

CITY OF ST. FRANCIS CITY
COUNCIL AGENDA

March 21, 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 – March 7, 2016
 - b. Pay Request No. 8 to Gridor Construction, Inc. for the Wastewater Treatment Facility Improvements
 - c. Final Pay Request and Change Order No. 1 to North Valley Inc. for the Kerry Street , 232nd Lane & Ivywood Street Improvements
 - d. 2016 Agreement for Residential Recycling Program with Anoka County
 - e. 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. MS4 - Storm Water Fee Presentation
7. Ordinances & Resolution
 - a. Ordinance 214, Second Series: Amending City Code Chapter 6 Section 3 entitled “Dances” (Second Reading)
 - b. Ordinance 215, Second Series: Amending the City Charter Relating to “Council Meetings” (Second Reading)
 - c. Ordinance 216, Second Series: Tobacco Ordinance (Second Reading)
 - d. Ordinance 217, Second Series: Drug Paraphernalia (Second Reading)
 - e. Ordinance 218, Second Series: Amending City Code Chapter 2 Section 2 Entitled “Council Meeting-Time and Place (First Reading)
 - f. Resolution 2016-07: Writing off Escrow Balances for Year Ending 2015
 - g. Resolution 2016-08: Authorizing the Summary Publication of Ordinance 214, Second Series
 - h. Resolution 2016-09: Authorizing the Summary Publication of Ordinance 216, Second Series
 - i. Resolution 2016-10: Authorizing the Summary Publication of Ordinance 217, Second Series
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
10. Report from Mayor
11. Old Business
12. New Business
13. Adjournment

Calendar of Events

Mar 20: Spring Begins

Apr 4: City Council Meeting @ ISD #15 Central Services Center (District Offices) 6:00 pm

Apr 18: City Council Meeting @ ISD #15 Central Services Center (District Offices) 6:00 pm

Apr 20: Planning Comm. Meeting @ ISD #15 Central Services Center (District Offices) 7:00 pm

MEMO

TO: Mayor & City Council

FROM: Joe Kohlmann, City Administrator

RE: Agenda Memorandum – March 21st, 2016 Council Meeting

Agenda Items:

4. Consent Agenda:

- a. City Council Minutes – March 7th, 2016
- b. Pay Request No. 8 to Gridor Construction – WWTF
- c. Final Pay Request and Change Order No. 1 – Kerry/232nd Lane and Ivywood
- d. 2016 Agreement for Residential Recycling Program with Anoka County
- e. Payment of Claims

6. Petitions, Requests, Applications:

- a. MS4 – Storm Water Fee Presentation – City Engineer Jared Voge will be presenting the attached power point presentation outlining the MS4 Permit.

7. Ordinances & Resolutions:

- a. Ordinance 214, Second Series: (Second Reading) Amending City Code Chapter 6 Section 3 entitled “Dances” – This Ordinance revision removes the stipulation that dances must have a licensed police officer at the dance. It is replaced by requiring them to have “...security personnel as are necessary and sufficient to provide for adequate security and protection..”. It also changes the dance from 1:00 a.m. to midnight.
- b. Ordinance 215, Second Series: (Second Reading) Amending City Charter Relating to “Council Meetings”. This allows Council to change meetings by resolution versus ordinance.
- c. Ordinance 216, Second Series: (Second Reading) Tobacco Ordinance. A Memo from the City Attorney’s Office explains this is an update to include electronic cigarettes in the Tobacco Ordinance.
- d. Ordinance 217, Second Series: (Second Reading) Drug Paraphernalia. This is a new ordinance to strengthen the regulation of drug paraphernalia in the City.
- e. Ordinance 218, Second Series: (First Reading) Amending City Code Chapter 2 Section 2 entitled “Council Meeting – Time and Palace). This is in conjunction with the Charter Amendment with City Council meetings.
- f. Resolution 2016-07 – Writing Off Escrow Balances for Year Ending 2015. This Resolution writes off outstanding negative escrows, per the Auditor’s recommendations.
- g. Resolution 2016-08 – Authorize Summary Publication of Ordinance 214,

Second Series ("Dances" above)

h. Resoution 2016-09 – Resolution Authorizing Summary Publication of Ordinance 216, Second Series. ("Tobacco" above)

i. Resolution 2016-10 – Authorize Summary Publication of Ordinance 217, Second Series ("Drug Paraphernalia" above)

8. Reports:

a. **Engineer:**

b. **Attorney:**

c. **Staff:**

Finance:

Fire:

Public Works:

Liquor Store:

Police:

City Administrator:

11. Old Business:

12. New Business:

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

CITY COUNCIL MINUTES

MARCH 7, 2016

1. **Call to Order:** The regular City Council Meeting was called to order by Mayor Steve Kane at 6:00 pm.
2. **Roll Call:** Present were Mayor Steve Kane, Council members Richard Orpen, Rich Skordahl, Chris McClish and Tim Brown. Also present were City Engineer Jared Voge (Bolton & Menk, Inc.), City Attorney Scott Lepak (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 Administrative Assistant Anna Anderson.
3. **Adopt Agenda:** MOTION BY BROWN SECOND McCLISH TO ADOPT THE MARCH 7, 2016 CITY COUNCIL AGENDA. Motion carried 5-0.
4. **Consent Agenda:** MOTION BY McCLISH SECOND ORPEN TO APPROVE THE MARCH 7, 2016 CITY COUNCIL CONSENT AGENDA A-F AS FOLLOWS:
 - a. City Council Minutes – February 16, 2016
 - b. Acknowledge the URRWMO 2/15/16 4th Generation Plan Meeting Minutes – Unapproved
 - c. Acknowledge the URRWMO January 26, 2016 Meeting Minutes – Unapproved
 - d. Genesis Site Lease Agreement
 - e. Accept the Resignation of Police Chief Jeff Harapat
 - f. Payment of Claims \$240,277.79 (Checks 70345-70423) Motion carried 5-0.
5. **Meeting Open to the Public:** None.
6. **Petitions, Requests, Applications:**
 - a. **Charter Amendment: Public Hearing:** City Administrator Joe Kohlmann reports that the proposed charter amendment would enable the council to change the meeting dates by resolution as opposed to ordinance. This would allow council to make meeting changes to the dates and times. This change would most importantly address the second meeting in December. The council could effectively remove this meeting all together and meet again at the beginning of January. If this change were made by ordinance, it would take 60 days or so to go into effect. Mayor Kane opened the public hearing at 6:02 pm for any public comment on the charter amendment. After no public comment, Mayor Kane closed the public hearing at 6:03 pm.
 - b. **Rod Royce – Veteran Memorial Request:** Rod Royce, 24339 Hummingbird St NW asks where the veterans memorial is. Mayor Kane states there isn't one. Council direction is to City Administrator to look into a veteran memorial.

7. **Ordinances & Resolution:**

a. **Ordinance 214, Second Series: Amending City Code Chapter 6 Section 3 entitled “Dances” (First Reading):** City Attorney Scott Lepak states previously discussed was whether the police chief should have prior review of what the security arrangements are and take action on it. Since then, we’ve had a chance to look at some language in other cities, reviewed it with the chief, and you can see the language changes primarily in Section 6-3-4 F. This includes the licensees applying at their own expense and makes security personnel necessary. It takes the chief out of the mandatory review part of the dance regulation. There is also a change in the dance regulations prohibiting any person age 18 years or under without a guardian, rather than 16. The dance hours would be changed from 1 am to midnight. MOTION BY BROWN SECOND McCLISH APPROVING THE FIRST READING OF ORDINANCE 214, SECOND SERIES AMENDING CITY CODE CHAPTER 6, SECTION 3 ENTITLED “DANCES”. Roll Call: Ayes: Orpen, Skordahl, McClish, Brown and Kane. Nays: None. Motion carried 5-0.

b. **Ordinance 215, Second Series: Amending the City Charter Relating to “Council Meetings” (First Reading):** MOTION BY McCLISH SECOND BROWN APPROVING THE FIRST READING OF ORDINANCE 215, SECOND SERIES AMENDING THE CITY CHARTER RELATING TO “COUNCIL MEETINGS”. Roll Call: Ayes: Brown, McClish, Skordahl, Orpen and Kane. Nays: None. Motion carried 5-0.

c. **Ordinance 216, Second Series: Tobacco Ordinance (First Reading):** Lepak states this is an ordinance change that has the rational and detail outlined in a January 26, 2016 memorandum. Briefly stating, it adds E-cigs, nicotine and lobelia devices to an area that the city will regulate. MOTION BY SKORDAHL SECOND ORPEN APPROVING THE FIRST READING OF ORDINANCE 216, SECOND SERIES AMENDING CHAPTER 6, SECTION 4 ENTITLED “TOBACCO”. Roll Call: Ayes: Brown, McClish, Skordahl, Orpen, and Kane. Nays: None. Motion carried 5-0.

d. **Ordinance 217, Second Series: Drug Paraphernalia (First Reading):** Lepak states this is an area that the city attorney’s office reviewed and determined that there was no language in the current city code on this topic. We created a proposed code section, Chapter 8 Section 11 that talks about what drug paraphernalia is, prohibits use or possession, delivery and manufacturing is also prohibited and provides greater detail on those basic prohibitions. MOTION BY ORPEN SECOND McCLISH APPROVING THE FIRST READING OF ORDINANCE 214, SECOND SERIES ENACTS “OFFENSES RELATING TO DRUG PARAPHERNALIA, CHAPTER 8, SECTION 11. Roll Call: Ayes: Orpen, McClish, Skordahl, Brown, and Kane. Nays: None. Motion carried 5 -0.

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

a. **Engineer: 1) Pederson Drive Safety Improvement Project:** City Engineer Jared Voge reports that initially this project was brought up by council as a result of concerns for pedestrian safety. In July 2014, the plans and specifications were authorized for the project.

Those plans have been completed and are before you this evening. The project consists of the installation of concrete curb and gutter, storm sewer, and pedestrian improvements between State Hwy 47 and Guarani Street NW. West and north of Guarani Street, the existing bituminous pavement will be milled and overlaid. The construction will be completed in phases to provide continual access to existing businesses along the corridor. Maps were provided for the detour and traffic control plans. Since Municipal State Aid (MSA) Funds will be used for funding the improvements, MSA Rules must be followed. MSA Rules require that a No Parking Resolution be adopted since the proposed improvement does not provide adequate width for parking on both sides of the street. The total estimated project cost breakdown by funding source is as follows:

- MSA Funds - \$1,118,000 (includes construction, Preliminary Engineering Report, topography, contract administration, construction observation, construction staking, legal, administration, permitting, crosswalk lighting)
- City Funds - \$2,000 (includes manhole and gate valve adjustments)

The public works director and I are currently evaluating sign technology that would advance the visibility of those signs at the crosswalk locations only. It is a change in pedestrian patterns; pedestrians will be funneled there rather than crossing on their own.

a. **Approving Plans & Specs Resolution 2016-04:** MOTION BY BROWN SECOND SKORDAHL TO ADOPT RESOLUTION 2016-04 A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE PEDERSON DRIVE IMPROVEMENT PROJECT. Motion carried 5-0

b. **Parking Restrictions 2016-05:** MOTION BY ORPEN SECOND BROWN TO ADOPT RESOLUTION 2016-05 A RESOLUTION RELATING TO PARKING RESTRICTIONS S.A.P. 235-127-001 FROM AMBASSADOR BOULEVARD TO ST. FRANCIS BOULEVARD IN THE CITY OF ST. FRANCIS MINNESOTA. Motion carried 5-0

2) **MnDOT Agreement No. 1002460 – Resolution 2016-06:** Voge reported a Master Partnership Agreement No. 1002460 from the Minnesota Department of Transportation was included in your council packet. This agreement provides an opportunity for the City of St. Francis and the Minnesota Department of Transportation to work together on such items as roadway and lighting maintenance and share professional and technical services such as materials testing, etc. MOTION BY SKORDAHL SECOND McCLISH TO ADOPT RESOLUTION 2016-06 A RESOLUTION AUTHORIZING EXECUTION OF A MASTER PARTNERSHIP CONTRACT BETWEEN THE MINNESOTA DEPARTMENT OF TRANSPORTATION (MN/DOT) AND THE CITY OF ST. FRANCIS, MINNESOTA. Motion carried 5-0

b. **Attorney: 1) Meeting Pursuant to Minn. Stat. Sec. 13D.05, Subd. 2 to consider allegations against employee subject to council authority - Employee requested open meeting:** City Attorney Scott Lepak reported this meeting would normally be closed under open meeting law because it involves private data. The individual subject of the investigation does have the statutory right to request that the meeting be open and the individual did make that request. The state law does permit the council to discuss private data but only to the extent necessary for a thorough consideration of the matter. Please avoid private data if possible. The issue involves allegations of a violation of city policy involving a member of fire

department. The fire chief received some information of a potential policy violation and followed the appropriate procedure by contacting the city administrator, then contacted me in order to fully address the investigation in the matter. My senior partner in my law firm who is a very experienced investigator, came up and met with the individuals at issue and based on the results of the investigation it appears that the specific issue in focus of the investigation involved private, non-duty related communications. The initial report was investigated and the policy violation in that respect was found to be something that we're not bringing forward as a recommended discipline. The investigation in the matter did reveal an ongoing performance issue and that's also detailed in the report. Basically, because the matter involves fire fighters, we don't follow the normal procedure that we would apply to regular city employees and bring performance issues to council for review and determination, discovery, bylaws and operating procedures that we have for the fire department. With that, the report has been reviewed by the administrator and I. We are working now with the fire chief to address the performance issues that were identified. In summary, I'm not making recommendation for discipline to council this evening, but rather recognition that the administrator and I and the chief will be sitting down addressing this as a performance issue. With that, I'll open it up for discussion. Orpen says I guess I'm just curious, if half of what's in the report is accurate, who are you sitting down with to performance evaluate? Is it the chief, the fire fighters involved, is it all of the above? Lepak responds we would start with the chief that's head of department, run through what the allegations are. Certainly, it would involve dealing with performance issues identified against the subject in the investigation. Orpen says I guess what I'm asking is if the – there's a pretty thorough, detailed section on things that were said that took place that may or may not have taken place, and if even half of those are true, I think that more than just the person involved in the initial report needs to be investigated for their performance. Do you follow what I'm saying? Lepak says he agrees. Orpen states and just to be clear, that's everyone involved and the fire chief would be performance evaluated. Lepak says that's correct. McClish asks if there will be a follow-up with the council? Lepak states we will probably give a follow-up with the council to the extent that any action comes out of performance evaluation, but because the fire department has some of its own rules, we'll probably come to council with an informational item rather than a discussion agenda. McClish says thank you. Kane says Mr. Skordahl, do you agree with this course of action? Skordahl states yes, I do. My only comment is that the citizens of this city spend a lot of money training people and we have very valuable equipment that these folks are placed in charge of and I think the citizens expect a qualified, competent squad of folks to respond to whatever issues might arise in the city. We've got to take whatever steps are needed to make sure those needs are met. I think the step you've outlined is a very important step in that direction. Everything I've read in here, I'm not 100% sure I know the taxpayers and the citizens in this city are getting what they are paying for. So please, go off and go take this first step and let's get on the road to recovery in the fire department. Brown states he agrees with the described actions. Kane states Mr. Lepak, you've got your direction. Thank you.

2) Meeting Pursuant to Minn. Stat. Sec. 13D to develop offers for the sale of real property. The property in question is described as follows: Sect-22 Twp-034 Range-024 (183.55 Acres in Isanti County) SE/4 FCT & E/2 of SW/4: City Attorney Scott Lepak asks the city council go into closed meeting pursuant to Minn. Stat. Sec. 13D to develop offers for

the sale of real property described as; Sect-22 Twp-034 Range-024 (183.55 Acres in Isanti County) SE/4 FCT & E/2 of SW/4. We will be taping that closed meeting. At the end of that meeting, we will be coming out and providing a summary of what action, if any, is going to be taken.

CLOSED MEETING AT 6:24 PM CITY COUNCIL MEETING RESUMED AT 6:35 PM

Lepak reported the direction is to have the city look to enter into a lease as agricultural land for this summer. Next council meeting we hope to bring some more information back to you.

c. Staff:

Finance:

Fire:

Public Works:

Liquor Store:

Police:

City Administrator: Police Chief Job Description: Staff provided some proposed changes to the police chief job description. Since we are opening it internally, we are broadening the applicant pool with some of these changes made to the job description. We are looking for approval on the changes. In addition, to establish an interview panel, which I assume, would be the city council, potentially the city attorney, and myself sitting in on the interviews, but with the council actually being the panel. A tentative interview date of April 5 at 5 pm was set. MOTION BY McCLISH SECOND SKORDAHL AUTHORIZING THE REVISED CHANGES TO THE POLICE CHIEF JOB DESCRIPTION AND AUTHORIZED CITY STAFF TO POST THE POSITION AS DESCRIBED IN THE CITY ATTORNEYS MEMORANDUM. Motion carried 5-0

Council gave direction for the interview date to be April 5, 2016 starting at 5:00 pm as well as posting the position on March 28 or earlier. Council will sit in on the interview panel.

9. **Reports from Council Members:** None.

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

11. **Old Business:** McClish reports the sink hole on the west side of Rum River Blvd is getting worse; the road is starting to sink down. Have there been any updates on that? Kohlmann states we've been in contact with the county. He will send an email once we have all the facts. McClish says if you walk a few feet from the asphalt, it drops down about 15 feet approximately. If a car goes off that road, it's not going to be pretty. If we could notify the county ASAP. Kane asks if there are any other updates. McClish would like to know if we have any updates on the asphalt on some of our city streets. A lot of the streets are falling apart very quickly. This has been an ongoing issue. Just checking with staff to see if we have any updates. Kane states if I may clarify, you're talking about the delamination? McClish says yes. Kohlmann states we're looking at doing a formal road inventory to assess all the pavement

because of delamination. Voge states the public works director and I or city staff will be looking at the streets. We've discussed road inventory as Mr. Kohlmann said. We know the condition is out there and will identify the extent of it and develop a plan for moving forward to address it. We haven't reviewed them yet since the snow has melted, but it's definitely high on our list. McClish asks if we can check to see if there's a solution to prevent it from crumbling apart. This winter took a big beating on some of the roads. The system expects roads to last 20 years and I'd hate to see a road get replaced in 15 years.

12. **New Business:** None.
13. **Adjournment:** Mayor Kane adjourned the City Council meeting at 6:41 pm.

Anna Anderson, Administrative Assistant

DRAFT



BOLTON & MENK, INC.

Consulting Engineers & Surveyors

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

March 3, 2016

City of St. Francis
Attn: Joe Kohlmann
City Administrator
23340 Cree St. NW
St. Francis, MN 55070-9390

RE: Pay Request No. 8
Wastewater Treatment Improvements
St. Francis, Minnesota
BMI Project No.: R21.109015

Dear Mr. Kohlmann:

Please find enclosed three copies of Pay Request No. 8 for the above referenced project. This pay request is primarily for concrete, valves, and piping as well as equipment that is beginning to arrive onsite for installation such as the blowers and final clarifier mechanisms. The requested and certified amount is \$1,545,084.00.

If you have any questions do not hesitate to call me at 612-840-6068.
Sincerely,

BOLTON & MENK, INC.

Paul Saffert, P. E.
Project Manager

PS/jo

cc: Paul Teicher, City of St. Francis

Enclosures (3 copies, signed Pay Request No. 8)

APPLICATION AND CERTIFICATE FOR PAYMENT

TO OWNER:	City of St. Francis 4058 St. Francis Blvd. NW St. Francis, MN 55070	PROJECT:	Wastewater Treatment Facility Improvements
CONTRACTOR:	Gridor Constr., Inc. 3990 27th Street SE Buffalo, MN 55313	APPLICATION NO.:	8
CONTACT:	Gregg Schreiner	PERIOD TO:	1/26/15 TO 2/25/16
		PROJECT NO.:	R21.109015
		SUBSTANTIAL CONTRACT DATE:	03/20/17
		FINAL CONTRACT DATE:	05/19/17
ENGINEER:	Bolton & Menk, Inc. 7533 Sunwood Drive N.W. Ramsey, MN 55303		
CONTACT:	Paul Saffert		

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.

1. ORIGINAL CONTRACT SUM.....	\$21,832,300.00
2. Net change by Change Orders.....	\$0.00
3. CONTRACT SUM TO DATE (Line 1 + Line 2).....	\$21,832,300.00
4. TOTAL COMPLETED & STORED TO DATE.....	\$9,306,435.00
5. RETAINAGE: Securities in Lieu of Retainage	
A. 0% of Completed to Date	\$0.00
B. 0% of Stored Materials	\$0.00
Total Retainage	\$0.00
6. TOTAL EARNED LESS RETAINAGE.....	\$9,306,435.00
(Line 4 less Line 5 Total)	\$7,761,351.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT.....	
(Line 6 from prior payment)	\$1,545,084.00
8. CURRENT PAYMENT DUE.....	\$12,525,865.00
9. BALANCE TO FINISH, INCLUDING RETAINAGE.....	
(Line 3 less Line 6)	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR:

By: 
 State of Minnesota
 subscribed and sworn to before me this _____ day of _____, 2016



Notary Public: _____
 1/31/2020
 Commission Expiration

CHANGE ORDER SUMMARY

Total changes approved in previous months by Owner: COs
 Total approved this month:

ADDITIONS	\$0.00
DEDUCTIONS	\$0.00
TOTALS:	\$0.00

NET CHANGES by Change Order:

ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of Work is in accordance with the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$1,545,084.00
 ENGINEER:  Bolton & Menk, Inc.

By:  Date: 3/3/16

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Item No.	Description of Work	C Scheduled Value	D From Previous Application	E Work Completed This Period		F Material Presently Stored (Not in D or E)	G Total Completed and Stored To Date (D+E+F)	H Percent Completed (G/C)	I Balance To Finish (C-G)
				Percent	Amount				
Division 1									
1000.000	Mobilization Insurance & Bonds	\$360,000	\$360,000			\$0	\$360,000	100.0%	\$0
1020.001	General Construction - Allowance	\$250,000	\$15,000			\$0	\$15,000	6.0%	\$235,000
1020.002	Utility Service - Allowance	\$25,000				\$0	\$0	0.0%	\$25,000
1020.003	Building Permit - Allowance	\$150,000	\$16,162			\$0	\$16,162	10.8%	\$133,838
Subtotal for Division 1		\$785,000	\$391,162				\$391,162	49.8%	\$393,838
									check \$391,162

Item No.	Description of Work	C Scheduled Value	D From Previous Application	E Work Completed This Period		F Material Presently Stored (Not in D or E)	G Total Completed and Stored To Date (D+E+F)	H Percent Completed (G/C)	I Balance To Finish (C-G)
				Percent	Amount				
Division 2									
2020.000	Biosolids Site Reclamation	\$550,000	\$82,500			\$0	\$82,500	15.0%	\$467,500
2060.000	Demolition of Existing Wastewater Treatment Facilities	\$40,000				\$0	\$0	0.0%	\$40,000
2100.000	Site Preparation	\$50,000	\$50,000			\$0	\$50,000	100.0%	\$0
2110.000	Column Foundation Systems - Allowance	\$2,450,000	\$1,965,000			\$0	\$1,965,000	80.2%	\$485,000
2120.000	Rammed Aggregate Pier Soils Reinforcement - Allowance					\$0	\$0	0.0%	\$0
2210.000	Finish Grading	\$30,000				\$0	\$0	0.0%	\$30,000
2220.000	Excavating & Backfill	\$1,100,000	\$720,000	5.0%	\$55,000	\$0	\$775,000	70.5%	\$325,000
2221.000	Removing Pavement & Miscellaneous Structures	\$20,000				\$0	\$0	0.0%	\$20,000
2330.000	Excavation & Embankment - Roadway & Pavement	\$30,000				\$0	\$0	0.0%	\$30,000
2370.000	Storm Water Pollution Prevention Plan (SWPPP)	\$30,000	\$25,000			\$0	\$25,000	83.3%	\$5,000
2550.000	Site Utilities	\$1,000,000	\$105,000	1.00%	\$10,000	\$491,091	\$606,091	60.6%	\$393,909
2600.000	Roads, Walks & Curbs	\$150,000				\$0	\$0	0.0%	\$150,000
2813.000	Design Build Irrigation System - Allowance	\$150,000				\$0	\$0	0.0%	\$150,000
2830.000	Chain Link Fence & Gates	\$15,000				\$0	\$0	0.0%	\$15,000
2835.000	Modular Block Retaining Wall	\$10,000				\$0	\$0	0.0%	\$10,000
2920.000	Soil Preparation, Seeding & Sodding	\$40,000				\$0	\$0	0.0%	\$40,000
2921.000	Prairie Restoration	\$10,000				\$0	\$0	0.0%	\$10,000
Subtotal for Division 2		\$5,675,000	\$2,947,500.00			\$491,091	\$3,503,591	61.74%	\$2,171,409
									check \$3,503,591

Item No.	Description of Work	C Scheduled Value	D From Previous Application	E Work Completed This Period		F Material Presently Stored (Not in D or E)	G Total Completed and Stored To Date (D+E+F)	H Percent Completed (G/C)	I Balance To Finish (C-G)
				Percent	Amount				
Division 3									
3200.000	Concrete Reinforcement - 760 ton	\$1,520,000	\$790,400	3.00%	\$45,600	\$28,332	\$864,332	56.9%	\$655,668
3300.000	Cast In Place Concrete - 8600 cy	\$3,440,000	\$1,786,800	3.87%	\$133,200	\$0	\$1,922,000	55.9%	\$1,518,000
3400.000	Precast/ Prestressed Concrete - Tees/ Plank/ Wall Panels	\$1,630,000	\$50,000			\$628,626	\$678,626	41.6%	\$951,374
Subtotal for Division 3		\$6,590,000	\$2,629,200.00			\$656,958	\$3,464,958	52.58%	\$3,125,042
									check \$3,464,958

Item No.	Description of Work	C Scheduled Value	D Work Completed		E Work Completed This Period		F Material Presently Stored (Not in D or E)	G Total Completed and Stored To Date (D+E+F)	H Percent Completed (G/C)	I Balance To Finish (C-G)
			From Previous Application	Percent	Amount	Percent				
Division 4										
4810.000	Unit Masonry Assemblies	\$0					\$0	\$0	0.0%	\$0
Subtotal for Division 4		\$0	\$0.00				\$0	\$0	0.00%	\$0
check										
Division 5										
5100.000	Structural Metal	\$30,000	\$15,000				\$0	\$15,000	50.0%	\$15,000
5500.000	Miscellaneous Metal Work	\$140,000		10.71%	\$15,000		\$70,634	\$85,634	61.2%	\$54,366
5520.000	Handrails & Railings	\$50,000		40.00%	\$20,000		\$0	\$20,000	40.0%	\$30,000
5521.000	Roof Hatches	\$6,000					\$5,140	\$5,140	85.7%	\$660
Subtotal for Division 5		\$226,000	\$15,000.00		\$35,000		\$75,774	\$125,774	55.65%	\$100,226
check										
Division 6										
6100.000	Rough Carpentry	\$10,000					\$0	\$0	0.0%	\$10,000
6200.000	Finish Carpentry	\$1,000					\$0	\$0	0.0%	\$1,000
6400.000	Interior Architectural Woodwork	\$1,000					\$0	\$0	0.0%	\$1,000
6410.000	Solids Surface Sills & Thresholds	\$3,000					\$0	\$0	0.0%	\$3,000
Subtotal for Division 6		\$15,000	\$0.00		\$0		\$0	\$0	0.00%	\$15,000
check										
Division 7										
7160.000	Dampproofing	\$5,000					\$0	\$0	0.0%	\$5,000
7190.000	Vapor Barrier	\$5,000					\$0	\$0	0.0%	\$5,000
7210.000	Building Insulation	\$20,000					\$0	\$0	0.0%	\$20,000
7535.000	Fully Adhered Membrane Roof System	\$170,000					\$0	\$0	0.0%	\$170,000
7600.000	Flashing & Sheet Metal Work	\$30,000					\$0	\$0	0.0%	\$30,000
7900.000	Caulking & Sealants	\$20,000					\$0	\$0	0.0%	\$20,000
Subtotal for Division 7		\$250,000	\$0.00		\$0		\$0	\$0	0.00%	\$250,000
check										
Division 8										
8110.000	Doors & Frames	\$50,000					\$0	\$0	0.0%	\$50,000
8360.000	Upward Acting Sectional Doors	\$15,000					\$0	\$0	0.0%	\$15,000
8700.000	Hardware	\$30,000					\$0	\$0	0.0%	\$30,000
8800.000	Glass & Glazing	\$6,000					\$0	\$0	0.0%	\$6,000
Subtotal for Division 8		\$101,000	\$0.00		\$0		\$0	\$0	0.00%	\$101,000
check										

Item No.	Description of Work	C Scheduled Value	D Work Completed		E Amount	F Material Presently Stored (Not in D or E)	G Total Completed and Stored To Date (D+E+F)	H Percent Completed (G/C)	I Balance To Finish (C-G)
			From Previous Application	This Period					
			Percent	Amount					
Division 9									
9111.000	Non-Load Bearing Steel Framing	\$15,000				\$0	\$0	0.0%	\$15,000
9250.000	Gypsum Drywall	\$25,000				\$0	\$0	0.0%	\$25,000
9310.000	Ceramic Tile	\$6,000				\$0	\$0	0.0%	\$6,000
9500.000	Acoustical Ceiling System	\$6,000				\$0	\$0	0.0%	\$6,000
9900.000	Wastewater Treatment Facility Painting	\$350,000				\$0	\$0	0.0%	\$350,000
9930.000	Concrete Staining	\$15,000				\$0	\$0	0.0%	\$15,000
Subtotal for	Division 9	\$419,000	\$0.00		\$0	\$0	\$0	0.00%	\$419,000
			check						
Division 10									
10110.000	Marker Board	\$1,000				\$0	\$0	0.0%	\$1,000
10155.000	Toilet Compartment	\$2,300				\$0	\$0	0.0%	\$2,300
10250.000	Safety Devices	\$4,000				\$0	\$0	0.0%	\$4,000
10260.000	Wall Surface Protection	\$1,000				\$0	\$0	0.0%	\$1,000
10400.000	Identifying Devices	\$6,000				\$0	\$0	0.0%	\$6,000
10800.000	Toilet Accessories	\$2,000				\$0	\$0	0.0%	\$2,000
Subtotal for	Division 10	\$16,300	\$0.00		\$0	\$0	\$0	0.00%	\$16,300
			check						

Gridor Constr., Inc.

St. Francis, MN - W.T.F.J

Item No.	Description of Work	C Scheduled Value	D		E		F Material Presently Stored (Not in D or E)	G Total Completed and Stored To Date (D+E+F)	H Percent Completed (G/C)	I Balance To Finish (C-G)
			From Previous Application	Work Completed This Period	Percent	Amount				
Division 11 & 12										
11214.000	Vertical Turbine Pumps	\$160,000					\$0	\$0	0.0%	\$160,000
11245.000	Polymer Mix/ Feed System - Allowance	\$235,000					\$0	\$0	0.0%	\$235,000
11246.000	Carbon Feed System - Allowance						\$0	\$0	0.0%	\$0
11248.000	Ferric Chloride Feed System - Allowance						\$0	\$0	0.0%	\$0
11265.000	Ultraviolet Disinfection - Allowance	\$635,000					\$0	\$0	0.0%	\$635,000
11280.000	Hydraulic Gates	\$30,000					\$21,457	\$21,457	71.5%	\$8,543
11310.000	Centrifugal Wastewater Pumps	\$120,000			91.67%	\$110,000	\$0	\$110,000	91.7%	\$10,000
11311.000	Submersible Centrifugal Pumps	\$110,000					\$3,284	\$3,284	3.0%	\$106,716
11312.000	Recessed Impeller Vortex Pump	\$25,000					\$21,792	\$21,792	87.2%	\$3,208
11318.000	Screw Impeller Centrifugal Pumps	\$25,000			96.00%	\$24,000	\$0	\$24,000	96.0%	\$1,000
11320.000	Grit Removal System	\$54,000					\$0	\$0	0.0%	\$54,000
11321.000	Grit Separation System	\$35,000					\$20,000	\$20,000	57.1%	\$15,000
11335.000	Fire Screen	\$90,000					\$78,469	\$78,469	87.2%	\$11,531
11345.000	Chlorination/ Dechlorination Equipment - Allowance	\$200,000					\$0	\$0	0.0%	\$200,000
11351.000	Clarifier Equipment - Suction Type Clarifier	\$290,000					\$167,535	\$167,535	63.8%	\$32,465
11373.000	Blower System (PD w/ Enclosure)	\$85,000					\$0	\$0	0.0%	\$85,000
11374.000	Fine Pore Membrane Aeration Equipment	\$85,000					\$50,000	\$50,000	58.8%	\$35,000
11385.000	Coarse Bubble Aeration System	\$13,000					\$45,000	\$45,000	52.9%	\$40,000
11386.000	Rapid Mixers	\$55,000					\$0	\$0	0.0%	\$55,000
11387.000	Submersible Mixers	\$46,000					\$0	\$0	0.0%	\$46,000
11600.001	Laboratory Equipment	\$25,000					\$0	\$0	0.0%	\$25,000
11600.002	Laboratory Equipment - Allowance	\$39,000					\$0	\$0	0.0%	\$39,000
11630.000	Automatic Sampler	\$25,000					\$0	\$0	0.0%	\$25,000
12300.000	Furnishings - Allowance	\$30,000					\$0	\$0	0.0%	\$30,000
12345.000	Casework	\$2,412,000	\$0.00			\$134,000	\$0	\$134,000	22.45%	\$1,870,463
Subtotal for	Division 11 & 12	\$2,412,000	\$0.00				\$407,537	\$541,537	22.45%	\$1,870,463
check										
Division 13										
13125.000	Circular Tank Covers	\$290,000					\$0	\$0	0.0%	\$290,000
13211.000	Water Storage Tank Disinfection	\$1,000					\$0	\$0	0.0%	\$1,000
13222.000	Filter Underdrain System	\$90,000					\$0	\$0	0.0%	\$90,000
13226.000	Filter Media & Gravel	\$30,000					\$0	\$0	0.0%	\$30,000
13228.000	Filter Washwater Troughs	\$30,000					\$0	\$0	0.0%	\$30,000
13852.000	Grating	\$30,000					\$0	\$0	0.0%	\$30,000
Subtotal for	Division 13	\$471,000	\$0.00				\$0	\$0	0.00%	\$471,000
check										

Gridor Constr., Inc.

St. Francis, MN - W.T.F.J

Item No.	Description of Work	C Scheduled Value	D Work Completed		E Amount	F Material Presently Stored (Not in D or E)	G Total Completed and Stored To Date (D+E+F)	H Percent Completed (G/C)	I Balance To Finish (C-G)
			From Previous Application	This Period					
			Percent	Amount					
check									
Division 14									
14300.000	Hoisting Equipment	\$12,000				\$0	\$0	0.0%	\$12,000
14620.000	Portable Hoist	\$4,000				\$0	\$0	0.0%	\$4,000
Subtotal for	Division 14	\$16,000	\$0.00		\$0	\$0	\$0	0.00%	\$16,000
check									
Division 15									
15050.000	Industrial Hose & Fittings	\$6,000				\$0	\$0	0.0%	\$6,000
15060.000	Process Pipe & Pipe Fittings	\$855,000	\$70,000	10.53%	\$90,000	\$386,432	\$546,432	63.9%	\$308,568
15100.000	Valves	\$400,000				\$339,180	\$339,180	84.8%	\$60,820
15101.000	Electrical Valve Actuators					\$0	\$0	0.0%	\$0
15102.000	Pneumatic Valve Actuators					\$0	\$0	0.0%	\$0
15130.000	Gauges	\$20,000				\$0	\$0	0.0%	\$20,000
15140.000	Supports & Anchors	\$90,000				\$3,723	\$3,723	4.1%	\$86,277
15250.000	Mechanical Insulation	\$40,000				\$0	\$0	0.0%	\$40,000
15400.000	Plumbing	\$440,000	\$95,100	5.80%	\$25,500	\$15,600	\$135,600	30.8%	\$304,400
15500.000	Heating/ Ventilating & Air Conditioning	\$530,000		0.70%	\$3,700	\$69,663	\$73,363	13.8%	\$456,637
15510.000	Hydronic Heating Systems	\$300,000				\$0	\$0	0.0%	\$300,000
15950.000	HVAC Controls	\$50,000				\$0	\$0	0.0%	\$50,000
15990.000	TAB	\$5,000				\$0	\$0	0.0%	\$5,000
Subtotal for	Division 15	\$2,736,000	\$165,100.00		\$119,200	\$813,998	\$1,098,298	40.14%	\$1,637,702
check									
Division 16									
16010.000	Electrical General Provisions	\$50,000	\$27,000			\$0	\$27,000	54.0%	\$23,000
16100.000	Basic Materials & Methods	\$220,000	\$16,000	1.73%	\$3,800	\$0	\$21,800	9.9%	\$198,200
16200.000	Power Generation System	\$200,000				\$0	\$0	0.0%	\$200,000
16400.000	Electrical Distribution	\$250,000	\$1,000			\$0	\$1,000	0.4%	\$249,000
16500.000	Lighting	\$80,000		0.75%	\$600	\$70,715	\$71,315	89.1%	\$8,685
16700.000	Special Systems	\$20,000				\$0	\$0	0.0%	\$20,000
16800.000	Starters & Motor Control	\$250,000				\$0	\$0	0.0%	\$250,000
16950.001	Instrumentation & Control	\$1,000,000				\$60,000	\$60,000	6.0%	\$940,000
16950.002	Computer - Allowance	\$50,000				\$0	\$0	0.0%	\$50,000
Subtotal for	Division 16	\$2,120,000	\$46,000.00		\$4,400	\$130,715	\$181,115	8.54%	\$1,938,885
check									
Grand Total		\$21,832,300	\$6,193,962		\$536,400	\$2,576,073	\$9,306,435	42.53%	\$12,525,865



BOLTON & MENK, INC.

Consulting Engineers & Surveyors

7533 Sunwood Drive NW • Ramsey, MN 55303

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

www.bolton-menk.com

March 4, 2016

Mr. Joe Kohlmann, City Administrator
City of St. Francis
23340 Cree Street NW
St. Francis, MN 55070

RE: Kerry St. NW, 232nd Lane NW, & Ivywood St. NW Improvements
St. Francis, Minnesota
BMI Project No: R18.106740

Dear Joe:

Enclosed please find three signed copies of Payment Estimate - Final and Change Order No. 1 for the above referenced project. This estimate includes all work completed through October 30, 2015 and is the final Pay Estimate and Change Order for the project. We have reviewed the estimate and change order and recommend their approval as submitted. Please review the documents and, if acceptable, sign and date all copies of the estimate and change order and forward one copy of each to North Valley Inc. with payment, one copy of each to me and retain one copy for your records.

If you have any questions, please call.

Sincerely,

BOLTON & MENK, INC.

Jared Voge, P.E.
City Engineer

JAV/kg

Enclosures

CONTRACTOR'S PAY REQUEST
 KERRY ST. N.W., 232ND LANE N.W., & IVYWOOD STREET N.W. STREET IMPROVEMENTS
 CITY OF ST. FRANCIS, MINNESOTA
 BMI PROJECT NO. R18.106740

CONTRACTOR
 OWNER
 ENGINEER

TOTAL AMOUNT BID PLUS APPROVED CHANGE ORDERS.....	\$	202,063.74
TOTAL, COMPLETED WORK TO DATE.....	\$	202,063.74
TOTAL, STORED MATERIALS TO DATE.....		\$0.00
DEDUCTION FOR STORED MATERIALS USED IN WORK COMPLETED.....		\$0.00
TOTAL, COMPLETED WORK & STORED MATERIALS.....	\$	202,063.74
RETAINED PERCENTAGE (0%).....	\$	-
TOTAL AMOUNT OF OTHER PAYMENTS OR (DEDUCTIONS).....	\$	-
NET AMOUNT DUE TO CONTRACTOR TO DATE.....	\$	202,063.74
TOTAL AMOUNT PAID ON PREVIOUS ESTIMATES.....	\$	191,960.55
PAY CONTRACTOR AS ESTIMATE NO. Final	\$	10,103.19

Certificate for Final Payment

I hereby certify that, to the best of my knowledge and belief, all items quantities and prices of work and material shown on this Estimate are correct and that all work has been performed in full accordance with the terms and conditions of the Contract for this project between the Owner and the undersigned Contractor, and as amended by any authorized changes, and that the foregoing is a true and correct statement of the amount for the Final Estimate, that the provisions of M. S. 290.92 have been complied with and that all claims against me by reason of the Contract have been paid or satisfactorily secured.

Contractor: North Valley Inc.
 20015 Iguana Street NW
 Nowthen, MN 55330

By [Signature] President 3/2/16
 Name Title Date

Approved: United Fire & Casualty
 Contractor's Surety

CHECKED AND APPROVED AS TO QUANTITIES AND AMOUNT:
 BOLTON & MENK, INC., ENGINEERS, 7533 SUNWOOD DRIVE NW, SUITE 206, RAMSEY, MN 55303

By [Signature] City Engineer 3/4/16
 Jared Vogt, P.E. Title Date

APPROVED FOR PAYMENT:
 Owner: CITY OF ST. FRANCIS, MINNESOTA

By _____ Title Date

FINAL PAY ESTIMATE

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

WORK COMPLETED THROUGH OCTOBER 30, 2015

ITEM NO.	DESCRIPTION	UNIT PRICE	ESTIMATED		BID AMOUNT	QUANTITY PREVIOUS ESTIMATE		QUANTITY COMPLETED TO DATE		DIFFERENCE QUANTITY TO DATE		DIFFERENCE AMOUNT TO DATE	
			BID QUANTITY	AMOUNT		QUANTITY	ESTIMATE	QUANTITY	COMPLETED TO DATE	QUANTITY	TO DATE	AMOUNT	TO DATE
1	MOBILIZATION	\$ 5,341.69	1	LUMP SUM \$ 5,341.69	1.00	LUMP SUM \$ 5,341.69	1.00	LUMP SUM \$ 5,341.69	1.00	LUMP SUM \$ 5,341.69			\$ -
2	TRAFFIC CONTROL	\$ 854.67	1	LUMP SUM \$ 854.67	1	LUMP SUM \$ 854.67	1	LUMP SUM \$ 854.67	1.00	LUMP SUM \$ 854.67			\$ -
3	REMOVE CONCRETE CURB & GUTTER	\$ 12.95	100	LIN FT \$ 1,295.00									(100.00) \$
4	SUBGRADE EXCAVATION (EV)	\$ 26.71	50	CU YD \$ 1,335.50									(50.00) \$
5	RECLAIM 7.5" BITUMINOUS PAVEMENT AND AGGREGATE BASE (P)	\$ 1.87	10165	SQ YD \$ 19,008.55			10177	SQ YD \$ 19,030.99	10177	SQ YD \$ 19,030.99			12.00 \$
6	SALVAGE & STOCKPILE RECLAIM MATERIAL (2") (LV)	\$ 7.77	760	CU YD \$ 5,905.20			1456	CU YD \$ 11,313.12	1456	CU YD \$ 11,313.12			22.44 \$
7	TYPE SP 9.5 WEARING COURSE MIXTURE (2,C)	\$ 71.55	2155	TONS \$ 154,190.25			2137	TONS \$ 152,902.35	2137	TONS \$ 152,902.35			696.00 \$
8	BITUMINOUS MATERIAL FOR TACK COAT	\$ 2.83	510	GAL \$ 1,443.30			510	GAL \$ 1,443.30	510	GAL \$ 1,443.30			(18.00) \$
9	CONCRETE CURB & GUTTER, DESIGN D418	\$ 42.73	100	LIN FT \$ 4,273.00									(100.00) \$
10	INLET PROTECTION	\$ 133.54	22	EACH \$ 2,937.88			19	EACH \$ 2,537.26	19	EACH \$ 2,537.26			(3.00) \$
11	ADJUST MH CASTING ASSEMBLY (SANITARY)	\$ 560.88	10	EACH \$ 5,608.80			10	EACH \$ 5,608.80	10	EACH \$ 5,608.80			\$ -
12	ADJUST GATE VALVE	\$ 267.09	9	EACH \$ 2,403.81			9	EACH \$ 2,403.81	9	EACH \$ 2,403.81			\$ -
13	RECONSTRUCT VALVE BOX	\$ 1,282.00	3	EACH \$ 3,846.00									(3.00) \$
14	SAWCUT BITUMINOUS	\$ 4.65	138	LIN FT \$ 641.70			135	LIN FT \$ 627.75	135	LIN FT \$ 627.75			(3.00) \$
			TOTAL =		\$ 209,085.35	\$ 202,063.74		\$ 202,063.74		\$ 7,021.61		\$ -	

CHANGE ORDER

No. 1 (One)

PROJECT: Kerry St. NW, 232nd Lane NW, & Ivywood Street NW Improvements (R18.106740)

DATE OF ISSUANCE: March 3, 2016 EFFECTIVE DATE: March 3, 2016

OWNER City of St. Francis

Owner's Contract No. Same as above

CONTRACTOR North Valley, Inc. ENGINEER Bolton & Menk, Inc.

You are directed to make the following changes in the Contract Documents.

1.	Description:	Final Compensating Change Order	
	Cost:	\$(7,021.61)	
		Total Construction Cost:	\$202,063.74
		Contract Amount	\$209,085.35
			<hr/>
		Total - Change Order No. 1:	\$ (7,021.61)

Attachments:(List documents supporting change)

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price \$209,085.35	Original Contract Times Substantial Completion: <u>September 30, 2015</u> Ready for final payment: <u>October 16, 2015</u>
Net changes from previous Change Orders No. <u>0</u> to No. <u>0</u> \$0.00	Net changes from previous Change Orders No. <u>0</u> to No. <u>1</u> <u>0 (zero)</u> Days
Contract Price Prior to this Change Order \$209,085.35	Contract Times prior to this Change Order Substantial Completion: <u>September 30, 2015</u> Ready for final payment: <u>October 16, 2015</u>
Net Increase of this Change Order \$(7,021.61)	Net Increase of this Change Order <u>0 (zero)</u> Days
Contract Price with all approved Change Orders \$202,063.74	Contract Times with all approved Change Orders Substantial Completion: <u>September 30, 2015</u> Ready for final payment: <u>October 16, 2015</u>

RECOMMENDED:

By: [Signature]
Engineer (Authorized Signature)

Date: 3/4/16

APPROVED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: [Signature]
Contractor (Authorized Signature)

Date: March 4, 2016

EJCDC No. 1910—8-B (1990 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America.

N:\FORMS\CHANGE.EJC



Anoka County

PARKS & COMMUNITY SERVICES DIVISION

Integrated Waste Management

Date: January 22, 2016
To: Municipal Recycling Coordinators
From: *Sue* Sue Doll, Solid Waste Specialist
Regarding: Municipal Contracts for 2016, Funding and Goals

The 2016 Residential Recycling Agreements include a fixed base of \$10,000 for each municipality and \$5.00 per household. In addition, targeted program funds are available for specific program areas and funds may be used for problem materials and yard waste/organics. The household count is based on the latest population and household estimate available from the Metropolitan Council. This funding allocation is not dependent upon the receipt of the second SCORE allocation. The county will use reserve funds if the second grant payment is not received in the spring of 2016.

The 2016 funding includes enhancement funds for the following program areas:

- Full Service Drop-off Recycling Centers – \$30,000
- Monthly/Quarterly Drop-off Events – \$10,000 to \$15,000 depending on the number of households*
- Park and Community Event Recycling – \$1,000 to \$3,000 depending on the number of households**
- Curbside and Multi-Unit Recycling – \$2,000 to \$6,000 depending on the number of households***
- General Enhancement Grant \$1/Household
- Organics Collection \$1/Household
- *Up to 4,999 HH – \$10,000 and 5,000 HH and up – \$15,000
- **Up to 2,000 HH – \$1,000; 2001 – 4,999 HH – \$2,000 and 5,000 HH and up – \$3,000
- ***Up to 2,000 HH – \$2,000; 2001 – 4,999 HH – \$4,000 and 5,000 HH and up – \$6,000

The contract again includes a change order of up to 10% of your total allocation.

The 2016 municipal recycling goal is 195 pounds per person for single family households (up to 4 units) and 170 pounds per person for multi-unit households (5 units or more). This goal reflects the estimated tonnage needed to assist the county in achieving its recycling goal as established by the State of Minnesota. The goals have been set to reflect the differences between single family and multi-unit housing.

Three copies of the contract have been enclosed for signature by your municipality. Please have **all three** signed and fill in the 2016 Municipal Funding Request – Attachments B and C. Attachment C provides additional space to list how each category selected will be spent. Each contract must have a completed Attachment B and C. Mail **all three** signed copies back to our department and we will obtain remaining signatures. We would like to receive all contracts back by March so that we know what funds may be available for redistribution.

Thank you for your cooperation and efforts to reduce waste and increase the amount of material recycled in our county. Please do not hesitate to contact me if you have any questions regarding this information.

2016 AGREEMENT FOR RESIDENTIAL RECYCLING PROGRAM

THIS AGREEMENT made and entered into on the 1st day of January, 2016, notwithstanding the date of the signatures of the parties, between the COUNTY OF ANOKA, State of Minnesota, hereinafter referred to as the "COUNTY", and the CITY OF ST. FRANCIS, hereinafter referred to as the "MUNICIPALITY".

WITNESSETH:

WHEREAS, Anoka County will receive \$990,178 in funding from the State of Minnesota pursuant to Minn. Stat. § 115A.557 (hereinafter "SCORE funds") during 2016; and

WHEREAS, pursuant to legislation a portion of the SCORE funds must be used to encourage recycling of source-separated compostable materials, and Anoka County has determined that the minimum amount for this program is \$85,907; and

WHEREAS, Anoka County will also receive \$275,635.55 in funding pursuant to Minn. Stat. § 471.8441 (hereinafter "LRDG funds") during 2016; and

WHEREAS, Anoka County also has additional budgeted program funding available to supplement SCORE and LRDG funds for solid waste recycling programs, so that the total budget for the Residential Recycling Program is \$1,390,178; and

WHEREAS, the County wishes to assist the Municipality in meeting recycling goals established by the Anoka County Board of Commissioners by providing said SCORE and LRDG funds to cities and townships in the County for solid waste recycling programs.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained in this Agreement, the parties mutually agree to the following terms and conditions:

1. **PURPOSE.** The purpose of this Agreement is to provide for cooperation between the County and the Municipality to implement solid waste recycling programs in the Municipality.
2. **TERM.** The term of this Agreement is from January 1, 2016 through December 31, 2016, unless earlier terminated as provided herein.
3. **DEFINITIONS.**
 - a. "Full Service Recycling drop-off center" means centralized permanent drop off center that is open at least two times a week and accepts at least four types of materials beyond traditional curbside recyclables, i.e.: mattresses, appliances, scrap metal, carpet, furniture, source separated compostables, electronics, etc. Materials will be accepted at either a discounted rate or at no cost.
 - b. "Multi-unit households" means households within apartment complexes, condominiums, townhomes, mobile homes and senior housing complexes.

- c. "Opportunity to recycle" means providing recycling and curbside pickup or collection centers for recyclable materials as required by Minn. Stat. § 115A.552.
 - d. "Problem material" shall have the meaning set forth in Minn. Stat. § 115A.03, Subd. 24a.
 - e. "Public entity waste" as defined by Minn. Stat. § 115A.471 (b).
 - f. "Quasi-Municipal Event" means community festivals which appear to the public to be supported and run by the municipality but in fact are sponsored or co-sponsored by an independent non-profit 501c(3) organization, for example: the Anoka Halloween Parade.
 - g. "Recyclable materials" means materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastics, metals, fluorescent lamps, major appliances and vehicle batteries.
 - h. "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.
 - i. "Refuse derived fuel" (RDF) or other material that is destroyed by incineration is not a recyclable material.
 - j. "Source separated compostables" (commonly called "organics") shall have the meaning set forth in Minn. Stat. § 115A.03, Subd. 32a.
 - k. "Yard waste" shall have the meaning set forth in Minn. Stat. § 115A.03, Subd. 38.
4. **PROGRAM.** The Municipality shall develop and implement a residential solid waste recycling program adequate to meet the Municipality's annual recycling goal of 701 tons of recyclable materials as established by the County. The Municipality shall ensure that the recyclable materials collected are delivered to processors or end markets for recycling.
- a. The Municipal recycling program shall include the following components:
 - i. Each household (including multi-unit households) in the Municipality shall have the opportunity to recycle at least four broad types of materials, such as paper (including cardboard/paperboard cartons), glass, plastic, metal and textiles.
 - ii. The recycling program shall be operated in compliance with all applicable federal, state, and local laws, ordinances, rules and regulations.
 - iii. The Municipality shall implement a public information program that contains at least the following components:
 - (1) One promotion is to be mailed to each household focused exclusively on the Municipality's recycling program;

- (2) One promotion advertising recycling opportunities available for residents is to be included in the Municipality's newsletter or local newspaper; and
 - (3) Two community outreach activities at municipal events to inform residents about recycling opportunities.
- iv. The public information components listed above shall focus on all recyclable materials and the various opportunities to recycle within the Municipality. The Municipality shall incorporate SWMCB Rethink Recycling images and use the toolkits provided when preparing promotional materials. The Municipality, on an ongoing basis, shall identify new residents and provide detailed information on the recycling opportunities available to these new residents.
 - v. The Municipality shall regularly attend the monthly Solid Waste Abatement Advisory Team meetings per year.
 - vi. The Municipality shall offer one or two spring and fall clean-up/recycling drop-off event(s) where items not normally accepted at the curb are collected for recycling. If the Municipality is hosting a Monthly drop off as described in 4.b.i below, the spring/fall clean-up/recycling drop-off events may be included within that program.
- b. The Municipality is encouraged to expand its recycling program to include one or more of the following components in order to receive additional funding.
 - i. Organize monthly/quarterly recycling drop offs which can be held in conjunction with neighboring municipality(ies) on a cooperative basis for the citizens of both/all Municipalities.
 - ii. Provide a community event recycling program, which at a minimum would consist of providing recycling opportunities at all Municipal sponsored or Quasi-Municipal events and festivals. The feasibility of adding organics collection at the event may also be explored and added to the event as an enhancement to the waste abatement program.
 - iii. Provide the opportunity for citizens to engage in recycling activities at municipal and quasi-municipal facilities such as athletic fields and public centers.
 - iv. Organize and manage a Full Service Recycling Drop-off Center.
 - v. Develop enhanced recycling promotion and assistance for multi-units.
 - vi. Develop additional opportunities for Source-Separated Compostables/Organics collection.
 - c. If the Municipality's recycling program did not achieve the Municipality's recycling goals as established by the County for the prior calendar year, the Municipality shall work with the County to prepare a plan to achieve the recycling goals set forth in this Agreement.
 - d. The Municipality's recycling program shall be limited to residential programming for funding reimbursements under this Agreement. The County will not reimburse

business recycling programming or household hazardous waste programming by the Municipality. Any inquiries or requests regarding these topics should be sent to the County for response.

- e. In addition to the above requirements designed to increase residential recycling opportunities, the Municipality shall provide recycling opportunities in all municipal buildings including but not limited to, city offices, public meeting rooms and parks, as required by Minn. Stat. § 115A.151. If items collected through the Municipal recycling program prove to be contaminated or not recyclable, those items shall be treated as public entity waste and must be processed at a resource recovery facility.

- 5. **REPORTING.** The Municipality shall submit the following reports semi-annually to the County no later than July 20, 2016 and January 10, 2017:

- a. An accounting of the amount of waste which has been recycled as a result of the Municipality's activities and the efforts of other community programs, redemption centers and drop-off centers. For recycling programs, the Municipality shall certify the number of tons of each recyclable material which has been collected and the number of tons of each recyclable material which has been marketed. For recycling programs run by other persons or entities, the Municipality shall also provide documentation on forms provided by the County showing the tons of materials that were recycled by the Municipality's residents through these other programs. The Municipality shall keep detailed records documenting the disposition of all recyclable materials collected pursuant to this agreement. The Municipality shall also report the number of cubic yards or tons of yard waste collected for composting or land spreading, together with a description of the methodology used for calculations. Any other material removed from the waste stream by the Municipality, i.e. tires and used oil, shall also be reported separately.
- b. Information regarding any revenue received from sources other than the County for the Municipality's recycling programs.
- c. Copies of all promotional materials that have been prepared by the Municipality during the term of this Agreement to promote its recycling programs.

The Municipality agrees to furnish the County with additional reports in form and at frequencies requested by the County for financial evaluation, program management purposes, and reporting to the State of Minnesota.

- 6. **BILLING AND PAYMENT PROCEDURE.** The Municipality shall submit itemized invoices semiannually to the County for abatement activities no later than July 20, 2016 and January 10, 2017. Costs not billed by January 10, 2017 will not be eligible for funding. The invoices shall be paid in accordance with standard County procedures, subject to the approval of the Anoka County Board of Commissioners.

- 7. **ELIGIBILITY FOR FUNDS.** The Municipality is entitled to receive reimbursement for eligible expenses, less revenues or other reimbursement received, for eligible activities up to the project maximum as computed below, which shall not exceed \$43,640.00. The project maximum for eligible expenses shall be computed as follows:

- a. A base amount of \$10,000.00 for recycling activities only;

- b. \$5.00 per household for recycling activities only; as provided according to the schedule in Attachment A for each of the following services: Full Service Recycling Drop-off Center, Spring/Fall or Monthly Drop-off events; Municipal Park Recycling; Community Event Recycling; Multi-unit Recycling; and Source Separated Compostables Collection;
- c. After considering the 2015 Municipal Funding Request (Attachment B) designating the additional Grant Projects that the City will undertake in the upcoming year; and
- d. Including an additional change order contingency of up to 10% of the total of the first three items in this list.

Notwithstanding any provision to the contrary, the County reserves the right to reduce the funding provided hereunder in the event the City does not undertake and complete the additional Grant Projects referenced in Attachment B. The County also reserves the ability to assess the programs and reallocate unused SCORE and LRDG funds mid-year if any participating Municipality demonstrates the need for the funding and funds are available.

8. **RECORDS.** The Municipality shall maintain financial and other records and accounts in accordance with requirements of the County and the State of Minnesota. The Municipality shall maintain strict accountability of all funds and maintain records of all receipts and disbursements. Such records and accounts shall be maintained in a form which will permit the tracing of funds and program income to final expenditure. The Municipality shall maintain records sufficient to reflect that all funds received under this Agreement were expended in accordance with Minn. Stat. § 115A.557, Subd. 2, for residential solid waste recycling purposes. The Municipality shall also maintain records of the quantities of materials recycled. All records and accounts shall be retained as provided by law, but in no event for a period of less than five years from the last receipt of payment from the County pursuant to this Agreement.
9. **AUDIT.** Pursuant to Minn. Stat. § 16C.05, the Municipality shall allow the County or other persons or agencies authorized by the County, and the State of Minnesota, including the Legislative Auditor or the State Auditor, access to the records of the Municipality at reasonable hours, including all books, records, documents, and accounting procedures and practices of the Municipality relevant to the subject matter of the Agreement, for purposes of audit. In addition, the County shall have access to the project site(s), if any, at reasonable hours.
10. **GENERAL PROVISIONS.**
 - a. In performing the provisions of this Agreement, both parties agree to comply with all applicable federal, state or local laws, ordinances, rules, regulations or standards established by any agency or special governmental unit which are now or hereafter promulgated insofar as they relate to performance of the provisions of this Agreement. In addition, the Municipality shall comply with all applicable requirements of the State of Minnesota for the use of SCORE funds provided to the Municipality by the County under this Agreement.
 - b. No person shall illegally, on the grounds of race, creed, color, religion, sex, marital status, public assistance status, sexual preference, handicap, age or national origin, be excluded from full employment rights in, participation in, be denied the benefits of,

or be otherwise subjected to unlawful discrimination under any program, service or activity hereunder. The Municipality agrees to take affirmative action so that applicants and employees are treated equally with respect to the following: employment, upgrading, demotion, transfer, recruitment, layoff, termination, selection for training, rates of pay, and other forms of compensation.

- c. The Municipality shall be responsible for the performance of all subcontracts and shall ensure that the subcontractors perform fully the terms of the subcontract. The agreement between the Municipality and a subcontractor shall obligate the subcontractor to comply fully with the terms of this Agreement.
 - d. The Municipality agrees that the Municipality's employees and subcontractor's employees who provide services under this Agreement and who fall within any job classification established and published by the Minnesota Department of Labor & Industry shall be paid, at a minimum, the prevailing wages rates as certified by said Department.
 - e. It is understood and agreed that the entire agreement is contained herein and that this Agreement supersedes all oral and written agreements and negotiations between the parties relating to the subject matter hereof.
 - f. Any amendments, alterations, variations, modifications, or waivers of this Agreement shall be valid only when they have been reduced to writing, duly signed by the parties.
 - g. Contracts let and purchases made under this Agreement shall be made by the Municipality in conformance with all laws, rules, and regulations applicable to the Municipality.
 - h. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause or phrase of this Agreement is for any reason held to be contrary to law, such decision shall not affect the remaining portion of this Agreement.
 - i. Nothing in this Agreement shall be construed as creating the relationship of co-partners, joint venturers, or an association between the County and Municipality, nor shall the Municipality, its employees, agents or representatives be considered employees, agents, or representatives of the County for any purpose.
11. **PUBLICATION.** The Municipality shall acknowledge the financial assistance of the County on all promotional materials, reports and publications relating to the activities funded under this Agreement, by including the following acknowledgement: "Funded by the Anoka County Board of Commissioners and State SCORE funds (Select Committee on Recycling and the Environment)." The Municipality shall provide copies of all promotional materials funded by SCORE funds.

The County shall provide all printed public information pieces about County programs. A Municipality shall not modify County publications related to business recycling, household hazardous waste management or the County compost sites.

Information about the County's business recycling program, household hazardous waste management program or County compost sites that a Municipality plans to publish in a

Municipal communication, printed or electronic, shall be provided to the County for review and approved by the County prior to publication to ensure accuracy and consistency.

12. **INDEMNIFICATION.** The County agrees to indemnify, defend, and hold the Municipality harmless from all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, resulting from the acts or omissions of its public officials, officers, agents, employees, and contractors relating to activities performed by the County under this Agreement.

The Municipality agrees to indemnify, defend, and hold the County harmless from all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, resulting from the acts or omissions of its public officials, officers, agents, employees, and contractors relating to activities performed by the Municipality under this Agreement.

The provisions of this subdivision shall survive the termination or expiration of the term of this Agreement.

13. **TERMINATION.** This Agreement may be terminated by mutual written agreement of the parties or by either party, with or without cause, by giving not less than seven (7) days' written notice, delivered by mail or in person to the other party, specifying the date of termination. If this Agreement is terminated, assets acquired in whole or in part with funds provided under this Agreement shall be the property of the Municipality so long as said assets are used by the Municipality for the purpose of a landfill abatement program approved by the County.

The Remainder of this page left intentionally blank.

IN WITNESS WHEREOF, the parties hereunto set their hands as of the dates first written above:

CITY OF ST. FRANCIS

COUNTY OF ANOKA

By: _____

By: _____

Name: _____

Rhonda Sivarajah, Chair
Anoka County Board of Commissioners

Title: _____

Date: _____

Date: _____

By: _____

By: _____
Municipality's Clerk

Jerry Soma
County Administrator

Date: _____

Date: _____

Approved as to form and legality:

Approved as to form and legality:

By: _____

By: _____

Date: _____

Kathryn M. Timm
Assistant County Attorney

Date: _____

**2016 Municipal Funding Request
Attachment B**

The City of St. Francis is requesting the following funding for their municipal efforts in 2016.

Grant Projects	Eligible Allocations	Amount Requested
Municipal Base Funding Allocation	\$22,600.00	\$22,600.00
Full Service Drop-off Center Allocation (Staffed or unstaffed)		
Monthly/Quarterly Drop-off Events	\$10,000.00	\$ 10,000
Municipal Park/Community Event Recycling	\$2,000.00	\$ 2,000
Multi-Unit /Curbside Recycling	\$4,000.00	\$ 4,000
General Enhancement Grant (Additional promotion efforts, staffing, Insert a description of the efforts being proposed below.	\$2,520.00	\$ 2,520
Source-Separated Compostables/Organics Grant	\$2,520.00	\$ 2,520
Total Amount Eligible Being Requested for 2016	\$43,640.00	\$* 43,640

A description of the efforts being proposed for the General Enhancement Grants.

Continue with Recycling newsletter and Increase
Promotion of Recycling.

The City of St. Francis requests * 43,640 for 2016 Municipal Funding.

Date 3/11/16

Name Tom Koep

Title Recycling Coordinator

*these amounts should match and may not exceed eligible allocation total. This amount will be 10% less than the contract maximum for the grant.



PAYMENT BATCH AP 03/21/16

ADVANCED FIRST AID, INC

02/15/2016	0216-629	E 101-42210-550	C-O-L Motor Vehicles	LIFEPAK	2,118.80
					<u>\$2,118.80</u>

AIRGAS NORTH CENTRAL

03/30/2016	9934430369	E 101-43100-217	Other Operating Supplies		10.00
03/30/2016	9934430369	E 101-43210-217	Other Operating Supplies		10.00
03/30/2016	9934430369	E 101-45200-217	Other Operating Supplies		10.00
03/30/2016	9934430369	E 601-49440-217	Other Operating Supplies		10.00
03/30/2016	9934430369	E 602-49490-217	Other Operating Supplies		10.01
					<u>\$50.01</u>

ALLINA HOSPITALS

01/31/2016	10020413	E 101-42210-305	Medical & Testing Fees	QUARTERLY BILLING	315.00
					<u>\$315.00</u>

ANOKA COUNTY TREASURY DEPT.

03/02/2016	B160302P	E 101-42110-321	Telephone	BROADBAND	37.50
03/02/2016	B160302P	E 101-42210-321	Telephone	BROADBAND	37.50
03/02/2016	B160302P	E 101-43100-321	Telephone	BROADBAND	37.50
03/02/2016	B160302P	E 101-45200-321	Telephone	BROADBAND	37.50
03/02/2016	B160302P	E 601-49440-321	Telephone	BROADBAND	37.50
03/02/2016	B160302P	E 602-49490-321	Telephone	BROADBAND	37.50
03/11/2016	130881	E 101-43100-408	Ice& Snow Removal	BRINE	5.38
					<u>\$230.38</u>

ASPEN MILLS

03/11/2016	178408	E 101-42210-437	Uniform Allowance	GRIEGO BOOTS	129.95
03/11/2016	178409	E 101-42210-437	Uniform Allowance	BADGE-JORGENSON	14.85
					<u>\$144.80</u>

BAUER BUILT INC.

01/07/2016	940034557	E 101-42110-221	Vehicle Repair & Maintenance	TIRES	487.16
					<u>\$487.16</u>

BELLBOY CORPORATION

03/08/2016	52611400	E 609-49751-206	Freight and Fuel Charges	FUEL	18.60
03/08/2016	52611400	E 609-49751-251	Liquor For Resale	LIQUOR	1,975.10
03/08/2016	93585300	E 609-49751-206	Freight and Fuel Charges	FREIGHT	2.15
03/08/2016	93585300	E 609-49751-254	Miscellaneous Merchandise	MISC	31.00
					<u>\$2,026.85</u>

BERNICK COMPANIES, THE

03/04/2016	94645	E 609-49751-254	Miscellaneous Merchandise	MISC	20.00
03/04/2016	94646	E 609-49751-252	Beer For Resale	BEER	222.15
					<u>\$242.15</u>

BGS (BARNA GUZY)

02/29/2016	155961	E 101-41600-304	Civil Legal Fees	LEGAL-FIRE	1,630.74
02/29/2016	156094	E 101-41600-304	Civil Legal Fees	MUNICIPAL	1,900.00
02/29/2016	156095	E 101-41600-304	Civil Legal Fees	GENERAL LABOR	607.50
02/29/2016	156096	E 101-41600-304	Civil Legal Fees	FRANCHISES	270.00
02/29/2016	156097	E 101-41600-304	Civil Legal Fees	GENNARO	27.00
02/29/2016	156102	E 101-41600-304	Civil Legal Fees	MEADOWS OF ST FRANCIS	121.50
02/29/2016	156192	E 101-41600-312	Criminal Legal Fees	PROSECUTION	5,000.00
					<u>\$9,556.74</u>

BOLTON & MENK, INC.

02/29/2016	0187779	G 602-16500	Construction in Progress	WWTP	58,677.08
					<u>\$58,677.08</u>

BREAKTHRU BEVERAGE

03/03/2016	1080442368	E 609-49751-206	Freight and Fuel Charges	FREIGHT	34.08
03/03/2016	1080442368	E 609-49751-251	Liquor For Resale	LIQUOR	1,477.60
03/03/2016	1080442368	E 609-49751-253	Wine For Resale	WINE	528.15
03/10/2016	1080444975	E 609-49751-206	Freight and Fuel Charges	FREIGHT	9.30
03/10/2016	1080444975	E 609-49751-251	Liquor For Resale	LIQUOR	797.09
03/10/2016	1080444975	E 609-49751-253	Wine For Resale	WINE	40.00
03/10/2016	1080444975	E 609-49751-254	Miscellaneous Merchandise	MISC	28.59
					<u>\$2,914.81</u>

CENTURY LINK

03/07/2016	.0316	E 601-49440-321	Telephone	PHONE	62.47
03/07/2016	.0316	E 602-49490-321	Telephone	PHONE	62.47
					<u>\$124.94</u>

COCA COLA REFRESHMENTS

03/01/2016	0198209621	E 609-49751-254	Miscellaneous Merchandise	MISC	395.34
03/01/2016	0198209622	E 609-49751-254	Miscellaneous Merchandise	MISC	(25.74)
03/15/2016	0108200707	E 609-49751-254	Miscellaneous Merchandise	MISC	200.04
					<u>\$569.64</u>

COUNTY MARKET - CITY ACCOUNT

03/01/2016		E 101-42110-212	Motor Fuels	FUEL	40.81
03/01/2016		E 101-42210-212	Motor Fuels	FUEL	27.45
					<u>\$68.26</u>

DAHLHEIMER DIST. CO. INC.

03/02/2016	1191284	E 609-49751-252	Beer For Resale		9,438.68
03/02/2016	1191284	E 609-49751-254	Miscellaneous Merchandise	MISC	306.00
03/02/2016	1191284	E 609-49751-255	N/A Products	NA	16.50
03/09/2016	123288	E 609-49751-252	Beer For Resale	BEER	4,118.45
03/09/2016	123288	E 609-49751-254	Miscellaneous Merchandise	MISC	84.00
03/09/2016	123288	E 609-49751-255	N/A Products	NA	16.80
					<u>\$13,980.43</u>

DEX MEDIA EAST LLC

03/05/2016	.0316	E 609-49750-340	Advertising	ADVERTISING	75.50
					<u>\$75.50</u>

EAGLE GARAGE DOOR CO.

03/01/2016	4088	E 101-42110-401	Repairs/Maint Buildings	REPAIRS/PARTS	334.80
03/01/2016	4088	E 101-43100-401	Repairs/Maint Buildings	REPAIRS/PARTS	334.80
03/01/2016	4088	E 101-45200-401	Repairs/Maint Buildings	REPAIRS/PARTS	334.80
03/01/2016	4088	E 601-49440-401	Repairs/Maint Buildings	REPAIRS/PARTS	334.80
03/01/2016	4088	E 602-49490-401	Repairs/Maint Buildings	REPAIRS/PARTS	334.80
					<u>\$1,674.00</u>

G&K SERVICES, INC

03/01/2016	1043418449	E 601-49440-417	Uniform Clothing & PPE	UNIFORMS	4.90
03/01/2016	1043418449	E 602-49490-417	Uniform Clothing & PPE	UNIFORMS	4.90
03/08/2016	1043423964	E 609-49750-219	Rug Maintenance	RUG MAINTENANCE	11.23
03/08/2016	1043423965	E 601-49440-402	Janitorial Service	RUGS	23.04
03/08/2016	1043423966	E 101-41940-219	Rug Maintenance	RUGS	16.16
03/15/2016	1043429520	E 601-49440-417	Uniform Clothing & PPE	UNIFORMS	4.90
03/15/2016	1043429520	E 602-49490-417	Uniform Clothing & PPE	UNIFORMS	4.90
					<u>\$70.03</u>

GARCIA, ANTONIO & AZUCENA

03/09/2016	16-31	G 101-20820	Surcharge Payable	BUILDING PERMIT REFUND	1.00
03/09/2016	16-31	R 101-32210	Building Permits	BUILDING PERMIT REFUND	95.00
					<u>\$96.00</u>

GRANITE CITY JOBBING CO.

03/01/2016	888906	E 609-49750-210	Operating Supplies	OPERATING	33.93
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03/01/2016	888906	E 609-49751-206	Freight and Fuel Charges	FREIGHT	6.58
03/01/2016	888906	E 609-49751-256	Tobacco Products For Resale	TOBACCO	235.74
03/08/2016	317	E 609-49750-210	Operating Supplies	OPERATING	124.73
03/08/2016	317	E 609-49751-206	Freight and Fuel Charges	FREIGHT	6.09
03/08/2016	317	E 609-49751-254	Miscellaneous Merchandise	MISC	53.19
03/08/2016	317	E 609-49751-256	Tobacco Products For Resale	TOBACCO	676.48
03/08/2016	317	G 101-20810	Sales Tax Payable	USE TAX	(0.48)
					\$1,136.26

HACH COMPANY

03/01/2016	9818450	E 601-49440-235	Lab Supplies	CHEMICALS	53.64
03/02/2016	9820554	E 601-49440-235	Lab Supplies	CHEMICALS	322.50
03/03/2016	9822781	E 601-49440-235	Lab Supplies	CHEMICALS	103.05
					\$479.19

HERC-U-LIFT

02/25/2016	227830	E 101-43100-218	Equipment Repair & Maintenance	MAINTENANCE	25.13
02/25/2016	227830	E 101-43210-218	Equipment Repair & Maintenance	MAINTENANCE	25.13
02/25/2016	227830	E 101-45200-218	Equipment Repair & Maintenance	MAINTENANCE	25.12
02/25/2016	227830	E 601-49440-228	Equipment Maintenance	MAINTENANCE	25.13
02/25/2016	227830	E 602-49490-228	Equipment Maintenance	MAINTENANCE	25.13
02/25/2016	252421	E 101-43100-218	Equipment Repair & Maintenance	CO TEST	9.60
02/25/2016	252421	E 101-43210-218	Equipment Repair & Maintenance	CO TEST	9.60
02/25/2016	252421	E 101-45200-218	Equipment Repair & Maintenance	CO TEST	9.60
02/25/2016	252421	E 601-49440-228	Equipment Maintenance	CO TEST	9.60
02/25/2016	252421	E 602-49490-228	Equipment Maintenance	CO TEST	9.60
					\$173.64

JJ TAYLOR DISTRIBUTING

03/02/2016	2475168	E 609-49751-206	Freight and Fuel Charges	FREIGHT	3.00
03/02/2016	2475168	E 609-49751-252	Beer For Resale	BEER	1,448.75
03/09/2016	2495808	E 609-49751-206	Freight and Fuel Charges	FREIGHT	3.00
03/09/2016	2495808	E 609-49751-252	Beer For Resale	BEER	412.95
					\$1,867.70

JOHNSON BROS WHLSE LIQUOR

03/02/2016	5385055	E 609-49751-206	Freight and Fuel Charges	FREIGHT	33.50
03/02/2016	5385055	E 609-49751-251	Liquor For Resale	LIQUOR	1,992.94
03/02/2016	5385056	E 609-49751-206	Freight and Fuel Charges	FREIGHT	10.64
03/02/2016	5385056	E 609-49751-253	Wine For Resale	WINE	310.00
03/09/2016	5390150	E 609-49751-206	Freight and Fuel Charges	FREIGHT	106.60
03/09/2016	5390150	E 609-49751-251	Liquor For Resale	LIQUOR	5,056.40
03/09/2016	5390151	E 609-49751-206	Freight and Fuel Charges	FREIGHT	30.40
03/09/2016	5390151	E 609-49751-253	Wine For Resale		924.35
					\$8,464.83

LEAGUE OF MN CITIES

03/01/2016	.0316	E 101-41400-208	Training and Instruction	SAFTEY WORKSHOP	40.00
03/07/2016	31734	E 101-41400-433	Dues and Subscriptions	Annual membership	462.00
					\$502.00

LMC INSURANCE TRUST

03/06/2016	31715	E 101-41400-160	Work Comp Insurance		321.25
03/06/2016	31715	E 101-41410-160	Work Comp Insurance		5.50
03/06/2016	31715	E 101-41500-160	Work Comp Insurance		111.75
03/06/2016	31715	E 101-41910-160	Work Comp Insurance		98.25
03/06/2016	31715	E 101-42110-160	Work Comp Insurance		4,657.00
03/06/2016	31715	E 101-42210-160	Work Comp Insurance		1,918.75
03/06/2016	31715	E 101-42400-160	Work Comp Insurance		138.00
03/06/2016	31715	E 101-43100-160	Work Comp Insurance		2,175.50
03/06/2016	31715	E 101-43210-160	Work Comp Insurance		102.75
03/06/2016	31715	E 101-45200-160	Work Comp Insurance		561.00
03/06/2016	31715	E 601-49440-160	Work Comp Insurance		910.75
03/06/2016	31715	E 602-49490-160	Work Comp Insurance		996.00
03/06/2016	31715	E 609-49750-160	Work Comp Insurance		854.75
03/06/2016	52131	E 101-41110-360	Insurance		60.41
03/06/2016	52131	E 101-41120-360	Insurance		1.85
03/06/2016	52131	E 101-41400-360	Insurance		486.39

03/06/2016	52131	E 101-41410-360	Insurance		2.56
03/06/2016	52131	E 101-41500-360	Insurance		170.13
03/06/2016	52131	E 101-41600-360	Insurance		153.97
03/06/2016	52131	E 101-41910-360	Insurance		116.10
03/06/2016	52131	E 101-41940-360	Insurance		547.76
03/06/2016	52131	E 101-42110-360	Insurance		3,783.42
03/06/2016	52131	E 101-42210-360	Insurance		1,587.70
03/06/2016	52131	E 101-42400-360	Insurance		264.74
03/06/2016	52131	E 101-43100-360	Insurance		2,606.89
03/06/2016	52131	E 101-43210-360	Insurance		63.18
03/06/2016	52131	E 101-45000-360	Insurance		0.68
03/06/2016	52131	E 101-45200-360	Insurance		3,496.14
03/06/2016	52131	E 101-49200-360	Insurance		18.79
03/06/2016	52131	E 601-49440-360	Insurance		3,261.14
03/06/2016	52131	E 602-49490-360	Insurance		2,620.07
03/06/2016	52131	E 609-49750-360	Insurance		2,884.83
					<hr/>
					\$34,978.00

MCDONALD DIST CO.

03/03/2016	249020	E 609-49751-252	Beer For Resale	BEER	2,863.75
03/10/2016	250710	E 609-49751-252	Beer For Resale	BEER	3,459.45
03/10/2016	250710	E 609-49751-255	N/A Products	NA	144.00
					<hr/>
					\$6,467.20

MN MUNICIPAL BEVERAGE ASSN.

03/09/2016	.0309	E 609-49750-208	Training and Instruction	TRAINING-SCHMIDT	410.00
					<hr/>
					\$410.00

MN STATE FIRE CHIEFS ASSN.

02/23/2016	300000676	E 101-42210-433	Dues and Subscriptions	MEMBERSHIP	93.00
					<hr/>
					\$93.00

MN STATE FIRE DEPT ASSOCIATION

01/15/2016	.2016	E 101-42210-433	Dues and Subscriptions	2016 MEMBERSHIPS	200.00
					<hr/>
					\$200.00

M-R SIGN COMPANY, INC.

02/29/2016	189612	E 101-43100-226	Sign Repair Materials	SIGNS	64.47
					<hr/>
					\$64.47

NORTH VALLEY

03/04/2016		G 416-20600	Contracts Payable	FINAL PAYMENT	10,103.19
					<hr/>
					\$10,103.19

NORTHERN AIR CORPORATION

02/27/2016	124178	E 601-49440-233	Water Treatment Plant Maint	WASH DOWN HEATER	2,431.93
					<hr/>
					\$2,431.93

PACE ANALYTICAL SERVICES

03/02/2016	161261556	E 602-49490-313	Sample Testing	TESTING	45.00
03/03/2016	161261615	E 601-49440-313	Sample Testing	TESTING	120.00
03/10/2016	161261849	E 602-49490-313	Sample Testing	TESTING	45.00
					<hr/>
					\$210.00

PAUSTIS & SONS

03/07/2016	8538743-IN	E 609-49751-206	Freight and Fuel Charges	FREIGHT	20.00
03/07/2016	8538743-IN	E 609-49751-253	Wine For Resale	WINE	1,034.07
					<hr/>
					\$1,054.07

PHILLIPS WINE & SPIRITS CO.

02/06/2016	232512	E 609-49751-251	Liquor For Resale	LIQUORO	(14.56)
02/26/2016	232508	E 609-49751-251	Liquor For Resale		(5.13)
02/26/2016	232509	E 609-49751-251	Liquor For Resale	LIQUOR	(7.40)
02/26/2016	232510	E 609-49751-251	Liquor For Resale	LIQUOR	(46.89)
02/26/2016	232511	E 609-49751-251	Liquor For Resale	LIQUOR	(2.20)
02/26/2016	232513	E 609-49751-251	Liquor For Resale	LIQUOR	(13.17)
03/02/2016	2937944	E 609-49751-206	Freight and Fuel Charges	FREIGHT	82.07
03/02/2016	2937944	E 609-49751-251	Liquor For Resale	LIQUOR	5,357.45

03/02/2016	2937945	E 609-49751-206	Freight and Fuel Charges	FREIGHT	6.08
03/02/2016	2937945	E 609-49751-253	Wine For Resale	WINE	210.90
03/09/2016	2941500	E 609-49751-206	Freight and Fuel Charges	FREIGHT	13.68
03/09/2016	2941500	E 609-49751-251	Liquor For Resale	LIQUOR	966.15
03/09/2016	2941501	E 609-49751-206	Freight and Fuel Charges	FREIGHT	10.64
03/09/2016	2941501	E 609-49751-253	Wine For Resale	WINE	445.50
					\$7,003.12

PREMIER SPECIALTIES

03/06/2016	15-1130-A	E 101-42210-437	Uniform Allowance	TEES	470.75
					\$470.75

RJM DISTRIBUTING INC.

03/01/2016	IND009907	E 609-49751-252	Beer For Resale	BEER	59.95
					\$59.95

ROSEVILLE, CITY OF

03/03/2016	0221272	E 101-41400-441	Miscellaneous	SUBSCRIPTION INDESIGN	138.00
					\$138.00

ROYAL SUPPLY

	E 101-41940-210	Operating Supplies	SUPPLIES	4.57	
	E 101-42110-217	Other Operating Supplies	SUPPLIES	9.14	
	E 101-43100-217	Other Operating Supplies	SUPPLIES	4.57	
	E 101-45200-217	Other Operating Supplies	SUPPLIES	4.57	
	E 601-49440-217	Other Operating Supplies	SUPPLIES	4.57	
	E 602-49490-217	Other Operating Supplies	SUPPLIES	4.58	
					\$32.00

SOUTHERN WINE & SPIRITS OF MN

03/03/2016	1383348	E 609-49751-206	Freight and Fuel Charges	FREIGHT	0.64
03/03/2016	1383348	E 609-49751-251	Liquor For Resale	LIQUOR	0.00
03/03/2016	1383349	E 609-49751-206	Freight and Fuel Charges	FREIGHT	8.96
03/03/2016	1383349	E 609-49751-251	Liquor For Resale	LIQUOR	659.99
03/03/2016	1383350	E 609-49751-206	Freight and Fuel Charges	FREIGHT	23.04
03/03/2016	1383350	E 609-49751-253	Wine For Resale	WINE	1,432.00
03/10/2016	1385551	E 609-49751-206	Freight and Fuel Charges	FREIGHT	30.72
03/10/2016	1385551	E 609-49751-251	Liquor For Resale	LIQUOR	3,133.74
					\$5,289.09

ST. FRANCIS HOME RUN CLUB

03/10/2016		E 101-45200-311	Contract	ICE RINK 12/23-2/21	4,771.14
					\$4,771.14

ST. FRANCIS TRUE VALUE HARDWAR

02/29/2016		E 101-43100-217	Other Operating Supplies	SUPPLIES	9.49
02/29/2016		E 101-45200-217	Other Operating Supplies	SUPPLIES	9.48
02/29/2016		E 601-49440-217	Other Operating Supplies	SUPPLIES	9.48
02/29/2016		E 601-49440-233	Water Treatment Plant Maint	SUPPLIES	3.42
02/29/2016		E 601-49440-233	Water Treatment Plant Maint	SUPPLIES	29.42
02/29/2016		E 601-49440-233	Water Treatment Plant Maint	SUPPLIES	12.10
02/29/2016		E 601-49440-233	Water Treatment Plant Maint	SUPPLIES	9.49
					\$82.88

STERLING TROPHY

02/18/2016	18909	E 101-42210-305	Medical & Testing Fees	ENGRAVING	24.50
03/09/2016	18993	E 101-42210-437	Uniform Allowance	NAME TAGS	52.50
					\$77.00

SUMMIT COMPANIES

03/10/2016	1111739	E 101-42110-237	Small Equipment	FIRE EXTINGUISHERS	74.15
03/10/2016	1111739	E 101-43100-237	Small Equipment	FIRE EXTINGUISHERS	74.15
03/10/2016	1111739	E 101-45200-237	Small Equipment	FIRE EXTINGUISHERS	74.15
03/10/2016	1111739	E 601-49440-237	Small Equipment	FIRE EXTINGUISHERS	74.15
03/10/2016	1111739	E 602-49490-237	Small Equipment	FIRE EXTINGUISHERS	74.15
					\$370.75

THE AMERICAN BOTTLING COMPANY

03/10/2016	7421213806	E 609-49751-254	Miscellaneous Merchandise	111.06
				<u>\$111.06</u>

THINK SMALL				
03/09/2016	.0309	G 101-22000	Deposits	100.00
				<u>\$100.00</u>

THORPE DISTRIBUTING COMPANY				
03/11/2016	1049695	E 609-49751-252	Beer For Resale	94.50
				<u>\$94.50</u>

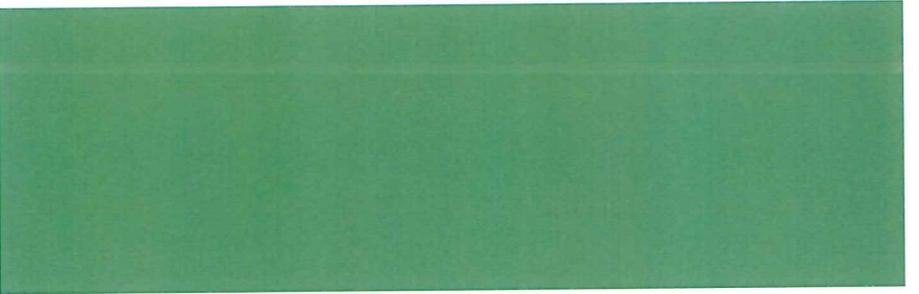
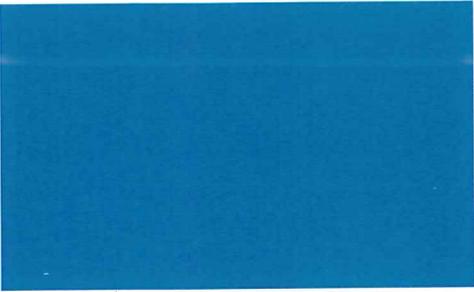
\$180,658.30

FUND SUMMARY

101 GENERAL FUND	\$44,227.49
416 2015-KERRY & 232ND	\$10,103.19
601 WATER FUND	\$7,857.98
602 SEWER FUND	\$62,951.19
609 MUNICIPAL LIQUOR FUND	\$55,518.45
Total	<u><u>180,658.30</u></u>



MS4 Permit



Storm Water Definitions

- Storm water: rain, snow melt, and surface drainage.
- Industrial storm water: storm water runoff from manufacturing, processing or storage by an industry.
- Construction storm water: storm water runoff from construction sites.
- Municipal Separate Storm Sewer System (MS4): a storm water system, such as ditches, curb and gutter, culverts, & storm sewer pipes and ponds owned or operated by a governmental organization.

Why Are We Required To Apply?

- 1987 Federal Clean Water Act CFR 40 Parts 122, 123 & 124
- EPA Delegated MS4 Authority to the States
- MN Statute 115.03 – Gives MPCA authority over MS4 Storm Water Program
- MN Rule 7001.1010 MS4 Permit Requirements
- MN Rule 7001.0310 Annual Storm Water Permit Fees

MN Statute 7090.1010 – MS4 Requirements

- Population of 10,000 or more
- Or, Population of at least 5,000, and:
 - discharges to an outstanding resource value water; or
 - discharges to a trout lake or trout stream; or
 - discharges to a water listed as impaired
- Or, Contributes to the pollutant loading of an existing MS4, or

MN Statute 7090.1010 – MS4 Requirements

- Contributor of pollutants to waters of the state based on:
 - high growth or growth potential;
 - high population density;
 - high seasonal population;
 - impervious land cover;
 - contiguity to an urbanized area
 - ineffective protection of water quality by other programs;
 - approved or established TMDL; or
 - proximity to a high quality water

Why is the City Applying for an MS4 Permit from the MPCA?

- St. Francis is Mandated by Law to Apply:
 - Population from the US Census Website: 7,218
 - Rum River is classified as an outstanding resource value water (Scenic and/or Recreational Water)
- MN Statute 7090.1010 requires the City to apply within 18 months of being classified as a MS4 by the MPCA.
- The City has completed Part I of the Permit Application and has been given until October 25, 2016 to complete the permit.

Is this a New Requirement for Cities?

- First MPCA MS4 General Permit issued June 2002.
- First Round of MS4 Applications Made In March 2003
 - Over 200 owners and operators required to apply
- Permit Renewed in 2006 and 2013
- These federal rules require that MS4 programs are strengthened with each five year permit cycle. This current 2013 permit reissuance effort shifts from the initial focus on permit program development to measuring program implementation.

Who Else is Required to Apply?

- MS4 is a Nationally Required Permit Under the Federal Clean Water Act
- 260 Cities/Agencies in Minnesota
 - Approximately 200 Permit Applications in 2003
 - Cambridge, East Bethel, Elk River, Ham Lake, Nowthen, and Oak Grove
 - 27 New MS4s Added under the 2013 Permit
 - Isanti, Wyoming

How Much Does It Cost to Implement MS4 Requirements?

- \$400 Permit Fee Each Permit Application/Renewal
- Administration of MS4 Typically Requires 0.5-1.0 Full Time Employee
- Things That Impact Cost:
 - Size of the MS4
 - Number of Storm Water Structures
 - Number of Ponds
 - TMDL Requirements
 - Number of Building Permits Issued
 - Number of Enforcement Actions

What Is Required to Comply with the Permit?

- Annual Report
- Annual Inspection of All Storm Sewer Catch Basins
- Annual Inspection of All Discharges Leaving and Entering the Jurisdiction
- Inspection of All Public and Private Storm Water Ponds and Basins every 5-years
- Ordinance Meets Minimum Standards
- Enforcement Procedures
- Training of All City Outdoor Staff
- Minimum of One Annual Public Meeting

What is the New Storm Water Utility Fee Being Used For?

- Annual Report
- Annual Inspection of All Storm Sewer Catch Basins
- Annual Inspection of All Discharges Leaving and Entering the Jurisdiction
- Inspection of All Public and Private Storm Water Ponds and Basins every 5-years
- Ordinance Updates
- Enforcement Procedures
- Training of Staff
- Minimum of One Annual Public Meeting

What is the New Storm Water Utility Fee Being Used For? (cont'd)

- Street Sweeping
- Stormwater Maintenance (ditches, culverts, piping, curb and gutter, ponds, catch basins, etc.)
- Stormwater Improvements – construction
- Public Education
- Development of Programs to Prevent Pollution

ORDINANCE NO. 214, SECOND SERIES

**CITY OF ST. FRANCIS
ANOKA COUNTY
STATE OF MINNESOTA**

**BY ACT OF THE CITY COUNCIL, THIS ORDINANCE AMENDS
CITY CODE CHAPTER 6, SECTION 3 WITH THE FOLLOWING ORDINANCE
AMENDMENTS RELATING TO THE PUBLIC DANCES.**

THE CITY OF ST. FRANCIS ORDAINS THE FOLLOWING LANGUAGE
AMENDMENTS TO ORDINANCE 214, SECOND SERIES:

Section 1. Code Amended. Chapter 6 Section 3 of the St. Francis City Code
Entitled shall be amended as follows:

SECTION 3

DANCES

SECTION:

- 6-3-1: Definitions
- 6-3-2: License Required
- 6-3-3: License Fee
- 6-3-4: Application and License
- 6-3-5: Dance Regulations

6-3-1: DEFINITIONS. As used in this Section, the following works and terms shall have the meanings stated:

- A. "Public Dance" means any dance wherein the public may participate by payment, directly or indirectly, of an admission fee or price for dancing, which fee may be in the form of a club membership, or payment of money directly or indirectly.
- B. "Public Dancing Place" means any room, place or space open to public patronage in which dancing, wherein the public may participate, is carried on and to which admission may be had by the public by payment, directly or indirectly, of an admission fee or price for dancing.

6-3-2: LICENSE REQUIRED. It is unlawful for any person to operate a public dancing place, or hold a public dance, without a license therefore from the City.

6-3-3: LICENSE FEE. The license fee shall ~~include the cost of providing attendance of police officer, or officers.~~ **be in accordance with City's Fee Schedule, and shall include all cost associated with the issuance of the license and site inspection.**

6-3-4: APPLICATION AND LICENSE.

- A. A verified application for a dance license shall be filed with the City and shall specify the names and addresses of the person, persons, committee or organization that is to hold the dance, time and place thereof, and the area of the dance floor.
- B. All applications shall be accompanied by affidavits of two residents showing that the applicant is of good character and reputation in the community in which he lives, that he has not been convicted of a felony, gross misdemeanor, or violation of any public dance laws within the past five years. No license shall be issued to any person who has been so convicted.
- C. No license shall be granted by the Council for any place having so-called "private apartments" or "private rooms" furnished or used for any purposes other than legitimate business purpose which adjoins such dancing place, or which may be reached by stairs, elevators, or passageway leading from such dancing place. Nor shall a license be granted for any place which is not properly ventilated and equipped with necessary toilets, washroom or lighting facilities.
- D. Applications may be referred by the Council to the Chief of Police for investigation and report prior to being acted upon by the Council.
- E. The Council shall act upon all dance license applications at a regular or special meeting thereof, whether or not it is included in the call or agenda of the meeting.
- F. ~~At least one officer of the law shall be designated by the Chief of Police and employed by the City to be present at every public dance during the entire time said dance is being held. For purpose of this Subparagraph the term "officer of the law" means any person who is a licensed City peace officer or reserve peace officer. In the discretion of the Council or Chief of Police more than one such officer may be required.~~ **The licensee shall employ, at his own expense, such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of persons in attendance at the Public Dancing Place and for the preservation of order and protection of property in and around the Public Dance site. Security personnel shall generally be off-duty licensed police officers. No license shall be issued unless the city's Chief of Police is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the event. If deemed appropriate, the Chief of Police may recommend that the City Council require alternate security**

~~personnel [other] than off-duty officers at the licensee's own expense.~~ Security personnel shall be present during the entire time said dance is being held and until all patrons have vacated the property, including parking lots owned by licensee. It should be noted that any public safety incidents that occur during the event may be used by the City Council in the determination to approve or disapprove any future licenses under this Section.

- G. The dance license shall be posted in the public dancing place and shall state the name of the licensee, the amount paid therefore, and the time and place licensed. The license shall also state that the licensee is responsible for the manner of conducting the dance.
- H. No license shall be issued to any applicant under the age of eighteen (18) years.

6-3-5: DANCE REGULATIONS.

- A. Obscenity and Immorality Prohibited. It is unlawful for any person to dance, for a licensee to permit or suffer any person to dance at any public dance in an indecent or immodest manner. It is also unlawful for any person at a public dance to speak in a rude, boisterous, obscene, or indecent manner for any licensee to suffer or permit any person so to act or speak in any public dancing place.
- B. Illumination. Every public dancing place shall be brightly illuminated while in public use, and dancing therein while the lights are extinguished, timed or turned so low as to give imperfect illumination is prohibited.
- C. Certain Persons Prohibited. No Licensee shall permit any ~~unmarried~~ person under the ~~age of sixteen (16) years~~ **age of eighteen (18) years**, unless said ~~unmarried~~ person is accompanied by his parent or guardian, to remain in a public dancing place. Nor shall any licensee permit any intoxicated person, or other person who persists in violating the law, to be or remain in the public dancing place.
- D. Hours of Dancing. No public dance shall be held on Sunday between the hours of ~~1:00 AM~~ **midnight**, and noon. No public dance shall be held on any day between the hours of ~~1:00 AM~~ **midnight**, and 6:00 am.

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 21st day of March, 2016.

Steve Kane
Mayor

ATTEST:

Barbara I. Held
City Clerk

675830-v2

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

ORDINANCE 215, SECOND SERIES

AN ORDINANCE AMENDING THE CITY CHARTER
RELATING TO "COUNCIL MEETINGS"

THE CITY OF ST. FRANCIS ORDAINS:

Section 1. Charter Revised. That Chapter 3, Section 3.02, of the St. Francis City Charter be amended as follows:

Section 3.02 Council Meetings. The Council shall meet at such time or times each month as may be prescribed or by ~~ordinance-resolution~~. In addition, the Mayor or any two (2) Council persons may call special meetings of the Council upon such notice as may be prescribed by Ordinance.

Section 2. Effective Date. This Ordinance shall take effect 90 days after its publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS 21st DAY OF MARCH, 2016.

APPROVED:

Steve Kane, Mayor

ATTEST:

Barbara I. Held, City Clerk

ORDINANCE NO. 216, SECOND SERIES

**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 ~~and~~ 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 of 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

ORDINANCE NO. 217, SECOND SERIES

**CITY OF ST. FRANCIS
ANOKA COUNTY
STATE OF MINNESOTA**

**BY ACT OF THE CITY COUNCIL, THIS ORDINANCE ENACTS
CITY ORDINANCE 217, SECOND SERIES, OFFENSES RELATING TO DRUG
PARAPHERNALIA:**

Section 1. Code Enacted. Chapter 8 Section 11 of the St. Francis City Code Entitled Offenses Related to Drug Paraphernalia shall be enacted as follows:

Section 11

8-11-1: OFFENSES RELATING TO DRUG PARAPHERNALIA:

- A. Use or Possession Prohibited. It is unlawful for any person knowingly or intentionally to use or to possess drug paraphernalia. Any violation of this subsection is a petty misdemeanor.
- B. Delivery or Manufacturing Prohibited. A person may not deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, if that person knows or should reasonably know that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, enhance, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of Minnesota Statutes Chapter 152. Any violation of this subsection is a misdemeanor.
- C. Definitions:

DRUG PARAPHERNALIA:

1. Except as otherwise provided in subsection 2 of this definition, "drug paraphernalia" means all equipment, products, and materials of any kind, which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, enhancing, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of Minnesota statutes chapter 152.
2. "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale of hypodermic needles or syringes.
3. The term paraphernalia includes, without limitation:

ORDINANCE NO. 217, SECOND SERIES

**CITY OF ST. FRANCIS
ANOKA COUNTY
STATE OF MINNESOTA**

**BY ACT OF THE CITY COUNCIL, THIS ORDINANCE ENACTS
CITY ORDINANCE 217, SECOND SERIES, OFFENSES RELATING TO DRUG
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- A. Use or Possession Prohibited. It is unlawful for any person knowingly or intentionally to use or to possess drug paraphernalia. Any violation of this subsection is a petty misdemeanor.
- B. Delivery or Manufacturing Prohibited. A person may not deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, if that person knows or should reasonably know that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, enhance, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of Minnesota Statutes Chapter 152. Any violation of this subsection is a misdemeanor.
- C. Definitions:

DRUG PARAPHERNALIA:

1. Except as otherwise provided in subsection 2 of this definition, "drug paraphernalia" means all equipment, products, and materials of any kind, which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, enhancing, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of Minnesota statutes chapter 152.
2. "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale of hypodermic needles or syringes.
3. The term paraphernalia includes, without limitation:

- a. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
- b. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- c. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant, which is a controlled substance.
- d. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.
- e. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
- f. Diluents and adulterants, including quinine hydrochloride, mannitol, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances.
- g. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
- h. Blenders, bowls, containers, spoons, grinders, and mixing devices used, intended for use, or designed for use in compounding, manufacturing, producing, processing, or preparing controlled substances.
- i. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
- j. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or products or materials used or intended for use in manufacturing, producing, processing, or preparing controlled substances.
- k. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing controlled substances to include, but not limited to, marijuana, cocaine, hashish, or hashish oil into the human body, including:
 - (1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.

- (2) Water pipes.
- (3) Carburetion tubes and devices.
- (4) Smoking and carburetion masks.
- (5) Objects, sometimes commonly referred to as roach clips, used to hold burning material, for example, a marijuana cigarette, that has become too small or too short to be held in the hand.
- (6) Miniature cocaine spoons and cocaine vials.
- (7) Chamber pipes.
- (8) Carburetor pipes.
- (9) Electric pipes.
- (10) Air driven pipes.
- (11) Chillums.
- (12) Bongs.
- (13) Ice pipes or chillers.

- I. Ingredients or components to be used or intended or designed to be used in manufacturing, producing, processing, preparing, testing, or analyzing a controlled substance, whether or not otherwise lawfully obtained, including anhydrous ammonia, nonprescription medications, methamphetamine precursor drugs, or lawfully dispensed controlled substances.

D. Drug Paraphernalia Guidelines: In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors:

1. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance.
3. The proximity of the object, in time and space, to a direct violation of this section.
4. The proximity of the object to controlled substances.
5. The existence of any residue of controlled substances on the object.

6. Direct or circumstantial evidence of the intent of an owner, or of any person in control of the object, to deliver the object to another person whom the owner or person in control of the object knows, or should reasonably know, intends to use the object to facilitate a violation of this section. The innocence of an owner, or of any person in control of the object, as to a direct violation of this section may not prevent a finding that the object is intended or designed for use as drug paraphernalia.
7. Instructions, oral or written, provided with the object concerning the object's use.
8. Descriptive materials accompanying the object, which explain or depict the object's use.
9. National and local advertising concerning the object's use.
10. The manner in which the object is displayed for sale.
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, for example, a licensed distributor or dealer of tobacco products.
12. Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise.
13. The existence and scope of legitimate uses for the object in the community.
14. Expert testimony concerning the object's use.
15. The actual or constructive possession by the owner or by a person in control of the object or the presence in a vehicle or structure where the object is located of written instructions, directions, or recipes to be used, or intended or designed to be used, in manufacturing, producing, processing, preparing, testing, or analyzing a controlled substance.

Section 2. Effective Date.

This 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

CITY OF ST. FRANCIS
ST. FRANCIS MN
ANOKA COUNTY

ORDINANCE 218, SECOND SERIES

AN ORDINANCE AMENDING SECTION 2-2-1. Council Meetings – Time and Place

THE CITY OF ST. FRANCIS ORDAINS:

Section 1. Code Adopted. That Section 2-2-1 entitled “Council Meetings – Time and Place” shall hereby be amended to read as follows:

2-2-1: COUNCIL MEETINGS – TIME AND PLACE. Regular meetings of the Council shall be held in the Council Chambers on the first and third Mondays of each month at 6:00 PM except when the Council adopts a resolution changing the date, time or cancelling such regular meeting. In the event the Council adopts a resolution changing the date or time of a regular meeting, the meeting will be held as noted in the resolution. Special and adjourned meetings shall also be held in the Council Chambers. In the event that any regular meeting falls on a holiday, then the meeting shall be held on the next business day at the same time. The place of such meeting shall be in the Council Chambers in the City Hall unless otherwise designated by action of the Council. (Ord 87, SS, 3-7-2005; Ord 61, SS, 2-22-2000, Ord 218, SS)

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 _____, 2016.

APPROVED:

Steve Kane
Mayor of St. Francis

ATTEST:

Barbara I. Held
City Clerk

SECTION 2
CITY COUNCIL

SECTION:

- 2-2-1: Council Meetings – Time and Place
- 2-2-2: Special Meetings
- 2-2-3: Council Procedure at Regular Meetings
- 2-2-4: Interim Emergency Succession
- 2-2-5: Salaries of Mayor and Council Members
- 2-2-6: Per Diem Payments and Expense Reimbursement for Mayor and City Members

2-2-1: COUNCIL MEETINGS – TIME AND PLACE. Regular meetings of the Council shall be held in the Council Chambers on the first and third Mondays of each month at 6:00 PM. Special and adjourned meetings shall also be held in the Council Chambers. In the event that any regular meeting falls on a holiday, then the meeting shall be held on the next business day at the same time. The place of such meeting shall be in the Council Chambers in the City Hall unless otherwise designated by action of the Council. (Ord 87, SS, 3-7-2005; Ord 61, SS, 2-22-2000)

2-2-2: SPECIAL MEETINGS. Special meetings of the Council may be called by the Mayor or by any two other members of the Council by writing filed with the City Clerk/Treasurer stating the time, place and purpose of the meeting. Notice of a special meeting shall be given by the City Clerk/Treasurer to each member of the Council by mailing a copy of such filing to all members who did not sign or issue the call at least four (4) days prior to the time stated therein, or by personal service at least seventy-two (72) hours prior to the projected time of meeting. Special meetings may be held without prior written notice to the Council when all Council members are present at the meeting or consent thereto in writing. Any such consent shall be filed with the City Clerk/Treasurer prior to the beginning of the meeting. Any special meeting attended by all Council members shall be a valid meeting for the transaction of any business that may come before the meeting. Meetings of the Council which are adjourned from time-to-time shall not be subject to the foregoing notice requirements; nor shall special meetings which, in the judgment of the Council, require immediate consideration to meet an emergency require such notice, but may be called by telephone communication or any other expeditious means. Notice to the public and to news media shall be given as required by statute.

AGENDA REPORT

TO: Joe Kohlmann, City Administrator
FROM: Darcy Mulvihill, Finance Director
SUBJECT: Escrow Balances
DATE: March 16, 2016

INTRODUCTION

In the 803 Escrow Fund, there are several old accounts with negative balances. Per the auditor's recommendation this should be written off.

BACKGROUND

Escrows amounts are deposited with the city for various projects. Bills that come in on that project are coded against this deposit. When the project is done the person responsible pays the negative or gets the remaining balance refunded. These projects are all from 2010 or earlier. There is not any activity on the projects. We therefore would like to write these accounts off.

RECOMMENDATION

Recommend adopting the attached resolution 2016-07 to write off the accounts in the amount of \$18,796.49 for the year ending December 31, 2015. The General Fund has a net income to cover this expense.

BUDGET IMPACT

None.

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

RESOLUTION 2016-07

RESOLUTION TO WRITE OFF ESCROW BALANCES FOR THE YEAR ENDING
DECEMBER 31, 2015

WHEREAS, the city of St. Francis has outstanding negative escrow balances, and the auditors have recommended that the city of St. Francis write off these balances;

WHEREAS, the total outstanding of these accounts is \$18,796.49 is to be written off for the year ending December 31, 2015;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS, MINNESOTA that the finance director is hereby authorized to write off the following negative escrow balances:

803-22071	Esc-Turtle Run 7th	(\$7,559.80)		
803-22070	Esc-Turtle Run 6th	(\$5,641.62)		
803-22069	Esc-Turtle Run 5th	(\$2,744.68)		
803-22067	Esc-Turtle Ridge Townhomes	\$2,709.72		
803-22064	Esc-Turtle Moon	\$11,600.00		
803-22022	Esc-Fairway Crossing	(\$162.50)		
803-22066	Esc-Turtle Ponds 3rd	(\$67.70)		
803-22068	Esc-Turtle Run 3rd	(\$346.50)		
803-22100	Esc-Village Bank (PUD Amend)	(\$220.39)	\$ (2,433.47)	Total Project
803-22050	Esc-Seelye Brook Acres	(\$2,545.51)		
803-22043	Esc-River s Edge/Siwiek	(\$2,227.04)		
803-22025	Esc-Highland Meadows	(\$1,737.68)		
803-22024	Esc-Greenwing Trail	(\$1,552.50)		
803-22065	Esc-Turtle Ponds 2nd	(\$1,321.87)		
803-22051	Esc-Seelye Brook Estates	(\$900.10)		
803-22013	Esc-City Center Townhomes	(\$428.13)		
803-22018	Esc-Dickenson Property	(\$326.00)		
803-22019	Esc-Digilogo (Barb Walters)	(\$323.47)		
803-22062	Esc-TMS Holdings	(\$322.25)		
803-22078	Esc-Royal Healthcare, Inc.	(\$116.25)		
803-22074	Esc-Windsor Farms	(\$4,562.22)		
			(\$18,796.49)	Write offs

ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS 21ST DAY OF MARCH, 2016.

APPROVED:

ATTEST:

Steve Kane, Mayor of St. Francis

Barbara I. Held, City Clerk

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

RESOLUTION 2016-08

A RESOLUTION AUTHORIZING THE SUMMARY PUBLICATION OF ORDINANCE
214, SECOND SERIES AMENDING CITY CODE CHAPTER 6, SECTION 3
RELATING TO PUBLIC DANCES

WHEREAS, as authorized by Minnesota Statutes, Section 412.191, subd. 4, the City Council has determined that publication of the title and summary of Ordinance 214, Second Series will clearly inform the public of the intent and effect of the Ordinance; and

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

NOW THEREFORE, BE IT RESOLVED that the following summary of Ordinance 214, Second Series is approved for publication:

CITY OF ST. FRANCIS, MINNESOTA
ORDINANCE 214, SECOND SERIES

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

Ordinance amends City Code Chapter 6, Section 2 relating to the public dances. It addresses the need for security personnel at public dances, increases the age of unaccompanied individuals to eighteen years of age and amends the ending date of public dances at midnight.

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

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

ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS 21st DAY OF MARCH, 2016

APPROVED:

Attest:

Steve Kane, Mayor of St. Francis

Barbara I. Held, City Clerk

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

RESOLUTION 2016-09

A RESOLUTION AUTHORIZING THE SUMMARY PUBLICATION OF ORDINANCE 216 SECOND SERIES AMENDING 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.

WHEREAS, as authorized by Minnesota Statutes, Section 412.191, subd. 4, the City Council has determined that publication of the title and summary of Ordinance 216, Second Series will clearly inform the public of the intent and effect of the Ordinance; and

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

NOW THEREFORE, BE IT RESOLVED that the following summary of Ordinance 216, Second Series is approved for publication:

CITY OF ST. FRANCIS, MINNESOTA
ORDINANCE 216, SECOND SERIES

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

Ordinance amends City Code Chapter 6, Section 4 relating to the sale, possession, and use of tobacco, tobacco products, and tobacco related devices in the city and to reduce the illegal sales, possession, and use of such items to and by minors. 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.

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

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

ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS 21st DAY OF MARCH, 2016

APPROVED:

Attest:

Steve Kane, Mayor of St. Francis

Barbara I. Held, City Clerk

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

RESOLUTION 2016-10

A RESOLUTION AUTHORIZING THE SUMMARY PUBLICATION OF ORDINANCE
217, SECOND SERIES ENACTS CHAPTER 8 SECTION 11 OF THE CITY CODE
ENTITLED "OFFENSES RELATED TO DRUG PARAPHERNALIA

WHEREAS, as authorized by Minnesota Statutes, Section 412.191, subd. 4, the City Council has determined that publication of the title and summary of Ordinance 216, Second Series will clearly inform the public of the intent and effect of the Ordinance; and

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

NOW THEREFORE, BE IT RESOLVED that the following summary of Ordinance 216, Second Series is approved for publication:

CITY OF ST. FRANCIS, MINNESOTA
ORDINANCE 217, SECOND SERIES

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

Enacts Chapter 8 Section 11 of the City Code entitled "Offenses Related to Drug Paraphernalia". It provides for definitions, prohibits use or possession, prohibits deliver or manufacturing and provides for drug paraphernalia guidelines

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

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

ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS 21st DAY OF MARCH, 2016

APPROVED:

Attest:

Steve Kane, Mayor of St. Francis

Barbara I. Held, City Clerk