denial or non-renewal and the date upon which the city council will review a recommendation to revoke, suspend, deny, or not renew the registration permit. The notice required by this section shall be mailed to the owner or the owner's agent at least 10 days before the city council hearing. Service shall be deemed sufficient if the notice is sent to the owner or the owner's agent by first class mail at the address provided in the registration application.
- (d) Hearing. The owner or the owner's agent shall be given an opportunity to be heard during the city council hearing. The city council shall hear all relevant evidence and arguments and shall review all statements, documents, and other evidence submitted.
- (e) Decision. The city council shall make findings based on the evidence presented and shall make a decision on the recommendation to revoke, suspend, deny, or not renew a registration permit based on the findings. The city council shall issue a written decision within 30 days following the date of the hearing and shall notify the owner of the decision by first class mail. The decision shall specify the rental dwelling unit or units to which it applies. Thereafter, and until a registration permit is reissued or reinstated, no rental dwelling units that have had their rental registration permit revoked, suspended, denied, or non-renewed may be let or occupied by tenants.

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Revocation, suspension, denial, or non-renewal of a registration permit shall not excuse the owner from compliance with all terms of this article for as long as any rental dwelling units in the building are occupied.

- (f) Permit Process after Revocation, Suspension, Denial or Renewal Declination. After the city council revokes, suspends, denies or declines to renew a registration permit, no registration permit will be issued for the affected rental dwelling unit(s) until the city determines that the applicant/owner has remedied the conditions identified by the city council as the basis for its action. An application to obtain a registration permit for a rental dwelling unit after the city council has revoked, suspended, denied or declined to renew a registration permit for the same rental dwelling unit(s) must be accompanied by all fees required by this article.

Sec. 12-258. – Effect of Revocation, Suspension, Denial or Non-Renewal.

If a registration permit is revoked, suspended, denied or not renewed by the city council, it shall be unlawful for the owner or the owner's agent to thereafter permit the occupancy of the then vacant or, thereafter vacated, rental dwelling unit(s), until such time as a valid rental registration permit is obtained for the rental dwelling unit(s). Issuance of a new registration permit after revocation, suspension, denial or non-renewal shall be made in the manner provided for in this article.

Sec. 12-259. - Posted to Prevent Occupancy.

Whenever any rental dwelling unit has been denied an initial registration permit, had its registration permit revoked, suspended, denied or not renewed, it may be posted by the building official to prevent further occupancy. No person other than the building official shall remove or alter any posting. The building official may post the date the rental dwelling unit shall be vacated, and no person other than the owner shall reside in, occupy or cause to be occupied that rental dwelling unit.

Sec. 12-260. – Penalties.

A person who violates the provisions of this article may be charged with a misdemeanor. Each day that a violation continues shall be deemed a separate offense. The building official may post the rental dwelling unit by appropriate signs or notices prohibiting occupancy and may act to cause the rental dwelling unit to be vacated or remain vacant until the code violations are corrected.

Sec. 12-261. – No Warranty by City.

By enacting and undertaking to enforce this code, the city, city council, its agents, and/or employees do not warrant or guaranty the safety, fitness or suitability of any dwelling in the city. Owners and tenants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare.

DRAFT SHORT-TERM RENTAL ORDINANCE

ARTICLE VI. – SHORT-TERM RENTAL HOUSING

DIVISION 1: GENERALLY

Sec. 12-262. – Statement of Policy.

- (a) The City believes that promoting the public health, safety and welfare of its citizens mandates the existence of a limited short-term rental licensing and maintenance program that corrects substandard conditions and maintains a standard for short-term rental housing. It is the purpose of this article to only allow short-term rental housing in certain circumstances to ensure that it remains decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of short-term rental housing is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to assure that the citizens of the City who occupy such housing may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from crimes and criminal activity, nuisances or annoyances.
- (b) This article shall apply to all short-term rental dwelling units, as defined herein. It also includes accessory structures such as garages and storage buildings and appurtenances such as sidewalks and retaining walls, which are on the same property as the short-term rental dwelling unit. This article does not apply to Minnesota Department of Health licensed rest homes, convalescent care facilities, residential group homes licensed by the State, nursing homes, hotels or motels, or accessory apartments utilized by one blood relative or one on-site employee or servant.

Sec. 12-263. – Definitions.

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

Bedroom means a habitable room within a primary residence which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining room.

Building official means the building official for the City, or his/her designee.

City shall mean the city of Spring Park, Minnesota.

City administrator means the city administrator of the City, or his/her designee.

City council means the city council of the City.

Dwelling unit means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family.

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Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property or the rental dwelling unit; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property or short-term rental dwelling unit, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, or any person representing the actual owner or holding a valid license issued under this article.

Primary residence means a dwelling unit with a homestead classification, as defined by Minnesota Statutes, section 273.124, and as determined by the Hennepin County Assessor.

Rent means the temporary occupancy, use, or possession of a dwelling or dwelling unit in exchange for compensation, in money or other consideration, given or offered in exchange for such use, whether or not received.

Short-term rental dwelling unit means a dwelling unit rented for a period of less than 30 consecutive days, for tourist or transient use.

DIVISION 2: LICENSING

Sec. 12-264. – General Requirements and License Issuance.

- (a) License Required. No person may operate a short-term rental dwelling unit in the city unless granted a license pursuant to this article.
- (b) Homestead Status Required. No dwelling unit in the city may be licensed or used as a short-term rental dwelling unit unless the property is a primary residence.
- (c) License Application. Any owner desiring to offer or use a short-term rental dwelling unit within a primary residence in the city must first apply for and obtain a license from the city. A license must be approved prior to operating. The license application request must be submitted on the form prescribed by the city and must include all the information requested on the application form.
- (d) Fees. The license application form must be accompanied by payment in full of the required license application fee and inspection fee. The fee amounts will be as determined by the city council and listed in the city's fee schedule. Fees for new licenses obtained for less than the three-year license term will be determined on a monthly pro-rated basis until the next full three-year term.
- (e) Issuance. All licenses shall be issued administratively by the city administrator pursuant to the terms contained herein.

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(f) Criteria for Issuance. Prior to issuance of a license hereunder, the following criteria must be met:

(1) The licensee certifies on the application form that all applicable requirements found in this article are satisfied. Such items shall include, but not be limited to, the following:

a. Operating a short-term rental dwelling unit is a permitted use in the zoning district of the subject property;

b. The property complies with all of the performance standards found in this article; and

c. Compliance with all other provisions of state and local law.

(2) Prior to operating a short-term rental dwelling unit, the owner shall provide documentation that they have obtained a Hennepin County lodging license and State of Minnesota vacation home rental license.

(3) Upon receipt of a license application, the building official shall schedule an inspection with the owner to ensure compliance with this article. The building official shall provide reasonable notice to the owner as to the date and time of the inspection. The failure or refusal by the owner to permit entry to the property shall be grounds for denial of a license. Upon inspection, the proposed short-term rental dwelling unit shall adhere to the following:

a. The Minnesota State Building Code, including mechanical, electrical, plumbing and other building systems, and previously constructed or installed components must be maintained in conformance with the requirements of the codes in effect at the time of construction or installation; and;

b. All other requirements of other sections of this code, including, but not limited to, zoning, fire, building, and nuisances, and the International Property Maintenance Code; and

In cases where a conflict may occur between any two or more code requirements, the requirements providing the greatest degree of life safety, property maintenance and general welfare to the City shall govern. If re-inspections are necessary to determine compliance, the applicant shall pay a re-inspection fee, as adopted by the city council.

(g) Term. Licenses will expire at midnight on the third April 1st following its issuance, and applications for renewal must be submitted at least 30 days prior to the expiration of the

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current license. Any unlicensed short-term rental housing is subject to penalties as provided in this article or elsewhere in state or local law.

- (h) No Vested Right. Licenses granted hereunder constitute a revocable, limited right. Nothing herein shall be construed as granting a vested property right.

Sec. 12-265. – General Performance Standards.

The following shall be the general standards for all short-term rental dwelling units within the city.

- (a) No Physical Alterations. No physical alterations of a primary residence shall be permitted in conjunction with the operation of a short-term rental dwelling unit, except that additional onsite parking may be provided, to the extent that such parking is otherwise permitted by the applicable provisions of the city code.
- (b) Non-Transferable. Licenses issued under this section are non-transferable. Each license shall automatically terminate upon the sale or other conveyance of the property to an unlicensed person or entity.
- (c) Number of Bedrooms. Each license shall indicate the number of bedrooms which are contained in the primary residence. No licensee shall advertise the primary residence as containing any more than the identified number of bedrooms.
- (d) Limit on the Number of Guests. The maximum number of transient guests permitted to stay within a short-term rental dwelling unit at any one time shall be the sum of the number of bedrooms contained in the primary residence multiplied by two, up to a maximum of 10. Such sum shall include both adults and children.
- (e) Signage. No commercial signage is allowed on the property of any short-term rental dwelling unit.
- (f) Events. Events are not allowed to be hosted by transient guests on the licensed property. For purposes of this prohibition, an event shall mean a gathering on the property of the total number of people permitted to stay on the premises plus five. Events hosted by the owner are exempt from this prohibition, but must otherwise abide by state and local law and policies.
- (g) Parking. A property with a short-term rental dwelling unit shall provide a minimum of two (2) off-street parking stalls for guests. The maximum amount of vehicles allowed at the property shall be limited to the number of off-street parking spaces provided. To be valid, off-street parking shall meet any applicable requirements set forth in the city code.
- (h) Occupant Eligibility. The primary overnight and daytime occupant of a short-term rental dwelling unit must be an adult 18 years of age or older. This adult must provide a

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telephone number to the owner and shall be accessible to the owner by telephone at all times.

- (i) Advertising. All advertising for short-term rental dwelling units within the city shall include the city-issued license number.
- (j) House Number Visible. Property containing a short-term dwelling unit must have a visible house number that can be easily seen from the street at all times.
- (k) Disorderly Behavior. Disorderly behavior, as defined in Spring Park City Code, section 12-266(b), shall be prohibited.
 - (1) First Incident. Upon a determination by city staff or law enforcement that a property containing a short-term rental dwelling unit was the location of disorderly behavior, the city shall notify the owner by first class mail of the violation and direct the owner to take steps to prevent further violations.
 - (2) Second Incident. Upon a determination by city staff or law enforcement that a second incident of disorderly behavior occurs at a property containing a short-term rental dwelling unit within three months of a previous disorderly behavior incident at the same property, the city shall notify the owner by first class mail of the violation and direct the owner to submit, within 10 days of the date of the notice, a written report of all actions taken by the owner since the first violation notice and actions the owner intends to take to prevent further disorderly behavior.
 - (3) Third Incident. Upon a determination by city staff or law enforcement that a third incident of disorderly behavior occurs at a property containing a short-term rental dwelling unit within three months after a second disorderly behavior incident at the same property, the license issued under this article may be revoked by the city council upon the recommendation of the city administrator and in accordance with section 12-267(a).

For purposes of this section, a determination that a short-term rental dwelling unit has been the location of a disorderly behavior incident shall be made by a preponderance of the evidence. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly behavior, nor shall the fact or dismissal or acquittal of such a criminal charge operate as a bar to adverse registration license action under this article.

Sec. 12-266. - Disorderly Behavior at Registered Rental Dwelling Units.

- (a) It shall be the owner's responsibility to assure that the tenants, the tenants' family members and the guests of any tenant or tenant's family member not engage in disorderly behavior in the rental dwelling unit. For the purposes of this section, rental dwelling unit shall include all common areas, both inside the building where

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the rental dwelling unit is located and outside.

- (b) For the purposes of this section, disorderly behavior may include but is not limited to any of the following:
- (1) Drug-related illegal activity occurring in or near the rental dwelling unit. Drug-related illegal activity means the illegal possession or constructive possession, manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell or distribute a controlled substance, as defined in the Controlled Substance Act (21 U.S.C. § 802), or possession of drug paraphernalia per Minnesota Statutes, section 152.092.
 - (2) Any act of violence or threat of violence including, but not limited to, the discharge of firearms, prostitution, intimidation or any other act that otherwise jeopardizes the health, safety or welfare of the owner, agent, manager, other tenants, tenant's family members, guests or neighboring property owners.
 - (3) A violation of Minnesota Statutes, sections 609.75 through § 609.76, which prohibit gambling.
 - (4) A violation of Minnesota Statutes, sections 609.321 through § 609.324, which prohibit prostitution.
 - (5) A violation of Minnesota Statutes, section 340A.401, which prohibits the unlawful sale of alcoholic beverages.
 - (6) A violation of Minnesota Statutes, section 340A.503, which prohibits the underage use of alcoholic beverages.
 - (7) A violation of Minnesota Statutes, section 609.74 or Spring Park City Code, chapter 18, articles III and IV, which prohibit nuisances and noise violations.
 - (8) A violation of Minnesota Statutes, sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, which prohibit the unlawful possession, transportation, sale or use of a weapon.
 - (9) A violation of Minnesota Statutes, section 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.
 - (10) A violation of Minnesota Statutes, sections 609.185 through 609.205, which prohibit murder and manslaughter.

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- (11) A violation of Minnesota Statutes, sections 609.221 through 609.2231, which prohibit assault.
- (12) A violation of Minnesota Statutes, sections 609.342 through 609.3451, which prohibit criminal sexual conduct.
- (13) A violation of Minnesota Statutes, section 609.52, which prohibits theft.
- (14) A violation of Minnesota Statutes, section 609.561 through 609.5632, which prohibit arson.
- (15) A violation of Minnesota Statutes, section 609.582, which prohibits burglary.
- (16) A violation of Minnesota Statutes, section 609.595, which prohibits damage to property.
- (17) A violation of Minnesota Statutes, section 609.33, relating to owning, leasing, operating, managing, maintaining or conducting a disorderly house or inviting or attempting to invite others to visit or remain in a disorderly house.
- (18) A violation of Minnesota Statutes, section 609.50, which prohibits obstructing the legal process.
- (19) A violation of Minnesota Statutes, section 609.713, which prohibits terroristic threats.
- (20) A violation of Minnesota Statutes, section 609.715, which prohibits presence of unlawful assembly.
- (21) A violation of Minnesota Statutes, section 609.71, which prohibits riot.
- (22) A violation of Minnesota Statutes, section 609.78, which prohibits interfering with "911" phone calls.
- (23) A violation of Minnesota Statutes, section 243.166 (predatory offender registration).
- (24) A violation of Minnesota Statutes, section 609.229, which prohibits gang-related crimes.
- (25) A violation of Minnesota Statutes, section 609.26, subdivision 1(8), which prohibits contributing to a child being runaway.

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- (26) A violation of Minnesota Statutes, section 609.903, which prohibits racketeering.
 - (27) A violation of Minnesota Statutes, section 609.53, which prohibits possessing stolen property.
 - (28) A violation of Minnesota Statutes, section 609.749, which prohibits violating a restraining order or order for protection.
 - (29) A violation of Minnesota Statutes, sections 609.255 and 609.25, which prohibit false imprisonment and kidnapping.
- (c) Incidents will not be counted for purposes of determining whether a registration permit will be denied, suspended, non-renewed or revoked where the victim and suspect are “Family or household members” as defined in the Domestic Abuse Act, Minnesota Statutes, section 518B.01, subd. 2(b) and where there is a report of “Domestic Abuse” as defined in the Domestic Abuse Act, Minnesota Statutes, section 518B.01, subd. 2(a).
- (d) Incidents will not be counted for purposes of determining whether a registration permit will be denied, suspended, non-renewed or revoked where the call is a result of a tenant, a member of a tenant’s household, or guest taking action to seek emergency assistance that is protected by Minnesota State Statute 504B.205.
- (e) Instances of Disorderly Behavior.
- (1) First Incident. Upon a determination by city staff or law enforcement that a rental dwelling unit was the location of disorderly behavior, the city shall notify the owner and tenant of the violation by first class mail and direct the owner to take steps to prevent further violations.
 - (2) Second Incident. Upon a determination by city staff or law enforcement that a second incident of disorderly behavior occurs at a rental dwelling unit within three months of a first disorderly behavior incident, the city shall notify the owner and the tenant by first class mail of the violation and direct the owner to submit, within 10 days of the date of the notice, a written report of all actions taken by the owner since the first violation notice and what actions the owner intends to take to prevent further disorderly behavior.
 - (3) Third Incident. Upon a determination by City staff or law enforcement that a third incident of disorderly behavior occurs at a rental dwelling unit within three months after a second disorderly behavior incident, the rental dwelling unit registration permit may be revoked, suspended or not renewed by the city council upon the recommendation of the city administrator and in

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accordance with section 12-257. The city administrator shall make its decision to recommend revocation, suspension or non-renewal of the registration permit and submit said recommendation to the city council within 30 days of the third incident.

- (4) For purposes of this section, second and third instances of disorderly behavior shall be those which:
- a. Occur at the same rental dwelling unit;
 - b. Involve tenants at the same rental dwelling unit;
 - c. Involve guests or invitees at the same rental dwelling unit;
 - d. Involve guests or invitees of the same tenant; or
 - e. Involve the same tenant.
- (f) No adverse registration permit action shall be imposed where the instance of disorderly behavior occurred during pending eviction proceedings against the tenant(s) that were the subject of the incidents (unlawful detainer), or within 30 days of notice to vacate given by the owner to the tenant(s) that were the subject of the incidents. However, adverse registration permit action may proceed when the owner fails to diligently pursue the eviction process. Further, an action to deny, revoke, suspend or not renew a registration permit based upon violations of this section may be postponed or discontinued at any time, at the discretion of the city, if the owner has taken appropriate measures which will prevent further instances of disorderly behavior which may include a failed eviction process.
- (g) For purposes of this section, a determination that the rental dwelling unit has been the location of a disorderly behavior incident shall be made by a preponderance of the evidence. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly behavior, nor shall the fact or dismissal or acquittal of such a criminal charge operate as a bar to adverse registration permit action under this article.
- (h) Enforcement actions provided throughout this article shall not be exclusive, and the city may take any action with respect to an owner, a tenant or the registered rental dwelling unit(s) as is authorized by this article or any other provision contained in state or local law.

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Sec. 12-267. – Enforcement and License Revocation.

- (a) Enforcement and License Revocation. Upon a finding that a licensee has violated the terms of this article, or any other applicable ordinance, law, or regulation, on two occasions within the license period, or upon the occurrence of a third incident of disorderly behavior under section 12-265, the city may revoke the license. Prior to such revocation, the city administrator shall mail written notice of the applicable violations to the licensee and thereafter, the licensee shall have ten days to request a hearing, in writing, regarding such revocation before the city council. Failure to request such a hearing, in writing, shall constitute waiver of the right to be heard on such revocation.
- (b) Effect of Revocation. Upon revocation of a license under this section, such licensee shall be ineligible for applying for a new license for a period of 12 months from the date of revocation.
- (c) Violation a Misdemeanor. Any violation of any term of this article shall also constitute a misdemeanor. Each day that a violation continues shall constitute a separate violation.
- (d) Fines. In addition to any other remedy contained herein or authorized by law, the city may impose administrative fines for violations of this article in accordance with Spring Park City Code, section 1-14.
- (e) Remedies Not Exclusive. In the event of a violation of this article, the city, in addition to any and all other remedies provided by law, shall be entitled to seek injunctive relief or proceedings to prevent, restrain, correct, or abate such violations or threatened violations.

DRAFT PROPERTY MAINTENANCE ORDINANCE

ARTICLE II. – BUILDING CODE

Sec. 10-37. – Rental Housing Building Code.

Any rental property within the City of Spring Park shall follow the 2018 International Property Maintenance Code (IPMC) for the purpose of establishing minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community.

Sec. 10-38. – International Property Maintenance Code Adopted.

The 2018 International Property Maintenance Code and its amendments is adopted by reference as the building code for the City. A copy of the code shall be kept on file in the office of the city administrator/clerk/treasurer.

DRAFT

RENTAL/C.O. INSPECTION REPORT AND COMPLIANCE ORDER

Address _____ Type: Single Multi Unit

Inspection date: _____ Time: _____ : _____ AM/PM Previous Insp. Date: _____

Owner/Agent _____

Phone _____

Email _____

****YOU ARE REQUIRED TO CORRECT ALL CIRCLE ITEMS NOTED BELOW****

MECHANICAL / LAUNDRY ROOM

- Furnace Venting
- Furnace Gas Valve / Labeled
- Furnace Electrical
- C O / Smoke Detector
- Flooring
- Water Heater Venting
- Water Heater Gas Valve Labeled
- Water Heater Electrical
- Water Heater Water shutoff
- Electrical Panel labeled
- G F I
- Washing Machine
- Water shutoffs
- Dryer
- Dryer Venting

KITCHEN

- G F I
- Water Shut Off Valves
- Cabinets / Countertop
- Fire Extinguisher (W/In 30')
- Refrigerator
- Stove / Oven
- Hood fan / light
- Flooring
- Window Operation / Locks
- Storms & Screens

CORRIDOR / HALLWAY

- Smoke / CO Detector (10' from BRs) (1ST FL / 2ND FL / BSMT)
- Lighting (1ST FL / 2ND FL / BSMT)
- Flooring (1ST FL / 2ND FL / BSMT)
- Smoke Detector @ Interior Stair
- Handrail @ Interior Stairs

BEDROOM #1 LS / RS / END

- Smoke Detector
- Lighting / Outlets
- Flooring
- Window Oper / Locks
- Storms & Screens

BEDROOM #2 LS / RS / END

- Smoke Detector
- Lighting/Outlets
- Flooring
- Window Oper / Locks
- Storms & Screens

BEDROOM #3 LS / RS / END

- Smoke Detector
- Lighting / Outlets
- Flooring
- Window Oper / Locks
- Storms & Screens

BEDROOM #4 LS / RS / END

- Smoke Detector
- Lighting / Outlets
- Flooring
- Window Oper / Locks
- Storms & Screens

BEDROOM #5 LS / RS / END

- Smoke Detector
- Lighting / Outlets
- Flooring
- Window Oper / Locks
- Storms & Screens

BATHROOM #1 1ST FL

- G F I
- Water Shut Off Valves
- Lighting
- Flooring
- Vanity
- Plumbing fixtures
- Fan Operation

BATHROOM #2 2ND FL / BSMT

- G F I
- Water Shut Off Valves
- Lighting
- Flooring
- Vanity
- Plumbing fixtures
- Fan Operation

MISCELANIOUS

- GFI @ Exterior Outlets
- Backflow Preventer (vacuum break) @ sill-cocks
- House Numbers (4")
- Exterior Lighting
- Steps / Stairs
- Deck Structure
- Deck guardrails
- Refuse Containment
- Accessory Structures
- Self-closer on garage/house
- Drainage
- Driveway
- Walks

YOU ARE TO COMPLY WITH THESE CORRECTION(S) ORDER BY _____ Contact the Schedule Clerk at _____ when completed to schedule re-inspection. (If ALL items not complete after 3rd time of inspection, a fee of \$50.00 will be charged)

OWNER / AGENT _____

DATE _____

INSPECTOR _____

DATE _____

PRELIMINARY LICENSE COST ESTIMATES

Note: Licenses will be issued on a multi-year cycle so the fees listed below will only be assessed once per license cycle. The final length of the license cycle has not yet been determined, although it will likely be two or three years.

-) Single Family Homes \$125
-) Apartment buildings with up to 4 units: \$100 for the building and \$75 per unit.
(net cost of \$125 per unit at 2 units to \$100 at 4 units, per license cycle)
-) Apartment buildings with between 5 and 25 units: \$250 for the building and \$50 per unit.
(net cost of \$100 per unit at 5 units to \$60 at 25 units, per license cycle)
-) Apartment buildings with over 25 units: \$400 for the building and \$45 per unit.
(net cost of \$60 per unit at 26 units to \$44 at 100 units, per license cycle)

Don Carroll Austin Wilkes

b 9 Nov 1921 MN (WW2 Draft Card states Virginia MN; some research notes Maple Plain MN)
d 2 Feb 1969 Spring Park MN, buried in Mound MN

Don Wilkes Jr shares with me that his father's given first name was Don (not Donald).

Don Wilkes was the first constable and second and last Chief of Police of Spring Park from 1953 until December 1968. He was named Constable until that title was changed to Chief of Police. Wilkes's position as Chief and the Spring Park Police Dept were dissolved when the City of Mound began contract police service with the Village of Spring Park. (memo 12.2.68 from Mound Village Manager Leonard Kopp to Patrick Wilson, Mound Chief of Police regarding new contract). Wilkes died before he could assume his new duties as Police Clerk/Administrator. He was married to the former Betty I. Zeman (1927-2018; they were the parents to four children, Linda, Don Jr., Dan and Laura.

Don Wilkes Jr. states, "Liz, I want to thank you and the Westonka Historical Society for your interest and hard work in gathering the necessary information to keep the history of Spring Park alive and well! Just a little about myself, I born in 1957 in the Watertown Hospital and at that time our family lived just past Thor Thompson on the east side of Sunset Drive (Hwy 51). My father and mother moved to this location from Maple Plain before I was born. Our family relocated to a large home that was across from the A&W (Minnetonka Drive In) I believe in 1962 or 1963. We were there for only a short time due to the development of the, then, Shopping Center (Red Owl Store). In the spring of 1964 we moved to a home on Northern Ave. and my mother resided there until the mid-1980's. I was one of the first children to attend the new Elizabeth Gardner Elementary School as a kindergartener, **I can still recall my father being there on the first day of school to greet each child as we got off the buses.** I went on to Shirley Hills Elementary School, Grandview Junior High, and the new at the time, Mound Westonka High. As a young boy I would spend many a night with my mother at work at Twin Birch. **My father would be out on patrol**, and with no babysitter, my mother would bring me with to work with her, which was usually the 11pm to 7am shift and on occasion the 3pm to 11pm. The residents of Twin Birch were considered part of our family and many of them contributed to my growing up with all of the wisdom and wonderful stories they would share with me. I remember sleeping on the front porch of Twin Birch, in the summer, and having **my father wake me at 2 am to bring me home after his shift would end.** In today's world that type of thing would never be allowed but I'm sure glad it was in my time! **My father and Thor were of like mind and purpose when it came to what I believe was a mind set of keeping Spring Park a community of friends and family and a hometown to be proud of. I have a couple of pictures of the day my father gathered up a group of local kids and we started to clean up the lot that is now Thor Thompson Park. We worked all day on the promise of a new ball field, playground, and a cook-out when the work was all done.** So many things happened in Spring Park just by the community coming together and getting it done."

Research bibliography:

Census records from 1920, 1930 and 1940

Minnesota Birth Index

US WW2 Draft Card

US Find-A-Grave Index

Spring Park Fast Fact, 1993-2007

Mound, 100 Years

Minnetonka Pilot newspaper

Ancestry.com

Communication with Don Wilkes Jr., stynorth@gmail.com

Historian Tom Rockvam hurl2rock@aol.com

Assistance from Theresa Schyma, Spring Park City Clerk,

Consulting Archeologist and WHS board member John Bennett,

jrbarchaeology@yahoo.com

Native American mound site researcher and WHS board member George Buehl

gbuehl@frontiernet.net

Consulting editor, historian and WHS board member Pam Myers

pmyers@iphouse.com

TEXT EXAMPLE FOR SPRING PARK PLAQUE FOR WILKES PARK:

WILKES PARK

Wilkes Park commemorates the lifelong dedication of Don Carroll Austin “Porkey” Wilkes (1921-1969) to the City of Spring Park. Wilkes was named Constable in 1953 and remained Chief of Police until 1968, protecting with pride. His commitment to family, colleagues, friends and neighbors reflected the highest traditions of goodwill toward the Spring Park community he selflessly served. This park area, along Black Lake and Spring Park Bay, is known for its natural beauty and prehistoric importance. The location is a short distance from the Spring Park Mounds Group 21HE0051, a large concentration of Native American mound sites overlooking the Lake Minnetonka shoreline at Spring Park Bay.

TORRIS ANDREW "Thor" THOMPSON

b 5 Aug 1913 Black Duck, Beltrami, MN

d 22 Jun 1958 Spring Park, MN, buried Lakewood Cemetery MN

"Thor" was remembered by Tom Rockvam to have been at a picnic at Vasa Park, near Stubbs Bay and North Arm in the Lake Minnetonka area when he suffered a fatal cardiac arrest while doing the "Butterfly Dance" at the celebration. The picnic *may* have been sponsored by the Sportsmans Club, as they held their annual picnics at Vasa Park and Thor was a founding board member. Tom Rockvam adds, "The night he died he had been digging a gas line from County Rd 15 to a new house he built by hand." Thor was 45 years old at his death.

f Soren Thompson 1866 Norway- 3 Jun 1924 Bemidji MN

m Severine Gabrielsdatter 1878 Norway-13 Mar 1914 Beltrami Co, MN

Based on Thor's birth date and his mother's death date, Severine died 8 days after his birth, leaving his father with a newborn son and 3 young daughters—Anna, Lenora, Gudrun.

Wife Lois Gertrude (maiden name unknown) 2017- 14 Aug 2017

Lois lived in Edina, MN at the time of her death at age 100. She is buried at Lakewood Cemetery, Mpls. At the time of her death, daughter Susan survived her, Shirley and Jean had died, years unknown.

Children: Shirley Anne, Jean Marie, Susan Lynn

Don Wilkes Jr states, "**My father and Thor were of like mind and purpose when it came to what I believe was a mind set of keeping Spring Park a community of friends and family and a hometown to be proud of. I have a couple of pictures of the day my father gathered up a group of local kids and we started to clean up the lot that is now Thor Thompson Park. We worked all day on the promise of a new ball field, playground, and a cook-out when the work was all done.** So many things happened in Spring Park just by the community coming together and getting it done."

Research bibliography:

Census records

1940 Census, Orono MN, Torris is single, age 26, a truck driver for an oil company

Torris's WW2 draft card, 6 May 1943 reflects he is married, worked for Kunz Oil Co and lived in Mtka Beach.

Minnetonka Pilot newspapers, 1940-58s, noted ads for the Thompson Oil Co.

Minnesota Birth and Death Index

US WW2 Draft Card

US Find-A-Grave Index

Spring Park Fast Fact, 1993-2007

Mound, 100 Years

Ancestry.com

Communication with Don Wilkes Jr., stynorth@gmail.com; Historian Tom Rockvam
hurl2rock@aol.com

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jrbarchaeology@yahoo.com

Native American mound site researcher George Buehl and WHS board member
gbuehl@frontiernet.net
Consulting editor, historian, Pam Myers and WHS board member
pmyers@iphouse.com

EXAMPLE OF POSSIBLE PLAQUE TEXT:

THOMPSON BALLPARK

Thompson Ballpark commemorates Westonka businessman **Torris Andrew (Thor) Thompson (1914-1958)**. The son of Norwegian immigrants and a proud veteran of World War II, Thor founded the Thompson Oil Company and dedicated his life toward building a community of friends and family with wife Lois and daughters Shirley, Jean and Susan. He was a lifelong fan of Little League baseball, supporting the game through attendance and generous player contributions. This park is surrounded by Crystal, West Arm and Spring Park Bays and also valued for its natural beauty and prehistoric importance. Its location is near the Spring Park Mounds Group 21HE0051, a large concentration of Native American mound sites overlooking the Lake Minnetonka shoreline at Spring Park Bay.