

**CITY OF PRINCETON
Planning Commission
Agenda
January 25th, 2016
7:00 P.M., City Hall**

- 1. Call to Order/ Election of Officers/Oath of Office**
- 2. Approval of Minutes of Regular Meeting on December 21st, 2015 - Tab A**
- 3. Agenda Additions/Deletions**
- 4. Public Hearing:**
 - A. Kennel Ordinance Amendment - Tab B**
- 5. Old Business:**
 - A. Gas Station Canopy LED Tube Lighting (Continued Discussion) – Tab C**
- 6. New Business:**
 - A. Planning Commission Bylaws Review – Tab D**
 - B. Micro Brew Ordinance – Tab E**
 - C. Restaurant Definition Ordinance Amendment – Tab F**
 - D. Rental Properties Ordinance Amendment – Tab G**
- 7. Communication and Reports:**
 - A. Verbal Report**
 - B. Updated Residential Zoning District and Definitions Handouts for Zoning Books**
 - C. City Council Minutes for December, 2016 - Tab H**
- 8. Adjournment**



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THE MEETING OF THE PLANNING COMMISSION BOARD HELD ON DECEMBER 21, 2015, AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS

The meeting was called to order at 7:00 P.M., by Jack Edmonds. Members present were Jeff Reynolds, and Chuck Young. Staff present were Jolene Foss (Comm. Dev. Director) and Mary Lou DeWitt (Comm. Dev. Assistant).

Absent was Chad Heitschmidt.

APPROVAL OF MINUTES OF REGULAR MEETING ON NOVEMBER 16, 2015

REYNOLDS MOVED, SECOND BY YOUNG, TO APPROVE THE MINUTES OF NOVEMBER 16, 2016. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

AGENDA ADDITIONS / DELETIONS:

REYNOLDS MOVED, SECOND BY YOUNG, TO APPROVE THE AGENDA. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

PUBLIC HEARING: None

OLD BUSINESS:

A. Gas Station Canopy LED Tube Lighting

Community Development Director Memo:

Staff is recommending the addition of language to the Zoning Ordinance to address the recent request to put LED Lighting around a gas/filling station canopy. LED bar lighting would be used to outline the canopy around the gas pumps at gas stations.

In researching Elk River, Zimmerman, Duluth, Cambridge and Milaca I did not give very much insight. Duluth prohibits this kind of lighting. Milaca, Zimmerman and Cambridge do not address this topic directly.

The City of St. Cloud does not address this issue in their Zoning Ordinance but according to the Senior Planner, they mention that shielding of LED is required if it is located adjacent to residential.

A request to PUC, Southern Minnesota Municipal Power Agency (SMMPA) and the City Attorneys has been made for their input on this topic.

Suggested language:

Definition: Any LED tube lighting that goes around the canopy of a gas station.

F. Video Display Signs, Electronic Changeable Copy Signs, and Electronic Graphic Display Sign, and Gas Station Canopy Tube Lighting – General Provisions (Added 05-08-14; Ord. 706):

1. Location:
 - a. Signs shall only be permitted on property that is zoned B-2 Neighborhood Business, B-3 General Commercial, HC-1 Health Care, MOR Medical Office Residential, MN-1 Industrial, and MN-2 Industrial Districts.
 - b. Signs shall not be located within 125 feet of any existing residence (including single family homes, townhomes, multi-family residential buildings, apartments, etc) without proper shielding.
2. Orientation
 - a. Signs shall not interfere with traffic and road safety due to placement and orientation, as determined by the city engineer.
3. Size and Height: The size and height of the sign shall be subject to the same provisions as any other wall or freestanding sign.
4. Brightness:
 - a. No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, signal or the safety of the public, or located where it would do so as determined by the city engineer.
 - b. Signs must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours, and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn, as measured from the sign's face at maximum brightness.
 - 1) The sign owner shall be required to provide an accurate field method of ensuring that maximum light levels are not exceeded if requested by City officials.
 - 2) The sign owner shall sign a license agreement supplemental to the building permit agreeing to operation of a sign in conformance with these regulations. Violation of these regulations shall result in forfeiture of the license, and the City shall be authorized to arrange disconnection of electrical service to the facility.
 - 3) Signs shall have an automatic dimmer control or other mechanism to automatically adjust its nit level based on ambient light conditions.



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- 5. Flashing Prohibited: Flashing signs are prohibited (refer to Definition section).
- 6. Malfunction: In the event of a malfunction, the sign shall be designed to freeze the display, and the owner shall discontinue the display immediately upon malfunction, or upon notice from the City that the display violates the City's regulations.

*****End of staff memo*****

Foss said that Super America made a request sometime back for tube lighting. There is nothing in our Ordinance about this. Shielding this type of lighting would be difficult.

Edmonds asked can we get a definition of shielding.

Foss said she was told that the light is not directed in one direction. Brightness could be addressed.

Edmonds said it is in the Signage Ordinance.

Foss seen where it is with the nits.

Reynolds likes adding the shielding wordage. It would keep the brightness down.

Edmonds said we do have some wordage on lighting where it is suppose to go directly down. Shielding should be in there.

Reynolds said we should look at the Super America convenience station in Zimmerman.

Foss said that legal nonconforming in B-2 District should be able to make improvements on their current canopy.

Edmonds would like another word used instead of shielding.

Foss will look for a replacement word. There is wordage for the brightness in the signage area.

Edmonds would like it where it does not direct all over.

Reynolds said white lights should be directed down. Otherwise horizontal lighting is okay.

Foss said Super America has not called back on this so if the Planning Commission Board wants her to research more, she can.

Edmonds would like it in the language.

Reynolds said it should have proper shielding if closer than 125 feet from residential. Something that stops the light from shining towards any residence.

Edmonds would like better wordage than shielding.

Foss said she will keep the 125 feet from residential and if it does not go over the brightness it would not need to be shielded. It would be good to have the wordage just in case. She will look into it and see. St. Cloud Zoning Ordinance has the language and she will call them and see what they have for the definition for shielding.

Edmonds would like the wordage clear.

Foss will continue to research this.

NEW BUSINESS: None

COMMUNICATION AND REPORTS:

A. Verbal Report

Foss said an individual called her and is looking at a home in Princeton, but he wants to brew beer as a home occupation, a microbrewery, and sell to local business. Foss said she asked at a staff meeting and it was brought up that the fumes smell, and an accessory building cannot have a home business. The person who called said he did the ground work with Elk River and then the home he was looking at fell through. He said he needs a distributor's license.

Reynolds said it is highly regulated.

Foss said it would have to be amended in the Ordinance to allow this. This is just a conversation.

Edmonds is okay with an Ordinance amendment.

Reynolds agrees.

Foss will put something together on this.

Edmonds said on another subject he heard WSB is doing a survey on at the Industrial Park.

Foss explained it was an expansion study. The EDA Board wanted to find out if the existing industries were planning to expand. If so, what they needed and what it would cost to get parcels around our area to have industrial land. She would like to bring this to the January 7th, 2016 Study Season. The Planning Commission and EDA Board would be invited. She is not sure on the date.



B. Reschedule January 18, 2016 and February 15, 2016 meeting dates

DeWitt explained that the January 18th, 2016 Planning Commission meeting falls on Martin Luther King Jr. Day and the February 15, 2016 Planning Commission meeting falls on President's Day and City Hall is closed for both those days. In the past the Planning Commission has moved the meeting dates to either the following Tuesday or the following Monday.

The Planning Commission Board discussed the meeting dates change and decided on January 25th and February 22nd, 2016.

YOUNG MOVED, SECOND BY REYNOLDS, TO APPROVE THE PLANNING COMMISSION MEETING DATES TO BE RESCHEDULED TO JANUARY 25TH AND FEBRUARY 22, 2016. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

C. City Council Minutes for November, 2015

The Planning Commission Board had no comments.

REYNOLDS MOVED, SECOND BY YOUNG, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 7:35 P.M.

ATTEST:

Jack Edmonds, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant

CITY OF PRINCETON, MINNESOTA

ORDINANCE NO.

AN AMENDMENT OF ORDINANCE #727 FOR THE OPERATION OF A KENNEL IN CHAPTER V (ZONING DISTRICTS), SECTION 8 (B-1 CENTRAL BUSINESS DISTRICT) SECTION 9 (B-2 NEIGHBORHOOD COMMERCIAL DISTRICT), SECTION 10 (B-3 GENERAL COMMERCIAL DISTRICT) AND CHAPTER VI (PERFORMANCE STANDARDS) SECTION 2 (STANDARDS), ITEM K, WITH KENNEL LANGUAGE, AND RE-ALPHABETIZING OF ALL SUBSEQUENT SECTIONS



SECTION 1. Amend Ordinance #727 for the operation of a Kennel in Section 8 (B-1 CENTRAL BUSINESS DISTRICT) of Chapter V (Zoning Districts), allowing the Kennel with an Interim Use Permit (strikeouts indicate deletions; underline indicates additions):

D. — Conditional Uses

~~* Kennels, with overnight boarding, provided that (Rev. 08-08-13; Ord. 699):~~

- ~~(a) No overnight boarding allowed.~~
- ~~(b) Animals allowed outside only under direct supervision.~~
- ~~(c) A maximum number of animals allowed at the facility, as determined by the Planning Commission.~~
- ~~(d) Noise shall be mitigated so as to not create a public nuisance for adjoining properties.~~
- ~~(e) Indoor and outdoor facilities are to be kept in a clean, dry, and sanitary condition. Waste shall be picked up immediately and disposed of in a sealed container.~~
- ~~(f) Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.~~
- ~~(g) Indoor facilities shall be adequately ventilated and have ample light and heat.~~

~~E. Interim Uses:~~

D. Interim Uses: (Rev.12-10-15; Ord. 727):

*Kennels, with overnight boarding, provided that:

- (a) Animals allowed outside only under direct supervision.
- (b) A maximum number of animals allowed at the facility, as determined by the Planning Commission at interim use permit issuance.
- (c) Noise shall be mitigated so as to not create a public nuisance for adjoining properties.
- (d) Indoor and outdoor facilities are to be kept in a clean, dry, and sanitary condition. Waste shall be picked up immediately and disposed of in a sealed container.
- (e) Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.
- (f) Indoor facilities shall be adequately ventilated and have ample light and heat.
- (g) Adequate screening shall be provided, as determined by the Planning Commission.
- (h) Hours of operation shall be reviewed and approved by the Planning Commission.

*Pet Store selling cats or dogs under eight months of age with overnight boarding:

*Dog Daycare, Training, and Grooming Facility with no overnight boarding.

SECTION 2. Amend Ordinance #727 for the operation of a Kennel in Section 9 (B-2 NEIGHBORHOOD COMMERCIAL DISTRICT) of Chapter V (Zoning Districts), allowing the Kennel with an Interim Use Permit (strikeouts indicate deletions; underline indicates additions):

D. — Conditional Uses

* Kennels, provided that (Rev. 08-08-13; Ord. 699):

~~(a) No overnight boarding allowed.~~

~~(b) Animals allowed outside only under direct supervision.~~

~~(c) A maximum number of animals allowed at the facility, as determined by the Planning Commission.~~

~~(d) Noise shall be mitigated so as to not create a public nuisance for adjoining properties.~~

~~(e) Indoor and outdoor facilities are to be kept in a clean, dry, and sanitary condition. Waste shall be picked up immediately and disposed of in a sealed container.~~

~~(f) Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.~~

~~(g) Indoor facilities shall be adequately ventilated and have ample light and heat.~~

* — Veterinary clinics and pet grooming, with no outdoor boarding;

*Veterinary Clinic with overnight boarding provided that: (Rev.12-10-15; Ord. 727):

(a) Animals allowed outside only under direct supervision.

(b) A maximum number of animals allowed at the facility, as determined by the Planning Commission at time of interim use permit issuance.

(c) Noise shall be mitigated so as to not create a public nuisance for adjoining properties.

(d) Indoor and outdoor facilities are to be kept in a clean, dry, and sanitary condition. Waste shall be picked up immediately and disposed of in a sealed container.

(e) Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.

(f) Indoor facilities shall be adequately ventilated and have ample light and heat.

(g) Adequate screening shall be provided, as determined by the Planning Commission.

(h) Hours of operation shall be reviewed and approved by the Planning Commission.

E. Interim Uses: (Rev.12-10-15; Ord. 727)

*Kennels, with overnight boarding, provided that

(a) Animals allowed outside only under direct supervision.

(b) A maximum number of animals allowed at the facility, as determined by the Planning Commission at time of interim use permit issuance.

(c) Noise shall be mitigated so as to not create a public nuisance for adjoining properties.

(d) Indoor and outdoor facilities are to be kept in a clean, dry, and sanitary condition. Waste shall be picked up immediately and disposed of in a sealed container.

- (e) Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.
- (f) Indoor facilities shall be adequately ventilated and have ample light and heat
- (g) Adequate screening shall be provided, as determined by the Planning Commission.
- (h) Hours of operation shall be reviewed and approved by the Planning Commission.

*Pet Store selling cats or dogs under eight months of age with overnight boarding;

*Dog Daycare, Training, and Grooming Facility with no overnight boarding.

SECTION 3. Amend Ordinance #727 for the operation of a Kennel in Section 10 (B-3 GENERAL COMMERCIAL DISTRICT) of Chapter V (Zoning Districts), allowing the Kennel with an Interim Use Permit (strikeouts indicate deletions; underline indicates additions):

B Permitted Uses

~~*Veterinary clinic with no outside boarding facilities;~~

C. Conditional Uses

~~(a) Conditional Uses: Veterinary Clinic with outside overnight boarding facilities provided that they meet all kennel conditions as established in Chapter 6 herein. Any outside kennel or open area is located a minimum of 100 feet of any adjacent property lines.~~

D. Interim Uses: (Rev.12-10-15; Ord. 727):

*Kennels, with overnight boarding, provided that

(a) No overnight boarding allowed.

(b) Animals allowed outside only under direct supervision.

(c) A maximum number of animals allowed at the facility, as determined by the Planning Commission at the time of interim use permit issuance.

(d) Noise shall be mitigated so as to not create a public nuisance for adjoining properties.

(e) Indoor and outdoor facilities are to be kept in a clean, dry, and sanitary condition. Waste shall be picked up immediately and disposed of in a sealed container.

(f) Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.

(g) Indoor facilities shall be adequately ventilated and have ample light and heat.

(h) Adequate screening shall be provided, as determined by the Planning Commission.

(i) Hours of operation shall be reviewed and approved by the Planning Commission.

*Pet Store selling cats or dogs under eight months of age with overnight boarding;

*Dog Daycare, Training and Grooming Facility with no overnight boarding.

*Veterinary Clinic with overnight boarding provided that: (Rev.12-10-15; Ord. 727):

(a) Animals allowed outside only under direct supervision.

(b) A maximum number of animals allowed at the facility, as determined by the Planning Commission at time of Interim use permit issuance.

(c) Noise shall be mitigated so as to not create a public nuisance for adjoining proper-ties.

- (d) Indoor and outdoor facilities are to be kept in a clean, dry, and sanitary condition. Waste shall be picked up immediately and disposed of in a sealed container.
- (e) Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.
- (f) Indoor facilities shall be adequately ventilated and have ample light and heat.
- (g) Adequate screening shall be provided, as determined by the Planning Commission.
- (h) Hours of operation shall be reviewed and approved by the Planning Commission.

SECTION 4. CHAPTER VI (PERFORMANCE STANDARDS) SECTION 2, AMENDING ITEM K, WITH KENNEL LANGUAGE, AND REALPHABETIZING ALL SUBSEQUENT SECTIONS.

K. Kennels (Rev.12-10-15; Ord. 727):

A Kennels is any property, except veterinary clinics and doggie daycares, where more than three dogs or three cats over the age of eight months are owned, boarded, bred, trained, or offered for sale. All kennels in approved zoning districts require an interim use permit.

The following conditions, as well as any other conditions found necessary by the Planning Commission must be met to receive and remain in compliance with an interim use permit.

- a. Animals are allowed outside only under direct supervision.
- b. A maximum number of animals allowed at the facility will be established by the Planning Commission at the time of interim use permit issuance.
- c. Noise shall be mitigated so as to not create a public nuisance for adjoining properties.
- d. Indoor and outdoor facilities are to be kept in a clean, dry, and sanitary condition. Waste shall be picked up immediately and disposed of in a sealed container.
- e. Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.
- f. Indoor facilities shall be adequately ventilated and have ample light and heat.
- g. Adequate screening shall be provided, as determined by the Planning Commission.
- h. Hours of operation shall be reviewed and approved by the Planning Commission.

SECTION 5. This Ordinance Amendment, its rules and regulations shall take effect and be in full force immediately following its adoption and publication by the Princeton City Council.

EFFECTIVE DATE. This ordinance shall take effect upon its summary publication in the City's official newspaper. Said publication shall read as follows: _____

ADOPTED by the City Council of the City of Princeton this

Paul Whitcomb, Mayor

ATTEST:

Shawna Jenkins, City Clerk

MEMORANDUM

Tab C



TO: Princeton Planning Commission
FROM: Jolene Foss, Community Development Director
SUBJECT: **LED Canopy Lighting**
DATE: January 25th, 2016

Staff is recommending the addition of language to the Zoning Ordinance to address the recent request to put LED Lighting around a gas/filling station canopy. LED bar lighting would be used to outline the canopy around the gas pumps at gas stations.

In researching Elk River, Zimmerman, Duluth, Cambridge and Milaca I did not give very much insight. Duluth prohibits this kind of lighting. Milaca, Zimmerman and Cambridge do not address this topic directly.

The City of St. Cloud does not address this issue in their Zoning Ordinance but according to the Senior Planner, they mention that shielding of LED is required if it is located adjacent to residential.

A request to PUC, Southern Minnesota Municipal Power Agency (SMMPA) and the City Attorneys has been made for their input on this topic.

Suggested language:

Definition: **Any LED tube lighting that goes around the canopy of a gas station.**

F. Video Display Signs, Electronic Changeable Copy Signs, and Electronic Graphic Display Sign, and Gas Station Canopy Tube Lighting – General Provisions (Added 05-08-14; Ord. 706):

1. Location:

- a. Signs shall only be permitted on property that is zoned B-2 Neighborhood Business, B-3 General Commercial, HC-1 Health Care, MOR Medical Office Residential, MN-1 Industrial, and MN-2 Industrial Districts.
- b. Signs shall not be located within 125 feet of any existing residence (including single family homes, townhomes, multi-family residential buildings, apartments, etc) without proper shielding to ensure that the brightness does not exceed maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk and dawn, as measured from the sign's face at maximum brightness.

2. Orientation:

- a. Signs shall not interfere with traffic and road safety due to placement

and orientation, as determined by the city engineer.

3. **Size and Height:** The size and height of the sign shall be subject to the same provisions as any other wall or freestanding sign.
4. **Brightness:**
 - a. No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, signal or the safety of the public, or located where it would do so as determined by the city engineer.
 - b. Signs must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours, and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn, as measured from the sign's face at maximum brightness.
 - 1) The sign owner shall be required to provide an accurate field method of ensuring that maximum light levels are not exceeded if requested by City officials.
 - 2) The sign owner shall sign a license agreement supplemental to the building permit agreeing to operation of a sign in conformance with these regulations. Violation of these regulations shall result in forfeiture of the license, and the City shall be authorized to arrange disconnection of electrical service to the facility.
 - 3) Signs shall have an automatic dimmer control or other mechanism to automatically adjust its nit level based on ambient light conditions.
5. **Flashing Prohibited:** Flashing signs are prohibited (refer to Definition section).
6. **Malfunction:** In the event of a malfunction, the sign shall be designed to freeze the display, and the owner shall discontinue the display immediately upon malfunction, or upon notice from the City that the display violates the City's regulations.

**CITY OF PRINCETON
PLANNING COMMISSION
BYLAWS**

SECTION 1. ANNUAL MEETING

The annual meeting of the Planning Commission shall be the first regular meeting in the month of January of each year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the Planning Commission as per Section 6.

SECTION 2. REGULAR MEETINGS

Regular meetings of the Princeton Planning Commission shall be held in the City Hall at 7:00 p.m. on the third Monday of each month. At such meetings the Commission shall consider all matters properly brought before the Commission. A regular meeting may be cancelled or rescheduled by the Commission at a prior meeting.

SECTION 3. SPECIAL MEETINGS

Special meetings of the Planning Commission shall be called by the Chairperson or Vice-Chairperson who shall designate the time and place of the meeting. Written notice thereof shall be given to all members not less than 24 hours in advance of the special meeting.

SECTION 4. QUORUM

In order for any meeting to be called to order, a quorum of three regular members must be present. During the course of a meeting, at least three members must be present to take action on any matter before the Commission.

SECTION 5. VOTING

At all meetings of the Planning Commission, each member attending shall be entitled to cast one vote. Voting shall be by voice. In the event that any member shall have a personal interest of any kind in a matter then before the Commission, he/she shall disclose his/her interest and be disqualified from voting upon the matter, and the secretary shall so record in the minutes that no vote was cast by such member. The affirmative vote of a majority of members in attendance shall be necessary for the adoption of any resolution or other voting matter. The results of any vote shall be recorded, listing those voting Aye and those voting Nay.

SECTION 6. PROCEEDINGS

- A. At any regular meeting of the Planning Commission, the following shall be the regular order of business:
1. Call to Order/Roll Call
 2. Review Minutes of the preceding meeting(s)
 3. Agenda Additions/Deletions
 4. Public Hearings - Applications
 5. Old Business
 6. New Business
 7. Communications and Reports
 8. Adjournment

- B. The following procedures will normally be observed; however, they may be rearranged by the Chairperson for individual items if necessary for the expeditious conduct of business:
1. Staff presents report and makes recommendation.
 2. The Planning Commission may ask questions regarding the staff presentation and report.
 3. Proponents of the agenda item make a presentation.
 4. Any opponents make presentations.
 5. Applicant makes rebuttal of any points not previously covered.
 6. Planning Commission asks any questions it may have of the proponents, opponents, or staff, and then takes a vote.
- C. Each formal action of the Planning Commission required by law, rules, or regulations shall be embodied in a formal vote duly entered in full upon the Minute Book after an affirmative vote as provided in Section 5 hereof.
- D. No new agenda items shall be taken up after 11:00 p.m.

SECTION 7. DEADLINE FOR AGENDA

The deadline for filing for placement on the agenda for items of New Business to be considered by the Planning Commission shall be 12:00 noon, Monday, one week prior to the meeting, unless a public hearing is required. Application deadlines are to be followed as per Developer's Guide requirements.

SECTION 8. RULES OF PROCEDURE

All meetings of the Planning Commission shall be conducted in accordance with Robert's Rules of Order unless there is a conflict with these bylaws, other ordinances, or statute.

SECTION 9. MEMBER RESPONSIBILITIES

The Planning Commission shall consist of five regular members who shall be residents of the City, except that one of the members may be a person who owns a business located within the City of Princeton so long as that person lives within the 55371 zip code area. In addition, three ex-officio members who shall each be a member of the Township Board or Township Planning Commission and be from the Townships of Baldwin, Greenbush, and/or Princeton.

Members are expected to be interested in Planning and Zoning matters as they relate to the overall general welfare and development of the community. It is realized that at times absence from meetings is unavoidable. However, any member absent from three (3) consecutive regular meetings, or a total of four (4) meetings annually, shall be deemed to have vacated his/her office, and the Planning Commission shall request that the City Council appoint someone to fill the vacant seat. The City Administrator shall notify in writing any person removed from her/his position in the above described manner.

SECTION 10. OFFICERS

The officers of the Planning Commission shall consist of a Chairperson, a Vice-Chairperson, and Secretary, elected by the Planning Commission at the annual meeting for a term of one year. In the event the secretary shall be absent from any meeting, the officer presiding shall designate an acting secretary.

SECTION 11. DUTIES OF OFFICERS

The duties and powers of the officers of the Planning Commission shall be as follows:

A. Chairperson

1. To preside at all meetings of the Commission.
2. To call special meetings of the Planning Commission in accordance with these bylaws.
3. To sign documents of the Commission.
4. To see that all actions of the Commission are properly taken.

B. Vice-Chairperson

During the absence, disability, or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.

C. Secretary

To sign official documents of the Commission and other duties as required.

D. Secretarial duties to be delegated to City Staff.

1. To give or serve all notices required by law or by these Bylaws.
2. To prepare the agenda for all meetings of the Commission.
4. To be custodian of Commission records.
5. To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.
6. To handle funds allocated to the Commission in accordance with its directives, the law, and City regulations.
7. To take the minutes of all meetings of the Commission for typing and filing into the appropriate minute book by City Staff.

SECTION 12. VACANCIES

Should any vacancy occur among the members of this Planning Commission by reason of death, resignation, disability, or otherwise, immediate notice thereof shall be given to the City Administrator and Chairperson by the Secretary. The City Administrator shall then see that a new appointment is made by the City Council. Resignations should be made in writing to the Planning Commission Secretary stating the effective date of the resignation.

SECTION 13. AMENDMENTS

These Bylaws may be amended by the City Council after a recommendation has been received from the Planning Commission.

RECOMMENDED FOR APPROVAL by the Planning Commission this 16th day of November, 2015.

ATTEST:

Jack Edmonds, Chair

Mary Lou DeWitt, Comm. Dev. Assistant

APPROVED by the Princeton City Council this 10th day of September, 2015.

ATTEST:

Paul Whitcomb, Mayor

Shawna Jenkins, City Clerk

MEMORANDUM

Tab E



TO: Princeton Planning Commission
FROM: Jolene Foss, Community Development Director
SUBJECT: **Micro Brew Ordinance**
DATE: January 25th, 2016

A recent request for the opportunity to include microbrewery as a home occupation in a residential district has initiated the research into proposed changes to our zoning ordinance.

The zoning ordinance does not address microbreweries, wineries, etc.

Included is a sample of the language adopted by the City of Elk River in regard to this topic, as well as information provided by the individual who is initiating this request.

Home occupations are an allowed use in R-1, R-2 and R-3 with a Conditional Use Permit.

If the Planning Commission chooses to consider an ordinance amendment to include microbreweries, wineries, etc. Staff will work with the city attorney to draft proposed language for your review for the February Planning Commission meeting.

Elk River, MN

[▲ Scroll to Top](#)

Browse  Results  Changes new!

Elk River, Minnesota - Code of Ordinances

ELK RIVER MINNESOTA CODE

SUPPLEMENT HISTORY TABLE modified

 Chapter 1 - GENERAL PROVISIONS

 Chapter 2 - ADMINISTRATION

 Chapter 6 - ALCOHOLIC BEVERAGES

 ARTICLE I. - IN GENERAL

 ARTICLE II. - RETAILERS

 ARTICLE III. - UNDERAGE PERSONS

 Chapter 10 - ANIMALS

 Chapter 14 - ELECTIONS

 Chapter 18 - EMERGENCY SERVICES

 Chapter 22 - FIRE PREVENTION AND PROTECTION

 Chapter 26 - HEALTH AND SANITATION

 Chapter 30 - LAND DEVELOPMENT REGULATIONS

 Chapter 34 - LAW ENFORCEMENT

 Chapter 38 - LICENSES AND BUSINESS REGULATIONS

 Chapter 42 - NATURAL RESOURCES

 Chapter 46 - NUISANCES

 Chapter 50 - OFFENSES AND MISCELLANEOUS PROVISIONS

 Chapter 54 - PARKS AND RECREATION

 Chapter 58 - SOLID WASTE

 Chapter 62 - SPECIAL ASSESSMENTS

 Chapter 66 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Chapter 70 - TAXATION

Chapter 74 - TRAFFIC AND VEHICLES

Chapter 78 - UTILITIES

Chapter 82 - VEGETATION

Chapter 86 - WATERWAYS

Appendix A - FRANCHISES

APPENDIX B - TABLE OF ORDINANCES NOT CODIFIED

CODE COMPARATIVE TABLE - 1982 CODE

CODE COMPARATIVE TABLE - ORDINANCES **modified**

STATE LAW REFERENCE TABLE

Chapter 6 - ALCOHOLIC BEVERAGES

ARTICLE I. - IN GENERAL

Sec. 6-1. - Definitions.

Sec. 6-2. - Municipal dispensary.

Sec. 6-3. - Consumption in public place.

Secs. 6-4—6-30. - Reserved.

ARTICLE II. - RETAILERS

DIVISION 1. - GENERALLY

Secs. 6-31—6-50. - Reserved.

DIVISION 2. - LICENSE

Sec. 6-51. - Required.

Sec. 6-52. - Types of licenses.

Sec. 6-53. - Sports or convention facilities license.

Sec. 6-54. - Application.

Sec. 6-55. - Investigation of applicant for on-sale intoxicating liquor or wine license.

Sec. 6-56. - Fees.

Sec. 6-57. - Persons ineligible for license.

Sec. 6-58. - Liability insurance.

Sec. 6-59. - Granting to liquor wholesaler or manufacturer or person with interest in wholesaler or manufacturer.

Sec. 6-60. - Procedure for issuance; number of licenses.

Sec. 6-61. - Licenses granted subject to provisions of applicable laws.

Sec. 6-62. - Special requirements for corporations, partnerships and associations.

Sec. 6-63. - Local manager or agent.

Sec. 6-64. - Denial; delinquent taxes or assessments; illegal acts on licensed premises.

Sec. 6-65. - Conditional licenses.

Sec. 6-66. - Duplicate licenses.

Sec. 6-67. - Inactive businesses.

Sec. 6-68. - Transfer.

Sec. 6-69. - Posting.

Sec. 6-70. - Renewal.

Sec. 6-71. - Suspension or revocation; fines.

Secs. 6-72—6-90. - Reserved.

DIVISION 3. - OPERATIONAL RESTRICTIONS AND REQUIREMENTS

Sec. 6-91. - Inspections by police officers.

Sec. 6-92. - Responsibility of licensee for conduct on licensed premises.

Sec. 6-93. - Responsibility of licensee for sales by employees.

Sec. 6-94. - Hours and days of sales.

Sec. 6-95. - Closing of premises after legal time of sale.

Sec. 6-96. - Removal of containers after legal time of sale.

Sec. 6-97. - Lewd conduct; live entertainment or dancing.

Sec. 6-98. - Gambling.

Sec. 6-99. - Refilling containers.

Sec. 6-100. - Special restrictions for club licenses.

Sec. 6-101. - Posting of notices to consumers.

Secs. 6-102—6-130. - Reserved.

ARTICLE III. - UNDERAGE PERSONS

Sec. 6-131. - Proof of age.

Sec. 6-132. - Misrepresentation of age; purchasing alcoholic beverage for underage person.

Sec. 6-133. - Sales to underage persons.

Sec. 6-134. - Underage persons on licensed premises.

Sec. 6-135. - Employment of underage person.

Sec. 6-136. - Consumption by underage person.

Sec. 6-137. - Possession by underage person.

Sec. 6-138. - Social host.

Chapter 6 - ALCOHOLIC BEVERAGES^[1]



ARTICLE I. - IN GENERAL



Sec 6-1 - Definitions

SEC. 071. - DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning or unless otherwise stated in a specific section:

Alcoholic beverage means any beverage containing more than one-half of one percent alcohol by volume.

Applicant means any person making an application for a license under this chapter.

Beer means malt liquor that contains not less than one-half of one percent alcohol.

Brewer means a person who manufactures malt liquor for sale.

Brewpub means a state licensed brewer under Minn. Stats. § 340A.301, subdiv. 6(d) with a restaurant use operated on the same premises as the brewery. To sell their own malt liquor, a brewpub is required to obtain an intoxicating on-sale liquor license and may obtain an on-sale Sunday liquor license if they want to be open on Sundays.

Club means an incorporated organization under the law of the state for civic, fraternal, social, or business purposes, for intellectual improvement or for the promotion of sports, or a congressionally chartered veterans' organization which has more than 50 members, has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members, and is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted on each year by the governing body.

Cocktail room means an area for the on-sale consumption of distilled spirits produced by the state-licensed distillery for consumption on the premises of the distillery or an abutting property in common ownership of the distiller.

Commissioner means the state commissioner of public safety.

Farm winery means a winery operated by the owner of a Minnesota farm, and producing table, sparkling, or fortified wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in Minnesota.

Growler means a container used in the package and sale of malt liquor, 64 ounces in size (or one-half gallon).

Guest means a person not a member of the club licensee but present on the club-licensed premises in the company of a host member.

Hotel means an establishment where food and lodging are regularly furnished to transients and which has:

- (1) A dining room serving the general public at tables and having facilities for seating at least 30 guests at one time.
- (2) At least 25 guestrooms.

Intoxicating liquor means ethyl alcohol and distilled, fermented, spirituous, vinous, and malt beverages containing in excess of 3.2 percent alcohol by weight.

License means a document issued by the city to an applicant permitting him to carry on and transact the business stated therein.

License fee means the money paid to the city pursuant to an application and prior to issuance of a license to transact and carry on the business stated therein.

Licensed premises means the premises described in the approved license application. The license may be issued only for a space that is compact and contiguous. In the case of a restaurant or a club licensed for on-sale of alcoholic beverages and located on a golf course, the term "licensed premises" includes the entire golf course except for areas where motor vehicles are regularly parked or operated.

Malt liquor means any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

Manufacturer means every person who, by any process of manufacture, fermenting, brewing, distilling, refining, rectifying, or blending, or by the combination of different materials, prepares or produces intoxicating liquor for sale.

Microbrewery means a facility that is licensed under Minn. Stats. § 340A.301, subdiv. 6(c), (i), or (j) and may brew no more than 20,000 barrels of its own brands of malt liquor annually.

Microdistillery means a distillery producing premium, distilled spirits in total quantity not to exceed 40,000-proof gallons in a calendar year as regulated by Minnesota Statutes.

Off-sale means the sale of alcoholic beverages in original packages for consumption off the premises only.

On-sale means the sale of alcoholic beverages for consumption on the licensed premises.

Restaurant means any establishment, other than a hotel, which is under the control of a single proprietor or manager where meals are regularly prepared on the premises and served at tables to the general public, and having a minimum seating capacity for at least 30 guests.

Tap room means a state licensed brewer under Minn. Stats. § 340A.301 [subdiv. 6](c), (i), or (j) permitting the on-sale consumption of malt liquor produced by the brewer for consumption on the premises of a brewery or an abutting property in common ownership of the brewer, which may include the sales of malt liquor produced and packaged at the brewery for off premises consumption as allowed by Minnesota Statutes.

3.2 percent beer means malt liquor that contains not less than one-half of one percent alcohol by volume and not in excess of 3.2 percent alcohol by weight.

3.2 percent malt liquor means malt liquor containing not less than one-half of one percent by volume and not more than 3.2 percent alcohol by weight.

Wholesaler means any person who sells alcoholic beverages to persons to whom the sale is permitted under Minn. Stats. § 340A.310, from a stock maintained in a warehouse in the state.

Wine means the product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, in each instance containing not less than one-half of one percent and not more than 24 percent alcohol by volume for nonindustrial use. Wine does not include distilled spirits as defined in Minn. Stats. § 340A.101, subd. 9.

(Ord. No. 2000-01, § 1(800.02), 3-13-2000; Ord. No. 12-01, § 1, 1-17-2012; Ord. No. 15-02, § 1, 1-20-2015)

Cross reference— Definitions generally, § 1-2.

State Law reference— Definitions generally, Minn. Stats. § 340A.101.

Sec. 6-2. - Municipal dispensary.



- (a) **Established; location; employees.** A municipal dispensary is hereby established to be operated within the city for the sale of liquor potable as a beverage and containing more than 3.2 percent alcohol by weight. Such dispensary shall be at such place as the council shall determine and may be either leased or owned by the city. It shall be in the charge of a person known as the manager, who shall have such assistants as may be necessary. All employees, including the manager, shall hold their positions at the pleasure of the council.
- (b) **Dispensary fund.** A liquor dispensary fund is hereby created into which all revenues received from the operation of the dispensary shall be paid and from which all operating expenses shall be paid. Any surplus accumulating in this fund may, from time to time, be transferred to the general fund by resolution of the council and expended for any municipal purpose.

(Ord. No. 2000-01, § 1(800.46), 3-13-2000)

State Law reference— Municipal liquor stores, Minn. Stats. § 340A.601 et seq.

Sec. 6-3. - Consumption in public place.



No person shall consume liquor on a public highway or public place.

(Ord. No. 2000-01, § 1(800.26(1)), 3-13-2000)

Cross reference— Streets, sidewalks and other public places, ch. 66.

State Law reference— Possession of open container of alcohol in motor vehicle, Minn. Stats. § 169.122.

Secs. 6-4—6-30. - Reserved.



ARTICLE II. - RETAILERS^[2]



DIVISION 1. - GENERALLY



Secs. 6-31—6-50. - Reserved.



DIVISION 2. - LICENSE



Sec. 6-51. - Required.



- (a) No person, except as otherwise provided in Minn. Stats. ch. 340A, shall directly or indirectly deal in, sell, keep for sale or deliver any intoxicating liquor, 3.2 percent malt liquor, or wine as part of a commercial transaction without first having received a license to do so as provided in this division; nor shall any private club or public place, directly or indirectly, or upon any pretense or by any device, allow the consumption or display of intoxicating liquor or serve any liquid for the purpose of mixing with intoxicating liquor without first obtaining a license from the city as provided in this division.
- (b) Unless expressly stated therein, a license issued under the provisions of this division shall be valid only in the compact and contiguous building or structure situated on the premises described in the license, and all transactions relating to a sale under such license must take place within such building or structure.

such license must take place within such building or structure.

(Ord. No. 2000-01, § 1(800.04), (800.08(7)(B)), 3-13-2000)

State Law reference— License required, Minn. Stats. § 340A.401; general license exemptions, Minn. Stats. §§ 340A.4011, subd. 2, 340A.403, subd. 3.

Sec. 6-52. - Types of licenses.



The following types of licenses are issued under this division:

(1) *Intoxicating liquor license, on-sale.*

- a. *Generally.* On-sale intoxicating liquor licenses shall be granted only to hotels, restaurants, bowling centers, clubs, and exclusive liquor stores.

State Law reference— On-sale intoxicating liquor licenses, Minn. Stats. § 340A.404.

- b. *Community festivals.* The city council may authorize the holder of a retail on-sale intoxicating liquor license issued by the city council to dispense intoxicating liquor off-premises at a community festival held within the city. The authorization shall specify the area in which the intoxicating liquor may be dispensed and consumed, and shall not be issued unless the licensee demonstrates that it has liability insurance to cover the event.

State Law reference— Licenses for community festivals, Minn. Stats. § 340A.404, subd. 4(a).

(2) *Wine license.*

- a. *Generally.* Wine licenses may be issued with the approval of the commissioner only to restaurants having facilities for seating at least 25 people at one time for the sale of wine not exceeding 14 percent alcohol by volume and for consumption on the licensed premises only in conjunction with the sale of food. A wine license authorizes the sale of wine on all days of the week **unless** the council restricts the license's authorization to the sale of wine on all **days** except Sundays.

State Law reference— Wine licenses, Minn. Stats. § 340A.404, subd. 5.

- b. *Sale of intoxicating malt liquor.* The holder of a wine license who is also licensed to sell 3.2 percent malt liquor on-sale and whose gross receipts are at least 60 percent attributable to the sale of food may also sell intoxicating malt liquor at on-sale without an additional license.

State Law reference— Authority to so provide, Minn. Stats. § 340A.404, subd. 5(b).

- c. *Bed and breakfast wine license.* The city may issue an on-sale wine license with the approval of the commissioner to a licensed bed and breakfast facility.

(3) *3.2 percent malt liquor license.* The city may issue off-sale or on-sale 3.2 percent malt liquor licenses.

- a. *On-sale license.* On-sale 3.2 percent malt liquor licenses may be issued to drugstores, restaurants, hotels, clubs, bowling centers, and establishments used exclusively for the sale of 3.2 percent malt liquor with the incidental sale

- b. *Off-sale license.* Off-sale 3.2 percent malt liquor licenses may be issued to general food stores, drugstores, and retail stores associated with motor vehicle service stations and permit the sale of 3.2 percent malt liquor at retail in the original package for consumption off the premises only.
- c. *Temporary license.* A club or charitable, religious, or nonprofit organization may be issued a temporary on-sale license for the sale of 3.2 percent malt liquor. The temporary license may authorize the sale of 3.2 percent malt liquor in any school or school buildings.

State Law reference— 3.2 percent malt liquor licenses, Minn. Stats. § 340A.403.

- (4) *On-sale Sunday liquor license.* An on-sale Sunday liquor license may be issued to a hotel or restaurant, club, or bowling center with facilities for serving not less than 30 guests at one time, to which an on-sale intoxicating license has been issued. Such license may permit the sale of liquor to be consumed on the premises between the hours of 10:00 a.m. on Sunday and 1:00 a.m. on Monday in conjunction with the serving of food provided the licensee is in conformance with the Minnesota Clean Indoor Air Act. No Sunday license is needed for on-sale wine licenses.

State Law reference— Sunday sales intoxicating liquor on-sale licenses, Minn. Stats. § 340A.504, subd. 3.

(5) *Temporary licenses.*

- a. *Temporary on-sale licenses.* The city may issue to a club, or charitable, religious, nonprofit organization, or a state licensed brewer who manufactures fewer than 3,500 barrels of malt liquor in a year for the on-sale of intoxicating liquor in existence for at least three years a temporary license for the on-sale of intoxicating liquor in connection with a social event within the city sponsored by the licensee. The license may authorize the sale of intoxicating liquor for not more than four consecutive days and may allow on-sales on premises other than premises the licensee owns or permanently occupies. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full-year on-sale intoxicating liquor license issued by any municipality. Temporary on-sale intoxicating liquor licenses require approval of the commissioner of public safety. Licenses are subject to terms and license fees normally imposed by the city.
- b. *Farm winery licenses.* The city may issue to a farm winery licensed under Minn. Stats. § 340A.315 a temporary license for the on-sale at a county fair located within the municipality of intoxicating liquor produced by the farm winery. The licenses are subject to all laws and ordinances governing the sale of intoxicating liquor not inconsistent with this section. Licenses under this subdivision are not valid unless first approved by the commissioner of public safety.
- c. *Wine festival.* The city may issue a temporary license to a bona fide association of owners and operators of wineries sponsoring an annual festival to

Chapter 6 - ALCOHOLIC BEVERAGES | Code of Ordinances | Elk River, MN | Municode Library

of owners and operators of wineries sponsoring an annual festival to showcase wines produced by members of the association. The license issued under this subdivision authorizes the sale of table, sparkling, or fortified wines produced by the wineries at on sale by the glass, provided that no more than two glasses per customer may be sold, and the dispensing of free samples of the wines offered for sale within designated premises of the festival. A license is subject to all laws and ordinances governing the sale, possession, and consumption of table, sparkling, or fortified wines. For purposes of this subdivision, a "bona fide association of owners and operators" means an association of more than ten wineries that has been in existence for more than two years at the time of application for the temporary license.

State Law reference— Temporary on-sale intoxicating liquor licenses, Minn. Stats. § 340A.404, subd. 10.

License restrictions.

- a. The city may not issue more than three four-day, four three-day, six two-day, or 12 one-day temporary licenses in any combination not to exceed 12 days per year for the sale of alcoholic beverages to any one organization or for any one location, within a 12-month period.
- b. The city may not issue more than one temporary license for the sale of alcoholic beverages to any one organization or for one location within any 30-day period unless the licenses are issued in connection with an event officially designated a community festival by the city.

Insurance. The council may, but at no time shall it be under any obligation whatsoever to, grant a temporary on-sale intoxicating liquor license or temporary on-sale 3.2 percent malt liquor license for premises owned or controlled by the city. Any such license may be conditioned, qualified or restricted as the council sees fit. If the premises to be licensed are owned or under the control of the city, the applicant shall file with the city, prior to issuance of the license, a certificate of liability insurance coverage in at least the sum of \$500,000.00 for injury to any one person, \$500,000.00 for injury to more than one person, and \$500,000.00 for property damage, naming the city as an insured during the license period.

State Law reference— Required liability insurance, Minn. Stats. § 340A.409.

- (6) *Club license.* Club licenses may be issued to clubs or congressionally chartered veterans' organizations with the approval of the commissioner, provided that the organization has been in existence for at least three years and liquor sales will only be to members and bona fide guests. Special club licenses shall be issued only to incorporated clubs or to congressionally chartered veterans' organizations which have been in existence for at least three years.

State Law reference— Club licenses, Minn. Stats. § 340A.404, subd. 1(4).

- (7) *Consumption and display permit.* Consumption and display permits may be issued to a bottle club which complies with the requirements of Minn. Stats. § 340A.414.
 - a. *Eligibility.* The commissioner of public safety may issue a consumption and

display permit to:

1. An applicant who has not, within five years prior to the application, been convicted of a felony or of violating any provisions of this chapter or rule adopted under this chapter.
2. A restaurant.
3. A hotel.
4. An establishment licensed for the sale of 3.2 percent malt liquor.
5. A resort.
6. A club or an unincorporated club otherwise meeting that definition.

The commissioner may not issue a permit to a club holding an on-sale intoxicating liquor license.

- b. *Authority granted by permit.* A permit issued under this subsection authorizes the establishment to permit the consumption and display of intoxicating liquor on the premises. The permit does not authorize the sale of intoxicating liquor.
- c. *Expiration.* All permits issued under this subsection expire on March 31 of each year.
- d. *Council approval required.* A permit issued under this subsection is not effective until approved by the city council.

State Law reference— Consumption and display permits, Minn. Stats. § 340A.414.

(8) *Caterer's permit.*

- a. The commissioner may issue a caterer's permit to a restaurant that holds an on-sale intoxicating liquor license issued by any municipality. The holder of a caterer's permit may sell intoxicating liquor as an incidental part of a food service that serves prepared meals at a place other than the premises for which the holder's on-sale intoxicating liquor license is issued.
- b. A caterer's permit is auxiliary to the primary on-sale license held by the licensee.
- c. The restrictions and regulations which apply to the sale of intoxicating liquor on the licensed premises also apply to the sale under the authority of a caterer's permit, and any act that is prohibited on the licensed premises is also prohibited when the licensee is operating other than on the licensed premises under the authority of the caterer's permit.
- d. Any act which, if done on the licensed premises, would be grounds for cancellation or suspension on the on-sale licensee is grounds for cancellation of both the on-sale license and the caterer's permit if done when the permittee is operating away from the licensed premises under the authority of the caterer's permit.
- e. The permittee shall notify, prior to any catered event, the police chief of the city where the event will take place, if the event will take place within the corporate limits of the city.

State Law reference— Caterer's permit, Minn. Stats. § 340A.414, subd. 12.

- (9) *Brewer taproom license.* A brewer taproom license authorizes on-sale of malt liquor produced by a state licensed brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer.
- a. *Eligibility.*
1. A brewer may only have one taproom license and may not have an ownership interest in another brewery.
 2. A brewer taproom license may not be issued to a brewer if the brewer seeking the license or any person having an economic interest in the brewery seeking the license is a brewer that brews more than 250,000 barrels of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually.
 3. Not eligible to hold an on-sale intoxicating liquor license.
 4. Section 6-58 regarding liability insurance shall apply to a license issued under this subsection.
 5. A holder of a brewer taproom license may also operate a restaurant.
 6. May be open and conduct on-sale business on Sundays.
- (10) *Cocktail room license.* May be granted to distillers licensed under Minn. Stats. § 340A.301 subdiv. 6(c). A cocktail room license authorizes on-sale of distilled liquor for consumption on the premises of or adjacent to one distillery location owned by the distiller.
- a. *Eligibility.*
1. A distiller may only have one microdistillery cocktail room license and may not have an ownership interest in another distillery.
 2. Section 6-58 regarding liability insurance shall apply to a license issued under this subdiv.
 3. No single entity may hold both a microdistillery cocktail room and taproom license, and a cocktail room and taproom may not be co-located.
 4. A holder of a microdistillery cocktail room license may also operate a restaurant.
- (11) *Small brewer's off-sale malt license.* May be granted to brewers licensed under Minn. Stats. § 340A.301(c), (i), or (j).
- a. *Eligibility.*
1. Off-sale shall be limited to 64-ounce containers known as "growlers" of malt liquor produced and packaged on the licensed premises which have been labeled and sealed in accordance with statutory specifications;
 2. Off-sale may not exceed 500 barrels per year;
 3. Off-sale hours shall be limited to the hours of operation of the municipal dispensary (subsection 6-94(d)). The off-sale growlers must be removed from the premises before the applicable closing time of the municipal dispensary.
 4. A brewer may only have one license under this subsection.
 5. The city can't issue a license under this subdiv. to a brewer seeking the

license, or any person having an economic interest in the brewer seeking the license or exercising control over the brewer seeking the license, is a brewer that brews more than 20,000 barrels of its own brands of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually.

(12) *Brewpub/microbrewer off-sale license.* May be granted to brewers licensed under Minn. Stats. § 340A.301 subdiv. 7(b).

a. *Eligibility.*

1. Off-sale shall be limited to 64-ounce containers known as "growlers" of malt liquor produced and packaged on the licensed premises which have been labeled and sealed in accordance with statutory specifications;
2. Off-sale may not exceed 500 barrels per year;
3. Total of on-sale and off-sale by the brewer's off-sale license holder cannot exceed 3,500 barrels per year;
4. Off-sale hours shall be limited to the hours of operation of the municipal dispensary (subsection 6-94(d)).

(Ord. No. 2000-01, § 1(800.06), (800.44(1)(A)), 3-13-2000; Ord. No. 04-09, § 1, 6-21-2004; Ord. No. 12-01, § 2, 1-17-2012; Ord. No. 15-02, § 2, 1-20-2015)

Sec. 6-53. - Sports or convention facilities license.



The council may authorize any holder of an on-sale liquor license issued by the city or by an adjacent municipality to sell liquor at any convention, banquet, conference, meeting, or social affair conducted on the premises of a sports or convention facility owned by the city or instrumentality thereof having independent policy-making and appropriating authority and located within the city. The licensee must be engaged to sell liquor at such an event by the person or organization permitted to use the premises and may sell liquor only to persons attending the event. The licensee shall not sell liquor to any person attending or participating in any amateur athletic event. Such sales may be limited to designated areas of the facility. All such sales shall be subject to all laws relating thereto.

(Ord. No. 2000-01, § 1(800.42), 3-13-2000)

State Law reference— Sports or convention facility license, Minn. Stats. § 340A.404, subd. 4.

Sec. 6-54. - Application.



- (a) All applications for licenses under this division shall be made at the office of the city clerk upon forms prescribed by the proper department of the state, together with additional information, as the council may desire. All questions asked, or information required, in the application shall be answered fully and completely by the applicant.
- (b) It is unlawful for any applicant to intentionally make a false statement or omission

upon any application form. Any false statement in such application or any willful omission to state any information called for on such application form shall, upon discovery of such falsehood, work an automatic refusal of the license or, if already issued, shall render any license issued pursuant thereto void and of no effect to protect the applicant from prosecution for violation of this chapter or any part thereof.

(Ord. No. 2000-01, § 1(800.08(1), (3)), 3-13-2000)

Sec. 6-55. - Investigation of applicant for on-sale intoxicating liquor or wine license.



The city shall on initial application for an on-sale intoxicating liquor license or a wine license or on an application for a transfer of an existing license conduct a preliminary background and financial investigation of the applicant. An investigation may be required prior to renewal of an existing on-sale license when the city council deems it in the public interest. No license may be issued, transferred, or renewed if the results of the investigation show, to the satisfaction of the council, that issuance, transfer, or renewal would not be in the public interest.

(Ord. No. 2000-01, § 1(800.08(2)), 3-13-2000)

State Law reference— Investigation of on-sale intoxicating liquor licenses, Minn. Stats. § 340A.412, subd. 2.

Sec. 6-56. - Fees.



- (a) *Applicability; payment.* Prior to consideration of any application for a license under this division, the applicant shall pay the license fee and, if applicable, pay the investigation fee to cover the costs of the city in processing the application and the investigation thereof. The investigation fee is nonrefundable. No investigation fee shall be required of an applicant for an on-sale 3.2 percent malt liquor license, off-sale 3.2 percent malt liquor license, temporary beer license or temporary license for the on-sale of intoxicating liquor. Failure to pay any portion of a fee when due shall be cause for revocation.
- (b) *Establishment.* All license and investigation fees provided for in this division, including, but not by way of limitation, fees for on-sale and off-sale of beer, temporary on-sale of beer, on-sale and temporary off-sale of liquor, and on-sale of wine, shall be fixed and determined by the council, adopted by resolution, and uniformly enforced. The council may amend such fees by resolution. A copy of the resolution shall be kept on file in the office of the city clerk and open to inspection during regular business hours.
- (c) *Fee increases.* The city shall not increase the fee for a liquor license except after notice and hearing on the proposed increase. Notice of the proposed increase must be mailed to all affected licensees at least 30 days before the date set for the hearing.

- (d) *Proration.* For licenses issued and which are to become effective other than on the first day of the licensed year, the fee to be paid with the application shall be a pro rata share of the annual license fee.
- (e) *Refunds.* License fees shall be refunded if an application for a license is denied by the city council, except where rejection is for a willful misstatement in the license application. A pro rata share of an annual license fee for a retail license to sell intoxicating or 3.2 percent malt liquor, either on-sale or off-sale, may be refunded to the licensee or to the licensee's estate if:
- (1) The business ceases to operate because of destruction or damage.
 - (2) The licensee dies.
 - (3) The business ceases to be lawful for a reason other than a license revocation.
 - (4) The licensee ceases to carry on the business licensed under the license.

(Ord. No. 2000-01, § 1(800.08(4)—(6), (7)(I)), 3-13-2000)

State Law reference— License fees, Minn. Stats. § 340A.408; investigation fee, Minn. Stats. § 340.412, subd. 2.

Sec. 6-57. - Persons ineligible for license.



No license provided for in this division may be granted to or held by any person:

- (1) Who is under 21 years of age;
- (2) Upon whom it is impractical to conduct a background and financial investigation due to the unavailability of information;
- (3) Who has had an intoxicating liquor or 3.2 percent malt liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested;
- (4) Who is not of good moral character and repute;
- (5) Who has a direct or indirect interest in a manufacturer, brewer, or wholesaler; or
- (6) Who, within five years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage.

(Ord. No. 2000-01, § 1(800.08(8)), 3-13-2000)

State Law reference— General eligibility requirements, Minn. Stats. § 340A.402.

Sec. 6-58. - Liability insurance.



- (a) *Required.* No beer, wine, or intoxicating liquor license shall be issued, maintained, or renewed unless and until the applicant has provided the proof of financial responsibility with regard to liability imposed by Minn. Stats. § 340A.801. The issuing authority must submit to the commissioner the applicant's proof of financial responsibility. The requirement for proof of financial responsibility shall be fulfilled by filing the following:
- (1) A certificate that there is in effect an insurance policy or pool providing minimum coverages of:
 - a. Bodily injury—Each person limit\$500,000.00
Bodily injury—Each occurrence limit\$500,000.00
Property Damage—Each occurrence limit\$500,000.00
Loss of means of support—Each person limit\$500,000.00
Loss of means of support—Each occurrence limit\$500,000.00
Annual aggregate
limit\$1,000,000.00
 - (2) A bond of a surety company with minimum coverages as provided in subsection (a)(1) of this section; or
 - (3) A certificate of the state treasurer that the licensee has deposited with him \$1,000,000.00 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of \$1,000,000.00.
- (b) *Cancellation restrictions.* A liability insurance policy required by this section must provide that it may not be canceled for:
- (1) Any cause, except for nonpayment of premium, by either the insured or the insurer unless the canceling party has first given 30 days' notice in writing to the issuing authority of intent to cancel the policy; and
 - (2) Nonpayment of premium unless the canceling party has first given ten days' written notice of intention to cancel to the city clerk.
- (c) *Exceptions.* This section does not apply to licensees who by affidavit establish that:
- (1) They are on-sale 3.2 percent malt liquor licensees with sales of less than \$25,000.00 of 3.2 percent malt liquor for the preceding year.
 - (2) They are off-sale 3.2 percent malt liquor licensees with sales of less than \$50,000.00 of 3.2 percent malt liquor for the preceding year.
 - (3) They are holders of on-sale wine licenses with sales of wine of less than \$25,000.00 for wine for the preceding year.
- (d) *Submission of documents to commissioner.* All proofs of financial responsibility and exemption affidavits filed with the city under this section shall be submitted by the city to the state commissioner of public safety.
- (e) *Failure to keep insurance.* Any failure of a licensee at any time to keep in full force and effect the insurance required by this section shall be grounds for immediate revocation of the license.

(Ord. No. 2000-01, § 1(800.10), 3-13-2000; Ord. No. 04-05, 4-12-2004; Ord. No. 12-01, § 2, 1-

17-2012)

State Law reference— Insurance requirements, Minn. Stats. § 340A.409.

Sec. 6-59. - Granting to liquor wholesaler or manufacturer or person with interest in wholesaler or manufacturer.



No license provided for in this division shall be granted to a wholesaler or manufacturer of liquor or to anyone holding a financial interest in such manufacturer or wholesaler.

(Ord. No. 2000-01, § 1(800.34(1)), 3-13-2000)

State Law reference— Prohibited interests in retailers, Minn. Stats. §§ 340A.301, subd. 7, 340A.308.

Sec. 6-60. - Procedure for issuance; number of licenses.



- (a) If an application for a license under this division is approved by the city council, the city clerk shall issue a license in the form prescribed by the city or the proper department of the state, as the case may be, upon payment of the license fee. All licenses shall expire June 30 of each year unless otherwise specified in this division.
- (b) The council may issue the number of licenses authorized by statute or restrict such number from time to time as it may, in its discretion, deem proper.

(Ord. No. 2000-01, § 1(800.08(7)(A)), (800.34(6)), 3-13-2000)

State Law reference— Restrictions on number of intoxicating liquor licenses authorized, Minn. Stats. § 340A.413.

Sec. 6-61. - Licenses granted subject to provisions of applicable laws.



Every license shall be granted subject to the provisions of this chapter and all other applicable provisions of this Code and other laws relating to the operation of the licensed business.

(Ord. No. 2000-01, § 1(800.34(2)), 3-13-2000)

Sec. 6-62. - Special requirements for corporations, partnerships and associations.



- (a) All corporations, partnerships, and associations must designate an operating manager. The operating manager must be a person working full-time at the licensed

premises who is in charge of day-to-day liquor sales.

- (b) Licenses issued to corporations shall be valid only so long as there is no change in the officers or ownership interest of the corporation, as defined in this chapter, unless such change is approved by the council. The requirement concerning change in officers does not apply to corporations whose stock is traded on the New York or American Stock Exchanges.
- (c) Licenses issued to associations or partnerships shall be valid only so long as there is no change in the partnership or association, unless such change is approved by the council.
- (d) Corporations, partnerships, or associations holding licenses shall submit written notice to the city clerk of any changes described in this section on or before 30 days prior to the effective date of any such change. In the case of a corporation, the licensee shall notify the city clerk when a person not listed in the application acquires an interest that, when combined with that of a spouse, parent, brother, sister, or child, exceeds five percent and shall give all information about such person as is required by the city.
- (e) Corporations holding licenses shall submit written notice to the city clerk of any change in operating managers prior to the effective date of such change. The written notice shall designate the new operating manager. The new operating manager shall be subject to the investigation authorized by this division if an investigation is requested in writing by the license holder.

(Ord. No. 2000-01, § 1(800.12), 3-13-2000)

Sec. 6-63. - Local manager or agent.



Before a license is issued under this division to an individual who is a nonresident of the city, or more than one individual whether or not they are residents of the city, or to a corporation, partnership, or association, the applicant shall appoint in writing a natural person who is its manager or agent. Such manager or agent shall, by the terms of his written consent, take full responsibility for the conduct of the licensed premises, and serve as agent for service of notices and other process relating to the license. Such manager or agent must be a person who, by reason of age, character, reputation, and other attributes, could qualify individually as a licensee. If such manager or agent ceases to act in such capacity for the licensee without appointment of a successor, the license issued pursuant to such appointment shall be subject to revocation or suspension.

(Ord. No. 2000-01, § 1(800.16), 3-13-2000)

Sec. 6-64. - Denial; delinquent taxes or assessments; illegal acts on licensed premises.



- (a) The council may, in its sole discretion and for any reasonable cause, refuse to grant any application for a license under this division. No license shall be granted to a

person of questionable moral character or business reputation. Licenses shall terminate only by expiration or revocation.

- (b) The council, in its discretion, shall have the right to refuse to issue or renew a license for the sale of intoxicating liquor on any premises on which taxes, assessments or other financial claims of the city are delinquent or unpaid. Delinquent or unpaid taxes, assessments or other financial claims of the city on the premises for which the license has been issued shall be grounds for the revocation of an intoxicating liquor license.
- (c) In addition to all other grounds for revocation or suspension stated in this Code or state statute, the following shall also be grounds for such action:
 - (1) The licensee suffered or permitted illegal acts upon licensed premises, which acts were unrelated to the sale of beer, wine or liquor;
 - (2) The licensee had knowledge of such illegal acts upon the licensed premises, but failed to report the such acts to the police;
 - (3) The licensee failed or refused to cooperate fully with police in investigating such alleged illegal acts upon licensed premises; or
 - (4) The activities of the licensee created a serious danger to public health, safety or welfare.

(Ord. No. 2000-01, § 1(800.08(7)(D), (7)(E), (9)), 3-13-2000)

Sec. 6-65. - Conditional licenses.



Notwithstanding any provision of law to the contrary, the council may, upon a finding of the necessity therefor, place such special conditions and restrictions, in addition to those stated in this chapter, upon any license issued under this division as it, in its discretion, may deem reasonable and justified.

(Ord. No. 2000-01, § 1(800.14), 3-13-2000)

Sec. 6-66. - Duplicate licenses.



The city clerk may issue duplicates of all original licenses issued under this division without action by the council upon the licensee's affidavit that the original has been lost and upon payment of a fee in the amount established by resolution for issuance of the duplicate. All duplicate licenses shall be clearly marked "DUPLICATE."

(Ord. No. 2000-01, § 1(800.08(7)(F)), 3-13-2000)

Sec. 6-67. - Inactive businesses.



The city council may revoke the intoxicating liquor or 3.2 percent malt liquor license of any establishment proposed to be newly constructed that is not under construction and exhibiting satisfactory progress toward completion within six months from the issuance of

...making satisfactory progress toward completion within six months from the issuance of a license to such establishment, or any establishment that ceases operation for a period of six months or longer. A hearing shall be held to review the progress made by the establishment toward opening or reopening the establishment and, if satisfactory progress is not demonstrated, the council may revoke the license.

(Ord. No. 2000-01, § 1(800.18), 3-13-2000)

Sec. 6-68. - Transfer.



Licenses issued under this division may be transferred with the consent of the council.

(Ord. No. 2000-01, § 1(800.08(7)(C)), 3-13-2000)

Sec. 6-69. - Posting.



All licensees under this division shall conspicuously post their licenses in their places of business.

(Ord. No. 2000-01, § 1(800.08(7)(G)(i)), 3-13-2000)

Sec. 6-70. - Renewal.



Applications for renewal of all licenses under this division shall be made at least 60 days prior to the date of expiration of the license and shall contain such information as is required by the city clerk. The council for good and sufficient cause may waive this time requirement.

(Ord. No. 2000-01, § 1(800.08(7)(H)), 3-13-2000)

Sec. 6-71. - Suspension or revocation; fines.



- (a) *Grounds.* The council may suspend or revoke any license for the sale of intoxicating or 3.2 percent malt liquor and may levy a fine against the licensee upon finding that the licensee of any license granted pursuant to this division has:
- (1) Failed to comply with any applicable statute, regulation, or ordinance relating to intoxicating liquor or 3.2 percent malt liquor or to the conduct of the licensee's business; or
 - (2) Been convicted of a violation of the provisions of any law, ordinance or regulation relating to the exercise of any right granted by such license.
- (b) *Revocation of erroneously issued license.* Any license issued to a person not entitled to receive the license under this division or any law of the state shall be revoked by the

council at any time after notice and public hearing.

- (c) *Hearing.* No suspension, fine, or revocation shall take effect until the licensee or permit holder has been afforded an opportunity for a hearing before the council, a committee of the council, or a hearing examiner, as provided under Minn. Stats. §§ 14.57—14.69 of the Minnesota Administrative Procedure Act. The council, in its discretion, may determine the appropriate body to conduct the hearing, and shall so name such body in the council action by which such hearing is called. Such hearing shall be conducted upon written notice to the licensee served in person or by certified mail not less than ten and not more than 30 days prior to the hearing date, stating the time, place, and purpose thereof.
- (d) *Presumptive civil penalties.* The purpose of this subsection is to establish standards by which the city council may determine appropriate penalties, including fines, suspensions, and revocations, for violations of this chapter or other laws and regulations. These standards shall apply to all licenses granted under this division. The penalties set forth in this subsection are presumed to be appropriate for every case; however, the council may deviate from these penalties in any case in which the council finds that there exist substantial reasons for such deviation, such as, by way of example and not of limitation, a licensee's efforts in cooperation with the state or city to prevent the sale of alcohol to minors. When deviating from these standards, the council shall provide written findings that support the penalty selected.

(1) The following minimum penalties shall be presumed appropriate:

- a. Upon a finding that a licensee has committed a violation of one of the following types, the license may be revoked:
 1. Commission of a felony related to the licensed activity.
 2. Sale of alcoholic beverages while the license is under suspension.
 3. Sale of intoxicating liquor where the license is only for sale of 3.2 percent malt liquor.
- b. The following violations shall presumptively be penalized according to the violation grid in subsection (d)(1)c of this section, subject to the provisions of this section:
 1. Sale of alcoholic beverages to an underage person.
 2. Sale of alcoholic beverages to an obviously intoxicated person.
 3. After-hours sale/display/consumption of alcoholic beverages.
 4. Illegal gambling on licensed premises.
 5. Any other violation of this chapter or of federal, state or local law relating to or governing the manufacture, sale, distribution or possession for sale of liquor or any alcoholic beverage.

c. The violation grid is as follows:

Number of Violations During 24-Month Period	Presumptive Penalty
First Violation	\$500.00 civil penalty

Second violation	5-day suspension and \$1,000.00 civil penalty to be paid before the expiration of the suspension
Third violation	10-day suspension and \$2,000.00 civil penalty to be paid before the expiration of the suspension
Fourth violation	License revocation

(2) For the purposes of this section regarding penalties for violations relevant to licensing, the number of violations by a licensee shall be cumulative over a 24-month period on a rolling basis. Thus, after the end of 24 months following the day a violation occurred, that violation shall be removed from consideration for purposes of applying the grid to determine penalties. Nothing in this subsection shall restrict the discretion of the council with regard to determination of the appropriate penalty for any violation.

(3) Nothing in this subsection shall restrict or limit the authority of the council to suspend the license for up to 60 days, revoke the license, impose a civil fine not to exceed \$2,000.00, impose conditions, or take any other action in accordance with law, provided that the license holder has been afforded an opportunity for a hearing in the manner provided in this chapter.

(e) *Return of revoked license to city.* Whenever any license issued for any purpose under this division is revoked for any reason whatever, the licensee shall forthwith return such license to the city clerk, and it shall be the duty of the police officer or other person notifying such licensee or person operating under such revoked license immediately to remove or cause to be removed such license from the wall or other place where such license shall be posted or exhibited and return such license to the city clerk.

(Ord. No. 2000-01, § 1(800.20), (800.22), (800.24), 3-13-2000)

State Law reference— License revocation, suspension and civil penalty, Minn. Stats. § 340A.415.

Secs. 6-72—6-90. - Reserved.



DIVISION 3. - OPERATIONAL RESTRICTIONS AND REQUIREMENTS



Sec. 6-91. - Inspections by police officers.

- (a) All premises licensed under this chapter shall at all times be open to inspection by any police officer to determine whether or not this chapter and all other laws are being observed. All persons, as a condition to being issued such license, shall consent to such inspection by such officers and without a warrant for searches or seizures.
- (b) It is unlawful for any licensee or agent or employee of a licensee to hinder or prevent a police officer from making such inspection.

(Ord. No. 2000-01, § 1(800.32), 3-13-2000)

Sec. 6-92. - Responsibility of licensee for conduct on licensed premises.

Except as provided in this chapter, every licensee under this chapter shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order therein.

(Ord. No. 2000-01, § 1(800.28), 3-13-2000)

State Law reference— Responsibility of licensee, Minn. Stats. § 340A.501.

Sec. 6-93. - Responsibility of licensee for sales by employees.

Any sale of beer, wine, or liquor in or from any premises licensed under this chapter by any employee authorized to make such sale in or from such place is the act of the employer as well as the person actually making the sale; and every such employer is liable to all of the penalties provided by law for such sale equally with the person actually making the sale.

(Ord. No. 2000-01, § 1(800.30), 3-13-2000)

Sec. 6-94. - Hours and days of sales.

- (a) *3.2 percent malt liquor.* No sale of 3.2 percent malt liquor shall be made between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, or between 2:00 a.m. and 10:00 a.m. on Sunday.
- (b) *Intoxicating liquor, on-sale.* Except as provided in subsection (c) of the section no sale of intoxicating liquor for consumption on the licensed premises may be made between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, or after 8:00 p.m. on December 24, or after 2:00 a.m. on Sundays.
- (c) *Intoxicating liquor, Sunday sales, on-sale.* Sales of intoxicating liquor for consumption

on the premises by hotels, restaurants, bowling centers, or clubs which have on-sale licenses and which also have facilities for serving not less than 30 guests at one time shall be permitted between the hours of 8:00 a.m. on Sundays and 2:00 a.m. on Mondays in conjunction with the serving of food, provided that the licensee is in conformance with the Minnesota Indoor Clean Air Act. An establishment serving intoxicating liquor on Sunday must obtain a Sunday license. A Sunday license shall be issued for a one-year period running from July 1 to June 30 and shall be subject to all provisions of this chapter.

- (d) *Intoxicating liquor, off-sale.* No sale of intoxicating liquor may be made by an off-sale licensee on Sundays, before 8:00 a.m. on Monday through Saturday, after 10:00 p.m. on Monday through Saturday, on Thanksgiving Day, on Christmas Day (December 25), or after 8:00 p.m. on Christmas Eve (December 24). The council may further limit the hours of sale of alcoholic beverages.
- (e) *Display of liquor.* No licensee shall display liquor to the public during hours when the sale of liquor is prohibited.

(Ord. No. 2000-01, § 1(800.34(5)), (800.36), 3-13-2000; Ord. No. 04-09, § 1, 6-21-2004; Ord. No. 15-11, §§ 1, 2, 5-18-2015)

State Law reference— Hours and days of sale, Minn. Stats. § 340A.504.

Sec. 6-95. - Closing of premises after legal time of sale.



It is unlawful for any person other than an on-sale licensee's bona fide employee actually engaged in the performance of his duties to be on the premises licensed under this chapter more than 30 minutes after the legal time for making licensed sales; provided, however, that this section shall not apply to licensees, employees of licensees, and patrons on licensed premises for the sole purpose of preparing, serving, or consuming food or beverages other than beer, wine, or liquor.

(Ord. No. 2000-01, § 1(800.26(3)), 3-13-2000)

Sec. 6-96. - Removal of containers after legal time of sale.



It is unlawful for any on-sale licensee to permit any glass, bottle, or other container containing beer, wine, or liquor in any quantity to remain upon any table, bar, stool, or other place where customers are served more than 20 minutes after the hour when a sale thereof can legally be made.

(Ord. No. 2000-01, § 1(800.26(2)), 3-13-2000)

Sec. 6-97. - Lewd conduct; live entertainment or dancing.



No lewd conduct shall be allowed or permitted on the premises licensed under this

chapter. For the purposes of this section, lewd conduct shall include "nudity" and "sexual conduct" as those terms are defined in Minn. Stats. § 617.292. Any licensee providing live entertainment or dancing must conduct that activity entirely within the licensed premises.

(Ord. No. 2000-01, § 1(800.26(4)), 3-13-2000)

Sec. 6-98. - Gambling.



No retail establishment licensed to sell alcoholic beverages may keep, possess, or operate or permit the keeping, possession, or operation on the licensed premises of dice or any gambling device as defined in Minn. Stats. § 349.30, or permit gambling therein.

(Ord. No. 2000-01, § 1(800.34(3)), 3-13-2000)

State Law reference— Similar provisions, Minn. Stats. § 340A.410, subd. 5(a).

Sec. 6-99. - Refilling containers.



No licensee shall sell, offer for sale, or keep for sale liquor in any original package which has been refilled or partly refilled.

(Ord. No. 2000-01, § 1(800.34(4)), 3-13-2000)

Sec. 6-100. - Special restrictions for club licenses.



- (a) It is unlawful for any club licensee to serve beer or liquor to any nonmember of the licensed club unless such nonmember is a guest.
- (b) It is unlawful for any club licensee to hinder or prevent a police officer from determining compliance with this section and chapter and all other laws.
- (c) It is unlawful for any person to refuse, upon request of a licensee or police officer, to provide information as to whether he is a member, guest, or host member or to give false, fraudulent, or misleading information in response to such request.

(Ord. No. 2000-01, § 1(800.44(1)(B)—(1)(D)), 3-13-2000)

Sec. 6-101. - Posting of notices to consumers.



Premises licensed for the retail sale of alcoholic beverages and a municipal liquor store must post and maintain, in a conspicuous place within the licensed premises clearly visible to consumers, one sign 14½ inches wide by eight inches high, as designed by the state commissioners of health and public safety, which incorporates the following information:

- (1) The penalties for driving while under the influence of alcohol;
- (2) The penalties for serving alcoholic beverages to a person who is obviously intoxicated or under 21 years of age; and
- (3) A warning statement regarding drinking alcohol while pregnant.

(Ord. No. 2000-01, § 1(800.08(7)(G)(ii)), 3-13-2000)

Secs. 6-102—6-130. - Reserved.



ARTICLE III. - UNDERAGE PERSONS



Sec. 6-131. - Proof of age.



- (a) Proof of age for purchasing or consuming alcoholic beverages may be established only by one of the following:
 - (1) A valid driver's license or identification card issued by Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person;
 - (2) A valid military identification card issued by the United States Department of Defense;
 - (3) A valid passport issued by the United States; or
 - (4) In the case of a foreign national, a valid passport.
- (b) In a prosecution under section 6-133, it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age authorized in subsection (a) of this section in selling, bartering, furnishing, or giving the alcoholic beverage.

(Ord. No. 2000-01, § 1(800.38(6)), 3-13-2000)

State Law reference— Similar provisions, Minn. Stats. § 340A.503, subd. 6.

Sec. 6-132. - Misrepresentation of age; purchasing alcoholic beverage for underage person.



No underage person shall misrepresent the person's age for the purpose of obtaining intoxicating liquor or 3.2 percent malt liquor, nor shall any such person purchase, attempt to purchase, consume, or have another person purchase for the underage person any intoxicating liquor or 3.2 percent malt liquor.

(Ord. No. 2000-01, § 1(800.38(5)), 3-13-2000)

State Law reference— Misrepresentation of age, Minn. Stats. § 340A.503, subd. 5.

Sec. 6-133. - Sales to underage persons.



No licensee under this chapter or his agent or employee shall serve or dispense upon the licensed premises any intoxicating or 3.2 percent malt liquor to a person under the legal drinking age, nor shall such licensee or his agent or employee permit any such person to be delivered any such liquors.

(Ord. No. 2000-01, § 1(800.38(1)), 3-13-2000)

State Law reference— Sales to underage persons, Minn. Stats. § 340A.503, subd. 2.

Sec. 6-134. - Underage persons on licensed premises.



No person under the legal age shall enter licensed premises for the purpose of purchasing or consuming any alcoholic beverage. It is not unlawful for any person who has attained the age of 18 years to enter licensed premises for the following purposes:

- (1) To perform work for the establishment, including the serving of alcoholic beverages;
- (2) To consume meals; and
- (3) To attend social functions that are held in a portion of the establishment where liquor is not sold.

(Ord. No. 2000-01, § 1(800.38(2)), 3-13-2000)

State Law reference— Underage persons entering licensed premises, Minn. Stats. § 340A.503, subd. 4.

Sec. 6-135. - Employment of underage person.



No person under 18 years of age may serve or sell intoxicating liquor in a retail intoxicating liquor establishment.

(Ord. No. 2000-01, § 1(800.40), 3-13-2000)

State Law reference— Similar provisions, Minn. Stats. § 340A.413, subd. 10.

Sec. 6-136. - Consumption by underage person.



No person under the legal drinking age shall consume or possess with the intent to consume or receive delivery of intoxicating or 3.2 percent malt liquor except in the household of the minor's parent or guardian, and then only with the consent of such parent or guardian.

(Ord. No. 2000-01, § 1(800.38(3)), 3-13-2000)

State Law reference— Similar provisions, Minn. Stats. § 340A.503, subd. 3.

Sec. 6-137. - Possession by underage person.



No person under the legal drinking age shall possess any intoxicating or 3.2 percent malt liquor. Possession of an alcoholic beverage by a person under the legal drinking age at a place other than the household of the parent or guardian is prima facie evidence of intent to consume it at a place other than the household of the person's parent or guardian.

(Ord. No. 2000-01, § 1(800.38(4)), 3-13-2000)

Sec. 6-138. - Social host.



(a) *Purpose and findings.* The Elk River City Council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Elk River City Council finds that:

- (1) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of 21 are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
- (2) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.
- (3) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
- (4) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and, condone the activity, and in some circumstances provide the alcohol.
- (5) Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage

consumption.

- (6) A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.
- (b) *Definitions.* For purposes of this section, the following terms have the following meanings:
- (1) *Alcohol* means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
 - (2) *Alcoholic beverage* means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
 - (3) *Event* or *gathering* means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
 - (4) *Host* means to aid, conduct, sponsor, allow, entertain, organize, supervise, control, or permit a gathering or event.
 - (5) *Parent* means any person having legal custody of a juvenile:
 - a. As [a] natural, adoptive parent, or step-parent;
 - b. As a legal guardian; or
 - c. As a person to whom legal custody has been given by order of a court.
 - (6) *Person* means any individual, partnership, co-partnership, corporation, or any association of one or more individuals. "Person" does not include a city, county, or state agency.
 - (7) *Residence* or *premises* means any location, including a home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.
 - (8) *Underage person* means an individual under 21 years of age.
- (c) *Prohibited acts.*
- (1) It is unlawful for any person(s) to host or allow an event or gathering at any residence or premises where alcohol or alcoholic beverages are present when the person knows or reasonably should know that an underage person will or does:
 - a. Consume any alcohol or alcoholic beverage; or
 - b. Possess any alcohol or alcoholic beverage with the intent to consume it; and
 - c. The person fails to take reasonable steps to prevent possession or consumption by the underage person(s).
 - (2) A person is criminally responsible for violating subsection (c)(1) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.
 - (3) A person who hosts an event or gathering does not have to be present at the

event or gathering to be criminally responsible.

(d) *Exceptions.*

- (1) This section does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.
- (2) This section does not apply to legally protected religious observances.
- (3) This section does not apply to retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. § 340A.503, Subd.1(a)(1).
- (4) This section does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

(e) *Enforcement.* This section can be enforced by any police officer or sheriff's deputy in the county.

(f) *Severability.* If any subsection, sentence, clause, phrase, word, or other portion of this section is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

(g) *Penalty.* Violation of subsection (c)(1) is a misdemeanor.

(Ord. No. 09-10, § 1, 11-9-2009)



Alcohol and Gambling Enforcement

A Division of the Minnesota Department of Public Safety



Minnesota Department of Public Safety

Search this site...



manufacturers FAQ

What is the typical processing time/approval for an application?

Processing time/approval is dependent upon a correct and complete application

How long is the license valid?

The license is valid 1 year from the date approved

Brewers

Click to view application process for brewers

I want to be a brewer, where do I first begin gaining approval?

Review the Brewer Flow Chart for proper steps

What application materials are required to apply for a Brewer's license?

Via mail submit the completed Wholesale Manufacturer Intoxicating application, along with a copy of your approved Brewer's Notice from the TTB. You will also need to submit a cashier's check or surety bond in the amount of \$1000, and appropriate license fee.

I have a brewer's bond with the TTB, do I need an additional bond for the State?

Yes, each manufacturer who is required to obtain a State bond needs to have one separate from their Federal TTB bond.

Do I need a separate license to wholesale my product, after I've received my Brewer's license?

Yes, brewers who produce less than 25,000 gallons annually and would like to self-distribute need to obtain a Wholesale of Malt Beverage license. See Wholesalers FAQ section on how to apply.

I want to sell growlers of my beer, at my brewery, how do I proceed?

Review the Brewer Flow Chart for proper steps. This allows the brewery to sell their beer at off sale, growlers, from the brewery location.

I want to have a taproom at my brewery, how do I proceed?

Review the Brewer Flow Chart for proper steps

Can my taproom be open on Sunday?

With approval from the local municipality and the completion of the taproom on sale application, a taproom can be open on Sunday without the sale of food.

Brew Pub

Click to view application process for brew pubs

What application materials are required to apply for a Brew Pub license?

Via mail submit the completed Wholesale Manufacturer Intoxicating application, a copy of your approved TTB Brewer's Notice, and the \$500 license fee. A Brew Pub does not require a State bond. A Brew Pub must first have a valid on sale license.

Where can I sell the beer made at my brew pub?

The product can only be sold at your brew pub facility, and the other on-sale establishments that you own under the same licensee name.

I want to sell growlers of my beer, at my brew pub, how do I proceed?

Review the Brew Pub Flow Chart for proper steps. This allows the brew pub to sell their beer at off sale, growlers, from the brew pub location.

Farm Winery/Farm Winery Distillery

Click to view the application process for farm winery/farm winery distillery

What application materials are required to apply for a Farm Winery/Farm Winery Distillery license?

Via mail submit the completed Farm Winery application, a copy of your approved TTB Basic Permit, a valid insurance certificate including liquor liability coverage, a cashier's check or surety bond in the amount of \$5,000, the license fee of \$50. In addition please provide proof of agriculturally taxed land, proof of incorporation from the Secretary of State, and proof of local authority.

I have a manufacturer's bond with the TTB, do I need an additional bond for the State?

Yes, each manufacturer who is required to obtain a State bond needs to have one separate from their Federal TTB bond.

Micro Distillery

[Click to view the application process for micro distillery](#)

What application materials are required to apply for a Micro Distillery license?

Via mail submit the completed Micro Distillery application and a copy of your approved TTB Basic Permit. You will also need to submit a cashier's check or surety bond, and appropriate license fee.

I have a manufacturer's bond with the TTB, do I need an additional bond for the State?

Yes, each manufacturer who is required to obtain a State bond needs to have one separate from their Federal TTB bond.

I want to sell my spirits on-site, like a brewery's taproom does.

Review the Micro Distillery Flow Chart for proper steps. This allows the Micro Distillery to sell their distilled spirits for on-site consumption at the distillery location.

Wine

[Click to view the application process for a wine manufacturer](#)

What application materials are required to apply for a Wine Manufacturer license?

Via mail submit the completed Wholesale Manufacturer Intoxicating application and a copy of your approved TTB Basic Permit. You will also need to submit a cashier's check or surety bond in the amount of \$5,000, and a license fee of \$500.

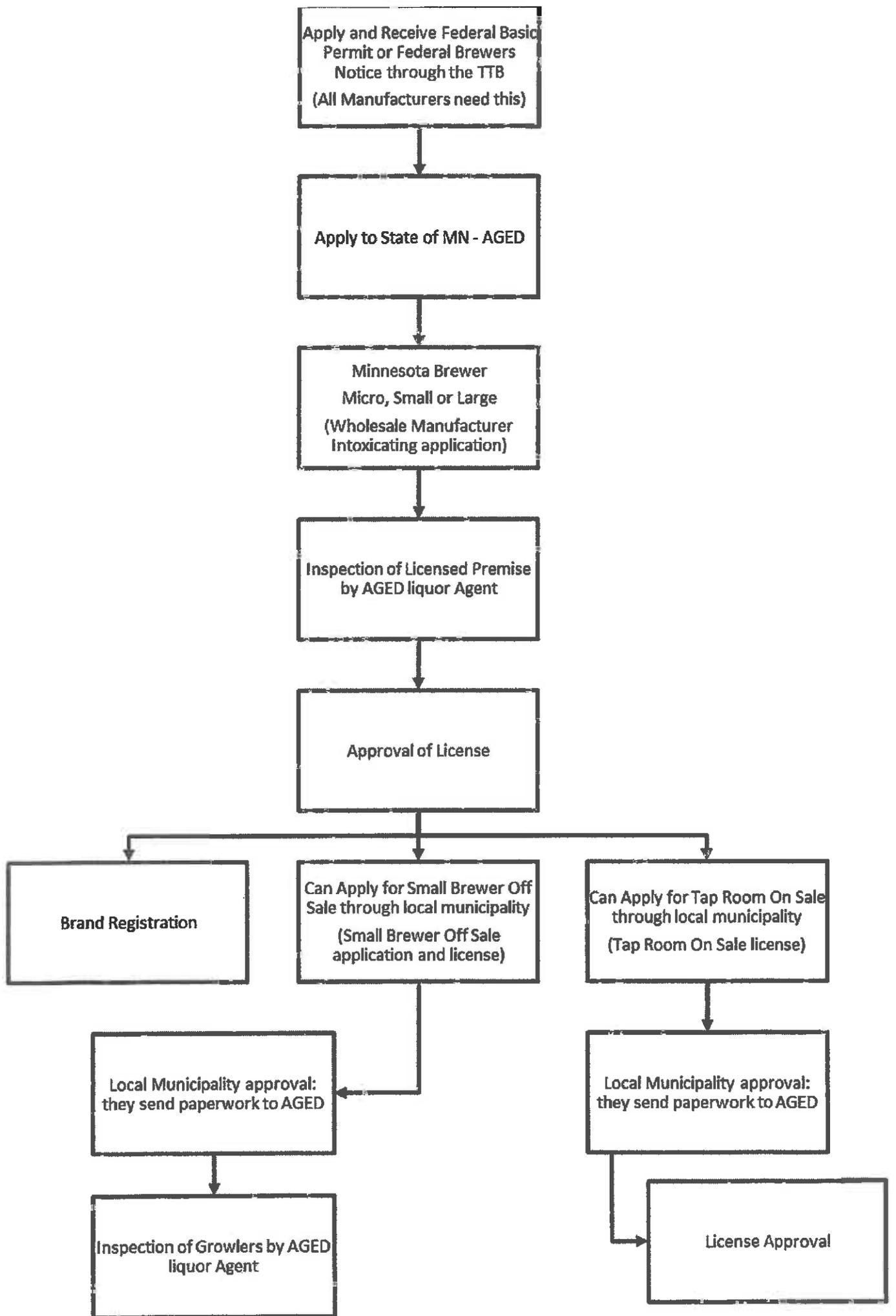
I have a manufacturer's bond with the TTB, do I need an additional bond for the State?

Yes, each manufacturer who is required to obtain a State bond needs to have one separate from their Federal TTB bond.

FAQ does not cover all information, please read Minnesota State Statutes and Rules, or contact our office.

Manufacturers – Farm Winery/Farm Winery Distillery (340a.301 & 340a.315)

Updated on 08/19/2015



MEMORANDUM

Tab F



TO: Princeton Planning Commission
FROM: Jolene Foss, Community Development Director
SUBJECT: **Restaurant Definition Ordinance Amendment**
DATE: January 25th, 2016

City Administration has requested the Planning Commission review the current definition of "Restaurant" as it is defined in the Zoning Ordinance. It appears a more comprehensive definition may be beneficial.

Our current definition is:

(G) "Restaurant" - a standalone retail establishment under the control of a single proprietor or manager, where meals are regularly prepared on the premises (as opposed to frozen or pre-packaged food) and served at tables to the general public and having seating capacity for a minimum of 30 customers.

Suggested language:

"Restaurant" An eating facility, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises, where full waitress/waiter table service is provided, where a customer orders food from printed menus, and where the main food course is served and consumed while seated at a single location. To be a restaurant as defined by this section, an establishment shall have a license from the state as required by Minnesota Statutes, Section 157.16, as it may be amended from time to time, and meet the definition of either a "small establishment," "medium establishment," or "large establishment" as defined in Minnesota Statutes, Section 157.16, subd. 3d, as it may be amended from time to time. An establishment which serves prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served shall not be considered to be a restaurant for purposes of this Ordinance unless it meets the definitions of a "small establishment," "medium establishment," or "large establishment."

If the Planning Commission would like to move forward with the ordinance amendment, Staff will work with the city attorney to verify legal language and draft a revision.

MEMORANDUM

Tab G



TO: Princeton Planning Commission
FROM: Jolene Foss, Community Development Director
SUBJECT: **Rental Properties Ordinance**
DATE: January 25th, 2016

The Chief of Police and the Fire Chief have requested Staff to look into rental property requirements and have made the suggestion that the Planning Commission add an ordinance that addresses rental properties that have appeared in single family homes in the R-2 and R-3 zoning districts

The current Zoning Ordinance states:

In the R-2 Residential District, no building or land shall be used or divided and no building shall be erected, unless otherwise provided herein, except for one or more of the following as well as similar uses:

- * Any use permitted in R-1 District;
- * Two-family dwellings;
- * Conversion of single-family structures to a two-family unit when each unit contains 800 square feet of floor area or more;
- * Twinhome;
- * Accessory buildings not exceeding 800 square feet related to the above principal use.

In the R-3 Multi-Family District, no building or land shall be used and no building shall be erected, converted, or structurally altered, unless otherwise provided herein, except for one or more of the following, as well as similar uses:

- * Any use permitted in R-2 District;
- * Single family dwelling unit;
- * Two family dwelling unit;
- * Condominiums;
- * Multi-family structures;
- * Townhouses;
- * Group homes or foster homes serving mentally retarded or physically handicapped persons and licensed day care facilities not exceeding 16 persons;
- * Buildings temporarily located for purposes of construction on the site for a period of time not in excess of such construction;
- * Decorative landscape features including, but not limited to, pools, arbors, hedges, walls, shrubs, and trees;
- * Private garage and carport or parking space;
- * Private swimming pool, tennis court, or other site necessary to conduct a home sporting event;
- * Accessory buildings not exceeding 1000 square feet related to the above principal use;
- * Parks & open spaces.

Currently, there are no standards put in place regarding a rental application, rental inspections and/or rental licensing for residents in the city. The general belief is that these properties need to be recorded and the public safety providers need to know when there are more than one residences in a structure. They need to know where entrances and exits for each unit are. These units need to meet certain safety standards and without any licensing process, there are no inspections of the residential units.

A rental licensing fee will be put into place to cover the cost of rental inspection.

If the Planning Commission approves of adding a Rental Properties Ordinance, Staff will work with the City Attorney to draft a sample ordinance.

§4.35 RENTAL UNIT REGISTRATION AND INSPECTION.

(A) *Definitions.* For the purpose of this Ordinance, the following definitions shall apply:

“RENTAL UNIT” or **“RESIDENTIAL RENTAL UNIT”** means any house, apartment, condominium, townhouse, room or group of rooms, constituting or located within, a dwelling and forming a single habitable unit.

“DWELLING” means any building or other permanent or temporary structure, including a manufactured or mobile home which is wholly or partly used, or intended to be used, for living or sleeping by human occupants.

“RENT”, **“LEASE”**, **“LET”** or **“SUBLET”** means the leasing of a rental unit to a non-owner for a fixed or non-fixed period of time, and shall include lease to buy, contract for deed, installment sales, purchases, and other similar arrangements whereby nonpayment of a periodic payment means the occupants may be evicted without the necessity of either a statutory mortgage foreclosure procedure, a statutory termination or contract for deed procedure, or a statutory repossession procedure.

“SHALL” and **“MUST”** as used in this Ordinance are each mandatory. **“Should”** and **“may”** as used in this Ordinance are each permissive or directory.

“ADMINISTRATOR” or **“CITY ADMINISTRATOR”** means the Fergus Falls City Administrator or the Deputy Fergus Falls City Administrator in the absence of the City Administrator, or such person as the City Administrator designates, in writing, to carry out the responsibilities of the City Administrator as provided by this Ordinance.

“REGISTRATION HOLDER” means a person or entity to whom registration for a rental unit is issued under this ordinance.

“LOCAL PROPERTY MANAGER” means a natural person residing within 30 miles of the City of Fergus Falls who is authorized by the rental unit owner to make decisions for the owner about rental, occupancy and maintenance of the rental unit.

(B) *Business Requirements.*

(1) No person or entity may hereafter occupy, allow to be occupied or rent, lease, let or sublet a rental unit, to another person or entity for occupancy without a valid and current rental unit registration issued by the Fergus Falls City Administrator.

(2) Each rental unit must have an owner, or Local Property Manager designated by the owner, who resides within 30 miles of the City of Fergus Falls.

(3) Any person or entity desiring to rent, let, lease or sublet any rental unit shall apply for registration by using form furnished by the City for that purpose. The forms must

provide information required by the City Administrator, including the following:

(a) Name, address, phone number (and fax number, if owner has one) of the property owner.

(b) Name, address, phone number (and fax number, if manager has one) of a designated Local Property Manager.

(c) The street address of the rental property.

(d) The number and types of units within the rental property (dwelling units or sleeping rooms).

(e) The maximum number of occupants permitted for each dwelling unit or sleeping room.

(f) The name, phone number, fax number and address of the person authorized to make, or order, make repairs or service for the property if in violation of City or State codes, if the person is different than the owner or Local Property Manager.

(C) *Exemptions.* This ordinance does not apply to campus dormitory and campus residence units owned, operated or managed by a governmental entity or agency, hospital units or rooms, nursing homes, retirement homes or other similar rental space which is otherwise registered by the State of Minnesota or the City of Fergus Falls.

(D) *Manner of Registration Renewal.* Registration shall be required each calendar year and may be issued on a calendar year basis prior to January 1 of each successive year. The City will annually mail registration renewal forms to rental unit owners or their designated Local Property Managers on or about October 1 of each year. Registration renewal forms must be delivered to the City Administrator no later than the fifteenth day of November each year. Failure of the City to mail renewal forms and failure of an owners or Local Property Manager to receive a renewal form, does not excuse or waive the registration required by this Ordinance.

(E) *Transfer of Property.* Every new owner of a rental unit, whether fee owner or contract purchaser, shall furnish to the City Administrator the new owner's name, address, phone number and fax number and the name, address, phone number and fax number of the new owner's designated Local Property Manager before taking possession of the rental property upon closing of the transaction. No new registration fee is required of the new owner during the year in which such possession takes place, provided that the previous owner has paid all registration fees and has complied with all requirements of this Ordinance and any violation of health, zoning, fire or safety codes of the City. If any change in the type of occupancy as originally registered is contemplated by the new owner, a new registration application will be required.

(F) *Posting of Registration.* Each rental unit registration holder must post the rental unit registration in a conspicuous spot near the front entry to the rental unit in a public corridor, hallway or lobby. Failure to post the registration and keep the registration posted in a

misdemeanor, but is not grounds for termination of registration.

(G) *Fees.* The fees for rental unit registration, registration renewal, late fees and inspection may be set by resolution of the City Council adopted from time to time.

(H) *Maintenance of Records.* All records, files and documents pertaining to rental unit registration and rental unit inspections may be maintained by the City Administrator and will be available to the public as allowed, permitted or required by State Law or City Ordinance.

(I) *Maintenance Standards.* Every rental unit must be maintained in compliance with standard building codes, dwelling maintenance standards, nuisance ordinance, noise ordinance and with all other provisions of Fergus Falls City Code as now in force and hereafter amended, revised or replaced, and in compliance with all other standards, ordinances, laws and regulations governing use, occupancy, construction and maintenance of property and conduct of persons in or on that property.

(J) *Inspections and Investigations.*

(1) Fire Department personnel, police officers, the City Building Inspector, City Administrator and their respective designees and representatives, are hereby authorized to make inspections reasonably necessary to the enforcement of this Ordinance.

(2) All persons authorized herein to inspect shall have the authority to enter, at all reasonable times, any rental unit or structure containing a rental unit, registered or required to be registered, for the purpose of enforcing this Ordinance.

(3) Written notice of a violation of this Ordinance may be given to the Registration Holder by certified mail directed to the address of the Registration Holder as shown by the Administrator's registration application file. Said notice may contain a Compliance Order stating that compliance with this ordinance shall be made immediately and, in that case, the notice shall advise the Registration Holder that the property may be re-inspected in not less than fifteen (15) days, unless extended by the Administrator, based on good cause.

(4) A Registration Holder may appeal to the City Administrator the requirements of any Compliance Order by filing a written appeal with the office of the City Administrator no later than ten (10) days after filing of the Notice of Appeal. Enforcement of the Compliance Order shall be stayed pending the decision of the City Administrator on the appeal. The City Administrator may reschedule the hearing as the Administrator determines is necessary.

(K) *Conduct on Registered Premises.*

(1) It is the responsibility of the Registration Holder to require and ensure that occupants of the registered premises conduct themselves in such a manner as to not cause the premises to be disorderly and in violation of law or ordinance when any of the following activities occur in, on or at the registered premises:

(a) Conduct which constitutes a violation of the Fergus Falls City Code relating to nuisances as it now exists or as hereafter amended.

(b) Conduct which constitutes a violation of the Fergus Falls City Code relating to the noise ordinance as it now exists or as hereafter amended.

(c) Conduct which constitutes disorderly conduct in violation of Minnesota Statutes 609.72 or City Code Section 6.81 as it now exists or as hereafter amended.

(d) Conduct which constitutes a violation of laws relating to possession of controlled substances pursuant to Minnesota Statutes Chapter 152 as it now exists or as hereafter amended.

(e) Conduct which constitutes a violation of any City ordinance or State law relating to minors possessing or consuming alcohol, or relating to providing, furnishing or serving alcohol to minors, or relating to sale of alcoholic beverages.

(f) Conduct which constitutes a violation of State Laws of City ordinance relating to prostitution, indecent exposure or acts related to prostitution as defined by State Law.

(g) Conduct which constitutes a violation of City ordinances and State laws relating to weapons or fire arms.

(h) Conduct which constitutes a violation of City ordinances or State laws relating to assault, specifically including domestic assaults and criminal sexual conduct.

(i) Conduct which constitutes a violation of ordinances or laws relating to contributing to the need for protection, services or delinquency of a minor as defined in Minnesota Statutes 260.315 as it now exists or as hereafter amended.

(j) Conduct which constitutes a violation of any other federal, state or local ordinance or regulation and which is reasonably likely to threaten, annoy or harass tenants or visitors to rental units, or to residents, visitors or occupants of neighboring properties.

(2) The City Administrator shall administer this section of the Ordinances and may delegate administration of a designee authorized in writing by the City Administrator.

(3) If the Administrator determines that a violation of this section has occurred, then the Administrator will give notice of the violation to the Registration Holder and the renters of the rental unit, if known, and will direct that the Registration Holder take steps to prevent further violations.

(4) If another violation of this section occurs within ninety (90) days of the incident for which notice was given as provided in Subdivision 3 above, then the City Administrator will give notice of the violation to the Registration Holder and the renters of the rental unit, if known, and will direct that the Registration Holder take steps to prevent further

violations. The City Administrator will also, at that time, request that the Registration Holder submit to the City Administrator, within ten (10) days of the City Administrator's mailing of the notice of violation provided in this section, a report itemizing all actions taken by the Registration Holder in response to all notices of violations as to the rental unit within the preceding ninety (90) days.

(5) If a third violation of this section occurs within ninety (90) days after the last of any two or more previous violations for which notices were given pursuant to this section, and the Registration Holder has not sufficiently taken action to prevent further violations, then the rental unit registration for the premises may be denied, revoked, suspended or not renewed.

(a) Action to deny, revoke, suspend or not renew a rental unit registration may be initiated by the City Administrator who shall give to the Registration Holder a written notice of hearing before the City Administrator to consider such denial, revocation, suspension or non-renewal.

(b) A notice of intent to deny, revoke, suspend or not renew registration shall specify all violations of this section and shall state the date, time, place and purpose of the hearing provided by this subdivision.

(c) The hearing held pursuant to this subdivision shall occur no later than thirty (30) days after notice.

(d) Following the hearing, the City Administrator may deny, revoke, suspend or not renew registration for all or any part of the registered premises or may grant conditional registration upon such terms and conditions as the Administrator finds necessary to accomplish the purpose of this Ordinance.

(6) No adverse registration action may be imposed where the violation of this section occurred during the pendency of unlawful detainer eviction proceedings brought under Minnesota Statutes Chapter 566 or within thirty (30) days of notice given by the Registration Holder to a tenant to vacate the premises, will not, however, bar adverse registration action unless diligently pursued by the Registration Holder. Action to deny, revoke, suspend or not renew registration for violation of this section may be postponed or dismissed by the City Administrator at any time if it appears to the Administrator that the Registration Holder has taken appropriate remedial action.

(7) The standard of proof to be used in determination by the City Administrator as to conduct constituting violations under this section is a fair preponderance of evidence in support of such a determination. It is not necessary that criminal charges be brought to support a determination of violation of this section or a determination that conduct constituting a violation of this section, that law enforcement officers be called to the rental unit in response to a complaint and that a police report and investigation of the same be prepared.

(8) For the purpose of this Ordinance, a violation under this section includes violations by the rental unit renters or occupants, or by their visitors or guests, in or at the rental

unit of the renters or tenants, or in, at or upon its curtilage, including anywhere on the property grounds and premises of an apartment building, home or mobile home park at which the rental unit is situated.

(9) Failure of a Registration Holder to respond to notice provided in this section is not, by itself alone, a violation of this Ordinance.

(L) Failure to Grant Registration, Revocation, Suspension or Failure to Renew Registration.

(1) The City reserves the right to not register a rental unit unless it complies with the requirements of this Ordinance.

(2) Any registration issued under this Ordinance is subject to the right, which is hereby expressly reserved by the City, to deny, suspend, revoke or not renew the same should the Registration Holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain the rental dwellings contrary to the provisions of this Ordinance or any other ordinance of the City or any special permit issued by the City, or the laws of the State of Minnesota. Provided, however, registration shall not be denied, suspended, revoked or not renewed if the Registration Holder complies with a compliance order or orders in a reasonably timely manner as determined by the City Administrator.

(3) The City Administrator shall notify the applicant that registration has been denied, or the Registration Holder that registration is being suspended, revoked or not renewed. The suspension, revocation or non-renewal shall occur thirty-five (35) days after the date of the notification order, or at such later date as set out in the notification.

(4) A determination by the City Administrator to deny, suspend, revoke or not renew registration of a rental unit may be appealed to the City Council by filing with the City Administrator a written notice of appeal within fifteen (15) days of the date on which the City Administrator mails such determination to the applicant or Registration Holder. In that event, the appeal will be heard by the City Council at its next meeting occurring at least fifteen (15) days after the filing of the Notice of Appeal.

(5) At any appeal of a determination by the City Administrator under this Ordinance, the Registration Holder or applicant, Local Property Manager for the Registration Holder or applicant, or an attorney representing them, may appear and make a presentation to the City Council. The City Administrator shall present to the City Council the basis for the determination being appealed. After the hearing, the Council may uphold, reverse or modify the decision of the City Administrator based upon the provisions of this Ordinance and upon the protection of the public health, sanitation, safety or general welfare of the community at large or the residents of rental units within the City. The City Council shall issue written findings and determination within thirty-one (31) days of the hearing, unless the Council extends that time for good cause.

(6) A decision of the City Council made as provided in this section may be

appealed by Writ of Certiorari to the Court of Appeals of the State of Minnesota pursuant to its Rules of Civil Appellate Procedure.

(M) *Summary Action.*

(1) As a condition of receiving rental unit registration, each Registration Holder is presumed to agree and consent that when the conduct of any Registration Holder or Registration Holder's agent, representative, employee or leasee, or the condition of their rental unit, or the property in or on which it is located, is detrimental to the public health, sanitation, safety and general welfare of the community at large, or residents of the rental units go as to constitute a nuisance, fire hazard, or other unsafe or dangerous condition and thus give rise to an emergency, the City Administrator shall have the authority to summarily condemn or close individual rental units or such areas of the rental dwelling as the Administrator deems necessary. Notice of summary condemnation shall be posted at the units or areas affected. No person shall remove the posted notice, other than the Fire Inspector, City Administrator, or their designated representative. Any person aggrieved by the decision or the action of the City Administrator or Fire Inspector set out in this Subdivision, may appeal the decision following the procedures set out in this Ordinance. The hearing shall be conducted in the same manner as provided in this Ordinance, however, the date of the hearing may be expedited with the consent of the Registration Holder.

(2) The decision of the City Administrator set forth in this Subdivision is not voided by the filing of such appeal. Only after the hearing by the City Council has been held will the decision or action of the City Administrator be affected.

(N) *Applicable Laws.* Registration Holders are subject to all of the ordinances of the City and State of Minnesota relating to rental dwellings, and this Ordinance shall not be construed or interpreted to supersede or limit any other applicable ordinance or law.

(O) *Violations, Injunctive Relief.*

(1) Nothing in this Ordinance prevents the City from taking enforcement action under any of its fire, housing, zoning, health safety or other codes, ordinances and State laws for violation thereof, or to seek injunctive relief and criminal prosecution for violations of any ordinance, code or law. Nothing contained in this Ordinance prevents the City from seeking injunctive relief against a property owner or designated property manager who fails to comply with the terms and conditions of this Ordinance or to obtain an order closing such rental units until violations of this particular Ordinance has been remedied by the property owner or designated property manager.

(2) Violation of this Ordinance is a misdemeanor. Each separate day on which a continuing violation occurs is a separate violation.

(P) *Written Notices.* Notices from the City required by this Ordinance shall be effective if personally delivered or if mailed to the addresses by certified mail, return receipt requested, to the address shown in the City file pertaining to the rental unit involved in the notice.

(Ord. 2, Sixth Series, eff. 8-15-04)

**MINUTES OF A STUDY SESSION OF THE PRINCETON CITY COUNCIL
HELD ON DECEMBER 3, 2015 4:30 P.M.**

Mayor Paul Whitcomb called the meeting to order. Council members present were, Thom Walker and Dick Dobson. Staff present, Administrator Mark Karnowski, Finance Director Steve Jackson, Public Works Director Bob Gerold, Police Chief Todd Frederick, Fire Chief Jim Roxbury, Community Development Director Jolene Foss, Clerk Shawna Jenkins, Engineer Mike Nielson, and Attorney Damien Toven. Absent was Jules Zimmer and Victoria Hallin

Engineer Interviews

WSB Presentation

WSB has been the City's engineering firm since 2002. They propose that Jeff Row would be the City's primary Engineer, with Mike Nielson being a secondary and resource for Row. Andy Brotzler would be a second set of eyes and a Client Liaison. Tim Korby with Donahue and Associates would be a Wastewater Specialist.

They have worked on some large projects while working with the City. They are not ignoring the fact that there have been some issues in some of the projects, but they did have some favorable outcomes and they have been working on improving on those areas. They pride themselves on having great communication with the residents. Brotzler added that their municipal group has specialists in city engineering and 19 support staff. Princeton is close to the State Aid population requirement and they have a specialist that deals with state aid cities and their projects that would be a great asset when the city reaches that population.

Korby reported that Donahue specializes in wastewater and water, having worked for quite a few cities here in MN and several outside the state. He added that they also could assist in an energy audit, to see if energy usage could be cut in the plant. He stated he also has a lot of experience in grants. There will be excess funds available and he would like to assist in getting some funding for the city.

WSB Interview

Karnowski asked if Princeton is the only city assigned to Row, would they be the sole funding source for Mr. Row's salary. Nielson responded that Row will be working on other projects, but in a support capacity. Princeton will be his only city that he is working with as a primary engineer. Row also bills at a lower rate than Nielson does, so he suspects the billing may be slightly lower than it currently is.

Walker asked Row what he thought about Assessment Hearings. Row replied that he has gone through the process a few times. Nielson added that he has agreed to help on the first 2 assessment hearings that will be held in the spring.

Wangen asked Row what he felt is his single best technical skill or ability is. Row responded that he has a lot of experience in construction, which helps him be a better designer. You also have to have good balance to keep the contractor, City and residents all happy

Whitcomb asked why they feel WSB is the best firm. Brotzler replied that from their perspective, they are very good at it at what they do, and currently do work for 35 cities. Their engineer focus group that meets quarterly, benefits them as well as their clients. They can tap into the expertise of each community, is a great resource, and allows potential issues to be seen prior to them occurring. Nielson added that throughout their history with the City, they have also looked for solutions that are not always standard.

Walker asked Korby a question in regard to a brewery he toured in Cold Spring and a pre-treatment that was development for them did not work. How would his firm handle that type of issue. Korby, responded that this is an instance that a wastewater and water specialist is a great benefit. He gave an example of a firm in Chatfield that his company worked with. They had a plan drawn up that would have cost 12 million dollars to implement. He convinced the City to allow them to look at it and they came up with a plan at a cost of \$6 million. Nielson added that he has spoken to Korby about the USDP flow and Korby feels they could be of assistance. The University of MN specialist suggested an anaerobic system, whereas USDP went with an Aerobic System.

Karnowski commented that the he has always wondered how an engineering firm can work for the city, but is also expected to bring money in for the firm. How does an engineering firm to look out for the firm's best interest and the City's best interest. Broltzer replied that the mantra they use is "leave the logo at the door". They work for a lot of cities and they want it to be long term relationships and partnerships. Doing what is best for the city, is also best for them. If they do something that ruins trust, it's not good business. As Row begins to work with the City, he will understand what the city's goals are, therefore being able to make informed decisions.

Nielson mentioned the Phosphorus Reduction and Streambank Stabilization that the City worked on to get those numbers down. Korby added that Princeton is the only one in the state that has gone that route and the whole state is watching how the program works out.

TKDA Presentation

Ron Quanbeck, Jim Studenski, Verne Jacobsen and Dennis Postler stated that TKDA is a full service engineering, architecture and planning firm with more than 100 years' experience. Most of their employees are in the same building, so it is very easy access to resources and specialists.

Postler explained they are a single source team with everything in house. Internal and external communication is very important, as well as long range vision. The City has a Comprehensive Plan that would be need to be done soon, and they would like to be in with the City for the long haul and they can provide a good value. If the city transitioned to their firm, they would be willing to attend some additional meetings and time getting up to speed on their dime. While they hope there would never be an issue, if there was he can make decisions so there would be no need to go to someone higher up.

TKDA Interview

Karnowski asked how TKDA could assure the City of Princeton would receive the correct amount of attention for its engineering needs, being they are a large firm with some larger clients. Quanbeck replied that Princeton would be Postler's primary client, therefore his priority.

Whitcomb asked how TKDA gives back to the Cities and Communities that they work for. Do they go above and beyond at all, would they will be available to help on some additional project, or donate some of their time. Quanbeck said they like to get involved with the Chamber of Commerce, and do some in office collections for various charities

Whitcomb asked if they would be up to speed on the current projects if the City were to change to their firm on January 1st. Quanbeck said they are very familiar with the PUC as they have worked with them before. For the City projects, he would want to sit down with staff to determine what should be addressed early on.

Wangen asked what they felt is their single best technical skill or ability. Quanbeck replied that he likes looking at projects and solving an issue, which is why he became an engineer. He added that as a child, he spent a lot of time watching a street and sewer project going in. Postler added that Quanbeck is known as their utility expert, so if anyone in their firm has a utility issue they are stuck on, they go to him. Jacobsen added that he enjoys that aspect as well.

Dobson commented that the City and PUC is structured differently than most Cities.

Karnowski stated that one of the current issues is that the city is looking to lease some space at the FAA building to the DNR. Another engineering firm quoted about \$400,000 to put in a parking area that the DNR would require. His experience with engineering firms is sometimes it is better to use a Design Build option on some projects. He asked what they felt about that option. Quanbeck responded that it depends on the scope of the project. If it is a fairly easy and simple project, some basic specifications should be all that is needed. If it is a matter of paving a simple parking lot, that is easy enough for a contractor to do.

The Council let TKDA that a decision would not be made tonight as the Council is short 2 members. It would be put on the December 10th Agenda.

Resolution 15-74 certifying past-due City Invoices to the County

Karnowski reported that the City has a few past due invoices for grass cutting and trimming that have not been paid. Like the past due utilities, this will allow the amounts to be collected with the next year's property taxes.

DOBSON MOVED TO APPROVE RESOLUTION 15-74 CERTIFYING PAST-DUE CITY INVOICES TO THE COUNTY TO BE COLLECTED ON 2016 PROPERTY TAXES. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Public Works Staffing Issue

Gerold advised that one of the Public Works employees is taking a medical leave for an as yet undetermined time for some elective surgery. Staff has concerns that, with winter time snow plowing issues, that we could be short-handed.

In order to address that concern, staff is recommending that the City Council authorize the creation of a new GMI position which would give the Public Works Department some flexibility in being able to address our staffing needs – especially for snow plowing.

If the Council concurs with the staff recommendation, then a motion to approve the hiring of an additional GMI employee would be in order.

Dobson asked if Public Works were already short staff. Gerold replied that in a snow event they are short. Currently they will use Tom from the PUC and Klinghagen from the WWTP to assist.

**DOBSON MOVED TO APPROVE THE HIRING OF AN ADDITIONAL GMI EMPLOYEE.
WALKER SECONDED THE MOTION.**

Walker questioned if there is room in the budget for an additional staff member. Jackson replied that it depends on the timing, but if the current employee is out for some time it would likely allow the position to extend longer. He said there has also been discussion about possibly needing to increase the staff at the WWTP with the additional USDP flows, so that is an option as well. There are a lot of floating items in the budget and which can handle it as of now, and adjustments could be made through the year if needed.

THE MOTION CARRIED UNANIMOUSLY

Cemetery Stone Discussion

Karnowski reported that staff has done some research into how other cities handle cement work for stone settings. Of the 3 cities that responded to the question emailed to the Clerk / Administrators Listserve, none of them do the cement work in their cemeteries. If a stone needs to be lifted or repaired, the family must hire that work out. Sara at Williams Dingmann also stated that Oak Knoll is the only cemetery that she is aware of around here that does their own cement work.

In contacting a few monument providers, staff also discovered the current cement foundation prices are quite low.

Public Works is in favor allowing the Monument companies to provide all cement work (as long as they are licensed and bonded). Eliminating most of the Cement work would also free up some time that they could spend on ground maintenance.

During the Council's Study Session when this was previously brought up, future care of the stones was brought up as being a potential issue if the City discontinued doing this work. In reviewing the Cemetery rules and regulations, it states in 9.1 under Perpetual Care:

"General Care assumed by the City shall in no case mean the maintenance, repair, or replacement of any marker or memorial placed or erected upon lots, nor the doing of special, unusual work in the cemetery"

Staff is aware that many families are not happy with the current stone/cement settings of just twice a year, so they may be happy to be able to allow their Monument Companies to do the stone setting and have it in much sooner.

Staff is proposing a "locating fee" so we can make sure the stones are located correctly. The fee discussed for this was \$25, and we would only require 3 working days' notice to get a

grave marked.

If the Council is in favor of the City no longer doing the cement work, the necessary changes to the Cemetery Rules and Regulations have been drafted.

Karnowski said studies are showing that in the future, a large percentages of burials will be cremation. Jenkins added that staff has set aside an additional area of the cemetery that will only be used for cremation. Gerold said there is room to add on to the cemetery if needed, but he feels leaving that area open could be beneficial in the future.

WHITCOMB MOVED TO APPROVE CEMETERY RULES AND REGULATION AMENDMENTS AS PROPOSED. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

DOBSON MOVED TO ADJOURN THE MEETING AT 6:35PM. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

Shawna Jenkins
City Clerk
ATTEST:

Paul Whitcomb, Mayor

**MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON
DECEMBER 10, 2015 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Mayor Paul Whitcomb called the meeting to order and led the Pledge of Allegiance to the Flag. Council members present were, Thom Walker, Victoria Hallin, Dick Dobson, and Jules Zimmer. Others present: Administrator Mark Karnowski, Development Director Jolene Foss, Police Chief Todd Frederick, Public Works Director Bob Gerold, Liquor Store Manager Nancy Campbell, Fire Chief Jim Roxbury, Clerk Shawna Jenkins, Engineer Mike Nielson and Attorney's Damien Toven and Kelli Bourgeois.

AGENDA ADDITIONS/DELETIONS

CONSIDERATION OF MINUTES

- A. Continued Study Session Meeting Minutes of November 24, 2015
- B. Regular Meeting Minutes of November 24, 2015
- C. Study Session Meeting Minutes of December 3, 2015

WALKER MOVED TO APPROVE THE CONTINUED STUDY SESSION MEETING MINUTES OF NOVEMBER 24, 2015, THE REGULAR MEETING MINUTES OF NOVEMBER 24, 2015 AND STUDY SESSION MEETING MINUTES OF DECEMBER 3, 2015. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

- A. **Permits and Licenses**
- B. **Personnel**
- C. **Donations/Designations**
 - 1. Resolution 15-75 – Walmart \$1000 Donation to “Shop with a Cop”

HALLIN MOVED TO APPROVE THE CONSENT AGENDA. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

OPEN FORUM

PUBLIC HEARINGS

REPORTS OF OFFICERS, BOARDS, AND COMMITTEES

- A. Planning Commission Meeting Minutes of November 16, 2015
- B. EDA Board Meeting Minutes of November 19, 2015
- C. Park Board Meeting Minutes of November 23, 2015

PETITIONS, REQUESTS, AND COMMUNICATIONS

ORDINANCES AND RESOLUTIONS

- A. Ordinance 727 – Kennels – FINAL READING

Foss advised that there have been no changes to the suggested ordinance amendment since the first reading.

WALKER MOVED TO APPROVE ORDINANCE 727. DOBSON SECONDED THE MOTION.

Hallin asked what happens if someone currently has more than 3 pets in the home. Foss responded that the ordinance always stated that 3 pets were only allowed, so any homes that have more than 3 are non-conforming and in violation of the ordinance. The amendment is just addressing some various language in the definitions that differed in the code and zoning sections of the ordinance.

THE MOTION CARRIED UNANIMOUSLY

B. Ordinance 728 – 2016 fee schedule

Karnowski reported that this is the yearly review of fees. There are several suggested changes in the cemetery section that is reflective of recent changes in the rules and regulations.

Zimmer asked about the civic center fees. Karnowski said the changes before the council are just those that staff or boards/commissions are recommending amendments to. If the Council would like to change the Civic Center fees or anything else, we can bring those back for approval. Zimmer said he was just wondering and doesn't feel they need to be changed at this time

HALLIN MOVED TO INTRODUCE ORDINANCE 728 AMENDING FEES. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

C. Resolution 15-76 – 2016 Budget and Levy

Jackson presented the 2016 Budget and Final Levy, which is the same as the preliminary that was set in September.

DOBSON MOVED TO APPROVE RESOLUTION 15-76, APPROVING THE 2016 BUDGET AND LEVY. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

UNFINISHED BUSINESS

A. Power Source North Interim Use Permit Annual Review

Foss advised there she reviewed the interim use permit with Matt McClay and there have been no changes.

D. Engineer Selection

Karnowski reported that the council was short 2 members at the Study Session when the Engineers were interviewed, so the decision was made to wait until this meeting when the Council was complete.

Walker said he ran into Wangen from the PUC and it appeared that they were still in favor of WSB as the PUC being the Engineer.

Hallin said she is in favor of continuing with WSB as well.

HALLIN MOVED TO APPOINT WSB AS THE CITY ENGINEER. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

E. Sterling Point Transfer – Resolution 15-77

Foss advised that this is the final paperwork needed for the transfer of title on Sterling Point that was discussed at a previous meeting.

HALLIN MOVED TO APPROVE RESOLUTION 15-77. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

A. 2016 Licenses

Jenkins advised that this is the yearly review and approval for the 2016. There are a few that staff is still waiting for information, but those can also be approved pending appropriate paperwork.

WALKER MOVED TO APPROVE THE 2016 LICENSES PENDING APPROPRIATE PAPERWORK, PAYMENTS AND BACKGROUND CHECKS. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

B. Board and Commission Appointments

Karnowski reported that this is the yearly Board and Commission appointments for those terms that are expiring. Walker advised that the Airport Board would like to keep their same board members, so he would advocate for them to stay the same.

DOBSON MOVED TO APPOINT
SCOTT SUHSEN TO THE PARK BOARD - 3 YEAR TERM
DUANE KRUSE AND JEFF DOTSETH TO THE AIRPORT BOARD - 3 YEAR TERMS
BETTY MEYER TO THE HOUSING & REDEVELOPMENT AUTHORITY – 3 YEAR TERM
GEORGE FREICHEL TO THE PUBLIC UTILITIES COMMISSION – 3 YEAR TERM
SHARON SANDBERG TO THE ECONOMIC AUTHORITY – 6 YEAR TERM
VICTORIA HALLIN TO THE CABLE COMMISSION – 1 YEAR TERM
HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

C. PFRD Officers for 2016

Karnowski reported that at the Princeton Fire and Rescue Department's (PFRD) annual

meeting on December 1st, the membership voted to recommend that the City Council appoint the following firefighters for two year terms for the leadership positions indicated:

Captain III: Joshua Vaccari
Captain IV: Jerry Rud

Every year the PFRD holds elections for some of the six (6) leadership positions. On the even years, the elections are for Fire Chief, Assistant Chief, and two of the four Captains. On the odd years, elections for the other two Captains are held. Incidentally, the other PFRD officers (elected last year) are:

Fire Chief: Jim Roxbury **Captain I: Tim Jenson**
Asst. Fire Chief: Ron Lawrence **Captain II: Troy Thompson**

In addition, Brian Melgren was elected to serve on the PFRD Executive Board (replacing Rud)

If the Council concurs with the recommendation of the PFRD membership, a motion to appoint the candidates noted above to serve a two-year term would be in order.

The PFRD also awarded service pins to firefighters who had reached certain milestones in their firefighting careers. Those awarded on December 1st include:

20-Year Service Pin: Bob Gerold
15-Year Service Pin: (none)
10-Year Service Pin: Troy Thompson, Joe Gerold
5-Year Service Pin: Adam Cook, Bryan Haubenschild, George Wallace

After the PFRD's Annual meeting, the PFRD's Relief Association also has its annual meeting. At that meeting the following business was conducted:

The Relief Association also held their annual election with the following results:

Adam Cook: President (3-year term)
Tim Gould: Treasurer (last 2 years of Cook's 3-year term)
John Sjoquist: Secretary (3-year term)
Dan Hillard: Trustee (finishing out the last year of Sjoquist's term)
Austin Schneider: Trustee (finish out last year of Gould's 3-year term)

Other Relief Association Board members are:

Shane Werner: Vice President (3-year term)
Jim Roxbury: Fire Chief

Paul Whitcomb: Mayor (ex-officio member)
Mark Karnowski: City Administrator (ex-officio member)

DOBSON MOVED TO APPROVE THE OFFICERS AS ELECTED BY THE PFRD. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

D. Christmas Eve Day

Karnowski advised that the last few years we've closed City Hall on Christmas Eve day by allowing staff to take a day of vacation.

This year Christmas Eve is on a Thursday. Our experience is that it is very rare that City Hall gets any phone calls – much less a customer coming in the door – on Christmas Eve Day.

Would the Council agree to allow City Hall to be closed if the employees would like to take a vacation day for the time? If so, a motion to that effect would be in order.

HALLIN MOVED TO APPROVE CLOSING CITY HALL ON THURSDAY, DECEMBER 24TH AND ALLOW THE EMPLOYEES TO TAKE A VACATION DAY FOR THE TIME. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

E. Class Action Request

Karnowski advised that the city has been notified that there is a class action lawsuit being organized against the manufacturers and distributors of liquid aluminum sulfate (alum) – which is a chemical we've used at our wastewater treatment plant. The charge is that those manufacturers and distributors were engaged in unlawfully fixing, raising, or restraining prices and competition in the market for alum.

The agreement for Gustafson Gluek PLLC to represent the City of Princeton has been reviewed by Attorney Bourgeois who approves of the proposed language.

If the Council agrees to have the law firm represent the city in recovering funds paid for alum, then a motion to direct the City Administrator to sign the letter and return it would be in order.

Walker stated the he understands there was a lawsuit against some of the firms and questioned if a fine was levied against one of the companies, would participating in this class action lawsuit preclude us from any of the restitution. Toven does not believe so, but he will confirm.

WALKER MOVED TO DIRECT THE CITY ADMINISTRATOR TO SIGN THE LETTER AND RETURN TO ALLOW THE CITY OF PRINCETON TO BE INVOLVED IN THE CLASS ACTION LAWSUIT. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

F. Police Squad Purchase

Karnowski reported that Nelson Auto Center in Fergus Falls again has the state bid for ordering a scheduled replacement squad for the year of 2016. The total purchase price including delivery is approximately \$25,817.71 for a 2016 Ford Police 4 door Sedan, AWD Interceptor. The add on options for the squad have been limited to items such as keyed alike to other purchased squads, removing carpet and adding rubber floors, adding LED spot lamp to driver's side door, wiring package, wiring tunnel (front engine compartment to rear cargo). In ad-

dition to the price of the squad there is approximately 9,000.00 budgeted for replacement of the equipment and the conversion cost.

The Princeton Police Department will be replacing the 2011 Ford Crown Victoria (unmarked) which has approximately 100,000 thousand miles on it. This squad has been used as a patrol squad and Investigator / detective squad.

Hallin asked if the equipment and conversion costs \$9000, Frederick said it should be slightly under \$9000.

ZIMMER MOVED TO APPROVE THE PURCHASE OF THE 2016 FORD POLICE AWD INTERCEPTOR FOR \$25,817.71 FROM NELSON AUTO CENTER IN FERGUS FALLS. DOBSON SECONDED THE MOTION.

Walker suggested a friendly amendment to include the sale of the old squad. Friendly Amendment accepted.

THE MOTION CARRIED UNANIMOUSLY

G. Bucket Truck Purchase

Gerold reported that Public Works has \$20,000 in the budget for the purchase of a bucket truck to use for tree trimming. On the MN State Surplus Auction the following truck was listed, with an auction end date of December 9th, 12:30pm.

1998 Ford F800 F Series Aerial Lift Truck
Style / Body: Conventional Cab Truck Delivery
Engine: 5.9L L6 Diesel

Vehicle runs and drives, no known problems, 1624 hours, automatic transmission, air brakes, 32360 GVW, emergency lighting, AM/FM radio.

Versalift VST5000I aerial lift
Serial Number BC9725
Working height 54 feet 6 inches, insulated boom, live hydraulics, long reach hydraulic chain saw, long reach hydraulic pruner, hydraulic winch, fiberglass utility body.

The City won the auction with a high bid of \$19,175.

WALKER MOVED TO APPROVE THE PURCHASE OF THE BUCKET TRUCK FOR \$19,175. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

Dobson thanked those that applied for the commissions and came to the meeting tonight.

BILL LIST

HALLIN MOVED TO APPROVE THE BILL LIST WHICH INCLUDES THE MANUAL CHECKS AS LISTED ON THE MANUAL BILL LIST FOR A TOTAL OF \$81,417.31 AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 72862 TO 72928 FOR A TOTAL OF \$296,834.78. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

There being no further business:

DOBSON MOVED TO ADJOURN THE MEETING AT 7:54PM. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

ATTEST:

Shawna Jenkins
City Clerk

Paul Whitcomb, Mayor

**MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON
DECEMBER 22, 2015 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Mayor Paul Whitcomb called the meeting to order and led the Pledge of Allegiance to the Flag. Council members present were, Thom Walker, Victoria Hallin, Dick Dobson, and Jules Zimmer. Others present: Administrator Mark Karnowski, Development Director Jolene Foss, Police Chief Todd Frederick, Public Works Director Bob Gerold, Liquor Store Manager Nancy Campbell, Fire Chief Jim Roxbury, Clerk Shawna Jenkins, Engineer Mike Nielson and Attorney Damien Toven.

AGENDA ADDITIONS/DELETIONS

CONSIDERATION OF MINUTES

- A. Regular Meeting Minutes of December 10, 2015

HALLIN MOVED TO APPROVE THE REGULAR MEETING MINUTES OF DECEMBER 10, 2015. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

- A. **Permits and Licenses**
- B. **Personnel**
 - 1. Approval to hire Kyle Fawkes for Public Works GM1 effective 12-28-15
- C. **Donations/Designations**

DOBSON MOVED TO APPROVE THE CONSENT AGENDA HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

OPEN FORUM

PUBLIC HEARINGS

REPORTS OF OFFICERS, BOARDS, AND COMMITTEES

PETITIONS, REQUESTS, AND COMMUNICATIONS

ORDINANCES AND RESOLUTIONS

- A. Ordinance 728 – Fee Schedule – FINAL READING

Karnowski that we have added some language since the first reading, that changes “Non Intoxicating” to “3.2% malt” to the fee schedule. Otherwise, there have been no changes.

WALKER MOVED TO APPROVE ORDINANCE 728. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

UNFINISHED BUSINESS

- A. 7th Ave North Sewer and Water Extension
 - 1. Change Orders #1 and 2) \$21,1001 and \$6,700)

Nielson reported Change Order No. 1 was for work associated with additional watermain on

12th Street that was added to the project. The items on Change Order 1 were previously reviewed by the Public Utilities Commission. The need for this change order resulted in a potential risk for damage to the existing watermain due to the depth of the existing sanitary sewer in the roadway.

The plan called for the contractor to protect the in-place watermain while connecting the sewer on 7th Street. The contractor felt that there was a high level of risk associated with leaving the watermain in place. WSB staff met with Scott Danielson from PUC and discussed the number of homes that would be out of service if the watermain were to break and determined that the risk could easily outweigh the cost of changing the plan. Together they proposed a change to the watermain system that would relocate the watermain further from the sewer and provide larger 12" pipes in the east/west direction on 12th Street North. The 12" watermain extensions in the east/west direction will allow for the continuation of the trunk watermain to the west without having to re-excavate the intersection in the future.

Nielson stated that the items on Change Order 2 resulted from the need to remove trees to locate a private sewer service, remove buried culverts and construction delays due to existing powerlines that slowed construction. The plan did not include any tree removal but noted that the contractor should work with the property owner to find a location that would eliminate the need to remove any mature trees. This particular lot had a dense row of evergreen trees that prohibited the installation of the service lines without the removal of some trees. A total of 8 trees were removed to allow this work to be completed.

Nielson added that two buried culverts were discovered during the excavation for the sewer improvements. The culverts were located on the east and west side of 7th Avenue N at 12th Street N. Evidently there was a ditch along this roadway that was filled in and the culverts were never removed or abandoned properly.

There were also existing telephone cables that interfered with the progress of the sewer and water installation on 7th Avenue North between 12th Street and the north end of the project in 3 different locations. The contractor had to hold up the cables in the trench during the installation which slowed progress. The contractor has request 4 hours of crew time for this extra work.

Walker asked who pays for the increases. Nielson said the 12" main would be considered an improvement. He is not sure on the tree removal, as the council may want to assess that to the property owner. The culvert removal would be part of the road cost.

Nielson added that the Council may want to determine soon if SAC and WAC fees can be added to the assessment.

HALLIN MOVED TO APPROVE CHANGE ORDER #1 FOR \$21,1001 AND CHANGE ORDER #2 FOR \$6,700 FOR THE 7TH AVE NORTH SEWER AND WATER EXTENSION PROJECT. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

2. Pay Voucher #2 for \$73,662.25

Nielson advised that the quantities completed to date have been reviewed and agreed upon by the Contractor and it is recommended the City approve construction pay voucher #2 for \$73,662.25 to R.L Larson Excavating, Inc.

HALLIN MOVED TO APPROVE PAY VOUCHER #2 IN THE AMOUNT OF \$73,662.25 TO R.L. LARSON EXCAVATING FOR THE 7TH AVE NORTH SEWER AND WATER EXTENSION PROJECT. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

B. 8th Ave South drainage improvements – Pay Voucher #1

Nielson reported that Construction Pay Voucher No. 1 for the 8th Ave South drainage improvement project in the amount of \$11,814. The quantities completed to date have been reviewed and agreed upon by the Contractor, and we hereby recommend that the City of Princeton approve Construction Pay Voucher No. 1 for West Branch Construction Co.

Due to conflict with a pair of gas mains in 8th Avenue S, the project is on hold and will be completed in the spring of 2016. Final payments will be made upon completion of that work.

WALKER MOVED TO APPROVE PAY VOUCHER #1 FOR \$11,814 TO WEST BRANCH CONSTRUCTION FOR THE 8TH AVENUE SOUTH DRAINAGE PROJECT. DOBSON SECONDED THE MOTION.

Hallin asked how much work has been done on the project. Nielson said about half the project is completed.

THE MOTION CARRIED UNANIMOUSLY

C. Union contracts

Karnowski reported that the city has completed negotiations with the two unions that represent some of our employees: AFSCME (representing our non-supervisory staff that are not police officers) and LELS (representing non-supervisory police officers).

LELS: The LELS negotiations included a re-opener for insurance in the 2nd (and final) year of the existing contract. Since the city's health insurance premiums went down 3% for 2016, negotiations were not difficult. The agreement, subject to Council approval, to reduce both the employee contribution and the city's contribution for health insurance by the same 3% cost reduction in the premium. For Dental Insurance, the 2016 premium increased by 4.5% so, as is the case in the health insurance contribution, both the employees and city will share equally in that increase. In order to treat all employees equally, the LELS wage adjustment for 2016 is proposed to be the same as outlined in #5 in the AFSCME contract explanation below.

If the Council agrees with that proposal, a motion supporting the above modifications to the insurance rates, a motion to authorize the Mayor and City Administrator to sign the Memorandum of Understanding after the MOU has been signed by LELS would be in order.

AFSCME: The AFSCME negotiations was for a new contract. Both sides agreed to a 2-year deal. The agreement, subject to Council approval, is for:

1. The same adjustment in the city and employee contribution to both health and dental insurance as proposed in the LELS contract.

2. A provision allowing for an increase in the number of hours of vacation that can be accrued in any one year from 240 hours to 300 hours.
3. Another provision setting the maximum number of vacation hours an employee can carry at any time at 360 hours.
4. A provision that if an employee is required to use their own tools and a tool breaks, that the city will fix or replace that tool. Because public works employees are required to use their own tools, standard hand tools are exempt from this provision.
5. The wage provision in the AFSCME contract proposes a 2% wage increase from January 1 to June 30 of 2016 and an additional 1% for the balance of the year. The same process applies to the 2017 wages (which is just slightly more than 2.5% for either of the years).
6. The city also agreed to do a wage compensation study in 2016 with any adjustments adopted going into effect upon adoption.

If the Council concurs that the above 6 modifications are reasonable, a motion to authorize the Mayor and Administrator to sign the 2-year contract would be in order.

Rest of Staff: For the balance of the employees, staff is recommending the same COLA adjustment as outlined in #5 of the proposed AFSCME contract. If the Council agrees with that adjustment, a motion to that effect would be in order.

The cost of all of the above was anticipated and is covered in the 2016 budget already approved by the Council.

DOBSON MOVED TO AUTHORIZE MAYOR AND ADMINISTRATOR TO SIGN THE ASTHME AND LELS CONTRACTS AND APPROVE THE EMPLOYEE WAGES AND UNION CONTRACTS AS RECOMMENDED. HALLIN SECONDED THE MOTION.

Zimmer asked if the provision for employee tools was common. Gerold responded that it is mostly in the case of an employee bringing in a tool from home that the city does not own. In that case, the city would replace it if damaged.

THE MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

A. Personnel Policy Amendments

Karnowski stated that the city has been advised that, because of a couple of laws passed in the 2015 legislative session, the city should consider amending its Personnel Policy to comply with those law changes. Accordingly, the two sections below are proposed to be modified as noted (old language has a strikethrough and new language is underlined).

If the Council concurs with the recommended changes, a motion to approve the amended language would be in order.

9.9 Military Leave

Regular part-time and full-time employees who are members with active status of an

Armed Forces Reserve Unit shall at their request be granted military leave when called to active duty for a period not to exceed fifteen (15) days annually. Employees granted such leave shall receive such military pay and their regular straight time pay provided the employee submits to the City's Finance Officer proof of such military pay. The documented proof submitted may take the form of the following:

- A. A copy of the military orders, and/or
- B. A copy of the applicable drill schedule (i.e. battle assembly schedule), and/or
- C. A signed memo from the military employee's immediate military supervisor

Any leave exceeding fifteen (15) days shall be granted but without pay.

The reinstatement to City employment of any person who enters the military service of the United States by reason of an act of law enacted by the Congress of the United States, or who voluntarily enlists during the effective period of such law, shall be determined in accordance with the provisions of the law granting such rights.

13.13. Prescribed Medications

Employees who are required to participate in job related safety sensitive functions and are taking physician prescribed medicine that could impact their work performance shall advise their supervisor of that fact. After so doing, they shall be allowed to refrain from participating in safety sensitive functions pursuant to written instructions that accompanied said prescription.

An employee who is a registered user of medical marijuana cannot be disciplined for testing positive for cannabis unless the employee used, possessed, or was impaired by cannabis on the employment premises or during the hours of employment. A positive test during employment hours may be used as evidence of impairment during employment hours so long as the results of said positive test includes a reference to when the positive occurs in relation to the employee's work schedule.

Walker asked about military leave and if the employee is paid from the City in addition to their military pay. Jackson believes that they receive both city pay and military pay. Dobson added that he believes it is required that they get both. Walker said he would like clarification. Jackson said while it has not happened in quite some time, when it did they were continued to be paid through the city as if they had been working.

WALKER MOVED TO APPROVE RECOMMENDED AMENDMENTS TO THE PERSONNEL POLICY. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

B. 2015 state contract for trailer storage

Karnowski advised that this has been in place for some time but was originally paid through the relocation program. It has been determined that it needs to be paid through the state instead.

WALKER MOVED TO APPROVE THE 2015 STATE CONTRACT FOR TRAILER STORAGE. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

Walker asked staff if there were any 2016 license paperwork that had not been received as of

yet. Jenkins responded that she had not received anything from Family Dollar Corporate and has sent out additional letters to Corporate and contacted the store directly. She added that she will contact both of them again.

BILL LIST

HALLIN MOVED TO APPROVE THE BILL LIST WHICH INCLUDES THE MANUAL CHECKS AS LISTED ON THE MANUAL BILL LIST FOR A TOTAL OF \$123,654.58 AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 72931 TO 73001 FOR A TOTAL OF \$316,676.28. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

There being no further business:

DOBSON MOVED TO ADJOURN THE MEETING AT 7:22PM. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

ATTEST:

Shawna Jenkins
City Clerk

Paul Whitcomb, Mayor