CITY OF ST. FRANCIS
CITY COUNCIL AGENDA

July 16, 2012

ISD #15 CENTRAL SERVICES CENTER (DISTRICT OFFICES)
4115 Ambassador Blvd. NW
6:00 pm

1. Call to Order/Pledge of Allegiance
2. Roll Call
3. Adopt Agenda
4. Consent Agenda
   a. Approve City Council Minutes – July 2, 2012
   b. Hire Jeremy Shook at a Full Time Public Works Employee
   c. Acknowledge Application for Exempt Permit for MN Waterfowl Cedar Creek Chapter to be on conducted at St. Francis American Legion – September 13, 2012
   d. Hire Nicole Peterson as a Part Time Liquor Store Clerk
   e. Payment of Claims
5. Meeting Open to the Public
6. Petitions, Requests, Applications
   a. 4020-233rd Avenue: Hearing on Determination of Public Health and Safety Hazard
   b. Comp Plan Amendment for 230th & Ivywood – Resolution 2012-22
7. Ordinances & Resolutions:
   a Ord. 170, Second Series: Amending Chapter 3 of the City Code Regarding Municipal Utilities (2nd Rdg)
   b. Resolution 2012-23: Approving the Summary Publication of Ordinance 170, Second Series Amending Chapter 3 of the City Code Regarding Municipal Utilities
   c. Ord. 171, Second Series: Amending Section 10-20-4 Regarding Required Landscaping (First Reading)
   d. Ord. 172, Second Series: Amending Sign Ordinance Regarding Sandwich Board Signs (First Reading)
   e. Resolution 2012-24: Approving the Transfer from General Fund to EDA Lease Purchase Revenue Bonds Debt Service
8. Reports of Consultants & Staff Members
   a. Engineer: Hwy 47 & Pederson Drive Pedestrian Flashing Signage Update
   b. Attorney: Closed Meeting to Discuss Labor Negotiations Pursuant to MN Statue 13D.03
   c. Staff:
   Fire:
   Public Works:
   Liquor Store:
   Police: Regional Crime Analysis Diagram
   City Administrator: Budget Discussion
9. Reports from Council Members
10. Report from Mayor
    a. Council Attendance Discussion
11. Old Business
12. New Business
13. Adjournment

Calendar of Events

July 18: Planning Comm. Mtg. @ ISD #15 Central Services Center 7:00 pm
July 20: "Movies in the Park" @ Community Park starting at dusk. Movie is Rio
July 31-Aug 14 Filing opens for Local Races
Aug 6: City Council Meeting @ ISD #15 Central Services Center (District Offices) 6:00 pm
Aug. 14: State Primary Polls are open from 7 am to 8 pm

TO: Mayor & City Council

FROM: Matthew L. Hylen, City Administrator

Matt

RE: Agenda Memorandum – July 16, 2012 Meeting

Agenda Items:

4. **Consent Agenda:**

6. **Petitions, Requests, Applications:**
   a. Hearing on 4020 233rd Avenue NW: Mayor Tveit will call the hearing to order to allow the property owner to have a right to visit with the Council about the property in question located at 4020 233rd Avenue NW. Ultimately after the Mayor closes the hearing, the Council will need to decide if this is a public health and safety hazard.
   b. Comprehensive Plan Amendment: Enclosed is a memorandum from City Planner Nate Sparks addressing the city green space at 23031 Ivywood Street. The Planning Commission has recommended removing this parcel from the Park System and classify as Single Family Residential. A motion would be in order to approve Resolution 2012-22 approving a comprehensive plan amendment for 23031 Ivywood Street.

7. **Ordinances & Resolutions:**
   a. *Ordinance 170, Second Series:* Ordinance 170, Second Series (second reading) updates the Utility Code of the City. The first reading was back on June 4, 2012. A motion and roll call vote would be in order for this Ordinance. Assuming there is a favorable vote, Resolution 2012-23 would need a motion to authorize summary publication of Ordinance 170.
   b. *Resolution 2012-23:* This resolution allows the City to print a summary of Ordinance 170, Second Series which is allowed due to the length and cost. A full copy is at city hall for people to review it.
   c. *Ordinance 171, Second Series:* Ordinance 171, Second Series (first reading) updates the City Required Landscaping for new developments. This Ordinance has been recommended by the Planning Commission. A motion and roll call vote would be in order for the first reading of Ordinance 171.
   d. *Ordinance 172, Second Series:* Ordinance 172, Second Series (first reading) updates the City Requirements for Sandwich Board Signage. This Ordinance has been recommended by the Planning Commission. A motion and roll call vote would be in order for the first reading of Ordinance 172.
   e. *Resolution 2012-24:* Resolution 2012-24 transfers money from the General Fund to the EDA Lease Revenue Bonds Debt Service Fund. A motion would be in order to approve Resolution 2012-24.

8. **Reports:**
   a. **Engineer:** *Hwy 47 & Pederson Drive Pedestrian Flashing Signage Update:* City Engineer Jared Voge will be discussing the latest discussions with MN Department of Transportation.
   b. **City Attorney:**
   c. **Staff:**
      Fire:
      Public Works:
      Liquor Store:
      Police:
      City Administrator: Will be discussing preliminary budget numbers.

11. **Old Business**

12. **New Business:**

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

CITY COUNCIL MINUTES

JULY 2, 2012

1. **Call to Order/Pledge of Allegiance:** The regular City Council Meeting was called to order by Mayor Jerry Tveit at 6:00 p m.

2. **Roll Call:** Present were Mayor Jerry Tveit, Council members Steve Kane and Chris McClish. Tim Brown and Jeff Sandoval excused. Also present were Also present were City Attorney Scott Lepak (Barna, Guzy and Steffen, Ltd) ,City Engineer Jared Voge (Bolton & Menk, Inc.), Police Chief Jeff Harapat, Public Works Director Paul Teicher, Finance Director Darcy Mulvihill, and City Clerk Barb Held.

3. **Adopt Agenda:** MOTION BY KANE SECOND McCLISH TO ADOPT THE JULY 2, 2012 CITY COUNCIL AGENDA. Motion carried 3-0.

4. **Consent Agenda:** MOTION BY McCLISH SECOND KANE TO APPROVE THE JULY 2, 2012, CITY COUNCIL CONSENT AGENDA A-C AS FOLLOWS:

a. Approve the City Council Minutes of June 22, 2012.

b. Hire Part Time Public Works Thomas Koep contingent upon successful mandatory criminal background check and physical examination.

g. Approve the Payment of Claims for $288,915.40 (Check Number 63888-63940 $177,705.52 and ACH Debit 37E $111,209.88) . Motion carried 3-0.

5. **Meeting Open to the Public:** None.

6. **Petitions, Requests, Applications:**

a. None.

7. **Ordinances & Resolution:**

a. **Resolution 2012-20: Approving the Northern River Crossing Study of June 2012 and Recommending Inclusion of the Findings Thereof in the City of St. Francis 2030 Comprehensive Plan:** MOTION BY KANE SECOND McCLISH APPROVING THE NORTHERN RIVER CROSSING STUDY OF JUNE 2012 AND RECOMMENDING INCLUSION OF THE FINDINGS THEREOF IN THE CITY OF ST FRANCIS 2030 COMPPREMENSIVE PLAN. Motion carried 3-0.

b. **Resolution 2012-21: Appointing Election Judges for the State Primary and General Election:** MOTION BY McCLISH SECOND KANE APPROVING RESOLUTION 2012-21 APPOINTING ELECTION JUDGES FOR THE STATE PRIMARY AND GENERAL ELECTION. Motion carried 3-0.

8. **Reports of Consultants & Staff Members:**

a. **Engineer:**

b. **Attorney:**

c. Staff:

Fire Department:
Public Works:
Liquor Store:
Police Dept.:
City Administrator Report: Telephone/IT Joint Powers Agreement: Chief Harapat stated this is a great example of joint-cooperation of services and resources between cities. This agreement is for telephone and IT service. There are currently 20 cities that belong to this joint service with the City of Roseville and continually are adding cities. The city of St. Francis would pay a percentage of the cost based on our needs. We still have to purchase the phone equipment but we are just added on to their software and hardware. MOTION BY TVEIT SECOND McCLISH TO ENTER INTO A JOINT POWERS AGREEMENT FOR THE CITY OF ROSEVILLE EXTENSION OF MIS SERVICES AND SUPPORT TO CITY OF ST. FRANCIS. Motion carried 3-0.

Anoka County Board of Commissioners will be holding their Board meeting in St. Francis next Tuesday at 9:30 am. The meeting will be held in this boardroom.

9. **Reports from Council Members**: McClish thanked city staff for their work during Pioneer Days.

Kane thanked City Clerk Barb Held for attending the Special City Council Meeting on Friday June 22, 2012, staff's day off.

10. **Report from Mayor:** None.

11. **Old Business**: None.

12. **New Business:** Mayor Tveit would like to bring up the attendance of our city councilmembers. It is disheartening that we did not have a quorum last meeting and had to have a special meeting. I would like to get the attendance under control. I would be in support of adopting a resolution or whatever we can do that if someone does not give at least a three-day notice somehow their pay is affected. Tveit said I know Kane has business out of the country but gives us sufficient notice. Kane said if difficult when our main source of income is not from council pay but I do try to give you as much notice I can. McClish stated hopefully the voters will keep informed and vote accordingly. Tveit said I think we are giving the voters who voted for us a disservice by not attending the council meetings.

13. **Adjournment:** The City Council adjourned the meeting at 6:18 pm.

_____
Barbara I. Held, City Clerk

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** If application posted or received:	
	less than 30 days before the event **$100**	more than 30 days before the event **$50**

ORGANIZATION INFORMATION

Organization name: Minnesota Waterfowl Cedar Creek Chapter
Previous gambling permit number: 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 13, 2012

Check each type of gambling activity that your organization will conduct.

____ Bingo* X 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 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 _____

Print form and have CEO sign

REQUIREMENTS

Reset form

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. 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.

City of St. Francis

07/11/2012 5:25 pm

PAYMENT BATCH AP 07-16-12

ACE SOLID WASTE, INC.					
07/01/2012	9582717	E 101-42110-384	Refuse/Garbage Disposal	SOLID WASTE	14.86
07/01/2012	9582717	E 101-42210-384	Refuse/Garbage Disposal	SOLID WASTE	14.85
07/01/2012	9582717	E 101-43100-384	Refuse/Garbage Disposal	SOLID WASTE	40.47
07/01/2012	9582717	E 101-43210-384	Refuse/Garbage Disposal	SOLID WASTE	35.07
07/01/2012	9582717	E 101-45200-384	Refuse/Garbage Disposal	SOLID WASTE	40.46
07/01/2012	9582717	E 601-49440-384	Refuse/Garbage Disposal	SOLID WASTE	79.22
07/01/2012	9582717	E 602-49490-384	Refuse/Garbage Disposal	SOLID WASTE	79.22
07/01/2012	9582717	E 609-49750-384	Refuse/Garbage Disposal	SOLID WASTE	129.58
07/01/2012	9584692	E 230-49990-441	Miscellaneous	PIONEER DAYS	685.17
07/01/2012	9584693	E 101-43210-439	Recycling Days	SPECIAL EVENTS	(351.00)
					$767.90
ANOKA COUNTY CENTRAL COMM.					
06/26/2012	2012-288	E 101-42110-321	Telephone	2012 ANNUAL MOTOROLA SERV	766.92
					$766.92
APPLELAND LAW ENFORCEMENT					
06/08/2012	2008	E 101-42110-208	Training and Instruction	AMMO	318.80
					$318.80
ASPEN MILLS					
05/10/2012	121133	E 101-42110-437	Uniform Allowance	NEWSTROM-RESERVE	14.64
06/20/2012	122487	E 101-42110-437	Uniform Allowance	HARAPAT-BOOTS	99.50
06/27/2012	122708	E 101-42110-437	Uniform Allowance	SINCLAIR-RESERVE	34.80
					$148.94
BANYON DATA SYSTEMS, INC					
07/01/2012	148020	E 101-41540-301	Auditing and Acct g Services	ANNUAL SUPPORT FUND, POS /	1,055.33
07/01/2012	148020	E 601-49440-301	Auditing and Acct g Services	ANNUAL SUPPORT FUND, POS /	175.89
07/01/2012	148020	E 602-49490-301	Auditing and Acct g Services	ANNUAL SUPPORT FUND, POS /	175.89
07/01/2012	148020	E 609-49750-301	Auditing and Acct g Services	ANNUAL SUPPORT FUND, POS /	351.77
					$1,758.88
BOLTON & MENK, INC.					
05/24/2012	0147784	E 101-43100-303	Engineering Fees	245TH AVE CULVERT IMP	3,119.00
06/18/2012	0148387	E 101-43100-303	Engineering Fees	RIVER CROSSING STUDY	115.00
06/18/2012	0148388	E 402-43000-303	Engineering Fees	PUBLIC SERVICES FACILITY	7,184.00
06/18/2012	0148389	E 601-49440-303	Engineering Fees	WOODHAVEN WATER METER IN	1,612.80
06/18/2012	0148390	E 101-43100-303	Engineering Fees	GIS	216.00
06/18/2012	0148390	E 101-45200-303	Engineering Fees	GIS	1,320.00
06/18/2012	0148392	E 101-43100-303	Engineering Fees	2012 STATE AID	792.00
06/18/2012	0148393	G 803-22044	Esc-Rum River Bluffs	RUM RIVER BLUFFS	192.50
06/18/2012	0148408	E 101-43100-303	Engineering Fees	245TH AVE CULVERT IMP	920.00

					$15,471.30
CENTURY LINK					
07/01/2012	.0712	E 101-41940-321	Telephone	City Hall	92.40
07/01/2012	.0712	E 101-42110-321	Telephone	PD	77.00
07/01/2012	.0712	E 101-42210-321	Telephone	FD	77.00
07/01/2012	.0712	E 101-43100-321	Telephone	S/P phone	15.40
07/01/2012	.0712	E 101-45200-321	Telephone	S/P phone	15.40
07/01/2012	.0712	E 601-49440-321	Telephone	PW phone	15.40
07/01/2012	.0712	E 602-49490-321	Telephone	PW phone	15.40
					$308.00
CHISAGO LAKES DISTRIBUTING CO.					
07/02/2012	476472	E 609-49751-252	Beer For Resale	BEER	466.00
07/02/2012	476473	E 609-49751-254	Miscellaneous Merchandise	MISC	41.00
					$507.00
COLONIAL INSURANCE					
06/25/2012	7129661-0705458	G 101-21710	Other Deductions	MONTHLY PREMIUM	226.96
					$226.96
COUNTY MARKET - CITY ACCOUNT					
07/02/2012		E 101-43100-212	Motor Fuels	FUEL	205.00
07/02/2012		E 101-45200-212	Motor Fuels	FUEL	375.76
07/02/2012		E 601-49440-212	Motor Fuels	FUEL	100.01
07/02/2012	0224.0612	E 101-42210-212	Motor Fuels	GAS	424.74
					$1,105.51
CRYSTAL SPRINGS ICE					
06/29/2012	27098	E 609-49751-254	Miscellaneous Merchandise	MISC	66.60
07/02/2012	27145	E 609-49751-254	Miscellaneous Merchandise	MISC	266.80
07/04/2012	27184	E 609-49751-254	Miscellaneous Merchandise	MISC	146.80
07/05/2012	27204	E 609-49751-254	Miscellaneous Merchandise	MISC	80.80
					$561.00
DAHLHEIMER DIST. CO. INC.					
07/05/2012	1030096	E 609-49751-252	Beer For Resale	BEER	14,151.05
07/05/2012	1030096	E 609-49751-255	N/A Products	N/A	15.50
					$14,166.55
DE LAGE LANDEN					
07/07/2012	14329097	E 101-41400-240	Office Equip	COPIER	261.92
07/07/2012	14329097	E 101-42110-200	Office Supplies	COPIER	253.89
					$515.81
EAGLE GARAGE DOOR CO.					
06/29/2012	3321	E 101-42110-401	Repairs/Maint Buildings	REPLACED TORSION SPRINGS	579.75
					$579.75
ELITE SANITATION					
06/28/2012	20639	E 101-45200-402	Janitorial Service	PORTIBLE TOILET	302.18
					$302.18
ELK RIVER FORD, INC.					
06/19/2012	16024156	E 101-43100-221	Vehicle Repair & Maintenance	WORK ON 2006 FORD	440.58
06/19/2012	16024156	E 101-43210-221	Vehicle Repair & Maintenance	WORK ON 2006 FORD	440.57

06/19/2012	16024156	E 101-45200-221	Vehicle Repair & Maintenance	WORK ON 2006 FORD	440.58
					$1,321.73
ENVENTIS					
07/01/2012	.0712	E 101-41940-321	Telephone	PHONE	222.49
07/01/2012	.0712	E 101-42110-321	Telephone	PHONE	259.59
07/01/2012	.0712	E 101-42210-321	Telephone	PHONE	37.08
07/01/2012	.0712	E 101-43100-321	Telephone	PHONE	37.08
07/01/2012	.0712	E 101-45200-321	Telephone	PHONE	37.10
07/01/2012	.0712	E 601-49440-321	Telephone	PHONE	37.08
07/01/2012	.0712	E 602-49490-321	Telephone	PHONE	37.08
07/01/2012	.0712	E 609-49750-321	Telephone	PHONE	74.16
					$741.66
EXTREME BEVERAGE					
07/02/2012	W-574237	E 609-49751-254	Miscellaneous Merchandise	MISC	167.50
					$167.50
G&K SERVICES, INC					
06/22/2012	1043203565	E 101-43100-402	Janitorial Service	TOWELS	15.00
06/22/2012	1043203565	E 101-45200-402	Janitorial Service	TOWELS	15.00
06/22/2012	1043203565	E 601-49440-402	Janitorial Service	TOWELS	15.00
06/22/2012	1043203565	E 602-49490-402	Janitorial Service	TOWELS	15.00
06/29/2012	1043208526	E 601-49440-402	Janitorial Service	RUGS	92.48
07/06/2012	1043213481	E 101-43100-402	Janitorial Service	TOWELS	21.39
07/06/2012	1043213481	E 101-45200-402	Janitorial Service	TOWELS	21.39
07/06/2012	1043213481	E 601-49440-402	Janitorial Service	TOWELS	21.39
07/06/2012	1043213481	E 602-49490-402	Janitorial Service	TOWELS	21.40
					$238.05
GFOA					
06/21/2012	0159107.0712	E 101-41500-433	Dues and Subscriptions	9/1/12 - 8/31/13	170.00
					$170.00
GILLUND ENTERPRISES					
06/26/2012	761069	E 101-43100-217	Other Operating Supplies	SUPPLIES	120.93
06/26/2012	761069	E 101-45200-217	Other Operating Supplies	SUPPLIES	120.93
06/26/2012	761069	E 601-49440-217	Other Operating Supplies	SUPPLIES	120.93
06/26/2012	761069	E 602-49490-217	Other Operating Supplies	SUPPLIES	120.92
					$483.71
GOPHER STATE ONE-CALL					
07/03/2012	43154	E 601-49440-442	Gopher State	TICKETS FOR JUNE	36.98
07/03/2012	43154	E 602-49490-442	Gopher State	TICKETS FOR JUNE	36.97
					$73.95
GRANITE CITY JOBBING CO.					
07/03/2012	727884	E 609-49750-210	Operating Supplies	OPERATING	41.04
07/03/2012	727884	E 609-49751-206	Freight and Fuel Charges	FREIGHT	4.25
07/03/2012	727884	E 609-49751-254	Miscellaneous Merchandise	MISC	7.94
07/03/2012	727884	E 609-49751-256	Tobacco Products For Resale	TOBACCO	1,097.33
07/03/2012	727884	G 101-20810	Sales Tax Payable	SALES TAX	(0.88)
					$1,149.68
INNOVATIVE OFFICE SOLUTIONS, L					

06/20/2012	67064	E 101-42110-200	Office Supplies	SUPPLIES	185.95
06/26/2012	69902	E 101-43100-200	Office Supplies	SUPPLIES	13.94
06/26/2012	69902	E 101-45200-200	Office Supplies	SUPPLIES	13.94
06/26/2012	69902	E 601-49440-200	Office Supplies	SUPPLIES	13.94
06/26/2012	69902	E 602-49490-200	Office Supplies	SUPPLIES	13.94
06/28/2012	71412	E 101-41400-200	Office Supplies	OFFICE SUPPLIES	7.57
06/28/2012	71412	E 101-42110-200	Office Supplies	OFFICE SUPPLIES	2.52
06/28/2012	71412	E 101-42210-200	Office Supplies	OFFICE SUPPLIES	2.52
06/28/2012	71412	E 101-43100-200	Office Supplies	OFFICE SUPPLIES	2.52
06/28/2012	71412	E 101-45200-200	Office Supplies	OFFICE SUPPLIES	2.52
06/28/2012	71412	E 601-49440-200	Office Supplies	OFFICE SUPPLIES	2.52
06/28/2012	71412	E 602-49490-200	Office Supplies	OFFICE SUPPLIES	2.52
06/28/2012	71412	E 609-49750-200	Office Supplies	OFFICE SUPPLIES	2.55
					$266.95
INTERNAT L INST OF MUNI CLERKS					
		E 101-41400-433	Dues and Subscriptions	ANNUAL MEMBERSHIP	135.00
					$135.00
ISANTI COUNTY EQUIPMENT, INC.					
06/09/2012	03 3066050	E 101-43100-237	Small Equipment	PARTS	305.71
06/09/2012	03 3066050	E 101-45200-237	Small Equipment	PARTS	305.70
					$611.41
JOHNSON BROS WHLSE LIQUOR					
06/28/2012	539325	E 609-49751-206	Freight and Fuel Charges	CREDIT	(1.47)
06/28/2012	539325	E 609-49751-251	Liquor For Resale	CREDIT	(79.95)
07/03/2012	1336132	E 609-49751-206	Freight and Fuel Charges	FREIGHT	22.05
07/03/2012	1336132	E 609-49751-251	Liquor For Resale	LIQUOR	1,918.18
07/03/2012	1336133	E 609-49751-206	Freight and Fuel Charges	FREIGHT	17.64
07/03/2012	1336133	E 609-49751-253	Wine For Resale	WINE	542.85
07/03/2012	1336134	E 609-49751-253	Wine For Resale	WINE	209.90
					$2,629.20
JOHNSON, TRAVIS					
		G 101-20820	Surcharge Payable	REFUND PARTIAL B PERMIT	4.50
		R 101-32210	Building Permits	REFUND PARTIAL B PERMIT	126.00
		R 101-34104	Plan Check Fee	REFUND PARTIAL B PERMIT	81.90
					$212.40
LEAGUE OF MN CITIES					
06/26/2012	40840	E 230-49990-441	Miscellaneous	ADD FIREWORKS	250.00
					$250.00
LEHNE S SERVICE, INC.					
06/18/2012	14277	E 101-45200-218	Equipment Repair & Maintenance	REPAIR TIRE	25.00
					$25.00
MCDONALD DIST CO.					
06/29/2012	305177	E 609-49751-252	Beer For Resale	BEER	256.85
					$256.85
MN MUNICIPAL UTILITIES ASSOC.					
07/01/2012	39521	E 101-41400-311	Contract	SAFETY PROG - 3RD QTR	423.75
07/01/2012	39521	E 101-42110-311	Contract	SAFETY PROG - 3RD QTR	423.75

07/01/2012	39521	E 101-42210-311	Contract	SAFETY PROG - 3RD QTR	423.75
07/01/2012	39521	E 101-43100-311	Contract	SAFETY PROG - 3RD QTR	635.62
07/01/2012	39521	E 101-45200-311	Contract	SAFETY PROG - 3RD QTR	635.62
07/01/2012	39521	E 601-49440-311	Contract	SAFETY PROG - 3RD QTR	635.62
07/01/2012	39521	E 602-49490-311	Contract	SAFETY PROG - 3RD QTR	635.62
07/01/2012	39521	E 609-49750-311	Contract	SAFETY PROG - 3RD QTR	423.77
					$4,237.50

NELSON ELECTRIC MOTOR REPAIR

07/06/2012	5867	E 602-49451-229	Project Repair & Maintenance	TURTLE RUN LIFT	534.38
					$534.38

NORTHEAST WISCONSIN TECH COLLE

06/17/2012	62837	E 101-42110-208	Training and Instruction	TASER TRAINING	350.00
					$350.00

NORTHLAND TRUST SERVICES, INC.

06/07/2012	STFR06A.0712	E 601-47000-611	Bond Interest	DEBT PAYMENT 2006A	17,841.38
06/07/2012	STFR06A.0712	E 602-47000-611	Bond Interest	DEBT PAYMENT 2006A	21,806.12
06/07/2012	STFR07A.0712	E 311-47000-611	Bond Interest	DEBT PAYMENT 2007A	18,241.25
06/07/2012	STFR07A.0712	E 601-47000-611	Bond Interest	DEBT PAYMENT 2007A	25,442.44
06/07/2012	STFR07A.0712	E 602-47000-611	Bond Interest	DEBT PAYMENT 2007A	31,096.31
06/07/2012	STFR10A.0712	E 602-47000-611	Bond Interest	DEBT PAYMENT 2010	22,165.63
06/07/2012	STFR10A.0712	E 602-47000-620	Fiscal Agent s Fees	DEBT PAYMENT 2010	425.00
					$137,018.13

NORTHWEST ASSOC. CONSULTANTS

07/02/2012	20347	E 101-41910-311	Contract	TECH ASSIST-CITY PROJECTS	6,463.79
					$6,463.79

PACE ANALYTICAL SERVICES

07/05/2012	121221171	E 602-49490-313	Sample Testing	TESTING	122.50
07/05/2012	121221175	E 601-49440-313	Sample Testing	TESTING	120.00
					$242.50

PAUSTIS & SONS

07/02/2012	8356601-IN	E 609-49751-206	Freight and Fuel Charges	FREIGHT	27.50
07/02/2012	8356601-IN	E 609-49751-253	Wine For Resale	WINE	1,644.03
					$1,671.53

PHILLIPS WINE & SPIRITS CO.

06/28/2012	2263551	E 609-49751-251	Liquor For Resale	LIQUOR	369.00
06/28/2012	3485269	E 609-49751-206	Freight and Fuel Charges	CREDIT	(1.47)
06/28/2012	3485269	E 609-49751-251	Liquor For Resale	CREDIT	(40.50)
07/03/2012	2266787	E 609-49751-206	Freight and Fuel Charges	FREIGHT	24.99
07/03/2012	2266787	E 609-49751-251	Liquor For Resale	LIQUOR	1,654.08
07/03/2012	2266788	E 609-49751-206	Freight and Fuel Charges	FREIGHT	5.88
07/03/2012	2266788	E 609-49751-253	Wine For Resale	WINE	248.00
					$2,259.98

PONDS GOLF COURSE, THE

07/10/2012	071012	E 609-49750-340	Advertising	SPONSOR	100.00
					$100.00

QUILL CORPORATION

06/26/2012	3996216	E 230-49990-441	Miscellaneous	ENVELOPES	19.23
					$19.23
RJM DISTRIBUTING INC.					
07/03/2012	18675	E 609-49751-254	Miscellaneous Merchandise	MISC	56.25
					$56.25
SCHARBER & SONS					
06/21/2012	18976	E 101-45200-218	Equipment Repair & Maintenance	BELOS GIANT	434.36
06/27/2012	01 1102253	E 101-43100-218	Equipment Repair & Maintenance	BELOS FILTERS	115.34
06/27/2012	01 1102253	E 101-45200-218	Equipment Repair & Maintenance	BELOS FILTERS	115.35
06/27/2012	1102253	E 101-45200-218	Equipment Repair & Maintenance	AIR FI	230.69
					$895.74
SCHREDER, ANDY					
07/05/2012	070512	E 101-42400-331	Travel Expenses	TRAVEL	53.28
					$53.28
SHOOKINATOR LAWNS					
		E 101-41910-441	Miscellaneous	MOW 2616 234TH CT	105.00
					$105.00
SOUTHERN WINE & SPIRITS OF MN					
07/05/2012	1846828	E 609-49751-206	Freight and Fuel Charges	FREIGHT	26.67
07/05/2012	1846828	E 609-49751-251	Liquor For Resale	LIQUOR	2,442.94
07/05/2012	1846828	E 609-49751-253	Wine For Resale	WINE	195.00
					$2,664.61
ST. FRANCIS - PETTY CASH					
		E 101-41400-322	Postage	REIMBURSE PETTY CASH	4.55
		E 101-43100-331	Travel Expenses	MEAL-TEICHER	6.31
					$10.86
ST. FRANCIS COLLISION & GLASS					
05/15/2012	6088PD	E 101-42110-441	Miscellaneous	CLEANING SOLVENT	114.50
					$114.50
ST. FRANCIS TRUE VALUE HARDWAR					
06/30/2012		E 101-42210-217	Other Operating Supplies	FIRE DEPT SUPPLIES	17.24
06/30/2012	.0612	E 101-43100-217	Other Operating Supplies	SUPPLIES	6.39
06/30/2012	.0612	E 101-45200-217	Other Operating Supplies	SUPPLIES	50.72
06/30/2012	.0612	E 602-49490-217	Other Operating Supplies	SUPPLIES	8.11
					$82.46
STREICHER S					
06/07/2012	1934645	E 101-42110-437	Uniform Allowance	REHLING	174.55
06/25/2012	1938783	E 101-42110-437	Uniform Allowance	REHLING	32.05
06/25/2012	1938789	E 101-42110-437	Uniform Allowance	MAG HOLDER	64.10
					$270.70
THORPE DISTRIBUTING COMPANY					
06/29/2012	698764	E 609-49751-253	Wine For Resale	WINE	150.60
06/29/2012	698765	E 609-49751-252	Beer For Resale	BEER	206.50
					$357.10
TOM LYNCH ELECTRIC					

07/05/2012		E 101-42210-401	Repairs/Maint Buildings	FIRE DEPT WORK	2,595.00
					$2,595.00
TURTLE RIDGE TOWNHOMES					
		E 250-49200-444	Refund & Reimbursement	TIF 1ST HALF 2012 PAYMENT	6,818.13
					$6,818.13
US BANK					
		E 330-47000-611	Bond Interest	EDA LEASE REV DEBT SERVICE	182,026.21
					$182,026.21
WELLS FARGO					
05/15/2012	0025-787991DC9	E 101-42210-601	Debt Srv Bond Principal	LOAN PAYMENT FIRE TRUCK	13,582.05
05/15/2012	0025-787991DC9	E 101-42210-611	Bond Interest	LOAN PAYMENT FIRE TRUCK	2,978.72
					$16,560.77
WINE MERCHANTS					
06/28/2012	58291	E 609-49751-206	Freight and Fuel Charges	CREDIT	(1.47)
06/28/2012	58291	E 609-49751-253	Wine For Resale	CREDIT	(88.00)
07/03/2012	415341	E 609-49751-206	Freight and Fuel Charges	FREIGHT	13.23
07/03/2012	415341	E 609-49751-253	Wine For Resale	WINE	544.00
					$467.76
WIRTZ BEVERAGE MN					
06/26/2012	862802	E 609-49751-206	Freight and Fuel Charges	LIQUOR CREDIT	(2.90)
06/26/2012	862802	E 609-49751-251	Liquor For Resale	LIQUOR CREDIT	(126.38)
07/05/2012	770175	E 609-49751-206	Freight and Fuel Charges	FREIGHT	27.55
07/05/2012	770175	E 609-49751-251	Liquor For Resale	LIQUOR	2,606.47
07/05/2012	770175	E 609-49751-253	Wine For Resale	WINE	60.00
					$2,564.74
ZIEGLER INC.					
06/26/2012	SW050184497	E 602-49451-229	Project Repair & Maintenance	RIVERS EDGE LIFT STATION	2,006.90
07/10/2012	SW050185318	E 602-49451-229	Project Repair & Maintenance	RIVER EDGE LIFT	624.64
					$2,631.54
					$417,410.28

FUND SUMMARY

101 GENERAL FUND	$45,124.70
230 PIONEER DAYS	$954.40
250 TURTLE RIDGE TIF	$6,818.13
311 G.O. BONDS - 2007A	$18,241.25
330 EDA LEASE REVENUE BONDS	$182,026.21
402 CAPITAL EQUIPMENT	$7,184.00
601 WATER FUND	$46,363.08
602 SEWER FUND	$79,943.55
609 MUNICIPAL LIQUOR FUND	$30,562.46
803 ESCROW	$192.50
Total	417,410.28

AGENDA REPORT

TO: Matthew L. Hylen, City Administrator

FROM: Christopher C. Mickelson, Administrative Intern

SUBJECT: 4020 233rd Ave NW

DATE: 7-11-12

INTRODUCTION

4020 233rd Ave NW (formerly Food N' Fuel) has been a blighted property in St. Francis for nine years. Due to the neglected state of the four underground fuel storage tanks located on the property, a present health and safety hazard exists in the form of potential groundwater contamination, contaminated soil and soil vapor.

BACKGROUND

In September of 2009, the Minnesota Pollution Control Agency issued red tags and ordered MDW Equity, LLC to remove four underground storage tanks at 4020 233rd Ave NW. MDW Equity, LLC failed to act on this order which now allows the City Council to declare 4020 233rd Ave NW a hazardous property with the assistance of the MPCA. At the October 3, 2011 City Council meeting, Council voted to "take the next step as warranted," regarding this property. After considering numerous options, City staff believes the best next step is to declare this property an official hazardous site and order MDW Equity, LLC to remove these underground storage tanks. If MDW Equity, LLC fails to respond and remove these tanks within ten days, St. Francis City Code allows for the City to remedy the hazardous situation(s) and bill the property owner for the costs incurred. Charges for any services unpaid after billing for at least 90 days, and after notice and hearing, may be certified to the County Auditor and collected as a special assessment. On June 23, 2012, MDW Equity, LLC was informed that a hearing would be held on July 16, 2012 to determine if 4020 233rd Ave NW is a public health and safety hazard.

RECOMMENDATION

A motion to declare 4020 233rd Ave NW a hazardous property and order MDW Equity, LLC to remove the four underground fuel storage tanks located on the property.

BUDGET IMPACT

There is no direct budget impact if MDW Equity, LLC pays for the removal and clean-up of the underground storage tanks at 4020 233rd Ave NW. If, however, MDW Equity, LLC fails to act, the City of St. Francis would pay for the costs incurred and bill MDW Equity, LLC. Two estimates are attached detailing the cost of cleaning up 4020 233rd Ave NW – ranging from $16,000 to approximately $50,000 depending on the scope of work and if contamination is present. If MDW Equity, LLC fails to reimburse the City of St. Francis within 90 days for all costs incurred, charges may be certified to the County Auditor and collected as a special assessment.

Attachments:
1. Letter to Michael Stern
2. Quiring Estimate
3. Dean's Tank Estimate
4. Findings of Fact document

5. Exhibit C
6. Exhibit F
7. Exhibit G
8. Exhibit H

July 17, 2012

CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED

Michael Stern
MDW Equity, LLC
2760 North University Drive
Davie, FL 33024

Re: 4020 233rd Ave NW, St. Francis, MN 55070

Dear Mr. Stern:

I am writing to inform you that at the July 16, 2012 City Council meeting it was determined that a public health and safety hazard exists on your property at 4020 233rd Ave NW, St. Francis, MN 55070. City Code Section 2-7-4 states you now have 10 calendar days to remedy this health and safety hazard as deemed appropriate and acceptable by the Minnesota Pollution Control Agency and the City of St. Francis. If this issue is not remedied by July 27, 2012, the City of St. Francis will eliminate the present health and safety hazard and bill MDW Equity, LLC for all costs incurred. Please feel free to contact me in the event that you have any questions.

Respectfully,

Matthew L. Hylen
City Administrator

ENC: City Code Section 2-7-4
568184-v1

DRAFT

Quiring
Excavating
A Division of
Swan Companies, Inc.

Thank you for the opportunity to quote you our portion of this project

Customer: ***City of St Francis***
Attn: [redacted] Mickelson
Chris
Project: ***St Francis Texaco Demo***

Date: 6/15/2012
Quiring Excavating is a Sister Company to Minnesota Petroleum and Shares the same Ownership Group

SUMMARY BREAKDOWN

Mobilization	LS	$	1,500.00
One mob to job site			
Demolition			
Canopy and footings	LS	$	2,730.00
Con/Bit Removal Tank Removal Only	LS	$	3,500.00
Asphalt removal			
Concrete slab			
Tank Removal	LS	$	8,166.00
Excavate			
Tank evacuation and cleaning			
Remove tanks			
Import 290 ton of granular borrow for backfill			
Soil testing bottom of tank excavation			
Excludes Hazardous Soil Export			
TOTAL		$	15,896.00

Asbestos Testing	Add Alt	$	1,950.00
30 samples			
Excludes removal			
Haz Mat Removal	Add Alt	$	1,500.00
Lights			
Ballasts			
Freon			
Demolition			
Main building	Add Alt	$	7,150.00
Car wash	Add Alt	$	4,975.00
Shed and Trash enclosure	Add Alt	$	1,500.00
Con/Bit Removal Balance Of Site	Add Alt	$	6,750.00
Asphalt removal			
Concrete slab and curb			
Site Restoration	Add Alt	$	10,100.00

Quiring
Excavating
A Division of
Swan Companies, Inc.

Import 450 CY of top soil (4" over entire site)
Final grade
Seed and mulch

Exclusions:

Bond
Hazardous material removal
Permits
Dewatering
Soil corrections
Erosion control

Notes:

Excludes Hazardous Soil Removal
All items tied unless negotiated

Signature

Date

Quoted by: Kyle Higdem
Office: 612-490-8111
Mobile: 612-490-8111
Fax: 952-496-0181
Email: khigdem@quiringexcavating.biz

End of Quote For:
St Francis Texaco Demo

Quiring Excavating
682 39th Ave NE,
Columbia Heights, MN 55421

Dean's Tank, Inc.
P.O. Box 22515
Robbinsdale, MN 55422-0515
(763) 535-0194

Proposal Contract

Client Account #: 218-251-0513	**Proposal Date:** 3 July 2012

Proposal Submitted To:
Chris Michelson
23340 Cree St. NW
St. Francis, Mn 55070

Site of Work:
4020-233rd Ave NW
St. Francis, Mn
55070

We hereby submit specifications and estimates for:

Base Job:

To pump out and remove (4) underground petroleum storage tanks(2-8000, 1-4000, 1-2000 gallon capacity) and dispose of tanks, liquid, sludge and all associated piping. Assist environmental consultant to do necessary soil testing. Backfill and compact tank cavities to grade with granular fill. No site restoration included. All MPCA documentation included.

All labor, material, disposal, permits, and environmental testing----------$13,300.00

Demolition, removal and disposal of gas station building, car wash, shed----------$14,000.00

Demolition of asphalt parking lot, curbing and canopy----------$10,630.00

Total----------$37,930.00

Additional Charges Related to Base Job that May Occur:
Disposal of diesel, #1,#2,#3 fuel oil at $0.00 per gallon. Disposal of petroleum impacted water at $2.00 per gallon. Disposal of waste oil at $3.00 per gallon. Disposal of non-pump able sludge at $8.00 per gallon, plus tank cleaning and drum charges. Customer is responsible for marking private utilities including but not limited to gas, water, septic, telephone lines, sprinkler lines and electrical lines. Customer responsible for re-routing of all utilities if necessary. Dean's Tank Inc. Is not responsible for structural damage or damage to utilities beyond our control; this includes damage resulting from cave-ins. If in the process of excavation we encounter frost, rock, concrete, sewer, foreign debris, excessive water, excessive cave-ins, shoring or bracing is needed, hold down slabs and related apparatus need to be excavated, additional charges will be incurred.

Dean's Tank, Inc. **Proposal Contract**

Client Account #: 218-251-0513	Proposal Date: 3 July 2012

Acceptance of Proposal

The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as agreed below. All material is guaranteed to be as specified. All work is to be completed in a professional and timely manner according to standard practices. Any alterations or deviations from the above specifications involving cost will be executed only upon written or verbal orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Contractor:
Dean's Tank, Inc.
P.O. Box 22515
Robbinsdale, MN 55422-0515

Signature 7/3/12 Date

President
Title

Owner or Owner's Agent:

Signature Date

Title

Payment Agreement

Payment due net 10 days upon completion of job with 1.8% monthly finance charge on overdue amounts.

Owner:

Signature Date

Contractors Pre-Lien Notice

Persons or companies furnishing labor or materials for the improvement of real property may enforce a lien upon the improved land if they are not paid for their contribution, even if the parties have no direct contractual relationship with the owner. Minnesota law permits the owner to withhold from the owner's contractor as much of the contract price as may be necessary to meet the demands of all other lien claimants, pay directly the liens and deduct the cost of them from the contract price, or withheld amounts from the owner's contractor until the expiration of 120 days from the completion of the improvement unless the contractor furnishes to the owner, waivers of claims for mechanics liens signed by person who furnished any labor or material for the improvement who provided the owner with timely notice.

Signature Date Title

ST. FRANCIS CITY COUNCIL MEETING
JULY 16, 2012

IN THE MATTER OF MDW EQUITY, LLC REGARDING AN ALLEGATION THAT MDW EQUITY, LLC WAS ORDERED TO REMOVE FOUR UNDERGROUND STORAGE TANKS FROM THEIR PROPERTY BY THE MINNESOTA POLLUTION CONTROL AGENCY.

FINDINGS OF FACT

1. In 1984, a gas station was constructed at 4020 233rd Avenue Northwest in St. Francis. (Exhibit G, Page 1)

2. At that time, 3 underground storage tanks (UST) were installed (one 8000 gallon gasoline tank, one 8000 gallon alcohol tank, and one 2000 gallon diesel tank.) (Exhibit G, Page 1)

3. In 1997, a 4000 gallon gasoline tank was installed, bringing the total amount of UST's to four. (Exhibit G, Page 1)

4. On July 23, 2003, the Minnesota Pollution Control Agency (MPCA) inspected the site and found it to be closed. The gas station at 4020 233rd Ave NW has been closed and inactive since at least July 23, 2003. (Exhibit G, Page 4)

5. On October 13, 2005, MDW Equity, LLC acquired the property.

6. On November 6, 2007, a Field Citation Warning was issued by the MPCA for MDW Equity's failure to conduct various required tests and for having inadequate spill containment equipment. (Exhibit H)

7. On April 28, 2008, the MPCA issued a red tag for each of the four UST's at 4020 233rd Ave NW. (Exhibit F)

8. These red tags were issued for the property owner's failure to protect the 8000 gallon tanks and the 2000 gallon tank from corrosion, for failure to have a leak detection method in place for all four UST's, and for failure to comply with the corrective actions required by the Field Citation Warning issued by the MPCA on November 6, 2007. (Exhibit F)

9. On September 25, 2009, the MPCA ordered MDW Equity, LLC to remove the four UST's at 4020 233rd Ave. (Exhibit C)

10. This order was issued due to MDW Equity's failure to comply with the corrective actions required by the red tag of each tank for more than one year. (Exhibit C)

11. The MPCA has informed the City of St. Francis that the City may declare 4020 233rd Ave NW an official hazardous site and order MDW Equity to remove the tanks.

12. If the site is deemed hazardous and the tanks are not removed within the amount of time stipulated in St. Francis' City Code (10 days), the City may have the tanks removed and assess the costs to the property owner.

ORDER

1. Based on these findings, the City Council hereby declares 4020 233rd Ave NW a health and safety hazard pursuant to City Code Section 2-7-4.

IT IS SO ORDERED:

_____
Jerry Tveit
Mayor of St. Francis

Dated:_____, 2012

ATTEST:

_____
Barbara I. Held
City Clerk

Dated:_____, 2012

Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

C1

September 25, 2009

CERTIFIED MAIL NO. 7003 3110 0004 8294 2495
RETURN RECEIPT REQUESTED

Ms. Sara Vines
General Energy Corporation
2760 North University Drive
Hollywood, FL 33024-2546

RE: Notice of Requirements for Out of Service Underground Storage Tanks – Gec Exxon St. Francis, 4020 233rd Avenue Northwest, Minnesota - Minnesota Pollution Control Agency - Identification No.129

Dear Ms. Vines:

The purpose of the letter is to notify the owner of the tanks, at the above referenced site, of the requirements for out of service underground storage tanks (UST). The Minnesota Pollution Control Agency (MPCA) has documentation that the USTs, at the above referenced facility, have been out of service for **one year or longer**. Minnesota Rule Chapter 7150 and the most current Minnesota Fire Code, specifies the requirements pertaining to out of service tanks with which owners/operators must comply. The following regulations apply to tanks out of service one year or longer:

1. **Minn. R. 7150.0400, Temporary Closure**

   Subp. 1. Requirements. In addition to the requirements of the most current Minnesota Fire Code, owners and operators must comply with the provisions…relating to temporary closure.

   Subp. 4. Tanks out of service one year. When an underground storage tank system is out of service for one year or more, owners and operators must permanently close the underground storage tank system according to part 7150.0410, unless the owner requests an extension of the closure period by submitting an application for an extension on a form approved by the commissioner and the commissioner approves the extension in writing based on compliance with this part. Conditions of extension shall include record keeping requirements according to part 7150.0450 and the continued operation and maintenance of cathodic protection according to part 7150.0215. The underground storage tank system may not be returned to service without the written approval of the commissioner, based on compliance with the applicable requirements of this chapter.

C2

> **Subp. 5.** Tank out of service five years. All underground storage tank systems must be permanently closed if the tank system is out of service for five years or more.

In order to address out of service tank systems, the MPCA has developed forms and procedures to assist you in complying with the regulations. Stated below are two options for USTs, which are out of service for more than one year, but less than five years. Please decide which course of action you plan to take and complete the corresponding actions within the specified timelines:

Option 1: Permanently close tanks

Actions: Within 90 days of the receipt of this letter permanently close the USTs by removing them from the ground or closing them in place. Closure must be performed by a MPCA certified contractor. At the time of permanent closure, a site assessment must be completed to determine if contamination is present on the site.

Option 2: Request an extension of temporary closure.

Actions: Within 60 days of the receipt of this letter complete the "Underground Storage Tank Application for Extension of Temporary Closure" and submit the application with all required documentation. All conditions of temporary closure must be implemented including cathodic protection operation and maintenance requirements. An extension for temporary closure may be valid for a maximum of five years from when the tanks were taken out of service, if approved by the MPCA. At the end of that time, the tanks must be permanently closed.

Failure to respond in one of the manners prescribed above may result in high level enforcement actions which may include fines.

To help better understand tank closure requirements, please see the following fact sheets which are enclosed for your convenience: "Permanent and Temporary Closure of Underground Storage Tanks", "Planning Ahead for an Underground Storage Tank Removal", and "Site Assessment for Underground Storage Tanks with No Apparent Contamination."

If you have any further questions, please do not hesitate to call me at 651-757-2321.

Sincerely,

Bob Dullinger
Supervisor, Tanks Compliance and Enforcement Unit
St. Paul Office
Industrial Division

BD:map

Enclosures

C3

cc: File

Minnesota Pollution Control Agency
520 Lafayette Road North | St Paul, MN 55155-4194 | 651-296-6300 | 1-800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us

FILE COPY X

April 28, 2008

Official File Stamp
GEC EXXON ST. FRANCIS
File Name
#129
File Number
Page # 3 Staff JM
AST/UST
Category

F1

CERTIFIED MAIL NO. 7007 3020 0000 0961 3338
RETURN RECEIPT REQUESTED

Mr. Hector R. Vinas, Manager
MDW Equity, LLC
2760 North University Drive
Davie, FL 33024

RE: Red Tags Issued

Dear Mr Vinas·

As of the date of this letter, the Minnesota Pollution Control Agency (MPCA) issued four red tags pursuant to Minn. Stat. § 115.071, subd 7 to MDW Equity, LLC, doing business as GEC Exxon St Francis, (hereinafter "Regulated Party") by affixing the red tags to the fill pipe caps of the two 8,000 gallon, the 4,000 gallon, and the 2,000 gallon underground storage tank systems located at 4020 233rd Avenue Northwest, St Francis, Minnesota. The red tags were issued for the Regulated Party's failure to have the two 8,000 gallon tank system and 2,000 gallon tank system protected from corrosion, for failure to have a leak detection method in place for all four tank systems, and for the failure to comply with the corrective actions required by the Field Citation Warning issued by the MPCA on November 6, 2007

The red tags are being issued for the following violations of Minnesota rules.

1 Minn. R 7150.0210, subds. 3 and 4 - Operation and Maintenance of Corrosion Protection

2 Minn. R 7150.0300, subp. 1 - General Requirements for Petroleum Underground Storage Tank Systems (Methods of Leak Detection) and Minn. R. 7150.0310 - Requirements for Petroleum Underground Storage Tank Systems (Leak Detection).

The corrective actions that must be completed to correct the violation(s) are.

1 The Regulated Party shall have a corrosion expert (as defined in Minn. R. 7150.0030, subp. 13) conduct an assessment of the impressed current system to determine whether the impressed current system can be reactivated for the two 8,000 gallon and the 2,000 gallon underground storage tank systems If the corrosion expert determines the impressed current system can be reactivated, the Regulated Party shall have a cathodic protection tester test the impressed current system and shall send passing cathodic protection test results to the MPCA. If the corrosion expert determines that the impressed current system cannot be reactivated, the Regulated Party shall permanently close the tank system, in accordance with the requirements in Minn R. 7150.0410 and 7150.0420.

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2. The Regulated party shall conducting monthly leak detection on the two 8,000 gallon, the 4,000 gallon, and the 2,000 gallon underground storage tank systems and submit passing results to the MPCA, or pump the product out of all of the tanks so no more than 2 5 centimeters, or one inch, of residue, or 0.3 percent by weight of the total capacity of the underground storage tank system, remains in the system.

While the red tags are affixed to the fill pipe caps of the underground storage tank systems, the Regulated Party shall not fill and shall not allow another to fill the underground storage tank systems with any petroleum product. No person shall remove, deface, alter, or otherwise tamper with a red tag in such a way as to make the information contained on the red tag illegible. The MPCA may not remove the red tag until it inspects the underground storage tank system and establishes that the system is no longer in violation. After making that determination, the MPCA will remove the red tag within 24 hours or as soon as reasonably possible.

When the MPCA issues a red tag, you have the right to appeal the MPCA's issuance of the red tag The following description of the appeal process is intended only to aid your understanding of your rights You may wish to review Minn. Stat. §§ 115.071, subd. 7 and 116.072, subd 6 (a) to (e) carefully or consult with an attorney before proceeding.

You have a right to an expedited hearing before an administrative law judge to review the MPCA Commissioner's action. To obtain an expedited hearing, you must take the following steps:

1 File a request for review within 15 days after issuance of the red tag. If a request for review is not requested within the 15-day period, the red tag becomes a final order not subject to further review.

2 A request for review must be in writing.

3. A request for review must specifically state the reasons why you want the issuance of the red tag to be reviewed, including any facts upon which you rely.

4. A written request must be sent to Brad Moore, Commissioner, MPCA, 520 Lafayette Road North. St Paul, Minnesota 55155-4394

5. Copies of your request for review must be sent to Jake Mueller, Minnesota Pollution Control Agency, 520 Lafayette Road North. St. Paul, Minnesota 55155-4394, and to Beverly Conerton, Assistant Attorney General, Bremer Tower, Suite 900, 445 Minnesota Street, St Paul, Minnesota 55101-2127.

An expedited hearing by the Office of Administrative Hearings will be scheduled after the above steps are completed. In the case of an expedited hearing, if the administrative law judge finds your request to be frivolous, you may be required to pay the costs the MPCA Commissioner incurs in responding to your request for review. If a hearing is not requested within the 15-day period, the red tags become a final order not subject to further review.

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If you have any questions, please contact Jake Mueller at 651-336-8098.

Sincerely,

James L. Warner, P.E.
Division Director
Industrial Division

JLW/JM·map

cc: Beverly Conerton, Assistant Attorney General
Bob Dullinger, MPCA
Jim Warner, MPCA
Jake Mueller, MPCA

For Office Use Only

Site # 129

County: ANOKA

F4

CERTIFIED MAIL

Jake Mueller

For: _____ Floor: 5TH

Mailed On: 04/28/08

RED TAG LETTER

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark Here

Mr. Hector R Vinas, Manager
MDW Equity, LLC
2760 North University Drive
Davie, FL 33024

PS Form 3800, August 2006 See Reverse for Instructions

7007 3020 0000 0961 3338

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to

Mr. Hector R. Vinas, Manager
MDW Equity, LLC
2760 North University Drive
Davie, FL 33024

COMPLETE THIS SECTION ON DELIVERY

A. Signature X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery APR 30 2008

D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below ☐ No

3. Service Type ☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7007 3020 0000 0961 3338

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Report Title: **Tank Site and Owner Information**

Minnesota Pollution Control Agency
TALES Report

G1

Report Number: 43

13 June, 2012

Gec Exxon St. Francis | **Service Station**

Site ID: 129 | **Type of Site: Underground Only**

Address: 4020 233rd Ave NW
St. Francis, MN 550709310
County: Anoka
Site Phone: NO CORE PI PH.
Old Phone: 4196999956

Region: M
AST Registration:
UST Registration: 1/31/1986
Contact Phone:

********** OWNER INFORMATION **********

Owner Name: MDW Equity LLC
Owner ID: -255124
Address: 2760 N University Dr
Davie, FL 33024

********** TANK INFORMATION SUMMARY **********

Nbr	A/U	Status	Substance Stored	Capacity	Installed	Removed	Reg Date
001	U	Out of Service	Gasoline	8,000	05/15/1984		01/31/1986
002	U	Out of Service	Alcohol Blend	8,000	05/15/1984		01/31/1986
003	U	Out of Service	Diesel	2,000	05/15/1984		01/31/1986
004	U	Out of Service	Gasoline	4,000	11/06/1997		11/11/1997

Install Contractor: WESTMOR INDUSTRIES LLC

********** 001 - COMMON TANK INFORMATION **********

Our Tank Nbr: 001 U
Dispenser Type: Submersible
Tank Const Mtl: Bare/Paint/Asph Coat Steel
Used For Heating?: N
Tank Disposal Company:
Tank Cath Prot: Impressed Current
Pipe Material: Steel/Iron
HW Generator ID:
Tank Registration Date: 01/31/1986

Client Tank Nbr: 001
Total Capacity: 8,000
Stored Product: Gasoline
Tank Status: Out of Service
2nd Cont Tank:
Pipe Cath Prot: Impressed Current
Piping Material Desc:
Product Replaced Date:
Unreg Tank Report Date:

---------- 001 - UST TANK INFORMATION ----------

# of Tank Compartments: 1
Compart Number: 1
Compart Stored Prod: Gasoline
Compart Other Desc:

Compart Capacity: 8000
Compart Stored Desc: GASOLINE

---- Overfill Information ----
Overfill Prot Alarm:
Overfill Prot Ballfloat:
Overfill Prot No Info:
Overfill Prot Type Unk:

Overfill Prot Autoshut: Y
Overfill Prot Manual:
Overfill Prot None:

---- Tank Release Protection ----
Daily Stick: Y
Tightness Test: N
Manual Gauging: N
Auto Gauging: N
Soil Vapor Monitor: N
Groundwater Monitor: N
Interstit Monitor: N
SIR Approve Date: 09/20/1993
SIR Vendor Nbr: 1
Other Desc:
Other Flag: N

---- Piping Release Protection ----
Auto Line Leak Detection: Y
Annual Tightness Test: N
Vapor Monitoring: N
Groundwater Monitor: N
Interstit Monitor: N
3 Year Tightness Test: N
European Suction: N
SIR Approve Date: 09/20/1993
SIR Vendor Nbr: 1

Gec Exxon St. Francis | **Service Station**

Site ID: 129 | **Type of Site: Underground Only**

********** 002 - COMMON TANK INFORMATION **********

Our Tank Nbr: 002 U
Client Tank Nbr: 002
Dispenser Type: Submersible
Total Capacity: 8,000
Tank Const Mtl: Bare/Paint/Asph Coat Steel
Stored Product: Alcohol Blend
Used For Heating?: N
Tank Status: Out of Service
Tank Disposal Company:
2nd Cont Tank:
Tank Cath Prot: Impressed Current
Pipe Cath Prot: Impressed Current
Pipe Material: Steel/Iron
Piping Material Desc:
HW Generator ID:
Product Replaced Date:
Tank Registration Date: 01/31/1986
Unreg Tank Report Date:

---------- 002 - UST TANK INFORMATION ----------

# of Tank Compartments: 1
Compart Number: 1
Compart Capacity: 8000
Compart Stored Prod: Alcohol Blend
Compart Stored Desc: ALCOHOL BLEND
Compart Other Desc:

---- Overfill Information ----

Overfill Prot Alarm:
Overfill Prot Autoshut: Y
Overfill Prot Ballfloat:
Overfill Prot Manual:
Overfill Prot No Info:
Overfill Prot None:
Overfill Prot Type Unk:

---- Tank Release Protection ----

Daily Stick: Y
Tightness Test: N
Manual Gauging: N
Auto Gauging: N
Soil Vapor Monitor: N
Groundwater Monitor: N
Interstit Monitor: N
SIR Approve Date: 09/20/1993
SIR Vendor Nbr: 1
Other Desc:
Other Flag: N

---- Piping Release Protection ----

Auto Line Leak Detection: Y
Annual Tightness Test: N
Vapor Monitoring: N
Groundwater Monitor: N
Interstit Monitor: N
3 Year Tightness Test: N
European Suction: N
SIR Approve Date: 09/20/1993
SIR Vendor Nbr: 1

********** 003 - COMMON TANK INFORMATION **********

Our Tank Nbr: 003 U
Client Tank Nbr: 003
Dispenser Type: Submersible
Total Capacity: 2,000
Tank Const Mtl: Bare/Paint/Asph Coat Steel
Stored Product: Diesel
Used For Heating?: N
Tank Status: Out of Service
Tank Disposal Company:
2nd Cont Tank:
Tank Cath Prot: Impressed Current
Pipe Cath Prot: Impressed Current
Pipe Material: Steel/Iron
Piping Material Desc:
HW Generator ID:
Product Replaced Date:
Tank Registration Date: 01/31/1986
Unreg Tank Report Date:

---------- 003 - UST TANK INFORMATION ----------

# of Tank Compartments: 1
Compart Number: 1
Compart Capacity: 2000
Compart Stored Prod: Diesel
Compart Stored Desc: DIESEL
Compart Other Desc:

---- Overfill Information ----

Overfill Prot Alarm:
Overfill Prot Autoshut: Y
Overfill Prot Ballfloat:
Overfill Prot Manual:
Overfill Prot No Info:
Overfill Prot None:

Gec Exxon St. Francis | **Service Station**
Site ID: 129 | **Type of Site: Underground Only**

Overfill Prot Type Unk:

---- Tank Release Protection ----
Daily Stick: Y
Tightness Test: N
Manual Gauging: N
Auto Gauging: N
Soil Vapor Monitor: N
Groundwater Monitor: N
Interstit Monitor: N
SIR Approve Date: 09/20/1993
SIR Vendor Nbr: 1
Other Desc:
Other Flag: N

---- Piping Release Protection ----
Auto Line Leak Detection: Y
Annual Tightness Test: N
Vapor Monitoring: N
Groundwater Monitor: N
Interstit Monitor: N
3 Year Tightness Test: N
European Suction: N
SIR Approve Date: 09/20/1993
SIR Vendor Nbr: 1

********** 004 - COMMON TANK INFORMATION **********

Our Tank Nbr: 004 U
Client Tank Nbr: 004
Dispenser Type: Submersible
Total Capacity: 4,000
Tank Const Mtl: Composite
Stored Product: Gasoline
Used For Heating?: N
Tank Status: Out of Service
Tank Disposal Company:
2nd Cont Tank:
Tank Cath Prot: Not Needed
Pipe Cath Prot: Not Needed
Pipe Material: Fiberglass
Piping Material Desc:
HW Generator ID:
Product Replaced Date:
Tank Registration Date: 11/11/1997
Unreg Tank Report Date:

---------- 004 - UST TANK INFORMATION ----------

# of Tank Compartments: 1
Compart Number: 1
Compart Capacity: 4000
Compart Stored Prod: Gasoline
Compart Stored Desc: GASOLINE
Compart Other Desc:

---- Overfill Information ----
Overfill Prot Alarm:
Overfill Prot Autoshut: Y
Overfill Prot Ballfloat:
Overfill Prot Manual:
Overfill Prot No Info:
Overfill Prot None:
Overfill Prot Type Unk:

---- Tank Release Protection ----
Daily Stick: Y
Tightness Test: N
Manual Gauging: N
Auto Gauging: N
Soil Vapor Monitor: N
Groundwater Monitor: N
Interstit Monitor: N
SIR Approve Date:
SIR Vendor Nbr: 0
Other Desc:
Other Flag: Y

---- Piping Release Protection ----
Auto Line Leak Detection: Y
Annual Tightness Test: N
Vapor Monitoring: N
Groundwater Monitor: N
Interstit Monitor: N
3 Year Tightness Test: N
European Suction: N
SIR Approve Date:
SIR Vendor Nbr: 0

********** CORRESPONDENCE **********

Number: 1
Date: 01/01/1901
Company:
Person At Co:
Type: Registration Form
PCS:

Signature: EDWARD J BIRD
Title : GEN MGR

Gec Exxon St. Francis | **Service Station**
Site ID: 129 | **Type of Site: Underground Only**

Date Form Received: 6/7/91 (CHANGE OF OWNERSHIP)
PREVIOUS OWNER- MIN-LAR ENTERPRISES INC-2755 219TH AVE NE- CEDAR MN
612-434-5003
The following comment was entered on: 01/01/01
ATTACHED BACKFILLED WITH CLEAN WASHED SAND
The following comment was entered on: 01/31/86
TANKS WERE INSTALLED NEW IN 1984 COATED WITH COAL TAR EPOXY AND ANODES
.

Number: 2
Company: FOOD-N-FUEL
Type: Registration Form
Date: 02/16/1994
Person At Co: EDWARD BIRD
PCS:

Signature: EDWARD BIRD
Title : VICE PRESIDENT
Date Form Received: 6/17/93 (UPGRADED TANKS 001-002-003 W/INLINE LEAK DETECTION)

Number: 3
Company: S. MN OIL COM
Type: Field Notes
Date: 04/20/1998
Person At Co: RICHARD KARY
PCS:

IN RESPONSE TO KARY'S LETTER OF 3/27/98 WITH REQUEST FOR SITE REPORTS OF 17 SITES, SENT THIS REPORT FOR UPGRADE AND REVIEW PLANNING PURPOSES. EPO

Number: 4
Company: FOOD-N-FUEL
Type: Registration Form
Date: 09/23/1998
Person At Co: SCOTT TINDELL
PCS:

Signature: SCOTT TINDELL
Title : DESIGN COORD
Date Form Received: 11/12/97 (NOTIFICATION FOR TANK 004)

Number: 5
Company: AVANTI PETROLEUM, INC.
Type: Letter
Date: 06/20/2000
Person At Co: AVANTI PETROLE
PCS: RS

6/20/2000 LETTER WAS RECEIVED FROM AVANTI PETROLEUM STATING THAT THEIR ENV. DEPT. IS MOVING TO 3000 YOUNGFIELD ST., LAKEWOOD COLORADO, EFFECTIVE 6/26/2000.
OWNER ADDRESS WAS UPDATED 6/21/2000.

Number: 6
Company: AVANTI PETROLEUM, INC.
Type: Field Notes
Date: 07/23/2003
Person At Co:
PCS: EPB

07/23/2003-WAS PLANNING TO DO AN INSPECTION AT THIS SITE BUT FOUND THAT IT HAS BEEN CLOSED. I COULD SEE SOME LIQUID IN THE TANKS BUT COULD NOT DETERMINE HOW MUCH. I WILL CHANGE THE STATUS TO ABANDONED AND TRY TO CONTACT THE OWNERS.

Number: 7
Company: AVANTI PETROLEUM INC.
Type: Phone Call
Date: 07/25/2003
Person At Co: DAN PRICE
PCS: EPB

Gec Exxon St. Francis | **Service Station**
Site ID: 129 | **Type of Site: Underground Only**

07/25/2003-TALKED TO DAN PRICE OF AVANTI PETROLEUM ABOUT THIS SITE AND HE INFORMED ME THAT IT IS GOING TO BE TAKEN OVER BY THE BANK. HE ALSO TOLD ME THAT THE TANKS WERE PUMPED OUT AND ONLY A SMALL AMOUNT (1-2") IS LEFT IN THE BOTTOM. HE WAS NOT SURE IF THE IMPRESSED CURRENT SYSTEM WAS LEFT ON, I INFORMED HIM THAT IT WOULD BE A GOOD IDEA FOR THE BANK TO KEEP THE CP WORKING IN ORDER TO KEEP THESE TANKS IN WORKING ORDER. AVANTI WILL SEND IN A NOTIFICATION FORM WHEN THE TRANSFER OF OWNERSHIP IS COMPLETE.

Number: 8
Company:
Type: Phone Call

Date: 06/23/2005
Person At Co: Anonymous Call
PCS: SJS

Caller inquired how long after a business is closed before the tanks and dispnsers need to be removed. Caller said site is very unslightly. SJS told caller per UST rules, tanks can remain out of service indefinetly as have been upgraded. Not required to be removed per MPCA. Told caller to contact local fire department and city.

Number: 9
Company: Oasis Markets
Type: E-mail

Date: 06/27/2005
Person At Co: Suzy Soika
PCS: SJS

Told Suzy to send copy of cathodic protection test results, 60 day rectifier log, and verify tanks and dispensers locked up. Asked Suzy what plans are for site.

Number: 10
Company: MDW EQUITY
Type: Registration Form

Date: 10/19/2005
Person At Co:
PCS: JCH

10/19/2005 RECEIVED NOTIFICATION FORM TO CHANGE OWNERSHIP OF SITE 10/11/2005 SITE PREV. FOOD N FUEL- FORM SIGNED HECTOR R. VINAS, MGR 10/10/2005

Number: 11
Company: Texaco
Type: Field Notes

Date: 10/09/2007
Person At Co:
PCS: JDM

Stopped by site while conducting inspections in area. Building is boarded up and dispensers have been removed, but fill caps not locked. One spill bucket completely filled with rocks. Orange tags placed on the rest of the fill pipes. JDM

Citation warning issued on 11/6/2007 to conduct CP test on tanks and piping, conduct 60 day rectifier checks, place the tanks in temporary closure, and clean spill buckets. JDM

Number: 12
Company: GENERAL ENERGY CORP
Type: Letter

Date: 09/25/2009
Person At Co: SARA VINES
PCS: MAP

9/25/2009 SENT NOTICE OF REQUIREMENTS FOR OUT OF SERVICE UST 70033110000482942495 (1-5 YRS) RETURN RECEIPT SIGNED: 9/28/2009

Number: 13
Company: GEC Exxon
Type: Field Notes

Date: 11/08/2011
Person At Co:
PCS: JDM

Inspected the facility on 11/8/2011. The red tags are still attached and the site is still closed.

Gec Exxon St. Francis
Site ID: 129

Service Station
Type of Site: Underground Only

No violations were cited. JDM

********** INSPECTIONS **********

Date: 20-APR-98
Type: Routine
Reason: Site Visit

Date: 09-OCT-07
Type: Targeted
Reason: Facility

Violation: UMIS101
MPCA not notified of tank system change in status within 30 days
Violation: UREP096
Tank cathodic Protection Test Not Conducted At Least Every 3 Years
Violation: UREP099
Impressed current rectifier reading not conducted/recorded at least every 60 days.
Violation: UREP113
Piping cathodic protection test not conducted at least every 3 years.
Violation: UREP116
Spill containment is inadequate or not functional.

Date: 29-APR-08
Type: Targeted
Reason: Facility

Violation: UREP302
Cathodic protection test for tank with impressed current not conducted annually.
Violation: UREP303
Cathodic protection test for piping with impressed current not conducted annually.
Violation: UTRD158
No leak detection provided for tank.

Date: 08-NOV-11
Type: Routine
Reason: Facility

Minnesota Pollution Control Agency
520 Lafayette Road
St.Paul,MN 55155-4194

H1

Underground Storage Tanks

Field Citation Warning

Site number: 129 GPS Coordinates:
Facility name: GEC Exxon St. Francis
Address: 4020 233rd Ave. NW City: St. Francis State/Zip: MN / 55070
Owner/Operator name: MDW Equity Telephone number: 419-699-9956
Owner/Operator address:
Address: 2760 N. University Dr. City: Davie State/Zip: FL / 33024

This is a warning of pending Field Citation for violations of Underground Storage Tank requirements relating to an inspection conducted on 10/9/2007 at the above listed facility. The Minnesota Pollution Control Agency (MPCA) has sufficient information to indicate that the Company has violated the following provisions of state statutes or rules:

Rule/Statute	Violation		#Systems		Per tank/pipe		Penalty
7150.0100 subp 7	Failure to install tank/piping per manufacturer instructions			x	$50.00	=	
			Subtotal (not to exceed $2000.00)				
7150.0200 subp 1	Inadequate overfill prevention equipment	UREP117		x	$250.00	=	
7150.0200 subp 1	Inadequate spill containment equipment	UREP116	4	x	$250.00	=	$1,000.00
7150.0210 subp.3	Cathodic protection test not conducted on tank	UREP096	3	x	$250.00	=	$750.00
7150.0210 subp 3	Cathodic protection test not conducted on pipe	UREP113	3	x	$250.00	=	$750.00
7150.0210 subp 4	60 day rectifier checks not done or recorded	UREP009	3	x	$250.00	=	$750.00
			Subtotal (not to exceed $2000.00)				$2,000.00
7150.0300 subp 1	No leak detection method for tank	UTRD158		x	$250.00	=	
7150.0310 A (1)	Failure to conduct tank tightness test	UTRD118		x	$250.00	=	
7150.0310 A (1)	ATG not put in test mode each month	UTRD122		x	$250.00	=	
7150.0310 A (1)	10 year limit for inventory control expired	URTD070		x	$250.00	=	
7150.0310 B (1) a	Failure to install automatic line leak detector	UPRD072		x	$250.00	=	
7150.0310 B (1) b	Annual line tightness test not conducted	UPRD119		x	$250.00	=	
7150.0330 A	Inventory data not reconciled monthly	UTRD159		x	$250.00	=	
7150.0330 A (1)	Tank not gauged each operating day	UTRD080		x	$250.00	=	
7150.0340 A	Annual line leak detector check not conducted	UPRD073		x	$250.00	=	
			Subtotal (not to exceed $2000.00)				
7150.0120 subp2	Failure to notify the MPCA of change in tank status	UMIS 101	4	x	$50.00	=	$200.00
							$200.00

Important! A Field Citation in the amount of: $2,200.00 **will be assessed if the following corrective actions are not completed and documentation sent to the MPCA by this date:** January 6, 2008

- ☐ Conduct repairs as necessary to meet industry.
- ☐ Install, repair and/or maintain spill containment.
- ☐ Conduct cathodic protection test on piping and retain record.
- ☐ Conduct line tightness test or monthly monitoring for piping.
- ☐ Conduct 3rd party certified tightness test on tank.
- ☐ Install line leak detector that can detect leak rate of 3 gal/hr.
- ☐ Conduct annual function check on automatic line leak detector.
- ☐ Install or repair overfill prevention equipment.
- ☐ Conduct cathodic protection test on tank & retain record
- ☐ Conduct 60 day rectifier checks and retain record.
- ☐ Place ATG into test mode at least once per month per tank.
- ☐ Provide a leak detection method for tank.
- ☐ Begin and continue to gauge tank each operating day.
- ☐ Use monthly monitoring to replace inventory control.

Comments:

Clean out the spill buckets and keep clean. Conduct corrosion protection test on the tanks and piping. Send in passing results. Power has been shut off at the site, the power needs to be turned back on in order to properly protect the tank system from corrosion. Begin checking the rectifier every 60 days. Send in a reading from the rectifier. Fill out a notification form for temporary closure and properly secure the fill caps while the system is in temporary closure.

NOTE: Each of the boxes above represents a class of violations. The total citation amount for any one of these classes of violations cannot exceed $2,000.00.

H2

H3

Rule/Statute	Violations	Per Tank/Pipe
7150.0100 subp. 3	Tank not designed/constructed by industry standards	50.00
7150.0100 subp. 2	Tank is not properly designed to prevent corrosion	50.00
7150.0100 subp. 2	Alternative corrosion protection system not designed properly	50.00
7150.0100 subp. 4	Piping is not properly designed to prevent corrosion	50.00
7150.0100 subp. 4	Field installed CP system not designed by corrosion expert	50.00
7150.0100 subp. 4	Alternative corrosion protection system is not designed properly	50.00
7150.0100 subp. 6	Spill containment is inadequate or not functioning correctly	50.00
7150.0100 subp. 6	Overfill prevention is inadequate or not functioning correctly	50.00
7150.0100 subp. 6	Alternative spill/overfill prevention is not designed properly	50.00
7150.0100 subp. 7	Tank/piping not installed according to manufacturer's instructions	50.00
7150.0100 subp. 8	Failure to use a certified contractor	50.00
7150.0120 subp. 1	Failure to provide 10 advance notice to install tank	50.00
7150.0120 subp. 2	Failure to provide notification of change in tank status in 30 days	50.00
7150.0120 subp. 6	Failure to notify purchaser of existence of UST on property	50.00
7150.0110 subp. 2	Failure to provide corrosion protection for an existing tank	500.00
7150.0110 subp. 3	Failure to provide corrosion protection for existing piping	500.00
7150.0110 subp. 2	Failure to follow allowed upgrade methods for tank CP	500.00
7150.0110 subp. 2 A	Failure to inspect lined tank within 10 year and/or 5 year period	250.00
7150.0110 subp. 4	Failure to upgrade existing tank with spill containment	500.00
7150.0110 subp. 4	Failure to upgrade existing tank with overfill prevention equipment	500.00
7150.0200 subp. 1	Failure to prevent a release due to spill or overfill	250.00
7150.0210 subp. 2	Failure to provide continuous corrosion protection on tank/piping	250.00
7150.0210 subp. 4	Failure to provide impressed current 60 day inspection	250.00
7150.0210 subp. 5	Failure to retain results of last three 60 day rectifier inspections	250.00
7150.0210 subp. 5	Failure to retain results of last two 6 month and/or 3 year CP tests	250.00
7150.0220	Failure to use tank made of materials compatible with product	250.00
7150.0230	Failure to use certified contractor to make repairs to tank system	250.00
7150.0230 D	Failure to test/inspect/monthly monitor repaired tank within 30 days	250.00
7150.0230 E	Failure to test CP system within 6 months of repair to CP system	250.00
7150.0230 F	Failure to keep record of repairs made to tank/piping for life of tank	250.00
7150.0240 A	Failure to report a suspected or actual release due to spill or overfill	250.00
7150.0240 A	Failure to notify the MPCA prior to permanently closing tank	250.00
7150.0240 B	Failure to maintain required tank system records	250.00
7150.0300 subp.5 C	Failure to use leak detection according to 3rd Party Certification	250.00
7150.0320	Requirements for Hazardous Material USTs	250.00
7150.0350	Release Detection Recordkeeping	250.00
7150.0400 subp. 3	Failure to properly secure temporarily closed tank	50.00
7150.0400 subp. 4	Failure to permanently close out-of-service tank after 1 year	50.00
7150.0400 subp. 4	Failure to complete site assessment for tank closed more than 1 year	50.00
7150.0410 subp. 3	Failure to remove all liquids and sludge when closing tank	50.00
7150.0410 subp. 4	Failure to conduct required site assessment following status change	50.00
7150.0410 subp. 5	Failure to use a certified contractor to close regulated tank	50.00
7150.0410 subp. 7	Failure to clean, properly handle and/or dispose of tank and contents	50.00
7150.0420	Failure to conduct site assessment when tank permanently closed	50.00
7150.0440	Failure to retain records of site assessment for at least 3 years	50.00
116.48 - 116.491	Notification and/or tank installers certification requirements	50.00

Inspector name: Jake Mueller

Inspector phone number: 651-296-7967

Inspector MPCA office: St. Paul

Inspector office address: 520 Lafayette Rd, St. Paul MN 55155

NOTE:
The issuance of this Citation Warning does not prevent additional enforcement actions from being taken if the listed corrective actions are not completed, or if similar violations occur in the future at this facility or another facility owned by the person(s) listed as owner on page one.

NORTHWEST ASSOCIATED CONSULTANTS, INC.

4800 Olson Memorial Highway, Suite 202, Golden Valley, MN 55422
Telephone: 763.231.2555 Facsimile: 763.231.2561 planners@nacplanning.com

MEMORANDUM

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

FROM: Nate Sparks, City Planner

DATE: July 9, 2012

MEETING DATE: July 16, 2012

RE: 23031 Ivywood Street Comprehensive Plan Amendment

BACKGROUND

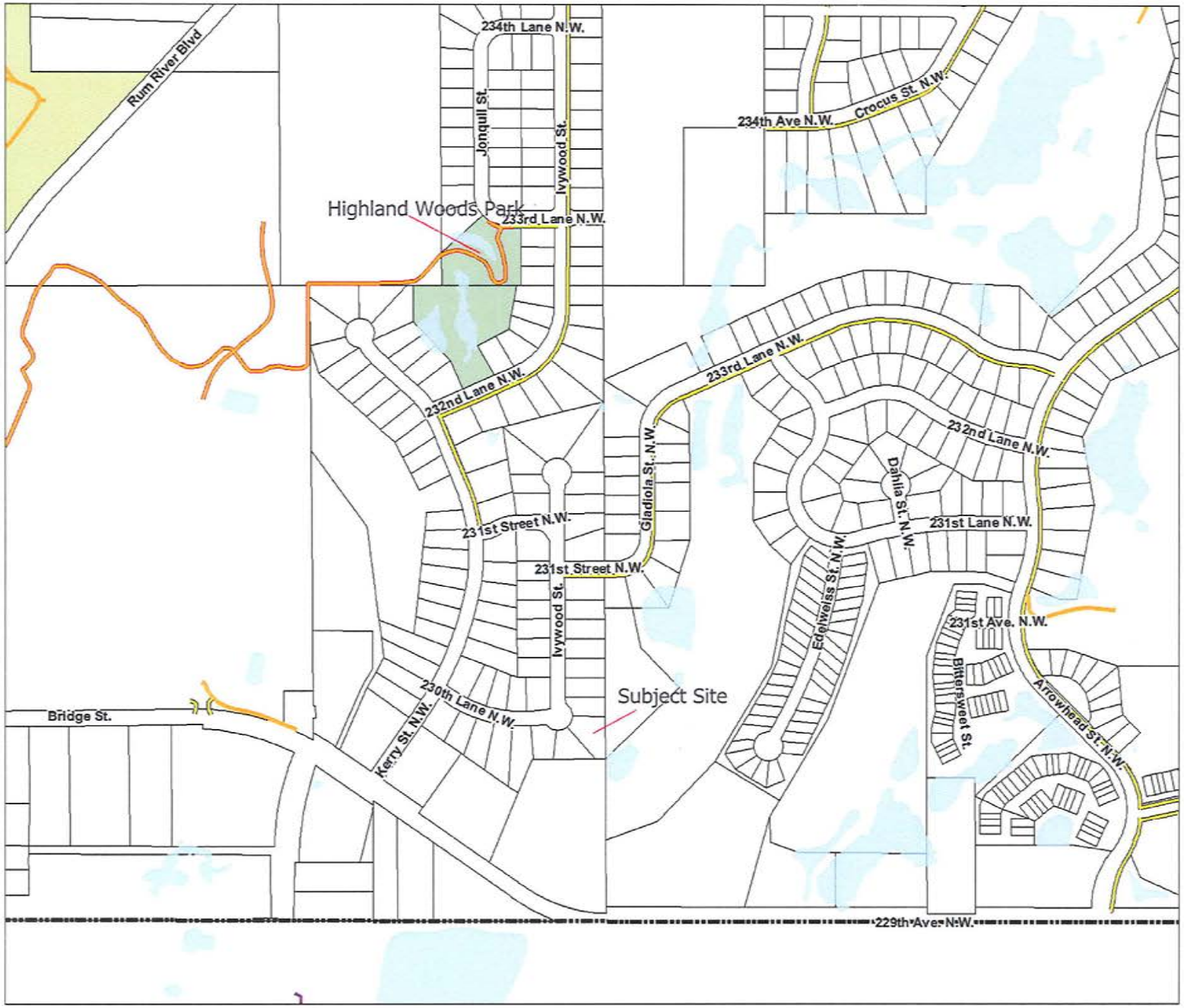
The City of St. Francis owns a parcel of land at 230131 Ivywood Street. This parcel has been vacant since it was platted. The City acquired it to potentially develop as park land as part of a land swap. Since that time, the City has acquired other land in the area more suitable for a neighborhood park. The City would like to explore other options for this parcel. In order to do so, a Comprehensive Plan Amendment to re-guide the parcel for a Single Family Residential Use would be appropriate.

PROPOSED AMENDMENT

The property in question is zoned, R-2 Single Family Residential and has single family uses to the north, south, and west of it, and to the east is the golf course. The property is in an inadequate location for a park as it has no connectivity to the City's trail system and is within the park service area for the Highland Woods Park, which is a short distance (3 blocks) to the north.

RECOMMENDED ACTION

The Planning Commission recommended approval of the Comprehensive Plan Amendment to remove this parcel from the Park System and classify it as Single Family Residential.



City of St. Francis

Legend

- Street Names - Medium
- Roads
- Sidewalk & Trails
  - Existing Sidewalk
  - Existing Trail
  - Existing Regional Trail
- Sidewalks & Trails - Plowed
  - Sidewalk, City Plowed
  - Sidewalk, Not Plowed
  - Trail, City Plowed
  - Trail, Not Plowed
- City Limits
- Ponds
- Rivers
- Parcels (4-1-12)
- City Parks
- County Parks
- City Limits - Extents

0 573 Feet

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23031 Ivywood CPA

Figure 1.0

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

RESOLUTION 2012-22

RESOLUTION APPROVING A COMPREHENSIVE PLAN AMENDMENT FOR 23031 IVYWOOD STREET TO CHANGE THE LAND USE DESIGNATION FROM PARK TO SINGLE FAMILY RESIDENTIAL

WHEREAS, in the Comprehensive Plan for the City of St. Francis the parcel located at 23031 Ivywood Street is designated as a Park; and

WHEREAS, the legal description of the site is:

Lot 8, Block 2 of Royal Acres

WHEREAS, the site is zoned R-2, Single Family Residential; and

WHEREAS, the site is currently undeveloped and not used as park; and

WHEREAS, there is an active park within the vicinity of this site; and

WHEREAS, the Planning Commission held a public hearing on June 20, 2012 and recommended approval of this land use designation change; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of St. Francis that the parcel located at 23031 Ivywood Street be designated Single Family Residential in the Comprehensive Plan and all maps are hereby authorized to be changed to reflect this change and all references to this parcel in the Park Plan are hereby deleted and the Park Fund shall be reimbursed for its acquisition.

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

Councilmember XX
Councilmember XX
Councilmember XX

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, ANOKA COUNTY, MINNESOTA THIS 16th DAY OF JULY, 2012.

_____
Jerry Tveit, Mayor

ATTEST:

_____
Barb Held, City Clerk

(seal)

NORTHWEST ASSOCIATED CONSULTANTS, INC.

4800 Olson Memorial Highway, Suite 202, Golden Valley, MN 55422
Telephone: 763.231.2555 Facsimile: 763.231.2561 planners@nacplanning.com

MEMORANDUM

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

FROM: Nate Sparks, Consulting Planner

DATE: May 30, 2012

MEETING DATE: ~~June 4, 2012~~ July 16, 2012

RE: Utility Code Update

BACKGROUND

Recently, City Staff reviewed Chapter 3 of the City Code regarding municipal utilities. There were several areas that were not consistent with current City policies and plans. The proposed ordinance update is intended to address these issues. Some of the changes are very minor such as updating position titles and fee schedule references. Other changes are more substantial.

Chapter 3 is divided into five sections. Section 1 is general standards applicable to billing and accounts. Section 2 is related to water service. Section 3 is about sewer service. Section 4 is currently about septic systems but is proposed to be modified to include well regulations. Section 5 is a codified version of a trunk area fee ordinance.

SECTION 1 – GENERAL PROVISIONS

The changes to Section 1 of Chapter 3 are more minor in nature. The primary change is to include the City's "Zero Read" policy into the ordinance. This is the policy that the Public Works Department follows regarding meters that are not detecting water use. Other changes include putting the requirement to pay for connection and access charges into this section to ensure it is applicable to all potential utilities, referring to the fee schedule as an ordinance, and other such changes.

SECTION 2 – RULES & REGULATIONS RELATING TO WATER SERVICE

The City has had an established policy and ordinance that the property owner is to care for their service line from the (and including) the curb stop box to the house. The policy has been difficult to enforce, as it is hard to ascertain if the leak is on the City's side or the property owner's side of the box in many cases. The purpose of the policy was that the service line was supposed to be the financial responsibility of the property owner, as much as feasible, and not all system users or taxpayers. Thus, the wording of this ordinance was changed to state the responsibilities for service line lie with the utility user from the corporation stop through the curb stop box and into the building served.

Safeguards are put in place requiring permits and inspections to ensure the right-of-way is maintained properly and that work will not cause problems for neighboring properties.

Section 3-2-4 regarding service pipes was expanded to include all of the City's requirements and standards for private facilities such as corporation stops, curb stops, and service lines. These are the standards that the City currently employs but are now being placed into the ordinance for the sake of clarity.

Section 3-2-6 is the ordinance section regarding the City's watering ban. Instead of generally referencing potential watering restrictions, this Section is proposed to be expanded to clearly state the City's watering ban policy. A general "water emergency" section was also added for severe or unusual cases that lie outside of the watering ban.

The ordinance included archaic references to private fire hose connections and use of unmetered service that are out of line with current Public Works and Engineering Policies. These have been removed and amended.

Also included into the updated water section are standards for backflow protection and a clear authorization to collect specific water connection charges. Neither area is of a major concern, at this time, but other area cities have run into issues that these ordinance sections helped to address.

SECTION 3 - RULES & REGULATIONS RELATING TO SEWAGE SERVICE

The City's policy has been to require the removal of abandoned underground tanks and vaults when no longer in use whenever feasible. Section 3-3-2-E has been updated to include this requirement but also allow for it to be waived by the City Engineer in certain cases.

Section 3-3-5 is proposed to have several updates. The City's current ordinance generally addressed items not allowed to be put into the sewer but more specificity was needed. Such discharges are broken into two categories. One is items that should never go into the sewer and others are items the City may take from certain users with agreements (i.e. industrial). This section includes more specific standards for these agreements and testing. Also included is the City's current policy regarding sump pumps and floor drains being daylighted.

The other major change is to delete the sewer equivalency connection table and to refer to the standard table created by the Met Council. They continuously do studies, review standards, and update the tables for use throughout the metropolitan area. The City's current SEC table is an older version of theirs and this reference allows the City to automatically use their newer versions.

SECTION 4 – RULES & REGULATIONS RELATING TO SEPTIC & WELL

Section 4 has been amended to include the City's private well standards. Until recently, individual cities were not allowed to regulate wells by ordinance in this manner by the

State Department of Health. The City has an adopted wellhead protection plan that states that no private wells in the urban area may be allowed within the area around the source wells for drinking water. The proposed regulations state that to use a well for irrigation, a permit is required and that the permit may be denied if it is in this wellhead protection area. Currently a plumbing permit is required but it is unclear if the City could deny the permit to be consistent with the adopted Wellhead Protection Plan.

RECOMMENDED ACTION

Included in the packet are two documents. One is a review draft showing the changes via strikethrough for deletion and underline for addition to allow for you to follow the changes. Another is the ordinance form with how each changed section will read after amendment. If the Council finds the changes to be acceptable, it would be recommended to approve the ordinance.

ST. FRANCIS UTILITY CODE UPDATES

REVIEW DRAFT

SECTION 1 – GENERAL REQUIREMENTS – PAGE 3-2

SECTION 2 – WATER REGULATIONS – PAGE 3-8

SECTION 3 – SEWER REGULATIONS – PAGE 3-15

SECTION 4 – SEPTIC & WELL REGULATIONS – PAGE 3-38

DRAFT

SECTION 1

GENERAL PROVISIONS

SECTION:

3-1-1: Definitions
3-1-2: Fixing Rates and Charges for Municipal Utilities
3-1-3: Contractual Contents
3-1-4: Rules and Regulations Relating to Municipal Utilities
3-1-5: Connection or Tapping Prohibited – Delinquent Assessments or Charges
3-1-6: Violation a Misdemeanor

3-1-1: DEFINITIONS. As used this Code, the following words and terms shall have the meanings stated:

A. "Company", "Grantee", and "Franchisee" mean any public utility system to which a franchise has been granted by the City.

B. "Consumer" and "Customer" mean any user of a utility.

C. "Municipal Utility" means any City-owned utility system, including, but not by way of limitation, water and sewerage service.

D. "Service" means providing a particular utility to a customer or consumer.

E. "Utility" means all utility services, whether the same to be public City-owned facilities or furnished by public utility companies.

3-1-2: FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES. All rates and charges for municipal utilities, including, but not by the way of limitation, rates for service, permit fees, deposit, connection and meter testing fees, disconnection fees, reconnection fees including penalties for non-payment if nay, shall be fixed, determined and amended by the Council and adopted by ~~resolution~~ ordinance as part of the City's Fee Schedule. Such ~~resolution~~ ordinance, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk~~/Treasurer~~ and shall be uniformly enforced. For the purpose of fixing such rates and charges, the Council may categorize and classify under the various types of service, provided, that such categorization and classification shall be included in the resolution authorized by this Section.

3-1-3: CONTRACTUAL CONTENTS. Provisions of this Chapter relating to municipal utilities shall constitute portions of the contract between the City and all

consumers of municipal utility services, and every such consumer be deemed to assent to the same.

3-1-4: RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.

A. Billing, Payment and Delinquency. All municipal utilities shall be billed monthly and a utilities statement or statements shall be mailed to each consumer. All utilities charges shall be delinquent if they are unpaid at the close of business on the 15th day following such billing, provided, that if the 15th day shall fall on a Saturday, Sunday or legal holiday, the time shall be extended to the close of business on the next succeeding day on which business is normally transacted. A penalty of ten (10) percent of the delinquent amount shall be added to, and become part of, all delinquent utility bills. Each billing will clearly state the penalty as a percentage rate. Delinquent utility accounts shall result in disconnection within forty-eight (48) hours after mailing notice thereof to the consumer. If service is suspended due to delinquency it shall not be restored at that location until a reconnection charge has been paid for each utility reconnected in addition to amounts owed for service and penalties.

B. Application, Connection and Sale of Service. Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No ~~connection shall be made until consent has been received from the~~ connection shall be made until consent has been received from the City to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as metered or ascertained in connection with such rates.

C. Discontinuance of Service. All municipal utilities may be shut off or discontinued, ~~any time between any Monday at 9:00 AM and the following Friday at 9:00 AM, except in case of an emergency~~, whenever it is found that:

1. The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the City Code relative thereto, or any connection therewith, or.

2. Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after notice thereof.

3. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore.

4. The City will not shut off water service to a residential unit from October 15th through April 15th if that shut off would in any way affect the primary heat source of the unit and the present owner or occupant complies with thee provisions of state law and regulations.

5. The Building Official or the Director of Public Works to protect the public health and safety and in order to protect the public water supply and/or private property, may order the City water service immediately disconnected to any property upon determining that any of the following conditions exist: (Ord 133, SS, 2-2-2009)

   a. The property if vacant;

   b. The property if unsecured;

   c. The property is determined to be uninhabitable or unsuitable for occupancy;

   d. Other utilities to the property providing heat and/or light have been shut off;

   e. The property has plumbing that is failing or unsafe;

   f. That running water to the property creates an unsanitary or unsafe condition to anyone who may enter the property; or

   g. The property owner or occupancy has refused access by authorized officials as authorized by this Section.

6. If the Public Works Director or designee determines a meter needs reading, inspection, maintenance, or replacement, a notification shall be placed on the property. If the owner or occupier of a premises fails to respond to the order within fourteen (14) days, the City may cause to have a No Response Fee, as established by the Fee Schedule, charged to the property or premise account. After such charge is applied to the property, the City may cause to have the water shut-off.

~~6.~~7. The water service shall not be re-connected to the property until it has passed an inspection by the Director of Public Works or designee and/or the Building ~~Inspector~~ Official and the necessary permits have been issued and fees have been paid. The inspection fee will be determined by the City's fee schedule ~~resolution of the City Council~~. (Ord 133, SS, 2-2-2009)

D. Ownership of Municipal Utilities. Ownership of all municipal utilities, plants, lines, mains, extensions and appurtenances thereto, shall be and remain in the City

and no person shall own any part of portion thereof. Provided, however, that private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.

E. Right of Entry. By applying for, or receiving, a municipal utility service, a customer irrevocably consents and agrees that any City employee acting within the course and scope of his employment may enter into and upon the private property of the customer, including dwellings and other buildings, at all reasonable times under the circumstances, in or upon which private property a municipal utility, or connection therewith, is installed, for the purpose of inspecting, repairing, reading meters, connecting or disconnecting the municipal utility service.

F. Meter Test. Whenever a consumer shall request the City to test any utility meter in use by him, such a request shall be accompanied by a cash deposit for each meter to be tested. If any such meter is found to be inaccurate the same shall be replaced with an accurate meter and the deposit thereon refunded. If the meter shall be found to be accurate in its recordings or calculations it shall be reinstalled and deposit shall be retained by the City to defray the cost of such test.

G. Unlawful Acts.

1. It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture, or appurtenance of any municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility.

2. It is unlawful for any person to make any connection with, opening into, use, or alter in any way any municipal utility system without first having applied for and received written permission to do so from the City.

3. It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the City for non-payment of a bill, or for any other reason, without first having obtained a permit to do so from the City.

4. It is unlawful for any person to "jumper" or by any means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume un-metered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.

H. Municipal Utility Services and Charges a Lien.

1. Payment for all municipal utility (as that term is defined in City Code, Section ~~3.01~~ 3-1-1) service and charges shall be the primary responsibility of the owner of the premises served and shall be billed to him unless otherwise contracted for and authorized in writing by the owner and the tenant, as agent for the owner, and consented to by the City of St. Francis, Minnesota. The City may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision.

2. Each such account is hereby made a lien upon the premises served. All such accounts which are more than thirty (30) days past due may, when authorized by resolution of the Council, be certified by the City Clerk~~/Treasurer~~ of the City of St. Francis, Minnesota, to the County Auditor, and the City Clerk~~/Treasurer~~ in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes.

I. Notice and Appeal. The City will provide the current owner or occupant notice of a pending shut-off or certification prior to shutting off the water or certifying the unpaid amount and the appeal mechanism in the subdivision. This notice will be by first class mail to the individual's last known address at least twenty (20) days and, if there is no response, a red tag with the appropriate notice will be affixed to the property for a period of seven (7) days. Individuals who receive such a notice may appeal to the City Council by submitting a written appeal no later than thirty (30) calendar days after the initial notice. In addition, individuals who receive such a notice may submit a written request to meet with a City representative at any time prior to the matter being placed before the City Council to discuss the unpaid bill or other reason for shut off or certification.

3-1-5: CONNECTION OR TAPPING PROHIBITED – DELINQUENT ASSESSMENTS OR CHARGES. No permit shall be granted to tap or connect with sewer or water mains when any assessment or connection charge for such sewer or water main against the property to be connected is in default or delinquent. If such assessment or connection charges are payable in installments, no permit shall be granted unless all installments then due and payable have been paid.

~~**3-1-6: VIOLATION A MISDEMEANOR.** Every person who violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.~~

3-1-6: CONNECTION & ACCESS CHARGES. Connection and access charges shall be required to be paid prior to the initiation of service for any utility. The cost of such charges shall be fixed from time to time by Ordinance in the form of the City's Fee Schedule. Such charges shall be reflective of the original cost of improvements to which connection is made, together with appropriate adjustments which reflect current costs for similar improvements shall be paid at the time a connection is made or required to be made to any Sanitary Sewer, Public Water, Storm Sewer, or other Public Improvement by any premise which has not previously contributed to the costs of such Public Improvement.

3-1-7: VIOLATION A MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

DRAFT

SECTION 2

RULES AND REGULATIONS RELATING TO WATER SERVICE

SECTION:

3-2-1: Deficiency of Water and Shutting Off Water
3-2-2: Notice & Repair of Leaks
3-2-3: Abandoned Service Penalties
3-2-4: ~~Service Pipes~~ Private Service Connections & Maintenance
3-2-5: Private Water Supplies
3-2-6: ~~Prohibited Uses or Restricted Hours~~ Water Use Restrictions
3-2-7: Water Emergencies
3-2-~~7~~8: Private Fire Hose Connections
3-2-~~8~~9: Opening Hydrants
3-2-~~9~~10: Un-metered Service
3-2-~~10~~11: Water Meters and Water Meter Horns
3-2-~~11~~12: Code Requirement
3-2-13: Water Connection Charges
3-2-14: Backflow Prevention
3-2-~~12~~15: Additional Rules and Regulations

3-2-1: DEFICIENCY OF WATER AND SHUTTING OFF WATER. The City is not liable for any deficiency or failure in the supply of water to customers whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.

3-2-2: REPAIR OF LEAKS. ~~It is the responsibility of the consumer or owner to maintain the curb stop and service pipe from the curb stop into the house or other building.~~ It is the responsibility of the consumer or owner to maintain the service pipe from the corporation cock, through the curb stop box, and into the house or other building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his/her service pipe within twenty-four (24) hours after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately. If repairs are necessary to protect public or neighboring properties and not initiated within twenty-four (24) hours after oral and written notice, the City may cause to have the work done at the account holder or property owners' expense.

3-2-3: ABANDONED SERVICE PENALTIES. All service installations connected to the water system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the main. The owner of the premises, served by this service, shall pay the cost of the excavation and subsequent restoration. The City shall perform the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the City. When new buildings are erected on the site of old ones, and it is desired to increase the ~~old~~ existing water service size, a new permit shall be taken out and the regular tapping charge shall be made as if this were a new service. It is unlawful for any person to cause to allow any service pipe to be hammered or squeezed together at the ends to stop the flow or water, or to save expense in improperly removing such pipe from the main. Also, such improper disposition thereof shall be corrected by the City and the cost incurred shall be borne by the person causing or allowing such work to be performed.

~~**3-2-4: SERVICE PIPES.** Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than seven (7) feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Service pipes between the curb stop and the building shall be the responsibility of the owner. Service pipes must extend from the main to the inside of the building; or if not taken into a building then to the hydrant of other fixtures which they are intended to supply. A valve, the same size as the service pipe, shall be place close to the inside wall of the building, ahead of the meter and well protected from freezing. Joints on copper tubing shall be flared or compression-fitted, and kept to a minimum. Not more than one (1) joint shall be used for a service up to seventy (70) feet in length. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be one-inch in diameter.~~

3-2-4: PRIVATE SERVICE CONNECTIONS & MAINTENANCE.

A. No person may excavate in a public right-of-way to obtain service from a water main, make connection therewith, or for any purpose which will expose a water main unless in receipt of a permit for the connection.

B. The corporation stop inserted in the distributing pipe must be of the size specified in the permit order and the connection shall be made in a manner consistent with City specifications and standards. Minimum size connection with the water main shall be one-inch in diameter.

C. Service pipes shall extend from the main through the curb stop box to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which it is intended to supply. A brass ball valve, the same size as the service pipe, shall be installed close to the inside wall of the building, ahead of the meter and well protected from freezing. Service pipes 1 inch in diameter shall be Seamless Copper, Type K, Soft Annealed Copper or Polyethylene Grade PE-

3408 or PE-4710 and shall be rated for 200 PSI working pressure, SDR-9, Copper Tube Size. Copper materials shall not be used for services larger than 1 inch in diameter. Service materials for services larger than 2 ½ inches in diameter shall conform to the requirements of Ductile Iron Pipe Class 52 or Polyvinyl Chloride Pipe C-900. Where non-conductive service materials are installed, #12 AWG solid copper or copper clad steel (CCS) wire with 30 mil high density polyethylene (HDPE) insulating jacket shall be installed along the entire length of service pipe. The copper wire shall be terminated such that it is able to be connected to and used for underground locating purposes.

D. Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than eight (8) feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing or other such damage.

E. Joints on copper tubing shall be flared and kept to a minimum. Joints on polyethylene tubing shall be compression fitted with Type 304 stainless steel pipe inserts/stiffeners. Not more than one (1) joint shall be used for a service up to seventy (70) feet in length. All joints shall be left uncovered until they have been inspected.

F. The curb stop shall be installed in a manner such that it is accessible from the surface through a curb stop box without digging. The curb stop box shall be installed in a location accessible to the City at all times and in a manner approved by the City. All curb stop boxes shall conform and be maintained to the specifications and standards of the City. All curb stops shall be installed with a stationary operating rod a minimum of 78 inches in length. All valves within curb stop boxes shall be maintained in good working condition at all times. It shall be the responsibility of the applicant, owner, occupant or user to maintain the water service curb stop box for operability and at such height as will ensure that it remains above the finished grade of the land or property. No person shall erect any fence or other structure or plant any tree or other landscaping that would obstruct the use of the curb stop box or cause damage to the same. If the curb stop box needs maintenance or raising or if the area around the curb stop needs clearing for access, the City may cause to have the work done at the expense of the account holder and/or property owner.

G. Frozen or otherwise damaged service pipes between the corporation stop and the building inclusive of the curb stop box shall be the responsibility of the private property owner. All maintenance, repairs, or other such work to the service pipe shall be done to the specification and standards of the City and require a permit and inspection from the Public Work Director and/or Building Official.

H. No more than one house or building shall be supplied from one corporation stop.

I. All piping and connections from the corporation cock and/or the curb stop box to the premise supply piping shall be made under the supervision of a licensed plumber subject to inspection by the City Building Official and/or the Public Works Director or designee. The water meter installation shall be inspected, tested, and the meter sealed by the Public Works Department.

J. If the property owner requests maintenance services or repairs be performed by the City, or if repairs are necessary to protect public or neighboring properties in an emergency situation, the property owner shall be charged for the costs of the maintenance and/or repairs, including but not limited to any necessary street repairs, concrete, concrete curb and gutter, sidewalk, bituminous trail, turf, etc.

3-2-5: PRIVATE WATER SUPPLIES. No water pipe of the City water system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of water supply and when such are found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City water shall be turned off. Before any new connections to the City system are permitted, the City shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to "City Water" the private water supply may be used only for such purposes as the City may allow as stated in Section 3-4-9.

~~**3-2-6: PROHIBITED USES OR RESTRICTED HOURS.** Whenever the City shall determine that a shortage of water threatens the City, it may entirely prohibit water use or limit the times and hours during which water may be used from the City water system for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them. It is unlawful for any water consumer to cause or permit water to be used in violation of such determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof.~~

3-2-6: WATER USE RESTRICTIONS.

A. A person may water, sprinkle, irrigate, or otherwise use water in the Urban Service Area for lawn areas, grass, or turf (hereinafter referred to as "irrigation" or "irrigate") only on alternating days between May 1st and continuing until September 30th of each year. This prohibition is in effect from 10 am until 7 pm each day during this period.

B. Alternating days means that property with an address ending in an odd number may irrigate only on odd-numbered days of the month and property with an address ending in an even number may irrigate only on even-numbered days of the month.

C. Upon written request and approval by the City Administrator, or his designee, and subject to such terms and conditions imposed by the City Administrator, or

his designee, with respect to such approval, the following persons may be authorized to irrigate or otherwise utilize water from the City's municipal water system at times other than as permitted in Section 3-2-16 Subdivision A and B hereof:

1. Employees and agents of the City or School District, in such instances wherein lawn, grass, or turf used for play fields or park areas owned and operated by such entities require more frequent irrigation to prevent unreasonable damage thereto.

2. Owners and lessees (their employees and agents) of lands newly sodded or grass seeded which requires irrigation to prevent loss of the new sod, seed, or immature turf or grasses for a period of thirty (30) days, when in receipt of a permit for such activity from the Public Works Director.

3-2-7: WATER EMERGENCIES.

A. Whenever in the judgment of the City Administrator, or his designee, the water pressure and/or available water in the municipal water system reaches a level which endangers the public health or safety of residents and other persons in the City, he may declare a state of water emergency which shall continue until such time as he shall determine that the danger to public health or safety no longer exists. Forthwith upon the declaration of a state of water emergency notice thereof shall be publically posted, and all orders of the City Administrator, or his designee, issued pursuant thereto shall be enforced after one hour has elapsed from the time of such notice.

B. During the existence of a state of water emergency the City Administrator, or his designee, may, by order, impose restrictions on sprinkling, irrigation, or other utilization of water from the City's municipal water system including, but not limited to the total prohibition of water use for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them or the prohibition of such water use on specified days or during certain hours.

~~**3-2-7: PRIVATE FIRE HOSE CONNECTIONS.** Owners of structures with self-contained fire protection systems may apply for and obtain permission to connect the street mains with hydrants, large pipes, and hose couplings, for use in case of fire only, at their own installation expense and at such rates as the Council may adopt by resolution as herein provided.~~

3-2-8: OPENING HYDRANTS. It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the City, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the

same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver ~~do liver or suffer~~ or offer to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use.

3-2-9: UN-METERED SERVICE. ~~Un-metered service may be provided for construction, flooding skating rinks, and any other purpose. Such service shall be at a duly adopted rate. Where it is difficult or impossible to accurately measure the amount of water taken, un-metered service may be provided and the un-metered rate applied; provided, however, that by acceptance thereof the consumer agrees to have the City estimate the water used. In so estimating the City shall consider the use to which the water is put and the length of time of un-metered service.~~ In cases where, in the opinion of the Public Works Director, no reasonable manner for metered service is available, a private system user may be granted un-metered service on a temporary basis. The user shall pay the temporary meter fee and fees for the estimated water use based on the judgment of the Public Works Director.

3-2-10: WATER METERS AND WATER METER HORNS. All water meters shall be furnished, owned, controlled, and maintained by the City at the expense of the property owner. All repairs of water meters not resulting from normal usage shall be the responsibility of the property owner. All meters in need of replacement, shall be replaced with a remote type which shall be furnished and maintained by the City. All water meters shall be installed in a manner acceptable to the City ~~and controlled by the City~~ and the cost of installation shall be the responsibility of the property owner. ~~All water meters shall be owned and maintained by the City at the expense of the property owner. All repairs of water meters not resulting from normal usage shall be the responsibility of the property owners. All meters in need of replacement shall be replaced at the cost of the property owner and furnished and maintained by the City.~~ All five-eighths (5/8) and one (1) inch meters shall be installed in a meter horn with remote wire and remote pad. All meters larger than one (1) inch shall meet City requirements including remote wire and remote pad. All meter installations shall be controlled and inspected by the City and the cost of installation shall be the responsibility of property owner.

3-2-11: CODE REQUIREMENT. All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code and other standards and specifications of the City. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of water service to any consumer. The corresponding fees for such permits, as established by the City's Fee Schedule, shall be paid at the time of permit issuance.

~~**3-2-12: ADDITIONAL RULES AND REGULATIONS.** The Council may, by resolution, adopt such additional rules and regulations relating to placement, size and type of equipment as it, in its discretion, deems necessary or desirable. Copies of such additional rules and regulations shall be kept on file in the office of the City Clerk/Treasurer, and uniformly enforced.~~

3-2-13: WATER CONNECTION CHARGES. Connection charges are due to the City upon issuance of a building permit or connection permit and prior to a new occupancy. This fee shall be set by ordinance for each equivalent connection unit. An equivalent connection unit (one E.C.) is established in Section 3-3-8 for development within the City. One single family dwelling is one unit. These Standards may be amended as may be necessary by ordinance.

3-2-14: BACKFLOW PROTECTION. Approved devices or assemblies for the protection of the potable water supply must be installed at any plumbing fixture or equipment where backflow or back siphonage may occur and where a minimum air gap cannot be provided between the water outlet to the fixture or equipment and its flood level rim.

A. Any device or assembly for the prevention of backflow or back siphonage installed, shall have first been certified by a recognized testing laboratory and have a certification number clearly visible on the devise. AWWA, ASSE, and USC are the certified labs recognized by the Administrative Authority. These devices must be readily accessible.

B. The installation of reduced pressure backflow preventers shall be permitted only when a periodic testing and inspection program conducted by qualified, accredited personnel will be provided by an agency acceptable to the administrative authority. Inspection intervals shall not exceed one year, and overhaul intervals shall not exceed five years. The administrative authority may require more frequent testing if deemed necessary to assure protection of the potable water. Backflow preventers shall be inspected frequently after initial installation to assure that they have been properly installed and that debris resulting from piping installation has not interfered with the functioning of the assembly.

3-2-15: ADDITIONAL RULES AND REGULATIONS. The Council may, by resolution, adopt such additional rules and regulations relating to placement, size and type of equipment as it, in its discretion, deems necessary or desirable. Copies of such additional rules and regulations shall be kept on file in the office of the City Clerk, and uniformly enforced.

SECTION 3

RULES AND REGULATIONS RELATING TO SEWAGE SERVICE

SECTION:

3-3-1: Definitions
3-3-2: Use of Public Sewers Required
3-3-3: Constructing Building Sewers and Connections to Public Sewers
3-3-4: Repairs to Sewage Service
3-3-5: Use of Public Sewers
3-3-6: Damage to Public Sewage System
3-3-7: Authority and Powers of Inspectors
3-3-8: Equivalent Connection Charges
3-3-9: User Charges
3-3-10: Connection With and Use of City System Without Compliance Prohibited
3-3-11: Qualifications of Persons

3-3-1: DEFINITIONS. The following terms, as used in this Section, shall have the meanings stated:

A. "BOD" or "BOD_5" (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter.

B. "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning at least one (1) foot outside the building footings.

C. "Building Sewer Service" means the sewer extension from the building drain to the public sewer main or other place of disposal.

D. "Collection" means the receiving and conveying of sewage, including any lifting or pumping equipment and/or structures, to the sewage treatment facility.

E. "Domestic Wastes" includes one or more of the following: human excretions, food and meal preparation, dishwashing, and laundry wastes in less than industrial quantities.

F. "Equivalent Connection" means a building sewer which produces a flow equivalent to an average single family detached residence contribution calculated at ~~two hundred fifty (250)~~ two-hundred seventy-four (274) gallons per day with a BOD loading of 0.60#/day.

G. "Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

H. "Industrial Wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

I. "Industrial User" means any person from whose property industrial waste is discharged into the public sanitary sewer in quantities greater than one thousand (1,000) gallons per day or which produces concentrations of suspended solids or BOD content exceeding the limits herein set for normal sewage.

J. "Maintenance" means the repairing, replacing, cleaning, repainting or such similar work as is necessary to maintain the sewage system in proper operating condition.

K. "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake or other body or surface or groundwater.

L. "Normal Sewage" means sewage in volumes of two-hundred seventy-four (274) or less ~~than two hundred seventy-five (275~~) gallons per day and containing an average concentration of suspended solids below ~~two hundred seventy-five (275)~~ two hundred fifty (250) milligrams per liter and a BOD content of below ~~two hundred seventy-five (275)~~ two hundred fifty (250) milligrams per liter.

M. "Operation" means the day-to-day managing, controlling, and maintaining of the sewage system.

N. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

O. "Properly Shredded Garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

P. "Public Sewer" means a sanitary sewer in which all owners of abutting properties have equal usage rights, and is controlled by public authority.

Q. "Replacement" means the purchase and installation in the sewage system of an item of real or personal property as a substitute for a like item that has been damaged or not functioning properly.

R. "Sanitary Sewer" means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

S. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

T. "Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage.

U. "Sewerage System" means all facilities for collecting, pumping, treating, and disposing of sewage.

V. "Slug" means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

W. "Storm Drain" or "Storm Sewer" means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

X. "Suspended Solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Y. "Unpolluted Water" means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean or noxious or impure so as to be actually or potentially harmful or detrimental, or injurious to public health, safety, or welfare to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish, or other aquatic life.

Z. ~~Y.~~ "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

~~Z. "Zones" or "Zone" means any one or more of the following specified zones~~:

AA. "Metropolitan Urban Service Area" (MUSA) means the area identified in the Comprehensive Plan as intended for urban services (i.e. sewer and water).

BB. "Rural Service Area" means the area identified in the Comprehensive Plan as intended for rural services (i.e. septic and well).

3-3-2: USE OF PUBLIC SEWERS REQUIRED.

A. Deposition of Waste. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

B. Discharge to Natural Outlets. It is unlawful for any person to discharge to any natural outlet or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Section.

C. Construction of Private Waste Disposal System. Except as hereinafter provided, it is unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage in the MUSA that abuts a public right-of-way or easement in which there is located a public sanitary sewer of the City. Where a hardship exists, the Council may allow the continued use of an existing safe on-site sewage disposal system, as a non-conforming use. No expansion or alteration or repair of these systems will be allowed; should they be necessary, the connection to the public system will then be required within ninety (90) days. Parcels within the MUSA greater than twenty (20) acres in size may install and maintain an on-site sewerage disposal system until that time the parcel is further subdivided.

D. Connection to the Public Sewerage System. Unless excepted above, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other like purposes situated within the MUSA abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the City, is hereby required at his expense to install suitable toilet and other wastewater collection facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Section, within ninety (90) days after the date of official notice to do so from the City. Provided, however, that this requirement shall not apply to unheated buildings used exclusively for storage.

E. Abandonment of Private System. At such time as public sewer becomes available to a property sewered by a private sewage disposal system, as direct connections shall be made to the public sewer in compliance with this Section, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be removed from the site. In cases where the City Engineer finds that removal may cause significant damage in regards to public property, erosion, or mature trees the system may be abandoned, cleaned of sludge, and filled with suitable material, such as clean pit-run gravel or dirt to the satisfaction of the Public Works Director ~~Maintenance Superintendent~~.

F. Extension of Sewer. If a person in the MUSA needs or desires to connect to the City Sewerage System, he may petition the Council to extend sewers to serve his

property. The Council shall follow the procedure as specified by statute for the construction of said improvements.

G. Pretreatment. Sewerage systems users shall provide necessary wastewater treatment as required to comply with this Section and shall achieve compliance with all Federal categorical pre-treat wastewater to a level acceptable to the Public Works Director ~~Maintenance Superintendent~~/City Engineer shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Public Works Director ~~Maintenance Superintendent~~/City Engineer for review, and shall be acceptable to the Public Works Director ~~Maintenance Superintendent~~/City Engineer before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce and effluent acceptable to the Public Works Director ~~Maintenance Superintendent~~/City Engineer under the provisions of this Section. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Public Works Director ~~Maintenance Superintendent~~/City Engineer prior to the user's initiation of the charges. All records relating to the compliance with pretreatment standards shall be made available by the Public Works Director ~~Maintenance Superintendent~~/City Engineer Engineer to officials of the EPA or MPCA upon request.

H. Confidential Information. Information and data on a user's water consumption and sewage characteristic obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Public Works Director ~~Maintenance Superintendent~~ that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for users related to this Section, the NPDES Permit, State Disposal System Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater ~~constituents~~ composition and characteristics will not be recognized as confidential information. Information accepted by the Public Works Director ~~Maintenance Superintendent~~ as confidential, shall not be transmitted to any governmental agency or to the general public by the Public Works Director ~~Maintenance Superintendent~~ until and unless a ten (10) day notification is given to the user.

I. Sludge Generated. Sludge, floats, skimming, etc., generated by an industrial or commercial pretreatment system shall not be placed into the wastewater disposal system. Such sludge shall be contained, transported, and disposed of by haulers in accordance with all Federal, State and local regulations.

3-3-3: CONSTRUCTING BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS.

A. Unauthorized Work on a Public Sewer. It is unlawful for any person to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the Public Works Director ~~Maintenance Superintendent~~.

B. Building Sewer Permits. There shall be three classes of building sewer permits (1) for residential service; (2) service to commercial and industrial firms producing domestic wastes; and, (3) for service to firms producing industrial wastes. The owner or his agent shall make application on a special form furnished by the City which form shall be adopted by the Council and the permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Director ~~Maintenance Superintendent~~. A permit and inspection fee set by the Council resolution according to the proposed sewer use and connection shall be paid to the City at the time the application is filed. Said permit fees may be changed by the Council, from time to time, by resolution, and a copy of such resolution shall be kept on file in the office of the City Clerk~~/Treasurer~~ and available for inspection during regular office hours. Any fee charged by the State of Minnesota or any other entity of the Sate or Federal government shall also be collected and shall be in addition to the fee herein.

C. Installation and Connection Costs. All costs and expenses incident to the installation and connection of the building sewer service shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. Separate Sewer Service for Each Building. A separate and independent building sewer shall be provided for every principal building~~, except where the location of the sewer and the building to be connected reasonably require otherwise, the Council shall determine what is reasonable~~. Residential, commercial, and industrial developments with several buildings may require sewers and manholes on private property to provide individual building services. Such a system must be approved by the City Engineer.

E. Reuse of Old Sewer Services. Old building sewer services may be used in connection with new buildings only when they are found, on examination and/or

testing by the owner in a manner acceptable to the Public Works Director ~~Maintenance Superintendent~~, to meet all requirements of this Section.

F. Building Sewer Service Code Requirements. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, connection to the public sewer, testing, and backfilling the trench, shall all conform to the requirements of the State Building Code and of other applicable rules and regulations of the City. Care shall be taken to prevent entry of groundwater or any unauthorized waters into the public sewer during construction. For residential service, no floor drains from accessory building or garages, whether attached or detached, shall be connected to the building sewer or sanitary sewer.

G. Gravity or Lifted Sewage Flow in Sewer Service. Whenever possible, the building sewer service shall be brought to the building at an elevation below the basement floor, in all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means discharged to the building sewer service.

H. Building Sewer Service Inspection. The applicant for the building sewer service permit shall notify the Public Works Director ~~Maintenance Superintendent~~ when the building sewer service is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Public Works Director ~~Maintenance Superintendent~~ or his representative.

I. Public Hazard Protection During Service Installation. All excavations for building sewer service installation shall be adequately guarded with barricades and lights so as to protect the public from hazard as required by the Minnesota Department of Transportation rules and regulations. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

3-3-4: REPAIRS TO SEWAGE SERVICE.

A. Whenever any building sewer service becomes clogged, obstructed, broken or out of order between the building and the main, the owner shall forthwith make repairs.

B. If the owner fails to make the necessary repairs required by Section 3-3-4.A of this Code, the City may cause the work to be performed and bill the property owner accordingly.

C. Whenever any damage condition of a building sewer service shall cause damage to, or the introduction of soil or foreign matter into, the municipal sewerage

system which shall require repairs or cleaning of the system, the property owner shall be responsible for the cost of repairs or cleaning.

D. Each day, after notice, that a person neglects or fails to repair the building sewer service constitutes a separate violation of the City Code.

3-3-5: USE OF PUBLIC SEWERS.

A. ~~Illegal Discharge. It is unlawful for any person to discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer without a special permit from the City.~~

Prohibited Discharges.

1. Unpolluted Waters. No person, firm, or corporation shall discharge or cause to be discharged directly or indirectly any storm water, groundwater, roof runoff, yard drainage, yard fountain water, pond or pool overflow, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or processing water to any sanitary sewer except as permitted by the City or other local unit government. Storm water and all other unpolluted discharge shall be directed to the storm water collection system, except that unpolluted cooling or processing water shall only be so discharged upon approval by the City or other unit of local government.

2. Foreign or Hazardous Substances.

   a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

   b. Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the wastewater treatment works;

   c. Any water or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works;

   d. Solid or viscous substances, either whole or ground, in quantities or of such size capable of causing obstruction to the flow in the sewers, or other interference with the proper continuation of the wastewater facilities but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand,

mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, sanitary napkins, paper dishes, cups, milk containers, and other paper products;

e. Noxious or malodorous liquids, gases, or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repairs.

B. ~~Article V of Sewage and Waste Control Rules and Regulations for the Metropolitan Disposal System. The regulations of the Metropolitan Waste Control Commission, (formerly Metropolitan Sewer Board) adopted December 1, 1971, and as the same has been, or may be in the future, amended, are hereby adopted by reference and incorporated herein. A copy of said Rules and Regulations and amendments thereto, shall be kept on file in the office of the City Clerk/Treasurer for reference and open to public inspection during regular office hours.~~

Regulated Discharges. No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer unless in the opinion of the City the discharge will not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb, or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of the wastes, the City may give consideration to such factors as the relation of flows and velocities in the sewers, nature of the sewage treatment process, capacity of the sewage plant, the City's NPDES permit, and other pertinent determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur. The substances restricted shall be:

1. Any liquid or vapor having a temperature in excess of one hundred fifty (150) degrees F (65 degrees C).

2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (zero (0) and sixty-five (65) degrees C.).

3. Any garbage that has not been ground or comminuted to such degree that all particles will be carried freely in suspension under flows normally prevailing in the public sewers, with no particles greater than one-half inch in any dimension.

4. Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

5. Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the State or Federal Government, or any other public agency with proper authority to regulate the discharge from the sewage treatment plant.

6. Any radioactive wastes or isotopes of such half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it.

7. Any water or wastes having a pH in excess of 9.5.

8. Materials which exert or cause:

   a. Unusual concentrations of suspended solids, (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).

   b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

   c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.

   d. Unusual volume of flow or concentration of wastes constituting a slug.

   e. Water or water containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the NPDES Permit, or requirements of other governmental agencies having jurisdiction over discharge from the sewage treatment plant.

~~C. Preliminary Treatment or Flow Equalization Facilities. Where preliminary treatment or flow equalization facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.~~

C. Response to Improper Discharge. If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or

wastes do not meet the standards set out in or promulgated under this Section, or which in the jurisdiction of the City may have a deleterious effect upon the treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, or constitute a public nuisance, the City may take all or any of the following steps:

1. Refuse to accept the discharges.

2. Require control over the quantities and rates of discharge.

3. Require pretreatment to an acceptable condition for the discharge to the public sewers. The design and installation of the plant and equipment for pretreatment of equalization of flows shall be subject to the review and approval of the City, and subject to the requirements of 40 CFR 403, entitled "Pretreatment Standards", and the Minnesota Pollution Control Agency.

4. Require payment to cover the added cost of handling or treating the wastes.

~~D. Special Agreements or Arrangements with City. No statement contained in this Subdivision shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payments for additional capital equipment and/or operating and maintenance costs therefore, by the industrial concern.~~

D. Interceptors. Grease, oil, and mud interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in this Chapter, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.

~~E. Discharged Waste Sample Gathering. Commercial and industrial users with other than normal sewage shall permit the monthly gathering of samples of their discharged wastes by the Maintenance Superintendent or his authorized representative.~~

E. Preliminary Treatment or Flow Equalization Facilities. Where preliminary treatment or flow equalization facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

F. Testing.

1. Required. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure

together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure and equipment, when required, shall be constructed at the owner's expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.

2. Standards. All measurements, tests, and analyses of the characteristics of water and waste to which reference is made in this Chapter shall be determined in accordance with 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants"; the latest edition of Standard Methods For the Examination Of Water and Wastewater, and shall be determined at the control structure provided, or upon suitable samples taken at the control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effluent constituents and their effect upon the treatment works and to determine the existence of hazards to life, health and property. Sampling methods location, times, duration, and frequencies are to be determined on an individual basis subject to approval by the City.

G. Industrial Waste. The owner of any property serviced by a building sewer carrying industrial wastes shall, at the discretion of the City, be required to provide laboratory measurements, tests, and analyses of waters or wastes to illustrate compliance with this Chapter and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State and local standards are being met. The owner shall bear the expense of all measurements, analyses and reporting required by the City. At such times as deemed necessary the City reserves the right to take measurements and samples for analysis by an outside laboratory.

D. Special Agreements or Arrangements with City. No statement contained in this Subdivision shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payments for additional capital equipment and/or operating and maintenance costs therefore, by the industrial concern.

E. Discharged Waste Sample Gathering. Commercial and industrial users with other than normal sewage shall permit the monthly gathering of samples of their discharged wastes by the Public Works Director ~~Maintenance Superintendent~~ or his authorized representative.

F. Required Daylighting. All sump pumps and garage floor drains shall be daylighted to prove the discharge is not being put into the sanitary sewer system. The discharge pipes from both shall be directed away from houses/principal structures on neighboring properties and wetlands.

3-3-6: DAMAGE TO THE PUBLIC SEWAGE SYSTEM.

A. It is unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewerage system.

B. It is unlawful for any person, having charge of any building or other premises which drains into the municipal sewerage system, to permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer.

3-3-7: AUTHORITY AND POWERS OF INSPECTORS.

A. Permission to Enter Onto Private Property for Observation and Testing. The Public Works Director ~~Maintenance Superintendent~~ and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Section. The Public Works Director ~~Maintenance Superintendent~~ shall have no authority to inquire into any proprietary processes in metallurgy, chemical manufacturing, refining, paper making, ceramics, or similar industries beyond the technical information required for the proper receiving, conveying and treatment of the particular waste.

B. Observation of Safety Rules by City Employees. While performing the necessary work on private properties referred to herein, the Public Works Director ~~Maintenance Superintendent~~ or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

C. Inspection, Sampling, Measurement and Maintenance on Private Property. The Public Works Director ~~Maintenance Superintendent~~ and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly

negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewerage system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of duly negotiated easement pertaining to the private property involved.

3-3-8: EQUIVALENT CONNECTION CHARGES.

A. Equivalent Connection Charge Definition and Application. A sum of money hereinafter termed "the equivalent connection charge" is to be collected for the purpose of providing funding necessary for the construction of the sewerage system and additions or extensions thereto, and for payment of principal and interest due or accruing on bonds and other obligations issued or incurred to finance such improvements. This sum of money is hereby charged with respect to every lot, parcel of land, buildings or premises within ~~Zone I and Zone II~~ MUSA that abuts a public right-of-way or easement in which there is located a public sanitary sewer of the City. Such charge is made for the privilege of making a connection, direct or indirect, to the City's facilities for the collections and treatment of sewage, industrial waste and water or other liquid discharged from such premises.

B. Payment of Connection Charges. Connection charges are payable at the time of the building permit issuance. The Building Inspector shall not issue a building permit until such connection charge is paid. For any building permit issued prior to the effective date of this Section, in which the connection has not been made to the Public Sewerage System, connection charges are then payable prior to the time of connection or by such date as stipulated by the Council. For existing buildings connection charges are payable upon application for a connection permit.

C. Application and Permit for a Connection. No connection from any premises to the disposal system is authorized without there being first obtained for such connection a permit issued by the City. No permit may be obtained from the City, and no representative of the City is authorized to issue a permit for connection unless and until an authorized representative of the City receives an application for such connection, determines and establishes the type of connection to be made and receives the equivalent connection fee as required. The City shall prepare, provide for, and furnish any form and instrument found necessary to the connection applications and permits of the City and perform all acts reasonably required with respect thereto. Applications and permits shall be uniform, in accordance with this Section.

D. Increased Connection Charges Based on Measurement. The determination and establishment in the first instance of the equivalent connection charge represented by a connection, especially when made by estimate based upon

representations of the owner or occupant of the premises is at all times subject to further determination and establishment after the connection has been made and determined by an actual measurement and/or analysis by the Public Works Director ~~Maintenance Superintendent~~ of the sewage or waste discharge from such connection entering into the system of the City. The receipt and acceptance by the City of any money paid and received by the City, as previously imposed does not bar the City's right to payment of the correct amount of money due therefore, as may be determined and established by actual measurement; and the City's right to recover therefore is not impaired. After a connection has been made and the connection charge established, imposed and paid, no diminution in discharge from the premises shall entitle the owner (or occupant) against the City to a reduction, reimbursement or refund with respect to the connection charge imposed and paid.

E. Computation of Connection Charges. Connection charges ~~for building within the immediate sewer service area (Zone I)~~ are due to the City upon issuance of a building and/or connection permit. This fee shall be set by Council resolution for each equivalent connection unit. An equivalent connection unit (one E.C.) is established as the anticipated flow from a single family residence as referenced herein. ~~The following list is hereby established as the basis for equivalent connection units for development within the City. These Standards may be amended as may be necessary by Council resolution.~~ The City hereby adopts by reference and incorporates herein Appendix A of the Metropolitan Council Environmental Services (MCES) Sewer Availability Charge Procedure Manual as may be amended in the future. A copy of said document and amendments thereto shall be kept on file in the office of the City Clerk for reference and open to public inspection during regular office hours. In cases where said document references MCES or MCES Staff shall be interpreted to mean City of St. Francis or City of St. Francis Staff respectively.

DRAFT

~~FACILITY~~	~~PARAMETER~~	~~SEC~~
~~ANIMAL CLINIC (humane societies, animal research, boarding, etc.)~~		
~~Animal Holding Areas:~~	~~17 f.u.~~	~~1~~
~~Animal Runs:~~	~~34 f.u.~~	
~~ARCHERY (6 feet/lane)~~	~~6 lanes~~	~~1~~
~~ARENAS (bleachers 18 inches/person)~~	~~110 seats~~	~~1~~
~~AUDITORIUMS (7 sq. ft./person)~~	~~110 seats~~	~~1~~
~~AUTOMOBILE~~		
~~Fast service (less than 4 hours per car):~~	~~2 service bays~~	~~1~~
~~Major service (more than 4 hours per car):~~	~~14 employees~~	~~1~~
~~BALLROOM (exclude dance floor)~~		
~~Facility without liquor service:~~	~~825 sq. ft.~~	~~1~~
~~Facility with liquor service:~~	~~590 sq. ft.~~	~~1~~
~~BANK (exclude cash vault)~~	~~2,400 sq. ft.~~	~~1~~
~~BANQUET ROOM (15 sq. ft./ person)~~		
~~Food catered~~	~~2,060 sq. ft.~~	~~1~~
~~Food catered with dishwashing~~	~~1,180 sq. ft.~~	~~1~~
~~Food catered with liquor~~	~~1,028 sq. ft.~~	~~1~~
~~Food preparation and dishwashing~~	~~825 sq. ft.~~	~~1~~
~~Food catered with dishwashing and liquor~~	~~750 sq. ft.~~	~~1~~
~~Food preparation, dishwashing with liquor~~	~~590 sq. ft.~~	~~1~~
~~BARBER~~	~~4 chairs~~	~~1~~
~~BEAUTY SALON~~	~~4 cutting stations~~	~~1~~
~~BINGO HALL (used only for bingo)~~	~~110 seats~~	~~1~~
~~BOARDING HOUSE (dorm rooms)~~	~~5 beds~~	~~1~~
~~BODY SHOP (major service more than 4 hours per car, no vehicle washing)~~	~~14 employees~~	~~1~~
~~BOWLING ALLEYS (does not include bar or dining area)~~	~~3 alleys~~	~~1~~
~~CAMPS [no. gal X occupant or site)/274]~~		
~~Children's camps (central toilet and bath; overnight, primitive cabins)~~	~~274 gallons~~	~~1~~
~~(no. occupants X 50 gal/occupant)/274 gal~~		
~~Day camps (no meals)~~	~~274 gallons~~	~~1~~
~~(# occupants x 50 gal/occupant)/274 gal~~		
~~Labor/Construction camps~~	~~274 gallons~~	~~1~~
~~(# occupants x 50 gal/occupant)/274 gal~~		
~~Resorts (housekeeping cabins)~~	~~274 gallons~~	~~1~~
~~(# occupants x 60 gal/occupant)/274 gal~~		
~~Travel Trailer Parks~~		
~~with water & sewer hookup~~	~~274 gallons~~	~~1~~
~~(# sites x 100 gal/site)/274 gal~~		

~~FACILITY~~	~~PARAMETER~~	~~SEC~~
~~CAMPS – Continued~~ ~~Travel Trailer Parks~~ ~~with central toilet and showers~~ ~~(# sites x 75 gal/site)/274 gal~~ ~~sanitary dump (sites w/o hookup)~~ ~~(# sites x 10 gal/site)/274 gal~~	 ~~274 gallons~~ ~~274 gallons~~	 ~~1~~ ~~1~~
~~CAR WASH (Self Service)~~	~~1 stall~~	~~1~~
~~CAR WASH (Service Station – Automatic Rollover Brushes)~~	~~1 stall~~	~~6~~
~~CAR WASH (Requires specification on equipment flow rate and cycle time; tunnel-car pulled through)~~ ~~CONTACT MWCC FOR DETERMINATION~~	~~274 gallons~~	~~1~~
~~CHURCHES (for sanctuary, nave, chancel)~~ ~~(7 sq. ft./person-seating area) (remainder use other criteria) (sacristy, ambulatory-no charge)~~	~~275 seats~~	~~1~~
~~COCKTAIL LOUNGE (no food service)~~	~~23 seats~~	~~1~~
~~CORRECTION FACILITY (prison)~~	~~2.5 inmates~~	~~1~~
~~DAYCARE (number of children licensed for)~~	~~14 children~~	~~1~~
~~DORM ROOMS On/Off campus students~~ ~~(charge additional for classrooms)~~	~~5 students~~	~~1~~
~~DRY CLEANERS (retail)~~	~~3,000 sq. ft.~~	~~1~~
~~ELDERLY HOUSING (100% of current SEC rate)~~ ~~(# of one bedroom units x 1.5 people/unit)~~ ~~+ (# of two bedroom units x 2.0 people/unit)~~ ~~(total # of people/3 people)~~	 ~~3 people~~	 ~~1~~
~~EXERCISE AREA/GYM (juice bars-no charge)~~ ~~(sauna, whirlpool included)~~ ~~No showers~~	 ~~700 sq. ft.~~ ~~2,060 sq. ft.~~	 ~~1~~ ~~1~~
~~FIRE STATION (charge for office, meeting room, etc. at established rates)~~ ~~Washing (hose tower, truck)~~ ~~Full Time (overnight people)~~ ~~(75 gal/person)/274 gal~~ ~~Volunteer (occasional overnight)~~	 ~~274 gallons~~ ~~274 gallons~~ ~~14 people~~	 ~~1~~ ~~1~~ ~~1~~
~~FUNERAL HOME (charge viewing areas only-chapel, viewing areas, etc.)~~ ~~Apartment~~	~~770 sq. ft.~~ ~~1 apartment~~	~~1~~ ~~1~~
~~GAME ROOM (billiards, video, pinball games)~~ ~~With bar~~ ~~Without bar~~	 ~~590 sq. ft.~~ ~~2,060 sq. ft.~~	 ~~1~~ ~~1~~
~~GENERAL OFFICE BUILDING~~ ~~(deduct mechanical rooms, elevator shafts,~~ ~~Stairwells, restroom and storage areas)~~	 ~~2,400 sq. ft.~~	 ~~1~~

~~FACILITY~~	~~PARAMETER~~	~~SEC~~
~~GOLF COURSE (if showers-use locker room criteria)~~		
~~18 hole (280 golfers/day x 2.5 gal/golfer)/274 gal~~	~~274 gallons~~	~~1~~
~~Par 3 (168 golfers/day x 2.5 gal/golfer)/274 gal~~	~~274 gallons~~	~~1~~
~~Country Club (private)~~		
~~Dining room (evenings & weekends)~~	~~15 seats~~	~~1~~
~~Bar & Grill (separated)~~		
~~Bar~~	~~23 seats~~	~~1~~
~~Grill~~	~~15 seats~~	~~1~~
~~Bar & Grill (combined)~~		
~~([168 or 280] golfers x 9 gal/person)/274 gal~~	~~274 gallons~~	~~1~~
~~GREENHOUSE~~		
~~Area not open to public~~	~~15,000 sq. ft.~~	~~1~~
~~Area open to public~~	~~5,000 sq. ft.~~	~~1~~
~~General retail area~~	~~3,000 sq. ft.~~	~~1~~
~~GROUP HOME~~	~~5 beds~~	~~1~~
~~GUEST ROOMS (apartment or condominium)~~		~~1~~
~~(charge SEC as apartment)~~		
~~Washer/Dryer~~	~~100% of current SAC rate~~	
~~No Washer/Dryer~~	~~80% of current SAC rate~~	
~~No Kitchen~~	~~50% of current SAC rate~~	
~~HANDBALL AND RACQUETBALL COURTS~~	~~1 court~~	~~2~~
~~HOSPITALS (licensed beds or baby cribs) (does not include out-patient clinic)~~	~~1 bed~~	~~1~~
~~Out-patient clinic (Plumbing Fixture Units)~~	~~17 f.u.~~	~~1~~
~~Sterilizers (4 hours x gmp x 60 minutes/274 gal)~~	~~274 gallons~~	~~1~~
~~X-ray film processors (continuous operation 9 hrs) (intermittent operation 4 hrs) (operation time (hrs) x gmp x 60 minutes/274 gal)~~		
~~LAUNDROMAT (requires water volume for cycle time) 8 cycles per day~~	~~274 gallons~~	~~1~~
~~LIBRARY (subtract out book storage areas, file areas charge common plumbing fixture units)~~	~~17 f.u.~~	~~1~~
~~(meeting rooms, board rooms, reception, book checkout, offices)~~	~~2,400 sq. ft.~~	~~1~~
~~LOADING DOCK~~	~~7,000 sq. ft.~~	~~1~~
~~LOCKER ROOMS (if showers-20 gal/person)~~	~~14 lockers~~	~~1~~
~~MEETING ROOMS (conference rooms)~~	~~1,650 sq. ft.~~	~~1~~
~~MINI-STORAGE (storage area-no charge)~~		
~~Living Area~~		~~1~~
~~Public Restroom (plumbing fixtures)~~	~~17 f.u.~~	~~1~~
~~MOBILE HOME~~		~~1~~

~~FACILITY~~	~~PARAMETER~~	~~SEC~~
~~MOTELS AND HOTELS (assume 2 persons/room) — (pools, saunas, Jacuzzis, game rooms, exercise Rooms exclusively used by guests – no charge)~~	~~2 rooms~~	~~1~~
~~Breakfast only (complimentary)~~	~~45 seats~~	~~1~~
~~Cocktail Hours (complimentary)~~	~~55 seats~~	~~1~~
~~Kitchenettes~~		
~~(# kitchenettes x 10 gal/day)/274 gal~~	~~274 gallons~~	~~1~~
~~MUSEUM~~	~~2,400 sq. ft.~~	~~1~~
~~NURSING HOME~~	~~3 beds~~	~~1~~
~~POLICE STATION (charge as office)~~		
~~Cells Overnight (jail)~~	~~274 gallons~~	~~1~~
~~(# overnight people x 80 gal/person)/274 gal~~		
~~No overnight people (holding area)~~	~~14 people~~	~~1~~
~~RECORDING/FILMING STUDIOS~~	~~7,000 sq. ft.~~	~~1~~
~~RESTAURANT (drive-in)~~	~~9 parking spaces~~	~~1~~
~~RESTAURANT (fast food) (disposal paper plates, glasses, and silverware)~~	~~22 seats~~	~~1~~
~~RESTAURANT (full service)(washable silverware, glasses and dishes)~~	~~8 seats~~	~~1~~
~~RETAIL STORES (deduct mechanical rooms, elevator shafts, stairwells, restrooms and unfinished storage areas)~~	~~3,000 sq. ft.~~	~~1~~
~~ROLLER RINK (skating area)~~	~~825 sq. ft.~~	~~1~~
~~ROOMING HOUSES (no food service)~~	~~7 beds~~	~~1~~
~~RV DUMPING STATION (not in association with camp grounds)~~		~~1~~
~~SCHOOLS (Sunday) – (30 sq. ft./student)~~	~~55 students~~	~~1~~
~~SCHOOLS (elementary) – (15 gal/student) (30 sq. ft./student)~~	~~18 students~~	~~1~~
~~SCHOOLS (college, TVI) – (30 sq. ft./student)~~	~~18 students~~	~~1~~
~~Lecture Halls (15 sq. ft./student)~~	~~18 students~~	~~1~~
~~Labs (50 sq. ft./student)~~	~~18 students~~	~~1~~
~~Dorm Rooms (on/off campus students)~~	~~5 students~~	~~1~~
~~SCHOOLS (nursery) (number of children licensed for)~~	~~14 students~~	~~1~~
~~Church (nursery during worship service only – (30 sq. ft./child)~~	~~55 children~~	~~1~~
~~Nursery (health clubs, bowling alleys, etc.)~~	~~2,400 sq. ft.~~	~~1~~
~~SCHOOLS (secondary) –~~		
~~(30 sq. ft./student) – (20 gal/student)~~	~~14 students~~	~~1~~
~~Labs (50 sq. ft./student)~~	~~14 students~~	~~1~~
~~SERVICE STATION (gas pumping only)~~		~~1~~
~~SERVICE STATION (with service center – 2 service bays)~~		~~2~~

~~FACILITY~~	~~PARAMETER~~	~~SEC~~
~~SERVICE STATION (with service center and car wash)~~		~~8~~
~~SWIMMING POOLS (public) (pool area)~~ ~~(private residential, townhouse, condominiums, hotels, motels or apartments – no charge)~~	~~900 sq. ft.~~	~~1~~
~~TANNING ROOMS~~	~~3,000 sq. ft.~~	~~1~~
~~TENNIS COURTS (public, shower facilities available)~~	~~1 court~~	~~2~~
~~THEATER~~	~~64 seats~~	~~1~~
~~THEATER (drive-in) (parking spaces)~~	~~55 spaces~~	~~1~~
~~VEHICLE GARAGE~~ ~~Employees stationed in garage~~ ~~Vehicle drivers (per day)~~ ~~Vehicle washing (# vehicles/day x gpm x minutes/vehicle)/274 gal~~	 ~~14 employees~~ ~~28 drivers~~ ~~274 gallons~~	 ~~1~~ ~~1~~ ~~1~~
~~WAREHOUSES (assembly areas)~~ ~~Office/Warehouse (speculative) - (must be re-reviewed on finishing permits)~~ ~~Minimum 30% Office~~ ~~Maximum 70% Warehouse~~	~~7,000 sq. ft.~~ ~~2,400 sq. ft.~~ ~~7,000 sq. ft.~~	~~1~~ ~~1~~ ~~1~~
~~WHIRLPOOL (doctors office/clinic, therapy)~~ ~~(# gal/fill x 8 fills/day)/274 gal~~	 ~~274 gallons~~	 ~~1~~
~~YARD STORAGE BUILDINGS (no permanent employees) (ex: lumber storage, customer pickup)~~	~~15,000 sq. ft.~~	~~1~~

~~*PLUMBING WASTE FIXTURE UNITS~~

~~TYPE OF FIXTURE~~	~~FIXTURE UNIT VALUE~~
~~Drinking fountain~~	~~1~~
~~Floor drain 2" waste (only if hose bib included)~~	~~2~~
~~Floor drain 3" waste (only if hose bib included)~~	~~3~~
~~Floor drain 4" waste (only if hose bib included)~~	~~4~~
~~Shower stall, domestic~~	~~2~~
~~Shower (gang) per head~~	~~1~~
~~Sinks (lab in exam room, bathroom)~~	~~1~~
~~(kitchen, and others)~~	~~2~~
~~(surgeon)~~	~~3~~
~~(janitor)~~	~~4~~
~~Urinals (single – wall hung)~~	~~3~~
~~(trough – per 6 foot section)~~	~~2~~
~~Water closet~~	~~6~~

~~*(If not included in list, use Plumbing Code)~~

F. Determination of Equivalent Connection for Unlisted Uses. The connection unit for those building uses not included in Subparagraph E, above, shall be determined by the Council after a report from the City Engineer. All non-residential property uses shall have a minimum of one (1) equivalent connection. The City shall supply appropriate forms to those required to get approval and shall submit the completed form to the City Clerk~~/Treasurer~~. No building permit may be issued until the Public Works Director or City Engineer ~~Maintenance Superintendent~~ has designated and transmitted to the City Clerk~~/Treasurer~~ the connection unit assignment and the fee has been collected. The Public Works Director ~~Maintenance Superintendent~~ shall review actual sewage flow one (1) year after the initial discharge, and the City may impose such additional connection charges in accordance with the provisions of Section 3-3-8.D of this Code.

G. Application of Funds. The funds received from the collection of connection charges authorized by this Subdivision shall be used to provide funds for the payment of principal and interest on obligations incurred to finance the cost of constructing improvements to the City sanitary sewerage system as prescribed by resolutions or covenants authorizing or securing such obligations; and to provide funds for the reasonable requirements of extending, improving and/or replacing City sanitary sewerage facilities. These funds shall be disbursed by Council resolution.

3-3-9: USER CHARGES.

A. Purpose of User Charges. For the purpose of providing monies necessary to the construction, maintenance and operation of the sewerage system of the City as well as additions thereto, or extensions thereof, including payment of principal and interest due or accruing on bonds and other obligations issued or incurred to finance such construction, maintenance, and operation, there is hereby charged a "user charge" to be collected by the City with respect to each lot, parcel of land, building or premises, having any connection, direct or indirect, with the disposal system of the City or otherwise discharging sewage industrial waste, water or other waste directly or indirectly into the City disposal system. The "user charge" is to be paid at an interval as determined by the City commencing with connection and continuing (unless for good cause, waived or excused by the Council) for as long as the premises remain connected, whether or not such connection is actively used for discharge of sewage or waste during any particular period of time.

B. Computation of User Charges. Charges for sewer use shall be paid by the user to the City or its designated agent according to a rate, established by Council resolution. A copy of the rate shall be kept in the office of the City Clerk~~/Treasurer~~ and open to public inspection during regular office hours.

C. User Charge Surcharge. In the event the Council makes an industrial waste surcharge, such surcharge shall be charged by the City to the designated industrial user causing such discharge. Such surcharge shall be in addition to other charges required herein and shall be based on rate of flow in gallons per day, strength of sewage in BOD, and suspended solids in parts per million. If unusual chemicals or substance are in the industrial waste the charge shall be based on the actual collection and treatment costs. ~~The City in the future may consider United States Environmental Protection Agency funding for expansion of the sewage treatment plant. Federal regulations require the recovery of such funds expended for industrial sewage capacity (Industrial Cost Recovery) and the return of those funds to the Federal government. Industrial users will be charged on the basis of the above sewage characteristics over twenty (20) years to recover each user's share of the expansion cost. The Council shall collect, invest, and transmit to the U.S.E.P.A. such industrial user charges according to Federal regulations.~~

D. The City or its designated agent shall compute the amount due the City for service charges and render a statement thereof at an interval as determined by the City to the owner of any premises served. All amounts due hereunder shall be payable to the office of the City Clerk~~/Treasurer~~, City or its designated agent.

E. Permanence of User Charge. A connection once made shall thereafter be considered in continual use, except and unless the building or facility is completely removed and the building sewer service capped both in a manner approved by the City. The "user charge" imposed shall be collected by the City (with respect to such connection) for each monthly period of time that such connection exists, whether such connection is then being actively used or otherwise. Such "user charge" shall be promptly paid when due by the owner (or occupant) of the premises affected directly to the City for the monthly period of use represented by such payment. The Council may establish a schedule of additional charges for late payment of user charges.

F. Application of Funds. The funds received from the collection of charges authorized by this Subdivision shall be deposited, as collected, in a fund known as the Sewer and Water Operating Fund and shall be disbursed to meet the costs of operating and maintaining the sewage disposal pumping stations and facilities.

3-3-10: CONNECTION WITH AND USE OF CITY SYSTEM WITHOUT COMPLIANCE PROHIBITED. No connection to the sewage disposal system shall be made (directly or indirectly) from any premises, and no use of a connection from the premises to the system, shall be continued in use except in strict compliance with the provisions of this Section, whether as to connection or use of the City system or payment of charges imposed and to be collected with respect thereto, subjects an

offender to a disconnection and termination of use, claim for loss or damage sustained by the City, and also all provisos and penalties imposed by law.

3-3-11: QUALIFICATIONS OF PERSONS. Any person engaged in the laying of or building public sewers shall be qualified to perform such work and be familiar with all laws and regulations of the State of Minnesota Department of Health, Pollution Control Agency, Plumbing Code, and City Code provisions. The contractor shall also place on file with the City certificated of insurance showing that he is covered, by workmen's compensation in the amount required by statute, and public liability and property damage in the amount of $100,000.00 per person and $300,000.00 per incident for injuries, including accidental death of any one person, and property damage insurance in an amount of not less than $100,000.00 per incident. <u>These coverages are minimum amount and may be adjusted by the City Engineer based on the size and scope of the project.</u>

A. Performance Bond. Each contractor shall provide the City with one of the following: (1) If master plumber and has State license a copy thereof; (2) Non-Master - $2,000.00 bond; (3) Excavation - $2,000.00 bond. The intent for this requirement is to assure that installations shall comply with all applicable laws and that the contractor shall pay for any and all materials and labor for such work.

B. Connection to Public Sewer of Privately Laid Sewer. A property owner may lay sewer on his property but a licensed ~~sewer~~ <u>and certified pipe</u> layer must make the connection to the City Sewerage System.

C. Failure of Privately Laid Sewer to Meet Requirements of this Section. If the work is done by a property owner on his own premises and does not meet the requirements of this Section and he cannot perform the work to comply with the requirements as instructed by the Inspector, he shall engage a licensed ~~sewer~~ certified pipe layer to install the connection. Failure to do so will be considered just cause for the City to refuse him a sewer connection.

SECTION 4

RULES AND REGULATIONS RELATING TO INDIVIDUAL ON-SITE SEWAGE TREATMENT SYSTEMS AND PRIVATE WELL WATER SUPPLIES

SECTION:

3-4-1: Purpose
3-4-2: Compliance
3-4-3: Inspection
3-4-4: State Code Setting Individual On-site Sewage Treatment System Standards
3-4-5: Administration
3-4-6: Systems Failures
3-4-7: Inspection/Maintenance
3-4-8: Contractor Requirements
3-4-9: Private Well Regulations

3-4-1: PURPOSE. It is the purpose of this Section to establish standards for the design, location, construction, and operation of private well water supplies and individual on-site sewage treatment systems to protect and promote the health, safety and general welfare of the residents of the City.

3-4-2: COMPLIANCE. It is unlawful for any person to install a private well or individual on-site sewage treatment systems without securing the required permits prior to commencing construction, and all work is to be done in complete compliance with the provisions of this Section and all requirements from the State and/or County including ~~as well as~~ the Minnesota Pollution Control Agency Rules Section 7080. Failure to comply with the terms of this Section shall be justification for denying a certificate of occupancy and/or use of the building or facility in addition to other penalties. No additional permits shall be issued to any contractor responsible for outstanding work which does not comply with terms of this Section.

3-4-3: INSPECTION. No part of any individual on-site sewage treatment system shall be covered until it has been inspected and approved by the Building Official. If any part of the system is covered before being inspected, and approved as herein provided, it shall be uncovered upon the direction of the Building Official. The Building Official shall cause such inspections as are necessary to determine compliance with this Section. It shall be the responsibility of the applicant for the permit to notify the Building Official when the system is ready for inspection. The Building Official may require that all requests for inspections are filed with the City at least one (1) working day prior to the requested inspection.

3-4-4: STATE CODE SETTING INDIVIDUAL ON-SITE SEWAGE TREATMENT SYSTEM STANDARDS. Minnesota Pollution Control Agency Rules 6 MCAR 4.8040, 7080, relating to individual on-site sewage treatment systems, are hereby adopted by reference and made a part of this Section as if fully set forth herein. One copy of said Rules shall be kept on file in the office of the City Clerk~~/Treasurer~~ and open to public inspection during regular office hours.

3-4-5: ADMINISTRATION. The Building Official shall be the person responsible for the enforcement of the provisions of this Section. All permits required under this Section must be issued by the Building Official except when otherwise noted.

3-4-6: SYSTEMS FAILURES. When an existing on-site sewage treatment system ceases to function, discharges to the surface, or fails, it shall be the responsibility of the property owner to notify the City as soon as possible. The property owner shall also repair or replace the system as soon as possible. The repair or reconstructions of said system shall comply with all provisions of this Section as well as the Minnesota Pollution Control Agency rules Section 7080.

3-4-7: INSPECTION/MAINTENANCE. Property owners with on-site sewage treatment systems, upon written notification from the City are required to perform the maintenance set forth in Minnesota State Rules 7080 and report the findings and subsequent maintenance/pumping to the City on forms to be provided by the City. The above reference reporting and maintenance shall be performed at intervals not to exceed every three (3) years. In maintenance and reporting, the City may cause the required maintenance to be performed at the expense of the property owner and recover fees and all administrative costs via assessments. (Ord 136, SS, 7-20-2009)

3-4-8: CONTRACTOR REQUIREMENTS.

A. Qualifications of Persons. Any person engaged in the business of installing individual on-site sewage treatment systems, within the City shall be to perform such work and be familiar with all pertinent laws and regulations of the State of Minnesota relating to wells and individual on-site sewage treatment systems.

B. Insurance. The contractor shall place on file with the City Clerk~~/Treasurer~~, his/her certificate of insurance showing that he/she is covered by workmen's compensation in the amount required by statute, and public liability and property damage in the amount of $100,000 per person and $600,000 per incident for injury, including accidental death of any one person, and property damage insurance in an amount of not less than $100,000.00 per incident.

3-4-9: PRIVATE WELL REGULATIONS.

A. All wells shall be installed and maintained in compliance with all State and County regulations.

B. Upon connection to City Water, any existing well on site shall be sealed and properly abandoned unless granted a permit as set forth in this Section.

C. Permits for irrigation wells for Commercial, Industrial, Institutional, or Multi-Family users in the MUSA may be approved by the Public Works Director in the following instances:

1. The proposed well is consistent with the City's Wellhead Protection Plan.

2. There shall be no cross connections or possible cross connections with the City Water system.

3. The well shall be used for exterior landscape irrigation purposes only.

4. There shall be only one well per irrigation system.

5. Adequate backflow prevention measures have been taken.

6. Users shall comply with all watering restrictions found in Sections 3-2-6 and 3-2-7.

7. All requirements by the State and/or County are met.

D. Permits for drive point irrigation wells in the MUSA may be approved by the Public Works Director in the following instances:

1. There shall be no cross connections or possible cross connections with the City Water system.

2. The well shall be used for exterior landscape irrigation purposes only.

3. There shall be only one well per parcel.

4. Users shall comply with all watering restrictions found in Sections 3-2-6 and 3-2-7.

5. All requirements by the State and/or County are met.

6. The drive point well shall not impair or endanger the City's Wellhead Management Area.

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SECTION 5

TRUNK AREA FEES

SECTION:

3-5-1: Trunk Area
3-5-2: Trunk Sanitary Sewer Area Fee
3-5-3: Trunk Watermain Area Fee

3-5-1: TRUNK AREA. The City hereby establishes a Trunk Area consisting of the following identified parcels:

30-34-24-22-0005; 30-34-24-23-0002; 30-34-24-23-0005; 30-34-24-22-0002; 30-34-24-21-0002; 30-34-24-24-0004; 30-34-24-24-0005; 30-34-24-13-0002; 30-34-24-13-0004; 30-34-24-13-0007; 30-34-24-13-0006; 30-34-24-14-0006; 30-34-24-14-0007; 30-34-24-14-0002; 30-34-24-14-0003; 30-34-24-11-0006; 30-34-24-11-0005; 30-34-24-11-0003; 30-34-24-11-0004; 30-34-24-12-0006; 30-34-24-12-0007; 30-34-24-12-0004; 30-34-24-12-0002; 30-34-24-21-0003; 29-34-24-33-0001; 29-34-24-32-0001; 29-34-24-31-0001; 29-34-24-23-0002; 29-34-24-23-0003; 29-34-24-23-0004; 29-34-24-22-0002; 29-34-24-22-0003; 29-34-24-21-0001; 29-34-24-12-0005; 29-34-24-12-0006; 29-34-24-12-0002; 29-34-24-12-0003; 29-34-24-12-0017; 29-34-24-12-0018; 29-34-24-12-0019; 29-34-24-12-0004; 29-34-24-12-0020; 29-34-24-12-0021; 29-34-24-12-0022; 29-34-24-12-0023; 29-34-24-13-0001; 29-34-24-13-0003; 29-34-24-13-0011; 29-34-24-13-0007; 29-34-24-13-0008; 29-34-24-13-0009; 29-34-24-13-0010; 29-34-24-12-0007; 29-34-24-12-0008; 29-34-24-12-0009; 29-34-24-12-0026; 29-34-24-12-0012; 29-34-24-12-0013; 29-34-24-12-0014; 29-34-24-12-0024; 29-34-24-11-0002; 29-34-24-11-0003; 29-34-24-11-0004; 29-34-24-11-0013; 29-34-24-11-0012; 30-34-24-31-0001; 30-34-24-31-0002; 30-34-24-31-0004; 30-34-24-31-0005; 30-34-24-31-0006; 30-34-24-31-0007; 30-34-24-42-0001; 30-34-24-41-0001; 30-34-24-41-0002; 30-34-24-43-0001; 30-34-24-44-0001

3-5-2: TRUNK SANITARY SEWER AREA FEE. The City hereby adopts a Trunk Sanitary Sewer Area Fee in the amount of five thousand seventy five dollars ($5,075) per acre. This fee shall be applicable to the Trunk Highway 47 sewer and water service area.

3-5-3: TRUNK WATERMAIN AREA FEE. The City hereby adopts a Trunk Watermain Area Fee in the amount of one thousand three hundred twenty dollars ($1,320) per acre. This fee shall be applicable to the Trunk Highway 47 sewer and water service area.

CITY OF ST. FRANCIS
ST FRANCIS MN
ANOKA COUNTY

ORDINANCE 170, SECOND SERIES

AN ORDINANCE AMENDING CHAPTER 3 OF THE CITY CODE REGARDING MUNICIPAL UTILITIES

THE CITY OF ST. FRANCIS ORDAINS:

Section 1. Code Amended. That Section 3-1-2 shall hereby be amended to read as follows:

3-1-2: FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES. All rates and charges for municipal utilities, including, but not by the way of limitation, rates for service, permit fees, deposit, connection and meter testing fees, disconnection fees, reconnection fees including penalties for non-payment if nay, shall be fixed, determined and amended by the Council and adopted by ordinance as part of the City's Fee Schedule. Such ordinance, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk and shall be uniformly enforced. For the purpose of fixing such rates and charges, the Council may categorize and classify under the various types of service, provided, that such categorization and classification shall be included in the resolution authorized by this Section.

Section 2. Code Amended. That Section 3-1-4-B shall hereby be amended to read as follows:

B. Application, Connection and Sale of Service. Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No connection shall be made until consent has been received from the City to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as metered or ascertained in connection with such rates.

Section 3. Code Amended. That Section 3-1-4-C shall hereby be amended to read as follows:

C. Discontinuance of Service. All municipal utilities may be shut off or discontinued whenever it is found that:

1. The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the City Code relative thereto, or any connection therewith.

2. Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after notice thereof.

3. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore.

4. The City will not shut off water service to a residential unit from October 15th through April 15th if that shut off would in any way affect the primary heat source of the unit and the present owner or occupant complies with the provisions of state law and regulations.

5. The Building Official or the Director of Public Works to protect the public health and safety and in order to protect the public water supply and/or private property, may order the City water service immediately disconnected to any property upon determining that any of the following conditions exist:

   a. The property if vacant;

   b. The property if unsecured;

   c. The property is determined to be uninhabitable or unsuitable for occupancy;

   d. Other utilities to the property providing heat and/or light have been shut off;

   e. The property has plumbing that is failing or unsafe;

   f. That running water to the property creates an unsanitary or unsafe condition to anyone who may enter the property; or

   g. The property owner or occupancy has refused access by authorized officials as authorized by this Section.

6. If the Public Works Director or designee determines a meter needs reading, inspection, maintenance, or replacement, a notification shall be placed on the property. If the owner or occupier of a premise fails to respond to the order within fourteen (14) days, the City may cause to have a No Response Fee, as established by the Fee Schedule, charged to the property or premise account. After such charge is applied to the property, the City may cause to have the water shut-off.

7. The water service shall not be re-connected to the property until it has passed an inspection by the Director of Public Works or designee and/or the Building Official and the necessary permits have been issued and fees have been paid. The inspection fee will be determined by the City's fee schedule.

Section 4. Code Amended. That Section 3-2-4-H shall hereby be amended to read as follows:

H. Municipal Utility Services and Charges a Lien.

1. Payment for all municipal utility (as that term is defined in City Code, Section 3-1-1) service and charges shall be the primary responsibility of the owner of the premises served and shall be billed to him unless otherwise contracted for and authorized in writing by the owner and the tenant, as agent for the owner, and consented to by the City of St. Francis, Minnesota. The City may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision.

2. Each such account is hereby made a lien upon the premises served. All such accounts which are more than thirty (30) days past due may, when authorized by resolution of the Council, be certified by the City Clerk of the City of St. Francis, Minnesota, to the

County Auditor, and the City Clerk in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes.

Section 5. Code Amended. That Section 3-1-6 shall hereby be amended to read as follows:

3-1-6: CONNECTION & ACCESS CHARGES. Connection and access charges shall be required to be paid prior to the initiation of service for any utility. The cost of such charges shall be fixed from time to time by Ordinance in the form of the City's Fee Schedule. Such charges shall be reflective of the original cost of improvements to which connection is made, together with appropriate adjustments which reflect current costs for similar improvements shall be paid at the time a connection is made or required to be made to any Sanitary Sewer, Public Water, Storm Sewer, or other Public Improvement by any premise which has not previously contributed to the costs of such Public Improvement.

Section 6. Code Amended. That Section 3-1-7 shall hereby be added to read as follows:

3-1-7: VIOLATION A MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Section 7. Code Amended. That Section 3-2 shall hereby be amended to read as follows:

3-2-1: DEFICIENCY OF WATER AND SHUTTING OFF WATER. The City is not liable for any deficiency or failure in the supply of water to customers whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.

3-2-2: REPAIR OF LEAKS. It is the responsibility of the consumer or owner to maintain the service pipe from the corporation stop, through the curb stop box, and into the house or other building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his/her service pipe within twenty-four (24) hours after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately. If repairs are necessary to protect public or neighboring properties and not initiated within twenty-four (24) hours after oral and written notice, the City may cause to have the work done at the account holder or property owners' expense.

3-2-3: ABANDONED SERVICE PENALTIES. All service installations connected to the water system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the main. The owner of the premises, served by this service, shall pay the cost of the excavation and subsequent restoration. The City shall perform the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the City. When new buildings are erected on the site of old ones, and it is desired to increase the existing water service size, a new permit shall be taken out and the regular tapping charge shall be made as if this were a new service. It is unlawful for any person to cause to allow any service pipe to be hammered or squeezed together at the ends to stop the flow or water, or to save expense in improperly removing such pipe from the main.

Also, such improper disposition thereof shall be corrected by the City and the cost incurred shall be borne by the person causing or allowing such work to be performed.

3-2-4: PRIVATE SERVICE CONNECTIONS & MAINTENANCE.

A. No person may excavate in a public right-of-way to obtain service from a water main, make connection therewith, or for any purpose which will expose a water main unless in receipt of a permit for the connection.

B. The corporation stop inserted in the distributing pipe must be of the size specified in the permit order and the connection shall be made in a manner consistent with City specifications and standards. Minimum size connection with the water main shall be one-inch in diameter.

C. Service pipes shall extend from the main through the curb stop box to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which it is intended to supply. A brass ball valve, the same size as the service pipe, shall be installed close to the inside wall of the building, ahead of the meter and well protected from freezing. Service pipes 1 inch in diameter shall be Seamless Copper, Type K, Soft Annealed Copper or Polyethylene Grade PE-3408 or PE-4710 and shall be rated for 200 PSI working pressure, SDR-9, Copper Tube Size. Copper materials shall not be used for services larger than 1 inch in diameter. Service materials for services larger than 2 ½ inches in diameter shall conform to the requirements of Ductile Iron Pipe Class 52 or Polyvinyl Chloride Pipe C-900. Where non-conductive service materials are installed, #12 AWG solid copper or copper clad steel (CCS) wire with 30 mil high density polyethylene (HDPE) insulating jacket shall be installed along the entire length of service pipe. The copper wire shall be terminated such that it is able to be connected to and used for underground locating purposes.

D. Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than eight (8) feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing or other such damage.

E. Joints on copper tubing shall be flared and kept to a minimum. Joints on polyethylene tubing shall be compression fitted with Type 304 stainless steel pipe inserts/stiffeners. Not more than one (1) joint shall be used for a service up to seventy (70) feet in length. All joints shall be left uncovered until they have been inspected.

F. The curb stop shall be installed in a manner such that it is accessible from the surface through a curb stop box without digging. The curb stop box shall be installed in a location accessible to the City at all times and in a manner approved by the City. All curb stop boxes shall conform and be maintained to the specifications and standards of the City. All curb stops shall be installed with a stationary operating rod a minimum of 78 inches in length. All valves within curb stop boxes shall be maintained in good working condition at all times. It shall be the responsibility of the applicant, owner, occupant or user to maintain the water service curb stop box for operability and at such height as will ensure that it remains above the finished grade of the land or property. No person shall erect any fence or other structure or plant any tree or other landscaping that would obstruct the use of the curb stop box or cause damage to the same. If the curb stop box needs maintenance or raising or if the area around the curb stop needs clearing for access, the City may cause to have the work done at the expense of the account holder and/or property owner.

G. Frozen or otherwise damaged service pipes between the corporation stop and the building inclusive of the curb stop box shall be the responsibility of the private property owner. All

maintenance, repairs, or other such work to the service pipe shall be done to the specification and standards of the City and require a permit and inspection from the Public Work Director and/or Building Official.

H. No more than one house or building shall be supplied from one corporation stop.

I. All piping and connections from the corporation cock and/or the curb stop box to the premise supply piping shall be made under the supervision of a licensed plumber subject to inspection by the City Building Official and/or the Public Works Director or designee. The water meter installation shall be inspected, tested, and the meter sealed by the Public Works Department.

J. If the property owner requests maintenance services or repairs be performed by the City, or if repairs are necessary to protect public or neighboring properties in an emergency situation, the property owner shall be charged for the costs of the maintenance and/or repairs, including but not limited to any necessary street repairs, concrete, concrete curb and gutter, sidewalk, bituminous trail, turf, etc.

3-2-5: PRIVATE WATER SUPPLIES. No water pipe of the City water system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of water supply and when such are found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City water shall be turned off. Before any new connections to the City system are permitted, the City shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to "City Water" the private water supply may be used only for such purposes as the City may allow as stated in Section 3-4-9.

3-2-6: WATER USE RESTRICTIONS.

A. A person may water, sprinkle, irrigate, or otherwise use water in the Urban Service Area for lawn areas, grass, or turf (hereinafter referred to as "irrigation" or "irrigate") only on alternating days between May 1st and continuing until September 30th of each year. This prohibition is in effect from 10 am until 7 pm each day during this period.

B. Alternating days means that property with an address ending in an odd number may irrigate only on odd-numbered days of the month and property with an address ending in an even number may irrigate only on even-numbered days of the month.

C. Upon written request and approval by the City Administrator, or his designee, and subject to such terms and conditions imposed by the City Administrator, or his designee, with respect to such approval, the following persons may be authorized to irrigate or otherwise utilize water from the City's municipal water system at times other than as permitted in Section 3-2-16 Subdivision A and B hereof:

1. Employees and agents of the City or School District, in such instances wherein lawn, grass, or turf used for play fields or park areas owned and operated by such entities require more frequent irrigation to prevent unreasonable damage thereto.

2. Owners and lessees (their employees and agents) of lands newly sodded or grass seeded which requires irrigation to prevent loss of the new sod, seed, or immature turf or grasses for a period of thirty (30) days, when in receipt of a permit for such activity from the Public Works Director.

3-2-7: WATER EMERGENCIES.

A. Whenever in the judgment of the City Administrator, or his designee, the water pressure and/or available water in the municipal water system reaches a level which endangers the public health or safety of residents and other persons in the City, he may declare a state of water emergency which shall continue until such time as he shall determine that the danger to public health or safety no longer exists. Forthwith upon the declaration of a state of water emergency notice thereof shall be publically posted, and all orders of the City Administrator, or his designee, issued pursuant thereto shall be enforced after one hour has elapsed from the time of such notice.

B. During the existence of a state of water emergency the City Administrator, or his designee, may, by order, impose restrictions on sprinkling, irrigation, or other utilization of water from the City's municipal water system including, but not limited to the total prohibition of water use for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them or the prohibition of such water use on specified days or during certain hours.

3-2-8: OPENING HYDRANTS. It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the City, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver or offer to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use.

3-2-9: UN-METERED SERVICE. In cases where, in the opinion of the Public Works Director, no reasonable manner for metered service is available, a private system user may be granted un-metered service on a temporary basis. The user shall pay the temporary meter fee and fees for the estimated water use based on the judgment of the Public Works Director.

3-2-10: WATER METERS AND WATER METER HORNS. All water meters shall be furnished, owned, controlled, and maintained by the City at the expense of the property owner. All repairs of water meters not resulting from normal usage shall be the responsibility of the property owner. All meters in need of replacement, shall be replaced with a remote type which shall be furnished and maintained by the City. All water meters shall be installed in a manner acceptable to the City and the cost of installation shall be the responsibility of the property owner. All five-eighths (5/8) and one (1) inch meters shall be installed in a meter horn with remote wire and remote pad. All meters larger than one (1) inch shall meet City requirements including remote wire and remote pad. All meter installations shall be controlled and inspected by the City and the cost of installation shall be the responsibility of property owner.

3-2-11: CODE REQUIREMENT. All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code and other standards and specifications of the City. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of water service to any consumer. The corresponding fees for such permits, as established by the City's Fee Schedule, shall be paid at the time of permit issuance.

3-2-13: WATER CONNECTION CHARGES. Connection charges are due to the City upon issuance of a building permit or connection permit and prior to a new occupancy. This fee shall be set by ordinance for each equivalent connection unit. An equivalent connection unit (one E.C.) is established in Section 3-3-8 for development within the City. One single family dwelling is one unit. These Standards may be amended as may be necessary by ordinance.

3-2-14: BACKFLOW PROTECTION. Approved devices or assemblies for the protection of the potable water supply must be installed at any plumbing fixture or equipment where backflow or back siphonage

may occur and where a minimum air gap cannot be provided between the water outlet to the fixture or equipment and its flood level rim.

A. Any device or assembly for the prevention of backflow or back siphonage installed, shall have first been certified by a recognized testing laboratory and have a certification number clearly visible on the devise. AWWA, ASSE, and USC are the certified labs recognized by the Administrative Authority. These devices must be readily accessible.

B. The installation of reduced pressure backflow preventers shall be permitted only when a periodic testing and inspection program conducted by qualified, accredited personnel will be provided by an agency acceptable to the administrative authority. Inspection intervals shall not exceed one year, and overhaul intervals shall not exceed five years. The administrative authority may require more frequent testing if deemed necessary to assure protection of the potable water. Backflow preventers shall be inspected frequently after initial installation to assure that they have been properly installed and that debris resulting from piping installation has not interfered with the functioning of the assembly.

3-2-15: ADDITIONAL RULES AND REGULATIONS. The Council may, by resolution, adopt such additional rules and regulations relating to placement, size and type of equipment as it, in its discretion, deems necessary or desirable. Copies of such additional rules and regulations shall be kept on file in the office of the City Clerk, and uniformly enforced.

Section 8. Code Amended. That Section 3-3-1-F shall hereby be amended to read as follows:

F. "Equivalent Connection" means a building sewer which produces a flow equivalent to an average single family detached residence contribution calculated at two-hundred seventy-four (274) gallons per day with a BOD loading of 0.60#/day.

Section 9. Code Amended. That Section 3-3-1-L shall hereby be amended to read as follows:

L. "Normal Sewage" means sewage in volumes of two-hundred seventy-four (274) or less per day and containing an average concentration of suspended solids below hundred fifty (250) milligrams per liter and a BOD content of below two hundred fifty (250) milligrams per liter.

Section 10. Code Amended. That Section 3-3-1-Y shall hereby be amended to read as follows:

Y. "Unpolluted Water" means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean or noxious or impure so as to be actually or potentially harmful or detrimental, or injurious to public health, safety, or welfare to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish, or other aquatic life.

Section 11. Code Amended. That Section 3-3-1-Z shall hereby be amended to read as follows:

Z. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

Section 12. Code Amended. That Section 3-3-2-E shall hereby be amended to read as follows:

E. Abandonment of Private System. At such time as public sewer becomes available to a property sewered by a private sewage disposal system, as direct connections shall be made to the public

sewer in compliance with this Section, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be removed from the site. In cases where the City Engineer finds that removal may cause significant damage in regards to public property, erosion, or mature trees the system may be abandoned, cleaned of sludge, and filled with suitable material, such as clean pit-run gravel or dirt to the satisfaction of the Public Works Director.

Section 13. Code Amended. That Section 3-3-2-G shall hereby be amended to read as follows:

G. Pretreatment. Sewerage systems users shall provide necessary wastewater treatment as required to comply with this Section and shall achieve compliance with all Federal categorical pre-treat wastewater to a level acceptable to the Public Works Director and/or City Engineer shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Public Works Director and/or City Engineer for review, and shall be acceptable to the Public Works Director and/or City Engineer before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce and effluent acceptable to the Public Works Director and/or City Engineer under the provisions of this Section. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Public Works Director and/or City Engineer prior to the user's initiation of the charges. All records relating to the compliance with pretreatment standards shall be made available by the Public Works Director and/or City Engineer to officials of the EPA or MPCA upon request.

Section 14. Code Amended. That Section 3-3-2-H shall hereby be amended to read as follows:

H. Confidential Information. Information and data on a user's water consumption and sewage characteristic obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Public Works Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for users related to this Section, the NPDES Permit, State Disposal System Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater composition and characteristics will not be recognized as confidential information. Information accepted by the Public Works Director as confidential, shall not be transmitted to any governmental agency or to the general public by the Public Works Director until and unless a ten (10) day notification is given to the user.

Section 15. That Section 3-3-3 shall hereby be amended to read as follows:

3-3-3: CONSTRUCTING BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS.

A. Unauthorized Work on a Public Sewer. It is unlawful for any person to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the Public Works Director.

B. Building Sewer Permits. There shall be three classes of building sewer permits (1) for residential service; (2) service to commercial and industrial firms producing domestic wastes; and, (3) for service to firms producing industrial wastes. The owner or his agent shall make application on a special form furnished by the City which form shall be adopted by the Council and the permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Director. A permit and inspection fee set by the Council resolution according to the proposed sewer use and connection shall be paid to the City at the time the application is filed. Said permit fees may be changed by the Council, from time to time, by resolution, and a copy of such resolution shall be kept on file in the office of the City Clerk and available for inspection during regular office hours. Any fee charged by the State of Minnesota or any other entity of the State or Federal government shall also be collected and shall be in addition to the fee herein.

C. Installation and Connection Costs. All costs and expenses incident to the installation and connection of the building sewer service shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. Separate Sewer Service for Each Building. A separate and independent building sewer shall be provided for every principal building. Residential, commercial, and industrial developments with several buildings may require sewers and manholes on private property to provide individual building services. Such a system must be approved by the City Engineer.

E. Reuse of Old Sewer Services. Old building sewer services may be used in connection with new buildings only when they are found, on examination and/or testing by the owner in a manner acceptable to the Public Works Director, to meet all requirements of this Section.

F. Building Sewer Service Code Requirements. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, connection to the public sewer, testing, and backfilling the trench, shall all conform to the requirements of the State Building Code and of other applicable rules and regulations of the City. Care shall be taken to prevent entry of groundwater or any unauthorized waters into the public sewer during construction. For residential service, no floor drains from accessory building or garages, whether attached or detached, shall be connected to the building sewer or sanitary sewer.

G. Gravity or Lifted Sewage Flow in Sewer Service. Whenever possible, the building sewer service shall be brought to the building at an elevation below the basement floor, in all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means discharged to the building sewer service.

H. Building Sewer Service Inspection. The applicant for the building sewer service permit shall notify the Public Works Director when the building sewer service is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Public Works Director or his representative.

I. Public Hazard Protection During Service Installation. All excavations for building sewer service installation shall be adequately guarded with barricades and lights so as to protect the public from hazard as required by the Minnesota Department of Transportation rules and regulations. Streets,

sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

Section 16. Code Amended. That Section 3-3-5 shall hereby be amended to read as follows:

3-3-5: USE OF PUBLIC SEWERS.

A. Prohibited Discharges.

1. Unpolluted Waters. No person, firm, or corporation shall discharge or cause to be discharged directly or indirectly any storm water, groundwater, roof runoff, yard drainage, yard fountain water, pond or pool overflow, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or processing water to any sanitary sewer except as permitted by the City or other local unit government. Storm water and all other unpolluted discharge shall be directed to the storm water collection system, except that unpolluted cooling or processing water shall only be so discharged upon approval by the City or other unit of local government.

2. Foreign or Hazardous Substances.

a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

b. Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the wastewater treatment works;

c. Any water or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works;

d. Solid or viscous substances, either whole or ground, in quantities or of such size capable of causing obstruction to the flow in the sewers, or other interference with the proper continuation of the wastewater facilities but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, sanitary napkins, paper dishes, cups, milk containers, and other paper products;

e. Noxious or malodorous liquids, gases, or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repairs.

B. Regulated Discharges. No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer unless in the opinion of the City the discharge will not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb, or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of the wastes, the City may give consideration to such factors as the relation of flows and velocities in the sewers, nature of the sewage treatment process, capacity of

the sewage plant, the City's NPDES permit, and other pertinent determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur. The substances restricted shall be:

1. Any liquid or vapor having a temperature in excess of one hundred fifty (150) degrees F (65 degrees C).

2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (zero (0) and sixty-five (65) degrees C.).

3. Any garbage that has not been ground or comminuted to such degree that all particles will be carried freely in suspension under flows normally prevailing in the public sewers, with no particles greater than one-half inch in any dimension.

4. Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

5. Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the State or Federal Government, or any other public agency with proper authority to regulate the discharge from the sewage treatment plant.

6. Any radioactive wastes or isotopes of such half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it.

7. Any water or wastes having a pH in excess of 9.5.

8. Materials which exert or cause:

    a. Unusual concentrations of suspended solids, (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).

    b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

    c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.

    d. Unusual volume of flow or concentration of wastes constituting a slug.

    e. Water or water containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the NPDES Permit, or requirements of other governmental agencies having jurisdiction over discharge from the sewage treatment plant.

C. Response to Improper Discharge. If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this Section, or which in the jurisdiction of the City may have a deleterious effect upon the treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, or constitute a public nuisance, the City may take all or any of the following steps:

1. Refuse to accept the discharges.

2. Require control over the quantities and rates of discharge.

3. Require pretreatment to an acceptable condition for the discharge to the public sewers. The design and installation of the plant and equipment for pretreatment of equalization of flows shall be subject to the review and approval of the City, and subject to the requirements of 40 CFR 403, entitled "Pretreatment Standards", and the Minnesota Pollution Control Agency.

4. Require payment to cover the added cost of handling or treating the wastes.

D. Interceptors. Grease, oil, and mud interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in this Chapter, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.

E. Preliminary Treatment or Flow Equalization Facilities. Where preliminary treatment or flow equalization facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

F. Testing.

1. Required. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure and equipment, when required, shall be constructed at the owner's expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.

2. Standards. All measurements, tests, and analyses of the characteristics of water and waste to which reference is made in this Chapter shall be determined in accordance with 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants"; the latest edition of Standard Methods For the Examination Of Water and Wastewater, and shall be determined at the control structure provided, or upon suitable samples taken at the control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effluent constituents and their effect upon the treatment works and to determine the existence of hazards to life, health and property. Sampling methods location, times, duration, and frequencies are to be determined on an individual basis subject to approval by the City.

G. Industrial Waste. The owner of any property serviced by a building sewer carrying industrial wastes shall, at the discretion of the City, be required to provide laboratory measurements, tests, and analyses of waters or wastes to illustrate compliance with this Chapter and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State and local standards are being met. The owner shall bear the expense of all measurements, analyses and reporting required by the City. At such times as deemed necessary the City reserves the right to take measurements and samples for analysis by an outside laboratory.

D. Special Agreements or Arrangements with City. No statement contained in this Subdivision shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payments for additional capital equipment and/or operating and maintenance costs therefore, by the industrial concern.

E. Discharged Waste Sample Gathering. Commercial and industrial users with other than normal sewage shall permit the monthly gathering of samples of their discharged wastes by the Public Works Director or his authorized representative.

F. Required Daylighting. All sump pumps and garage floor drains shall be daylighted to prove the discharge is not being put into the sanitary sewer system. The discharge pipes from both shall be directed away from houses/principal structures on neighboring properties and wetlands.

Section 17. Code Amended. That Section 3-3-7 shall hereby be amended to read as follows:

3-3-7: AUTHORITY AND POWERS OF INSPECTORS.

A. Permission to Enter Onto Private Property for Observation and Testing. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Section. The Public Works Director shall have no authority to inquire into any proprietary processes in metallurgy, chemical manufacturing, refining, paper making, ceramics, or similar industries beyond the technical information required for the proper receiving, conveying and treatment of the particular waste.

B. Observation of Safety Rules by City Employees. While performing the necessary work on private properties referred to herein, the Public Works Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

C. Inspection, Sampling, Measurement and Maintenance on Private Property. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement,

sampling, repair, and maintenance of any portion of the sewerage system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of duly negotiated easement pertaining to the private property involved.

Section 18. Code Amended. That Section 3-3-8 shall hereby be amended to read as follows:

3-3-8: EQUIVALENT CONNECTION CHARGES.

A. Equivalent Connection Charge Definition and Application. A sum of money hereinafter termed "the equivalent connection charge" is to be collected for the purpose of providing funding necessary for the construction of the sewerage system and additions or extensions thereto, and for payment of principal and interest due or accruing on bonds and other obligations issued or incurred to finance such improvements. This sum of money is hereby charged with respect to every lot, parcel of land, buildings or premises within the MUSA that abuts a public right-of-way or easement in which there is located a public sanitary sewer of the City. Such charge is made for the privilege of making a connection, direct or indirect, to the City's facilities for the collections and treatment of sewage, industrial waste and water or other liquid discharged from such premises.

B. Payment of Connection Charges. Connection charges are payable at the time of the building permit issuance. The Building Inspector shall not issue a building permit until such connection charge is paid. For any building permit issued prior to the effective date of this Section, in which the connection has not been made to the Public Sewerage System, connection charges are then payable prior to the time of connection or by such date as stipulated by the Council. For existing buildings connection charges are payable upon application for a connection permit.

C. Application and Permit for a Connection. No connection from any premises to the disposal system is authorized without there being first obtained for such connection a permit issued by the City. No permit may be obtained from the City, and no representative of the City is authorized to issue a permit for connection unless and until an authorized representative of the City receives an application for such connection, determines and establishes the type of connection to be made and receives the equivalent connection fee as required. The City shall prepare, provide for, and furnish any form and instrument found necessary to the connection applications and permits of the City and perform all acts reasonably required with respect thereto. Applications and permits shall be uniform, in accordance with this Section.

D. Increased Connection Charges Based on Measurement. The determination and establishment in the first instance of the equivalent connection charge represented by a connection, especially when made by estimate based upon representations of the owner or occupant of the premises is at all times subject to further determination and establishment after the connection has been made and determined by an actual measurement and/or analysis by the Public Works Director of the sewage or waste discharge from such connection entering into the system of the City. The receipt and acceptance by the City of any money paid and received by the City, as previously imposed does not bar the City's right to payment of the correct amount of money due therefore, as may be determined and established by actual measurement; and the City's right to recover therefore is not impaired. After a connection has been made and the connection charge established, imposed and paid, no diminuation in discharge from the premises shall entitle the owner (or occupant) against the City to a reduction, reimbursement or refund with respect to the connection charge imposed and paid.

E. Computation of Connection Charges. Connection charges are due to the City upon issuance of a building and/or connection permit. This fee shall be set by Council resolution for each equivalent connection unit. An equivalent connection unit (one E.C.) is established as the anticipated flow from a single family residence as referenced herein. City hereby adopts by reference and incorporates herein Appendix A of the Metropolitan Council Environmental Services (MCES) Sewer Availability Charge Procedure Manual as may be amended in the future. A copy of said document and amendments thereto shall be kept on file in the office of the City Clerk for reference and open to public inspection during regular office hours. In cases where said document references MCES or MCES Staff shall be interpreted to mean City of St. Francis or City of St. Francis Staff respectively.

F. Determination of Equivalent Connection for Unlisted Uses. The connection unit for those building uses not included in Subparagraph E, above, shall be determined by the Council after a report from the City Engineer. All non-residential property uses shall have a minimum of one (1) equivalent connection. The City shall supply appropriate forms to those required to get approval and shall submit the completed form to the City Clerk. No building permit may be issued until the Public Works Director or City Engineer has designated and transmitted to the City Clerk the connection unit assignment and the fee has been collected. The Public Works Director shall review actual sewage flow one (1) year after the initial discharge, and the City may impose such additional connection charges in accordance with the provisions of Section 3-3-8-D of this Code.

G. Application of Funds. The funds received from the collection of connection charges authorized by this Subdivision shall be used to provide funds for the payment of principal and interest on obligations incurred to finance the cost of constructing improvements to the City sanitary sewerage system as prescribed by resolutions or covenants authorizing or securing such obligations; and to provide funds for the reasonable requirements of extending, improving and/or replacing City sanitary sewerage facilities. These funds shall be disbursed by Council resolution.

Section 19. Code Amended. That Section 3-4 is hereby amended to read as follows:

RULES AND REGULATIONS RELATING TO INDIVIDUAL ON-SITE SEWAGE TREATMENT SYSTEMS AND PRIVATE WELL WATER SUPPLIES

3-4-1: PURPOSE. It is the purpose of this Section to establish standards for the design, location, construction, and operation of private well water supplies and individual on-site sewage treatment systems to protect and promote the health, safety and general welfare of the residents of the City.

3-4-2: COMPLIANCE. It is unlawful for any person to install a private well or individual on-site sewage treatment systems without securing the required permits prior to commencing construction, and all work is to be done in complete compliance with the provisions of this Section and all requirements from the State and/or County including the Minnesota Pollution Control Agency Rules Section 7080. Failure to comply with the terms of this Section shall be justification for denying a certificate of occupancy and/or use of the building or facility in addition to other penalties. No additional permits shall be issued to any contractor responsible for outstanding work which does not comply with terms of this Section.

3-4-3: INSPECTION. No part of any individual on-site sewage treatment system shall be covered until it has been inspected and approved by the Building Official. If any part of the system is covered before being inspected, and approved as herein provided, it shall be uncovered upon the direction of the Building

Official. The Building Official shall cause such inspections as are necessary to determine compliance with this Section. It shall be the responsibility of the applicant for the permit to notify the Building Official when the system is ready for inspection. The Building Official may require that all requests for inspections are filed with the City at least one (1) working day prior to the requested inspection.

3-4-4: STATE CODE SETTING INDIVIDUAL ON-SITE SEWAGE TREATMENT SYSTEM STANDARDS. Minnesota Pollution Control Agency Rules 6 MCAR 4.8040, 7080, relating to individual on-site sewage treatment systems, are hereby adopted by reference and made a part of this Section as if fully set forth herein. One copy of said Rules shall be kept on file in the office of the City Clerk and open to public inspection during regular office hours.

3-4-5: ADMINISTRATION. The Building Official shall be the person responsible for the enforcement of the provisions of this Section. All permits required under this Section must be issued by the Building Official except when otherwise noted.

3-4-6: SYSTEMS FAILURES. When an existing on-site sewage treatment system ceases to function, discharges to the surface, or fails, it shall be the responsibility of the property owner to notify the City as soon as possible. The property owner shall also repair or replace the system as soon as possible. The repair or reconstructions of said system shall comply with all provisions of this Section as well as the Minnesota Pollution Control Agency rules Section 7080.

3-4-7: INSPECTION/MAINTENANCE. Property owners with on-site sewage treatment systems, upon written notification from the City are required to perform the maintenance set forth in Minnesota State Rules 7080 and report the findings and subsequent maintenance/pumping to the City on forms to be provided by the City. The above reference reporting and maintenance shall be performed at intervals not to exceed every three (3) years. In maintenance and reporting, the City may cause the required maintenance to be performed at the expense of the property owner and recover fees and all administrative costs via assessments.

3-4-8: CONTRACTOR REQUIREMENTS.

A. Qualifications of Persons. Any person engaged in the business of installing individual on-site sewage treatment systems, within the City shall be to perform such work and be familiar with all pertinent laws and regulations of the State of Minnesota relating to wells and individual on-site sewage treatment systems.

B. Insurance. The contractor shall place on file with the City Clerk, his/her certificate of insurance showing that he/she is covered by workmen's compensation in the amount required by statute, and public liability and property damage in the amount of $100,000 per person and $600,000 per incident for injury, including accidental death of any one person, and property damage insurance in an amount of not less than $100,000.00 per incident.

3-4-9: PRIVATE WELL REGULATIONS.

A. All wells shall be installed and maintained in compliance with all State and County regulations.

B. Upon connection to City Water, any existing well on site shall be sealed and properly abandoned unless granted a permit as set forth in this Section.

C. Permits for irrigation wells for Commercial, Industrial, Institutional, or Multi-Family users in the MUSA may be approved by the Public Works Director in the following instances:

1. The proposed well is consistent with the City's Wellhead Protection Plan.

2. There shall be no cross connections or possible cross connections with the City Water system.

3. The well shall be used for exterior landscape irrigation purposes only.

4. There shall be only one well per irrigation system.

5. Adequate backflow prevention measures have been taken.

6. Users shall comply with all watering restrictions found in Sections 3-2-6 and 3-2-7.

7. All requirements by the State and/or County are met.

D. Permits for drive point irrigation wells in the MUSA may be approved by the Public Works Director in the following instances:

1. There shall be no cross connections or possible cross connections with the City Water system.

2. The well shall be used for exterior landscape irrigation purposes only.

3. There shall be only one well per parcel.

4. Users shall comply with all watering restrictions found in Sections 3-2-6 and 3-2-7.

5. All requirements by the State and/or County are met.

6. The drive point well shall not impair or endanger the City's Wellhead Management Area.

Section 20. Code Amended. That Section 6-1-6 (Fee Schedule) shall hereby be amended to include the following fee:

Water Meter/Service Notification No Response Fee: $250

Section 21. Effective Date. This Ordinance shall take effect 30 days after its publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS _____ DAY OF JUNE, 2012.

APPROVED:

_____
Jerry Tveit
Mayor of St. Francis

ATTEST:

_____
Barbara I. Held
City Clerk

(seal)

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

RESOLUTION 2012-23

A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE NO. 170, SECOND SERIES AMENDING CHAPTER 3 OF THE CITY CODE REGARDING MUNICIPAL UTILITIES

WHEREAS, as authorized by Minnesota Statutes, Section 412.191, Subd. 4, the City Council has determined that publication of the title and summary of Ordinance No. 170, Second Series will clearly inform the public of the intent and effect of the Ordinance; and

WHEREAS, a printed copy of the Ordinance is available for inspection during regular office hours in the office of the City Clerk.

NOW THEREFORE, BE IT RESOLVED that the following summary of Ordinance No. 170, Second Series is approved for publication:

CITY OF ST. FRANCIS, MINNESOTA
ORDINANCE NO. 170, SECOND SERIES

Section 1. The St. Francis Zoning Ordinance is hereby amended to include the following ordinance summarized below:

The City of St. Francis amended Chapter 3 of the City Code regarding Municipal Utilities to include a No Response Fee for utility billing purposes, update private water service line standards, establish water use restrictions, regulate un-metered service, establish backflow prevention standards, require the removal of abandoned septic's, establish classes of prohibited and regulated discharges into the sewer system, adopt the MCES SEC table by reference, and establish private well permitting.

Section 2. The full ordinance will be in effect 30 days from this summary publication.

Section 3. The full ordinance is available for review during regular office hours in the office of the City Clerk.

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

Councilmember XX
Councilmember XX
Councilmember XX

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 16TH DAY OF JULY, 2012.

_____
Jerry Tveit
Mayor of St. Francis

Attest:

_____
Barbara I. Held
City Clerk

NORTHWEST ASSOCIATED CONSULTANTS, INC.

4800 Olson Memorial Highway, Suite 202, Golden Valley, MN 55422
Telephone: 763.231.2555 Facsimile: 763.231.2561 planners@nacplanning.com

MEMORANDUM

TO: St. Francis Planning Commission
Matt Hylen, City Administrator

FROM: Nate Sparks, City Planner

DATE: July 9, 2012

MEETING DATE: July 16, 2012

RE: Required Landscaping Ordinance Amendments

BACKGROUND

At the June Planning Commission meeting, the Commission reviewed the Required Landscaping Standards found in Section 10-20-4 of the Zoning Ordinance. The following amendments were recommended by the Planning Commission.

DRAFT AMENDMENTS

10-20-4-A is amended to clarify that landscaping requirements apply to all new development but that a landscaping plan is only required for commercial, industrial, institutional, and multi-family projects.

10-20-4-B-1 is amended to include other required trees rather than just deciduous. The ordinance calls for these other types of trees, as well.

10-20-4-B-3-c is changed to eliminate the use of deciduous trees for primary screening use.

10-20-4-C-5 is added to specify minimum required tree plantings. It has separate sections for single and two-family development and other uses. For single family it specifies the City's existing two tree requirement and states that one must be planted in the front yard. For other uses it requires one caliper inch of trees planted per every 320 square feet of building, which was the City's standard previous to the 2010 recodification. The new Section 5 also allows for existing trees to be counted towards minimum requirements.

RECOMMENDED ACTION

The Planning Commission recommended approval of the following ordinance.

City of St. Francis – Required Landscaping Ordinance Amendments

Recommended changes from the Planning Commission:

10-20-4: REQUIRED LANDSCAPING: ~~All new residential subdivisions with three (3) or more lots, residential structures with four (4) or more dwelling units, commercial uses, industrial uses, and institutional uses shall be subject to minimum landscaping and planting material specification requirements outlined in this Section.~~

A. **Landscape Plan Required.** All new residential subdivisions with three (3) or more lots, residential structures with three (3) or more dwelling units, commercial uses, industrial uses, and institutional uses shall be subject to minimum landscaping and planting material specification requirements outlined in this Section. A landscape plan shall be developed with an emphasis upon the boundary of the subject site, parking lots, and foundation of the principal structure, in accordance with the information requirements outlined in Section 10-9-6 of this Ordinance.

B. **Design Standards and Criteria.** All landscaping incorporated in the landscape plan shall conform to the following standards and criteria:

1. Types of New Trees: Trees suitable for complying with this Chapter shall include those specified below~~:~~

~~Botanical Name~~	~~Common Name~~
~~Quercus (varieties)~~	~~Oak~~
~~Acer platanoides (and Varieties)~~	~~Norway Maple (and Schwedler, Emerald Queen, etc.)~~
~~Acer saccharum~~	~~Sugar Maple~~
~~Celtis occidentalis~~	~~Hackberry~~
~~Betula (varieties)~~	~~Birch~~
~~Gleditsia triacanthos~~	~~Honeylocust (Imperial, Majestic, Skyline, Sunburst & Thornless)~~
~~Tilia cordata (and Varieties)~~	~~Little Leaf Linden and Redmond, Greenspire, etc.~~
~~Tilia Americana~~	~~Basswood (American Linden)~~
~~Guymnocladus dioicus~~	~~Kentucky Coffee Tree~~

or similar, if deemed acceptable by the Zoning Administrator:

a. Deciduous Trees. Required plantings of deciduous trees shall be of the following type: White Oak, Northern Red Oak, Eastern Pin Oak, Swamp White Oak, Kentucky Coffee Tree, Basswood, Littleleaf Linden, Redmond Linden, Hybrid Elm, Sugar Maple, Red Maple, Norway Maple, or Black Cherry.

b. Evergreen Trees. Required plantings of evergreen trees shall be of the following type: Douglas Fir, White Fir, Hemlock, Austrian Pine, White Pine, Ponderosa Pine, Norway Pine, Scotch Pine, Eastern Red Cedar, Black Hills Spruce, Norway Spruce, and White Spruce.

c. Ornamental Trees. Required plantings of ornamental trees shall be of the following type: River Birch, Chokecherry, Crabapple, Dogwood, Flowering Crab, Hawthorn, Mountain Ash, Plum, Russian Olive, or Serviceberry.

2. Minimum Size: All plants shall at least equal the following minimum sizes: (NOTE: Type and mode are dependent upon time of planting season, availability, and site conditions (soils, climate, ground water, manmade irrigation, grading, etc.)

	Potted/Bare Root or Balled or Burlapped
Shade trees	2 inch diameter
Ornamental trees ~~(flowering crabs, Russian olive, hawthorn, etc.)~~	2 inch diameter
Evergreen trees	4 feet
Tall shrubs and hedge material (evergreen or deciduous)	3 to 4 feet
Low Shrubs	
- Deciduous	24 to 30 inches
- Evergreen	24 to 30 inches
	24 to 30 inch
- Spreading evergreens	18 to 24 inches

3. Spacing:

a. Plant material centers shall not be located closer than three (3) feet from the fence line or property line and shall not be planted to conflict with public plantings, sidewalks, trails, fences, parking areas, and driveways based on the judgment of the Zoning Administrator.

b. Where plant materials are planted for screening purposes in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved by the Zoning Administrator.

c. ~~Deciduous trees intended for screening shall be planted not more than forty (40) feet apart.~~ Evergreen trees intended for screening shall be planted not more than fifteen (15) feet apart.

d. Where massing of plants or screening is intended, large deciduous shrubs shall be planted four (4) feet on center or closer, and/or, evergreen shrubs shall be planted three (3) feet on center or closer.

4. Design (except for pond slopes which shall be subject to the review and approval of the City Engineer):

a. The landscape plan shall show some form of designed site amenities (i.e., composition of plant materials, and/or creative grading, decorative lighting, exterior sculpture, etc.) which are largely intended for aesthetic purposes.

b. All areas within the property lines (or beyond, if site grading extends beyond) shall be treated. All exterior areas not paved or designated as roads, parking, or storage shall be planted into ornamental vegetation (lawns, ground covers, or shrubs) unless otherwise approved by the Zoning Administrator.

~~c. Each single family lot is to be provided a minimum of two (2) shade trees consistent with the size requirements of this Chapter.~~

d. Turf slopes in excess of three to one (3:1) are prohibited.

e. All ground areas under the building roof overhang shall be treated with a decorative mulch and/or foundation planting.

f. All buildings shall have an exterior water spigot or irrigation system to ensure that landscape maintenance can be accomplished.

g. Trees and shrubs shall not be planted in the right-of-way except as approved by the City Council.

h. All plants required as part of an approved landscaping plan shall be maintained and kept alive. Dead plants shall be replaced in accordance with the approved landscape plan.

5. Minimum Required Plantings.

a. Single and Two-Family Residential. All new single family residences or duplex units shall follow the sodding and ground cover requirements found in Section 10-20-4-C and two deciduous trees, of which one shall be placed in the front yard.

b. Multi-Family, Institutional, Commercial, and Industrial.

(1) In order to achieve landscaping which is appropriate in scale with the size of a building site, the minimum number of caliper inches of trees required shall be determined by dividing the total gross square footage of all floors of a building by 320. A single story building in excess of 20 feet in height shall be considered a two story building for the purposes of determining its total gross footage. A mixture of plant material sizes shall be required.

(2) The complement of trees fulfilling the requirement in Section 10-20-4-B-5-b-(1) shall not be less than 25% deciduous, 25% evergreen, and 10% ornamental. For the purposes of this ordinance a four foot tall evergreen tree is equal to 2 caliper inches.

(3) Deciduous and evergreen trees shall be of more than one species each.

(4) Planting islands may be required where necessary to visually break-up expanses of hard surface parking areas, for safe and efficient traffic movement, and to define rows of parking. Planting islands may occupy up to at least five (5%) of the required parking area.

(5) All parking, loading, service, utility, and outdoor storage areas shall be screened from all public roads and adjacent differing land uses. The screening shall consist of any combination of the following: earth mounds, walls, fences, evergreen trees, tall shrubs, or low shrubs. The height and depth of the screening shall be consistent with the height an size of the

areas for which screening is required. When natural materials, such as trees and hedges, are used to meet the screening requirements of this section, density and species of planting shall be such to achieve seventy-five (75%) opacity year round.

(6) These standards may be waived for properties in the B-1 and I-2 Districts by the Zoning Administrator, provided steps are taken to lessen the impact of the development on adjacent residential properties.

6. Existing Trees. All existing, preserved trees or other vegetation on site that are suitable for the purpose intended by this ordinance in the opinion of the Zoning Administrator may count towards any required plantings provided the trees are in good condition and disease free.

C. **Sodding and Ground Cover:** All open areas of site not occupied by building, parking, or storage shall be either seeded or sodded.

1. The Developer shall assure that the front and side yards of each lot are properly graded, three (3) inches of top soil added, sod laid to complete front yard (including right-of-way), and seeding or sodding has been added to the remainder of the disturbed area of the lot. Seeding will be allowed in the front yard if a sprinkler system is also installed.

2. If a house or project is completed when weather conditions do not allow sodding or seeding, the Developer or Home Builder shall submit to the City the following:

a. A temporary certificate of occupancy granted for the building during the non-growing season provided that the owner establishes a cash escrow with the city equal to one and one-half (1½) times the estimated cost of ground cover or a minimum of three thousand dollars ($3,000.00) whichever is more, plus a seventy-five dollar ($75.00) non-refundable administrative fee. Upon satisfactory installation of the ground cover, the escrow will be returned to the owner and a certificate of occupancy issued.

b. If the ground cover is not installed by June 1st of the following year, the owner will forfeit the escrowed funds and be required to vacate the property until the certificate of occupancy can be issued when ground cover has been installed. The cost to install the ground cover shall be at the homeowner's expense.

D. **Landscape Guarantee**: All new plants shall be guaranteed for twelve (12) months from the time planting has been completed. All plants shall be alive, of good

quality, and disease free at the end of the warranty period or be replaced. Any replacements shall be warranted for twelve (12) months from the time of planting. Prior to the issuance of a Certificate of Occupancy, the City may require a Performance Bond, with a corporation approved by the City as surety thereon, or other guarantee acceptable to the City, in an amount to be determined by the City, but for not less than one and one-half (1½) times and no more than two (2) times the amount estimated by the City as the cost of completing said landscaping and screening.

CITY OF ST. FRANCIS
ST FRANCIS MN
ANOKA COUNTY

ORDINANCE 171, SECOND SERIES

AN ORDINANCE AMENDING SECTION 10-20-4
REGARDING REQUIRED LANDSCAPING

THE CITY OF ST. FRANCIS ORDAINS:

Section 1. Code Amended. That Section 10-20-4, Second Series shall hereby be amended to read as follows:

10-20-4: REQUIRED LANDSCAPING:

A. Landscape Plan Required. All new residential subdivisions with three (3) or more lots, residential structures with three (3) or more dwelling units, commercial uses, industrial uses, and institutional uses shall be subject to minimum landscaping and planting material specification requirements outlined in this Section. A landscape plan shall be developed with an emphasis upon the boundary of the subject site, parking lots, and foundation of the principal structure, in accordance with the information requirements outlined in Section 10-9-6 of this Ordinance.

B. Design Standards and Criteria. All landscaping incorporated in the landscape plan shall conform to the following standards and criteria:

1. Types of New Trees: Trees suitable for complying with this Chapter shall include those specified below or similar, if deemed acceptable by the Zoning Administrator:

a. Deciduous Trees. Required plantings of deciduous trees shall be of the following type: White Oak, Northern Red Oak, Eastern Pin Oak, Swamp White Oak, Kentucky Coffee Tree, Basswood, Littleleaf Linden, Redmond Linden, Hybrid Elm, Sugar Maple, Red Maple, Norway Maple, or Black Cherry.

b. Evergreen Trees. Required plantings of evergreen trees shall be of the following type: Douglas Fir, White Fir, Hemlock, Austrian Pine, White Pine, Ponderosa Pine, Norway Pine, Scotch Pine, Eastern Red Cedar, Black Hills Spruce, Norway Spruce, and White Spruce.

c. Ornamental Trees. Required plantings of ornamental trees shall be of the following type: River Birch, Chokecherry, Crabapple, Dogwood, Flowering Crabs, Hawthorn, Mountain Ash, Plum, Russian Olive, or Serviceberry.

2. Minimum Size: All plants shall at least equal the following minimum sizes: (NOTE: Type and mode are dependent upon time of planting season, availability, and site conditions (soils, climate, ground water, manmade irrigation, grading, etc.)

	Potted/Bare Root or Balled or Burlapped
Shade trees	2 inch diameter
Ornamental trees	2 inch diameter
Evergreen trees	4 feet
Tall shrubs and hedge material (evergreen or deciduous)	3 to 4 feet
Low Shrubs	
- Deciduous	24 to 30 inches
- Evergreen	24 to 30 inches
	24 to 30 inch
- Spreading evergreens	18 to 24 inches

3. Spacing:

   a. Plant material centers shall not be located closer than three (3) feet from the fence line or property line and shall not be planted to conflict with public plantings, sidewalks, trails, fences, parking areas, and driveways based on the judgment of the Zoning Administrator.

   b. Where plant materials are planted for screening purposes in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved by the Zoning Administrator.

   c. Evergreen trees intended for screening shall be planted not more than fifteen (15) feet apart.

   d. Where massing of plants or screening is intended, large deciduous shrubs shall be planted four (4) feet on center or closer, and/or, evergreen shrubs shall be planted three (3) feet on center or closer.

4. Design (except for pond slopes which shall be subject to the review and approval of the City Engineer):

   a. The landscape plan shall show some form of designed site amenities (i.e., composition of plant materials, and/or creative grading, decorative lighting, exterior sculpture, etc.) which are largely intended for aesthetic purposes.

   b. All areas within the property lines (or beyond, if site grading extends beyond) shall be treated. All exterior areas not paved or designated as roads, parking, or storage shall be planted into ornamental vegetation (lawns, ground covers, or shrubs) unless otherwise approved by the Zoning Administrator.

c. Turf slopes in excess of three to one (3:1) are prohibited.

d. All ground areas under the building roof overhang shall be treated with a decorative mulch and/or foundation planting.

e. All buildings shall have an exterior water spigot or irrigation system to ensure that landscape maintenance can be accomplished.

f. Trees and shrubs shall not be planted in the right-of-way except as approved by the City Council.

g. All plants required as part of an approved landscaping plan shall be maintained and kept alive. Dead plants shall be replaced in accordance with the approved landscape plan.

5. Minimum Required Plantings.

a. Single and Two-Family Residential. All new single family residences or duplex units shall follow the sodding and ground cover requirements found in Section 10-20-4-C and two deciduous trees, of which one shall be placed in the front yard.

b. Multi-Family, Institutional, Commercial, and Industrial.

(1) In order to achieve landscaping which is appropriate in scale with the size of a building site, the minimum number of caliper inches of trees required shall be determined by dividing the total gross square footage of all floors of a building by 320. A single story building in excess of 20 feet in height shall be considered a two story building for the purposes of determining its total gross footage. A mixture of plant material sizes shall be required.

(2) The complement of trees fulfilling the requirement in Section 10-20-4-B-5-b-(1) shall not be less than 25% deciduous, 25% evergreen, and 10% ornamental. For the purposes of this ordinance a four foot tall evergreen tree is equal to 2 caliper inches.

(3) Deciduous and evergreen trees shall be of more than one species each.

(4) Planting islands may be required where necessary to visually break-up expanses of hard surface parking areas, for safe and efficient traffic movement, and to define rows of parking. Planting islands may occupy up to at least five (5%) of the required parking area.

(5) All parking, loading, service, utility, and outdoor storage areas shall be screened from all public roads and adjacent differing land uses. The screening shall consist of any combination of the following: earth mounds, walls, fences, evergreen trees, tall

shrubs, or low shrubs. The height and depth of the screening shall be consistent with the height an size of the areas for which screening is required. When natural materials, such as trees and hedges, are used to meet the screening requirements of this section, density and species of planting shall be such to achieve seventy-five (75%) opacity year round.

(6) These standards may be waived for properties in the B-1 and I-2 Districts by the Zoning Administrator, provided steps are taken to lessen the impact of the development on adjacent residential properties.

6. Existing Trees. All existing, preserved trees or other vegetation on site that are suitable for the purpose intended by this ordinance in the opinion of the Zoning Administrator may count towards any required plantings provided the trees are in good condition and disease free.

C. Sodding and Ground Cover: All open areas of site not occupied by building, parking, or storage shall be either seeded or sodded.

1. The Developer shall assure that the front and side yards of each lot are properly graded, three (3) inches of top soil added, sod laid to complete front yard (including right-of-way), and seeding or sodding has been added to the remainder of the disturbed area of the lot. Seeding will be allowed in the front yard if a sprinkler system is also installed.

2. If a house or project is completed when weather conditions do not allow sodding or seeding, the Developer or Home Builder shall submit to the City the following:

a. A temporary certificate of occupancy granted for the building during the non-growing season provided that the owner establishes a cash escrow with the city equal to one and one-half (1½) times the estimated cost of ground cover or a minimum of three thousand dollars ($3,000.00) whichever is more, plus a seventy-five dollar ($75.00) non-refundable administrative fee. Upon satisfactory installation of the ground cover, the escrow will be returned to the owner and a certificate of occupancy issued.

b. If the ground cover is not installed by June 1st of the following year, the owner will forfeit the escrowed funds and be required to vacate the property until the certificate of occupancy can be issued when ground cover has been installed. The cost to install the ground cover shall be at the homeowner's expense.

D. Landscape Guarantee: All new plants shall be guaranteed for twelve (12) months from the time planting has been completed. All plants shall be alive, of good quality, and disease free at the end of the warranty period or be replaced. Any replacements shall be warranted for twelve (12) months from the time of planting. Prior to the issuance of a Certificate of Occupancy, the City may require a Performance Bond, with a corporation approved by the City as surety thereon, or other guarantee acceptable to the City, in an amount to be determined by the City, but for not less than one and one-half (1½) times and no more than two (2) times the amount estimated by the City as the cost of completing said landscaping and screening.

Section 2. Effective Date. This Ordinance shall take effect 30 days after its publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS ___ DAY OF _____, 2012.

APPROVED:

_____
Jerry Tveit
Mayor of St. Francis

ATTEST:

_____
Barbara I. Held
City Clerk

(seal)

NORTHWEST ASSOCIATED CONSULTANTS, INC.

4800 Olson Memorial Highway, Suite 202, Golden Valley, MN 55422
Telephone: 763.231.2555 Facsimile: 763.231.2561 planners@nacplanning.com

MEMORANDUM

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

FROM: Nate Sparks, City Planner

DATE: July 9, 2012

MEETING DATE: July 16, 2012

RE: Sandwich Board Sign Ordinance

BACKGROUND

Recently, the City revised the regulations regarding temporary signs. In the revisions, sandwich board signs were allowed on a limited basis without a permit. Since this allowance was included in the ordinance, several business owners have expressed that the ordinance language was confusing and unclear. Thus, this ordinance amendment is intended to add a definition to more clearly express what a sandwich board is and to more concisely state the size limitations.

RECOMMENDED ACTION

The Planning Commission recommended approval of the ordinance.

City of St. Francis – Sandwich Board Sign Ordinance Amendments

Recommended changes from the Planning Commission:

Add in Section 10-20-2:

Sandwich Board Sign. A self-supporting temporary a-frame sign with two faces made of wood or other similar durable materials

Revise 10-23-5-E-2:

2. One sandwich board sign per business may be allowed in the business districts without a permit and without using the time period allotted for temporary, portable signs provided:

   a. The sign is placed within fifteen (15) feet of the entrance of the business.

   b. The sign shall be placed on private property and may be placed on a private sidewalk provided there is five (5) feet of clearance for pedestrians.

   c. The sign ~~may~~ shall not obstruct safety, visibility, or traffic.

   d. The sign shall be freestanding, not attached to any other structure or devise, *and shall* not be illuminated~~, greater than 3 ½ feet in height, greater than 2 feet in width, or greater than 2 feet in depth~~.

   e. The sign shall be only displayed during business hours.

   f. The sign shall not be greater than 3 ½ feet in height, 2 feet in width, or 2 feet in depth.

CITY OF ST. FRANCIS
ST FRANCIS MN
ANOKA COUNTY

ORDINANCE 172, SECOND SERIES

AN ORDINANCE AMENDING THE SIGN ORDINANCE REGARDING SANDWICH BOARD SIGNS

THE CITY OF ST. FRANCIS ORDAINS:

Section 1. Code Amended. That Section 10-20-2, Second Series shall hereby be amended to include the following Sign Related Definition:

Sandwich Board Sign. A self-supporting temporary a-frame sign with two faces made of wood or other similar durable materials.

Section 2. Code Amended. That Section 10-23-5-E-2 shall hereby be amended to read as follows:

2. One sandwich board sign per business may be allowed in the business districts without a permit and without using the time period allotted for temporary, portable signs provided:

   a. The sign is placed within fifteen (15) feet of the entrance of the business.

   b. The sign shall be placed on private property and may be placed on a private sidewalk provided there is five (5) feet of clearance for pedestrians.

   c. The sign shall not obstruct safety, visibility, or traffic.

   d. The sign shall be freestanding, not attached to any other structure or devise, and shall not be illuminated.

   e. The sign shall be only displayed during business hours.

   f. The sign shall not be greater than 3 ½ feet in height, 2 feet in width, or 2 feet in depth.

Section 3. Effective Date. This Ordinance shall take effect 30 days after its publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS _____ DAY OF _____, 2012.

APPROVED:

_____
Jerry Tveit, Mayor of St. Francis

ATTEST:

_____ (seal)
Barbara I. Held, City Clerk

CITY OF ST. FRANCIS
ST. FRANCIS MN
ANOKA COUNTY

RESOLUTION 2012-24

TRANSFER FROM GENERAL FUND TO EDA LEASE REVENUE BONDS DEBT SERVICE FUND

BE IT RESOLVED that the City Council of the City of St. Francis hereby approves the following transfers of funds:

	FROM	TO	PURPOSE	AMOUNT
1	General Fund	EDA Bond Fund	Budgeted amount	330,000.00

1. Annual budgeted transfer from General Fund to EDA Lease Revenue Bonds Debt Service (Note: These were originally budgeted for City Hall, Police and Fire Department, but were designated to the Debt Service Payments.)

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

Councilmember XX
Councilmember XX
Councilmember XX

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 16TH DAY OF JULY, 2012.

APPROVED:

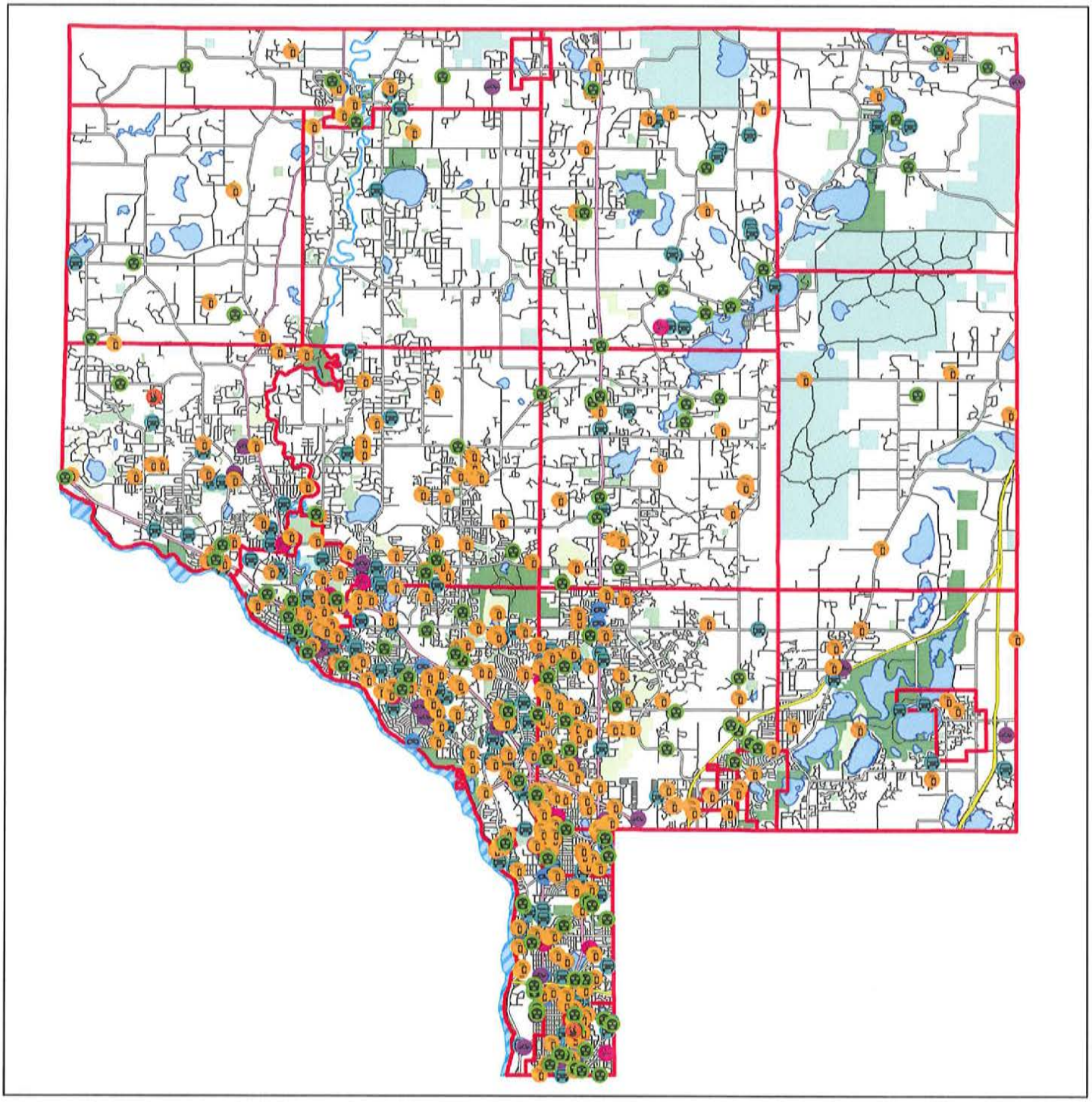
_____
Jerry Tveit, Mayor

ATTEST:

_____
Barbara I. Held, City Clerk

Regional Crime Analysis Center

Lino Lakes Police Department
640 Town Center Parkway
Lino Lakes, MN 55014
651-982-2300



ANOKA COUNTY
Jun 01, 2012 to Jun 30, 2012
Crime Incident Analysis

NORTH

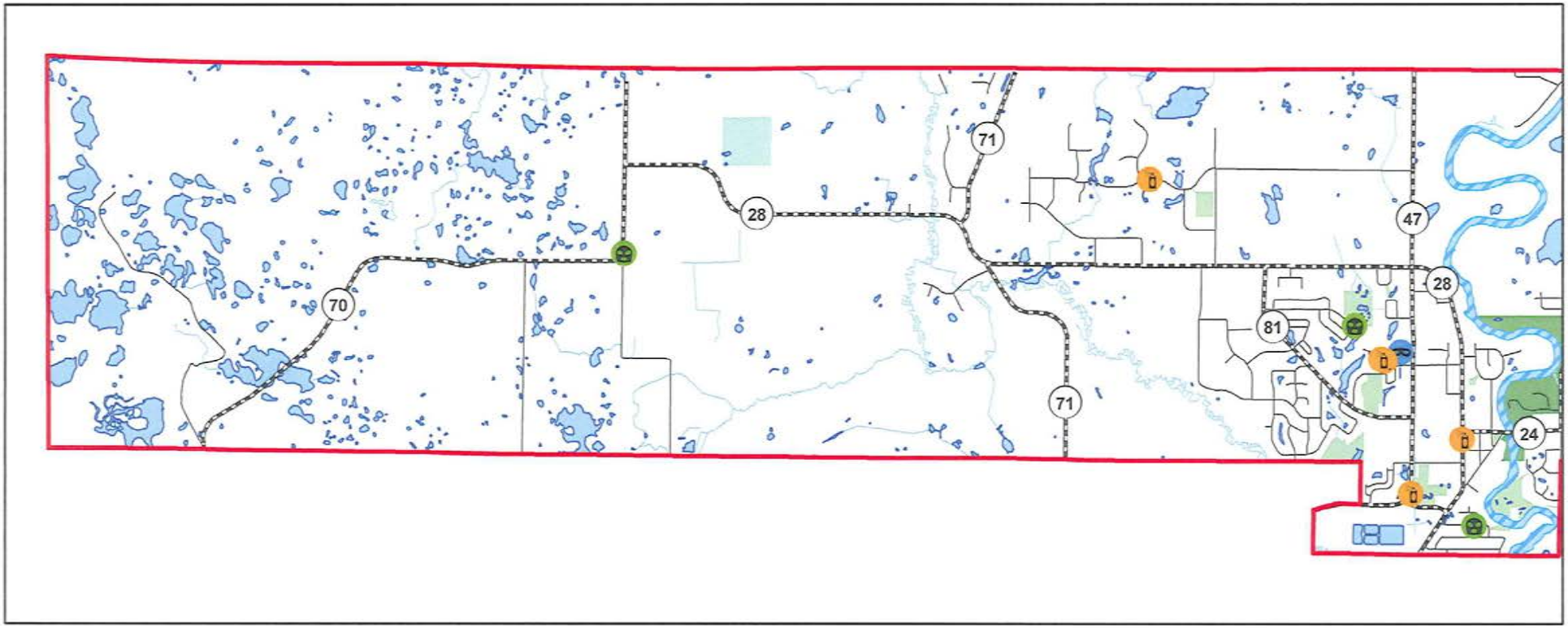
0 1.5 3 6 9 12 Miles

Incident Types

- Arson
- Burglary
- Criminal DTP
- Forgery
- MV Theft
- Robbery
- Theft from MV

Regional Crime Analysis Center

Lino Lakes Police Department
640 Town Center Parkway
Lino Lakes, MN 55014
651-982-2300



ST FRANCIS WEST
Jun 01, 2012 to Jun 30, 2012
Crime Incident Analysis

NORTH

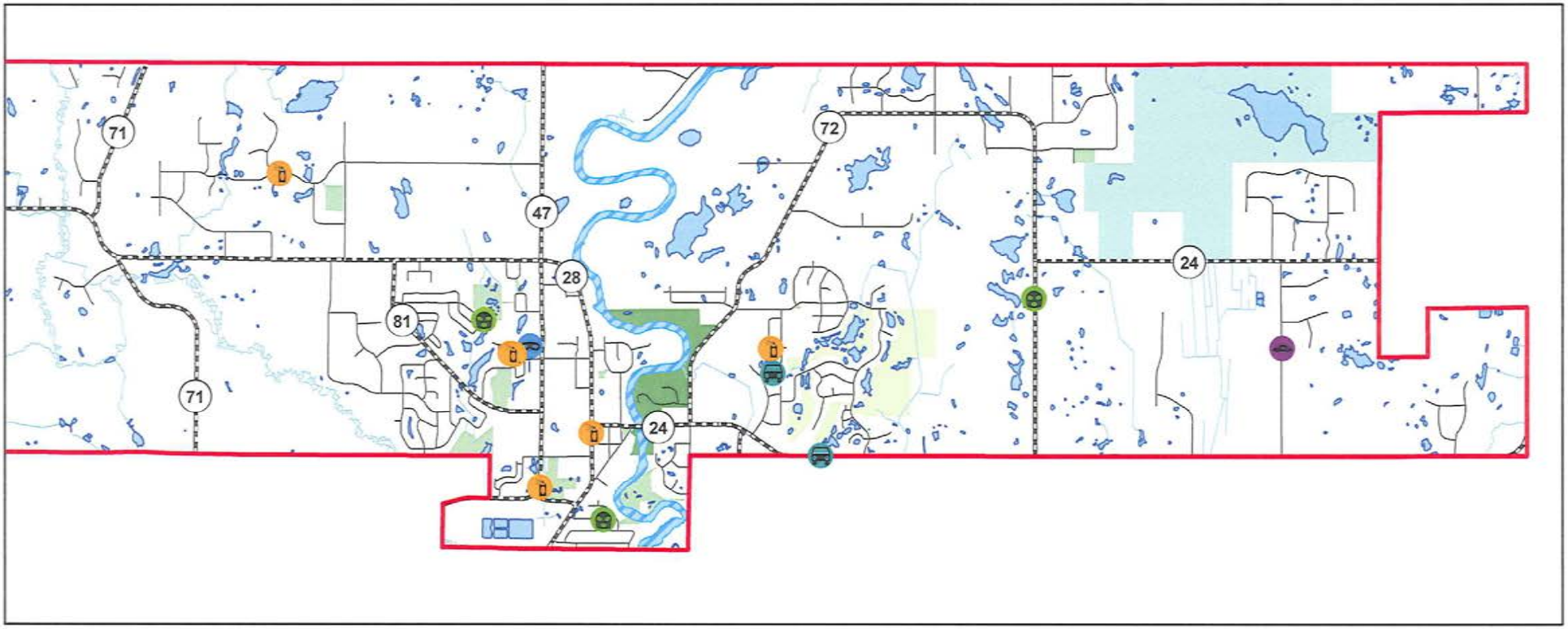
0 0.3 0.6 1.2 1.8 2.4 Miles

Incident Types

- Arson
- Burglary
- Criminal DTP
- Forgery
- MV Theft
- Robbery
- Theft from MV

Regional Crime Analysis Center

Lino Lakes Police Department
640 Town Center Parkway
Lino Lakes, MN 55014
651-982-2300



ST FRANCIS EAST
Jun 01, 2012 to Jun 30, 2012
Crime Incident Analysis

NORTH

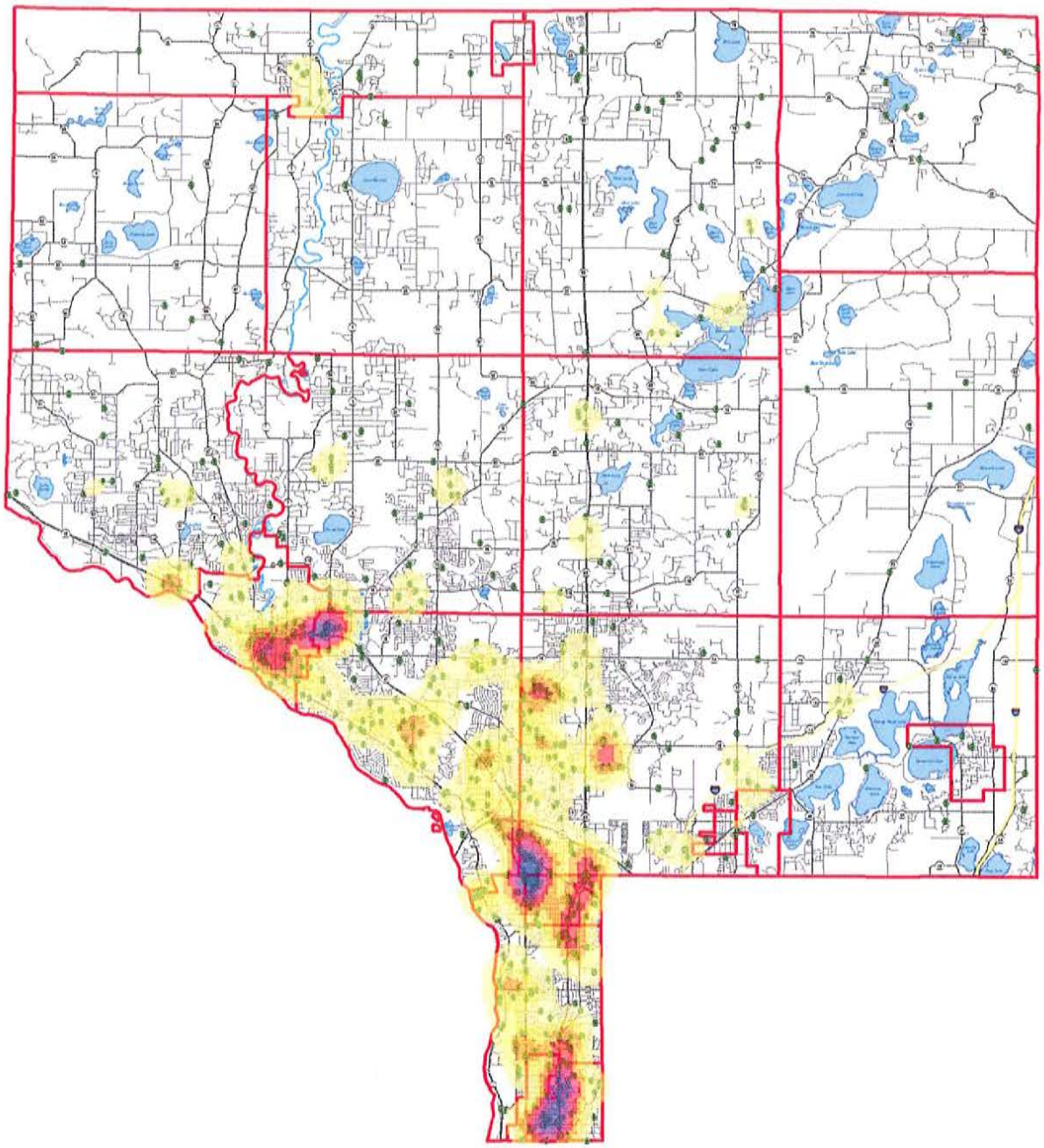
0 0.3 0.6 1.2 1.8 2.4 Miles

Incident Types

- Arson
- Burglary
- Criminal DTP
- Forgery
- MV Theft
- Robbery
- Theft from MV

Regional Crime Analysis Center

Lino Lakes Police Department
640 Town Center Parkway
Lino Lakes, MN 55014
651-982-2300



ANOKA COUNTY
JUN 1, 2012 - JUN 30, 2012
CRIME DENSITY

0 1.5 3 6 9 12 Miles

NOTE: This Density Map was created using only the 7 crime types found in the other attached maps.

NORTH

SPARSE DENSE