

CITY OF ST. FRANCIS CITY
COUNCIL AGENDA
February 1, 2016

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 – January 19, 2015
 - b. Acknowledge the Bingo Gambling Permit for the St. Francis Lions at the American Legion March 12, 2016
 - c. Payment of Claims
5. Meeting Open to the Public - *Open Forum is an opportunity for citizens to sign up before the Council meeting and present an issue or concern to City Council. Each presentation should be limited to no more than three minutes unless City Council grants more time.*
6. Petitions, Requests, Applications
 - a. Letter to Speaker Kurt Daudt
7. Ordinances & Resolution
 - a.
8. Reports of Consultants & Staff Members
 - a. Engineer:
 - b. Attorney: Tobacco Ordinance Update Memorandum
 - c. Staff:
 - Finance:
 - Fire:
 - Public Works:
 - Liquor Store:
 - Police: 2015 Crime Statistic Report
 - City Administrator: Setting a date for Work session
9. Reports from Council Members
10. Report from Mayor
11. Old Business
12. New Business
13. Adjournment

Calendar of Events

- Feb 6: Mayor's Snowmobile Ride – registration 10:00 am at Anoka County Fairgrounds
Feb 15: City Offices Closed for the Presidents Day Holiday
Feb 16: (Tues) City Council Meeting @ ISD #15 Central Services Center (District Offices) 6:00 pm
Feb 17: Planning Comm. Meeting @ ISD #15 Central Services Center (District Offices) 7:00 pm
Mar 1: Political Party Caucus 7:00 pm (Sites to be determined)
Mar 7: City Council Meeting @ ISD #15 Central Services Center (District Offices) 6:00 pm

MEMO

TO: Mayor & City Council

FROM: Joe Kohlmann, City Administrator

RE: Agenda Memorandum – February 1st, 2016 Council Meeting

Agenda Items:

4. Consent Agenda:

- a. City Council Minutes – January 19th, 2016
- b. Acknowledge the Bingo Gambling Permit for St. Francis Lions at the Legion
- c. Payment of Claims

6. Petitions, Requests, Applications:

- a. Letter to Speaker Kurt Daudt – A letter to Speaker Kurt Daudt to enhance funding for Wastewater Infrastructure this upcoming legislative session. Looking for Council to approve the language in the letter by motion.

7. Ordinances & Resolutions:

8. Reports:

- a. **Engineer:**
- b. **Attorney:** The City Attorney will provide an overview of the Tobacco Ordinance. Notice must be sent to all license holders 30 days before action is taken. The changes are provided in a redlined version attached to the Staff Memo.
- c. **Staff:**
 - Finance:**
 - Fire:**
 - Public Works:**
 - Liquor Store:**
 - Police:** Sergeant Todd Schwieger will be providing you a report on the 2015 Crime Statistics. These are from January 1st of 2015 through November 1st, 2015. Todd will answer any questions and a written report is attached.
 - City Administrator:** Schedule a worksession to discussion the Fire Relief Association and any other potential worksession appropriate matters. The City communicated to the Relief Association that it would likely make a decision on their request the first meeting in April. Staff is proposing a date during the first meeting in March for the worksession.

11. Old Business:

12. New Business:

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

CITY COUNCIL MINUTES

JANUARY 19, 2016

1. **Call to Order:** The regular City Council Meeting was called to order by Mayor Pro Tem Tim Brown at 6:00 pm.

2. **Roll Call:** Present were Mayor Pro Tem Tim Brown, Council members Richard Orpen, Rich Skordahl, and Chris McClish. Steve Kane excused. Also present were City Engineer Jared Voge (Bolton & Menk, Inc.), City Attorney Dave Schaps (Barna, Guzy & Steffen), Public Works Director Paul Teicher, Police Chief Jeff Harapat, Fire Chief Matt Kohout, City Finance Director Darcy Mulvihill, Community Development Director Kate Thunstrom, City Administrator Joe Kohlmann, and City Clerk Barb Held.

3. **Adopt Agenda:** MOTION BY McCLISH SECOND SKORDAHL TO ADOPT THE JANUARY 19, 2016 CITY COUNCIL AGENDA. Motion carried 4-0.

4. **Consent Agenda:** MOTION BY ORPEN SECOND McCLISH TO APPROVE THE JANUARY 19, 2016, CITY COUNCIL CONSENT AGENDA A-G AS FOLLOWS:

- a. City Council Minutes – January 4, 2016
- b. Accept the resignation of part time Office Support staff Linda Stonecash
- c. Hire Jodie Steffes as a Full time Office Assistant starting at Grade 6 Step 1
- d. Approve the submittal of the Pay Equity Report
- e. Pay Request No. 6 for \$626,414.00 to Gridor Construction, Inc. for the Wastewater Treatment Facility Improvements
- f. Pay Request No. 3 for \$61,637.81 to LaTour Construction for the 2015 Bridge Street Sewer Improvements
- g. Payment of Claims \$2,278,354.28 (ACH 135E-140E \$157,250.70 Checks 70156-70218 \$2 121,103.58) Motion carried 4-0.

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

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

7. **Ordinances & Resolution:**

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

a. **Engineer:**

b. **Attorney:**

c. **Staff:**

Finance:

Fire:

Public Works:

Liquor Store:
Police:
City Administrator:

9. **Reports from Council Members:** Orpen reported the former Bridge Street Coffee location along Rum River Blvd has a new business called “A Liddle Wellness” will be opening the end of January/beginning of February.

Skordahl would like to thank the Public Works Department for getting the skating rinks in condition to be able to open them. It has been a challenging year. Also, along County Road 72 across the baseball field parking lot there is a sink hole along on the west side of the road. It has probably always been there but with the tree removal it is very noticeable. I don't believe there is any shoulder on that curve and if the roads were icy that is quite a steep embankment. City Engineer Jared Voge stated he would contact Anoka County about the concerns tomorrow.

Brown reported he would absent the second meeting in June.

10. **Report from Mayor:**

11. **Old Business:**

12. **New Business:**

13. **Adjournment:** Motion by Skordahl second Orpen to adjourn the regular City Council meeting at 6:05 pm

Barbara I. Held, City Clerk

LG240B Application to Conduct Excluded Bingo

No Fee

ORGANIZATION INFORMATION

Organization name: St. Francis Lions Previous gambling permit number: X 3 - 02688
Minnesota tax ID number, if any Federal employer ID number (FEIN), if any

Type of nonprofit organization. Check one.
[] Fraternal [] Religious [] Veterans [X] Other nonprofit organization

Mailing address: PO Box 173 City: St. Francis State: MN Zip code: 55070 County: USA

Name of chief executive officer [CEO]: John Fournier Daytime phone number: 763 607 3900 E-mail address: johnfournier@aol.com

NONPROFIT STATUS

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

- [X] Nonprofit Articles of Incorporation OR a current Certificate of Good Standing.
Don't have a copy? This certificate must be obtained each year from: Secretary of State, Business Services Div., 60 Empire Drive, Suite 100, St. Paul, MN 55103 Phone: 651-296-2803
[] IRS income tax exemption [501(c)] letter in your organization's name.
Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.
[] IRS - Affiliate of national, statewide, or international parent nonprofit organization [charter]
If your organization falls under a parent organization, attach copies of both of the following:
a. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
b. the charter or letter from your parent organization recognizing your organization as a subordinate.

EXCLUDED BINGO ACTIVITY

- 1. [X] No [] Yes Has your organization held a bingo event in the current calendar year?
If yes, list the dates when bingo was conducted.
2. The proposed bingo event will be:
[X] one of four or fewer bingo events held this year. Dates: 3-12-16 11-3-16
OR
[] conducted on up to 12 consecutive days in connection with a:
[] county fair. Dates:
[] civic celebration. Dates:
[] Minnesota state fair. Dates:
3. Person in charge of bingo event: John Fournier Daytime phone: 763 607 3900
4. Name of premises where bingo will be conducted: St. Francis Ann. Region #622
5. Premises street address: PO Box 236 St. Francis MN 55070
6. City: If township, township name County: Anoka

Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo. Otherwise, bingo hard cards, bingo paper, and bingo number selection devices must be obtained from a distributor licensed by the Minnesota Gambling Control Board. To find a licensed distributor, go to www.gcb.state.mn.us and click on Distributors under the WHO'S WHO? LIST OF LICENSEES, or call 651-639-4000. Be sure to complete page 2

CHIEF EXECUTIVE OFFICER'S SIGNATURE

The information provided in this application is complete and accurate to the best of my knowledge.

Chief executive officer's signature John Fraune Date 1-27-16

Print name John Fraune

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT

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

On behalf of the city, I approve this application for excluded bingo activity at the premises located within the city's jurisdiction.

Print city name _____

Signature of city personnel _____

Title _____ Date _____

Local unit of government must sign

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

On behalf of the county, I approve this application for excluded bingo activity at the premises located within the county's jurisdiction.

Print county name _____

Signature of county personnel _____

Title _____ Date _____

TOWNSHIP - If required by the approving county.

On behalf of the township, I acknowledge that the organization is applying for excluded bingo activity within the township limits. [A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.166, Subd 2.]

Print township name _____

Signature of township officer _____

Title _____ Date _____

MAIL APPLICATION AND ATTACHMENT

Send the application and a copy of your proof of nonprofit status to:

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

You will receive a document from the Gambling Control Board with your excluded permit number for the bingo activity. Your organization must keep its bingo records for 3-1/2 years.

Questions?

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

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

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

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

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



PAYMENT BATCH AP 02-01-16

ABDO, EICK & MEYERS, LLP

01/24/2016	357694	E 101-41540-301	Auditing and Acct g Services	2015 AUDIT	1,000.00
01/24/2016	357694	E 601-49440-301	Auditing and Acct g Services	2015 AUDIT	1,000.00
01/24/2016	357694	E 602-49490-301	Auditing and Acct g Services	2015 AUDIT	1,000.00
01/24/2016	357694	E 609-49750-301	Auditing and Acct g Services	2015 AUDIT	1,000.00
					\$4,000.00

ACTIVE DATA SOLUTIONS

01/04/2016	1401912	E 101-42110-237	Small Equipment	UPS	147.46
					\$147.46

ASPEN MILLS

12/27/2015	175211	E 101-42110-437	Uniform Allowance	HEEREN UNIFORMS	407.50
					\$407.50

ASSURANT EMPLOYEE BENEFITS

E 101-41400-130	Employer Paid Insurance	FEBRUARY INSURANCE	193.49
E 101-41500-130	Employer Paid Insurance	FEBRUARY INSURANCE	73.30
E 101-41910-130	Employer Paid Insurance	FEBRUARY INSURANCE	67.85
E 101-42110-130	Employer Paid Insurance	FEBRUARY INSURANCE	764.81
E 101-42400-130	Employer Paid Insurance	FEBRUARY INSURANCE	113.12
E 101-43100-130	Employer Paid Insurance	FEBRUARY INSURANCE	153.02
E 101-43210-130	Employer Paid Insurance	FEBRUARY INSURANCE	34.00
E 101-45200-130	Employer Paid Insurance	FEBRUARY INSURANCE	153.02
E 601-49440-130	Employer Paid Insurance	FEBRUARY INSURANCE	56.59
E 602-49490-130	Employer Paid Insurance	FEBRUARY INSURANCE	56.59
E 609-49750-130	Employer Paid Insurance	FEBRUARY INSURANCE	121.03
			\$1,786.82

BELLBOY CORPORATION

01/19/2016	51893400	E 609-49751-206	Freight and Fuel Charges	FREIGHT	18.60
01/19/2016	51893400	E 609-49751-251	Liquor For Resale	LIQUOR	1,748.50
01/19/2016	93335200	E 609-49751-206	Freight and Fuel Charges	FUEL	2.15
01/19/2016	93335200	E 609-49751-254	Miscellaneous Merchandise	MISC	31.00
					\$1,800.25

BOLTON & MENK, INC.

12/18/2015	0185525	E 101-41910-303	Engineering Fees	GENERAL ENGINEERING	140.00
12/18/2015	0185525	E 101-43100-303	Engineering Fees	GENERAL ENGINEERING	285.00
12/18/2015	0185527	E 101-43100-418	Storm Water Management	STORM WATER	90.00
12/31/2015	0186083	G 602-16500	Construction in Progress	WWTP	57,063.63
					\$57,578.63

BREAKTHRU BEVERAGE

01/14/2016	1080423110	E 609-49751-206	Freight and Fuel Charges	FREIGHT	14.50
01/14/2016	1080423110	E 609-49751-251	Liquor For Resale	LIQUOR	501.39
01/14/2016	1080423110	E 609-49751-253	Wine For Resale	WINE	260.00
01/14/2016	1080423110	E 609-49751-254	Miscellaneous Merchandise	MISC	34.16
01/14/2016	2080120048	E 609-49751-251	Liquor For Resale	LIQUOR	(14.83)
01/21/2016	1080425890	E 609-49751-206	Freight and Fuel Charges	FREIGHT	68.75
01/21/2016	1080425890	E 609-49751-251	Liquor For Resale	LIQUOR	5,223.03
01/21/2016	1080425890	E 609-49751-253	Wine For Resale	WINE	256.00
					\$6,343.00

CENTERPOINT ENERGY

01/18/2016	.0116	E 101-41940-383	Gas Utilities	CITY HALL #3	58.09
01/18/2016	.0116	E 101-41940-383	Gas Utilities	CITY HALL #1	45.87

01/18/2016	.0116	E 101-41940-383	Gas Utilities	CITY HALL #4	44.97
01/18/2016	.0116	E 101-41940-383	Gas Utilities	CITY HALL #2	26.39
01/18/2016	.0116	E 101-42110-383	Gas Utilities	POLICE/PW	1,072.38
01/18/2016	.0116	E 101-42110-383	Gas Utilities	FIRE	1,207.29
01/18/2016	.0116	E 101-42210-383	Gas Utilities	FIRE GENERATOR	20.56
01/18/2016	.0116	E 101-43100-383	Gas Utilities	POLICE/PW	268.09
01/18/2016	.0116	E 101-45200-383	Gas Utilities	POLICE/PW	268.09
01/18/2016	.0116	E 101-45200-383	Gas Utilities	WARMING HOUSE	221.54
01/18/2016	.0116	E 601-49440-383	Gas Utilities	WATER PLANT	914.20
01/18/2016	.0116	E 601-49440-383	Gas Utilities	PUBLIC WORKS (4020 ST FRAN	108.86
01/18/2016	.0116	E 601-49440-383	Gas Utilities	POLICE/PW	268.09
01/18/2016	.0116	E 602-49490-383	Gas Utilities	PUBLIC WORKS (4020 ST FRAN	108.87
01/18/2016	.0116	E 602-49490-383	Gas Utilities	POLICE/PW	268.10
01/18/2016	.0116	E 602-49490-383	Gas Utilities	LIFT (23699 AMBASSADOR)	19.75
01/18/2016	.0116	E 602-49490-383	Gas Utilities	WWTP	426.93
01/18/2016	.0116	E 609-49750-383	Gas Utilities	LIQUOR	240.26
					\$5,588.33

CITY EMPLOYEES UNION, LOCAL #3

G 101-21707	Union Dues	FEBRUARY DUES	197.40
			\$197.40

COCA COLA REFRESHMENTS

01/12/2016	0198206309	E 609-49751-254	Miscellaneous Merchandise	MISC	261.10
					\$261.10

COLONIAL INSURANCE

01/26/2016	7129661-0205792	G 101-21712	Colonial Insurance	FEBRUARY INSURANCE	322.70
					\$322.70

COMPASS MINERALS AMERICA, INC

01/13/2016	71436124	G 101-14100	Inventory of Material/Supply	SALT	1,780.61
01/14/2016	71437055	G 101-14100	Inventory of Material/Supply	SALT	1,780.61
01/21/2016	71441100	G 101-14100	Inventory of Material/Supply	SALT	2,100.59
					\$5,661.81

CONNEXUS ENERGY

01/21/2016	.0116	E 101-41940-381	Electric Utilities	SIGN	53.88
01/21/2016	.0116	E 101-41940-381	Electric Utilities	CITY HALL	309.12
01/21/2016	.0116	E 101-42110-381	Electric Utilities	SIREN	5.00
01/21/2016	.0116	E 101-42110-381	Electric Utilities	POLICE/PW	742.17
01/21/2016	.0116	E 101-42110-381	Electric Utilities	SIREN	5.00
01/21/2016	.0116	E 101-42210-381	Electric Utilities	FIRE	443.85
01/21/2016	.0116	E 101-43100-381	Electric Utilities	POLICE/PW	185.55
01/21/2016	.0116	E 101-43100-386	Street Lighting	STREET LIGHTS	3,459.12
01/21/2016	.0116	E 101-45200-381	Electric Utilities	POLICE/PW	185.55
01/21/2016	.0116	E 101-45200-381	Electric Utilities	PARKS	321.17
01/21/2016	.0116	E 601-49440-380	Electric-System	WATER	3,693.32
01/21/2016	.0116	E 601-49440-381	Electric Utilities	POLICE/PW	185.55
01/21/2016	.0116	E 602-49490-381	Electric Utilities	LIFT STATIONS	7,718.94
01/21/2016	.0116	E 602-49490-381	Electric Utilities	POLICE/PW	185.55
01/21/2016	.0116	E 609-49750-381	Electric Utilities	LIQUOR STORE	968.75
					\$18,462.52

DAHLHEIMER DIST. CO. INC.

12/30/2015	120618	E 609-49751-252	Beer For Resale	BEER	(13.60)
01/13/2016	121017	E 609-49751-252	Beer For Resale	BEER	4,121.60
01/13/2016	121017	E 609-49751-254	Miscellaneous Merchandise	MISC	42.00
01/19/2016	121370	E 609-49751-252	Beer For Resale	BEER	(36.00)
01/19/2016	121372	E 609-49751-252	Beer For Resale	BEER	(98.80)
01/20/2016	121253	E 609-49751-252	Beer For Resale	BEER	9,795.40
01/20/2016	121253	E 609-49751-254	Miscellaneous Merchandise	MISC	84.00
					\$13,894.60

DELTA DENTAL

01/15/2016	6340972	G 101-21711	Dental Insurance	FEBRUARY INSURANCE	504.10
					\$504.10

ELITE SANITATION

01/12/2016	22979	E 101-45200-402	Janitorial Service	PORTABLE TOILET	305.00
					<u>\$305.00</u>

EMERGENCY APARATUS MAINTENENC

12/30/2015	84495	E 101-42210-218	Equipment Repair & Maintenance	TRUCK REPAIRS	5,777.05
					<u>\$5,777.05</u>

G&K SERVICES, INC

01/12/2016	1043379694	E 609-49750-219	Rug Maintenance	RUGS	11.23
01/12/2016	1043379695	E 601-49440-402	Janitorial Service	RUGS	23.04
01/19/2016	1043385244	E 601-49440-417	Uniform Clothing & PPE	UNIFORMS	4.90
01/19/2016	1043385244	E 602-49490-417	Uniform Clothing & PPE	UNIFORMS	4.90
01/26/2016	1043390772	E 101-41940-219	Rug Maintenance	RUGS	16.96
01/26/2016	1043390773	E 601-49440-417	Uniform Clothing & PPE	UNIFORMS	4.90
01/26/2016	1043390773	E 602-49490-417	Uniform Clothing & PPE	UNIFORMS	4.90
					<u>\$70.83</u>

GOPHER STATE ONE-CALL

01/31/2016	6000731	E 601-49440-442	Gopher State	2016 ANNUAL FEE	50.00
01/31/2016	6000731	E 602-49490-442	Gopher State	2016 ANNUAL FEE	50.00
					<u>\$100.00</u>

GRANITE CITY JOBBING CO.

01/19/2016	884651	E 609-49750-210	Operating Supplies	OPERATING	52.93
01/19/2016	884651	E 609-49751-206	Freight and Fuel Charges	FREIGHT	4.25
01/19/2016	884651	E 609-49751-256	Tobacco Products For Resale	TOBACCO	896.30
01/19/2016	884651	G 101-20810	Sales Tax Payable	TAX	(0.48)
					<u>\$953.00</u>

JJ TAYLOR DISTRIBUTING

01/13/2016	2474924	E 609-49751-206	Freight and Fuel Charges	FREIGHT	3.00
01/13/2016	2474924	E 609-49751-252	Beer For Resale	BEER	756.50
01/20/2016	2474954	E 609-49751-206	Freight and Fuel Charges	FREIGHT	3.00
01/20/2016	2474954	E 609-49751-252	Beer For Resale	BEER	912.75
					<u>\$1,675.25</u>

JOHNSON BROS WHLSE LIQUOR

01/13/2016	5349391	E 609-49751-206	Freight and Fuel Charges	FREIGHT	7.60
01/13/2016	5349391	E 609-49751-251	Liquor For Resale	LIQUOR	708.09
01/13/2016	5349392	E 609-49751-206	Freight and Fuel Charges	FREIGHT	9.12
01/13/2016	5349392	E 609-49751-253	Wine For Resale	WINE	356.00
01/20/2016	5354075	E 609-49751-206	Freight and Fuel Charges	FREIGHT	94.25
01/20/2016	5354075	E 609-49751-251	Liquor For Resale	LIQUOR	5,100.04
01/20/2016	5354076	E 609-49751-206	Freight and Fuel Charges	FREIGHT	34.22
01/20/2016	5354076	E 609-49751-253	Wine For Resale	WINE	1,075.80
01/20/2016	5354077	E 609-49751-252	Beer For Resale	BEER	267.00
01/20/2016	5354077	E 609-49751-253	Wine For Resale	WINE	109.95
					<u>\$7,762.07</u>

LAW ENFORCEMENT LABOR SVCS.

		G 101-21707	Union Dues	FEBRUARY UNION DUES	343.00
					<u>\$343.00</u>

MCDONALD DIST CO.

01/14/2016	237832	E 609-49751-252	Beer For Resale	BEER	2,444.73
01/14/2016	237832	E 609-49751-255	N/A Products	N/A	18.00
01/21/2016	239407	E 609-49751-252	Beer For Resale	BEER	2,612.15
01/21/2016	239407	E 609-49751-254	Miscellaneous Merchandise	MISC	72.00
01/21/2016	239407	E 609-49751-255	N/A Products	N/A	144.00
					<u>\$5,290.88</u>

MES-MIDAM

01/15/2016	00705744_SNV	E 402-42210-550	C-O-L Motor Vehicles	NEW TRUCK	284.40
					<u>\$284.40</u>

METRO SALES, INC.

01/20/2016	INV444726	E 101-41400-200	Office Supplies	COPIES	38.76
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01/20/2016	INV444726	E 101-42110-200	Office Supplies	COPIES	38.76
01/20/2016	INV444726	E 101-42400-200	Office Supplies	COPIES	38.76
01/20/2016	INV444726	E 101-43100-200	Office Supplies	COPIES	38.76
01/20/2016	INV444726	E 101-45200-200	Office Supplies	COPIES	38.76
01/20/2016	INV444726	E 601-49440-200	Office Supplies	COPIES	38.76
01/20/2016	INV444726	E 602-49490-200	Office Supplies	COPIES	38.76
01/20/2016	INV444726	E 609-49750-200	Office Supplies	COPIES	38.77
					\$310.09

MN BCA-CJTE

01/22/2016	25083-OLDM16C	E 101-42110-208	Training and Instruction	SCHWIEGER TRAINING	75.00
					\$75.00

MN DNR WATERS

01/26/2016	1979-6329	E 601-49440-434	Permit Fees	WELL PERMIT	1,488.26
01/27/2016	1960-0127	E 601-49440-434	Permit Fees	CROP IRRIGATION	20.00
					\$1,508.26

M-R SIGN COMPANY, INC.

01/06/2016	189312	E 101-43100-226	Sign Repair Materials	SIGNS	119.69
					\$119.69

MY ALARM CENTER

02/01/2016	6702260	E 609-49750-445	Security	LIQUOR ALARM	32.73
					\$32.73

NORTHLAND SECURITIES, INC

01/08/2016	4335	E 101-41540-301	Auditing and Acct g Services	CONTINUING DISCLOSURE	1,450.00
					\$1,450.00

PAUSTIS & SONS

01/11/2016	8531556-IN	E 609-49751-206	Freight and Fuel Charges	FREIGHT	12.50
01/11/2016	8531556-IN	E 609-49751-253	Wine For Resale	WINE	891.00
					\$903.50

PHILLIPS WINE & SPIRITS CO.

01/13/2016	2913977	E 609-49751-206	Freight and Fuel Charges	FREIGHT	59.28
01/13/2016	2913977	E 609-49751-251	Liquor For Resale	LIQUOR	3,082.70
01/20/2016	2917305	E 609-49751-206	Freight and Fuel Charges	FREIGHT	58.53
01/20/2016	2917305	E 609-49751-251	Liquor For Resale	LIQUOR	5,545.95
01/20/2016	2917306	E 609-49751-206	Freight and Fuel Charges	FREIGHT	30.40
01/20/2016	2917306	E 609-49751-253	Wine For Resale	WINE	1,055.80
					\$9,832.66

REDZONE ROBOTICS, INC

12/22/2015	INV-10529	E 602-49490-400	System Jetting	ANNUAL BILLING	43,000.00
					\$43,000.00

SHI INTERNATIONAL CORP

10/30/2015	B04161801	E 101-42110-218	Equipment Repair & Maintenance	OFFICE	243.00
					\$243.00

SOUTHERN WINE & SPIRITS OF MN

01/14/2016	1367772	E 609-49751-206	Freight and Fuel Charges	FREIGHT	7.79
01/14/2016	1367772	E 609-49751-251	Liquor For Resale	LIQUOR	1,039.50
01/21/2016	1369917	E 609-49751-206	Freight and Fuel Charges	FREIGHT	23.47
01/21/2016	1369917	E 609-49751-251	Liquor For Resale	LIQUOR	2,322.88
					\$3,393.64

ST. FRANCIS AREA CHAMBER OF

01/01/2016	00687	E 609-49750-433	Dues and Subscriptions	ANNUAL DUES	150.00
					\$150.00

SUSA

		E 601-49440-433	Dues and Subscriptions	BARTEN MEMBERSHIP	62.50
		E 601-49440-433	Dues and Subscriptions	TEICHER MEMBERSHIP	62.50
		E 602-49490-433	Dues and Subscriptions	BARTEN MEMBERSHIP	62.50
		E 602-49490-433	Dues and Subscriptions	TEICHER MEMBERSHIP	62.50

\$250.00

SYNOVIA SOLUTIONS

01/12/2016	3725	E 101-43100-221	Vehicle Repair & Maintenance	LEASE	45.80
01/12/2016	3725	E 101-45200-221	Vehicle Repair & Maintenance	LEASE	45.80
01/12/2016	3725	E 601-49440-221	Vehicle Repair & Maintenance	LEASE	45.78
01/12/2016	3725	E 602-49490-221	Vehicle Repair & Maintenance	LEASE	45.80
					<u>\$183.18</u>

TECH SALES CO.

01/14/2016	320308	E 602-49490-229	Project Repair & Maintenance	ANNUAL CALIBRATION	330.00
					<u>\$330.00</u>

THE AMERICAN BOTTLING COMPANY

01/21/2016	7421204010	E 609-49751-254	Miscellaneous Merchandise	MISC	127.32
					<u>\$127.32</u>

VESSCO, INC.

01/05/2016	65208	E 601-49440-233	Water Treatment Plant Maint	SUPPLIES	98.85
					<u>\$98.85</u>

VINOCOPIA, INC.

01/15/2016	0143060-IN	E 609-49751-206	Freight and Fuel Charges	FREIGHT	22.50
01/15/2016	0143060-IN	E 609-49751-251	Liquor For Resale	LIQUOR	1,186.42
01/15/2016	0143060-IN	E 609-49751-253	Wine For Resale	WINE	112.00
					<u>\$1,320.92</u>

\$202,846.54

FUND SUMMARY

101 GENERAL FUND	\$27,866.88
402 CAPITAL EQUIPMENT	\$284.40
601 WATER FUND	\$8,126.10
602 SEWER FUND	\$110,447.72
609 MUNICIPAL LIQUOR FUND	\$56,121.44
Total	<u>202,846.54</u>



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

January 28, 2016

The Honorable Kurt Daudt
463 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, Minnesota 55155

RE: City of St. Francis – Wastewater Infrastructure Funding

Dear Speaker Daudt,

The City of St. Francis is constructing a new Wastewater Treatment Facility (WWTF). This WWTF was necessary as a result of more stringent regulations by the Minnesota Pollution Control Agency (MPCA) and to meet the growth of the area at a cost of approximately \$24,000,000. This facility is an important project in order to protect the environment for the future generations. Key details regarding this treatment facility include:

- The WWTF discharges into the Seelye Brook upstream of the Outstanding Resource Value Waters (ORVW), the Rum River and the Mississippi River.
- The WWTF discharge is located upstream of the Minneapolis Water intake.
- The WWTF is designed to reuse the treatment plant effluent for the irrigation of golf courses, landscapes, and firefighting purposes to reduce discharges to the rivers and streams.
- The operation of this facility prevents many contaminants from entering the public waterways as required by the MPCA. However, constructing a facility of this nature has economically burdened the residents of St. Francis. The utility bills have increased significantly to cover this cost and are projected to continue to increase.

The City has also learned the MPCA will begin imposing more wastewater limits that will require improvements to the City's Water Treatment Plant (WTP). Combining improvements to the WWTF and the WTP creates a financial burden many in the St. Francis community cannot bear. We urge you to fund the Wastewater Infrastructure Fund. The WIF money could ease the financial hardship. The residents of St. Francis feel it is vitally important to meet or exceed the limits provided by the MPCA, but these limits cannot be achieved without financial assistance from the State. A recent income survey was conducted demonstrating a median household income of \$45,000. The USDA standard of 1.5% defines \$56.25 per month as the limit of "affordable" for this community. St. Francis is anticipating average user rates of \$123.43 per month even after securing Point Source Implement Grant dollars from the MPCA and loan well below the market rate from PFA. This project is required, but it is not affordable.

We encourage you to fund the Wastewater Infrastructure Fund this session to help communities, like St. Francis, bear the burden of protecting the environment into the future.

Sincerely,

Mayor Steve Kane
City of St. Francis

JEFFREY S. JOHNSON
RUSSELL H. CROWDER
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
STEVEN G. THORSON

*Also Licensed in Wisconsin

BGS

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JENNIFER C. MOREAU
DAVID R. SCHAPS
THOMAS R. WENTZELL

OF COUNSEL
JON P. ERICKSON
W. JAMES VOGL, JR.

MEMORANDUM

TO: Honorable Mayor and City Councilmembers,
City Administrator Joe Kohlmann,
Chief Jeff Harapat

FROM: David Schaps, Assistant City Attorney

THROUGH: Scott Lepak, City Attorney

RE: Update of St. Francis Tobacco Ordinance to Address E-Cigarette Regulation in
the City

DATED: January 26, 2016

Please allow this memorandum to provide information on amending the St. Francis City Code to address the regulation and sale of e-cigarettes in the community. The City already regulates the sale of tobacco products under City Code Chapter 6 Section 4.

Attached to this memorandum is an updated draft ordinance that has been prepared by our office. The new language updates the City Code by providing new definitions and calling for the regulation of nicotine and lobelia delivery devices, as well as electronic delivery devices which includes e-cigarettes. The amended ordinance also requires that fluid sold to be consumed in an electronic delivery device contain child-resistant packaging in conformity with Minn. Stat. 461.20.

Process

Minn. Stat. 461.14 provides notice requirements to current city tobacco license holders prior to the City Council taking potential action to amend the tobacco ordinance, stating:

461.19 EFFECT ON LOCAL ORDINANCE; NOTICE.

Sections 461.12 to 461.18 do not preempt a local ordinance that provides for more restrictive regulation of sales of tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia products. A governing body shall give notice of its intention to consider adoption or substantial amendment of any local ordinance required

under section 461.12 or permitted under this section. The governing body shall take reasonable steps to send notice by mail at least 30 days prior to the meeting to the last known address of each licensee or person required to hold a license under section 461.12. The notice shall state the time, place, and date of the meeting and the subject matter of the proposed ordinance.

City staff is notifying the current tobacco license holders in conformity with this requirement.

After 30 days, the City Council may take the issue up for discussion and consideration for possible approval by conducting its standard first and second reading of the ordinance at upcoming City Council meetings. Per that process the new amended ordinance will likely come before the Council for its first reading at the March 7, 2016 meeting.

If approved, the new amended ordinance will take effect 30 days after its publication.

Please do not hesitate to contact me if you have questions or need additional information.

Attachment: City Code Chapter 6 Section 4 with Language Amendments

674362-v1

ORDINANCE NO. 16 - _____

CITY OF ST. FRANCIS
ANOKA COUNTY
STATE OF MINNESOTA

BY ACT OF THE CITY COUNCIL, THIS ORDINANCE AMENDS
CITY ORDINANCE 55, SECOND SERIES WITH THE FOLLOWING ORDINANCE
AMENDMENTS RELATING TO THE SALE, POSSESSION, AND
USE OF TOBACCO, TOBACCO PRODUCTS, AND TOBACCO RELATED
DEVICES IN THE CITY AND TO REDUCE THE ILLEGAL SALE, POSSESSION,
AND USE OF SUCH ITEMS TO AND BY MINORS.

THE CITY OF ST. FRANCIS ORDAINS THE FOLLOWING LANGUAGE
AMENDMENTS TO ORDINANCE 55, SECOND SERIES:

Section 1. Code Amended. Chapter 6 Section 4 of the St. Francis City Code
Entitled Tobacco shall be amended as follows:

SECTION 4

TOBACCO

(Ord 55, SS, 11-16-1998)

SECTION:

- 6-4-1: Purpose
- 6-4-2: Definitions and Interpretations
- 6-4-3: License
- 6-4-4: Fees
- 6-4-5: Basis for Denial of License
- 6-4-6: Prohibited Sales
- 6-4-7: Vending Machines
- 6-4-8: Self-Service Sales
- 6-4-9: Responsibility
- 6-4-10: Compliance Checks and Inspections
- 6-4-11: Other Illegal Acts
- 6-4-12: Violations
- 6-4-13: Penalties
- 6-4-14: Exceptions and Defenses
- 6-4-15: Severability and Savings Clause

6-4-1: PURPOSE. Because the City recognizes that many persons under the age of eighteen (18) years purchase or otherwise obtain, possess and use tobacco, tobacco products, ~~and~~ tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery devices and such sales, possession, and use are violations of both State and Federal laws; and because studies, which the City hereby accepts and adopts, have show that most smokers begin smoking before they have reached eighteen (18) years and that those persons who reach the age of eighteen (18) years without having started smoking are less likely to be smoking; and because smoking has been show to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this ordinance shall be intended to regulate the sale, possession, and use of tobacco, tobacco products, ~~and~~ tobacco related devices, electronic delivery devices, and nicotine or lobelia delivery devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, ~~and~~ tobacco related devices, electronic delivery devices, and nicotine or lobelia delivery devices and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minn. Stat. § 144.391.

6-4-2: DEFINITIONS AND INTERPRETATIONS. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and neuter, and vice-versa. The term "shall" means mandatory and the term "may" means permissive. The following terms shall have the definitions given to them:

- A. Tobacco or Tobacco Products. "Tobacco" or "Tobacco products" shall mean any substance or item containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, snuff, fine cut or other chewing tobacco; cheroots, stogies, perique, granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff flowers; Cavendish, shorts, plug and twist tobaccos, dipping tobaccos; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco leaf prepared in such manner as to be suitable for chewing, sniffing, or smoking.
- B. Tobacco Related Devices. "Tobacco related devices" shall mean any tobacco products as well as a pipe, rolling papers, or other device intentionally designated or intended to be used in a manner which enables the chewing, sniffing, or smoking or tobacco or tobacco products.
- C. Self-Service Merchandising. "Self-Service Merchandising" shall mean open displays of tobacco, tobacco products, ~~or~~ tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery devices in any manner where any person shall have access to the tobacco, tobacco products, ~~or~~ tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery devices, without the assistance or intervention of the licensee or the licensee's employee.

The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product, ~~or tobacco related device~~ electronic delivery device, or nicotine or lobelia delivery device between the customer and the licensee or employee. Self-service merchandising shall not include vending machines.

- D. Vending Machine. "Vending Machine" shall mean any mechanical, electric or electronic, or other type of device which dispenses tobacco, tobacco products, ~~or tobacco related devices~~, electronic delivery devices, or nicotine or lobelia delivery devices upon the insertion of money, tokens or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco product, or tobacco related device.
- E. Individually packaged. "Individually packaged" shall mean the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include, but not limited to, single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this Subdivision shall not be considered individually packaged.
- F. Loosies. "Loosies" shall mean the common term used to refer to a single or individual packaged cigarette.
- G. Minor. "Minor" shall mean any natural person who has not yet reached the age of eighteen (18) years.
- H. Retail Establishment. "Retail Establishment" shall mean any place of business where tobacco, tobacco products, ~~or tobacco related devices~~, electronic delivery devices, or nicotine or lobelia delivery devices are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, and restaurants.
- I. Moveable Place of Business. "Movable Place of Business" shall refer to any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.
- J. Sale. A "Sale" shall mean any transfer of goods for money, trade, barter, or other consideration.
- K. Compliance Checks. "Compliance Checks" shall mean the system the City uses to investigate and ensure that those authorized to sell tobacco, tobacco products, ~~and tobacco related devices~~, electronic delivery devices, and nicotine or lobelia delivery devices are following and complying with the requirements of this ordinance. Compliance checks shall involve the use of minors as authorized by this ordinance. Compliance checks shall also means the use of minors who

attempt to purchase tobacco, tobacco products, ~~or~~ tobacco related devices, electronic delivery devices, and nicotine or lobelia delivery devices.

L. Nicotine or Lobelia Delivery Devices. "Nicotine or Lobelia Delivery Devices" shall mean any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco as defined in this section, not including any product that has been approved or otherwise certified for legal sale by the United States Food and Drug Administration for tobacco use cessation, harm reduction, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

M. Electronic Delivery Device: "Electronic delivery devices" are products containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of such a product whether or not sold separately. Electronic delivery device does not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal use in tobacco cessation treatment for other medical purposes, and is being marketed and sold solely for that approved purpose.

6-4-3: LICENSE. No person shall sell or offer to sell any tobacco, tobacco products, ~~or~~ tobacco related device, electronic delivery devices, or nicotine or lobelia delivery device without first having obtained a license to do so from the City.

A. Application. An application for a license to sell tobacco, tobacco products, ~~or~~ tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery devices shall be made on a form provided by the City. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of business for which the license is sought, and any additional information the City deems necessary. Upon receipt of a completed application, the City Clerk shall forward the application to the Council for action at its next regularly scheduled Council meeting. If the Clerk shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.

B. Action. The Council may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the Council shall approve the license, the Clerk shall issue the license to the applicant. If the Council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the Council's decision.

- C. Term. All licenses under this ordinance shall be valid for one calendar year from the date of issue.
- D. Revocation or Suspension. Any license issued under this ordinance may be revoked or suspended as provided in the Violations and Penalties section of this ordinance.
- E. Transfers. All licenses issued under this ordinance shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the Council.
- F. Moveable Place of Business. No license shall be issued to a movable place of business. Only fixed location businesses shall be eligible to be licensed under this ordinance.
- G. Display. All licenses shall be posted and displayed in plain view of the general public of the licensed premises.
- H. Renewals. The renewal of a license under this section shall be handled in the same manner as the original application. The request for a renewal shall be made at least thirty days but no more than sixty days before the expiration of the current license. The issuance of a license issued under this ordinance shall be considered a privilege and not an absolute right of the application and shall not entitle the holder to an automatic renewal of the license.

6-4-4: FEES. No license shall be issued under this ordinance until the appropriate license fee shall be paid in full. The fee for a license under this ordinance shall be set by resolution by the Council.

6-4-5: BASIS FOR DENIAL OR LICENSE. The following shall be grounds for denying the issuance or renewal of a license under this ordinance; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the City must deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this Section:

- A. The applicant is under the age of eighteen (18) years.
- B. The applicant has been convicted within the past five years of any violation of a Federal, State, or local law, ordinance provision, or other regulation relating to tobacco or tobacco products, ~~or tobacco related devices,~~ electronic delivery devices, or nicotine or lobelia delivery devices.

- C. The applicant has had a license to sell tobacco, tobacco products, ~~or~~ tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery devices revoked within the preceding twelve months of the date of application.
- D. The applicant fails to provide any information required on the application, or provides false or misleading information.
- E. The applicant is prohibited by Federal, State, or other local law, ordinance or other regulation, from holding such a license.

6-4-6: PROHIBITED SALES. It shall be a violation of this ordinance for any person to sell or offer to sell any tobacco, tobacco product, ~~or~~ tobacco related device, electronic delivery device, or nicotine or lobelia delivery device:

- A. To any person under the age of eighteen (18) years.
- B. By means of any type of vending machine, except as may otherwise be provided in this ordinance.
- C. By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the tobacco, tobacco product, ~~or~~ tobacco related device, electronic delivery devices, or nicotine or lobelia delivery device and whereby there is not a physical exchange of the tobacco, tobacco product, ~~or~~ tobacco related device, electronic delivery device, or nicotine or lobelia delivery device between the licensee or the licensee's employee, and the customer.
- D. By means of loosies as defined in Section 6-4-2.F of this Code.
- E. Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances naturally found in tobacco or added as part of an otherwise lawful manufacturing process.
- F. By any other means to any other person, or in any other manner or form prohibited by Federal, State, or local law, ordinance provision, or other regulation.
- G. It is unlawful for any licensee, or any officer, associate, member, representative, agent, or employee of such licensee, to engage, employ or permit any person under the age of eighteen (18) years of age to sell tobacco products, electronic delivery devices, or nicotine or lobelia delivery devices in any licensed premises.
- H.

G. It shall be a violation of this ordinance to sell any liquid, whether or not such liquid contains nicotine that is intended for human consumption and use in an electronic delivery device that is not contained in packaging that is child-resistant. Upon request, a licensee shall provide a copy of the certificate of compliance or full laboratory testing report for the packaging used.

6-4-7: VENDING MACHINES. It shall be unlawful for any person licensed under this ordinance to allow the sale of tobacco, tobacco products, ~~or~~ tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery devices by the means of a vending machine unless minors are at all times prohibited from entering the licensed establishment.

6-4-8: SELF-SERVICE SALES. It shall be unlawful for a licensee under this ordinance to allow the sale of tobacco, tobacco products, ~~or~~ tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery devices by any means whereby the customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of tobacco, tobacco products ~~and~~ tobacco related devices, electronic delivery devices, and nicotine or lobelia delivery devices shall either be stored behind the counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. Any retailer selling tobacco, tobacco products ~~or~~ tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery devices at the time of this ordinance is adopted shall comply with this Section within 30 days following the effective date of this ordinance.

6-4-9: RESPONSIBILITY. All licensees under this ordinance shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, ~~or~~ tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery devices on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the City from also subjecting the clerk to whatever penalties are appropriate under this Ordinance, State or Federal law, or other applicable law or regulation.

6-4-10: COMPLIANCE CHECKS AND INSPECTIONS. All licensed premises shall be open to inspection by the City police and other authorized city officials during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of fifteen (15) years but less than eighteen (18) years. To enter the licensed premise to attempt to purchase tobacco, tobacco products ~~or~~ tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery devices. Minors used for the purpose of compliance checks shall be supervised by the City designated law enforcement officers or other designated City personnel. Minors

used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, or tobacco related devices when such items are obtained as part of the compliance check. No minor used in compliance check shall attempt to use a false identification misrepresenting the minor's age, and all minors lawfully engaged in compliance checks shall answer all questions about the minor's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this Section shall prohibit compliance checks authorized by State or Federal laws for education, research, or training purposes, or required for the enforcement of a particular State or Federal law.

6-4-11: OTHER ILLEGAL ACTS. Unless otherwise provided, the following acts shall be a violation of this ordinance.

- A. **Illegal Sales.** It shall be a violation of this ordinance for any person to sell or otherwise provide any tobacco, tobacco product, ~~or tobacco related device,~~ electronic delivery device, or nicotine or lobelia delivery device to any minor.
- B. **Illegal Possession.** It shall be a violation of this ordinance for any minor to have in his or her possession any tobacco, tobacco product, ~~or tobacco related device,~~ electronic delivery device, or nicotine or lobelia delivery device. This subdivision shall not apply to minors lawfully involved in a compliance check.
- C. **Illegal Use.** It shall be a violation of this ordinance for any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, ~~or tobacco related device,~~ electronic delivery device, or nicotine or lobelia delivery device.
- D. It shall be a violation of this ordinance for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, ~~or tobacco related device,~~ electronic delivery device, or nicotine or lobelia delivery device, and it shall be a violation of this ordinance for any person to purchase or otherwise obtain such items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product ~~or,~~ tobacco related device, electronic delivery device, or nicotine or lobelia delivery device. This subdivision shall not apply to minors lawfully involved in a compliance check.
- E. **Use of False Identification.** It shall be a violation of this ordinance for any minor to attempt to disguise his or her true age by the use of a false form of identification, where the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

6-4-12: VIOLATIONS.

- A. Notice. Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his or her right to be heard on the accusation.
- B. Hearings. If a person accused of violating this ordinance so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.
- C. Hearing Officer. The City Council shall serve as the hearing officer. Minors alleged to be in violation may request a hearing with the City Council serving as the hearing officer.
- D. Decision. If the hearing officer determines that a violation of this ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under Section 6-4-13 of this Code, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.
- E. Appeals. Appeals of any decision made by the hearing officer shall be filed in the district court for the City in which the alleged violation occurred.
- F. Misdemeanor Prosecution. Nothing in this Section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this ordinance. If the City elects to seek misdemeanor prosecution against an individual in violation of this ordinance, no administrative penalty shall be imposed against that individual.
- G. Continued Violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.
- H. Minors. Minors alleged to be in violation of this ordinance shall be entitled to the same process as other alleged violators. Unless waived, a minor charged under this ordinance shall be entitled to all confidentiality protections under state law including a private hearing to an appropriate hearing officer.

6-4-13: PENALTIES.

- A. Licensees. Any licensee found to have violated this ordinance, or whose employee shall have violated this ordinance, shall be charged an administrative fine of \$75.00 for a first violation of this ordinance; \$200.00 for a second offense at the same licensed premises within a twenty-four month period; and \$250.00 for a third or subsequent offense at the same location within a twenty-four month

period. In addition, after the third offense, the license shall be suspended for not less than seven days.

- B. Other Individuals. Other individuals, other than minors regulated by Subdivision 3 of this Subsection, found to be in violation of this ordinance shall be charged an administrative fee of \$50.00.
- C. Minors. Minors founds in unlawful possession of, or who unlawfully purchase or attempt to purchase tobacco, tobacco products, ~~or~~ tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery devices, shall be charged an administration fee of \$25.00 for any violation. In addition, a minor in violation of this section shall be ordered to attend the Anoka County Youth Tobacco Diversion program.

6-4-14: EXCEPTIONS AND DEFENSES. Nothing in this ordinance shall prevent the providing of tobacco, tobacco products, ~~or~~ tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery devices to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this ordinance for a person to have reasonably relied on proof of age as described by State law.

6-4-15: SEVERABILITY AND SAVINGS CLAUSE. If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or affect the validity and enforceability of any other section or provision of this ordinance.

Section 2. Effective Date.

This Amended Ordinance shall take effect thirty (30) days after its publication.

PASSED AND ADOPTED by the City Council of the City of St. Francis, Minnesota, this ___th day of March, 2016.

Steve Kane
Mayor

ATTEST:

Barbara I. Held
City Clerk

**2015 STATISTICAL BREAKDOWN
(01/01/15-11/01/2015)**

PART 1 & 2 TOTAL 557

PART 3 & 4 TOTAL 3810

TOTAL CALLS FOR SERVICE 4367

TOTAL CITATIONS 377

INVESTIGATIONS: 185

List of Part 1 & 2 Calls

Assaults	33
Burglaries	16
Counterfeiting	8
Crimes against Administration	3
Crimes against Government	0
Crimes against Family	2
CSC	10
Damage to Property	77
Disorderly Conduct	29
Disturbing the Peace	00
Felony Drugs	08
Marijuana/Drug paraphernalia/Meth	27
DWI	40
False Information	01
Credit Card Fraud	15
Arson	0
Fleeing Police	1
Forgery	2
Fraud	9
Gas No Pay Reports	10
Harassment	24
Hit & Run Accidents	0
Identity Theft	12
Interfere with a 9-1-1 call	1
Juvenile Alcohol/Tobacco/Runaway	47
Kidnapping/false imprisonment	0
Miscellaneous	8
Obscenity	1
Obstruction of Legal Process	3
Possession of Stolen Property	2
Property-All Other	0
Public Nuisance	4
Robbery	0
Terroristic Threats	4
Theft	88
All Other Traffic	39
Trespass	9
Underage Consumption/Underage Drink & Drive	2
UUMV	1
Vehicle Tampering	6
Vehicle Theft	4
Vehicle UUMV	1
OFF Violations	7
Weapons Violations	0
Worthless Check	3

List of Part 3 & 4 calls

911 Hang Ups	15
Motor Vehicle PD/PI Accidents	103
Alarm Calls	130
Animal Complaints	106
Assists	309
Attempt to Locate	0
Check Welfare	75
Civil & Child Custody Disputes	93
Co Alarms	4
MV/Snowmobile/ATV complaints	29
Damage to Squad	0
Dangerous Animal	4
DOA	3
Death Notices	2
Detox Transport	0
Domestics/Domestic Escorts	180
Emergency Commitment Holds	15
Extra Patrol Requests	37
Family Assists	5
Fire Calls	41
Follow Up Calls	391
Found Property	53
Funeral Escorts	0
DWI Task Force	0
House Checks	64
Informational Reports	134
Juvenile Activity	53
Landlord/Tenant Dispute	1
Lethality Assessment	1
Lockouts/Vehicles & Residences	95
Lost Property/Animal/Person	27
Medicals	289
Mental Health	5
Miscellaneous	97
Miscellaneous Officer	111
Motorist Assist	24
Narcotics Information	17
Neighborhood Disputes	23
No kennel license	0
Unsecured Residences	2
Ordinance Complaints	88
Paper Service	6
Parking Complaints	14
Permits (handgun/deer/snowmobiles/golf carts)	80
Public Assists	89
Public Intoxication	2
Social Service Referrals	7
Suicide Attempts/Threats	35
Suspicious Activity	253
Traffic – Other/warning	530
Truant	0
Unwanted Person	3
Vehicle Repossessions/abandoned	28
Warrant Arrest/attempts	42