

# Florence Township Park Commission Ordinance

AN ORDINANCE RELATING TO THE FLORENCE TOWNSHIP PARK COMMISSION, TO ESTABLISH THE FLORENCE TOWNSHIP PARK COMMISSION TO ALIGN WITH THE BOUNDARIES OF THE CERTIFIED LOCAL GOVERNMENT IDENTIFIED AS FLORENCE TOWNSHIP, GOODHUE COUNTY, MINNESOTA.

The Town Board of Supervisors of Florence Township, Goodhue County, Minnesota, does ordain the following ordinance, and intends these ordinances to replace all preexisting ordinances, establishing the Florence Township Park Commission, in its entirety, to read as follows:

## ARTICLE 1. GENERAL PROVISIONS

Section 1.00 POLICY: The Board finds that the designated parks of Florence Township are among its most important assets and require ongoing management and maintenance to preserve them. Therefore, the purpose of this ordinance is to endorse and clarify the responsibilities of the Florence Township Park Commission, hereafter referred to as the Park Commission. The chief goal of the Park Commission will be to implement the Florence Township Park Plan, in the context of the Township's comprehensive plan and its historic preservation goals, to benefit all Township residents.

Section 1.01 ESTABLISHMENT OF PARK COMMISSION: There is hereby established a Florence Township Park Commission to preserve, manage, maintain, utilize, and protect the public parks of Florence Township.

Section 1.02 PARK PROPERTIES: Four park properties have been designated within Florence Township and are identified as Wakondiota Park in the village of Frontenac, Valhalla Park in the village of Frontenac, the Play Park in the village of Frontenac Station, and the Community Center Park. Each park is described below:

Wakondiota Park and Valhalla Park  
ID# 32.180.5000

Frontenac Station Play Park  
ID# 32.140.0540

Community Center Park  
ID# 32.015.2601 and ID# 32.015.2501

Section 1.03 COMMISSION MEMBERS: The Commission shall be comprised of five members, all Florence Township residents, appointed by the Florence Town Board and one ex-officio member also selected by the Town Board. It will be the goal of the Town Board to include a member with professional forestry or park management experience.

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Section 1.04 APPOINTMENTS: TERM OF OFFICE: Any elector living in Florence Township may apply in writing to the Town Board for appointment to the Commission. Public notice that appointments are to be made and of the procedure for submitting applications must be published in the official newspaper of the Township at least 20 days prior to the making of appointments. The Board of Supervisors shall appoint Commission members to serve three-year terms. The ex-officio members shall each be appointed to serve a one-year term. If a vacancy occurs, the Town Board shall appoint a successor to serve the remainder of the term. Members and ex-officio members will serve without compensation and shall continue to hold office until their successors have been appointed and qualified. A Commission member may serve two consecutive terms and must wait three years to again become a member of the commission

Section 1.05 DEFINITIONS: As used herein "Florence Township Park Property" shall mean any public lands that have been duly designated by a recorded Goodhue County plat as a public park or public area that resides within the boundaries of Florence Township.

### **ARTICLE II. POWERS, DUTIES, PROCEDURES:**

Section 2.00 POWERS and DUTIES: The Commission shall have the following powers:

(1) To recommend to the Town Board that public lands be designated or described as a public park in Florence Township.

A. In considering the designation of Public Park Properties, the Commission shall follow the following procedure:

i. Planning Commission Review: The Park Commission shall advise the Township Planning Commission, and the Heritage Preservation Commission for Historic District properties, of the proposed designation of a Public Park Property including boundaries and a program for the preservation, restoration, maintenance, modification, and use of the property, and secure from the Township Planning Commission its opinion and recommendations as to any planning considerations which may be relevant to the proposed designation, together with its recommendation of approval, rejection or modification of the proposed designation. The said recommendation shall become part of the official record concerning the proposed designation and shall be submitted by the Park Commission, and the Heritage Preservation Commission where relevant, along with its recommendations concerning the proposed designation to the Town Board. The Park Commission may make such modifications, changes and alterations concerning the proposed designation as it deems necessary in consideration of the recommendations of the

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Township Planning Commission and the Heritage Preservation Commission.

ii. Findings and Recommendations. The Park Commission shall determine if the proposed Public Park Property is eligible as determined by the criteria specified in this section. The Commission shall transmit to the Town Board its recommendations and proposed program for the Public Park Property.

iii. Town Board Designation, Hearings. The Park Commission recommends to the Town Board that upon request of the Park Commission, they may by resolution designate a Public Park Property. The Park Commission also recommends that prior to such designation the Town Board should hold a public hearing, notice of which shall have been published in the official newspaper of the township at least 20 days prior to the date of the hearing, and notice of the hearing shall be sent to all owners of property abutting the boundary of the area to be designated a Public Park Property.

iv. Acquisition. The Park Commission may recommend to the Town Board, after review and comment by the Township Planning Commission, and the Heritage Preservation Commission for properties in Historic Districts, that certain property eligible for designation as a Public Park Property be acquired by gift, by negotiation, or other legal means as provided for in Chapter 117 of Minnesota Statutes.

- (2) To assist in the preparation of application for grant funds to be made by the Town Board for the purpose of park improvement and park acquisition.
- (3) To draft and maintain an overall park management plan that will address the Township's vision and goals for each individual park. The park management plan must be reviewed and approved by the Florence Township Planning Commission, the Heritage Preservation Commission, the Florence Township Board of Supervisors, and the Goodhue County Land Use Management Office. The park management plan will include guidelines for: hours of use, allowed activities, alcohol policies, obsolete or dangerous equipment removal, invasive species and vegetation management process, process for making reservations to use the parks, process for working with the HPC in reserving historic district parks, general vision for encouraging Township's use of the parks.
- (4) To draft and maintain a permit application procedure that allows Florence Township residents to request modifications to public park lands; such applications will be reviewed and voted on by the park commission and the resulting recommendations will be forwarded to the Florence Town Board for final approval. Applications should include a reason for the modification, detailed description of the proposed changes, required professional and non-professional resources, estimated costs, proposed

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methods of payment, and recommended resources to carry out the modifications.

- (5) To recommend to the Town Board the acquisition by purchase, gift, or bequest, of a fee or lesser interest, , in Public Park Properties and adjacent or associated lands.
- (6) To recommend to the Town Board the use of its power of eminent domain to maintain or preserve Public Park Properties and adjacent or associated lands.
- (7) To recommend to the Town Board use variances within Florence Township from the terms of the Goodhue County and Florence Township zoning ordinances.
- (8) To recommend to the Town Board the removal of blighting influences, including invasive species, signs, unsightly structures, and debris incompatible with the physical well being of Public Park Properties.
- (9) To review and make recommendations to the Town Board regarding issuance of all public park alteration or maintenance permits, conditional use permits or variances for Public Park Properties and to hold public hearings thereon if the Commission deems it necessary.
- (10) The Township zoning administrator shall send a copy of every Public Park permit application, conditional use application or variance application for Public Parks to the Commission for recommendation. Among other things, the Commission, before approving such permit variance, shall first consider and make findings of fact regarding the following:
  - (a) In the case of a proposed modification to a Public Park, whether or not such alteration will materially impair the natural beauty, use, long term health, or historic value of the Public Park, considering the existing appearance, dimensions, effect on all neighboring properties, use by residents, and any other environmental effects;
  - (b) In the case of the proposed demolition or alteration of any asset on Public Park Land, the natural and historic value of the asset, the effect on all properties, the effect of any new proposed construction on the surrounding properties, and the economic value or usefulness of the Public Land as it now exists, or in an altered or modified condition compatible with all the surrounding properties;
  - (c) In the case of a new asset on Public Land, whether or not such asset will materially impair the value of the adjacent properties within Florence Township.
  - (d) In all cases, the proposed modifications must be in compliance with all applicable county, township, and historic district regulations. Any and all exceptions to these regulations must be reviewed by the Commission and approved by the Township Supervisors, Goodhue County Land Use Management and any other relevant jurisdiction . A written copy of such variance to regulations must be published and available in the Commission Design Guidelines to be administered by the Commission and the Township Board of Supervisors.

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After review, the Commission shall report its findings of fact and its recommendations in writing to the Town Board without undue delay.

Section 2.01 PROCEDURES: The Commission shall observe the following procedures regarding special public hearings:

(1) Business shall be conducted by the Commission at regularly scheduled public meetings as prescribed in its bylaws and the Minnesota Open Meeting Law. The Commission shall make every effort to preserve the public nature of its meetings.

(2) When the Commission deems an issue to be of significant public concern, the Commission may call for a Special Public Hearing. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the Township at least 10 days before the date of the hearing, and be sent to property owners whose property abuts (see Article II 2.00 (1) A. iii) the property directly related to the issue of significant public concern. For the purpose of notifying property owners, the person responsible for the notification may use any appropriate records to determine the names and physical or email addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this section has been made.

EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its official publication. A copy of the ordinance can be obtained by contacting the Clerk of Florence Township.

Passed and adopted by the Board of Supervisors of Florence Township, Goodhue County, Minnesota, this \_\_\_\_ day of \_\_\_\_\_ 2012

\_\_\_\_\_  
Parks Commission, 2012

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ATTEST: