

CITY OF ST. FRANCIS
CITY COUNCIL AGENDA
July 1, 2013
ISD #15 CENTRAL SERVICES CENTER (DISTRICT OFFICES)
4115 Ambassador Blvd. NW
6:00 PM

1. Call to Order
2. Roll Call
3. Adopt Agenda
4. Consent Agenda
 - a. City Council Minutes –June 17, 2013
 - b. MN Waterfowl Assn. - Cedar Creek Chapter: Gambling Application for Exempt Permit for September 12, 2013 at St. Francis American Legion
 - c. Payment of Claims
5. Meeting Open to the Public
6. Petitions, Requests, Applications
 - a. LePage & Sons: Refuse License Application
 - b. 23671 St. Francis Blvd: Sign Variance – Resolution 2013-22
 - c. Meadows of St Francis 3rd Addition Final Plat-Resolution 2013-23 & Development Contract
7. Ordinances & Resolution
8. Reports of Consultants & Staff Members
 - a. Engineer: 239th and Kerry/232nd Feasibility Reports
 - b. Attorney:
 - c. Staff:
 - Fire Dept.:
 - Public Works: Aging Playground Equipment Borders
 - Liquor Store:
 - Police:
 - City Administrator Report:
9. Reports from Council Members
10. Report from Mayor:
11. Old Business
12. New Business
13. Adjournment

Calendar of Event

- June 28: Movies in the Park – The Lorax @ Community Park starting at dusk (Re-scheduled from 6/21)
- June 29: Minneman Triathlon: Bike portion of the race ride through St. Francis starting at approx. 8:15 am
- July 4: City Offices Closed in Observance of the Fourth of July Holiday
- July 15: City Council Meeting @ ISD #15 Central Services Center (District Offices) 6:00 pm
- July 17: Planning Commission Meeting @ ISD #15 Central Services Center (District Offices) 7:00 pm

TO: Mayor & City Council

FROM: Matthew L. Hylen,
City Administrator



RE: Agenda Memorandum – July 1, 2013 Meeting

Agenda Items:

4. Consent Agenda:

5. Meeting Open to the Public:

6. Petitions, Requests, Applications:

- a. *LePage & Sons Refuse License Application:* Based on an attached memorandum from City Attorney Lepak, you will again find the complete LePage & Sons refuse haulers application for the City of St. Francis. Please review the memorandum from Mr. Lepak and choose one of the suggested directions.
- b. *Sign Variance 23671 St. Francis Boulevard:* Attached is a memorandum from City Planner Nate Sparks outlining the sign variance request from 23671 St. Francis Boulevard. Also attached is Resolution 2013-22 which approves a variance to allow for expansion of a non-conforming sign at 23671 St. Francis Boulevard, as recommended by the Planning Commission. A motion would be in order to approve Resolution 2013-22.
- c. *Meridian Behavioral Health Final Plat & Development Agreement:* Attached is an Agenda Report from Nate Sparks, City Planner regarding the Meridian Behavioral Health Final Plat & Development Agreement. Attached is Resolution 2013-23 approving a Final Plat for Meadow of St. Francis 3rd Addition. A motion would be in order to approve Resolution 2013-23. Attached is the Development Agreement for Meadows of St. Francis 3rd Addition. A motion would be in order to approve this development agreement.

7. Ordinances & Resolutions:

8. Reports:

- a. **Engineer:** *239th Feasibility Report:* Attached is a memorandum from City Engineer Jared Voge with the results or the feasibility report for 239th Avenue NW.
Kerry Street/232nd Lane & Ivywood Feasibility Report: Attached is a memorandum from City Engineer Jared Voge with the results or the feasibility report for Kerry Street/232 Lane & Ivywood.
- b. **Attorney:**
- c. **Staff:**
 - Finance Director:**
 - Building Official:**
 - Fire:**
 - Public Works:** *Aging Playground Equipment Borders:* Attached is an Agenda Report from Public Works Director Paul Teicher recommending action for replacement park curbing in Highland Woods Park and Deer Creek 2nd Park.
 - Liquor Store:**
 - Police:**
 - City Administrator:** Please find a copy of the five-city Feasibility Study for Shared Fire and Emergency Services on the front page of the city website: www.stfrancismn.org. This document is 144 pages and we did not want to place it directly into the Council packet. Please take some time and review the study. Mayor Tveit and I will be attending another committee meeting to discuss and questions there may be as well as setting direction for the future of these communities involved.

11. Old Business:

12. New Business:

CITY OF ST. FRANCIS
ST. FRANCIS, MN
ANOKA COUNTY

CITY COUNCIL MINUTES

June 17, 2013

1. **Call to Order:** The regular City Council Meeting was called to order by Mayor Jerry Tveit at 6:00 pm.
2. **Roll Call:** Present were Mayor Jerry Tveit, Council members Mike Haggard, and Chris McClish. Excused were Amy Lazere and Tim Brown. Also present were City Attorney Scott Lepak (Barna, Guzy & Steffen), Police Chief Jeff Harapat, Public Works Director Paul Teicher, Finance Director Darcy Mulvihill, City Administrator Matt Hysten and City Clerk Barb Held.
3. **Adopt Agenda:** MOTION BY HAGGARD SECOND McCLISH TO ADOPT THE JUNE 17, 2013 CITY COUNCIL AGENDA. Motion carried 3-0.
4. **Consent Agenda:** MOTION BY McCLISH SECOND HAGGARD TO APPROVE THE JUNE 17, 2013, CITY COUNCIL CONSENT AGENDA AS A-E AS FOLLOWS:
 - a. Approve the City Council Minutes of June 3, 2013.
 - b. Accept the Resignation of Police Officer Nicholas Steiger.
 - c. Authorization to Advertise for the Police Officer Vacancy
 - d. Approve the TNT Fireworks Permit for June 22 to July 9 in the County Market parking lot.
 - e. Approve the Payment of Claims for \$309,613.92 (Check #'s 65718-65795 \$211,881.48 and ACH 60E-61E \$97,732.44)Motion carried 3-0.
5. **Meeting Open to the Public:**
 - a. **Mark Horner Requesting 23555 Ambassador Blvd to be a Duplex versus Single Family at this location:** This was tabled until Mr. Horner was present.
6. **Petitions, Requests, Applications:**
 - a. **LePage & Sons: Refuse License Application:** Motion by Tveit to approve the Refuse License Application request by LePage & Sons. Motion failed for a lack of a second.
7. **Ordinances & Resolution:**
 - a. **Resolution 2013-20: Resolution Revoking Municipal State Aid Streets:** MOTION BY McCLISH SECOND HAGGARD TO ADOPT RESOLUTION 2013-20 A RESOLUTION REVOKING MUNICIPAL STATE AID STREETS. Motion carried 3-0.
 - b. **Resolution 2013-21: Resolution Establishing Municipal State Aid Streets:** MOTION BY HAGGARD SECOND McCLISH TO ADOPT RESOLUTION 2013-21 A RESOLUTION ESTABLISHING MUNICIPAL STATE AID STREETS. Motion carried 3-0.
8. **Reports of Consultants & Staff Members:**
 - a. **Engineer:**

- b. **Attorney:**
- c. **Staff:**
- Fire Dept.:**
- Public Works:**
- Liquor Store:**
- Police Dept.:**
- City Administrator:**

9. **Reports from Council Members:** Hysten stated just for a point of clarification on the refuse license application. Did you want us to bring this back for a full council? The applicant paid the fee, has filled out the application and submitted their insurance. At the last meeting, it was my understanding the consensus of the council is that you did not want to limit the number of haulers. Tveit asked if this agenda item could be brought back and City Attorney said yes it could. Tveit also asked what the basis for denial is. It was agreed upon to put this item back on the next city council agenda.

McClish wanted to thank all City staff for their help during Pioneer Days.

10. **Report from Mayor:** Tveit too wanted to thank City staff. He also wanted to thank the outgoing Ambassadors and welcome the new Ambassador's for the City of St. Francis. A special thank you for Kim Swenson of the fire department who helped out with the coronation program.

11. **Old Business:** Hysten stated in the last off week memorandum a date of July 15 for a council work session was included to see if that would work for the city council. This budget work session would immediately follow the city council meeting. The city council agreed with this date and time.

Just a reminder the Joint Fire Service Group will be holding a five-city meeting on Wednesday, June 26 at the Ramsey City Hall starting at 7:00 pm. Tveit is hoping all the council members will be able to attend. The consultant the cities hired will give their report at this meeting.

12. **New Business: Mark Horner Requesting 23555 Ambassador Blvd to be a Duplex versus Single Family at this location:** Mr. Horner is asking the city council to consider re-zoning the property of 23555 Ambassador Blvd. This structure used to be a duplex and was in the process of changing to a single family home when it went into foreclosure. Mr. Horner didn't see why it would be a problem when there is a duplex a couple houses down. McClish asked if he had been before the Planning Commission and he said no. Tveit stated this item should go before the planning commission and they would recommend to the city council their findings. Haggard agreed.

13. **Adjournment:** The Regular City Council meeting adjourned at 6:20 pm.

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:
 - conducts lawful gambling on five or fewer days, and
 - awards less than \$50,000 in prizes during a calendar year.
 If total prize value for the year will be \$1,500 or less, contact the licensing specialist assigned to your county.

Application fee (non refundable)
 If application is postmarked or received 30 days or more before the event **\$50**; otherwise **\$100**.

ORGANIZATION INFORMATION

Organization name Minnesota Waterfowl Assn. Cedar Creek Chapter Previous gambling permit number X-36658

Minnesota tax ID number, if any _____ Federal employer ID number (FEIN), if any 01-0907758

Type of nonprofit organization. Check one.
 Fraternal Religious Veterans Other nonprofit organization

Mailing address P.O. Box 164 City St. Francis State MN Zip code 55070 County Anoka

Name of chief executive officer [CEO] William Jansen Daytime phone number 763-753-3373 E-mail address _____

NONPROFIT STATUS

Attach a copy of ONE of the following for proof of nonprofit status.

Nonprofit Articles of Incorporation OR a current Certificate of Good Standing.
 Don't have a copy? This certificate must be obtained each year from:
 Secretary of State, Business Services Div., 60 Empire Drive, Suite 100, St. Paul, MN 55103
 Phone: 651-296-2803

IRS income tax exemption [501(c)] letter in your organization's name.
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.

IRS - Affiliate of national, statewide, or international parent nonprofit organization [charter]
 If your organization falls under a parent organization, attach copies of **both** of the following:
 a. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
 b. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted. For raffles, list the site where the drawing will take place.
St. Francis American Legion

Address [do not use PO box] 3073 Bridge St NW City or township St Francis Zip code 55070 County Anoka

Date[s] of activity. For raffles, indicate the date of the drawing.
September 12, 2015

Check each type of gambling activity that your organization will conduct.
 Bingo* Raffle Paddlewheels* Pull-tabs* Tipboards*

***Gambling equipment** for bingo paper, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo.

To find a licensed distributor, go to www.gcb.state.mn.us and click on **Distributors** under the **WHO'S WHO? LIST OF LICENSEES**, or call 651-639-4000.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT

**CITY APPROVAL
for a gambling premises
located within city limits**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days [60 days for a 1st class city].
- The application is denied.

Print city name _____

Signature of city personnel _____

Title _____ Date _____

Local unit of government must sign

**COUNTY APPROVAL
for a gambling premises
located in a township**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days.
- The application is denied.

Print county name _____

Signature of county personnel _____

Title _____ Date _____

TOWNSHIP. If required by the county.

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits.

[A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.166.]

Print township name _____

Signature of township officer _____

Title _____ Date _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief executive officer's signature _____ Date _____

Print name William Jensen

REQUIREMENTS

Complete a separate application for:

- all gambling conducted on two or more consecutive days, or
 - all gambling conducted on one day.
- Only one application is required if one or more raffle drawings are conducted on the same day

Send application with:

- a copy of your proof of nonprofit status, and
- application fee (non refundable). Make check payable to "State of Minnesota."

To: Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Financial report and recordkeeping required

A financial report form and instructions will be sent with your permit, or use the online fill-in form available at www.gcb.state.mn.us.

Within 30 days of the event date, complete and return the financial report form to the Gambling Control Board.

Questions?

Call the Licensing Section of the Gambling Control Board at 651-639-4000.

This form will be made available in alternative format (i.e. large print, Braille) upon request.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board.

All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney

General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.



PAYMENT BATCH AP 07-01-13

AMCON

01/31/2013	CM234-20	E 402-43000-314	Construction	CONST MGT SERVICES	1,875.00
					\$1,875.00

AMERIPRIDE LINEN & APPAREL SER

06/19/2013	1002493891	E 609-49750-219	Rug Maintenance	RUGS-LIQUOR STORE	54.57
					\$54.57

ASPEN MILLS

06/07/2013	135970	E 101-42110-437	Uniform Allowance	JOHNSON	39.95
06/07/2013	135971	E 101-42210-437	Uniform Allowance	MCDONOUGH	42.50
06/13/2013	136222	E 101-42210-437	Uniform Allowance	STURZL	96.08
06/13/2013	136223	E 101-42210-437	Uniform Allowance	EVERTH	53.58
					\$232.11

ASSURANT EMPLOYEE BENEFITS

06/20/2013	5447229.0713	E 101-41400-130	Employer Paid Insurance	7/1/13 - 7/31/13	109.50
06/20/2013	5447229.0713	E 101-41500-130	Employer Paid Insurance	7/1/13 - 7/31/13	52.88
06/20/2013	5447229.0713	E 101-42110-130	Employer Paid Insurance	7/1/13 - 7/31/13	563.48
06/20/2013	5447229.0713	E 101-42400-130	Employer Paid Insurance	7/1/13 - 7/31/13	47.50
06/20/2013	5447229.0713	E 101-43100-130	Employer Paid Insurance	7/1/13 - 7/31/13	60.89
06/20/2013	5447229.0713	E 101-43210-130	Employer Paid Insurance	7/1/13 - 7/31/13	13.52
06/20/2013	5447229.0713	E 101-45200-130	Employer Paid Insurance	7/1/13 - 7/31/13	60.89
06/20/2013	5447229.0713	E 601-49440-130	Employer Paid Insurance	7/1/13 - 7/31/13	65.61
06/20/2013	5447229.0713	E 602-49490-130	Employer Paid Insurance	7/1/13 - 7/31/13	65.60
06/20/2013	5447229.0713	E 609-49750-130	Employer Paid Insurance	7/1/13 - 7/31/13	92.75
					\$1,132.62

BACKYARD BUCKET TRUCKS

06/13/2013	06132013	E 101-43100-311	Contract	CHANGED OUT PIONEER DAY B	190.00
					\$190.00

BANYON DATA SYSTEMS, INC

06/25/2013	150153	E 101-41540-301	Auditing and Acct g Services	ANNUAL SUPPORT	1,085.73
06/25/2013	150153	E 601-49440-301	Auditing and Acct g Services	ANNUAL SUPPORT	180.95
06/25/2013	150153	E 602-49490-301	Auditing and Acct g Services	ANNUAL SUPPORT	180.95
06/25/2013	150153	E 609-49750-301	Auditing and Acct g Services	ANNUAL SUPPORT	361.93
					\$1,809.56

BELLBOY CORPORATION

06/13/2013	78616800	E 609-49751-251	Liquor For Resale	LIQUOR	1,560.25
06/13/2013	88574000	E 609-49750-210	Operating Supplies	OPERATING SUPPLIES	375.00
					\$1,935.25

BIRCHWOOD CONSTRUCTION

06/17/2013	2301	E 101-45200-401	Repairs/Maint Buildings	WARMING HOUSE	400.00
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06/17/2013	2301	E 101-45230-311	Contract	STAIRS PIONEER DAYS	200.00
					<u>\$600.00</u>

BJORKLUND COMPANIES

06/17/2013	16368	E 101-43100-407	Gravel Repair & Maint	CLASS 5 GRAVEL	7,041.59
					<u>\$7,041.59</u>

CENTERPOINT ENERGY

06/17/2013	5944643-5.0613	E 609-49750-383	Gas Utilities	LIQUOR	12.85
06/17/2013	5945449-6.0613	E 101-42210-383	Gas Utilities	FIRE	94.83
06/17/2013	5963820-5.0613	E 101-45200-383	Gas Utilities	WARMING HOUSE	24.40
06/17/2013	6002511-2.0613	E 601-49440-383	Gas Utilities	PUBLIC WORKS	6.42
06/17/2013	6002544-2.0613	E 602-49490-383	Gas Utilities	PUBLIC WORKS	6.43
06/17/2013	6002548-3.0613	E 602-49490-383	Gas Utilities	WWTP	48.63
06/17/2013	6886465-1.0613	E 101-41940-383	Gas Utilities	CITY HALL	12.85
06/17/2013	6886468-5.0613	E 101-41940-383	Gas Utilities	CITY HALL	12.85
06/17/2013	6886472-7.0613	E 101-41940-383	Gas Utilities	CITY HALL	12.85
06/17/2013	6886475-0.0613	E 101-41940-383	Gas Utilities	CITY HALL	12.85
06/17/2013	8964221-9.0613	E 602-49490-383	Gas Utilities	LIFT STATION	25.84
06/17/2013	9680285-5.0613	E 101-42110-383	Gas Utilities	POLICE/PW	112.61
06/17/2013	9680285-5.0613	E 101-43100-383	Gas Utilities	POLICE/PW	28.15
06/17/2013	9680285-5.0613	E 101-45200-383	Gas Utilities	POLICE/PW	28.15
06/17/2013	9680285-5.0613	E 601-49440-383	Gas Utilities	POLICE/PW	28.15
06/17/2013	9680285-5.0613	E 602-49490-383	Gas Utilities	POLICE/PW	28.16
					<u>\$496.02</u>

COCA COLA REFRESHMENTS

06/24/2013	0128092310	E 609-49751-254	Miscellaneous Merchandise	MISC	766.92
					<u>\$766.92</u>

CONNEXUS ENERGY

06/07/2013	13-6241.0613	E 402-43000-441	Miscellaneous	OUTDOOR LIGHTING	684.98
					<u>\$684.98</u>

CONSTRUCTION & GENERAL

06/25/2013	062513	G 101-21707	Union Dues	JULY 2013	234.00
					<u>\$234.00</u>

CRAWFORD EQUIPMENT

06/18/2013	1931	E 101-43100-237	Small Equipment	TRAILER	635.00
06/18/2013	1931	E 101-45200-237	Small Equipment	TRAILER	635.00
					<u>\$1,270.00</u>

CRYSTAL SPRINGS ICE

06/11/2013	29397	E 609-49751-254	Miscellaneous Merchandise	MISC	80.80
06/15/2013	29486	E 609-49751-254	Miscellaneous Merchandise	MISC	135.19
06/18/2013	29503	E 609-49751-254	Miscellaneous Merchandise	MISC	120.22
06/22/2013	29579	E 609-49751-254	Miscellaneous Merchandise	MISC	132.10
					<u>\$468.31</u>

DAHLHEIMER DIST. CO. INC.

06/12/2013	1068445	E 609-49751-252	Beer For Resale	BEER	11,000.40
06/12/2013	1068445	E 609-49751-254	Miscellaneous Merchandise	MISC	105.00
06/12/2013	1068445	E 609-49751-255	N/A Products	N/A	15.50
06/19/2013	1068496	E 609-49751-252	Beer For Resale	BEER	7,640.80

						\$18,761.70
DAY DISTRIBUTING CO.						
06/21/2013	706586	E 609-49751-252	Beer For Resale	BEER		1,802.30
06/21/2013	706586	E 609-49751-255	N/A Products	N/A		22.40
						\$1,824.70
DELTA DENTAL						
06/15/2013	5168256	G 101-21711	Dental Insurance	JULY INSURANCE		477.05
						\$477.05
ECM PUBLISHERS, INC.						
06/07/2013	IQ01815448	G 803-22104	Fairview (Sign)	SIGN-FAIRVIEW		35.88
06/14/2013	IQ01815703	E 101-41400-351	Legal Notices Publishing	FINANCIAL STATEMENTS		1,107.00
06/14/2013	IQ01815785	E 101-43100-441	Miscellaneous	RUM RIVER BLUFFS		246.00
						\$1,388.88
ELECTRICAL SOLUTIONS, INC						
06/10/2013	9046	E 402-43000-441	Miscellaneous	RELOCATED POLE LIGHTS		1,200.00
						\$1,200.00
FINANCE AND COMMERCE						
06/14/2013	740967204	E 101-43100-441	Miscellaneous	RUM RIVER BLUFFS		193.96
						\$193.96
GRANITE CITY JOBBING CO.						
06/18/2013	768405	E 609-49750-210	Operating Supplies	OPERATING		29.85
06/18/2013	768405	E 609-49751-206	Freight and Fuel Charges	FREIGHT		4.25
06/18/2013	768405	E 609-49751-254	Miscellaneous Merchandise	MISC		13.64
06/18/2013	768405	E 609-49751-256	Tobacco Products For Resale	TOBACCO		394.41
06/18/2013	768405	G 101-20810	Sales Tax Payable	TAX		(0.88)
						\$441.27
HENRYS WATERWORKS, INC.						
06/14/2013	16537	E 601-49440-217	Other Operating Supplies	MARKER/FLAGS/PAINT		895.03
06/14/2013	16537	E 602-49490-217	Other Operating Supplies	MARKER/FLAGS/PAINT		895.04
						\$1,790.07
HYLEN, MATT						
06/27/2013	062713	E 101-41400-331	Travel Expenses	MILEAGE & PARKING		135.52
						\$135.52
INFRASTRUCTURE TECHNOLOGIES						
05/22/2013	13338	E 101-43100-414	Storm Sewers	TELEWISE STORM SEWER		440.00
						\$440.00
INNOVATIVE OFFICE SOLUTIONS, L						
06/10/2013	300383	E 101-42110-200	Office Supplies	SUPPLIES		106.40
06/12/2013	302272	E 101-41400-200	Office Supplies	PAPER		24.83
06/12/2013	302272	E 101-42110-200	Office Supplies	PAPER		8.27
06/12/2013	302272	E 101-42210-200	Office Supplies	PAPER		8.27
06/12/2013	302272	E 101-43100-200	Office Supplies	PAPER		8.27
06/12/2013	302272	E 101-45200-200	Office Supplies	PAPER		8.27
06/12/2013	302272	E 601-49440-200	Office Supplies	PAPER		8.27
06/12/2013	302272	E 602-49490-200	Office Supplies	PAPER		8.27
06/12/2013	302272	E 609-49750-200	Office Supplies	PAPER		8.31

\$189.16

JJ TAYLOR DISTRIBUTING

06/19/2013	2041295	E 609-49751-206	Freight and Fuel Charges	FREIGHT	3.00
06/19/2013	2041295	E 609-49751-252	Beer For Resale	BEER	241.30
					<hr/>
					\$244.30

JOHNSON BROS WHLSE LIQUOR

06/12/2013	1594460	E 609-49751-206	Freight and Fuel Charges	FREIGHT	11.76
06/12/2013	1594460	E 609-49751-251	Liquor For Resale	LIQUOR	493.24
06/12/2013	1594461	E 609-49751-206	Freight and Fuel Charges	FREIGHT	26.46
06/12/2013	1594461	E 609-49751-253	Wine For Resale	WINE	789.70
06/19/2013	1600224	E 609-49751-206	Freight and Fuel Charges	FREIGHT	39.69
06/19/2013	1600224	E 609-49751-251	Liquor For Resale	LIQUOR	1,612.50
06/19/2013	1600225	E 609-49751-206	Freight and Fuel Charges	FREIGHT	23.52
06/19/2013	1600225	E 609-49751-253	Wine For Resale	WINE	687.70
					<hr/>
					\$3,684.57

LAW ENFORCEMENT LABOR SVCS.

	G 101-21707	Union Dues	JULY DUES	315.00	
					<hr/>
					\$315.00

MCDONALD DIST CO.

06/13/2013	331688	E 609-49751-206	Freight and Fuel Charges	FREIGHT	3.00
06/13/2013	331688	E 609-49751-252	Beer For Resale	BEER	2,908.00
06/13/2013	331688	E 609-49751-255	N/A Products	N/A	65.75
06/20/2013	332283	E 609-49751-206	Freight and Fuel Charges	FREIGHT	3.00
06/20/2013	332283	E 609-49751-252	Beer For Resale	BEER	8,348.75
06/20/2013	332283	E 609-49751-255	N/A Products	N/A	17.65
06/20/2013	332284	E 609-49751-254	Miscellaneous Merchandise	MISC	28.50
06/21/2013	332388	E 609-49751-206	Freight and Fuel Charges	FREIGHT	3.00
06/21/2013	332388	E 609-49751-252	Beer For Resale	BEER	232.00
					<hr/>
					\$11,609.65

MIDCONTINENT COMMUNICATIONS

06/25/2013	062513	E 101-41940-321	Telephone	CITY HALL	206.06
06/25/2013	062513	E 101-42210-321	Telephone	3740 BRIDGE ST	139.95
06/25/2013	062513	E 101-43100-321	Telephone	4058 ST FRANCIS BLVD	279.33
06/25/2013	062513	E 601-49440-321	Telephone	WATER TREATMENT	69.95
06/25/2013	062513	E 601-49440-321	Telephone	WELL HOUSE	69.95
06/25/2013	062513	E 609-49750-321	Telephone	LIQUOR STORE	69.95
					<hr/>
					\$835.19

M-R SIGN COMPANY, INC.

06/17/2013	176849	E 101-43100-226	Sign Repair Materials	SIGNS	273.35
					<hr/>
					\$273.35

MY ALARM CENTER

06/11/2013	2235532	E 609-49750-445	Security	LIQUOR STORE ALARM	29.94
					<hr/>
					\$29.94

NELSON ELECTRIC MOTOR REPAIR

06/05/2013	6282	E 602-49490-229	Project Repair & Maintenance	WWTP	1,008.87
					<hr/>
					\$1,008.87

NORTHERN AIR CORPORATION

06/12/2013	92198	E 101-41940-401	Repairs/Maint Buildings	PREVENTATIVE MAINTENANCE	335.60
06/12/2013	92198	E 101-42210-401	Repairs/Maint Buildings	PREVENTATIVE MAINTENANCE	167.80
06/12/2013	92198	E 101-45200-401	Repairs/Maint Buildings	PREVENTATIVE MAINTENANCE	83.90
06/12/2013	92198	E 601-49440-401	Repairs/Maint Buildings	PREVENTATIVE MAINTENANCE	83.90
06/12/2013	92198	E 609-49750-401	Repairs/Maint Buildings	PREVENTATIVE MAINTENANCE	167.80
06/21/2013	92416	E 101-42210-441	Miscellaneous	PIPE GENERATOR TO NEW MET	2,070.00
					\$2,909.00

OPUS 21

06/17/2013	130558	E 601-49440-382	Utility Billing	MAY 2013	1,442.45
06/17/2013	130558	E 602-49490-382	Utility Billing	MAY 2013	1,442.45
					\$2,884.90

PACE ANALYTICAL SERVICES

06/18/2013	131230018	E 601-49440-313	Sample Testing	TESTING	120.00
06/18/2013	131230022	E 602-49490-313	Sample Testing	TESTING	103.00
					\$223.00

PHILLIPS WINE & SPIRITS CO.

06/12/2013	2437207	E 609-49751-206	Freight and Fuel Charges	FREIGHT	48.51
06/12/2013	2437207	E 609-49751-251	Liquor For Resale	LIQUOR	2,188.40
06/12/2013	2437208	E 609-49751-206	Freight and Fuel Charges	FREIGHT	8.82
06/12/2013	2437208	E 609-49751-253	Wine For Resale	WINE	278.70
06/19/2013	2440973	E 609-49751-206	Freight and Fuel Charges	FREIGHT	14.70
06/19/2013	2440973	E 609-49751-251	Liquor For Resale	LIQUOR	1,347.08
06/19/2013	2440974	E 609-49751-206	Freight and Fuel Charges	FREIGHT	14.70
06/19/2013	2440974	E 609-49751-253	Wine For Resale	WINE	675.10
					\$4,576.01

PRINTING UNLIMITED

06/13/2013	6724	E 101-45230-217	Other Operating Supplies	PARADE FLYERS	229.78
06/19/2013	00006731	E 101-42110-200	Office Supplies	GENNARO BUSINESS CARDS	21.38
					\$251.16

Q3 CONTRACTING

06/15/2013	78615	E 101-45230-217	Other Operating Supplies	TRAFFIC CONTROL	1,441.25
					\$1,441.25

RAMSEY, CITY OF

06/25/2013	062513	E 101-42210-311	Contract	CHIEF'S KAPLERS SERVICES - J	666.00
					\$666.00

SOUTHERN WINE & SPIRITS OF MN

06/13/2013	1043432	E 609-49751-206	Freight and Fuel Charges	FREIGHT	7.81
06/13/2013	1043432	E 609-49751-251	Liquor For Resale	LIQUOR	1,064.15
					\$1,071.96

SPRING LAKE PARK FIRE DEPT

06/05/2013	0041	E 101-42210-208	Training and Instruction	SIMULATOR USAGE	315.00
					\$315.00

THE AMERICAN BOTTLING COMPANY

06/17/2013	2449719366	E 609-49751-254	Miscellaneous Merchandise	MISC	144.30
					\$144.30

THORPE DISTRIBUTING COMPANY

06/21/2013	760040	E 609-49751-252	Beer For Resale	BEER	346.00
					<u>346.00</u>

TOM LYNCH ELECTRIC

06/01/2013	060113	E 101-41940-401	Repairs/Maint Buildings	LIGHTING REPAIRS	161.25
06/01/2013	060113	E 101-42210-401	Repairs/Maint Buildings	LIGHTING REPAIRS	161.25
06/01/2013	060113	E 101-45230-311	Contract	LIGHTING REPAIRS	450.00
06/01/2013	060113	E 601-49440-401	Repairs/Maint Buildings	LIGHTING REPAIRS	161.25
06/01/2013	060113	E 602-49490-401	Repairs/Maint Buildings	LIGHTING REPAIRS	161.25
06/01/2013	060113	E 609-49750-401	Repairs/Maint Buildings	LIGHTING REPAIRS	110.00
					<u>\$1,205.00</u>

TWIN CITIES FLAG SOURCE, INC

06/12/2013	25530	E 101-45200-217	Other Operating Supplies	FLAGS	87.99
06/12/2013	25530	E 601-49440-217	Other Operating Supplies	FLAGS	88.00
06/12/2013	25530	E 602-49490-217	Other Operating Supplies	FLAGS	87.99
					<u>\$263.98</u>

VINOCOPIA, INC.

06/14/2013	78890	E 609-49751-206	Freight and Fuel Charges	FREIGHT	5.00
06/14/2013	78890	E 609-49751-253	Wine For Resale	WINE	160.00
					<u>\$165.00</u>

WIRTZ BEVERAGE MN

03/23/2013	2080002307	E 609-49751-251	Liquor For Resale	LIQUOR CREDIT	(405.24)
06/13/2013	1080049599	E 609-49751-206	Freight and Fuel Charges	FREIGHT	15.10
06/13/2013	1080049599	E 609-49751-251	Liquor For Resale	LIQUOR	1,533.34
06/20/2013	1080052776	E 609-49751-206	Freight and Fuel Charges	FREIGHT	5.80
06/20/2013	1080052776	E 609-49751-251	Liquor For Resale	LIQUOR	363.14
06/20/2013	1080052776	E 609-49751-254	Miscellaneous Merchandise	MISC	31.92
					<u>\$1,544.06</u>

\$81,640.73**FUND SUMMARY**

101 GENERAL FUND	\$22,069.48
402 CAPITAL EQUIPMENT	\$3,759.98
601 WATER FUND	\$3,219.93
602 SEWER FUND	\$4,062.48
609 MUNICIPAL LIQUOR FUND	\$48,492.98
803 ESCROW	\$35.88
Total	<u>81,640.73</u>

DARRELL A. JENSEN
JEFFREY S. JOHNSON
RUSSELL H. CROWDER
JON P. ERICKSON
THOMAS P. MALONE
MICHAEL F. HURLEY
DOUGLAS G. SAUTER
HERMAN L. TALLE
CHARLES M. SEYKORA
DANIEL D. GANTER, JR.
BEVERLY K. DODGE
JAMES D. HOEFT
*JOAN M. QUADE
*JOHN T. BUCHMAN
SCOTT M. LEPAK

* Also Licensed in Wisconsin

BGS

Barna, Guzy & Steffen, Ltd.

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BRADLEY A. KLETSCHER
DOUGLAS J. DEHN
KRISTI R. RILEY
WILLIAM D. SIEGEL
TIMOTHY D. ERB
KAREN K. KURTH
ANGELA M. WOESSNER
ADRIEL B. VILLARREAL
TAMMY J. SCHEMMELE
JOE M. WEARMOUTH
SHELDON M. CLARK

OF COUNSEL
W. JAMES VOGL, JR.

MEMORANDUM

TO: St. Francis Mayor, City Council and Administrator
FROM: Scott Lepak, City Attorney
RE: Waste Hauler application
DATED: June 26, 2013

At the last council meeting, there was an agenda item to approve a license for a solid waste collection/hauler. The matter ultimately was the subject of a motion that failed for lack of a second.

Council decision and basis for decision:

In the event that the council does not approve the license application, it will need to establish findings of fact explaining the decision. The process would operate as follows:

1. Consideration of the issue would need to include detail on why the council was not in favor of granting the license.
2. The City would then send the applicant a notice that specifies the time and date of the next council meeting in order to have a hearing, statement of the charges, the facts supporting those charges, and notice to the applicant that he/she has the right to be represented by an attorney. The city must reference the reason for its denial.
3. During the next council meeting, the City should present evidence related to the matter and allow the applicant to provide their own evidence.
4. At the conclusion of the hearing, the City Council must approve the application or make findings of fact in support of its decision to deny the license application.

The council's authority to grant or refuse a license can be viewed as a spectrum; on one end the council must grant a license to anyone who pays a fee, for example a dog license, and on the other end are licenses for businesses or activities that are subject to abuse, and therefore, the city can either choose to prohibit them, limit their number, or impose certain requirements. Handbook for Minnesota Cities, ch. 11, City Licensing, § I, G; *see also Polman v. Royalton*, 311 Minn. 555, 556 (1977) (holding that when a City Council believes that the welfare of the city may be threatened, it has the power to refuse a license or limit the number granted). The council has but a ministerial role in granting animal licenses, but when it comes to licenses that could pose a problem for the City, the council has broad discretion. *Polman* 311 Minn. at 556. However, councils do not have unrestricted discretion. *Id.*

Discretion must be exercised reasonably. Handbook for Minnesota Cities, ch. 11, City Licensing, § I, G6. A council may refuse to grant a license if an applicant is notoriously dishonest or fraudulent. *Id.*; see also Minces v. Schoenig, 72 Minn. 528, 532 (1898) (holding that the power to grant licenses implies the power to refuse them for good cause). The council may not, on the other hand, arbitrarily refuse to grant a license to discriminate between people or to prohibit a business full stop. *Id.*

In order to deny a license, the city must make a finding of fact, supported with evidence, showing that a condition exists. *Id.* at § I, G7. A clear record justifying a city's actions is extremely important because a court will not overturn the denial of a license if it can be shown to be justified. *Id.* Common reasons for license denial include:

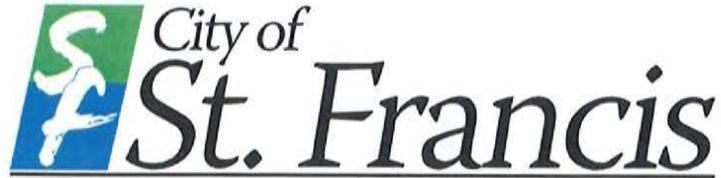
- (1) Lack of compliance with prerequisites and conditions as stated in the ordinance.
- (2) Lack of "good moral character" on the part of the applicant as well as an application for a license that is for a profession that affects public health or general safety or welfare.
- (3) Granting a license that would be menace to society.
- (4) The applicant has made a material misrepresentation in his/her application. *Id.*

The city must exercise "honest and reasonable discretion." *Id.* If an applicant has a licensed denied (or revoked or suspended), he/she is entitled to fair notice and a hearing before the denial. *Id.* at § I, G8(a).

Roberts Rules of Order:

The matter may properly be raised by the City Council at the July 1, 2013 meeting. If a motion is not seconded, it is not properly before the council. RRONR Art. I, § 4. It is treated as if it was never made and can be brought at another time.

It is also possible to *renew a motion*. Art. VI, § 38. Any council member can offer a motion that failed at an earlier meeting. A motion that has failed must be *renewed* at the *next* meeting/session, if desired. *Id.*



REFUSE HAULER LICENSE APPLICATION

January 1, 2013 to December 31, 2013

**Fee: \$150 +
\$ 25/truck**

BUSINESS NAME LePage & Sons

23602 University Ave NW

STREET NAME Bethel, MN 55005

MAILING ADDRESS same ↑

OWNERS NAME CUNT LEPAGE

BUSINESS PHONE 763-757-7100 HOME PHONE _____

Make a License Number of vehicles to be used in City:

_____	_____	\$25.00
<i>see attached</i>	_____	\$25.00
_____	_____	\$25.00
_____	_____	\$25.00

SECTION 6.34 SUBDIVISION 4. HAULER LICENSEE REQUIREMENTS

A. Hauler licenses shall be granted only upon the condition that the licensee have water-tight, packer-type vehicles in good condition to prevent loss in transit of liquid or solid cargo, that the vehicle be kept clean and as free from offensive odors as possible and not allowed to stand in any street longer than reasonably necessary to collect garbage or refuse, and that the same be dumped or unloaded only at the designated sanitary land-fill or RDF plant, and strictly in accordance with regulations relating thereto.

B. Before a garbage and refuse hauler's license shall be issued, the applicant shall file with the City Clerk-Treasurer evidence that he has provided public liability insurance on all vehicles in at least the sum of \$100,000.00 for the injury of one person, \$300,000.00 for the injury of two or more persons in the same accident, and \$50,000.00 for property damages.



US DOT 1061148

23602 University Ave NW
Bethel, MN 55005

763.757.7100

763.772.0633 fax
www.LePageandSons.com web

SIDE LOAD

Truck #203

Vin #: 1FVHCFAN02RJ80395

Lic #: YBH3379

Make: Freightliner

Model: Condor

Year: 2002

Truck #205

Vin #: 1FVHCFANX2RJ80405

Lic #: YBH3381

Make: Freightliner

Model: Condor

Year: 2002

Disposal Disclosure

LePage & Sons Waste Solutions is committed to providing the best environmentally responsible solutions to its customers and community. Therefore, in and effort to fulfill state requirements, (Minnesota Statute 115A.9302), we have compiled the list below of disposal sites for your information. ***You may be responsible for any liability that results from contamination at a facility where your wastes have been deposited. Minnesota believes that its waste management system provides substantially more financial and environmental protection than depositing waste in landfills in other states. Managing your waste in Minnesota may minimize your potential liability. You could face future cleanup liabilities if your waste is taken to a landfill that does not have adequate environmental safeguards.

Primary Disposal Facilities:

RRT Newport
2901 Maxwell Ave.
Newport, MN 55055
MPCA Permit #SW-286

Blaine Transfer Station 2
10304 Naples St NE
Blaine, MN 55449
MPCA Permit #SW-618

Hennepin County
505 6th Ave N
Minneapolis, MN 55405
MPCA Permit #SW-396

GRE-Elk River
10700 165th Ave NW
Elk River, MN 55330
MPCA Permit #SW-354

LePage & Sons uses only licensed facilities which either meet or exceed all federal and state environmental regulations.

REFUSE HAULER LICENSE APPLICATION

C. Licensees shall deliver all refuse to the designated sanitary land-fill or RDF plant.

D. The Council, in the interest of maintaining healthful and sanitary conditions in the City, hereby reserves the right to specify and assign certain areas to all licensees, and to limit the number of licenses issued.

E. Each applicant shall file with the City Clerk-Treasurer, before a garbage and refuse hauler's license is issued or renewed, a schedule of proposed rates to be charged by him during the licensed period for which the application is made. The schedule of proposed rates, or a compromise schedule thereof, shall be approved by the Council before granting the license. Nothing herein shall prevent a licensee from petitioning the Council for review of such rates during the licensed period, and the Council may likewise consider such petition and make new rates effective at any time. No licensee shall charge rates in excess of the rates approved by the Council.

F. All licensees shall comply with all applicable statutes and County ordinances.

5/24/13 _____
Date Signature Title
PRESIDENT

For City Use Only

Receipt # _____ Date _____ License # _____ Date _____

Sales Tax Form _____ Worker's Com Form _____

**CERTIFICATE OF LIABILITY INSURANCE**DATE (MM/DD/YYYY)
05/21/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER SMA Insurance 216 Park Ave South #101 St. Cloud, MN 56301 Chris Rodriguez		Phone: 320-251-3154 Fax: 320-251-1957	CONTACT NAME: Rosemary Goulet PHONE (A/C, No, Ext): 800-450-3154 FAX (A/C, No): 320-251-1957 E-MAIL ADDRESS: rosemary@smamn.com
INSURED LePage & Sons Inc 23602 University Avenue EXT NW Bethel, MN 55005		INSURER(S) AFFORDING COVERAGE INSURER A: West Bend Mutual Insurance Co. NAIC # 15350 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> WB1482 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			CPO1066927-05	01/01/2013	01/01/2014	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 200,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPIOP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			CPO1066927-05	01/01/2013	01/01/2014	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ WAIVED			CUO1066929-05	01/17/2013	01/01/2014	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WCO1066928-05	01/01/2013	01/01/2014	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

CITYSF1

City of St Francis
 23340 Cree St NW
 St Francis, MN 55070

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Rosemary Goulet



PLANNING MEMO

TO: St. Francis City Council
Matt Hysten, City Administrator

FROM: Nate Sparks

MEETING DATE: July 1, 2013

DATE: June 25, 2013

RE: Setback Variance - 23671 St. Francis Blvd

BACKGROUND

The property owners of the building at 23671 St. Francis Blvd have made an application for a variance to the setback for a sign from Highway 47. The current sign is set 1 foot back from the right-of-way and the applicant would like to enlarge its size. Any expansion within the setback requires a variance.

REQUEST REVIEW

The property currently has a 40 square foot sign set back 1 foot from the property line. This sign was originally built in a conforming location. The Highway 47 project resulted in additional right-of-way being acquired thus moving the property line and making the sign a grandfathered nonconformity. The applicant is seeking to expand the size of the sign to 80 square feet, which is permitted via the City's sign ordinance. To move the sign 9 feet back would place the sign behind the required landscaping screening provided for the auto body shop next door which could potentially obscure the view of the proposed lower panel of the sign.

VARIANCE REVIEW

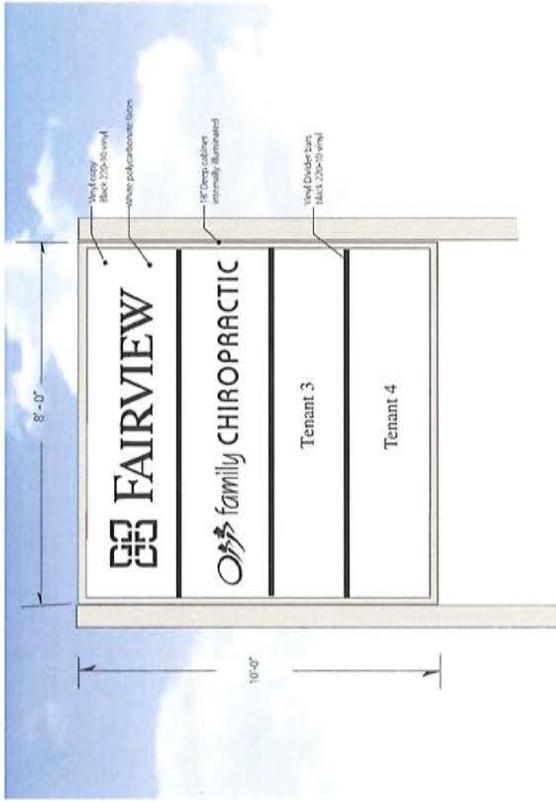
There are procedures and criteria by which the City may grant variances from the minimum standards on the ordinance. A variance request may not be approved unless the following criteria have been met:

- A. A variance shall only be granted when it is in harmony with the general purpose and intent of the ordinance.
- B. A variance shall only be granted when it is consistent with the comprehensive plan.
- C. A variance may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute a practical difficulty. In order for a practical difficulty to be established, all of the following criteria shall be met:

1. The property owner proposes to use the property in a reasonable manner. In determining if the property owner proposes to use the property in a reasonable manner, the board shall consider, among other factors, whether the variance requested is the minimum variance which would alleviate the practical difficulty and whether the variance confers upon the applicant any special privileges that are denied to the owners of other lands, structures, or buildings in the same district.
 2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
 3. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.
- D. The variance does not involve a use that is not allowed within the respective zoning district.

RECOMMENDED ACTION

The Planning Commission recommended approval of the request.



Sign placement



Quality
Sign
Solutions

D/F Monument / Alum. cabinet and frame - MOUNTED TO EXISTING SIGN UPRIGHTS

23671 Monument / St. Francis, MN.

**CITY OF ST. FRANCIS
ST. FRANCIS, MN
ANOKA COUNTY**

RESOLUTION 2013-22

**A RESOLUTION APPROVING A VARIANCE TO ALLOW FOR EXPANSION OF A
NON-CONFORMING SIGN AT 23671 ST. FRANCIS BLVD**

WHEREAS, the City of St. Francis received a request for a variance for the expansion of an existing sign that lies within the required setback from Landmark Bank; and

WHEREAS, the property is addressed as 23671 St. Francis Blvd; and

WHEREAS, the properties are respectively identified in Anoka County records with the property identification number of 32.34.24.22.0025; and

WHEREAS, the legal descriptions of the subject site is:

Lot 1, Block 1 of Saints Addition; and

WHEREAS, the required setback from the right-of-way for a sign is ten feet; and

WHEREAS, the sign is located one foot from the property line; and

WHEREAS, the applicant is seeking to increase the square footage of the sign to 80 square feet from 40 square feet which is the maximum allowed for a free standing sign by the City's Zoning Ordinance; and

WHEREAS, the current sign location was conforming prior to a right-of-way expansion project along Highway 47; and

WHEREAS, moving the sign 10 feet back would result in the sign being behind landscape screening on a neighboring property that may obscure the view of the sign presenting a practical difficulty in establishing a reasonable use; and

WHEREAS, the request does not negatively impact the value or essential character of the surrounding properties; and

WHEREAS, the granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located; and

NOW, THEREFORE, BE IT RESOLVED that the City of St. Francis hereby approves the variance request for the minor subdivision as attached subject to the following conditions:

- 1) The building permit associated with this variance request shall be applied for within one year of this approval.
- 2) This approval only allows for the expansion of the existing sign to 80 square feet.
- 3) Any other recommendations by the City Engineer, State Highway Department, or Anoka County shall be met.
- 4) All fees shall be paid.

The motion for the adoption of the foregoing resolution was made by Councilmember and was duly seconded by Councilmember and upon vote being taken thereon, the following voted in favor:

Councilmember
Councilmember
Councilmember
Councilmember
Mayor

and the following voted against the same:
and the following abstained:
and the following were absent:

ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS 1st DAY OF JULY 2013.

APPROVED

Jerry Tveit
Mayor of St. Francis

Attest:

Barbara I. Held
City Clerk
Attached:
Site Plan

ST. FRANCIS PLANNING REPORT

TO: St. Francis City Council
Matt Hysten, City Administrator

FROM: Nate Sparks

MEETING DATE: July 1, 2013

DATE: June 27, 2013

RE: Meridian Behavioral Health Final Plat & Development Agreement

BACKGROUND

Meridian Behavioral Health is seeking a final plat for Outlot A of the Meadows of St. Francis. The Council gave preliminary plat approval for this request on May 6, 2013.

FINAL PLAT REVIEW

Meridian Behavioral Health is seeking to establish a 48 bed substance abuse treatment center on an 8 acre site located west of 229th Avenue and Cree Street. In order to do this project, the applicant received Conditional Use Permit and Preliminary Plat approvals on May 6th. Previously, Outlot A had received preliminary plat approval for 64 townhome units. The current preliminary plat approval is now for one parcel. The applicant has provided a new final plat and final development plans that Staff has reviewed that generally meet the standards of the preliminary plat approval.

DEVELOPMENT AGREEMENT

If the Council approves the final plat, the development agreement will also need approval. The development agreement is attached for review. It includes securities for the public improvements associated with this project and the required landscaping. A separate motion approving this agreement is required.

STAFF RECOMMENDATION

Staff recommends approval of the final plat and development agreement.

ATTACHMENTS:

- Engineers Letter
- Development Contract
- Final Plat Resolution



BOLTON & MENK, INC.®

Consulting Engineers & Surveyors

7533 Sunwood Drive NW • Ramsey, MN 55303
Phone (763) 433-2851 • Fax (763) 427-0833
www.bolton-menk.com

June 7, 2013

Mr. Nate Sparks, City Planner
Northwest Associate Consultants Inc.
4800 Olson Memorial Hwy, Ste 202
Golden Valley, MN 55422-5169

RE: Meridian Behavioral Health
City of St. Francis, Minnesota
BMI Project No. R18.106445

Dear Nate:

We have reviewed the Preliminary Plat dated 3/21/2013 and preliminary plans with revision No. 1 dated 4/24/13 submitted for the above referenced project and have the following comments:

1. The note on the Final Plat related to vehicular access for utility service and maintenance shall be approved by the County Surveyor.
2. The Final Plat shall be revised to include a drainage and utility easement 25 feet from the delineated wetland boundary as well as the entire wetland as shown on the Preliminary Plat.
3. A development contract shall be executed with the Final Plat for the project.
4. The applicant shall submit a Wetland Management Plan which includes a MnRAM classification in accordance with St. Francis Code Section 10, Chapter 91.
5. Rain garden sizing calculations shall be submitted.
6. A soil boring illustrating groundwater depth shall be submitted to confirm that groundwater does not exist within 3-feet of the proposed rain gardens.
7. The applicant shall be responsible for obtaining an NPDES Phase 2 Construction Permit. A copy of the permit shall be submitted to the City of St. Francis for our files.
8. Retaining wall plans designed by a Professional Engineer registered in the State of Minnesota shall be submitted for the review and approval of the Building Official prior to construction.
9. The proposed sanitary sewer and watermains, hydrants, and storm sewer piping from the pond outlet to the storm sewer discharge shall be publicly held. All other piping and services shall be privately held and maintained.
10. The applicant shall submit an irrigation plan for review.
11. Prior to installing additional rip rap at the storm sewer outlet to the wetland, the approved wetland boundary shall be identified in the field. Additional rip rap shall not be installed if its installation will occur within the wetland boundary.
12. Following approval of the construction plans by the City Engineer and a minimum of 1-week



Mr. Nate Sparks
June 7, 2013
Page 2

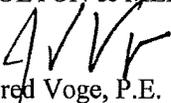
prior to construction, a pre-construction meeting shall be held for the project.

I recommend that the construction documents be revised to incorporate the above referenced comments and those comments as submitted by other City staff. Revised construction documents shall be submitted to the City Engineer and Public Works Director for review and approval prior to a building permit being issued for the site.

If you have any questions on the above, please call.

Sincerely,

BOLTON & MENK, INC.


Jared Voge, P.E.
City Engineer
JAV/kg

Cc: Paul Teicher, Public Works Director

**CITY OF ST. FRANCIS
ST. FRANCIS, MN
ANOKA COUNTY**

RESOLUTION 2013-23

**A RESOLUTION APPROVING A FINAL PLAT FOR
MEADOWS OF ST. FRANCIS 3RD ADDITION**

WHEREAS, Meridian Behavioral Health (“the Applicant”) has made an application for a final plat for a property legally described as Outlot A, Meadows of St. Francis within the City of St. Francis (“the City”); and

WHEREAS, the subject property is identified in Anoka County records with the property identification number of 06-33-24-11-0071; and

WHEREAS, on May 6, 2013 the City Council approved a preliminary plat and conditional use permit for this site to allow for the development of a residential treatment center on one parcel; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of St. Francis hereby finds that the final plat is in substantial conformance with the preliminary plat approval.

BE IT FURTHER RESOLVED that the City of St. Francis hereby approves the final plat with the following conditions:

1. All comments by the City Engineer shall be addressed.
2. All comments by the City Attorney shall be addressed.
3. The applicant shall provide final landscaping and lighting plans for review and approval by the City Planner and City Engineer.
4. The applicant shall enter into a development agreement as may be modified by the City Attorney and pay all required fees and securities.
5. Access and sewer and water easements shall be granted and recorded prior to the recording of the final plat.
6. The final plat shall be recorded within 90 days of this approval.

The motion for the adoption of the foregoing resolution was made by Councilmember and was duly seconded by Councilmember and upon vote being taken thereon, the following voted in favor:

Councilmember
Councilmember
Councilmember
Councilmember
Mayor

and the following voted against the same:
and the following abstained:
and the following were absent:

ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS 1ST DAY OF
JULY, 2013.

APPROVED

Jerry Tveit
Mayor of St. Francis

Attest:

Barbara I. Held
City Clerk

Attached:
Final Plat

3rd ADDITION MEADOWS OF ST. FRANCIS

GS LAND SOLUTIONS
 GRANBERG & SCHWENDEG
 1235 COUNTY RD "E"
 NEW RICHMOND, WI 54017
 PH. 715-244-7529
 PH. 651-534-3532

KNOW ALL MEN BY THESE PRESENTS: That _____, a Minnesota Limited Liability Corporation, owner and as follows: _____ of the following described property situation in the County of Anoka, State of Minnesota, further described

Outlot "A" of the Plat of Meadows of St. Francis.

More particularly described as follows:

Part of the north half of the northeast quarter of Section 6, T33N, R24W, City of St. Francis, Anoka County, Minnesota, Commencing at a square granite monument at the north quarter corner of said Section 6; thence S89°50'22"E 1237.68' along the north line of the northeast quarter of said Section 6 to the point of beginning (bearings referenced to the north line of the northeast quarter of Section 6, this line is assumed to bear S89°50'22"E based on Anoka County Coordinate System, N.A.D. 1983 coordinates (-1996 adjustment); thence continuing S89°50'22"E along said north line of Section 6 826.98'; thence S00°47'25"W 204.40'; thence N89°12'35"W 98.00'; thence N00°47'25"E 38.00'; thence N89°12'35"W 129.33'; thence S00°47'25"W 302.74'; thence N89°57'03"W 343.66'; thence S01°08'12"W 149.85'; thence N88°51'48"W 258.69' to the east line of the west 1237.5' of the north half of the northeast quarter of said Section 6; thence N01°08'03"E 606.79' along said east line to the north line of the northeast quarter and the point of beginning, containing 357,619 square feet (8.21 acres) more or less.

Have caused the same to be surveyed and platted as 3rd ADDITION MEADOWS OF ST. FRANCIS and do hereby donate and dedicate to the public for public use for the easements for drainage and utility purposes as shown on the plat. In witness whereof said _____, a Minnesota Limited Liability Corporation, has caused these presents to be signed by its proper officers this _____ day of _____, 2013. In witness whereof said _____, a _____ Corporation, has caused these presents to be signed by its proper officers this _____ day of _____, 2013.

Signed: _____

Sec / Treas _____ Chief Manager _____

Vice President _____ Vice President _____

Bank Name _____

President _____

State of Minnesota)
 County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2013 by _____ as owners of the subject property.

Notary signature _____ Notary Public, _____ County, MN. My commission expires _____

CITY OF ST. FRANCIS,
 COUNTY OF ANOKA,
 PART OF THE N 1/2 OF THE NE 1/4
 SECTION 6, TOWNSHIP 33, RANGE 24.

State of Minnesota)
 County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2013 by _____ and _____ as owners of the subject property.

Notary signature _____ Notary Public, _____ County, MN. My commission expires _____

SURVEYOR'S CERTIFICATE

I, Joseph W. Granberg, licensed Minnesota Land Surveyor, hereby certify that I have surveyed and platted the land described on this plat as 3rd ADDITION MEADOWS OF ST. FRANCIS; and that this plat is a correct representation of said survey; that all bearings and distances shown on the plat are accurate and are shown to the nearest second and hundredth of a foot; that all monuments have been correctly placed in the ground as shown on said plat; that the outside boundary lines are correctly designated on said plat; and that there are on public highways or wetlands to be designated on said plat other than as shown hereon.

Joseph W. Granberg, Licensed Land Surveyor
 Minnesota License No. 48650.

State of Minnesota)
 County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2013, by Joseph W. Granberg, Licensed Land Surveyor.

 Notary Public
 _____ County, Minnesota
 My commission expires _____

We hereby certify that the City Council of the City of St. Francis, Anoka County, Minnesota, duly accepted and approved the plat of 3rd ADDITION MEADOWS OF ST. FRANCIS, at a regular meeting thereof held this _____ day of _____, 2013. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City or the prescribed 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minn. Statutes Section 505.03 Subd. 2.

CITY COUNCIL OF ST. FRANCIS, MINNESOTA

Mayor - Jerry Tveit _____ City Clerk - Barbara Held _____

Checked and approved this _____ day of _____, 2013.

Anoka County Surveyor _____

PROJECT: _____
 PLAT OF
 3rd ADDITION
 MEADOWS OF ST. FRANCIS
 LEGEND: _____

DRAWN BY: JWG
 CHECKED BY: _____
 DATE: 06-17-2013
 DWG FILE: 100-170
 REF FILE: _____
 DRAWING: 100-170
 REVISION DISC: _____
 RELEASED FOR: JWS
 DATE: 06/17/13

MINNESOTA PLAT
 SHEET NO. _____
 1 OF 2

3rd ADDITION MEADOWS OF ST. FRANCIS

CITY OF ST. FRANCIS,
COUNTY OF ANOKA,

PART OF THE N 1/2 OF THE NE 1/4
SECTION 6, TOWNSHIP 33, RANGE 24.

BOOK 19 OF 100, PG. 26

LAND SOLUTIONS
GRAINER & JOHNSON
1355 COUNTY RD. 7E
NEW RICHMOND, MN 5407
PH: 715-246-7529
PH: 651-354-3552

PROJECT:
3rd ADDITION
MEADOWS OF ST.
FRANCIS

SCALE IN FEET
0 100 200
ONE INCH = 100 FEET

DRAWN BY: JWC
CHECKED BY: JWC
DATE: 04-17-2015
DWG FILE: 100-170
JOB NUMBER: 100-170
REVISION DISC. START DATE:
REVISION DISC. END DATE:

MINNESOTA PLAT
SUBJECT:
2 OF 2

Corner	Length	Bearing	Course	Chord Length	Chord Bearing	Topcon (in)	Topcon (out)	Corner Angle
C1	23.27	S 89° 52' 22" W	26.87	45.00	S 10° 07' 38" E	45.00	45.00	90° 00' 00"
C2	30.32	S 89° 52' 22" W	37.80	68.12	S 10° 07' 38" E	68.12	68.12	90° 00' 00"
C3	66.29	S 89° 52' 22" W	82.87	150.41	S 10° 07' 38" E	150.41	150.41	90° 00' 00"
C4	36.87	S 89° 52' 22" W	45.00	81.87	S 10° 07' 38" E	81.87	81.87	90° 00' 00"
C5	14.87	S 89° 52' 22" W	18.17	33.04	S 10° 07' 38" E	33.04	33.04	90° 00' 00"
C6	14.87	S 89° 52' 22" W	18.17	33.04	S 10° 07' 38" E	33.04	33.04	90° 00' 00"
C7	14.87	S 89° 52' 22" W	18.17	33.04	S 10° 07' 38" E	33.04	33.04	90° 00' 00"
C8	14.87	S 89° 52' 22" W	18.17	33.04	S 10° 07' 38" E	33.04	33.04	90° 00' 00"
C9	14.87	S 89° 52' 22" W	18.17	33.04	S 10° 07' 38" E	33.04	33.04	90° 00' 00"
C10	14.87	S 89° 52' 22" W	18.17	33.04	S 10° 07' 38" E	33.04	33.04	90° 00' 00"
C11	14.87	S 89° 52' 22" W	18.17	33.04	S 10° 07' 38" E	33.04	33.04	90° 00' 00"

Line #	Direction	Length
1	N 89° 52' 22" E	17.73
2	S 89° 52' 22" W	17.73
3	N 89° 52' 22" E	17.73
4	S 89° 52' 22" W	17.73
5	N 89° 52' 22" E	17.73
6	S 89° 52' 22" W	17.73
7	N 89° 52' 22" E	17.73
8	S 89° 52' 22" W	17.73
9	N 89° 52' 22" E	17.73
10	S 89° 52' 22" W	17.73
11	N 89° 52' 22" E	17.73
12	S 89° 52' 22" W	17.73
13	N 89° 52' 22" E	17.73
14	S 89° 52' 22" W	17.73
15	N 89° 52' 22" E	17.73
16	S 89° 52' 22" W	17.73
17	N 89° 52' 22" E	17.73
18	S 89° 52' 22" W	17.73
19	N 89° 52' 22" E	17.73
20	S 89° 52' 22" W	17.73

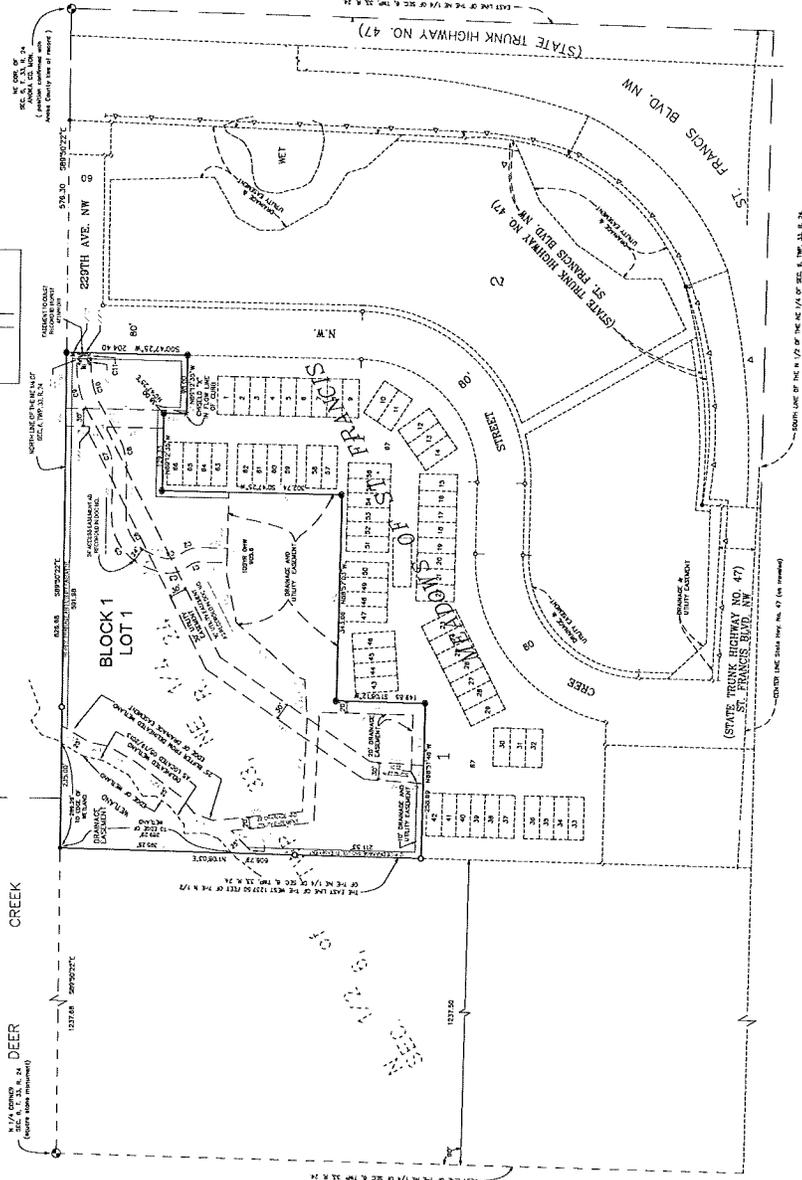
Line #	Direction	Length
1	N 89° 52' 22" E	15.11
2	S 89° 52' 22" W	15.11
3	N 89° 52' 22" E	15.11
4	S 89° 52' 22" W	15.11
5	N 89° 52' 22" E	15.11
6	S 89° 52' 22" W	15.11
7	N 89° 52' 22" E	15.11
8	S 89° 52' 22" W	15.11
9	N 89° 52' 22" E	15.11
10	S 89° 52' 22" W	15.11
11	N 89° 52' 22" E	15.11
12	S 89° 52' 22" W	15.11
13	N 89° 52' 22" E	15.11
14	S 89° 52' 22" W	15.11
15	N 89° 52' 22" E	15.11
16	S 89° 52' 22" W	15.11
17	N 89° 52' 22" E	15.11
18	S 89° 52' 22" W	15.11
19	N 89° 52' 22" E	15.11
20	S 89° 52' 22" W	15.11

Line #	Direction	Length
1	N 89° 52' 22" E	15.11
2	S 89° 52' 22" W	15.11
3	N 89° 52' 22" E	15.11
4	S 89° 52' 22" W	15.11
5	N 89° 52' 22" E	15.11
6	S 89° 52' 22" W	15.11
7	N 89° 52' 22" E	15.11
8	S 89° 52' 22" W	15.11
9	N 89° 52' 22" E	15.11
10	S 89° 52' 22" W	15.11
11	N 89° 52' 22" E	15.11
12	S 89° 52' 22" W	15.11
13	N 89° 52' 22" E	15.11
14	S 89° 52' 22" W	15.11
15	N 89° 52' 22" E	15.11
16	S 89° 52' 22" W	15.11
17	N 89° 52' 22" E	15.11
18	S 89° 52' 22" W	15.11
19	N 89° 52' 22" E	15.11
20	S 89° 52' 22" W	15.11

DEER CREEK
N 1/4 CORNER
SECTION 6, TWP. 33 N., R. 24 E.



SCALE IN FEET
0 100 200
ONE INCH = 100 FEET



- - Denotes found 1/2" iron pipe.
- - Denotes 3/4 inch by 18 inch iron rebar set and marked with Minnesota License No. 48850
- ⊙ - Denotes found section corner monument (as noted)

For the purposes of this plat, the North Line of the Northwest Quarter 5 89°50'22" E based on Anoka County Coordinate system, N.A.D. 1983 coordinates (1998 adjustment)

NOTE:
THERE IS A DRAINAGE AND UTILITY EASEMENT OVER ALL OF LOT 67, BLOCK 1, OF THE PLAT OF MEADOWS OF ST. FRANCIS

NOTE:
ALL PUBLIC UTILITIES HAVE RIGHT OF VEHICULAR ACCESS OVER LOT 1, BLOCK 1, AS SHOWN HEREON.

HUMPHREY ENGINEERING.

(RESERVED FOR RECORDING INFORMATION)

**DEVELOPMENT AGREEMENT
MEADOWS OF ST. FRANCIS 3RD ADDITION**

THIS DEVELOPMENT AGREEMENT (“Agreement”) is made and entered into this ____ day of _____, 2013, by and between the **CITY OF ST. FRANCIS**, a Minnesota municipal corporation (“**City**”); and **MERIDIAN BEHAVIORAL HEALTH, LLC**, a Minnesota limited liability company (the “**Developer**”).

WHEREAS, the Developer has applied for a Conditional Use Permit relating to the Property (defined in paragraph 1 below) pursuant to Section 10-6 of the City of St. Francis Zoning Ordinance (the “**Conditional Use Permit**”) and has requested approval of a subdivision of the Property according to the plat of Meadows of St. Francis 3rd Addition; and

WHEREAS, on May 6, 2013, by Resolution No. 2012-13, the City Council granted the Conditional Use Permit and rezoning and preliminary plat approval of the project conditioned on final plat approval and this Development Agreement; and

WHEREAS, on May 6, 2013, by Resolution No. 2012-13, the City Council granted approval of a site plan for the Property (“**Site Plan**”) referenced in paragraph 5 below as Plan B and incorporated by reference, granted approval of the Conditional Use Permit for this project, granted final plat approval for the plat of Meadows of St. Francis 3rd Addition, all subject to execution of this Development Agreement by the Developer and the City.

NOW, THEREFORE, in consideration of the mutual promises and obligations contained herein, the Developer and City agree as follows:

1. **REQUEST FOR PLAT APPROVAL.** The Developer is the fee owner of certain lands in the City of St Francis and has asked the City to approve a plat for **Meadows of St. Francis 3rd Addition** (referred to in this Contract as the “**plat**”). The land is situated in the City of St. Francis, County of Anoka, State of Minnesota, and is legally described as follows:

Outlot A, Meadows of St. Francis

2. **CONDITIONS OF PLAT AND REZONING APPROVAL.**

A. The City hereby approves the plat and rezoning on conditions that the Developer enter into this Contract, furnish the security required by it, provide title evidence that good and marketable title to the plat is in the name of the Developer, and record the plat with the County Recorder within 90 days after the City Council approves the final plat.

B. The City hereby grants approval to the Conditional Use Permit (identified in Plans A through E) in paragraph 5 of this Contract; as adopted on May 6, 2013 by Resolution No. 2012-13, and conditioned upon compliance with the terms and conditions of this Contract. The City agrees to approve the development provided the development is consistent with the conditions herein, City ordinances, and all other City requirements which are in effect, subject to the provisions of paragraph 4 of this Contract. The specific conditions and requirements are as set forth in City Resolution No. 2012-13 adopted by the St. Francis City Council on the 6th day of May, 2013.

3. **RIGHT TO PROCEED.** Within the plat or land to be platted, the Developer may not grade or otherwise disturb the earth, remove trees, construct sewer lines, water lines, streets, utilities, public or private improvements, or any buildings until all the following conditions have been satisfied: 1) this Contract has been fully executed by both parties and filed with the City Clerk; 2) the Developer has submitted a title insurance policy to the City establishing that good and marketable title to the real property within the plat is in the name of the Developer; 3) the necessary security has been received by the City; 4) the plat and this Contract have been filed with the Anoka County Recorder; and 5) the City’s administrator has issued a letter that conditions 1, 2 and 3 herein have been satisfied and that the Developer shall proceed. Provided items 1, 2 and 3 have been satisfied, the City Engineer may

issue the Developer a letter authorizing the Developer to grade the site (including reasonable tree removal) after preliminary plat approval and pending final plat approval.

4. **CHANGES IN OFFICIAL CONTROLS.** For two (2) years from the date of this Contract, no amendments to the City's Comprehensive Plan or official controls shall apply to or affect the use, development density, lot size, lot layout or dedications of the approved plat unless required by state or federal law or agreed to in writing by the City and the Developer. Thereafter, notwithstanding anything in this Contract to the contrary, to the full extent permitted by state law, the City may require compliance with any amendments to the City's Comprehensive Plan, official controls, platting or dedication requirements enacted after the date of this Contract with respect to property which did not receive final plat approval prior to any such amendments.

5. **PROPOSED DEVELOPMENT AND DEVELOPMENT PLANS.** The Developer intends to construct a State licensed 48-bed residential treatment facility. The plat shall be developed in accordance with the following plans. The plans shall not be attached to this Contract. With the exception of Plan A, the plans may be revised, subject to City approval, after entering the Contract, but before commencement of any work in the plat. The erosion control plan shall also be approved by the Anoka Conservation District. If the plans vary from the written terms of this Contract, the written terms shall control. The plans are:

- Plan A – Plat
- Plan B – Site Plan
- Plan C – Utility Plan
- Plan D – Grading Plan
- Plan E – Erosion Control Plan
- Plan F – Landscaping Plan
- Plan G – Lighting Plan
- Plan H – Building Elevations

6. **IMPROVEMENTS.** The Developer shall install and pay for the following:

- A. Public Water Main
- B. Public Sewer Main
- C. Site Grading and Erosion Control
- D. Public Storm Sewer
- E. Private Sanitary Sewer Connections
- F. Private Water Connections

- G. Private Storm Sewer Connections
- H. Private Drive, Parking Lot, and Private Sidewalks and Trails
- I. Concrete Curb and Gutter
- J. Exterior Lights
- K. Landscaping
- L. Underground Utilities
- M. Setting of Iron Monuments
- N. Surveying and Staking
- O. Traffic Controls Signs

The improvements shall be installed in accordance with the City subdivision ordinance, and any other provision of the City Code. The Developer shall submit plans and specifications for permit which have been prepared by a competent registered professional engineer to the City for approval by the City Engineer which approval shall be provided on the condition that such submittals comply with the Plans and this Agreement. The Developer shall instruct its engineer to provide adequate field inspection personnel to assure an acceptable level of quality control. In addition, the City may, at the City's discretion and at the Developer's expense, have one or more City inspectors and a soil engineer inspect the work as the City may reasonably determine. The Developer, its contractors and subcontractors, shall follow all instructions received from the City's inspectors. The Developer's engineer shall provide for on-site project management. The Developer's engineer is responsible for design changes and contract administration between the Developer and the Developer's contractor. The Developer or his engineer shall schedule a pre-construction meeting at a mutually agreeable time at the City Council chambers with all parties concerned, including the City staff, to review the program for the construction work. Within thirty (30) days after the completion of the improvements and before the security is released, the Developer shall supply the City with a complete set of reproducible "as constructed" plans, an electronic file of the "as constructed" plans in an auto CAD file based upon the Anoka County coordinate system, all prepared in accordance with City standards for all public improvements.

7. **IRON MONUMENTS.** In accordance with Minnesota Statutes 505.02 and St. Francis City Code Section 11-11-2, the final placement of iron monuments for all lot corners must be completed before the applicable

security is released. The Developer's surveyor shall also submit a written notice to the City certifying that the monuments have been installed.

8. PERMITS. The Developer shall obtain or require its contractors and subcontractors to obtain all necessary permits, including but not limited to the following to the extent required:

- Minnesota Department of Health for Watermains
- MPCA Sanitary Sewer Extension Permit
- MPCA-NPDES Phase II Permit
- DNR for Dewatering
- City of St. Francis for Building Permits

9. DEWATERING. Due to the variable nature of groundwater levels and stormwater flows, it will be the Developer's and the Developer's contractors and subcontractors responsibility to satisfy themselves with regard to the elevation of groundwater in the area and the level of effort needed to perform dewatering and storm flow routing operations. All dewatering shall be in accordance with all applicable county, state, and federal rules and regulations. DNR regulations regarding appropriations permits shall also be strictly followed.

10. TIME OF PERFORMANCE. The Developer shall install all required public and private improvements for the development as contemplated by Section 5 and 6 and the approved Plans by December 31, 2014.

11. LICENSE. The Developer hereby grants the City, its agents, employees, officers and contractors a license to enter the plat to perform all work and inspections deemed appropriate by the City in conjunction with plat development.

12. EROSION CONTROL. Prior to initiating site grading, the erosion control plan, Plan E, shall be implemented by the Developer and inspected and approved by the City. The City may impose additional erosion control requirements if reasonably required. All areas disturbed by the excavation and backfilling operations shall be reseeded within five (5) days after the completion of the work, weather permitting, or in an area that is inactive for more than ten (10) days unless authorized and approved by the City Engineer. Except as otherwise provided in the erosion control plan, seed shall be in accordance with the City's current seeding specification which may include

certified oat seed to provide a temporary ground cover as rapidly as possible. All seeded areas shall be maintained as necessary for seed retention. The parties recognize that time is of the essence in controlling erosion. If the Developer does not comply with the erosion control plan and schedule or supplementary instructions received from the City, the City may take such action as it deems appropriate to control erosion. The City will endeavor to notify the Developer in advance of any proposed action, but failure of the City to do so will not affect the Developer's and City's rights or obligations hereunder. The Developer shall reimburse the City for all costs incurred in connection with such actions. If the Developer does not reimburse the City for any cost the City incurred for such work within ten (10) days, the City may draw down the letter of credit to pay any costs or seek reimbursement by other methods. No development, street or utility construction will be allowed and no building permits will be issued unless the plat is in full compliance with the approved erosion control plan.

13. GRADING PLAN. The plat shall be graded in accordance with the approved grading development and erosion control plans, Plans D & E. The plan shall conform to City of St. Francis specifications. Within thirty (30) days after completion of the grading and before the City approves individual building permits the Developer shall provide the City with an "as constructed" grading plan certified by a registered land surveyor or engineer that all ponds, swales, and ditches for public drainage have been constructed on public easements or land owned by the City. Notwithstanding the foregoing, the City may issue building permits to the Developer, prior to completion of all grading, provided the City Engineer has determined that adequate erosion control measures are in place. The "as constructed" plan shall include field verified elevations of the following: a) cross sections of ponds; b) location and elevations along all swales, wetlands, wetland mitigation areas if any, ditches, locations and dimensions of borrow areas/stockpiles, and installed "conservation area" posts; and c) lot corner elevations. The City will withhold issuance of building permits until the approved certified grading plan is on file with the City and all erosion control measures are in place as determined by the City Engineer.

14. CLEAN UP. The Developer shall clean dirt and debris from streets that has resulted from construction work by the Developer, subcontractors, their agents or assigns. Prior to any construction in the plat, the

Developer shall identify in writing a responsible party and schedule for erosion control, street cleaning, and street sweeping.

15. CITY ENGINEERING ADMINISTRATION AND CONSTRUCTION OBSERVATION.

The Developer shall pay a fee for engineering administration. City engineering administration will include monitoring of construction observation, consultation with Developer and his engineer on status or problems regarding the project, coordination for final inspection and acceptance, project monitoring during the warranty period, and processing of requests for reduction in security. Fees for this service shall be at standard hourly rates. Developer will provide a \$42,500 escrow, which is separate and in addition to any other escrow funds for this developer/development. The Developer shall pay for construction observation performed by the City's consulting engineer. Construction observation shall include part or full time inspection of proposed public utilities and will be billed on standard hourly rates.

16. CLAIMS. In the event that the City receives claims from labor, material, or others that work required by this Contract has been performed, the sums due them have not been paid, and the laborers, material, or others are seeking payment from the City, the Developer hereby authorizes the City to commence an Interpleader action pursuant to Rule 22, Minnesota Rules of Civil Procedure for the District Courts, to draw upon the letters of credit in an amount up to 125 percent of the claim(s) and deposit the funds in compliance with the Rule, and upon such deposit, the Developer shall release, discharge, and dismiss the City from any further proceedings as it pertains to the letters of credit deposited with the District Court, except that the Court shall retain jurisdiction to determine attorneys' fees pursuant to this Contract.

17. TRAFFIC CONTROL SIGNS AND STREET MAINTENANCE COSTS. The Developer shall supply all traffic control signage and keep streets free from grit, dirt, and debris. If in the opinion of the City Engineer signage is necessary, damage is done to the street, or material deposited on the street will result in corrective action upon notification.

In addition to the signs described in this paragraph 17, Developer shall supply two (2) "Private Drive" signs to be placed on the plat of Meadows of St. Francis as approved and directed by the city engineer. These two "Private Drive" signs shall be supplied and placed within one (1) year of the date of final plat approval.

18. PARK DEDICATION. The Developer will pay \$7500 in satisfaction of the City's park dedication requirements for Meadows of St. Francis 3rd Addition calculated as follows at a commercial rate:

$$3 \text{ units} \times \$2500 \text{ per unit} = \$7500$$

19. LANDSCAPING. Landscaping and irrigation shall be installed on the site in accordance with the approved Landscaping Plan (Plan F). The applicant shall submit an irrigation plan, wetland buffer planting plan, and itemized planting schedule for review and approval by the City Planner and City Engineer prior to the issuance of a building permit. Before the City signs the final plat, the Developer shall post a \$50,000 security to guarantee installation of the approved landscaping and irrigation. The security shall be retained by the City for one year from the date of confirmation that the landscaping plan has been fully implemented. All landscaping within Meadows of St. Francis 3rd Addition shall include hardy, non-invasive species appropriate for Minnesota. All landscaping materials shall be maintained and replaced if they die within the standard warranty period, which is one year from planting. Landscaping shall be planted so as not to interfere with site drainage and fertilizer containing phosphorous shall be prohibited.

20. SPECIAL PROVISIONS. The following special provisions shall apply to plat development:

- A. Implementation of the recommendations listed in Resolution #2013-12, dated May 6th, 2013.
- B. Implementation of the recommendations and conditions set forth in the April 9, 2013 Planning Report.
- C. Implementation of the recommendations and conditions set forth in the April 30, 2013 Council Report.
- D. Implementation of the comments and recommendations of the City Engineer, City Fire Chief and City Building Official.

G. The Developer shall reimburse the City for the cost incurred for the City Engineer to prepare the record construction drawings and City base map upgrading.

H. The Developer is required to submit the final plat and construction documents in electronic format. The electronic format shall be both Auto CAD and pdf files.

21. SUMMARY OF SECURITY REQUIREMENTS. To guarantee compliance with the terms of this Contract, payment of the costs of all public and private improvements and construction of all public and private improvements, the Developer shall furnish and deliver to the City with a letter of credit, in the form attached hereto (or as deemed acceptable by the City), from an FDIC insured bank (“security”) for \$221,500 prior to beginning any construction with the plat. The amount of the security includes all of the security requirements set forth in the preceding sections of this Agreement, and was calculated as follows:

CONSTRUCTION COSTS:

Sanitary Sewer	\$ 25,500
Water Main	\$ 56,500
Storm Sewer	\$ 35,500
Erosion Control	<u>\$ 8,500</u>
CONSTRUCTION SUB-TOTAL	\$ 126,000

OTHER COSTS:

Lot Corners/Iron Monuments	\$ 1,200
Landscaping	<u>\$ 50,000</u>
OTHER COSTS SUB-TOTAL	\$ 51,200

TOTAL SECURITIES: **\$ 177,200**

GRAND TOTAL SECURITIES (125%) **\$ 221,500**

This breakdown is for historical reference; it is not a restriction on the use of the security. The bank shall be subject to the approval of the City Administrator. The Letter of Credit shall allow the City to draw upon the instrument, in whole or in part, in order to complete construction of any or all of the improvements or to satisfy the claims of contractors or suppliers which have not been satisfied by Developer. The City may draw down the security, upon ten (10) business days’ prior written notice to the Developer for any violation of the terms of this Agreement. Amounts drawn shall not exceed the amounts necessary to cure to the default. If the required public improvements are not

completed at least thirty (30) days prior to the expiration of the security, the City may also draw it down. If the security is drawn down, the proceeds shall be used to cure the default. Upon receipt of proof satisfactory to the City that work has been completed to the quality as required by the City, and that the Developer has taken all steps necessary to ensure that no liens will attach to the plat, and financial obligations to the City have been satisfied, with City approval the security may be reduced from time to time up to ninety percent (90%) of the financial obligations that have been satisfied. Ten percent (10%) of the amounts certified by the Developer’s engineer shall be retained as security until all improvements have been completed, all financial obligations to the City satisfied, the required “as constructed” plans have been received by the City, a warranty security is provided, and the public improvements are accepted by the City Council. The City standard specifications for utilities and street construction outline procedures for security reductions.

22. SUMMARY OF CASH REQUIREMENTS. The following is a summary of the cash deposit under this Agreement which must be furnished to the City at the time of final plat approval and execution of this Agreement by the City:

Section 15 Escrow (Engineering, City Administration, Legal Expenses)	\$ 42,500
Park Dedication	\$ 7,500
TOTAL CASH REQUIREMENTS	<u>\$ 50,000</u>

The City is implementing a pass through billing processing. The \$55,000 escrow will be held and all bills will be forwarded for immediate payment. If payments are not made in a timely fashion, the project will stop until payments are made. If said fees are less than estimated, the City shall reimburse the Developer within thirty (30) days of receipt of final invoices. If it appears that the actual costs incurred will exceed the estimate, Developer and City shall review the costs required to complete the project and Developer shall deposit additional sums with the City.

23. RESPONSIBILITY FOR COSTS.

A. Except as otherwise specified herein, the Developer shall pay all costs incurred by it or the City in conjunction with the development of the plat, including but not limited to Soil and Water Conservation District charges, legal, planning, engineering and inspection expenses incurred in connection with approval and acceptance of the plat, the preparation of this Contract, review of construction plans and documents, and all costs and expenses incurred by the City in monitoring and inspecting development of the plat, as well as preparation of record drawings.

B. The Developer shall hold the City and its officers, employees, and agents harmless from claims made by itself and third parties for damages sustained or costs incurred resulting from plat approval and development. The Developer shall indemnify the City and its officers, employees, and agents for all costs, damages, or expenses which the City may pay or incur in consequence of such claims, including attorneys' fees.

C. The Developer shall reimburse the City for reasonable costs incurred in the enforcement of this Contract, including engineering and attorneys' fees.

D. The Developer shall pay, or cause to be paid when due, and in any event before any penalty is attached, all special assessments, as outlined in Sections 19, 20 and 21 herein, referred to in this Contract. This is an obligation of the Developer and shall continue in full force and effect even if the Developer sells one or more lots, the entire plat, or any part of it.

E. The Developer shall pay in full all bills submitted to it by the City for obligations incurred under this Contract within thirty (30) days after receipt. If the bills are not paid on time, the City may halt plat development and construction until the bills are paid in full. Bills not paid within thirty (30) days shall accrue interest at the rate of twelve percent (12%) per year.

F. In addition to the charges herein and special assessments referred to he herein, other charges as required by City ordinance may be imposed such as but not limited to sewer access charges ("SAC"), City water access charges, and building permit fees.

24. DEVELOPER'S DEFAULT. In the event of default by the Developer as to any of the work to be performed by it hereunder, the City may, at its option, perform the work and the Developer shall promptly reimburse

the City for any expense incurred by the City, provided the Developer, except in an emergency as determined by the City, is first given notice of the work in default, not less than forty-eight (48) hours in advance. This Contract is a license for the City to act, and it shall not be necessary for the City to seek a Court order for permission to enter the land. When the City does any such work, the City may, in addition to its other remedies, assess the cost in whole or in part. For this purpose, the Developer expressly waives any procedural and substantive objections to the special assessments, including, but not limited to, hearing requirements and any claim that the assessments exceed the benefit to the property.

25. MISCELLANEOUS.

A. The Developer represents to the City that the plat complies with all city, county, state, and federal laws and regulations, including but not limited to, subdivision ordinances, zoning ordinances, and environmental regulations. If the City determines that the plat does not comply, the City may, at its option, refuse to allow construction or development work in the plat until the Developer does comply. Upon the City's demand, the Developer shall cease work until there is compliance.

B. Third parties shall have no recourse against the City or Developer under this Contract.

C. Breach of the terms of this Contract by the Developer shall be grounds for denial of building permits, including lots sold to third parties.

D. If any portion, section, subsection, sentence, clause, paragraph, or phrase of this Contract is for any reason held invalid or unenforceable, such decision shall not affect the validity of the remaining portion of this Contract.

E. The action or inaction of the City shall not constitute a waiver or amendment to the provisions of this Contract. To be binding, amendments or waivers shall be in writing, signed by the parties and approved by written resolution of the City Council. The City's failure to promptly take legal action to enforce this Contract shall not be a waiver or release.

F. This Contract shall run with the land and may be recorded against the title to the property. The Developer covenants with the City, its successors and assigns, that the Developer is well seized in fee title of the

property being final platted and/or has obtained consents to this Contract, in the form attached hereto, from all parties who have an interest in the property; that there are no unrecorded interests in the property being final platted; and that the Developer will indemnify and hold the City harmless for any breach of the foregoing covenants.

G. Each right, power or remedy herein conferred upon the City is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, available to City, at law or in equity, or under any other agreement, and each and every right, power and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the City and shall not be a waiver of the right to exercise at any time thereafter any other right, power or remedy.

H. The Developer may not assign this Contract without the written permission of the City Council. The Developer's obligation hereunder shall continue in full force and effect even if the Developer sells one or more lots, the entire plat, or any part of it.

I. Retaining walls that require a building permit shall be constructed in accordance with plans and specifications prepared by a structural or geotechnical engineer licensed by the State of Minnesota. Following construction, a certification signed by the design engineer shall be filed with the City Engineer evidencing that the retaining wall was constructed in accordance with the approved plans and specifications. All retaining walls the development plans, or special conditions referred to in this Contract required to be constructed shall be constructed before any Certificate of Occupancy is issued for a lot on which a retaining wall is required to be built.

J. The proposed sanitary sewer and watermains, hydrants, and storm sewer piping from the pond outlet to the storm sewer discharge shall be public held and maintained upon acceptance by the City. All other piping and services shall be privately held and maintained.

26. INSURANCE. The Developer agrees to take out and maintain or cause to be taken out and maintained until after the City has accepted the public improvements, public liability and property damage insurance covering personal injury, including death, and claims for property damage which may arise out of Developer's work or the work of its contractors or subcontractors. Limits for bodily injury and death shall be no less than \$1,000,000 for each occurrence; limits for property damage shall be not less than \$500,000 for each

occurrence; or a combination single limit policy of \$1,000,000 or more. The City shall be named as an additional insured on the policy. The Developer shall file with the City a certificate evidencing coverage prior to the City signing the plat. The certificate shall provide that the City must be given thirty (30) days advance written notice of the cancellation of the insurance.

27. NOTICES. Required notices to the Developer shall be in writing, and shall be either hand delivered to the Developer, its employees or agents, or mailed to the Developer by certified mail at the following address: _____ . Notices to the City shall be in writing and shall be either hand delivered to the City Administrator, or mailed to the City by certified mail in care of the City Administrator at the following address: St. Francis City Hall, 23340 Cree St NW, St. Francis, Minnesota 55070.

*[Remainder of page intentionally left blank.
Signatures on next page.]*

**City Signature page to Development Contract
Meadows of St. Francis 3rd Addition**

CITY OF ST. FRANCIS

BY: _____
Jerry Tveit, Mayor

(SEAL)

BY: _____
Barbara I. Held, City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

The foregoing instrument was acknowledged before me this _____ day of _____, 2013, by Jerry Tveit and by Barbara I. Held, respectively the Mayor and City Clerk of the City of St. Francis, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

NOTARY PUBLIC

IRREVOCABLE LETTER OF CREDIT

No. _____
Date: _____

TO: City of St. Francis
23340 Cree St NW
St. Francis, MN 55070.

Dear Sir or Madam:

We hereby issue, for the account of _____ (Name of Developer) and in your favor, our Irrevocable Letter of Credit in the amount of \$ _____, available to you by your draft drawn on sight on the undersigned bank.

The draft must:

- a) Bear the clause, "Drawn under Letter of Credit No. _____, dated _____, 2____, of _____ (Name of Bank) _____;
- b) Be accompanied by an affidavit signed by the Mayor or City Clerk of the City of St. Francis certifying that _____ is in default of the Development Contract with the City of St. Francis and that five (5) business days prior written notice has been given by the City to the Developer with respect to the existence of such default, and such default has not been cured.
- c) Be presented for payment at _____ (Address of Bank) _____, on or before 4:00 p.m. on _____.

This Letter of Credit shall automatically renew for successive one-year terms unless, at least forty-five (45) days prior to the next annual renewal date (which shall be November 30 of each year), the Bank delivers written notice to the St. Francis City Administrator that it intends to modify the terms of, or cancel, this Letter of Credit. Written notice is effective if sent by certified mail, postage prepaid, and deposited in the U.S. Mail, at least forty-five (45) days prior to the next annual renewal date addressed as follows: St. Francis City Administrator, St. Francis City Hall, 23340 Cree St NW, St Francis, MN 55070, and is actually received by the City Administrator at least thirty (30) days prior to the renewal date.

This Letter of Credit sets forth in full our understanding which shall not in any way be modified, amended, amplified, or limited by reference to any document, instrument, or agreement, whether or not referred to herein.

This Letter of Credit is not assignable. This is not a Notation Letter of Credit. More than one draw may be made under this Letter of Credit.

This Letter of Credit shall be governed by the most recent revision of the Uniform Customs and Practice for Documentary Credits, International Chamber of Commerce Publication No. 500.

We hereby agree that a draft drawn under and in compliance with this Letter of Credit shall be duly honored upon presentation.

BY: _____

Its _____



BOLTON & MENK, INC.[®]

Consulting Engineers & Surveyors

7533 Sunwood Drive NW, Suite 206 • Ramsey, MN 55303

Phone (763) 433-2851 • Fax (763) 427-0833

www.bolton-menk.com

MEMORANDUM

Date: June 26, 2013
To: Honorable Mayor Tveit and Members of the City Council
City of St. Francis
From:  Jared Voge, P.E.
City Engineer
Subject: 239th Avenue Improvements
St. Francis, Minnesota
BMI Project No: R18.106739

INTRODUCTION:

As authorized by the City Council at the May 20, 2013 City Council meeting, a Feasibility Report has been prepared for the 239th Avenue Improvements.

BACKGROUND:

Based on discussions held with Council at the May 20, 2013 City Council meeting, please find enclosed a Feasibility Report for the 239th Avenue Improvements. The Feasibility Report identifies the deficiencies associated with the streets within the project area. Based on the findings included in the report and the associated recommendations, improvements should be completed as soon as possible to eliminate further deterioration of the streets. In addition, if improvements are not completed soon, the costs associated with the project will continue to increase.

RECOMMENDATION:

We recommend that Council receive the Feasibility Report and identify a timeline associated with completion of the improvements. Pending Council's desired timeline, funding options including but not limited to assessments should be discussed.

BUDGET IMPACT:

Since improvements to 239th Avenue have been delayed in the CIP for a number of years, the improvements are not a budgeted item. Additional consideration is necessary to identify all potential funding sources which may include assessments.

If you have any questions on the above, please call.

JAV/kg

Enclosure

BOLTON & MENK, INC.
Consulting Engineers & Surveyors

239th Avenue N.W. Street Improvements
Preliminary Engineering Report

June 2013



Feasibility Report

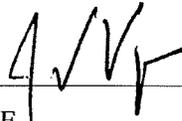
239th Avenue N.W.

in

St. Francis, Minnesota

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

By: _____



Jared Voge, P.E.
License No. 45063

Date: 06/26/2013

Bolton & Menk, Inc.

Consulting Engineers & Surveyors

Mankato – Fairmont - Sleepy Eye – Burnsville – Brainerd - Maplewood – Willmar – Ramsey –

Chaska – Ames, IA,

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APPENDIX

FIGURE NO. 1	LOCATION MAP
FIGURE NO. 2	PROPOSED IMPROVEMENTS
FIGURE NO. 3	TYPICAL STREET SECTION
FIGURE NO. 4	ASSESSMENT MAP
	DETAILED COST ESTIMATE
	PRELIMINARY ASSESSMENT ROLL

I. PROJECT INTRODUCTION

This Preliminary Engineering Report prepared by Bolton & Menk, Inc., as authorized by the St. Francis City Council, provides an initial analysis of the feasibility, cost-effectiveness and necessity of the proposed infrastructure improvements. The City has been actively pursuing street improvement projects as part of their Capital Improvement Plan. The streets identified to be improved with this project have been considered for improvements for some time. See Figure No. 1 in the Appendix for a project location map. A portion of the improvement costs will be assessed to benefiting property owners. Public assessments applied to the properties described in this report are subject to the requirements of Minnesota State Statute, Chapter 429 (MS 429). This Preliminary Engineering Report is required by the MS 429 and is the first step in the special assessment process.

A. BACKGROUND

The City has been actively pursuing street improvement projects as part of their Capital Improvement Plan. The streets identified to be improved with this project have been considered for improvements for some time.

The streets to be evaluated are:

- 239th Avenue N.W.
- Bittersweet Street
- Xavis Street

B. SCOPE

Included in this report is a description of the proposed improvements along with the estimated costs for each of the proposed infrastructure elements. The specific objectives of this report are to:

- Evaluate the need for the project.
- Determine the necessary infrastructure improvements.
- Prepare a cost estimate for the proposed improvements.
- Prepare a preliminary assessment roll.
- Develop a project schedule.
- Determine the feasibility of all improvements.

II. MS 429 PROCESS

As mentioned above, infrastructure improvements financed through the assessment of benefiting property owners are regulated by Minnesota Statute, Chapter 429 (MS 429). The process prescribed by MS 429 is described below.

1. The benefited parties submit a petition for the proposed improvements to the City Council or, as in this case; the improvement process is initiated by the City Council without a petition.
2. The City Council passed a *Resolution Ordering Preparation of Report on Improvement* and ordered a Feasibility Report for the proposed project.
3. After the City Council considers the Preliminary Engineering Report, the Council may pass a *Resolution Receiving Report and Calling Hearing on Improvement* to indicate its plan to continue the process.
4. A public hearing on the proposed improvements is held. While not required by statute, an informational Open House on the project is planned which will provide property owners the opportunity to learn about the project in an informal setting.
5. If it is determined that the process will continue, the City Council may pass a *Resolution Ordering Improvement and Preparation of Plans*, which orders the development of engineering plans and specifications for the project.
6. After the City Council considers the presentation of the plans and specifications, it may pass a *Resolution Approving Plans and Specifications and Ordering an Advertisement for Bids*.
7. The advertisement for bids must be published in the official local newspaper and trade publication such as the "Finance and Commerce" at least three weeks prior to the bid opening date.
8. If the City Council wishes to continue with the improvements after consideration of bids, the City Council may pass a *Resolution Accepting Bid*. This resolution would award the project to the lowest responsible bidder and construction may begin.
9. Following completion of the proposed improvements, a public hearing is held to set the final assessment amounts.

III. EXISTING CONDITIONS

A. Streets

The existing bituminous street surfaces throughout 239th Avenue N.W. and Bittersweet Street are approximately 24.5 feet wide and 24 feet wide, respectively. The pavement is degraded and numerous cracks exist throughout the project area. These areas likely include poor subsurface conditions and insufficient pavement sections. Soil borings indicate the existing pavement section is two inches of bituminous pavement with five to six inches of aggregate base on native sandy soil. A 2 foot wide aggregate shoulder is also in place.

B. Stormwater Management

The roadway includes shallow ditches to convey the stormwater to localized low areas. Stagnant water is a concern from time to time due to sediment buildup in the ditches and culverts.

IV. PROPOSED IMPROVEMENTS

The proposed improvements include full-depth street reclamation. This consists of reclaiming two-inches (2") of bituminous pavement and five to six inches (5"-6") of aggregate base, resulting in a full depth reclamation of seven and one half-inches (7.5"). The proposed improvements are shown in Figure 2 in the Appendix and are described in detail below.

A. Street Improvements

The proposed street improvements would consist of a full depth reclaim of the existing width of bituminous pavement on 239th Avenue N.W., Xavis St., and Bittersweet Street. The reclaimed material would be left in place and graded to a 2.5% crown. The proposed pavement section would consist of three and a half-inches (3.5") of bituminous pavement on top of seven and one half-inches (7.5") of reclaim material. A 2-foot wide aggregate shoulder at a depth of two-inches will be incorporated to assist with keeping vegetation from encroaching on the roadway and to match the proposed surface to the existing ground. The existing pavement and gravel reclaim material will act as the new base for the proposed section, as shown in Figure 3. Recycling the existing pavement will provide a stronger base for the proposed pavement and improve the life of the road.

No residential boulevards will be disturbed as construction is limited to the bituminous pavement width. Driveways within the project site will be patched as needed to match the alignment and elevation of the proposed roadway.

B. Stormwater Management

To minimize erosion and sediment runoff from the construction site, silt fencing and bio rolls will be incorporated at natural drainage points throughout the project site where it is deemed necessary. The ditches will be re-graded to better convey the stormwater runoff and existing culverts will be cleaned of any debris.

V. RIGHT-OF-WAY ACQUISITION

No right-of-way acquisition is anticipated for this project.

VI. APPROVALS/PERMITS

A small portion of this project will fall within the Anoka County Right of Way and a permit will be required for this portion of work.

VII. PRELIMINARY COST ESTIMATES

The estimated project costs are summarized in the table below. A detailed preliminary cost estimate is included in the Appendix. The unit prices for the items of work have been estimated based on similar types of projects completed in the past.

Project Item	Est. Cost
Street Improvements	\$372,027
Stormwater Management	\$68,750
Total	\$440,777

These cost estimates are based on public construction cost information and include contingencies, engineering and administrative costs. Since the consultant has no control over the cost of labor, materials, competitive bidding, weather conditions or other factors affecting the cost of construction, all cost estimates are opinions for general information and no warranty or guarantee as to the accuracy of construction cost is made. Financing for the project should be based on actual bid prices with reasonable contingencies.

VIII. FUNDING AND ASSESSMENTS

The project will be funded with assessments to benefiting properties as well as the City’s General Fund. Approximately 3,024 lineal feet of frontage could be assessed on this project. See Figure 4 for the preliminary assessment map. The procedure used is specified in the City of St. Francis’ “Assessment Policy for Public Initiated Improvements.” This policy specifies 40% of the total cost of the project may be assessed to property owners with frontage along the project site. A detailed assessment roll is included in the Appendix and the assessment breakdown is shown in the table below. The assessable cost per foot of frontage for this project would be approximately \$58.30. The remaining project costs will consist of city funding.

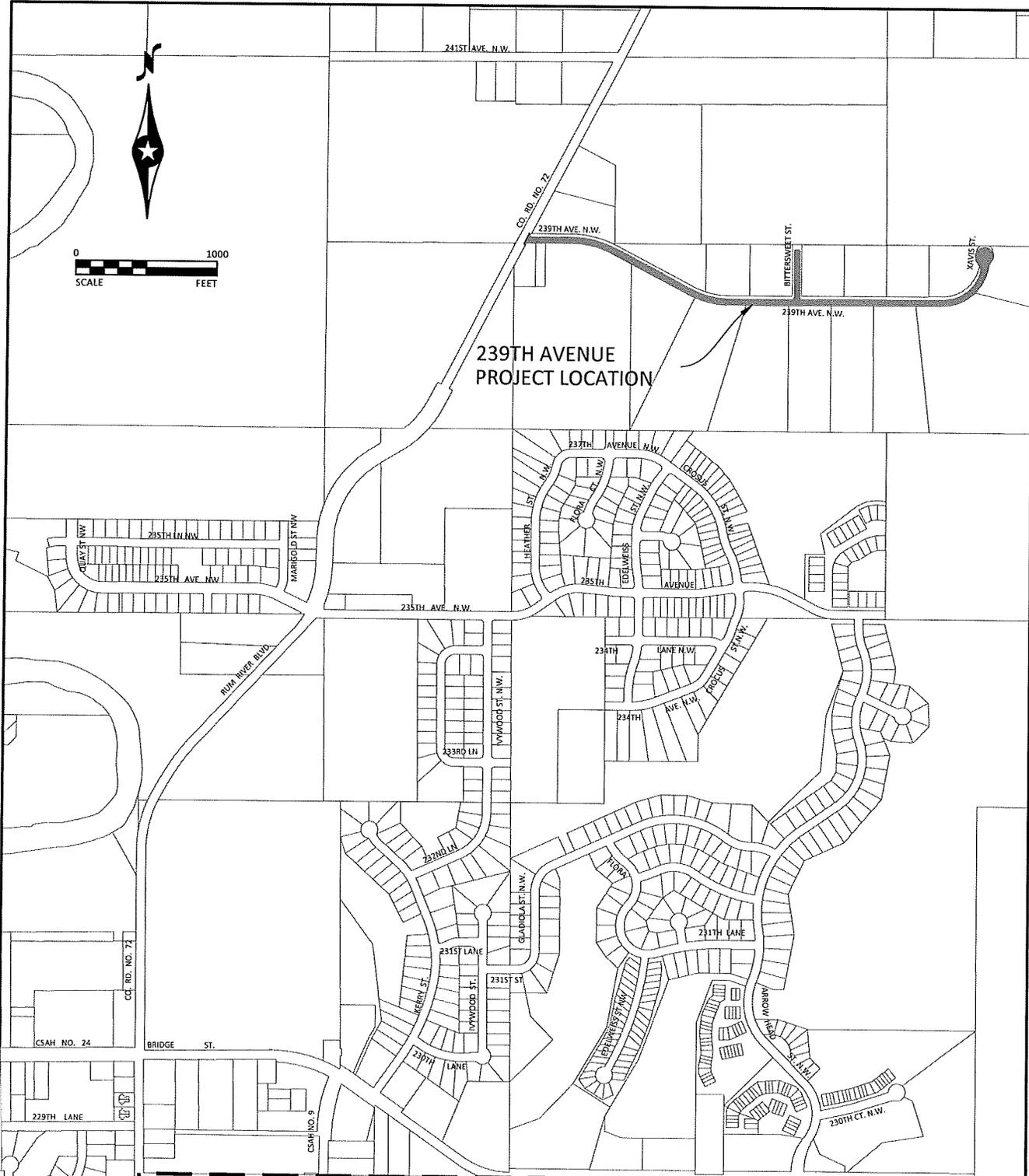
Funding Source	Est. Project Cost
Assessments (40%)	\$176,311
General Fund (60%)	\$264,466
Total	\$440,777

IX. PROPOSED SCHEDULE

- Receive Report and call for Hearing July 1, 2013
- Conduct Informational Open House July 16, 2013
- Conduct Improvement Hearing August 5, 2013
- Order Improvement & Preparation of Plans August 5, 2013
- Approve Plans & Order Advertisement for Bids September 2, 2013
- Open Bids September 24, 2013
- Award Bid October 1, 2013
- Commence Construction October 14, 2013
- Assessment Hearing November 4, 2013
- Substantial Completion November 22, 2013

X. RECOMMENDATION

Based on the findings presented in this report, the proposed improvements are cost effective, necessary, and feasible from an engineering perspective. Bolton & Menk, Inc. recommends that, if these improvements are determined to be financially feasible, the City Council approve this report, call for a public hearing, and authorize the preparation of final plans and specifications.



239TH AVENUE
PROJECT LOCATION

LEGEND
 - PROJECT LOCATION

BOLTON & MENK, INC.
 Consulting Engineers & Surveyors

MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN
 WILLMAR, MN CHASKA, MN RAMSEY, MN MAPLEWOOD, MN
 BAXTER, MN ROCHESTER, MN AMES, IA SPENCER, IA

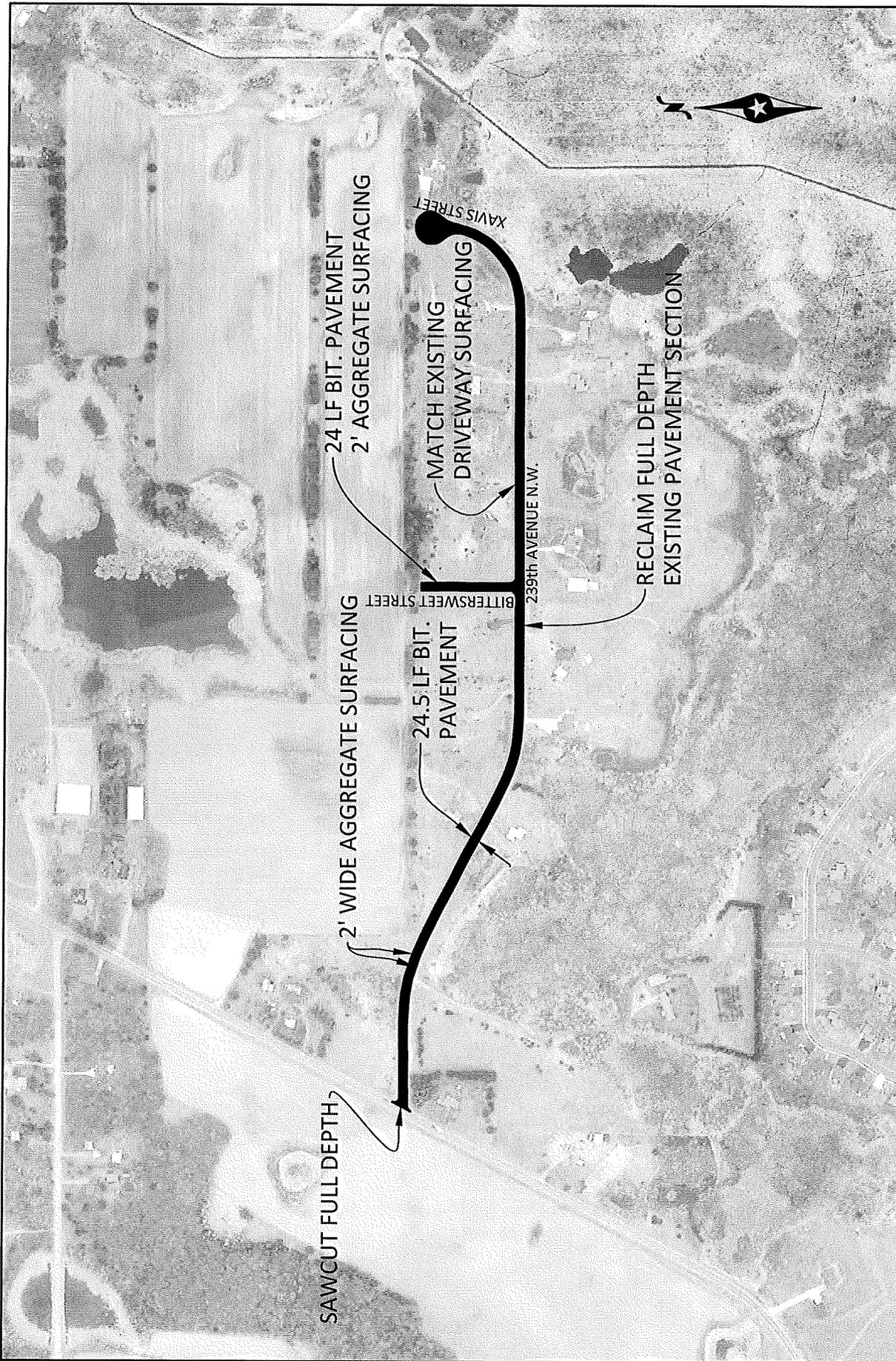
CITY OF ST. FRANCIS, MINNESOTA
 239TH AVENUE N.W. STREET IMPROVEMENTS
 PROJECT LOCATION MAP

JUNE, 2013

FIGURE NO. 1

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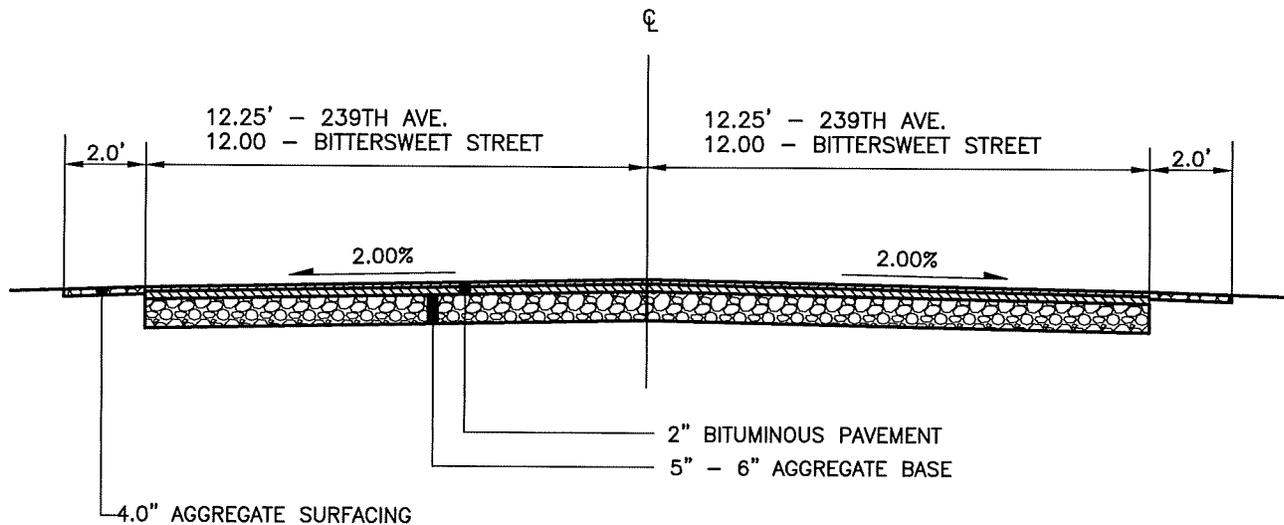


BOLTON & MENK, INC.
Consulting Engineers & Surveyors
 MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN
 WILLMAR, MN CHASKA, MN RAMSEY, MN MAPLEWOOD, MN
 BAYTER, MN ROCHESTER, MN JAMES, IA SPENCER, IA

CITY OF ST. FRANCIS, MINNESOTA
 239TH AVENUE N.W. STREET IMPROVEMENTS
 PROPOSED IMPROVEMENTS

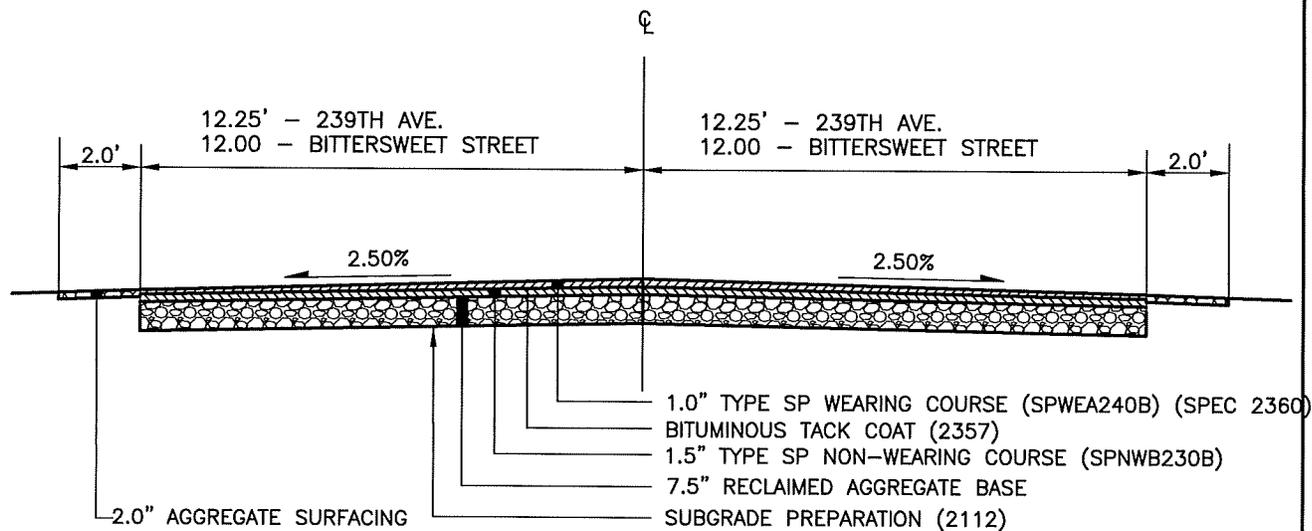
JUNE, 2013

FIGURE NO. 2



EXISTING STREET SECTION (TYPICAL)

NTS



PROPOSED STREET SECTION (TYPICAL)

NTS



BOLTON & MENK, INC.

Consulting Engineers & Surveyors

MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN
BURNSVILLE, MN WILLMAR, MN CHASKA, MN
RAMSEY, MN MAPLEWOOD, MN BRAINERD, MN AMES, IA

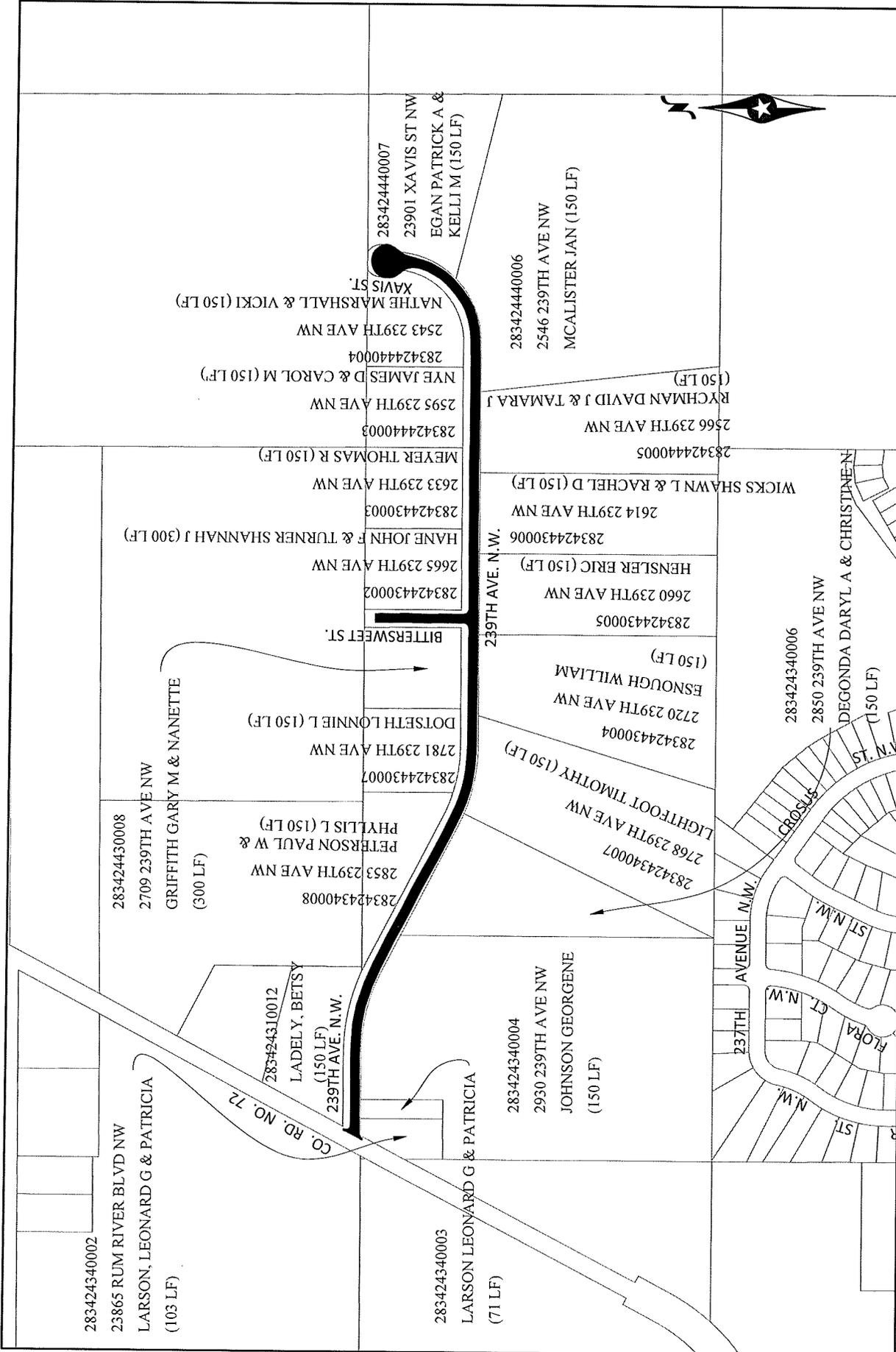
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CITY OF ST. FRANCIS, MINNESOTA
239TH AVENUE N.W. STREET IMPROVEMENTS
EXISTING/PROPOSED CROSS SECTIONS

JUNE, 2013

FIGURE NO. 3



283424340002
 23865 RUM RIVER BLVD NW
 LARSON, LEONARD G & PATRICIA
 (103 LF)

283424340003
 2709 239TH AVE NW
 GRIFFITH GARY M & NANETTE
 (300 LF)

283424340004
 283424310012
 LADELY, BETSY
 (150 LF)
 239TH AVE. N.W.

283424340005
 2833 239TH AVE NW
 PETERSON PAUL W &
 PHYLLIS L (150 LF)

283424430007
 2781 239TH AVE NW
 DOTSETH LONNIE L (150 LF)

283424430008
 2665 239TH AVE NW
 HANE JOHN F & TURNER SHANNAH J (300 LF)

283424430009
 2614 239TH AVE NW
 WICKS SHAWN L & RACHEL D (150 LF)

283424430010
 2660 239TH AVE NW
 HENSLEER ERIC (150 LF)

283424430011
 2720 239TH AVE NW
 ESSNOUGH WILLIAM
 (150 LF)

283424430012
 2768 239TH AVE NW
 LIGHTFOOT TIMOTHY (150 LF)

283424440001
 2566 239TH AVE NW
 RYCHMAN DAVID J & TAMARA J
 (150 LF)

283424440002
 2595 239TH AVE NW
 NYE JAMES D & CAROL M (150 LF)

283424440003
 2543 239TH AVE NW
 NATHIE MARSHALL & VICKI (150 LF)

283424440004
 2546 239TH AVE NW
 MCALISTER JAN (150 LF)

283424440005
 23901 XAVIS ST NW
 EGAN PATRICK A &
 KELLI M (150 LF)

283424340006
 2930 239TH AVE NW
 JOHNSON GEORGENE
 (150 LF)

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CITY OF ST. FRANCIS, MINNESOTA
 239TH AVENUE N.W. STREET IMPROVEMENTS
 ASSESSMENT ROLL MAP

JUNE, 2013

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PRELIMINARY ENGINEER'S ESTIMATE

239TH AVENUE N.W. STREET IMPROVEMENTS
CITY OF ST. FRANCIS, MINNESOTA
BMI PROJECT NO. R18.106739

DATE: 6/26/2013

ITEM NO.	ITEM	QTY	UNIT	UNIT PRICE	TOTAL
1	MOBILIZATION	1	LS	\$13,750.00	\$13,750.00
2	TRAFFIC CONTROL	1	LS	\$1,375.00	\$1,375.00
3	7 1/2 INCH FULL DEPTH RECLAIM	12285	SY	\$6.88	\$84,520.80
4	2 INCH AGGREGATE SURFACING	315	CY	\$34.38	\$10,829.70
5	2 INCH BASE COARSE	12285	SY	\$12.38	\$152,088.30
6	1 1/2 WEAR COARSE	12285	SY	\$8.25	\$101,351.25
7	TACK COAT	737	GAL	\$8.25	\$6,081.08
8	DRIVEWAY RESTORATION	16	SY	\$49.50	\$792.00
9	DITCH GRADING/CULTVERT CLEANING	1	LS	\$68,750.00	\$68,750.00
10	SILT FENCE	200	LF	\$4.13	\$826.00
11	BIO ROLL	100	LF	\$4.13	\$413.00

Total Estimated Cost \$440,777.13

239TH AVENUE N.W. STREET IMPROVEMENTS

Preliminary Assessment Roll

Bolton & Menk Project # R18.106739

06/26/13

NUMBER	PID	Property Owner	Site Address	Corner Lot	Assessable Short Side Frontage (LF)	150' CAP ASSESSIBLE FRONTAGE (LF)	Long Side Frontage (LF)	Assessable Side Frontage (-150 ft.) (LF)	150' CAP ASSESSIBLE FRONTAGE (LF)	Total Assessable Frontage (LF)	40% Total Cost/ Total Frontage \$	Total Assessment
1	283424340002	LARSON LEONARD G & PATRICIA	23865 RUM RIVER BLVD NW		103	103				103	\$6,005.31	\$6,005.31
2	283424340003	LARSON LEONARD G & PATRICIA	23865 RUM RIVER BLVD NW		71	71				71	\$4,139.58	\$4,139.58
3	283424340004	JOHNSON ALTON R & GEORGENE	2930 239TH AVE NW		830	150				150	\$8,745.60	\$8,745.60
4	283424340006	DEGONDA DARYL A & CHRISTINE N MELEK STEVEN T	2850 239TH AVE NW		472	150				150	\$8,745.60	\$8,745.60
5	283424340007	MELEK STEVEN T	2768 239TH AVE NW		401	150				150	\$8,745.60	\$8,745.60
6	283424430004	LAINE JOHN LEROY & DEBORAH A	2720 239TH AVE NW		322	150				150	\$8,745.60	\$8,745.60
7	283424430005	HENSLEY E L & WELLS M A	2660 239TH AVE NW		300	150				150	\$8,745.60	\$8,745.60
8	283424430006	WICKS SHAWN L & RACHEL D	2614 239TH AVE NW		300	150				150	\$8,745.60	\$8,745.60
9	283424440005	RYCHMAN DAVID J & TAMARA J	2566 239TH AVE NW		308	150				150	\$8,745.60	\$8,745.60
10	283424440006	MCALISTER JAN	2546 239TH AVE NW		820	150				150	\$8,745.60	\$8,745.60
11	283424440007	EGAN PATRICK A & KELLI M	23901 XAVIS ST NW		365	150				150	\$8,745.60	\$8,745.60
12	283424440004	NATHE MARSHALL & VICKI	2542 239TH AVE NW		345	150				150	\$8,745.60	\$8,745.60
13	283424440003	NYE JAMES D & CAROL M	2595 239TH AVE NW		300	150				150	\$8,745.60	\$8,745.60
14	283424430003	MEYER THOMAS R	2632 239TH AVE NW		300	150				150	\$8,745.60	\$8,745.60
15	283424430002	HANE JOHN F & TURNER SHANNAH J	2665 239TH AVE NW	YES	300	150	363	213	150	300	\$17,491.20	\$17,491.20
16	283424430008	GRIFFITH GARY M & NANETTE	2709 239TH AVE NW	YES	300	150	363	213	150	300	\$17,491.20	\$17,491.20
17	283424430007	DOTSETH LONNIE L	2781 239TH AVE NW		310	150				150	\$8,745.60	\$8,745.60
18	283424340008	PETERSON PAUL W & PHYLLIS L	2853 239TH AVE NW		554	150				150	\$8,745.60	\$8,745.60
19	283424310012	LADELY BETSY			519	150				150	\$8,745.60	\$8,745.60
Totals					7,220	2,724	726	426.0	300	3,024.0	\$176,311.29	\$176,311.29

AVERAGE	\$9,279.54
HIGH	\$17,491.20
LOW	\$4,139.58

Estimated Annual Cost Per \$1,000 Assessment = \$133
 Period = 10 Years
 Interest Rate = 5.75%



BOLTON & MENK, INC.[®]

Consulting Engineers & Surveyors

7533 Sunwood Drive NW, Suite 206 • Ramsey, MN 55303

Phone (763) 433-2851 • Fax (763) 427-0833

www.bolton-menk.com

MEMORANDUM

Date: June 26, 2013
To: Honorable Mayor Tveit and Members of the City Council
City of St. Francis
From: *JAV* Jared Voge, P.E.
City Engineer
Subject: Kerry Street/232nd Lane Improvements
St. Francis, Minnesota
BMI Project No: R18.106740

INTRODUCTION:

As authorized by the City Council at the May 20, 2013 City Council meeting, a Feasibility Report has been prepared for the Kerry Street/232nd Lane Improvements.

BACKGROUND:

Based on discussions held with Council at the May 20, 2013 City Council meeting, please find enclosed a Feasibility Report for the Kerry Street/232nd Lane Improvements. The Feasibility Report identifies the deficiencies associated with the streets within the project area. Based on the findings included in the report and the associated recommendations, improvements should be completed as soon as possible to eliminate further deterioration of the streets. In addition, if improvements are not completed soon, the costs associated with the project will continue to increase.

RECOMMENDATION:

We recommend that Council receive the Feasibility Report and identify a timeline associated with completion of the improvements. Pending Council's desired timeline, funding options including but not limited to assessments should be discussed.

BUDGET IMPACT:

The improvements are not included in the 2013 budget. Additional consideration is necessary to identify all potential funding sources which may include assessments.

If you have any questions on the above, please call.

JAV/kg

Enclosure

BOLTON & MENK, INC.
Consulting Engineers & Surveyors

Kerry Street N.W. & 232nd Lane N.W.
Street Improvements

Preliminary Engineering Report

June 2013



Feasibility Report

Kerry Street N.W. Street Improvements &

232nd Street Improvements

in

St. Francis, Minnesota

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

By: _____

Jared Voge, P.E.
License No. 45063

Date: 06/26/2013

Bolton & Menk, Inc.

Consulting Engineers & Surveyors

Mankato – Fairmont - Sleepy Eye – Burnsville – Brainerd - Maplewood – Willmar – Ramsey –
Chaska – Ames, IA,

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APPENDIX

FIGURE NO. 1	LOCATION MAP
FIGURE NO. 2	PROPOSED IMPROVMENTS
FIGURE NO. 3	TYPICAL STREET SECTION
FIGURE NO. 4	KERRT STREET ASSESSMENT ROLL MAP
FIGURE NO. 5	232 ND LANE N.W. & IVYWOOD STREET ASSESSMENT ROLL MAP
	DETAILED COST ESTIMATE
	PRELIMINARY ASSESSMENT ROLL

I. PROJECT INTRODUCTION

This Preliminary Engineering Report prepared by Bolton & Menk, Inc., as authorized by the St. Francis City Council, provides an initial analysis of the feasibility, cost-effectiveness and necessity of the proposed infrastructure improvements. A portion of the improvement costs will be assessed to benefiting property owners. Public assessments applied to the properties described in this report are subject to the requirements of Minnesota State Statute, Chapter 429 (MS 429). This Preliminary Engineering Report is required by the MS 429 and is the first step in the special assessment process.

A. BACKGROUND INFORMATION

The City has been actively pursuing street improvement projects as part of their Capital Improvement Plan. The streets identified to be improved with this project have exhibited recent and rapid deterioration.

See Figure No. 1 for the project location map. The streets to be evaluated are:

- Kerry Street N.W. north of 231st Street N.W.
- 232nd Lane N.W. from Kerry Street N.W. to Ivywood Street
- Ivywood Street from 232nd Lane N.W. to 233rd Lane N.W.

B. SCOPE

This report addresses the necessity for street improvements in these areas. Included in this report is a description of the proposed improvements along with the estimated costs for each of the proposed infrastructure elements. The specific objectives of this report are to:

- Evaluate the need for the projects.
- Determine the necessary infrastructure improvements.
- Prepare a cost estimate for the proposed improvements.
- Prepare a preliminary assessment roll
- Develop a project schedule.

- Determine the feasibility of all improvements.

II. MS 429 PROCESS

As mentioned above, infrastructure improvements financed through the assessment of benefiting property owners are regulated by Minnesota Statute, Chapter 429 (MS 429). The process prescribed by MS 429 is described below.

1. The benefited parties submit a petition for the proposed improvements to the City Council or, as in this case; the improvement process is initiated by the City Council without a petition.
2. The City Council passed a *Resolution Ordering Preparation of Report on Improvement* and ordered a Feasibility Report for the proposed project.
3. After the City Council considers the Preliminary Engineering Report, the Council may pass a *Resolution Receiving Report and Calling Hearing on Improvement* to indicate its plan to continue the process.
4. A public hearing on the proposed improvements is held. While not required by statute, an informational Open House on the project is planned which will provide property owners the opportunity to learn about the project in an informal setting.
5. If it is determined that the process will continue, the City Council may pass a *Resolution Ordering Improvement and Preparation of Plans*, which orders the development of engineering plans and specifications for the project.
6. After the City Council considers the presentation of the plans and specifications, it may pass a *Resolution Approving Plans and Specifications and Ordering an Advertisement for Bids*.
7. The advertisement for bids must be published in the official local newspaper and trade publication such as the "Finance and Commerce" at least three weeks prior to the bid opening date.
8. If the City Council wishes to continue with the improvements after consideration of bids, the City Council may pass a *Resolution Accepting Bid*. This resolution would award the project to the lowest responsible bidder and construction may begin.

9. Following completion of the proposed improvements, a public hearing is held to set the final assessment amounts.

III. EXISTING CONDITIONS

A. Streets

The streets within the project area were constructed in 1996 as part of the Royal Oaks 2nd and 3rd Additions and were last seal coated in 2009. The existing street surfaces within the project area are approximately 26 to 27 feet wide bituminous surfaced roadways located within an existing 60-foot right-of-way. The pavement is degraded and in need of reconstruction throughout the existing pavement section. Potholes and cracks are forming in the seal coat and bituminous wearing course. Curb and gutter also exists throughout the project area and appears to be in adequate condition. A 5-foot wide concrete sidewalk exists on the west side of Kerry Street N.W. and the south side of 232nd Lane N.W. and is in adequate condition.

B. Stormwater Management

Storm water management along Kerry Street N.W. consists of concrete curb and gutter which conveys stormwater runoff to catch basins and pipes directing it to the wetland west of Kerry Street. The storm water management piping consists of reinforced concrete pipe (RCP) which was constructed in 1996.

C. Sanitary Sewer

PVC sewer mains 8-inches in diameter exist within the project limits. The sanitary sewer services are 4-inch diameter (SDR 26) PVC lines.

D. Watermain

The watermain within the project area is 6-inch and 8-inch diameter PVC. Services are 1-inch diameter copper pipe with a minimum 7.5-foot cover.

IV. PROPOSED IMPROVEMENTS

The proposed improvements include full-depth street reclamation. This consists of reclaiming three and one half-inches (3.5") of bituminous pavement and four-inches (4") of aggregate base

resulting in a full depth reclamation of seven and one half-inches (7.5"). The proposed improvements are shown in Figure 2 in the Appendix.

A. Street Improvements

The proposed street improvements consist of a full depth reclaim of the existing bituminous pavement on Kerry Street N.W., 232nd Lane N.W., and Ivywood Street south of 233rd Lane N.W. The proposed pavement section consists of three and one half-inches (3.5") of bituminous pavement. The existing pavement and gravel reclaim material will act as the new base for the proposed section, as shown in Figure 3. Two-inches (2") of the seven and one half-inches (7.5") of reclaim depth is proposed to be salvaged and stockpiled for use by the city. This will result in five and one half-inches (5.5") of reclaimed material for the road base. The reclaim material will provide a stronger base for the proposed pavement and improve the life of the road.

No residential boulevards or curb and gutter will be disturbed as construction is limited to the bituminous pavement surface.

B. Stormwater Management

To minimize erosion and sediment runoff from the construction site, inlet protection will be used at the existing catch basins within the proposed site. The existing storm sewer system has been found to be in acceptable condition and no improvements are proposed

C. Sanitary Sewer

The existing sewer mains are 17 years old, constructed of PVC, and no deficiencies have been identified, so no improvements are recommended at this time. Sanitary sewer castings will be adjusted to final grade as part of the paving process.

D. Watermain

The existing water mains are also 17 years old, constructed of PVC, and no deficiencies have been identified, so no improvements are recommended at this time. Watermain structures will be adjusted to final grade as part of the paving process.

V. RIGHT-OF-WAY ACQUISITION

No right-of-way acquisition is anticipated for this project.

VI. PRELIMINARY COST ESTIMATES

The total estimated project cost is \$210,748. A detailed preliminary cost estimate is included in the Appendix. The unit prices for the items of work have been estimated based on similar types of projects completed in the past. These cost estimates are based on public construction cost information and include contingencies, engineering and administrative costs. Since the consultant has no control over the cost of labor, materials, competitive bidding, weather conditions or other factors affecting the cost of construction, all cost estimates are opinions for general information and no warranty or guarantee as to the accuracy of construction cost is made. Financing for the project should be based on actual bid prices with reasonable contingencies.

VII. FUNDING AND ASSESSMENTS

An assessment breakdown is shown in the table below. The project will be funded with assessments to benefiting properties as well as the City’s General Fund. Approximately 4,091 lineal feet of frontage could be assessed on this project. The procedure used is specified in the City of St. Francis’ “Assessment Policy for Public Initiated Improvements.” This policy specifies 40% of the total cost of the project may be assessed to property owners with frontage along the project site. The assessable cost per foot of frontage for this project is approximately \$20.61. The remaining project costs will consist of city funding.

Funding Source	Est. Project Cost
Assessments (40%)	\$84,299
General Fund (60%)	\$126,449
Total	\$210,748

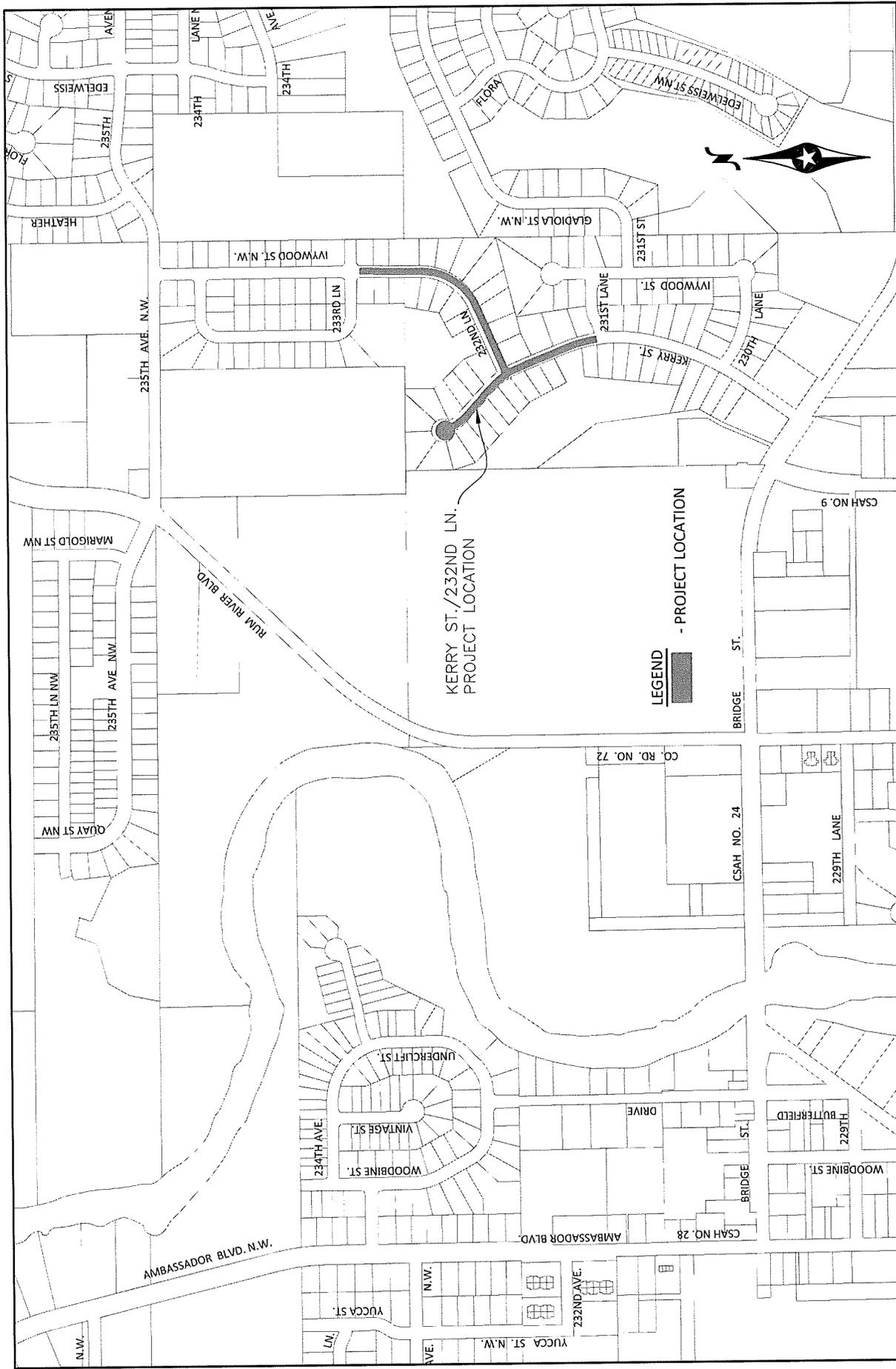
VIII. PROPOSED SCHEDULE

- Receive Report and call for Hearing July 1, 2013
- Conduct Informational Open House July 16, 2013
- Conduct Improvement Hearing August 5, 2013
- Order Improvement & Preparation of Plans August 5, 2013
- Approve Plans & Order Advertisement for Bids September 2, 2013
- Open Bids September 24, 2013
- Award Bid October 1, 2013

- Commence Construction October 14, 2013
- Assessment Hearing November 4, 2013
- Substantial Completion November 22, 2013

IX. RECOMMENDATION

Based on the findings presented in this report, the proposed improvements are cost effective, necessary, and feasible from an engineering perspective. Bolton & Menk, Inc. recommends that, if these improvements are determined to be financially feasible, the City Council approve this report, call for a public hearing, and authorize the preparation of final plans and specifications.

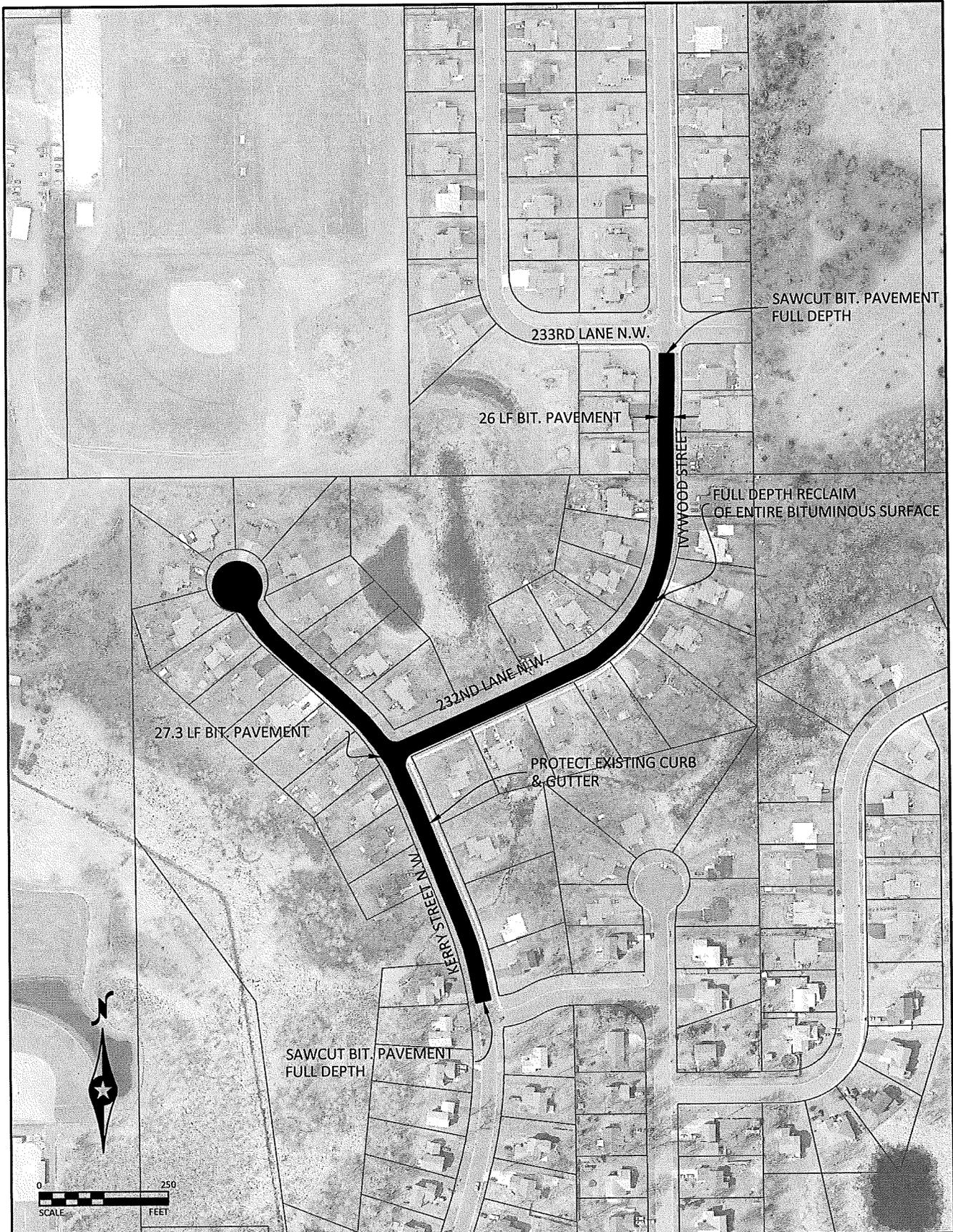


CITY OF ST. FRANCIS, MINNESOTA
 KERRY ST. N.W./232ND LN. STREET IMPROVEMENTS
 PROJECT LOCATION MAP

BOLTON & MENK, INC.
 Consulting Engineers & Surveyors
 MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN
 WILLMAR, MN CHASKA, MN RAMSEY, MN MAPLEWOOD, MN
 BAXTER, MN ROCHESTER, MN AMES, IA SPENCER, IA

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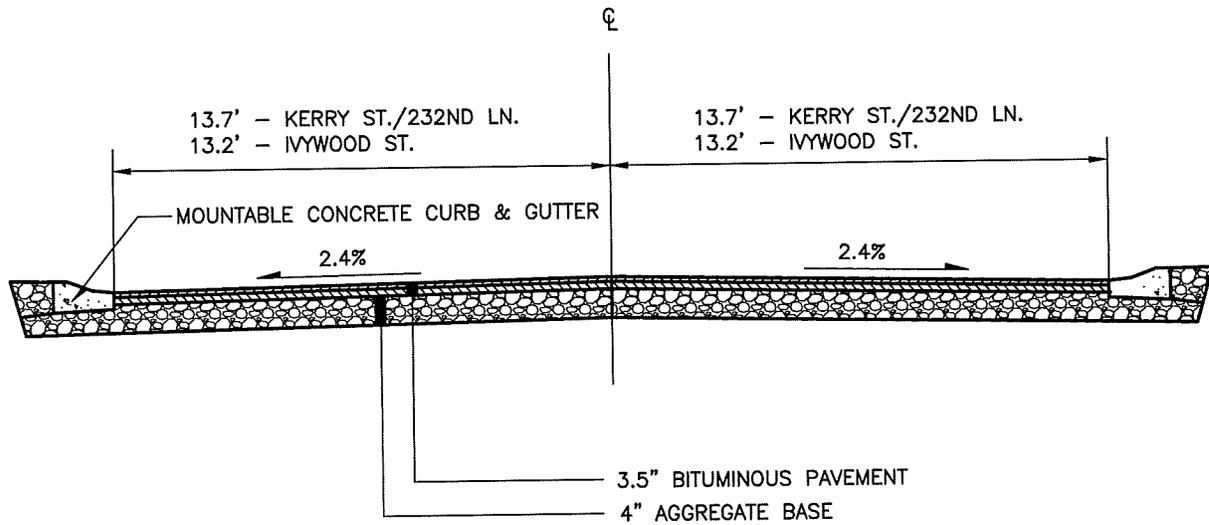
BOLTON & MENK, INC.
 Consulting Engineers & Surveyors
 MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN
 WILLMAR, MN CHASKA, MN RAMSEY, MN MAPLEWOOD, MN
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CITY OF ST. FRANCIS, MINNESOTA
 KERRY ST. N.W./232ND LN. STREET IMPROVEMENTS
 PROPOSED IMPROVEMENTS

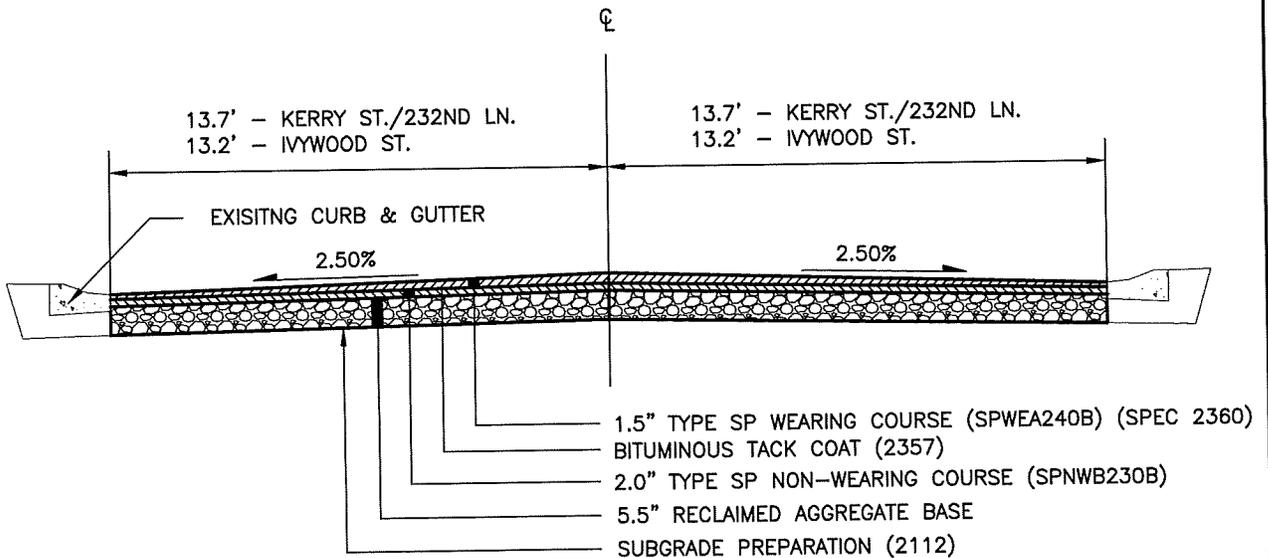
JUNE, 2013

FIGURE NO.2



EXISTING STREET SECTION (TYPICAL)

NTS



PROPOSED STREET SECTION (TYPICAL)

NTS



BOLTON & MENK, INC.

Consulting Engineers & Surveyors

MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN
 BURNSVILLE, MN WILLMAR, MN CHASKA, MN
 RAMSEY, MN MAPLEWOOD, MN BRAINERD, MN AMES, IA

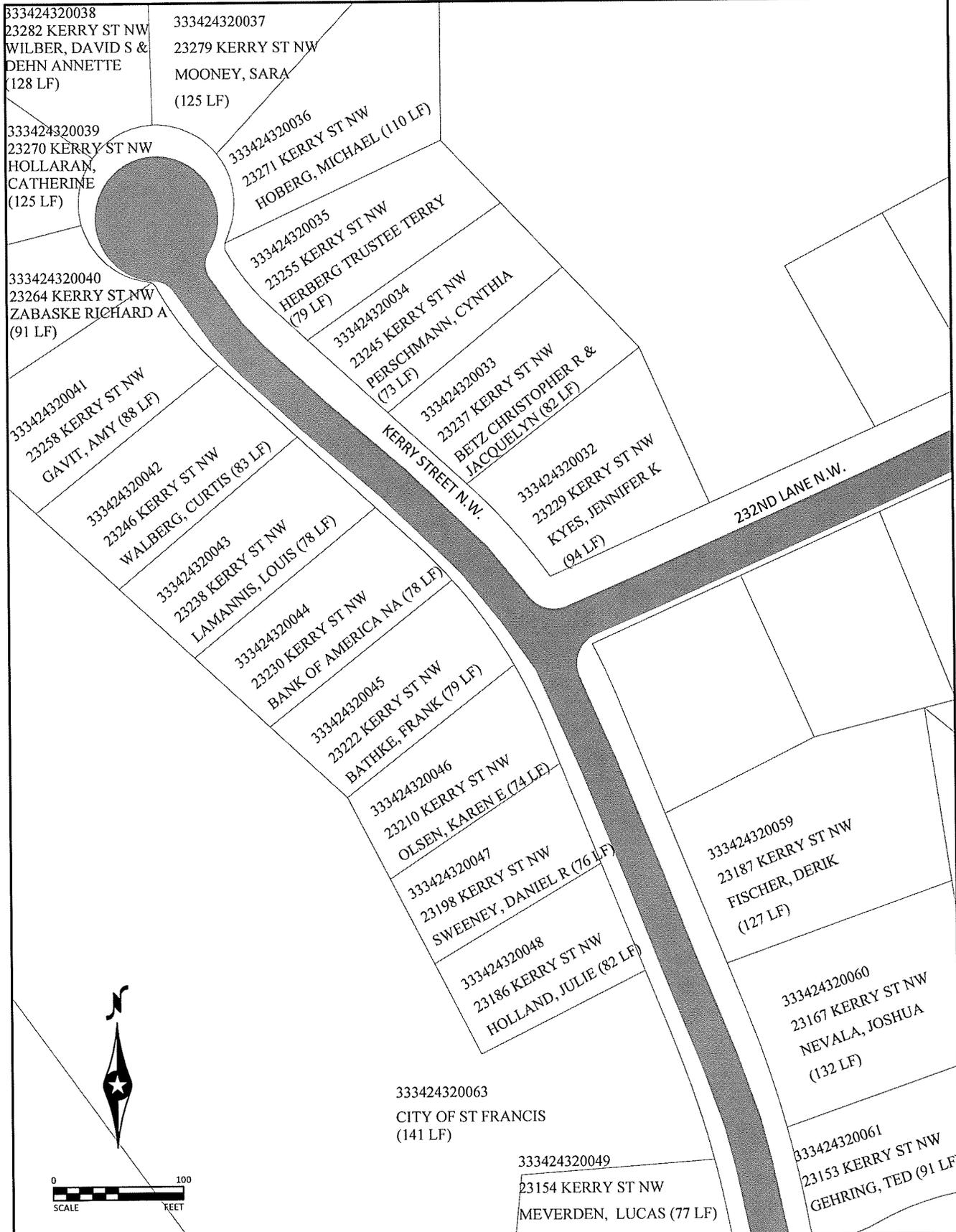
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CITY OF ST. FRANCIS, MINNESOTA
 KERRY ST. N.W./232RD LN. STREET IMPROVEMENTS
 EXISTING/PROPOSED CROSS SECTIONS

JUNE, 2013

FIGURE NO. 3

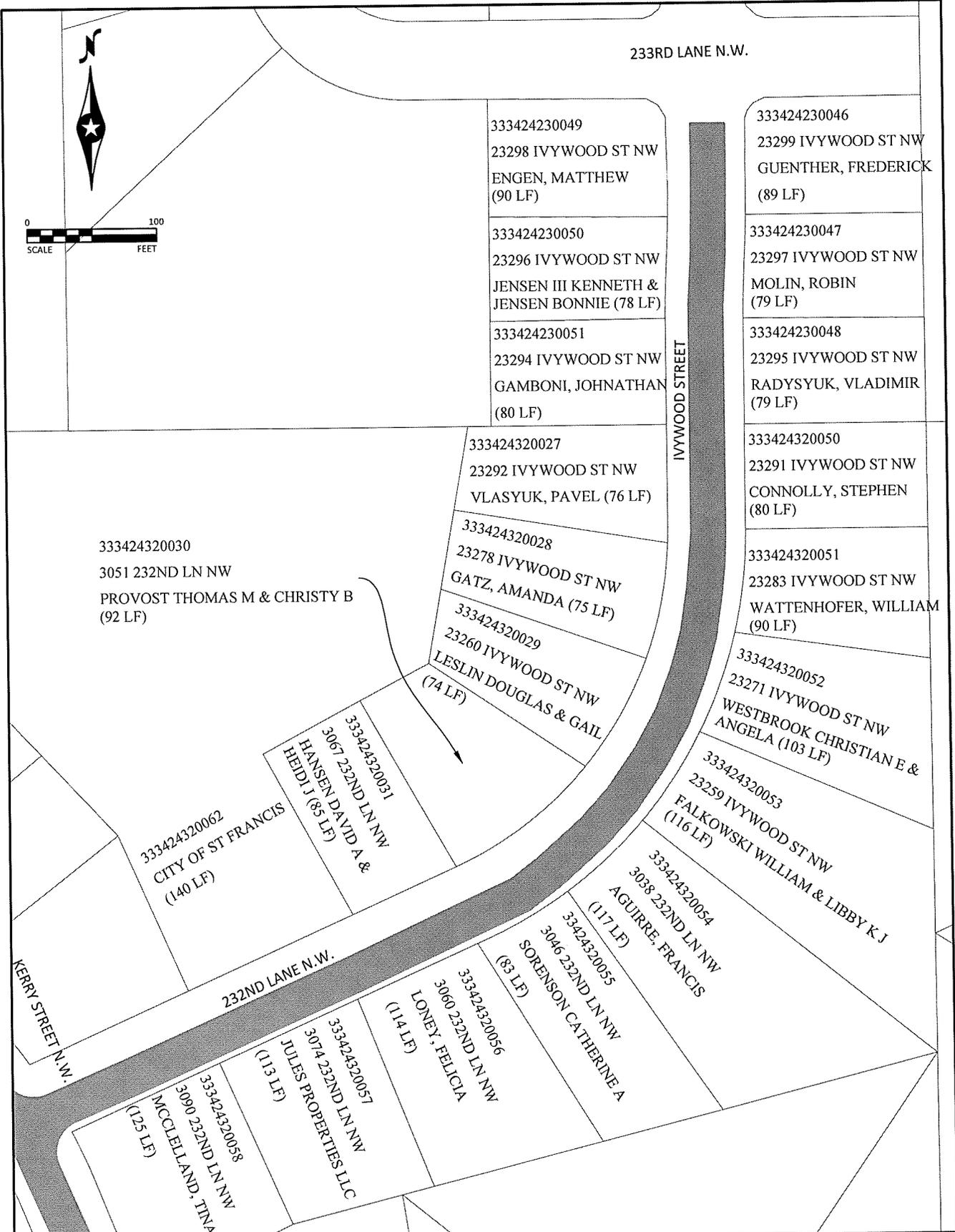


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 Consulting Engineers & Surveyors
 MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN
 WILLMAR, MN CHASKA, MN RAMSEY, MN MAPLEWOOD, MN
 BAXTER, MN ROCHESTER, MN AMES, IA SPENCER, IA

CITY OF ST. FRANCIS, MINNESOTA
 KERRY ST. N.W./232ND LN. STREET IMPROVEMENTS
 KERRY ST. ASSESSMENT ROLL MAP
 JUNE, 2013

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 WILLMAR, MN CHASKA, MN RAMSEY, MN MAPLEWOOD, MN
 BAXTER, MN ROCHESTER, MN AMES, IA SPENCER, IA
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CITY OF ST. FRANCIS, MINNESOTA
 KERRY ST. N.W./232ND LN. STREET IMPROVEMENTS
 232ND LN./IVYWOOD ST. ASSESSMENT ROLL MAP
 JUNE, 2013 FIGURE NO. 5

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PRELIMINARY ENGINEER'S ESTIMATE

KERRY ST. N.W. / 232ND LANE N.W. STREET IMPROVEMENTS
CITY OF ST. FRANCIS, MINNESOTA
BMI PROJECT NO. R18.106740

DATE: 6/26/2013

ITEM NO.	ITEM	QTY	UNIT	UNIT PRICE	TOTAL
1	MOBILIZATION	1	LS	\$6,875.00	\$6,875.00
2	TRAFFIC CONTROL	1	LS	\$1,375.00	\$1,375.00
3	7 1/2 INCH FULL DEPTH RECLAIM	6920	SY	\$6.88	\$47,609.60
4	SALVAGE RECLAIM MATERIAL TO CITY	385	CY	\$11.00	\$4,235.00
5	2 INCH BITUMINOUS BASE COARSE	6920	SY	\$12.38	\$85,669.60
6	1 1/2 INCH BITUMINOUS WEAR COARSE	6920	SY	\$8.25	\$57,090.00
7	TACK COAT	415	GAL	\$8.25	\$3,425.40
8	INLET PROTECTION	13	EA	\$343.75	\$4,468.75

TOTAL ESTIMATED COST: \$210,748.35

Kerry St. NW/232nd lane NW STREET IMPROVEMENTS
Preliminary Assessment Roll
Bolton & Menk Project # R18.106740
06/26/13

NUMBER	PID	Property Owner	Site Address	Mailing Address if Different than Site Address	Corner Lot	Assessable Short Side Frontage (LF)	Assessable Side Frontage (-150 ft.) (LF)	Total Assessable Frontage (LF)	40% Total Cost/ Total Frontage	Total Assessment
1	333424320049	MEVERDEN LUCAS	23154 KERRY ST NW			77		77	\$1,586.66	\$1,586.66
2	333424320048	MORTGAGE ELECTRONIC REGISTRATION SYSTEMS	23186 KERRY ST NW	1100 VIRGINIA DR. PO BOX 8300 FORT WASHINGTON PA, 19034						
3	333424320047	SWEENEY, DANIEL R.	23198 KERRY ST NW			82		82	\$1,689.69	\$1,689.69
4	333424320046	OLSEN, KAREN E.	23210 KERRY ST NW			76		76	\$1,566.06	\$1,566.06
5	333424320045	BATHE, FRANK	23222 KERRY ST NW			74		74	\$1,524.84	\$1,524.84
6	333424320044	DONOVAN, BETH	23230 KERRY ST NW			79		79	\$1,627.87	\$1,627.87
7	333424320043	LAWANNIS, LOUIS	23238 KERRY ST NW			78		78	\$1,607.27	\$1,607.27
8	333424320042	WALBERG, CURTIS	23246 KERRY ST NW			83		83	\$1,710.30	\$1,710.30
9	333424320041	OSTLUND, TERRY D & LYNN L	23258 KERRY ST NW			88		88	\$1,813.33	\$1,813.33
10	333424320040	ZABASKE, RICHARD A	23264 KERRY ST NW			91		91	\$1,875.15	\$1,875.15
11	333424320039	US BANK NATIONAL ASSOCIATION	23270 KERRY ST NW	10790 RANCHO BERNARDO RD. SAN DIEGO CA, 92127		125		125	\$2,575.75	\$2,575.75
12	333424320038	WILBER, DAVID S & DEHN, ANNETTE	23282 KERRY ST NW			128		128	\$2,637.57	\$2,637.57
13	333424320037	MOONEY, SARA	23279 KERRY ST NW			125		125	\$2,575.75	\$2,575.75
14	333424320036	HOBERG, MICHAEL	23271 KERRY ST NW			110		110	\$2,266.66	\$2,266.66
15	333424320035	HERBERG TRUSTEE TERRY	23255 KERRY ST NW	3331 44TH AVE. S MINNEAPOLIS MN, 55406		79		79	\$1,627.87	\$1,627.87
16	333424320034	HARRIS, ALYSSA	23245 KERRY ST NW			73		73	\$1,504.24	\$1,504.24
17	333424320033	BETZ, CHRISTOPHER R & JACQUELYN	23237 KERRY ST NW			82		82	\$1,689.69	\$1,689.69
18	333424320032	KYES, JENNIFER K	23229 KERRY ST NW		YES	94	0	94	\$1,936.96	\$1,936.96
19	333424320059	FISCHER, DERIK	23187 KERRY ST NW							
20	333424320060	NEVALA, JOSHUA	23167 KERRY ST NW			127		127	\$2,616.96	\$2,616.96
21	333424320061	GEHRING, TED	23153 KERRY ST NW		YES	91	0	91	\$1,875.15	\$1,875.15
22	333424320058	MCLELLAND, TINA	3090 232ND LN NW		YES	125	0	125	\$2,575.75	\$2,575.75
23	333424320057	MIGALYUK, OLEG & LUDMILA	3074 232ND LN NW			113		113	\$2,328.48	\$2,328.48
24	333424320056	LONEY, FELICIA	3060 232ND LN NW			114		114	\$2,349.08	\$2,349.08
25	333424320055	SORENSEN, CATHERINE A	3046 232ND LN NW			83		83	\$1,710.30	\$1,710.30
26	333424320054	AGUIRRE, FRANCIS	3038 232ND LN NW			117		117	\$2,410.90	\$2,410.90
27	333424320031	HANSEN, DAVID A & HEIDI J	3067 232ND LN NW			85		85	\$1,751.51	\$1,751.51
28	333424320030	PROVOST, THOMAS M & CHRISTY B	3051 232ND LN NW			92		92	\$1,895.75	\$1,895.75
29	333424320029	LESLIN, DOUGLAS & GAIL	23260 IVYWOOD ST NW			74		74	\$1,524.84	\$1,524.84
30	333424320028	BELDEN, CORY C & VANCE E M	23278 IVYWOOD ST NW			75		75	\$1,545.45	\$1,545.45
31	333424320027	VLASYUK, PAVEL	23292 IVYWOOD ST NW			76		76	\$1,566.06	\$1,566.06
32	333424320051	GAMBONI, JOHNATHAN	23294 IVYWOOD ST NW			80		80	\$1,648.48	\$1,648.48
33	333424320050	JENSEN III KENNETH & JENSEN BONNIE	23296 IVYWOOD ST NW			78		78	\$1,607.27	\$1,607.27
34	333424320049	BRYAN, SCOTT	23298 IVYWOOD ST NW		YES	90	0	90	\$1,854.54	\$1,854.54

Kerry St NW/232nd lane NW STREET IMPROVEMENTS
Preliminary Assessment Roll
Bolton & Menk Project # R18.106740
06/26/13

NUMBER	PID	Property Owner	Site Address	Mailing Address if Different than Site Address	Corner Lot	Assessable Short Side Frontage (LF)	Assessable Side Frontage (-150 ft.) (LF)	Total Assessable Frontage (LF)	40% Total Cost/ Total Frontage	Total Assessment
35	333424230046	GUENTHER, FREDERICK H & CLAUDIA	23299 IVYWOOD ST NW	21475 IBIS ST NW CEDAR MN, 55011	YES	89	0	89	\$20.61	\$1,833.93
36	333424230047	MOLIN, JAMES J & ROBIN L	23297 IVYWOOD ST NW			79		79		\$1,627.87
37	333424230048	RADYSYUK, VLADIMIR	23295 IVYWOOD ST NW			79		79		\$1,627.87
38	333424230050	DEPEW, DOUGLAS	23291 IVYWOOD ST NW	23363 ARROWHEAD ST NW ST. FRANCIS MN, 55070		80		80	\$1,648.48	\$1,648.48
39	333424230051	MARTIN, HAROLD	23283 IVYWOOD ST NW			90		90	\$1,854.54	\$1,854.54
40	333424230052	WESTBROOK, CHRISTIAN E & ANGELA	23271 IVYWOOD ST NW			103		103	\$2,122.42	\$2,122.42
41	333424230053	FALKOWSKI, WILLIAM & LIBBY K J	23259 IVYWOOD ST NW			116		116	\$2,390.30	\$2,390.30
42	333424230062	ST FRANCIS CITY OF	232ND LN NW PARK	PO BOX 730 ST. FRANCIS MN, 55070		140		140	\$2,884.84	\$2,884.84
43	333424230063	ST FRANCIS CITY OF	KERRY ST NW PARK	PO BOX 730 ST. FRANCIS MN, 55071		141		141	\$2,905.45	\$2,905.45
Totals						4,091		4,091.0	\$84,299.14	\$84,299.14
						Estimated Annual Cost Per \$1,000 Assessment =		\$133		
						Period (years) =		10		
						Interest Rate =		5.75%		
						AVERAGE		\$1,960.45		
						HIGH		\$2,905.45		
						LOW		\$1,504.24		

((

AGENDA REPORT

TO: Matt Hylan, City Administrator

FROM: Paul Teicher, Public Works Director 

SUBJECT: Aging playground equipment borders.

DATE: July 1st, 2013

INTRODUCTION: The Public Works Department has identified several parks that are becoming dangerous because of deteriorating timbers. These deteriorating timbers are the transitional borders between the grass areas and the woodchip areas under the playground equipment.

BACKGROUND: Approved woodchips are used under playground equipment as a fall protection device. Maintaining a certain depth of woodchips is necessary to provide adequate fall protection. In order to maintain the required depth a containment border must be install around the playground equipment. Currently, green treated timbers that are splitting and rotten make up the border around the playground equipment. This has become a safety concern in most of the parks.

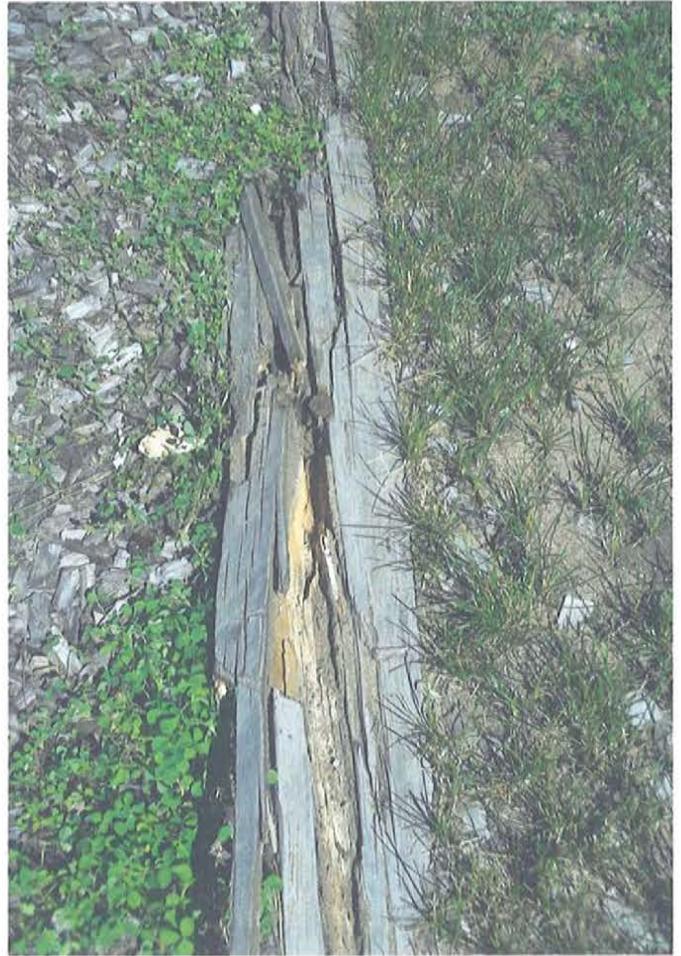
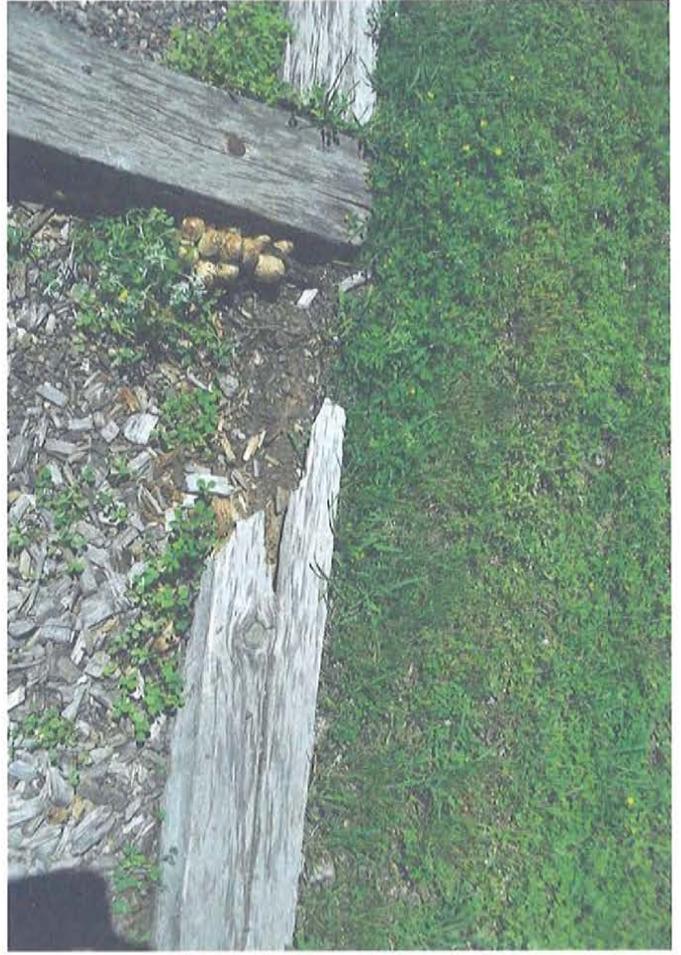
RECOMMENDATION: Staff recommends the replacement of the deteriorating timbers with a more permanent concrete border. The 2 parks in most need right now are Highland Woods Park and Deer Creek 2 Park. The Approximate cost to perform this work is \$19,000.00. Council action would be to approve the project estimates, authorize the low bid to perform work and authorize the use of Park Dedication Funds to pay for the project.

BUDGET IMPACT: Funding for this project would come from Park Dedication Funds of which the current balance is around \$80,000.00. This would not impact our operation and maintenance budget.

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Attachments:

1. Pictures/ estimates.



Hidden Falls Inc.
 1452 92nd Ave St.
 Suite A
 Blaine, MN 55449

Estimate

Name / Address
City Of ST Francis 23340 Cree St Nw ST Francis

Date	Estimate #
4/15/2013	163

P.O. No.	Terms	Project
	1/2 down 1/2 Finished	

Description	Qty	Cost	Total
Removal of landscape Timbers WOODS PARK	1	2,025.00	2,025.00
Installation of 350 concrete curbing	1	5,665.00	5,665.00
Repair grass - With black dirt and seed. install erosion blanket	1	1,815.00	1,815.00
Removal of landscape Timbers <i>DEER CREEK 2ND</i>	1	2,075.00	2,075.00
Installation of 330 concrete curbing	1	5,340.55	5,340.55
Repair grass - With black dirt and seed. install erosion blanket	1	1,815.00	1,815.00

Subtotal	\$18,735.55
Sales Tax (6.5%)	\$0.00
Total	\$18,735.55

Web Site
hiddenfallsinc.com

Signature _____

Price good for 45 days

Phone #
763-434-5319



1452 92nd Ave Ne Suite A
Blaine, MN 55449

Estimate

Date	Estimate #
4/15/2013	158

Name / Address
City of St. Francis 23340 Cree St Nw St. Francis, MN

Phone # 763-434-5319

P.O. No.	Terms	Project
	1/2 Down/1/2 Due u...	

Description	Qty	Rate	Total
Concrete Curbing 350 Install 6" x 10" HIGHLAND PARK	1	6,048.16	6,048.16
Demo- Removal of timbers around play ground mulch.	1	2,150.00	2,150.00
Repair grass with black dirt overlay park grade seed and erosion blanket	1	1,800.00	1,800.00
Concrete Curbing 330 Install 6" x 10" DEER CREEK PARK	1	5,702.00	5,702.00
Demo- Removal of timbers around play ground mulch.	1	2,150.00	2,150.00
Repair grass with black dirt overlay park grade seed and erosion blanket	1	1,800.00	1,800.00

Signature _____

Total \$19,650.16

