

CITY OF ST. FRANCIS  
CITY COUNCIL  
AGENDA

**October 1, 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. City Council Minutes – September 17, 2012
  - b. Patriot Lanes & Lounge – Public Dance Permit for 2013 Pioneer Days
  - c. Contract for Services with ISD #15 for Ordinary and Routine Vehicle Repairs and Maintenance
  - c. Payment of Claims
5. Meeting Open to the Public
6. Petitions, Requests, Applications
  - a. Beef O’Bradys Liquor License and Amusement Machine Applications
  - b. Re-Roof of Fire Station and Small Public Works Building: Awarding Contract
  - c. Discussion on potential amendment of lawful gambling ordinance.
7. Ordinances & Resolutions:
  - a. Ordinance 178, Second Series: Adding Section 4-1-6 Regarding Temporary Habitation (First Reading)
8. Reports of Consultants & Staff Members
  - a. Engineer: 245<sup>th</sup> Avenue Culvert Improvement – Resolution 2012-33
  - b. Attorney:
  - c. Staff:
    - Fire: Department Update
    - Public Works:
    - Liquor Store:
    - Police:
    - City Administrator: Administrative Hearing Officer
9. Reports from Council Members
10. Report from Mayor
11. Old Business
  - a. Pioneer Days Discussion
12. New Business
13. Adjournment

**CALENDAR OF EVENTS**

- Oct 8: City Offices Closed in Observance of Columbus Day  
Oct 13: Recycling Day 8 am to noon  
Oct 13: French Toast Breakfast – Fire Prevention Open House & Blood Drive @ Fire Station 8 am to noon  
Oct 15: City Council Meeting @ ISD #15 Central Services Center (District Offices) 6:00 pm  
Oct 17: Planning Commission Meeting @ ISD #15 Central Services Center (District Offices) 7:00 pm  
Oct 23: Pioneer Day Meeting @ Community Center 7:00 pm

TO: Mayor & City Council

FROM: Matthew L. Hylan, *Math* (BH)  
City Administrator

RE: Agenda Memorandum – October 1, 2012 Meeting

**Agenda Items:**

**4. Consent Agenda:**

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

- a. Beef O'Bradys applied for a Liquor and Amusement machine licenses. They are also asking the fees to be pro-rated for the remainder of the year. According to our City ordinance Section 5-1-3 D(2) that is allowable. *All licenses shall be on a calendar year basis unless otherwise specified herein. For licenses issued and which are to become effective other than on the first day of the licensed year, the fee to be paid with the application shall be a pro rata share of the annual license fee.* The insurance also has been submitted. A motion would be in order to grant Beef O'Bradys, a liquor and amusement machine licenses.
- b. Re-Roof of Fire Station and a Public Works Storage Building-Awarding Contract. Seven contractors submitted bids for the roofing project. The bids ranged from \$113,227 to \$173,000. The lowest bid was from Lake Area Roofing. The second lowest bid was thrown out of the process due to the fact it did not include a bid bond as required. A motion would be in order to accept the six bids and to award the contract to Lake Area Roofing from Blaine in the amount of \$113,227.
- c. Discussion on potential amendment of lawful gambling ordinance: This ordinance is being revisited due to some of the questions the American Legion and the City Council had at the last council meeting. A memorandum from the City Attorney, Scott Lepak is attached.

**7. Ordinances & Resolutions:**

- a. Ordinance 178, Second Series: Adding Section 4-1-6 regarding Temporary Habitation (First Reading): The Planning Commission reviewed the City Code sections regarding habitation in temporary structures during construction activities. The City has had some issues in the past with getting the temporary structures removed from the site after the building permit has been closed. Also, some potential applicants have expressed that the procedure is unclear and confusing. Thus, this amendment is seeking to create clearer expectations procedurally and for financial securities more in line with the Council's current expectations. The Planning Commission recommended approval of the draft ordinance and also recommended it be moved from the Zoning Ordinance to Chapter 4 of the City Code which is for "Building Regulations and Permits" since this is a habitation issue not a zoning issue. A permit fee of \$250 and an escrow of \$5000 is proposed to be added to the fee schedule as part of this ordinance amendment. Any desired changes can be incorporated into the ordinance. A motion would be in order to approve the first reading of Ordinance 178, Second Series.

**8. Reports:**

- a. **Engineer:** 245<sup>th</sup> Avenue Culvert Improvement-Resolution 2012-33: Engineer, Jared Voge provided a memorandum on the failing condition of the Seelye Brook culverts at 245<sup>th</sup> Avenue. Staff has been monitoring the condition of the culverts and has determined that they are in need of replacement. A memo dated August 7, 2012 to the Public Works Director explains the rehabilitation/replacement options considered. Three options are feasible; however the installation of a box culvert is the recommended solution. The proposed improvements have not been identified in any budget. If Council chooses to

proceed with the improvements the funding source associated with the improvements will need to be specified along with adopting Resolution 2012-33.

c. **Staff:**

**Fire: Department Update:** Chief Kapler provided an agenda report recommending hiring five part time fire fighters. A motion would be in order to hire Harry Everth, Richard Phelps Jr., Jesse Sawyer, Evan Sturzl and Chris Vnuk to the position of probationary paid on call firefighters with a wage of \$12.00 per hour.

**Public Works:**

**Liquor Store:**

**Police:**

**City Administrator:** City Attorney Scott Lepak and City Administrator Matt Hulen will bring an Administrative Hearing Officer recommendation to the Council. This Hearing Officer will serve as a neutral, third-party judge in the event an individual appeals an administrative citation given under Ordinance 174.

**11. Old Business**

**12. New Business:**

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

CITY COUNCIL MINUTES

SEPTEMBER 17, 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, Councilmembers Jeff Sandoval, Tim Brown and Chris McClish. Absent was Councilmember Steve Kane. Also present were City Engineer Jared Voge (Bolton & Menk, Inc.), Police Chief Jeff Harapat, Public Works Director Paul Teicher, Finance Director Darcy Mulvihill, and City Administrator Matt Hylen.
3. **Adopt Agenda:** MOTION BY SANDOVAL SECOND MCCLISH TO ADOPT THE SEPTEMBER 17, 2012 CITY COUNCIL AGENDA. Tveit requested if a tour of the new Police/Public Works facility could be added to the agenda. Hylen stated that a recess would be allowed under Robert's Rules of Order if the time and location of the tour were announced. Motion carried 4-0. Sandoval and McClish approved the addition. Motion carried 4-0.
4. **Consent Agenda:** MOTION BY McCLISH SECOND BROWN TO ADOPT THE SEPTEMBER 17, 2012, CITY COUNCIL CONSENT AGENDA A-D AS FOLLOWS:
  - a. Approve the City Council Minutes of September 4, 2012.
  - b. Receive and File the URRWMO Minutes of September 4, 2012
  - c. Adopt the Code Enforcement Policy.
  - d. Approve Payment of Claims in the amount of \$157,167.65 (Check Numbers 64281-64348).Motion carried 4-0.
5. **Meeting Open to the Public:**
6. **Petitions, Requests, Applications:**
  - a. **Allison Lister: Anoka County Commissioner Candidate for District 1:** Allison Lister introduced herself to the City Council
  - b. **Billy's Neighborhood Bar and Grill: Refund Request:** Billy's Neighborhood Bar & Grill closed August 19, 2012. The owners are requesting a prorated refund of their licenses fees for the remainder of the year. Tveit asked if giving prorated refunds to business owners is a common practice. Hylen stated that this has not happened in recent memory. Request failed for lack of motion.
  - c. **St. Francis American Legion: Ordinance 175, Second Series – Gambling Proceeds:** A letter was received from the St. Francis American Legion regarding the new gambling ordinance. Tveit stated he is a member of the Legion and they are under financial hardship. They give back to the community in numerous ways. Tveit stated that he struggles with this issue and will abstain from voting to prevent a conflict of interest issue. Brown stated the

spirit of the ordinance was to prevent money from leaving the community and did not forecast that this issue would come up. Sandoval stated that the ordinance needs to be reformatted. Hylen stated that City Attorney Lepak said that a variance could not be granted, but rather, the ordinance would need to be reformatted. Sandoval stated that Council needs to look at this issue again. Hylen asked if there is council direction in backing away from an amount of 10%. Sandoval stated that he believed that is a fair number and suggested staying with it.

7. **Ordinances & Resolution:**

a. **Ordinance 176, Second Series: Amending Section 10-3-9 Regarding the Enforcement of the Zoning Ordinance (Second Reading):** Planner, Nate Sparks prepared a memorandum regarding this proposed ordinance. The City Council recently adopted a new City Code enforcement measures. The Zoning Ordinance has its own enforcement section that required updating due to the adoption of these new procedures. This ordinance amendment will make the two sections consistent in order to avoid any potential confusion. The Planning Commission held a public hearing in August and recommended approval of this ordinance amendment. MOTION BY BROWN SECOND McCLISH TO APPROVE THE SECOND READING OF ORDINANCE 176, SECOND SERIES AMENDING SECTION 10-3-9 REGARDING THE ENFORCEMENT OF THE ZONING ORDINANCE. Roll Call: Ayes: 4 Nays: 0 Motion carried.

b. **Ordinance 177, Second Series: Amending Section 11-3-4 Regarding Frontage Necessary for a Metes and Bounds Division (Second Reading):** Planner, Nate Sparks prepared a memorandum in regards to the discrepancy in lot width requirements between the Subdivision Ordinance and Zoning Ordinance. MOTION BY MCCLISH SECOND BROWN TO APPROVE THE SECOND READING OF ORDINANCE 177, SECOND SERIES AMENDING SECTION 11-3-4 REGARDING FRONTAGE NECESSARY FOR A METES AND BOUNDS DIVISION Roll Call: Ayes: 4 Nays: 0 Motion carried.

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

a. **Engineer:** City Engineer Voge updated the Council on the progress of the Hwy 47/Pederson Drive intersection project. Voge stated this fall the concrete footings for the rapid flashing beacons will be poured and anticipates the RFB's will be installed around December. Also, Voge stated he met with representatives from MnDOT to discuss creating a reduced speed school zone on Hwy 47 near Pederson Drive.

b. **Attorney:**

c. **Staff:**

**Fire Department:**

**Public Works: Department Update:** Director Teicher updated the Mayor and Council on the Woodhaven Meter Project. Teicher stated that he is looking forward to having this project taken care of by the first week in October. Teicher stated that this is the starting point for meter replacement.

**Liquor Store:**

**Police Dept.:**

**City Administrator Report: Administrative Hearing Officer:** City Administrator Hylen stated that he and City Attorney Lepak would bring a recommendation to the Council at the October 1<sup>st</sup> Council meeting regarding the administrative hearing officer position.

Hylen also discussed the Lawrence accessory structure topic stating that the Lawrence's would not have been able to construct a detached accessory structure to their desired specifications under both past and present ordinances.

Hylen stated that reducing the hours of the ice rink/warming house is being considered for possible cost savings, however, the ice rink/warming house must remain open at least partially this winter due to grant reasons.

Also, more vandalism has taken place in City parks. City staff is frustrated. Quality parks create quality communities; however, the City has had roughly \$4,000 in damage in the last 3 weeks. City staff is looking into the relocation of equipment to other parks, closing parks, and other options. Another option would be to have meetings with neighborhoods of interest. City staff is looking at options and will come back to the Council with a rational recommendation. Brown asked how long the City is bound with the grant. Hylen stated forever. Tveit asked if City staff has been in touch with the Lawrence's. Hylen stated he believed so. Tveit stated he is in favor of removing equipment out of parks that are being vandalized. Tveit stated he has a hard time justifying throwing good money after bad money. Sandoval stated that he agreed with Tveit, however, neighborhoods should be reached out to regarding park closures. Sandoval stated he does not want to see the ice rink go away. Brown stated that the residents near these vandalized parks need to come forward with the individuals that are vandalizing these parks or be prepared to lose these parks.

9. **Reports from Council Members:** McClish stated that he would not be at the October 1<sup>st</sup> meeting. Sandoval asked if Ordinance 175 has taken effect yet? Hylen stated that the ordinance has been published; however, the ordinance can be discussed by Council with City Attorney Lepak at the October 1<sup>st</sup> meeting.

10. **Report from Mayor:** Mayor Tveit stated that he has received numerous phone calls regarding the potential 7% levy increase.

11. **Old Business:** None.

12. **New Business: Tour of the new Public Works/Police Building recess at 6:40 to continue at new building.**

13. **Adjournment:** Mayor Tveit and Councilmember Brown attended the tour of the new Police/Public Works facility. As no other Councilmember attended the tour, the City Council adjourned the meeting at 6:54 pm due to lack of quorum.

Respectfully submitted,

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Christopher Mickelson, Intern



License #	_____
Receipt	_____
Date:	_____
Fee Paid:	_____

**PUBLIC DANCE LICENSE**

Applicant Name: Leo D Zachar  
(First) (Middle) (Last)

Home address: 38115 21st St Date of Birth: 1/28,  
St. Francis, MN  
(Street, City, State, Zip Code)

Driver's License # \_\_\_\_\_ Home Telephone # \_\_\_\_\_

I hereby make application for a Public Dance License for the following establishment:

Palmer Lane & Lounge 3085 Bridge St St Francis  
(Name of Establishment) (Address)

Located in the City of St. Francis, Anoka County, Minnesota.

On-site Manager L. Zachar Location Telephone: 763-444-0281

Dance Schedule (days and hours): June 9-10, 2013 9 to 1  
or Pioneer Day Week end

Size of dance floor area: 20 X 40 sq ft

I agree the dance shall be conducted in accordance with the provisions and regulations of the City of St. Francis pertaining thereto.

I (have) (have not) been convicted of a felony, gross misdemeanor or of violating any of the provisions of the Laws of Minnesota or of any ordinance regulating dances any place in the United States during the past five years. If so, please list the date, location and offense:

I have read the applicable ordinances and am familiar with the content. I will strictly comply with all of the provisions. I agree to waive my constitutional rights against search and seizure and will freely permit peace officers to inspect my premises and agree to the forfeiture of this license if found to have violated the provisions of the Ordinance for the granting of this license. I hereby solemnly swear that the foregoing statements are true and correct to the best of my knowledge.

I have contacted the St. Francis Police Department at 763-753-1264 and arranged to have the required number of officers at the dance. (Officers Expense not included in Permit Fee)

(Date) 8/20/2012

[Signature]  
(Signature)

- \* Certificate of Insurance attached
- \* Driver's License or State Issued ID attached

## CONTRACT FOR SERVICES

This contract is entered into between the City of St. Francis, a municipal corporation under the laws of Minnesota (“City”) and Independent School District No.15, the St. Francis Public Schools (“District”), referred to collectively herein as the “Parties”.

### 1. Definitions

“Ordinary and routine repairs and maintenance” shall consist of changing oil and filters, greasing vehicles, repairing and/or replacing brakes, flushing antifreeze, changing tires, balancing tires, engine tune-ups (changing spark plugs and spark plug wires and timing vehicles) and installing new or rebuilt engines.

“Ordinary and routine repairs and maintenance” shall not include steering alignment or major engine repairs, including rebuilding engines.

### 2. Term of the Contract

The term of this agreement shall begin on the date on which it is executed by representatives of both Parties following approval by the City Council and the School Board and shall extend through June 30, 2015. Either party may exit this agreement at will upon 30 days written notice.

### 3. Extension(s) of the Contract

The term of the contract may, thereafter, be extended annually in one year increments effective upon the mutual and written agreement of the Parties.

### 4. Services to be provided by District

The District shall perform ordinary and routine preventative maintenance and repairs on all City vehicles, including Police Department vehicles, Fire Department vehicles/equipment, Public Works vehicles, portable and non-portable generators and maintenance equipment, as requested by an authorized City representative.

The authorized City representative shall be the Public Works Director or designee.

5. Inspection by the City upon the return of repairs to vehicles

An authorized representative of the City shall inspect any and all work performed by the District under this contract at the time of the return of a repaired vehicle to the City. The failure of a City representative to object, in writing, to the work performed hereunder by the District at the time of the return of a repaired vehicle to the City shall constitute acceptance by the City of the vehicle and the repairs and/or maintenance performed by the District.

The Parties agree that the District does not warrant the effectiveness of any part obtained on behalf of the City from a parts supplier and installed in connection with services provided under this contract.

**NO WARRANTY OF MERCHANTABILITY OR FITNESS**

The parties expressly agree that acceptance of a vehicle by the City's authorized representative following completion of repairs or maintenance under this Contract shall constitute a waiver of any implied or express warranty as to the quality or effectiveness of the repair or maintenance services performed under this Contract.

6. Priority of Services

City agrees and understands that the District shall give greater priority to the repair and maintenance of vehicles it uses for student transportation than the repair and maintenance of City vehicles. However, in emergency situations, discretion will be allowed for the prioritizing of repairs and service to all City vehicles and equipment.

7. Compensation for Services.

The City shall pay the District seventy five (\$75) per hour for light duty trucks and police vehicles and ninety (\$90) dollars per hour for other equipment services provided under this contract. Such charges shall not include the cost of parts necessary to complete repairs and maintenance of City vehicles. The parts supplier shall bill the City directly for the cost of all parts installed under this contract.

The District shall maintain time records for all repair and maintenance services provided under this contract and District shall prepare invoices for all services provided under this contract. Invoices reflecting all work performed by District shall be prepared on a monthly basis and shall promptly be mailed to the City Offices to the attention of Accounts Payable.

The City payment shall be due and owing within thirty (30) days of receipt of an invoice by the District.

City of St. Francis, by:

Independent School District No. 15, by:

\_\_\_\_\_

\_\_\_\_\_

(Title) \_\_\_\_\_

(Title) \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



PAYMENT BATCH AP 10-01-12

**3D SPECIALTIES INC.**

09/17/2012	440376	E 101-43100-226	Sign Repair Materials	TELESPAR	6,491.43
					\$6,491.43

**AIRGAS NORTH CENTRAL**

08/31/2012	9904188833	E 101-43100-217	Other Operating Supplies	CYLINDER RENTAL	4.36
08/31/2012	9904188833	E 101-43210-217	Other Operating Supplies	CYLINDER RENTAL	4.36
08/31/2012	9904188833	E 101-45200-217	Other Operating Supplies	CYLINDER RENTAL	4.36
08/31/2012	9904188833	E 601-49440-217	Other Operating Supplies	CYLINDER RENTAL	4.36
08/31/2012	9904188833	E 602-49490-217	Other Operating Supplies	CYLINDER RENTAL	4.36
					\$21.80

**ALEX AIR APPARATUS INC.**

09/24/2012	22495	E 101-42210-218	Equipment Repair & Maintenance	POSI CHECKS	1,687.55
					\$1,687.55

**ALLINA OCC MED**

06/30/2012	81874	E 101-45200-441	Miscellaneous	SEASONALS	150.00
08/31/2012	84043	E 101-42210-305	Medical & Testing Fees	NEW FIREFIGHTERS	2,179.00
					\$2,329.00

**AMERIPRIDE LINEN & APPAREL SER**

09/12/2012	1002243005	E 609-49750-219	Rug Maintenance	Rugs-Liquor Store	49.07
09/19/2012	1002249232	E 101-41940-219	Rug Maintenance	Rugs-City Hall	52.09
					\$101.16

**ASSURANT EMPLOYEE BENEFITS**

10/01/2012	5447229.1012	E 101-41400-130	Employer Paid Insurance	OCTOBER BILLING	143.79
10/01/2012	5447229.1012	E 101-41500-130	Employer Paid Insurance	OCTOBER BILLING	52.53
10/01/2012	5447229.1012	E 101-42110-130	Employer Paid Insurance	OCTOBER BILLING	567.03
10/01/2012	5447229.1012	E 101-42400-130	Employer Paid Insurance	OCTOBER BILLING	46.60
10/01/2012	5447229.1012	E 101-43100-130	Employer Paid Insurance	OCTOBER BILLING	79.59
10/01/2012	5447229.1012	E 101-43210-130	Employer Paid Insurance	OCTOBER BILLING	17.69
10/01/2012	5447229.1012	E 101-45200-130	Employer Paid Insurance	OCTOBER BILLING	79.59
10/01/2012	5447229.1012	E 601-49440-130	Employer Paid Insurance	OCTOBER BILLING	69.70
10/01/2012	5447229.1012	E 602-49490-130	Employer Paid Insurance	OCTOBER BILLING	69.70
10/01/2012	5447229.1012	E 609-49750-130	Employer Paid Insurance	OCTOBER BILLING	91.21
					\$1,217.43

**BAUER BUILT INC.**

08/30/2012	940010753	E 601-49440-221	Vehicle Repair & Maintenance	TIRES	475.73
08/30/2012	940010753	E 602-49490-221	Vehicle Repair & Maintenance	TIRES	475.73
08/30/2012	940010777	E 101-43100-221	Vehicle Repair & Maintenance	TIRES	475.73
08/30/2012	940010777	E 101-45200-221	Vehicle Repair & Maintenance	TIRES	475.73
08/30/2012	940010778	E 601-49440-221	Vehicle Repair & Maintenance	TIRES	246.39

08/30/2012	940010778	E 602-49490-221	Vehicle Repair & Maintenance	TIRES	246.39
08/30/2012	940011229	E 101-42210-221	Vehicle Repair & Maintenance	TIRES FOR TANKER	268.54
09/04/2012	940011571	E 101-42210-221	Vehicle Repair & Maintenance	TIRES	1,500.71
09/04/2012	940011571	E 101-43100-221	Vehicle Repair & Maintenance	TIRES	1,500.70
09/12/2012	940011755	E 101-43100-218	Equipment Repair & Maintenance	TIRES	114.64
09/26/2012	940012049	E 101-42210-221	Vehicle Repair & Maintenance	CREDIT	(149.98)
					<hr/>
					\$5,630.31

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**BELLBOY CORPORATION**

09/11/2012	75073300	E 609-49751-206	Freight and Fuel Charges	FREIGHT	20.15
09/11/2012	75073300	E 609-49751-251	Liquor For Resale	LIQUOR	1,006.00
					<hr/>
					\$1,026.15

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**BERNICK COMPANIES, THE**

09/21/2012	216322	E 609-49751-252	Beer For Resale	BEER	233.50
09/21/2012	216322	E 609-49751-255	N/A Products	N/A	20.50
					<hr/>
					\$254.00

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**BGS (BARNA GUZY)**

08/31/2012	105254	E 101-41600-312	Criminal Legal Fees	FORFEITURE-KIRBY HANSON	637.00
08/31/2012	105265	E 101-41600-312	Criminal Legal Fees	MISC FORFEITURES	26.00
					<hr/>
					\$663.00

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**BUSKEY, CRYSTAL**

09/13/2012	091312	E 609-49750-331	Travel Expenses	MILEAGE	44.40
					<hr/>
					\$44.40

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**CENTERPOINT ENERGY**

09/17/2012	5939160-7.0912	E 101-43100-383	Gas Utilities	PUBLIC WORKS	17.79
09/17/2012	5939160-7.0912	E 101-45200-383	Gas Utilities	PUBLIC WORKS	17.79
09/17/2012	5944643-5.0912	E 101-42110-383	Gas Utilities	POLICE/FIRE	16.31
09/17/2012	5944643-5.0912	E 609-49750-383	Gas Utilities	LIQUOR	12.85
09/17/2012	5945449-6.0912	E 101-42210-383	Gas Utilities	POLICE/FIRE	38.06
09/17/2012	5963820-5.0912	E 101-45200-383	Gas Utilities	WARMING HOUSE	12.85
09/17/2012	6002544-2.0912	E 601-49440-383	Gas Utilities	PUBLIC WORKS	6.42
09/17/2012	6002544-2.0912	E 602-49490-383	Gas Utilities	PUBLIC WORKS	6.43
09/17/2012	6002548-3.0912	E 602-49490-383	Gas Utilities	WWTP	19.28
09/17/2012	6886465-1.0912	E 101-41940-383	Gas Utilities	CITY HALL	12.85
09/17/2012	6886468-5.0912	E 101-41940-383	Gas Utilities	CITY HALL	12.85
09/17/2012	6886472-7.0912	E 101-41940-383	Gas Utilities	CITY HALL	12.85
09/17/2012	6886475-0.0912	E 101-41940-383	Gas Utilities	CITY HALL	12.85
09/17/2012	7900331-5.0912	E 601-49440-383	Gas Utilities	WATER	46.07
09/17/2012	8964221-9.0912	E 602-49490-383	Gas Utilities	AMBASSADOR	20.99
					<hr/>
					\$266.24

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**CENTURY LINK**

09/07/2012	1049.0912	E 601-49440-321	Telephone	PW phone	83.17
09/07/2012	1049.0912	E 602-49490-321	Telephone	PW phone	83.17
					<hr/>
					\$166.34

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**CLASSIC CONSTRUCTION**

09/19/2012	13867	E 101-43100-414	Storm Sewers	REMOVE & REPLACE 24" FLARE	385.78
09/19/2012	13868	E 101-43100-407	Gravel Repair & Maint	NEON ST NE	3,730.00

						\$4,115.78
<b>CONSTRUCTION &amp; GENERAL</b>						
09/25/2012	092512	G 101-21707	Union Dues	MAINT UNION DUES OCT 12		152.00
						\$152.00
<b>CRYSTAL SPRINGS ICE</b>						
09/11/2012	28094	E 609-49751-254	Miscellaneous Merchandise	MISC		113.60
09/18/2012	28138	E 609-49751-254	Miscellaneous Merchandise	MISC		151.30
						\$264.90
<b>DAHLHEIMER DIST. CO. INC.</b>						
09/12/2012	1037302	E 609-49751-252	Beer For Resale	BEER		3,302.95
09/12/2012	1037302	E 609-49751-254	Miscellaneous Merchandise	MISC		42.00
09/12/2012	1037302	E 609-49751-255	N/A Products	N/A		15.50
09/13/2012	7328	E 609-49751-254	Miscellaneous Merchandise	MISC		74.00
09/19/2012	1037343	E 609-49751-252	Beer For Resale	BEER		3,468.55
09/19/2012	1037343	E 609-49751-254	Miscellaneous Merchandise	MISC		136.00
						\$7,039.00
<b>DAY DISTRIBUTING CO.</b>						
09/14/2012	558458	E 609-49751-252	Beer For Resale	BEER		2,148.60
09/14/2012	668458	E 609-49751-252	Beer For Resale	BEER		(157.75)
						\$1,990.85
<b>DELTA DENTAL</b>						
09/15/2012	4948423	G 101-21711	Dental Insurance	OCTOBER INS		418.50
						\$418.50
<b>EAGLE GARAGE DOOR CO.</b>						
09/18/2012	3360	E 101-42110-401	Repairs/Maint Buildings	3 TRANSMITTERS		260.00
						\$260.00
<b>ECM PUBLISHERS, INC.</b>						
09/21/2012	IQ01804787	E 101-41910-351	Legal Notices Publishing	ORDINANCE-ZONING		194.75
09/21/2012	IQ01804788	E 101-41910-351	Legal Notices Publishing	ORDINANCE-METES & BOUNDS		61.50
						\$256.25
<b>EMERGENCY APARATUS MAINTENENC</b>						
07/16/2012	62936	E 101-42210-221	Vehicle Repair & Maintenance	WORK ON TANKER		852.33
08/06/2012	63375	E 101-42210-221	Vehicle Repair & Maintenance	WORK ON TANKER		761.55
						\$1,613.88
<b>GRANITE CITY JOBBING CO.</b>						
09/11/2012	735617	E 609-49751-254	Miscellaneous Merchandise	MISC		(1.00)
09/11/2012	735617	E 609-49751-256	Tobacco Products For Resale	TOBACCO		708.55
09/18/2012	736411	E 609-49750-210	Operating Supplies	OPERATING		152.64
09/18/2012	736411	E 609-49751-206	Freight and Fuel Charges	FREIGHT		4.25
09/18/2012	736411	E 609-49751-256	Tobacco Products For Resale	TOBACCO		769.50
09/18/2012	736411	G 101-20810	Sales Tax Payable	USE TAX		(0.88)
						\$1,633.06
<b>HACH COMPANY</b>						
08/23/2012	2076793	E 602-49490-235	Lab Supplies	CREDIT		(28.05)
09/14/2012	7943346	E 601-49440-235	Lab Supplies	CHEMICALS		542.25
09/14/2012	7943346	E 602-49490-235	Lab Supplies	CHEMICALS		111.56

09/17/2012	7945869	E 602-49490-235	Lab Supplies	BUFFER SOLUTION KIT	64.18
					\$689.94

**HAWKINS, INC.**

09/13/2012	3387247	E 601-49440-216	Chemicals and Chem Products	CHLORINE	2,188.16
					\$2,188.16

**INNOVATIVE OFFICE SOLUTIONS, L**

09/13/2012	0120013	E 101-41400-200	Office Supplies	OFFICE SUPPLIES	30.23
09/13/2012	0120013	E 101-42110-200	Office Supplies	OFFICE SUPPLIES	10.07
09/13/2012	0120013	E 101-42210-200	Office Supplies	OFFICE SUPPLIES	10.07
09/13/2012	0120013	E 101-43100-200	Office Supplies	OFFICE SUPPLIES	10.07
09/13/2012	0120013	E 101-45200-200	Office Supplies	OFFICE SUPPLIES	10.07
09/13/2012	0120013	E 601-49440-200	Office Supplies	OFFICE SUPPLIES	10.07
09/13/2012	0120013	E 602-49490-200	Office Supplies	OFFICE SUPPLIES	10.07
09/13/2012	0120013	E 609-49750-200	Office Supplies	OFFICE SUPPLIES	10.12
09/21/2012	IN0126144	E 101-41400-200	Office Supplies	BATTERIES	9.74
09/21/2012	IN0126144	E 101-42110-200	Office Supplies	BATTERIES	3.24
09/21/2012	IN0126144	E 101-42210-200	Office Supplies	BATTERIES	3.24
09/21/2012	IN0126144	E 101-43100-200	Office Supplies	BATTERIES	3.24
09/21/2012	IN0126144	E 101-45200-200	Office Supplies	BATTERIES	3.24
09/21/2012	IN0126144	E 601-49440-200	Office Supplies	BATTERIES	3.24
09/21/2012	IN0126144	E 602-49490-200	Office Supplies	BATTERIES	3.24
09/21/2012	IN0126144	E 609-49750-200	Office Supplies	BATTERIES	3.29
09/21/2012	IN0126146	E 101-43100-200	Office Supplies	INK CARTRIDGE	3.06
09/21/2012	IN0126146	E 101-45200-200	Office Supplies	INK CARTRIDGE	3.06
09/21/2012	IN0126146	E 601-49440-200	Office Supplies	INK CARTRIDGE	3.06
09/21/2012	IN0126146	E 602-49490-200	Office Supplies	INK CARTRIDGE	3.05
09/21/2012	IN0126147	E 101-43100-200	Office Supplies	INK CARTRIDGES	9.41
09/21/2012	IN0126147	E 101-45200-200	Office Supplies	INK CARTRIDGES	9.41
09/21/2012	IN0126147	E 601-49440-200	Office Supplies	INK CARTRIDGES	9.41
09/21/2012	IN0126147	E 602-49490-200	Office Supplies	INK CARTRIDGES	9.42
					\$183.12

**ISD #15**

09/05/2012	686	E 101-42210-221	Vehicle Repair & Maintenance	1990 CHEV TANKER	283.42
09/05/2012	692	E 101-42210-221	Vehicle Repair & Maintenance	2000 SPARTAN ENGINE	389.01
09/05/2012	693	E 101-42210-221	Vehicle Repair & Maintenance	04 FORD	67.12
09/05/2012	694	E 101-42210-221	Vehicle Repair & Maintenance	1998 CHEV TANKER	373.49
09/05/2012	698	E 101-42110-221	Vehicle Repair & Maintenance	2008 FORD	225.32
					\$1,338.36

**JADIN PAINTING INC.**

09/24/2012	11	E 601-49440-401	Repairs/Maint Buildings	PUMP HOUSE PAINTING	1,475.00
					\$1,475.00

**JJ TAYLOR DISTRIBUTING**

09/13/2012	1877752	E 609-49751-206	Freight and Fuel Charges	FREIGHT	3.00
09/13/2012	1877752	E 609-49751-252	Beer For Resale	BEER	176.30
					\$179.30

**JOHNSON BROS WHLSE LIQUOR**

09/19/2012	1393231	E 609-49751-206	Freight and Fuel Charges	FREIGHT	27.93
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09/19/2012	1393231	E 609-49751-251	Liquor For Resale	LIQUOR	1,346.34
09/19/2012	1393232	E 609-49751-206	Freight and Fuel Charges	FREIGHT	54.39
09/19/2012	1393232	E 609-49751-253	Wine For Resale	WINE	1,657.95
09/19/2012	1393233	E 609-49751-252	Beer For Resale	BEER	39.25
					\$3,125.86

**KEYS, KARLA**

09/24/2012	092412	E 101-42110-331	Travel Expenses	MILEAGE	56.92
					\$56.92

**KIMS KLEANING**

09/26/2012	2155	E 101-41940-402	Janitorial Service	CITY HALL	256.52
09/26/2012	2156	E 101-42210-402	Janitorial Service	FIRE DEPARTMENT	136.81
09/26/2012	2157	E 101-42110-402	Janitorial Service	POLICE DEPARTMENT	513.03
09/26/2012	2158	E 601-49440-233	Water Treatment Plant Maint	WATER PLANT	160.00
09/26/2012	2159	E 101-43100-402	Janitorial Service	PUBLIC WORKS	171.01
09/26/2012	2160	E 101-45000-402	Janitorial Service	COMMUNITY CENTER	85.51
					\$1,322.88

**LAW ENFORCEMENT LABOR SVCS.**

09/25/2012	092512	G 101-21707	Union Dues	POLICE UNION DUES - OCT 12	346.31
					\$346.31

**MCDONALD DIST CO.**

09/13/2012	311269	E 609-49751-206	Freight and Fuel Charges	FREIGHT	3.00
09/13/2012	311269	E 609-49751-252	Beer For Resale	BEER	8,661.45
09/13/2012	311269	E 609-49751-255	N/A Products	N/A	61.75
09/13/2012	311270	E 609-49751-254	Miscellaneous Merchandise	MISC	34.00
09/20/2012	311837	E 609-49751-206	Freight and Fuel Charges	FREIGHT	3.00
09/20/2012	311837	E 609-49751-252	Beer For Resale	BEER	3,143.80
09/20/2012	311837	E 609-49751-255	N/A Products	N/A	16.75
					\$11,923.75

**MIDCONTINENT COMMUNICATIONS**

09/25/2012	092512	E 101-41940-321	Telephone	City Hall	69.95
09/25/2012	092512	E 601-49440-321	Telephone	Well House	69.95
09/25/2012	092512	E 601-49440-321	Telephone	Public Works	34.97
09/25/2012	092512	E 601-49440-321	Telephone	Water Plant	69.95
09/25/2012	092512	E 602-49490-321	Telephone	Public Works	34.98
09/25/2012	092512	E 609-49750-321	Telephone	Liquor Store	69.95
					\$349.75

**MN DEPT OF HEALTH**

09/25/2012	761587.0912	E 602-49490-434	Permit Fees	MAINTENANCE PERMIT	50.00
					\$50.00

**MULVIHILL, DARCY**

09/24/2012	092412	E 101-41500-331	Travel Expenses	MILEAGE	127.65
					\$127.65

**MY ALARM CENTER**

08/24/2012	01436385	E 609-49750-445	Security	MONITORING 10/1/12 - 10/31/12	28.87
					\$28.87

**NELSON ELECTRIC MOTOR REPAIR**

09/15/2012	5971	E 602-49451-229	Project Repair & Maintenance	WEAR RINGS	213.75
09/19/2012	5976	E 602-49451-229	Project Repair & Maintenance	REPLACE #2 IMPELLER	1,010.72
					\$1,224.47

**NFPA**

09/15/2012	5621564Y	E 101-42210-209	Fire Prevention Supplies	FIRE PREVENTION SUPPLIES	628.95
					\$628.95

**NORTHERN AIR CORPORATION**

09/19/2012	84968	E 101-41940-401	Repairs/Maint Buildings	4 AIR RETURNS CH	692.00
					\$692.00

**PACE ANALYTICAL SERVICES**

09/19/2012	121223598	E 602-49490-313	Sample Testing	WASTEWATER	45.00
					\$45.00

**PAUSTIS & SONS**

09/10/2012	8365573-IN	E 609-49751-206	Freight and Fuel Charges	FREIGHT	10.50
09/10/2012	8365573-IN	E 609-49751-253	Wine For Resale	WINE	491.00
					\$501.50

**PHILLIPS WINE & SPIRITS CO.**

09/12/2012	2300949	E 609-49751-206	Freight and Fuel Charges	FREIGHT	20.83
09/12/2012	2300949	E 609-49751-251	Liquor For Resale	LIQUOR	1,213.54
09/12/2012	2300951	E 609-49751-206	Freight and Fuel Charges	FREIGHT	1.47
09/12/2012	2300951	E 609-49751-255	N/A Products	N/A	56.00
09/19/2012	2304477	E 609-49751-206	Freight and Fuel Charges	FREIGHT	7.35
09/19/2012	2304477	E 609-49751-251	Liquor For Resale	LIQUOR	561.50
09/19/2012	2304478	E 609-49751-206	Freight and Fuel Charges	FREIGHT	30.87
09/19/2012	2304478	E 609-49751-253	Wine For Resale	WINE	1,452.00
09/19/2012	2304479	E 609-49751-206	Freight and Fuel Charges	FREIGHT	1.47
09/19/2012	2304479	E 609-49751-255	N/A Products	N/A	56.00
					\$3,401.03

**RAMSEY, CITY OF**

09/18/2012	091812	E 101-42210-311	Contract	CHIEF'S KAPLER'S SERVICES - I	666.00
					\$666.00

**RELIANCE USA**

07/31/2012	72012	E 101-42210-212	Motor Fuels	DIESEL	141.50
					\$141.50

**SCHREDER, ANDY**

09/24/2012	092412	E 101-42400-331	Travel Expenses	MILEAGE	59.39
					\$59.39

**SHI INTERNATIONAL CORP**

09/04/2012	B00753518	E 101-42110-237	Small Equipment	DOCUMENT SCANNER	1,005.67
					\$1,005.67

**SIGNS BY RSG, INC.**

09/26/2012	766	E 101-43210-217	Other Operating Supplies	SIDEWALK SIGNS	587.81
					\$587.81

**SKINNER, MARLINE**

		E 101-42700-311	Contract	SEPTEMBER 2012	500.00
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\$500.00

**SOUTHERN WINE & SPIRITS OF MN**

09/13/2012	1916600	E 609-49751-206	Freight and Fuel Charges	FREIGHT	22.71
09/13/2012	1916600	E 609-49751-251	Liquor For Resale	LIQUOR	2,549.65
09/20/2012	1916640	E 609-49751-206	Freight and Fuel Charges	FREIGHT	10.00
09/20/2012	1916640	E 609-49751-251	Liquor For Resale	LIQUOR	378.38
09/20/2012	1916640	E 609-49751-253	Wine For Resale	WINE	208.00
					<u>\$3,168.74</u>

**STEMME, BRANDON**

09/24/2012	092412	E 101-42110-331	Travel Expenses	MILEAGE	61.05
					<u>\$61.05</u>

**SWENSON, KIMBERLY**

08/10/2012	081012	E 101-42210-208	Training and Instruction	TUITION & BOOKS	517.53
					<u>\$517.53</u>

**THORPE DISTRIBUTING COMPANY**

09/21/2012	714095	E 609-49751-252	Beer For Resale	BEER	63.20
09/21/2012	714096	E 609-49751-253	Wine For Resale	WINE	150.60
					<u>\$213.80</u>

**VINOCOPIA, INC.**

09/14/2012	0063054-IN	E 609-49751-206	Freight and Fuel Charges	FREIGHT	12.00
09/14/2012	0063054-IN	E 609-49751-253	Wine For Resale	WINE	400.00
					<u>\$412.00</u>

**WIRTZ BEVERAGE MN**

09/06/2012	868001	E 609-49751-206	Freight and Fuel Charges	FREIGHT	(2.90)
09/06/2012	868001	E 609-49751-251	Liquor For Resale	LIQUOR	(200.04)
09/06/2012	868010	E 609-49751-206	Freight and Fuel Charges	FREIGHT	(5.66)
09/12/2012	868372	E 609-49751-251	Liquor For Resale	LIQUOR	(10.91)
09/13/2012	104737	E 609-49751-206	Freight and Fuel Charges	FREIGHT	1.45
09/13/2012	105038	E 609-49751-206	Freight and Fuel Charges	FREIGHT	27.55
09/13/2012	105038	E 609-49751-251	Liquor For Resale	LIQUOR	1,058.66
09/13/2012	105038	E 609-49751-253	Wine For Resale	WINE	675.34
09/20/2012	108190	E 609-49751-206	Freight and Fuel Charges	FREIGHT	13.05
09/20/2012	108190	E 609-49751-251	Liquor For Resale	LIQUOR	753.49
09/20/2012	108190	E 609-49751-253	Wine For Resale	WINE	140.50
					<u>\$2,450.53</u>

\$77,305.87

FUND SUMMARY

101 GENERAL FUND	\$31,458.89
601 WATER FUND	\$5,497.90
602 SEWER FUND	\$2,453.97
609 MUNICIPAL LIQUOR FUND	\$37,895.11
Total	<u>77,305.87</u>



Minnesota Department of Public Safety  
**Alcohol and Gambling Enforcement Division (AGED)**  
 444 Cedar Street, Suite 222, St. Paul, MN 55101-5133  
 Telephone 651-201-7507 Fax 651-297-5259 TTY 651-282-6555

**Certification of an On Sale Liquor License, 3.2% Liquor license, or Sunday Liquor License**

**Cities and Counties:** You are required by law to complete and sign this form to certify the issuance of the following liquor license types:

- 1) City issued on sale intoxicating and Sunday liquor licenses
- 2) City and County issued 3.2% on and off sale malt liquor licenses

Name of City or County Issuing Liquor License St. Francis License Period From: Oct 1, 2012 To: Dec 31, 2012

Circle One: New License License Transfer \_\_\_\_\_ Suspension \_\_\_\_\_ Revocation \_\_\_\_\_ Cancel \_\_\_\_\_  
(former licensee name) (Give dates)

License type: (circle all that apply). On Sale Intoxicating Sunday Liquor 3.2% On sale 3.2% Off Sale

Fee(s): On Sale License fee: \$4,000 Sunday License fee: \$200 3.2% On Sale fee: \$ \_\_\_\_\_ 3.2% Off Sale fee: \$ \_\_\_\_\_

Licensee Name: Fran Four Inc. DOB \_\_\_\_\_ Social Security # \_\_\_\_\_  
(corporation, partnership, LLC, or Individual)

Business Trade Name Fran Four, Inc. dba Beef 'O' Brady's Business Address \_\_\_\_\_ City ST Francis

Zip Code 55070 County Anoka Business Phone \_\_\_\_\_ Home Phone \_\_\_\_\_

Home Address \_\_\_\_\_ City \_\_\_\_\_ Licensee's MN Tax ID # \_\_\_\_\_  
(To Apply call 651-296-6181)

Licensee's Federal Tax ID # \_\_\_\_\_  
(To apply call IRS 800-829-4933)

If above named licensee is a corporation, partnership, or LLC, complete the following for each partner/officer:

Amy Beth Garit 23644 Heather St. NW  
 Partner/Officer Name (First Middle Last) DOB \_\_\_\_\_ Social Security # \_\_\_\_\_ Home Address ST Francis 55070

Matthew Karl Zeece 23644 Heather ST Francis, MN  
 Partner/Officer Name (First Middle Last) DOB \_\_\_\_\_ Social Security # \_\_\_\_\_ Home Address 55070

Intoxicating liquor licensees must attach a certificate of Liquor Liability Insurance to this form. The insurance certificate must contain all of the following:

- 1) Show the exact licensee name (corporation, partnership, LLC, etc) and business address as shown on the license.
- 2) Cover completely the license period set by the local city or county licensing authority as shown on the license.

Circle One: (Yes No) During the past year has a summons been issued to the licensee under the Civil Liquor Liability Law?

Workers Compensation Insurance is also required by all licensees: Please complete the following:

Workers Compensation Insurance Company Name: \_\_\_\_\_ Policy # \_\_\_\_\_

I Certify that this license(s) has been approved in an official meeting by the governing body of the city or county.

City Clerk or County Auditor Signature \_\_\_\_\_ Date \_\_\_\_\_  
(title)

**On Sale Intoxicating liquor licensees must also purchase a \$20 Retailer Buyers Card. To obtain the application for the Buyers Card, please call 651-201-7504, or visit our website at [www.dps.state.mn.us](http://www.dps.state.mn.us).**



23340 Cree Street NW, St. Francis, MN 55070  
763-753-2630 FAX: 763-753-9881

AMUSEMENT MACHINE LICENSE APPLICATION

3.75 3.75  
\$15.00 Per location plus \$15.00 per machine

NAME OF BUSINESS Fran Four Inc DBA Beef O'Brady's  
STREET ADDRESS 23212 St Francis Blvd Suite 700  
MAILING ADDRESS Same as above  
NAME OF OWNER Amy Gavit  
BUSINESS PHONE \_\_\_\_\_ HOME PHONE 763-248-2104  
MACHINE VENDOR Dean Vending  
MAILING ADDRESS 2323 E. 25<sup>th</sup> Street Minneapolis, MN 55406  
PHONE 612-721-3393

TYPE OF MACHINE:

NUMBER OF MACHINES:

JukeBox Touch tunes \_\_\_\_\_ 1  
 Video games \_\_\_\_\_ 5  
Crime game \_\_\_\_\_ 1  
Merchandisers \_\_\_\_\_ 2

I hereby certify that all information contained in this application is true and correct. I understand that false information is cause for denial or revocation of the license.

9/26/12 \_\_\_\_\_ Amy Gavit \_\_\_\_\_ Treasurer Fran Four Inc  
Date Signature Title

\*\*\*\*\*

Receipt # 4294 Date 9/26/12 Amount \$ 37.50  
Sales Tax Form \_\_\_\_\_ Worker's Comp Form \_\_\_\_\_  
Fire Dept. Inspection \_\_\_\_\_  
Police Dept. \_\_\_\_\_  
License # \_\_\_\_\_ Council Approved: \_\_\_\_\_



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
09/17/12

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

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

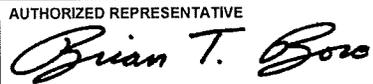
PRODUCER Pritchard & Jerden, Inc. 3 Piedmont Center, Suite 700 Atlanta, GA 30305-4604 Select Business Unit	404-238-9090	CONTACT NAME:	
		PHONE (A/C, No, Ext):	FAX (A/C, No):
		E-MAIL ADDRESS:	
		INSURER(S) AFFORDING COVERAGE	NAIC #
		INSURER A : <b>Hartford Insurance Company</b>	
INSURED <b>Fran Four Inc</b> <b>DBA Beef O' Bradys</b> <b>23212 St Francis Blvd. Ste 700</b> <b>St. Francis, MN 55070</b>		INSURER B :	
		INSURER C :	
		INSURER D :	
		INSURER E :	
		INSURER F :	

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

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR   WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> GENERAL LIABILITY		20SBAAF2971	09/05/12	09/05/13	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					MED EXP (Any one person) \$ 5,000
						PERSONAL & ADV INJURY \$ 1,000,000
						GENERAL AGGREGATE \$ 2,000,000
GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG \$ 2,000,000
<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						\$
A	<input type="checkbox"/> AUTOMOBILE LIABILITY		20SBAAF2971	09/05/12	09/05/13	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS				BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS	<input checked="" type="checkbox"/> NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident) \$
						\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB	<input checked="" type="checkbox"/> OCCUR	20SBAAF2971	09/05/12	09/05/13	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE				AGGREGATE \$ 1,000,000
	<input type="checkbox"/> DED	<input type="checkbox"/> RETENTION \$				<b>Retention</b> \$ 10,000
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						
ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / N N / A						
If yes, describe under DESCRIPTION OF OPERATIONS below						
A	Liquor Liability		20SBAAF2971	09/05/12	09/05/13	Occurrence 1,000,000
						Aggregate 2,000,000

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

<b>CERTIFICATE HOLDER</b>  <p style="text-align: center;">FOR INF</p> <p style="text-align: center;">For Information Purposes Only</p>	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 



DESIGN/BUILD | CONSTRUCTION MANAGEMENT | GENERAL CONTRACTING

September 25, 2012

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

Attention: Matt Hysten, P.E., City Administrator

Subject: Fire Station & PW Storage – Recommendation to award contracts for construction

Dear Mr. Hysten:

Please find attached the Bid Tabulation for the roofing bids received at the bid opening, dated 9/19/2012. Based upon the information included therein, we are recommending that the City Council take action on the following items:

1. Award the following contract for construction (can be one action item):
  - a. C-01 Re-roof Lake Area Roofing

The amount of the contract awarded shall be the total of the Fire Station and PW Storage Building.

### Background

All in all I think that we had a good turnout for the bid opening which was held on September 19<sup>th</sup>, 2012. A total of seven contractors submitted bids to complete the re-roof of the Fire Station and the PW Storage Building.

As you can see in the bid tab that has been attached, there was a good spread of numbers for this project. The low bidder, Lake Area Roofing, had a base bid totaling \$113,227. All Elements Inc was the second low bidder with a base bid totaling \$119,360, followed by Rosenquist Construction with a base bid totaling \$138,870.

Unfortunately, we did have to throw one bid out. Central Roofing Company, which would have been the second low bidder with a base bid totaling \$115,106, did not include a bid bond with their bid. Because they did not follow the proper bid requirements, their bid is automatically rejected.

None of the bids that we received included a price for the alternate that was shown on the plans. We would recommend soliciting proposals from utility contractors to complete all of the work as described in the alternate. We would recommend installing underground piping from the existing storm sewer, up to the base of the building where the downspouts are located. The storm water from the roof would drain into the downspouts, through a grate in the asphalt at the base of the building, and into the underground piping leading to the storm sewer.

After speaking with all three of the low bidders, we recommend awarding the contract to Lake Area Roofing. Below is the breakdown of their bid.

a. Fire Station	\$83,675
b. Storage Building	\$29,552
c. Base Bid	\$113,227
d. TOTAL AWARD	\$113,227



DESIGN/BUILD | CONSTRUCTION MANAGEMENT | GENERAL CONTRACTING

Please call me if you need additional information prior to the meeting. Thank you for the opportunity to present this information.

Sincerely,  
Amcon

Adam Winberg  
Assistant Project Manager



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

\* Also Licensed in Wisconsin

# BGS

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WILLIAM D. SIEGEL  
TIMOTHY D. ERB  
KAREN K. KURTH  
ANGELA M. WOESSNER  
ADRIEL B. VILLARREAL  
TAMMY J. SCHEMMEL  
JOE M. WEARMOUTH  
SHELDON M. CLARK

OF COUNSEL  
W. JAMES VOGL, JR.

### MEMORANDUM

TO: St. Francis Mayor, City Council and City Administrator  
FROM: Scott Lepak, City Attorney  
RE: Lawful gambling - use of proceeds and trade area amendments  
DATED: September 26, 2012

I received the communication from the St. Francis American Legion regarding the recently amended ordinance on lawful gambling. I also reviewed the City Council discussion on September 17, 2012.

#### Process

The current status of the ordinance is that it will go into effect after the required thirty (30) day publication period. The only way that the ordinance can be changed is by amending it in the same manner it was passed - through a first and second reading and publication.

#### Issues and Discussion

In reviewing the Legion's request and the Council discussion, it is my understanding that the following issues have been raised:

- a. The Legion and Council discussion included the question of whether the City could exempt the Legion from the ten percent and expenditure provisions of the ordinance.
- b. The Legion is objecting to the portion of the recently revised ordinance establishing the City fund for ten percent (10%) of net profits. Discussion by the council appears to
- c. Whether the expenditure limitations requiring all expenditures to fall within the City or its trade area may be removed.
- d. Whether the "owned or leased premises" of the ordinance prohibits linked bingo.

My review of these issues is as follows:

1. The City cannot exempt the Legion from certain provisions in the ordinance.

Rationale: The City cannot have the revised ordinance apply to some but not all lawful gambling entities. The applicable statute (Minn. Stat. Sec. 349.21) that allows for City regulation of lawful gambling specifically provides:

(h) A more stringent regulation or prohibition of lawful gambling adopted by a political subdivision under this subdivision must apply equally to all forms of lawful gambling within the jurisdiction of the political subdivision, except a political subdivision may prohibit the use of paddlewheels.

2. The City can remove the ten percent (10%) provision from the ordinance by amending the ordinance.

Rationale: Creation of this fund is voluntary but must be done by ordinance. As noted above, the City ordinance cannot exempt the Legion from the ten percent (10%) fund and have it apply to other organizations conducting lawful gambling in the City.

3. The expenditure limitations requiring all expenditures to fall within the City or its trade area may be removed by amending the ordinance.

Rationale: As noted above, the City ordinance cannot exempt the Legion from the lawful expenditure requirement and have it apply to other organizations conducting lawful gambling in the City. Note however, that the City cannot go back to the old language in C to the extent that it limits expenditures to an area that is narrower than the City's trade area. The applicable statute (Minn. Stat. Sec. 349.21) provides:

(g) A statutory or home rule city or county may by ordinance require that a licensed organization conducting lawful gambling within its jurisdiction expend all or a portion of its expenditures for lawful purposes on lawful purposes conducted or located within the city's or county's trade area. Such an ordinance must be limited to lawful purpose expenditures of gross profits derived from lawful gambling conducted at premises within the city's or county's jurisdiction, must define the city's or county's trade area, and must specify the percentage of lawful purpose expenditures which must be expended within the trade area. A trade area defined by a city under this subdivision must include each city and township contiguous to the defining city.

4. The "organization" or the "owned or leased premises" portions of the ordinance do not prohibit linked bingo.

Rationale: The City's ordinance is subject to state law. Any contrary provision in the ordinance would not be enforced to the extent that it is governed by state law. For

example, the broader definition of state law would apply to Section 6-5-1(C) defines organization as “any fraternal, religious, veterans or other non-profit organization located in the City.” This definition and premises provision has periodically come up for some discussion over the past but has never been amended by the City. In order to comply with applicable state statutes, the definition has been liberally interpreted in order to recognize that the requirement that the organization be located in the City is met if the gambling occurs within the City. A revision of this section could be accomplished by adopting the following definition:

C. “Organization” means ~~any fraternal, religious, veterans or other non-profit organization located in the City~~ an organization licensed by the Board.

The premises ownership/lease provisions of Section 6-5-3(A) was amended in the most recent ordinance change. It now provides (with the change highlighted) as follows:

A. Premises. If the organization owns or leases property for organizational activities, which may or may not include lawful gambling activities, a majority in value of such real property shall be situated within the City. If the organization owns or leases no real property except that it leases space on real property for lawful gambling activities only, such premises shall be licensed under City Code, Chapter 5 for on-sale of liquor. If the organization carries on lawful gambling upon leased premises, such lease shall comply with all applicable laws, ~~be in writing and for a term of at least one (1) year, and the rental payments shall not be based upon a percentage of receipts or profits from such gambling.~~

My interpretation of this change is that if the lawful gambling occurs on leased premises, then state law applies. State law permits electronic linked bingo. As long as the leased premises are licensed for on-sale of liquor, it is a permissible use.

Given the substantial discussion and feedback on this issue, the Council can take one of the following actions:

- a. continue to utilize the ordinance as recently amended.
- b. amend the ordinance. As I understand the discussion, such amendment would include one or more of the following changes:
  1. Remove the ten percent fund.
  2. Remove the requirement of expenditures in the City and trade area.
  3. Revise the definition of “organization” to simply refer to an entity licensed by the gambling board.
  4. Delete the premises definition of Section 6-5-3

The proposed potential changes are attached to this memo.

c. Amend the statute by adopting a model ordinance.

Given the extensive nature of the recent gambling ordinance review, the Council may wish to discard the longstanding ordinance. I have included the model ordinance for Council's review and consideration in this memo (following the potential changes to the existing ordinance). This model ordinance has been revised to remove the "gambling tax" element of the model ordinance given the City Council's prior discussion and decision not to impose a gambling tax.

Council direction is requested if it wishes to amend the existing lawful gambling ordinance.

EXISTING ORDINANCE AMENDED TO ADDRESS ISSUES DISCUSSED IN September 26,  
2012 MEMO FROM CITY ATTORNEY:

Section 1. Code Adopted. That Section 6-5-1(C) entitled Organization shall hereby be amended to read as follows:

C. "Organization" means ~~any fraternal, religious, veterans or other non-profit organization located in the City~~ an organization licensed by the Board.

Section 2. Code Adopted. That Section 6-5-3 entitled "Gambling Proceeds" shall hereby be amended to read as follows:

6-5-3: Gambling Regulations.

~~A. Premises. If the organization owns or leases property for organizational activities, which may or may not include lawful gambling activities, a majority in value of such real property shall be situated within the City. If the organization owns or leases no real property except that it leases space on real property for lawful gambling activities only, such premises shall be licensed under City Code, Chapter 5 for on-sale of liquor. If the organization carries on lawful gambling upon leased premises, such lease shall comply with all applicable laws.~~

~~B. Expenditures. All (100%) of gross profits from the premises of each licensed organization conducting lawful gambling within St. Francis must be expended for lawful purposes.~~

C Limitations on Licenses. No organizations shall hold more than one license from the Board which authorizes lawful gambling at more than one location, whether such location be within or without the City.

~~D E.~~ Special Bingo Regulations. Bingo shall only be conducted by an organization which has been in existence for at least three (3) years, has at least thirty (30) active members, and on premises which it owns. This Section D does not apply to electronic linked bingo. Electronic linked bingo within the City shall comply with all applicable laws.

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:

\_\_\_\_\_  
Barbara I. Held, City Clerk

MODEL ORDINANCE

**AN ORDINANCE AUTHORIZING AND REGULATING  
THE CONDUCT OF LAWFUL GAMBLING WITHIN  
THE CITY OF ST. FRANCIS, MINNESOTA**

THE CITY OF ST. FRANCIS ORDAINS:

Section 1. Code Adopted. That Section 6-5 entitled "Gambling Proceeds" shall hereby be amended to read as follows:

**SECTION 6-5-1. ADOPTION OF STATE LAW BY REFERENCE**

The provisions of Minn. Stat. ch. 349, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, provisions relating to sales, and all other matters pertaining to lawful gambling are hereby adopted by reference and are made a part of this ordinance as if set out in full. It is the intention of the Council that all future amendments of Minn. Stat. ch. 349, are hereby adopted by reference or referenced as if they had been in existence at the time this ordinance was adopted.

**SECTION 6-5-2. CITY MAY BE MORE RESTRICTIVE THAN STATE LAW**

The Council is authorized by the provisions of Minn. Stat. § 349.213, as it may be amended from time to time, to impose, and has imposed in this ordinance, additional restrictions on gambling within its limits beyond those contained in Minn. Stat. ch. 349, as it may be amended from time to time.

**SECTION 6-5-3. PURPOSE**

The purpose of this ordinance is to regulate lawful gambling within the City of St. Francis, to prevent its commercialization, to insure the integrity of operations, and to provide for the use of net profits only for lawful purposes.

**SECTION 6-5-4. DEFINITIONS**

In addition to the definitions contained in Minn. Stat. § 349.12, as it may be amended from time to time, the following terms are defined for purposes of this ordinance:

*BOARD*, as used in this ordinance, means the State of Minnesota Gambling Control Board.

*CITY*, as used in this ordinance, means the City of St. Francis.

*COUNCIL*, as used in this ordinance, means the City Council of the City of St. Francis.

*LICENSED ORGANIZATION*, as used in this ordinance, means an organization licensed by the Board.

*LOCAL PERMIT*, as used in this ordinance, means a permit issued by the city.

*TRADE AREA*, as used in this ordinance, means the City of St. Francis, the Cities of Elk River, Nowthen, Oak Grove, East Bethel, Bethel and the townships of Stanford and Athens.

#### **SECTION 6-5-5. APPLICABILITY**

This ordinance shall be construed to regulate all forms of lawful gambling within the city except bingo conducted within a nursing home or a senior citizen housing project or by a senior citizen organization if the prizes for a single bingo game do not exceed \$10, total prizes awarded at a single bingo occasion do not exceed \$200, no more than two bingo occasions are held by the organization or at the facility each week, only members of the organization or residents of the nursing home or housing project are allowed to play in a bingo game, no compensation is paid for any persons who conduct the bingo, and a manager is appointed to supervise the bingo.

#### **SECTION 6-5-6. LAWFUL GAMBLING PERMITTED**

Lawful gambling is permitted within the city provided it is conducted in accordance with Minn. Stat. §§ 609.75-.763, inclusive, as they may be amended from time to time; Minn. Stat. §§ 349.11-.23, inclusive, as they may be amended from time to time; and this ordinance.

#### **SECTION 6-5-7. COUNCIL APPROVAL**

Lawful gambling authorized by Minn. Stat. §§ 349.11-.23, inclusive, as they may be amended from time to time, shall not be conducted unless approved by the Council, subject to the provisions of this ordinance and state law.

#### **SECTION 6-5-8. APPLICATION AND LOCAL APPROVAL OF PREMISES PERMITS**

**Subd. 1.** Any organization seeking to obtain a premises permit from the Board shall file with the city clerk an executed, complete duplicate application, together with all exhibits and documents accompanying the application as will be filed with the Board.

**Subd. 2.** Upon receipt of an application for issuance of a premises permit, the city clerk shall transmit the application to the chief of police for review and recommendation.

**Subd. 3.** The chief of police shall investigate the matter and make the review and recommendation to the City Council as soon as possible, but in no event later than 45 days following receipt of the notification by the city.

**Subd. 4.** Organizations applying for a state-issued premises permit shall pay the city a \$100 investigation fee. This fee shall be refunded if the application is withdrawn before the investigation is commenced. If approved by the City Council and the Board, a licensed organization will be responsible for an annual investigative fee for conducting lawful gambling within the city.

**Subd. 5.** The applicant shall be notified in writing of the date on which the Council will consider the recommendation.

**Subd. 6.** The Council shall receive the police chief's report and consider the application within 45 days of the date the application was submitted to the city clerk.

**Subd. 7.** The Council shall by resolution approve or disapprove the application within 60 days of receipt of the application.

**Subd. 8.** The Council shall deny an application for issuance or renewal of a premises permit for any of the following reasons:

- (i) Violation by the gambling organization of any state statute, state rule, or city ordinance relating to gambling within the last three (3) years.
- (ii) Violation by the on-sale establishment or organization leasing its premises for gambling of any state statute, state rule, or city ordinance relating to the operation of the establishment, including, but not limited to, laws relating to alcoholic beverages, gambling, controlled substances, suppression of vice, and protection of public safety within the last three (3) years.
- (iii) Lawful gambling would be conducted at premises other than those for which an on-sale liquor license has been issued.
- (iv) Lawful gambling would be conducted at more than \_\_ premises within the city.
- (v) An organization would be permitted to conduct lawful gambling activities at more than one (1) premises in the city.
- (vi) More than one licensed organization would be permitted to conduct lawful gambling activities at one (1) premises.
- (vii) Failure of the applicant to pay the investigation fee provided by Subdivision 4 within the prescribed time limit.
- (viii) Operation of gambling at the site would be detrimental to health, safety, and welfare of the community.

Otherwise, the Council shall pass a resolution approving the application.

#### **SECTION 6-5-9. LOCAL PERMITS**

**Subd. 1.** No organization shall conduct lawful gambling excluded or exempted from state licensure requirements by Minn. Stat. § 349.166, as it may be amended from time to time, without a valid local permit. This section shall not apply to lawful gambling exempted from local regulation by Section 5 of this ordinance.

**Subd. 2.** Applications for issuance or renewal of a local permit shall be on a form prescribed by the city. The application shall contain the following information:

- (i) Name and address of the organization requesting the permit.
- (ii) Name and address of the officers and person accounting for receipts, expenses, and profits for the event.
- (iii) Dates of gambling occasion for which permit is requested.
- (iv) Address of premises where event will occur.
- (v) Copy of rental or leasing arrangement, if any, connected with the event, including rent to be charged to the organization.
- (vi) Estimated value of prizes to be awarded.

**Subd. 3.** The fee for a local permit shall be \$100. The fee shall be submitted with the application for a local permit. This fee shall be refunded if the application is withdrawn before the investigation is commenced.

**Subd. 4.** Upon receipt of an application for issuance or renewal of a local permit, the city clerk shall transmit the notification to the chief of police for review and recommendation.

**Subd. 5.** The chief of police shall investigate the matter and make review and recommendation to the City Council as soon as possible, but in no event later than 45 days following receipt of the notification by the city.

**Subd. 6.** The applicant shall be notified in writing of the date on which the Council will consider the recommendation.

**Subd. 7.** The Council shall receive the public safety department's report and consider the application within 45 days of the date the application was submitted to the city clerk.

**Subd. 8.** The Council shall deny an application for issuance or renewal of a premises permit for any of the following reasons:

- (i) Violation by the gambling organization of any state statute, state rule, or city ordinance relating to gambling within the last three (3) years.
- (ii) Violation by the on-sale establishment, or organization leasing its premises for gambling, of any state statute, state rule, or city ordinance relating to the operation of the establishment, including, but not limited to, laws relating to the operation of the establishment, laws relating to alcoholic beverages, gambling, controlled substances, suppression of vice, and protection of public safety within the last three (3) years.
- (iii) The organization has not been in existence in the city for at least three (3) consecutive years prior to the date of application.
- (iv) The organization does not have at least thirteen (13) active and voting members.

- (v) Exempted or excluded lawful gambling will not take place at a premises the organization owns or rents.
- (vi) Exempted or excluded lawful gambling will not be limited to a premises for which an on-sale liquor license has been issued.
- (vii) Exempted or excluded lawful gambling will occur at more than \_\_\_\_ premises within the city.
- (viii) An organization will have a permit to conduct exempted or excluded lawful gambling activities on more than one (1) premises in the city.
- (ix) More than one licensed, qualified organization will be conducting exempted or excluded lawful gambling activities at any one (1) premises.
- (x) Failure of the applicant to pay the permit fee provided by subdivision 3 within the prescribed time limit.
- (xi) Operation of gambling at the site would be detrimental to health, safety, and welfare of the community.

Otherwise the Council shall approve the application.

**Subd. 9.** Local permits shall be valid for one (1) year after the date of issuance unless suspended or revoked.

#### **SECTION 6-5-10. REVOCATION AND SUSPENSION OF LOCAL PERMIT**

**Subd. 1.** A local permit may be revoked or temporarily suspended for a violation by the gambling organization of any state statute, state rule, or city ordinance relating to gambling.

**Subd. 2.** A license shall not be revoked or suspended until written notice and an opportunity for a hearing have first been given to the permitted person. The notice shall be personally served or sent by certified or registered mail. If the person refuses to accept notice, notice of the violation shall be served by posting it on the premises. Notice shall state the provision reasonably believed to be violated and shall also state that the permitted person may demand a hearing on the matter, in which case the permit will not be suspended until after the hearing is held. If the permitted person requests a hearing, the Council shall hold a hearing on the matter at least one week after the date on which the request is made. If, as a result of the hearing, the Council finds that an ordinance violation exists, then the Council may suspend or revoke the permit.

#### **SECTION 6-5-11. LICENSE AND PERMIT DISPLAY**

All permits issued under state law or this ordinance shall be prominently displayed during the permit year at the premises where gambling is conducted.

#### **SECTION 6-5-12. NOTIFICATION OF MATERIAL CHANGES TO APPLICATION**

An organization holding a state-issued premises permit or a local permit shall notify the city within ten (10) days in writing whenever any material change is made in the information submitted on the application.

#### **SECTION 6-5-13. CONTRIBUTION OF NET PROFITS TO FUND ADMINISTERED BY CITY**

**Subd. 1.** Each organization licensed to conduct lawful gambling within the city pursuant to Minn. Stat. § 349.16, as it may be amended from time to time, shall contribute ten percent (10%) of its net profits derived from lawful gambling in the city to a fund administered and regulated by the city without cost to the fund. The city shall disburse the funds for charitable contributions as defined by Minn. Stat. § 349.12, subd. 7a, as it may be amended from time to time.

**Subd. 2.** Payment under this section shall be made on the last day of each month.

**Subd. 3.** The city's use of such funds shall be determined at the time of adoption of the city's annual budget or when the budget is amended.

#### **SECTION 6-5-14. DESIGNATED TRADE AREA**

**Subd. 1.** Each organization licensed to conduct gambling within the city shall expend one hundred percent (100%) of its lawful purpose expenditures on lawful purposes conducted within the city's trade area.

**Subd. 2.** This section applies only to lawful purpose expenditures of gross profits derived from gambling conducted at a premises within the city's jurisdiction.

#### **SECTION 6-5-15. RECORDS AND REPORTING**

**Subd. 1.** Organizations conducting lawful gambling shall file with the city clerk one copy of all records and reports required to be filed with the Board, pursuant to Minn. Stat. ch. 349, as it may be amended from time to time, and rules adopted pursuant thereto, as they may be amended from time to time. The records and reports shall be filed on or before the day they are required to be filed with the Board.

**Subd. 2.** Organizations licensed by the Board shall file a report with the city proving compliance with the trade area spending requirements imposed by Section 16. Such report shall be made on a form prescribed by the city and shall be submitted annually.

#### **SECTION 6-5-16. HOURS OF OPERATION**

Lawful gambling shall not be conducted between 1 a.m. and 8 a.m. on any day of the week.

#### **SECTION 6-5-17. PENALTY**

Any person who violates any provision of this ordinance; Minn. Stat. §§ 609.75-609.763, inclusive, as they may be amended from time to time; or Minn. Stat. §§ 349.11-349.21, as they may be amended from time to time; or any rules promulgated under those sections, as they may be amended from time to time, shall be guilty of a misdemeanor and subject to a fine of not more than \$1,000 or imprisonment for a term not to exceed 90 days, or both, plus in either case the costs of prosecution. In addition, violations shall be reported to the Board and recommendation shall be made for suspension, revocation, or cancellation of an organization's license.

**SECTION 6-5-18. SEVERABILITY**

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

Section 2. 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

**349.213 LOCAL AUTHORITY.**

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Subdivision 1. **Local regulation.**

(a) A statutory or home rule city or county has the authority to adopt more stringent regulation of lawful gambling within its jurisdiction, including the prohibition of lawful gambling.

(b) A statutory or home rule city or county may require a permit for the conduct of gambling exempt from licensing under section 349.166. The fee for a permit issued under section 349.166 may not exceed \$100.

(c) The authority granted by this subdivision does not include the authority to require a license or fee for a license or permit to conduct gambling by organizations, gambling managers, gambling employees, or sales by distributors or linked bingo game providers licensed by or registered with the board.

(d) The authority granted by this subdivision does not include the authority to require an organization to make specific expenditures of more than ten percent per year from its net profits derived from lawful gambling.

(e) For the purposes of this subdivision, net profits are gross profits less amounts expended for allowable expenses and paid in taxes assessed on lawful gambling.

(f) A statutory or home rule charter city or a county may not require an organization conducting lawful gambling within its jurisdiction to make an expenditure to the city or county as a condition to operate within that city or county, except:

(1) as authorized under section 349.16, subdivision 8, or 297E.02; or

(2) by an ordinance requirement that such organizations must contribute ten percent per year of their net profits derived from lawful gambling conducted at premises within the city's or county's jurisdiction to a fund administered and regulated by the responsible local unit of government without cost to such fund. The funds must be disbursed by the local unit of government for (i) charitable contributions as defined in section 349.12, subdivision 7a, or (ii) police, fire, and other emergency or public safety-related services, equipment, and training, excluding pension obligations. A contribution made by an organization is not considered an expenditure to the city or county nor a tax under section 297E.02, and is valid and lawful. A city or county receiving and making expenditures authorized under this clause must by March 15 of each year file a report with the board, on

a form the board prescribes, that lists all such revenues collected, interest received on fund balances, and expenditures for the previous calendar year.

(g) A statutory or home rule city or county may by ordinance require that a licensed organization conducting lawful gambling within its jurisdiction expend all or a portion of its expenditures for lawful purposes on lawful purposes conducted or located within the city's or county's trade area. Such an ordinance must be limited to lawful purpose expenditures of gross profits derived from lawful gambling conducted at premises within the city's or county's jurisdiction, must define the city's or county's trade area, and must specify the percentage of lawful purpose expenditures which must be expended within the trade area. A trade area defined by a city under this subdivision must include each city and township contiguous to the defining city.

(h) A more stringent regulation or prohibition of lawful gambling adopted by a political subdivision under this subdivision must apply equally to all forms of lawful gambling within the jurisdiction of the political subdivision, except a political subdivision may prohibit the use of paddlewheels.

**Subd. 2. Local approval.**

The board may not issue an initial premises permit unless approval is received from:

- (1) the city council of the statutory or home rule city in which the organization's premises is located; or
- (2) the county board of the county where the premises is located.

The organization must submit a resolution from the city council or county board approving the premises permit. The resolution must have been adopted within 90 days of the date of application for the new permit.

**Subd. 3. Local gambling tax.**

A statutory or home rule charter city that has one or more licensed organizations operating lawful gambling, and a county that has one or more licensed organizations outside incorporated areas operating lawful gambling, may impose a local gambling tax on each licensed organization within the city's or county's jurisdiction. The tax may be imposed only if the amount to be received by the city or county is necessary to cover the costs incurred by the city or county to regulate lawful gambling. The tax imposed by this subdivision may not exceed three percent per year of the gross receipts of a licensed organization from all lawful gambling less prizes actually paid out by the organization. A city or county may not use money collected under this subdivision for any purpose other than to regulate lawful gambling. All documents pertaining to site inspections, fines, penalties, or other corrective action involving local lawful gambling regulation must be shared with the board within 30 days of filing at the city or county of jurisdiction. A tax

imposed under this subdivision is in lieu of all other local taxes and local investigation fees on lawful gambling. A city or county that imposes a tax under this subdivision shall annually, by March 15, file a report with the board in a form prescribed by the board showing (1) the amount of revenue produced by the tax during the preceding calendar year, and (2) the use of the proceeds of the tax.

575715-v2

## **PLANNING REPORT**

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

**FROM:** Nate Sparks, City Planner

**DATE:** September 25, 2012

**RE:** Temporary Habitation Ordinance Amendment

### **BACKGROUND**

The Planning Commission reviewed the City Code sections regarding habitation in temporary structures during construction activities. The City has had some issues in the past with getting the temporary structures removed from the site after the building permit has been closed. Also, some potential applicants have expressed that the procedure is unclear and confusing. Thus, this amendment is seeking to create clearer expectations procedurally and for financial securities more in line with the Council's current expectations.

### **PROPOSED ORDINANCE AMENDMENTS**

The practice of the City is to have temporary occupancies in temporary structures reviewed by the Council prior to being permitted. Therefore, the ordinance is proposed to be amended to clearly state this procedure and provide the Council with some general review criteria. The role of Staff will be to advise the Council on this review. It is currently not proposed to go to the Planning Commission as these uses are generally based on emergency conditions. Also included in the proposed amendments is to require access to the temporary dwelling unit to be provided by a permitted drive and that an escrow for removal is required and set by the fee schedule and reviewed by the Council on a case-by-case basis.

One additional procedural change is to have the Council approve the temporary habitation for 90 days. During this time the applicant must demonstrate progress on their construction project to the building official to be granted an administrative extension of 90 days. An extension beyond the second 90 day period may only be granted by the Council.

### **RECOMMENDED ACTION**

The Planning Commission recommended approval of the draft ordinance and also recommended it be moved from the Zoning Ordinance to Chapter 4 of the City Code which is for "Building Regulations and Permits" since this is a habitation issue not a zoning issue. A permit fee of \$250 and an escrow of \$5000 is proposed to be added to the fee schedule as part of this ordinance amendment. Any desired changes can be incorporated into the ordinance.

PLANNING COMMISSION REVIEW DRAFT:

**10-17-11 4-1-6: TEMPORARY STRUCTURES HABITATION:**

- A. **Purpose:** The purpose of this Section is to provide for the erection of ~~or~~ and habitation in temporary structures (not including model homes/temporary real estate offices or temporary classroom structures for use by a public or private institution) needed for emergency purposes or for temporary use during the construction of a permanent structure.
- B. **Procedure:** ~~The Building Official City Council may approve a temporary occupancy in a temporary structure if a building permit is issued for the repair or construction of a permanent structure. A fee and deposit shall be submitted by an applicant as set by the City's fee schedule. The deposit shall be returned upon affirmation by the Building Official that the temporarily occupied structure has been removed. Non-compliance shall result in forfeiture of the deposit and shall in no way grant any rights to the violator to keep said temporary structure on said property, nor shall any violator be immune to punishment under the terms of this Ordinance.~~

**Application.** The property owner and present or potential occupants of a single family property may apply for a permit allowing for habitation in a temporary structure during the construction or repair of a single family dwelling unit when a valid building permit has been issued for such work on the site by supplying the following information:

1. Properly filled out application form accompanied by the fee established in the fee schedule.
2. Site and Building Plan that includes the following information:
  - a. Proposed Location of the temporary structure in relation to all existing buildings on the site, property lines, and right-of-ways.
  - b. Utility plan depicting the provision of water and sewer services to the proposed temporary dwelling unit.
  - c. Structural floor plan depicting the size and location of rooms and facilities within the temporary dwelling unit.

C. **Special Requirements:**

1. **Site Plan Required:** No permit shall be issued for a temporary structure unless a site plan pursuant to ~~Chapter 9 of this Ordinance~~ Section 10-9 has also been approved if applicable, or unless a building permit has been issued for a new structure, addition or remodeling of an existing structure

on the property that includes a site plan depicting the location of the temporary dwelling unit.

2. Termination of Permit: ~~The administrative permit shall terminate nine (9) months from its date of issuance, or within thirty (30) days after a certificate of occupancy has been issued by the Building Official for the permanent structure, whichever occurs first, unless a different time schedule is approved as part of the permit. If circumstances exist to warrant an extension, the permit may be extended for an additional ninety (90) days by the Building Official~~

The Council may grant temporary occupancy for a period not to exceed 90 days. Upon finding by the Building Official of substantial progress, the Building Official may administratively extend this period of time an additional 90 days. Any extensions beyond this time period may only be approved by Council action if sufficient conditions warrant such an extension.

3. Setbacks: Temporary structures may not be placed in a required building setback area, ~~provided that no such structure may be placed within thirty (30) feet of a public right-of-way or obstruct the traffic visibility triangle required by Section 10-16-7 of this Ordinance.~~
4. State Building Code: All applicable requirements of the State Building Code shall be met.
5. Water and Sewer: Provisions for water and sewer servicing the temporary structures shall be subject to the review and approval of the Building Official and City Council.
6. Security Measures: Security measures such as lighting shall be implemented subject to the review and approval of the Zoning Administrator.
7. Off-Street Parking. Off-street parking shall be provided subject to the provisions of ~~Chapter 19~~ Section 10-19 of this Ordinance.
8. Signage. Any signage shall conform to the provisions of Section 10-23 ~~Chapter 23~~ of this Ordinance.
9. Escrow. The property owner shall submit a financial guarantee to ensure the structure will be removed upon termination of the permit. The amount of the guarantee shall be established by the City's fee schedule and as may be modified by the City Council.

10. Access. The temporary structure shall only be accessed through permitted access driveways.

D. Review Procedure. Upon acceptance and review of the application by the Building Official and/or the Zoning Administrator, the application shall be placed on the agenda of the next available Council meeting for review. The Council shall review the application and review the request based on the following:

1. The applicant has the sufficient space available on site for locating the temporary structure.

2. The applicant is providing adequate financial guarantees to ensure the removal of the temporary structure.

3. The temporary structure has adequate utilities and sanitary facilities.

4. The temporary structure is suitable for the purpose intended.

5. The structure will not negatively impact public health and safety on neighboring properties.

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

**ORDINANCE 178, SECOND SERIES**

**AN ORDINANCE ADDING SECTION 4-1-6  
REGARDING TEMPORARY HABITATION**

THE CITY OF ST. FRANCIS ORDAINS:

Section 1. Code Amended. That Section 4-1-6, Second Series shall hereby be added to read as follows:

**4-1-6: TEMPORARY HABITATION:**

- A. **Purpose:** The purpose of this Section is to provide for the erection of and habitation in temporary structures (not including model homes/temporary real estate offices or temporary classroom structures for use by a public or private institution) needed for emergency purposes or for temporary use during the construction of a permanent structure.
- B. **Application.** The property owner and present or potential occupants of a single family property may apply for a permit allowing for habitation in a temporary structure during the construction or repair of a single family dwelling unit when a valid building permit has been issued for such work on the site by supplying the following information:
1. Properly filled out application form accompanied by the fee established in the fee schedule.
  2. Site and Building Plan that includes the following information:
    - a. Proposed Location of the temporary structure in relation to all existing buildings on the site, property lines, and right-of-ways.
    - b. Utility plan depicting the provision of water and sewer services to the proposed temporary dwelling unit.
    - c. Structural floor plan depicting the size and location of rooms and facilities within the temporary dwelling unit.
- C. **Special Requirements:**
1. Site Plan Required: No permit shall be issued for a temporary structure unless a site plan pursuant to Section 10-9 has also been approved if applicable, or unless a building permit has been issued for a new structure, addition or remodeling of an

existing structure on the property that includes a site plan depicting the location of the temporary dwelling unit.

2. Termination of Permit: The Council may grant temporary occupancy for a period not to exceed 90 days. Upon finding by the Building Official of substantial progress, the Building Official may administratively extend this period of time an additional 90 days. Any extensions beyond this time period may only be approved by Council action if sufficient conditions warrant such an extension.
  3. Setbacks: Temporary structures may not be placed in a required building setback area.
  4. State Building Code: All applicable requirements of the State Building Code shall be met.
  5. Water and Sewer: Provisions for water and sewer servicing the temporary structures shall be subject to the review and approval of the Building Official and City Council.
  6. Security Measures: Security measures such as lighting shall be implemented subject to the review and approval of the Zoning Administrator.
  7. Off-Street Parking. Off-street parking shall be provided subject to the provisions of Section 10-19.
  8. Signage. Any signage shall conform to the provisions of Section 10-23.
  9. Escrow. The property owner shall submit a financial guarantee to ensure the structure will be removed upon termination of the permit. The amount of the guarantee shall be established by the City's fee schedule and as may be modified by the City Council.
  10. Access. The temporary structure shall only be accessed through permitted access driveways.
- D. Review Procedure. Upon acceptance and review of the application by the Building Official and/or the Zoning Administrator, the application shall be placed on the agenda of the next available Council meeting for review. The Council shall review the application and review the request based on the following:
1. The applicant has the sufficient space available on site for locating the temporary structure.
  2. The applicant is providing adequate financial guarantees to ensure the removal of the temporary structure.

3. The temporary structure has adequate utilities and sanitary facilities.
4. The temporary structure is suitable for the purpose intended.
5. The structure will not negatively impact public health and safety on neighboring properties.

Section 2. Code Amended. Section 10-17-11 is hereby deleted.

Section 3. Code Amended. The Fee Schedule is hereby amended to include the following fee under "Division & Use of Property":

Temporary Habitation Permit:           \$200 fee / \$5000 escrow

Section 4. 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 OCTOBER, 2012.

APPROVED:

\_\_\_\_\_  
Jerry Tveit  
Mayor of St. Francis

ATTEST:

\_\_\_\_\_  
Barbara I. Held  
City Clerk

(seal)



# BOLTON & MENK, INC.<sup>®</sup>

Consulting Engineers & Surveyors

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

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## MEMORANDUM

**Date:** September 27, 2012  
**To:** Honorable Mayor Tveit and Members of the City Council  
City of St. Francis  
**From:** Jared Voge, P.E.  
City Engineer  
**Subject:** 245<sup>th</sup> Avenue Culvert Improvements  
St. Francis, Minnesota  
BMI Project No: R16.104788

---

### INTRODUCTION & BACKGROUND:

The Seeyle Brook culverts at 245<sup>th</sup> Avenue are failing. Please see the enclosed Figure L1 and Figure L2 which illustrate the project location. City Staff has been monitoring the condition of the culverts and has determined that they are in need of replacement. In addition, rehabilitation/replacement options have been considered and are explained in a memo dated August 7, 2012 to Paul Teicher, Public Works Director. A copy of the August 7, 2012 memo has been enclosed for your information.

### PROPOSED IMPROVEMENTS

The August 7, 2012 memo addressed several options for rehabilitation or replacement of the culverts. The options consist of the following:

#### Option 1- HDPE Liner:

This option includes installing Snap-Tite HDPE pipe as a liner for the existing culverts. The improvements will include rip rap restoration near the ends of the pipes, and roadway restoration as required due to the large construction vehicles needed to complete the work.

#### Option 2- CIPP Liner:

This option includes the installation of a Cast-In-Place-Pipe liner. The improvements will include rip rap restoration near the ends of the pipes, and roadway restoration as required due to the large construction vehicles needed to complete the work.

#### Option 3- Installation of a Box Culvert:

This option includes constructing a box culvert at the crossing. The improvements would also include road restoration, filling the embankment near the box culvert end sections, rip rap installation to stabilize the slope, and turf restoration.

The estimated costs associated with each of the options are identified in the August 7, 2012 memo. The following is the anticipated schedule associated with the improvements.

DESIGNING FOR A BETTER TOMORROW



Proposed Project Schedule:

Council Approve Preparation of Plans:	October 2012
Wetland Delineation:	October 2012
Submit Plans for Agency Review:	December 2012- January 2013
Agency Review:	February 2013
Prepare Final Plans and Specifications:	March 2013- April 2013
Council Authorize Advertisement:	April 2013
Open Bids:	May 2013
Construction:	July 2013- November 2013

**RECOMMENDATION:**

All of the Options presented, 1-3, are feasible from an engineering perspective. When short term and long term benefits of the project as well as cost are considered, Option 3 – installation of a box culvert, is the recommended solution.

We recommend that the City Council adopt the enclosed resolution ordering the preparation of plans and specifications for the installation of a box culvert within 245<sup>th</sup> Avenue at the Seeyle Brook crossing.

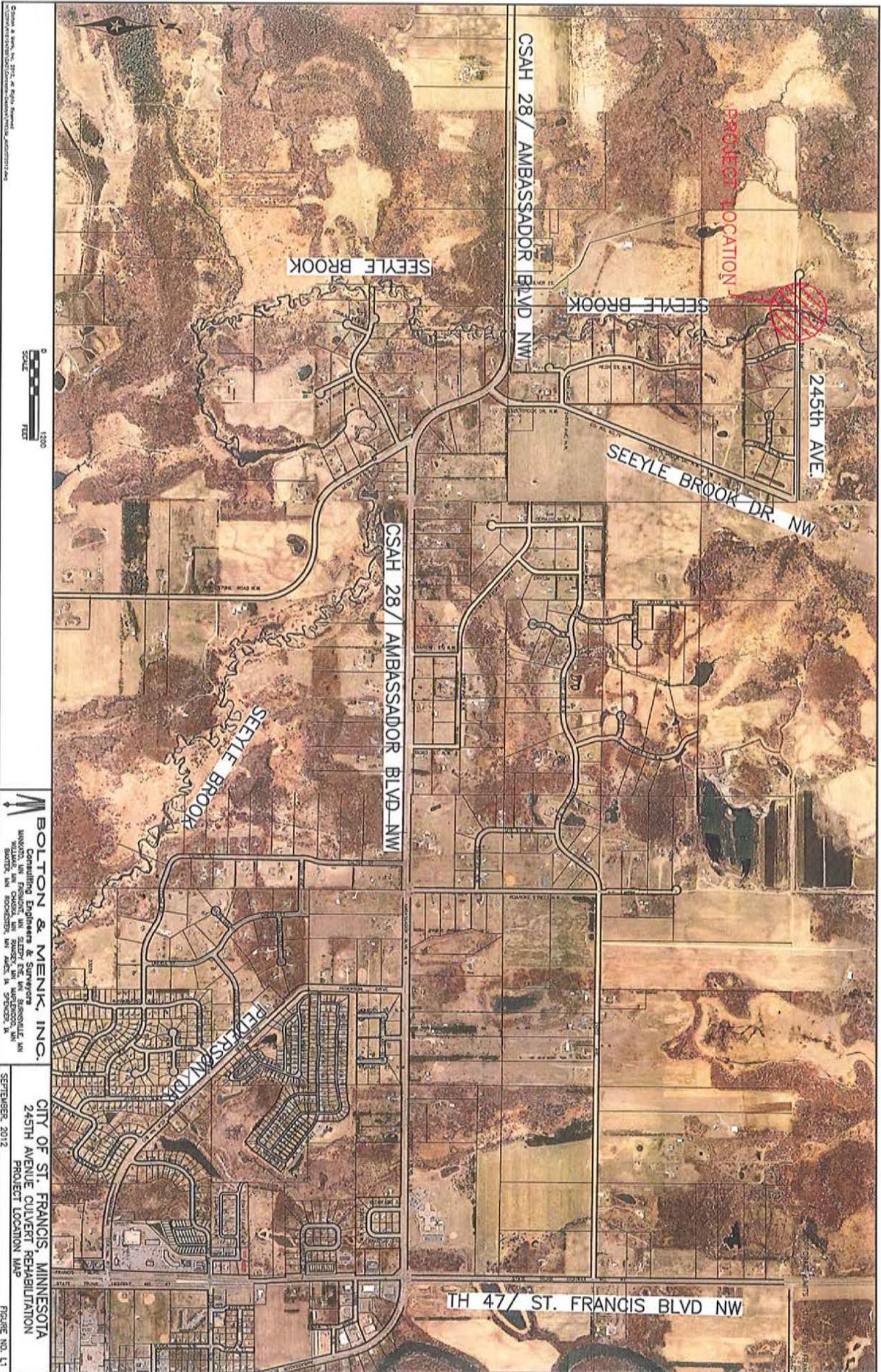
**BUDGET IMPACT:**

The proposed improvements have not been identified in any budget. If Council chooses to proceed with the improvements, Council direction regarding the funding associated with the improvements will be necessary.

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

JAV/nh

Enclosure



PROJECT LOCATION

245th AVE

SEEYLE BROOK DR. NW

CSAH 28 / AMBASSADOR BLVD NW

CSAH 28 / AMBASSADOR BLVD NW

TH 47 / ST. FRANCIS BLVD NW

SEEYLE BROOK

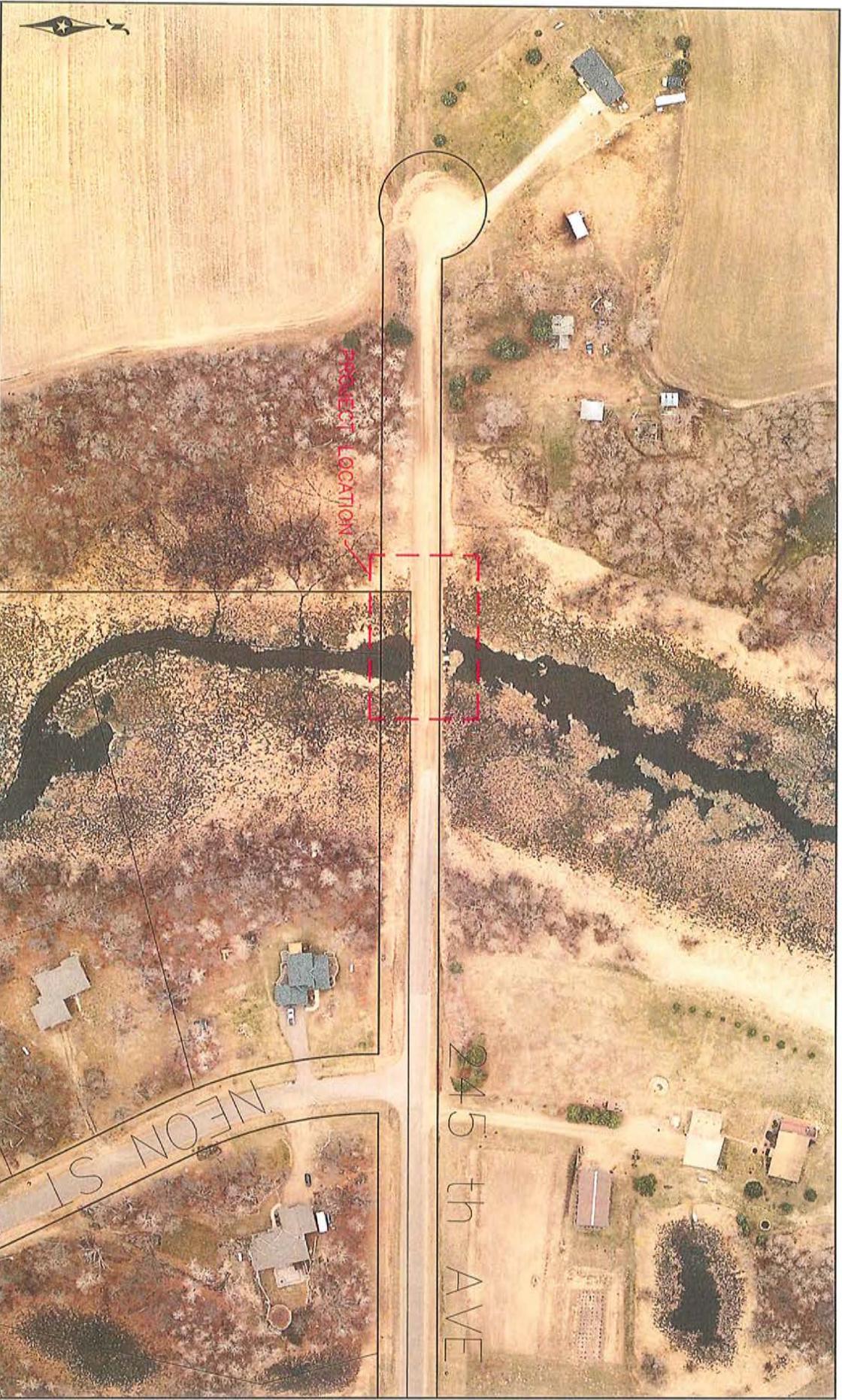
SEEYLE BROOK

SEEYLE BROOK



**BOLTON & MENK, INC.**  
 Consulting Engineers & Surveyors  
 1000 W. WISCONSIN ST., SUITE 200, WISCONSIN, MN 55391  
 1000 W. WISCONSIN ST., SUITE 200, WISCONSIN, MN 55391  
 1000 W. WISCONSIN ST., SUITE 200, WISCONSIN, MN 55391

**CITY OF ST. FRANCIS, MINNESOTA**  
 245TH AVENUE CULVERT REHABILITATION  
 PROJECT LOCATION MAP  
 SEPTEMBER, 2012  
 FIGURE NO. L1



PROJECT LOCATION

245th AVE

NEON ST



**BOLTON & MENK, INC.**  
Consulting Engineers & Surveyors  
1400 W. 1st Avenue, Suite 100, Minneapolis, MN 55410  
10000 1st Avenue, Suite 100, St. Louis, MO 63110  
10000 1st Avenue, Suite 100, St. Paul, MN 55110  
10000 1st Avenue, Suite 100, St. Cloud, MN 56301

**CITY OF ST. FRANCIS, MINNESOTA**  
245TH AVENUE CULVERT REHABILITATION  
PROJECT LOCATION MAP  
SEPTEMBER, 2012  
FIGURE NO. 12

Created in AutoCAD, Plot: 2012, All Rights Reserved  
\\server\projects\2012\20120912\20120912.dwg



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## MEMORANDUM

**Date:** August 7, 2012  
**To:** Paul Teicher, Public Works Director  
City of St. Francis  
**From:**  Jared Voge, P.E.  
City Engineer  
**Subject:** 245<sup>th</sup> Avenue Culvert Improvements  
St. Francis, Minnesota  
BMI Project No: R16.104788

---

### INTRODUCTION

City staff has been pursuing rehabilitation or replacement options for the Seeyle Brook culverts at 245<sup>th</sup> Avenue. The culverts are in need of repair. The information presented here includes preliminary costs for several rehabilitation or replacement options for the culverts, as well as general notes regarding the permit applications and additional agency involvement that is expected for each option.

### EXISTING CONDITIONS

The 245<sup>th</sup> Avenue crossing consists of three (3) Corrugated Metal Pipe (CMP) culverts. The culverts are experiencing invert deterioration and slight pipe deformation. This area of the Seeyle Brook is in a floodplain as noted on the attached Flood Insurance Rate Map provided by the Federal Emergency Management Agency (FEMA).

The roadway surface at this crossing is a gravel surface approximately 22-feet in width.

### DESIGN CONSIDERATIONS

As noted, the crossing includes three (3) Corrugated Metal Pipe (CMP) culverts. The existing flow conditions of these culverts will need to be modeled to determine the flow characteristics. Since the Seeyle Brook is in a floodplain, the replacement and rehabilitation options will need to be modeled during final design to verify that the flow conditions of the rehabilitated/replaced culverts are equivalent to the existing flow conditions. The data determined during final design will be submitted to the outside agencies responsible for this surface water. The expected permit requirements and additional agency involvement are noted under the description of each option.

### PROPOSED IMPROVEMENTS

The following information includes several options for rehabilitation or repair of the culverts, along with a brief summary of the permits required and outside agency involvement that will likely be required if the project moves forward to the design phase.

REHABILITATION OPTIONS- OPTION 1 HDPE LINER & OPTION 2 CIPP LINER

**Option 1: HDPE Pipe Liner: (Segmental Lining)**

This option includes installing a Snap-Tite HDPE pipe as a liner for the existing culverts. The improvements will include rip rap restoration near the ends of the pipes, and roadway restoration as required due to the large construction vehicles needed to complete the work. The improvements are shown on the attached Figure Number 1.

The pipe rehabilitation method for this option includes installing a Snap-Tite HDPE liner pipe with male-female joint alignment. The pipe would be installed within the existing CMP culvert, and the void between the wall of the Snap-Tite pipe and the CMP culvert would be filled with grout. Grout tubes are used to fill the void area entirely. After installation and grouting, the pipe ends would be backfilled and rip rap would be installed to protect the ends of the pipe.

The estimated project cost for installing an HDPE liner is approximately \$163,985.00. A breakdown of the estimated cost is included as Exhibit A.

Permitting requirements are noted below. The final design process will include analyzing the flow conditions of the new configuration to match the flow characteristics of the existing pipes. The final design is expected to include flow control for one or two of the existing culverts.

**Option 2: Cast In Place Pipe (CIPP) Liner:**

This option includes the installation of a Cast-In-Place-Pipe liner. The improvements will include rip rap restoration near the ends of the pipes, and roadway restoration as required due to the large construction vehicles needed to complete the work. The improvements are shown on the attached Figure Number 1.

The pipe rehabilitation method for this option includes installing a fiber reinforced liner into the pipe. The process then requires the introduction of pressure and steam to the pipe being lined to cure and set the liner. The result of this process is typically referred to as a "pipe within a pipe". The CIPP liner thickness will be designed as part of the final design/specification process. The anticipated CIPP liner system thickness is approximately 1-inch inside the existing CMP culverts.

Permitting requirements are noted below. The final design process will include analyzing the flow conditions of the new configuration to match the flow characteristics of the existing pipes. The final design is expected to include flow control for one or two of the existing culverts.

The estimated cost for installing a CIPP liner is approximately \$204,870.00. A breakdown of the estimated cost is included as Exhibit B.

**Permits/ Approvals from Outside Agencies for Option 1 & Option 2:**

**DNR Public Waters:**

Permitting requirements are expected to include a Department of Natural Resources Application Form for Water/Wetland Projects. This permit form requires involvement from the Army Corps of Engineers. The agencies involved would be provided with information related to the project during the design process to inform them of the proposed improvements and to allow adequate time to complete the design based on their comments. The final design process will include analyzing the flow conditions of the new configuration to match the flow characteristics of the existing pipes. In addition, the final design is expected to include flow control for one or two of the existing culverts to satisfy the requirements for maintaining existing flow patterns.

**Wetland Conservation Act:**

In addition, the work will involve temporary disturbance of the adjacent stream banks. The area adjacent to the stream is likely considered a wetland. The DNR permit form for Water/Wetland Projects noted above is for the work within the stream. Any disturbance to the wetland area will trigger the Wetland Conservation Act (WCA) permit process. It is anticipated that a wetland fill permit will be required for the temporary impact. Multiple agencies involved with the enforcement of WCA will be contacted during the permitting process.

**Permit Timelines:**

Preliminary meetings with the outside agencies will be scheduled to discuss the project and to determine what specific information they will require. The agencies, based on a site review, will identify additional design criteria required for the work. The permitting process will be initiated with the preliminary meeting, and after the design process is complete the permit application will be completed. The process involves a 60-day or 90-day comment period depending on the extent of the work. In order to keep the project moving forward it is important that the wetlands adjacent to the culvert be delineated and reviewed by the Technical Evaluation Panel (TEP) prior to the end of the 2012 growing season.

**REPLACEMENT OPTION- OPTION 3 BOX CULVERT**

**Option 3: Installation of a box culvert:**

This option includes constructing a box culvert at the crossing. The improvements would also include road restoration, filling the embankment near the box culvert end sections, rip rap installation to stabilize the slope, and turf restoration. The improvements are shown on the attached Figure Number 2.

As part of this option, the box culvert will be extended beyond the ends of the existing culverts to accommodate a wider roadway in the future. The final configuration of the box culvert will be determined during the design process.

Permitting requirements are noted below. The final design process will include sizing the new box culvert to match the flow characteristics of the existing CMP pipes.

The estimated cost for installing a box culvert is approximately \$147,580.00. A breakdown of the estimated cost is included as Exhibit C.

**Permits/ Approvals from Outside Agencies for Option 3:**

**DNR Public Waters:**

Permitting requirements are expected to include a DNR Application Form for Water/Wetland Projects. This permit form requires involvement from the Army Corps of Engineers. The agencies involved would be provided with information related to the project during the design process to inform them of the proposed improvements and to allow adequate time to complete the design based on their comments. The final design process will include analyzing the flow conditions of the new configuration to match the flow characteristics of the existing pipes.

**Wetland Conservation Act:**

As noted previously, the area adjacent to the stream is considered a wetland. The DNR permit form for Water/Wetland Projects noted above is for the work required within the stream. Additional permitting requirements associated with the WCA process, will include a permit for permanent fill in a wetland. The work in the area adjacent to the stream will require a separate Application Form for Water/Wetland Projects for the work disturbing the wetland. The design process will include correspondence with the

various agencies which enforce WCA requirements. The final configuration of the box culvert will be determined during the design process and the actual fill area in the wetland will be calculated. The same permit process associated with temporary impacts noted on the previous page is required for permanent fill, with the addition of the purchase of wetland credits. The permit process involves a 60-day or 90-day comment period depending on the extent of the work. The permitting process associated with this option is expected to be longer than the previous Options 1 and 2 as a result of the wetland credits required. The entire process will likely be 6 weeks longer than the process for temporary fill due to the wetland credit acquisition.

All of the Options presented, 1-3, are feasible from an engineering standpoint. When short term and long term benefits of the project as well as cost are considered, Option 3 – installation of a box culvert, is our recommended solution.

If you have any questions, please call.

JAV/nh

LIST OF ATTACHMENTS:

FEMA MAP- Flood Insurance Rate Map

FIGURE 1- REHABILITATION OPTIONS

FIGURE 2- REPLACEMENT OPTION

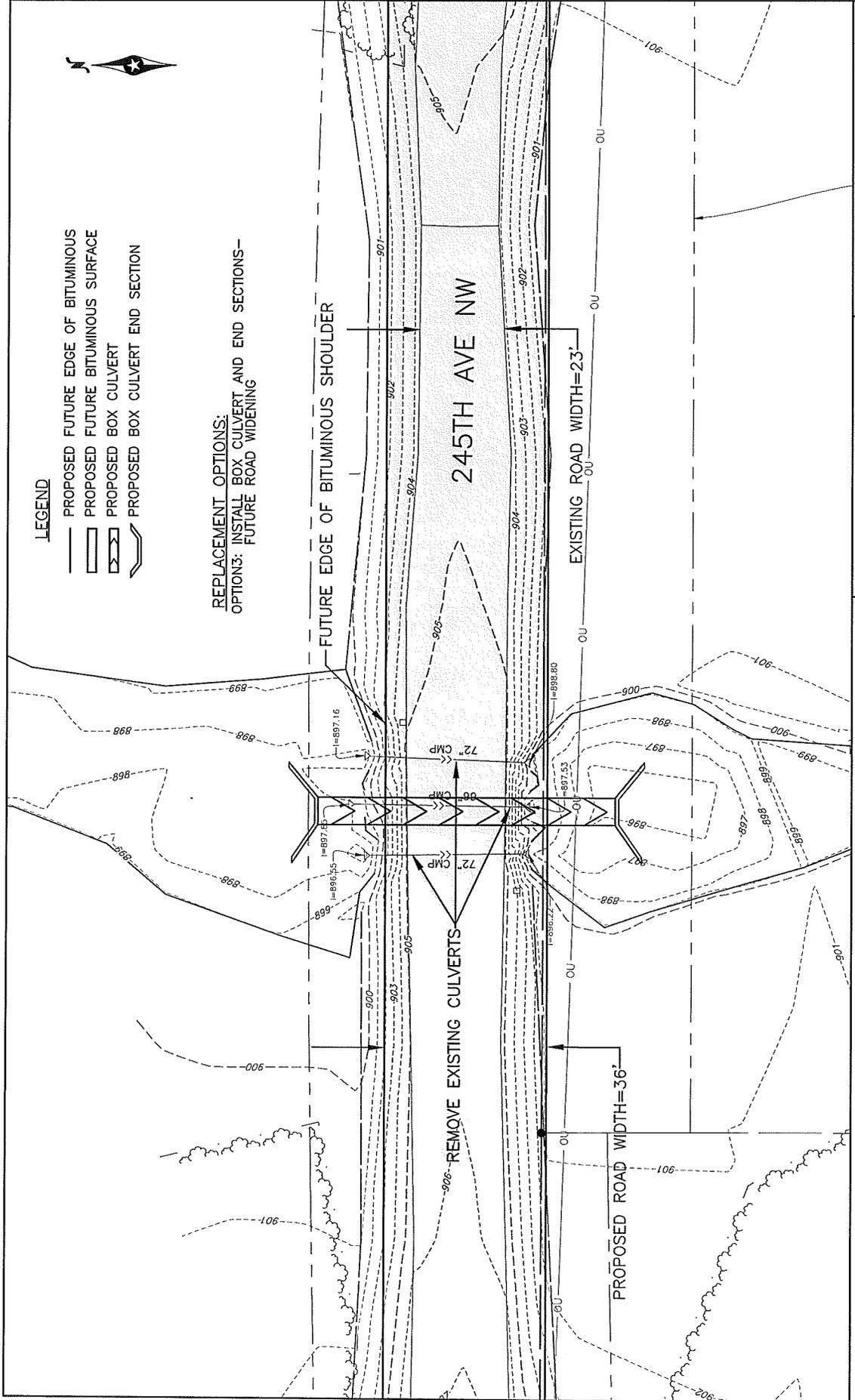
EXHIBIT A: OPTION 1: HDPE CULVERT LINER (SNAP TITE)

EXHIBIT B: OPTION 2: CIPP LINER

EXHIBIT C: OPTION 3: BOX CULVERT INSTALLATION







**EXHIBIT A**  
**OPTION 1: HDPE CULVERT LINER (SNAP-TITE)**  
**ENGINEER'S ESTIMATE**

245TH AVENUE CULVERT REHABILITATION  
 ST. FRANCIS, MINNESOTA  
 BMI PROJECT NO. R16.104788

DATE: 8-2-12

**CULVERT REHABILITATION WITH SNAP TITE HDPE INSERT**

ITEM NO.	ITEM	APPROX. QUANT.	UNIT	UNIT PRICE	AMOUNT
1	MOBILIZATION	1	LUMP SUM	\$20,625.00	\$20,625.00
2	FLOW DIVERSION	1	LUMP SUM	\$41,250.00	\$41,250.00
3	ROADWAY RESTORATION	1	LUMP SUM	\$1,000.00	\$1,000.00
4	LINE EXISTING CULVERTS WITH HPDE LINER (63" O.D.)	80	LIN FT	\$760.00	\$60,800.00
5	LINE EXISTING CULVERTS WITH HPDE LINER (54" O.D.)	40	LIN FT	\$650.00	\$26,000.00
6	INLET CONTROL (UPSTREAM/HYDROBELL)	1	EACH	\$1,030.00	\$1,030.00
7	INSTALL RIP RAP (SLOPE STABILIZATION)	60	CU YD	\$90.00	\$5,400.00
8	EROSION & SEDIMENT CONTROL	1	LUMP SUM	\$6,880.00	\$6,880.00
9	TURF RESTORATION	250	SQ YD	\$4.00	\$1,000.00
				<b>SUBTOTAL:</b>	<b>\$163,985.00</b>

**TOTAL PROJECT COST: \$163,985.00**

**EXHIBIT B**  
**OPTION 2: CIPP CULVERT LINER**  
**ENGINEER'S ESTIMATE**

245TH AVENUE CULVERT REHABILITATION  
 ST. FRANCIS, MINNESOTA  
 BMI PROJECT NO. R16.104788

DATE: 8-2-12

**CULVERT REHABILITATION WITH CIPP LINER**

ITEM NO.	ITEM	APPROX. QUANT.	UNIT	UNIT PRICE	AMOUNT
1	MOBILIZATION	1	LUMP SUM	\$27,500.00	\$27,500.00
2	FLOW DIVERSION	1	LUMP SUM	\$41,250.00	\$41,250.00
3	ROADWAY RESTORATION	1	LUMP SUM	\$1,030.00	\$1,030.00
4	CIPP LINING (66")	40	LIN FT	\$1,000.00	\$40,000.00
5	CIPP LINING (72")	75	LIN FT	\$1,100.00	\$82,500.00
6	INLET CONTROL (UPSTREAM WEIRWALL)	1	EACH	\$4,130.00	\$4,130.00
7	INSTALL RIP RAP (SLOPE STABILIZATION)	60	CU YD	\$90.00	\$5,400.00
8	EROSION & SEDIMENT CONTROL	1	LUMP SUM	\$2,060.00	\$2,060.00
9	TURF RESTORATION	250	SQ YD	\$4.00	\$1,000.00
				<b>SUBTOTAL:</b>	<b>\$204,870.00</b>

**TOTAL PROJECT COST: \$204,870.00**

**EXHIBIT C**  
**OPTION 3: BOX CULVERT INSTALLATION**  
**ENGINEER'S ESTIMATE**

245TH AVENUE CULVERT REHABILITATION  
 ST. FRANCIS, MINNESOTA  
 BMI PROJECT NO. R16.104788

DATE: 8-2-12

*BOX CULVERT INSTALLATION, INCLUDES ROAD WIDENING*

ITEM NO.	ITEM	APPROX. QUANT.	UNIT	UNIT PRICE	AMOUNT
1	MOBILIZATION	1	LUMP SUM	\$20,630.00	\$20,630.00
2	REMOVE EXISTING CULVERTS	113	LIN FT	\$70.00	\$7,910.00
3	FLOW DIVERSION	1	LUMP SUM	\$27,500.00	\$27,500.00
4	COMMON EXCAVATION	100	CU YD	\$10.00	\$1,000.00
5	AGRREGATE SURFACING, CL 5	46	CU YD	\$30.00	\$1,380.00
6	COMMON BORROW	300	CU YD	\$17.00	\$5,100.00
7	12'X6' BOX CULVERT	40	LIN FT	\$1,270.00	\$50,800.00
8	12'X6' BOX CULVERT END SECTION	2	EACH	\$13,750.00	\$27,500.00
9	INSTALL RIP RAP (SLOPE STABILIZATION)	30	CU YD	\$90.00	\$2,700.00
10	EROSION & SEDIMENT CONTROL	1	LUMP SUM	\$2,060.00	\$2,060.00
11	TURF RESTORATION	250	SQ YD	\$4.00	\$1,000.00
				<b>SUBTOTAL:</b>	<b>\$147,580.00</b>

**TOTAL PROJECT COST: \$147,580.00**

EXTRACT OF MINUTES OF MEETING OF THE  
CITY COUNCIL OF THE CITY OF ST. FRANCIS, MINNESOTA

HELD: October 1, 2012

Pursuant to due call and notice thereof, a regular meeting of the City Council of City St. Francis, Minnesota, was duly called and held in the Council Chambers in said City on the 1<sup>st</sup> day of October, 2012, at 6:00 o'clock p.m.

The following members were present:

and the following were absent:

Member \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION ORDERING IMPROVEMENT AND DIRECTING  
PREPARATION OF FINAL PLANS AND SPECIFICATIONS  
CITY OF ST. FRANCIS, MINNESOTA  
RESOLUTION NO. 2012-33**

WHEREAS, the 245<sup>th</sup> Culvert Improvements Project was reviewed by the City Council at the October 1<sup>st</sup>, 2012 City Council meeting.

AND WHEREAS, the City Council has determined that improvements to the Seelye Brook crossing at 245<sup>th</sup> Avenue are necessary.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ST. FRANCIS, MINNESOTA:

1. The City Engineer (Bolton & Menk, Inc.) is hereby authorized and directed to cause to be prepared all documents including but not limited to, the Plans and Specifications as required for the proposed improvements.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

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

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.

STATE OF MINNESOTA  
CITY OF ST. FRANCIS  
COUNTY OF ANOKA

I, the undersigned, being the duly qualified and acting Clerk of the City of St. Francis, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council of said City, duly called and held on the date therein indicated, insofar as such minutes relates to a resolution approving plans and specifications and ordering advertisement for bids on \_\_\_\_\_ Improvements for said City.

WITNESS my hand and the seal of the said City this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
City Clerk

(SEAL)

## **AGENDA REPORT**

**TO:** City Administrator  
**FROM:** Dean Kapler, Fire Chief  
**SUBJECT:** Hiring of new Firefighters  
**DATE:** October 1, 2012

### **INTRODUCTION**

Authorize the hiring of 5 new Firefighters to the St. Francis Fire Department.

### **BACKGROUND**

Staff has been involved in a recruitment effort to increase the number of Firefighters for the St Francis Fire Dept. The process included:

- Orientation session
- Application for employment
- Rating applications
- Panel interview
- Background and reference checks, physicals
- Workplace assessment

### **RECOMMENDATION**

Staff is recommending hiring the following; Harry Everth, Richard Phelps Jr., Jesse Sawyer, Evan Sturzl and Chris Vnuk to the position of probationary paid on call firefighters with a wage of \$12.00 per hour.

### **BUDGET IMPACT**

The personnel costs of the 5 new firefighters will be taken from the Part Time Fire Department account #42210-103.

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Attachments:

1. NONE