

**City of Grant  
City Council Agenda  
March 5, 2013**

*The regular monthly meeting of the Grant City Council will be called to order at 7:00 o'clock p.m. on Tuesday, March 5, 2013, in the Grant Town Hall, 8380 Kimbro Ave. for the purpose of conducting the business hereafter listed, and all accepted additions thereto.*

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- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF REGULAR AGENDA**
- 4. APPROVAL OF CONSENT AGENDA**
  - A. February 5, 2013 City Council Meeting Minutes**
  - B. Bill List, \$36,479.34**
  - C. Washington County, Sand/Salt, \$11,519.17**
  - D. KEJ, Snow Removal, \$20,597.50**
  - E. Ballfield/City Hall Maintenance**
- 5. PUBLIC INPUT**
- 6. COUNTY HIGHWAY PAVEMENT IMPROVEMENTS PLAN, FRAN MIRON**
- 7. STAFF REPORTS**
  - A. City Engineer, Phil Olson**
    - i. MS4 Public Hearing**
    - ii. February Staff Report**
  - B. City Planner, Jennifer Haskamp**
    - i. February Staff Report**
  - C. City Attorney, Nick Vivian**
    - i. Administrator/Clerk Contract**
    - ii. February Staff Report**
  - D. Building Inspector, Jack Kramer (report for February building activities)**
- 8. NEW BUSINESS**
  - A. Ordinance No. 2013-28, 2013 Fee Schedule Amendment, Mayor Carr**
  - B. Resolution No. 2013-09, Summary Publication of Ordinance No. 2013-28, Mayor Carr**
  - C. Minnesota Municipal Clerk Institute, Administrator/Clerk**

9. **OLD BUSINESS**

- A. Town Hall Meeting Policy, Mayor Carr
- B. 2013 CUP Reviews, Council Member Huber
- C. Authorization for Purchase and to Refurbish Emergency Sirens, Council Member Lobin

10. **DISCUSSION ITEMS**

- A. City Council Reports (any updates from Council)
- B. 2013 City Council Goals
- ~~C. Other Discussion Items (any updates from staff)~~

11. **COMMUNITY CALENDAR MARCH 6 THROUGH MARCH 31, 2013:**

Mahtomedi Public Schools Board Meeting, Thursday, March 14, 2013, Mahtomedi District Education Center, 7:00 p.m.

Stillwater Public Schools Board Meeting, Thursday, March 7 and 21, 2013, Stillwater City Hall, 7:00 p.m.

Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.

12. **ADJOURNMENT**

I. **GUIDELINES FOR CONDUCT AT GRANT CITY MEETINGS**

1. Public input (agenda item) and public comment during agenda items will be addressed as time allows and individuals must be recognized by the Meeting Chair prior to making comments.
2. Any individual addressing the Council will approach the microphone and clearly state their name and full address.
3. Comments and reading of written statements shall be limited to two (2) minutes. You are encouraged not to be repetitious of comments made by any previous speakers.
4. No personal attacks are allowed during any public input, public comment or public hearings.

II. **PUBLIC INPUT –AGENDA ITEM**

Citizens may share their comments or concerns on any issue not on the agenda that is the responsibility of the Grant City Council. It is the portion of the Council meeting to address the Council or on subjects that are not on the meeting agenda. The Council will not comment during the public input agenda item. The Council may later in the meeting give direction to staff regarding investigation of the concerns expressed. Out of respect for others in attendance, comments are limited to two (2) minutes or less.

Citizens will state their name and full address clearly for the record. All comments/questions shall be posed to the Mayor and Council, no comments or questions may be directed to staff. A simple picture or diagram may be accepted for viewing. No presentations or audio/visual materials will be allowed during public input. These types of presentations will follow the Agenda Item Policy.

### **III. PUBLIC COMMENT – DURING AGENDA ITEMS**

Citizens may share their comments or concern on a specific agenda item if called upon by the City Council. ~~This is the portion of the Council meeting that citizens~~ may comment on an individual agenda item if called on to do so. All comments must be addressed to the Mayor and Council and name and full address must be stated clearly. If the agenda item has had a public hearing, this will not be a continuation of that hearing.

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CITY OF GRANT  
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**DATE** : January 8, 2013  
**TIME STARTED** : 7:05 p.m.  
**TIME ENDED** : 10:10 p.m.  
**MEMBERS PRESENT** : Councilmember Bohnen, Fogelson, Huber, Lobin and Mayor Carr  
~~**MEMBERS ABSENT** : None~~

Staff members present: City Attorney, Nick Vivian; City Engineer, Phil Olson; City Planner, Jennifer Haskamp; and Administrator/Clerk, Kim Points

**CALL TO ORDER**

Mayor Carr called the meeting to order at 7:05 p.m.

**PLEDGE OF ALLEGIANCE**

**SETTING THE AGENDA**

Mayor Carr advised there was an incident at the last meeting and he needs to be able to run the meeting. He stated citizens present should not come up to the podium unless called up and should not talk out of turn or they will be removed. The City Council needs to get their work done. He suggested public comment be removed from the agenda tonight.

**Mayor Carr moved to approve the agenda, as amended. Council Member Huber seconded the motion.**

Council Member Bohnen suggested public comment is moved to the end of the meeting after public comment is discussed.

Mayor Carr withdrew the motion and Council Member Huber withdrew the second. Public comment was moved to item 7B under New Business.

**Council Member Fogelson moved to approve the agenda, as amended. Council Member Lobin seconded the motion. Motion carried unanimously.**

**CONSENT AGENDA**

Item 4F, Resolution No. 2013-06, Schmidt Lot Line Adjustment, was removed from the consent agenda.

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Bill List, \$39,149.97 Approved

Washington County Sheriff, July-December  
2012, \$54,774.45 Approved

2013 Tort Liability, City DOES NOT  
Waive Monetary Limits Approved

~~Resolution No. 2013-03, Washington County  
All-Hazard Mitigation Plan Approved~~

Resolution No. 2013-07, Kelley  
Lot Line Adjustment Approved

**Council Member Bohnen moved to approve the Consent Agenda, as amended. Council Member Fogelson seconded the motion. Motion carried unanimously.**

~~Resolution No. 2013-06, Schmidt Lot Line Adjustment -~~

**Council Member Bohnen moved to adopt Resolution No. 2013-06, as presented. Council Member Lobin seconded the motion. Motion carried with Council Member Fogelson abstaining.**

**STAFF REPORTS**

**City Engineer, Phil Olson**

**Staff Report** – A report from City Engineer Olson was provided for January 2013 engineering activities to be placed on file. It was noted that a comment memo will be sent to the Valley Branch Watershed District regarding their proposed rule changes.

**City Planner, Jennifer Haskamp**

**Staff Report** – A report from City Planner Haskamp was provided for January 2013 planning activities to be placed on file. It was noted that the density unit can be applied to either lot on the Kelley lot line adjustment. The applicant has been made aware of that and documentation will be submitted to the City for the record. An application for the Certificate of Compliance has been submitted.

**City Attorney, Nick Vivian**

**Harmony Horse Farm Enforcement** – City Attorney Vivian provided the background noting the owner has not responded to the letter sent out regarding a violation. Because the issues identified involve health and safety, he recommended that he draft another letter requiring a response within ten

1 (10) days. If no response is received, it is recommended formal legal action be taken against the  
2 owner to encourage compliance with the City's Code.

3  
4 It was the consensus of the Council to direct the City Attorney to move forward as outlined.

5  
6 **Resolution No. 2013-04, Approving JPA with State of Minnesota/BCA** – City Attorney Vivian  
7 advised that in order to comply with the County's requirements for E-Charging, the City is required to  
8 adopt a Resolution approving in Joint Powers Agreement with the State of Minnesota/Bureau of  
9 Criminal Apprehension, and a Court Data Services Subscriber Amendment to the CJDN Subscriber  
10 ~~Agreement already in place with the BCA and State Court Administrator's Office.~~ It was noted there  
11 are no additional fees that the City would be responsible for.

12  
13 **Council Member Bohnen moved to adopt Resolution No. 2013-04, as presented. Council**  
14 **Member Fogelson seconded the motion. Motion carried unanimously.**

15  
16 **Joint Powers Agreement with State of Minnesota/BCA** – No action was required for this item.

17  
18 **Court Data Services Subscriber Amendment to CJDN Subscriber Agreement – Council**  
19 **Member Fogelson moved to approve the Court Services Subscriber Amendment to CJDN**  
20 **Subscriber Agreement, as presented. Council Member Bohnen seconded the motion. Motion**  
21 **carried unanimously.**

22  
23 **Staff Report** – A report from City Attorney Vivian was provided for January 2013 legal activities to  
24 be placed on file.

25  
26 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for  
27 January 2013 to be placed on file for review.

28  
29 **NEW BUSINESS**

30  
31 **City Policy for Public Comments, Mayor Carr** – Mayor Carr advised language regarding public  
32 comments was added to the January agenda. He stated that all the information regarding the policy  
33 was included in the packet and he would like to get input from the Council. He stated people have  
34 been walking up to the podium without being called on. When people are not called on and still  
35 approach the podium they are abusing public comment. They should raise their hand and wait to be  
36 called on.

37  
38 It was the consensus of the Council that citizens wanting to speak at public comment should raise  
39 their hand and be called on to approach the podium.

40  
41 Mayor Carr stated that someone came up at the last meeting and said something very inappropriate.  
42 Speaking at public comment is a privilege and not necessarily a right. He asked if the Council  
43 agrees that he may not allow someone to speak during public comment.

1 Council Member Lobin stated one of the problems is people talking in the audience. She stated she  
2 can't hear and jumping up out of turn is disruptive. She stated she would prefer that people are called  
3 on and agrees the Mayor has the authority to not call on someone.  
4

5 Council Member Huber advised the statutes he read stated the Mayor already has the authority to run  
6 the meeting. Disruptive input should not be tolerated as no one has the right to speak. He stated he  
7 received communication from residents last month using means other than public comment. The  
8 Mayor has the authority to run the meeting and he does not need the Council's permission to do that.  
9 The Mayor has his buy in to run and control the meeting.  
10

11 Council Member Fogelson added that if a resident is coming up to provide input for constructive  
12 criticism, City issues, etc., they should be able to speak. Public comment is not for personal attacks  
13 and that needs to stop. The Mayor has to run the meeting and he does not have to call on people.  
14

15 Council Member Bohnen agreed the Mayor runs the meeting. He stated he appreciates input but it is  
16 disheartening what public comment is being used for and sets a negative tone for the meeting. He  
17 agreed the Mayor does not have to call on someone.  
18

19 Mayor Carr asked if the Council agrees that if someone is not called on and approaches the podium  
20 that they will be removed from the building.  
21

22 Council Member Bohnen agreed they should be removed if they are being defiant. Everyone should  
23 be polite and respectful.  
24

25 Council Member Fogelson agreed. If someone is warned and does not listen necessary measures need  
26 to be taken.  
27

28 Council Member Huber and Council Member Lobin agreed.  
29

30 Mayor Carr reviewed the draft Policy and Procedures for Public Input, Public Comment, Public  
31 Hearing and Agenda Items/ Presentations.  
32

33 The Council was in agreement about the policy. Council Member Fogelson suggested a statement  
34 that the policy applies to the Planning Commission also be added.  
35

36 Item III, Public Comment – During Agenda Items was changed to read “Citizen Comment – During  
37 Agenda Items.  
38

39 **Mayor Carr moved to approve the City Policy for Public Input, as amended. Council Member**  
40 **Lobin seconded the motion. Motion carried unanimously.**  
41

42 **Public Comment** – Mr. Loren Sederstrom came forward and thanked the City Council for making  
43 him aware of the WSB workshop. He stated it was very informational and helpful. He highly  
44 recommended it to the Planning Commission and City Council.  
45

1 Mr. Larry Lanoux came forward and stated he also attended and would recommend the workshop. He  
2 stated he believes it was taped and may be available to the City. He noted that the Mayor stated there  
3 was no cost to change out planners but the current planner charges for meetings per hour. He believes  
4 WSB would better serve the City of Grant.

5  
6 Mr. Bob Englehart, 9520 Joliet, came forward and stated the Council agenda and packet were not on  
7 the website.

8  
9 Ms. Kathy Schwartz, Jewel Avenue, came forward and stated she has lived in Grant for 37 years. She  
10 ~~had requested Town Hall for a meeting regarding volunteerism within the City of Grant. She asked~~  
11 why she was unable to have that meeting and if she can have future meetings at Town Hall.

12  
13 **Reconsideration of Deputy Mayor Appointment, Mayor Carr – Mayor Carr moved to**  
14 **reconsider the Deputy Mayor appointment at the last meeting. Council Member Lobin**  
15 **seconded the motion. Motion carried with Council Member Bohnen and Fogelson voting nay.**

16  
17 **Mayor Carr moved to appoint Council Member Huber as Deputy Mayor. Council Member**  
18 **Lobin seconded the motion.**

19  
20 Mayor Carr advised the reason for the change is he would feel more comfortable with Council  
21 Member Huber appointing someone to the City Council if the Mayor is not available. He stated he  
22 thinks Council Member Fogelson would be fine as Deputy Mayor but he would like to appoint  
23 Council Member Huber as he has a responsibility to those who voted for him and he did run with  
24 Council Member Huber.

25  
26 Council Member Bohnen stated he does not believe it is a prerequisite that the person you run with  
27 has to be Deputy Mayor. He stated Mayor Carr did withdraw his motion for Council Member Huber  
28 in January and this is showing inconsistencies. He stated he is not proud of this action.

29  
30 Mayor Carr stated he did not want it to happen this way either. Mayor Carr called the question.

31  
32 **Motion carried with Council Member Bohnen and Fogelson voting nay.**

33  
34 **Joint City Council/Planning Commission Work Session Recap, Mayor Carr – Mayor Carr**  
35 **advised a quorum of the Planning Commission was not available for the meeting so the work session**  
36 **did not take place.**

37  
38 **Mayor Carr moved to disband the Planning Commission at this time. Council Member Lobin**  
39 **seconded the motion.**

40  
41 Mayor Carr stated he feels disbanding the Planning Commission is better than just removing some  
42 Commissioners and it does not mean the City will never have a Planning Commission.

43  
44 Council Member Lobin stated the Planning Commission can be good and very helpful but the way  
45 she sees it is that the building is opened up every month when there were only two applications all of



1 last year. It does cost money and is not needed right now. That could change if the work load gets to  
2 be too much for the City Council.

3  
4 City Attorney Vivian clarified the motion was to disband the current membership and not abolish the  
5 Planning Commission.

6  
7 Mayor Carr confirmed the motion and stated the City Council can take the applications if any are  
8 submitted. He indicated he would like to disband at this time and at some point determine if the  
9 Council would like to reappoint.

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10  
11 Council Member Bohnen stated he feels it is a shame to disband the entire Planning Commission if  
12 there are only a couple there are issues with.

13  
14 Council Member Huber stated there was one meeting last year that had a land use application to  
15 consider. That is 11% of the total meetings. If the City gets a development plan they can be put back  
16 in place.

17  
18 Council Member Lobin stated this is not a personal issue. One way to save money for the City is to  
19 disband and it is a strictly financial decision that she would like to try for a while.

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20  
21 Council Member Fogelson stated citizen involvement is important. He believes the Planning  
22 Commission plays a very valid role in Grant, although he does not agree with all their discussions but  
23 he thinks this is an extreme measure.

24  
25 **Motion carried with Council Member Bohnen and Fogelson voting nay.**

26  
27 **Emergency Siren Locations, Council Member Lobin** – Council Member Lobin reviewed the  
28 information included in the Council packets and advised she is looking for Council authorization for  
29 WSB and Barr Engineering to work on locating the two sirens. The work will include best locations  
30 based on coverage, transformers, and right of way issues. The work would be completed for an  
31 approximate cost of \$4,000.

32  
33 Council Member Fogelson stated he believes the City should get sirens that last in the long term and  
34 have a battery back up. He suggested WSB research grants that may be available.

35  
36 Council Member Huber stated that these sirens running off of power does not concern him. The grid  
37 power comes from Stillwater and by the time the storms get to Grant the sirens have already warned  
38 citizens. The point to the sirens is having maximum coverage within the City's budget. This is a  
39 great opportunity and he is supportive of the two additional sirens being located in Grant.

40  
41 Council Member Bohnen pointed out there is maintenance on the batter sirens every three years. A  
42 combination of a battery and grid sirens may be a good idea.

43  
44 Council Member Lobin stated every 3-5 years a battery must be purchased at an approximate cost of  
45 \$800. There are no maintenance costs on this type of siren.

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2 Council Member Huber stated he did research this type of siren and they meet industry standards.  
3 They are a very robust system.  
4  
5 Council Member Fogelson stated he is concerned as he does not know where the power comes from  
6 and power lines can be taken out.  
7  
8 Mayor Carr stated a study needs to be completed.  
9  
10 ~~City Engineer Olson stated the siren study would be completed as part of the work with locating the~~  
11 ~~sirens.~~  
12  
13 Council Member Lobin stated the City does have three-phase transformers. Larger cities are still  
14 using this type of siren. Ready Watt Electric can answer any additional questions the City may have.  
15  
16 **Council Member Huber moved to authorize WSB to move forward with the siren study and**  
17 **work on potential grant opportunities. Council Member Fogelson seconded the motion.**  
18 **Motion carried unanimously.**  
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- 20 **Town Crier Meetings, Council Member Lobin** – Council Member Lobin advised she would like to  
21 have some community meetings to give citizens a chance to meet their City Council and other  
22 citizens without the formality of a regular Council meeting. She would like to have two (2) a year.  
23  
24 Council Member Fogelson stated the meeting should be posted in case a majority of the Council is  
25 present.  
26  
27 Mayor Carr suggested the meeting be advertised in the City newsletter.  
28  
29 **City Policy for Town Hall Community Meetings, Mayor Carr** – Mayor Carr advised there was a  
30 request to use Town Hall for a meeting. In the past, the City Council has always approved those  
31 requests that have been made by 4H, Woodland Acres, Gateway Trail Association, etc. There is  
32 video equipment in the building and in 2003 cameras were put in. He stated he voted no to those  
33 cameras but was out voted. People like the meetings being taped. Groups that have used the building  
34 in the past could be grandfathered in. This is the City Council's office. He stated he is not in favor of  
35 groups using the building unless the City gets rid of the equipment. The City has allowed two groups  
36 to have one meeting a year in the past.  
37  
38 Council Member Fogelson stated this the only public building the City has and citizens should be able  
39 to use it.  
40  
41 Council Member Bohnen stated if the City allows meetings it means someone has to facilitate that. It  
42 is not a simple think for someone to use the building.  
43  
44 Mr. Jerry Helander, 6262 Jasmine, came forward and suggested an alternate location for community  
45 meetings. He stated the church where elections are held is very interested in serving the community.

1  
2 Council Member Lobin stated she only objects because of the equipment and there is another option  
3 for the groups.

4  
5 Council Member Huber stated other groups have used the building. Someone has to be responsible  
6 for the building and a good policy should be in place.

7  
8 It was the consensus of the Council to allow use of the building but a policy will be put in place at the  
9 March City Council meeting that may include a form being filled out and consent agenda approval.

10  
11 City Attorney Vivian stated the City can't discriminate based on what a group may be talking about.  
12 The City needs a policy in place that includes how to protect the whole building. Town Hall is an  
13 asset to the City and needs to be protected. One person could be responsible and a deposit could be  
14 required.

15  
16 Council Member Huber stated specific criteria needs to be laid out that includes a chain of  
17 responsibility.

18  
19 Mayor Carr stated his concern his how many groups may want to use the building.

20  
21 A request was made to use Town Hall on February 19 for a meeting to discuss the Charter  
22 Commission.

23  
24 It was the consensus of the Council to allow use of the building but a draft policy regarding use of the  
25 building would be brought forward in March.

26  
27 **Consideration of City Meeting Procedures** – Mayor Carr reviewed the draft document and asked if  
28 the Council had any issues.

29  
30 Council Member Fogelson stated the staff reports should match the packet that is posted on the City  
31 website and a statement regarding the procedures being based on expectations/intentions be added.

32  
33 Council Member Huber stated the meeting DVD's should not be an issue because they will be  
34 streamed on the new website. Cable access will not be required.

35  
36 **Resolution No. 2013-05, Dedicated Funds for Town Hall and County Road 68 Overlay, Sharon**  
37 **Schwarze** – City Treasurer Schwarze advised the Council needs to determine if anything will be put  
38 in dedicated funds by February. The two items noted in the Council packet can be reserved in  
39 dedicated funds in the Council so chooses.

40  
41 Council Member Bohnen advised it would be good to get some grading done at Town Hall to get the  
42 water further away from the building. A lot of work could be done for the reserved amount of  
43 \$15,000. He referred to the other noted dedication of \$50,000 for old County Road 68. He stated  
44 there are no needs for it that at this time so he is not supportive of designating those funds.

45

1 City Treasurer Schwarze advised that \$50,000 was received from the County for a future overlay on  
2 that road. The issue is that if the City does not designate the funds now, it may not have it later. The  
3 previous Council did choose to put these dollars in the general fund.

4  
5 Council Member Huber stated steps and additional drainage for Town Hall at a cost of \$15,000 is  
6 almost as much as the previous work done at Town Hall. If the steps, grading and windows can be  
7 taken care of he is in support. He also mentioned getting better lighting if the designated dollars  
8 would allow for that.

9  
10 ~~It was the consensus of the Council to eliminate the designation of dollars for Old County Road 68~~  
11 ~~and designate \$15,000 for Town Hall repairs.~~

12  
13 **Council Member Fogelson moved to adopt Resolution No. 2013-05, as amended. Council**  
14 **Member Lobin seconded the motion. Motion carried unanimously.**

15  
16 **Charter Commission Discussion, Mayor Carr** – Mayor Carr stated the option of being a Charter  
17 City has been discussed. He stated he is unsure as to whether or not the City should become a Charter  
18 City but he would like the City to be in control of that. A draft resolution was distributed earlier in  
19 the meeting. He reviewed the steps for establishing a Charter City and noted the Council can request  
20 the establishment of a Charter. A maximum of \$1,500 would be put in the budget to aid the  
21 Commission but can only be used for certain things. He advised he believes the City should pass the  
22 resolution noting a district judge appoints members of the commission.

23  
24 It was the consensus of the Council to include nine (9) members of the Charter Commission within  
25 the resolution.

26  
27 **Mayor Carr moved to adopt Resolution No. 2013-08, as amended. Council Member Lobin**  
28 **seconded the motion.**

29  
30 City Attorney Vivian advised that if adopted, the resolution would be submitted to a judge with a  
31 letter outlining the process and a request for the judge to initiate. He outlined the process noting the  
32 statute is not clear on the process of applying for the Commission as it is left to the discretion of the  
33 court.

34  
35 Mayor Carr stated applicants notify the City and the City makes recommendations to the judge for  
36 appointments.

37  
38 **Motion carried unanimously.**

39  
40 **OLD BUSINESS**

41  
42 **Appointments for Brushing, Mowing and Tree Service, Council Member Huber** – Council  
43 Member Huber stated KEJ was added to road services at the January meeting. He did meet with KEJ  
44 and received quotes. He would like to keep KEJ on those services as a secondary contractor with the  
45 option to use at the discretion of the Road Commissioner.

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Council Member Bohnen stated KEJ is already listed for those services. He did meet with KEJ to make sure he has enough activity in Grant to keep him on the plowing services for many years. Mr. Johnson does take another job in the summer and he would probably hire someone to do the mowing. He asked for direction regarding the mowing.

Council Member Huber stated the Road Commissioner has the option to use KEJ for the mowing services noting he hopes the City does not lose KEJ for the plowing services.

~~2013 CUP Reviews, Council Member Huber~~ Council Member Huber stated he and Council Member Fogelson did discuss the CUP review. Council Member Fogelson is opposed to reviewing CUP's but they did look at finding a systematic approach.

Council Member Huber proposed the CUP's get put into five (5) groups alphabetically, not to include CUP's issued or reviewed in the last four (4) years. One group would be started this year and then all CUP's would be reviewed within a five (5) year period. With this systematic approach, no random picking of CUP's is done and it is the City's responsibility to review CUP's as the City issued them.

Council Member Fogelson stated he is still opposed but he does agree if there is a process all of them should be reviewed. He is in favor of the systematic approach.

Council Member Huber stated the fee of \$100 every five years is not a big financial impact. The fee takes care of all the costs associated with the review. Any enforcement action that may have to be taken would not interfere with the continuing process.

City Attorney Vivian stated there would only be an enforcement issue if there is not compliance. If there is no compliance, the property owner would work with the City Planner on how to achieve compliance. He noted he does not see a high likelihood of the City ending up in litigation resulting from CUP reviews.

Mayor Carr stated he had started the process for health, safety and welfare issues that may be created from a CUP. He does not feel that all of the CUP's should be reviewed and as he went through the list there were six (6) he would like reviewed. He stated he is fine with going through the list and determining which have health, safety and welfare issues and then grouping those.

Council Member Huber reminded everyone that he and Council Member Fogelson were assigned the task of a systematic CUP review. They did that and have brought back a proposed process. If a CUP has no health, safety or welfare issues then perhaps they should not have a CUP. It is the City's job to follow up on these as the City issued them based on special conditions.

Mayor Carr suggested the Council think about the proposed system and look at it again in March unless they are ready to make a decision tonight.

1 Council Member Bohnen stated he believes the complaint basis is the best way to proceed although  
2 he appreciated the apolitical method brought forward. He would like to see some flexibility in the  
3 five (5) year plan that was proposed.  
4

5 **Council Member Fogelson moved to continue with the complaint process relating to CUP**  
6 **reviews. Council Member Bohnen seconded the motion. Motion failed with Council Member**  
7 **Huber and Mayor Carr voting nay and Council Member Lobin abstaining.**  
8

9 **Council Member Huber moved to adopt the systematic, alphabetical, five (5) year approach**  
10 **relating to CUP reviews, as proposed. Council Member Fogelson seconded the motion.**  
11

12 **Council Member Huber withdrew the motion. The second was withdrawn also.**  
13

14 **Council Member Huber moved to table CUP reviews to the March City Council meeting.**  
15 **Council Member Lobin seconded the motion. Motion carried unanimously.**  
16

### 17 DISCUSSION ITEMS

18

#### 19 **City Council Reports:**

---

20  
21 Council Member Fogelson advised there is a meeting at the Metropolitan Council that he will be  
22 attending next Monday.  
23

24 Council Member Huber advised the new website is up and running. It is still in the building stage but  
25 the alpha site is almost complete. He will provide access to all of the Council Members for them to  
26 go through it. The new site will be ready to launch in a few weeks. The address could be changed to  
27 a .mn.us but it may be more trouble than it is worth.  
28

29 Council Member Bohnen stated the new dust control policy has been well received. He encouraged  
30 all residents to call him or the City if they have any questions.  
31

32 Council Member Huber stated he is working with two (2) residents regarding some issues they are  
33 having with Comcast.  
34

35 Council Member Bohnen stated the City does need to keep up the shouldering work so utilities can go  
36 in the right location.  
37

#### 38 **Staff Reports (any updates from Staff):**

39

40 There were no updates from staff.  
41  
42  
43

### 44 COMMUNITY CALENDAR FEBRUARY 6 THROUGH FEBRUARY 28, 2013:

45

- 1 **City Council Goal Setting Session, Tuesday, February 12, 2013, Town Hall, 7:00 p.m.**
  - 2
  - 3 **Mahtomedi Public Schools Board Meeting, Thursday, February 14, 2013, Mahtomedi District**
  - 4 **Education Center, 7:00 p.m.**
  - 5
  - 6 **Stillwater Public Schools Board Meeting, Thursday, February 14, 2013, Stillwater City Hall,**
  - 7 **7:15 p.m.**
  - 8
  - 9 **Washington County Commissioners Meeting, Tuesdays, Washington County Government**
  - 10 **Center, 9:00 a.m.**
- 

11

12 **Planning Commission Meeting, Tuesday, February 19, 2013, Town Hall, 7:00 p.m., 2013, Town**

13 **Hall, 7:00 p.m.**

14

15 **ADJOURN**

16

17 **There being no further business, Council Member Fogelson moved to adjourn at 10:10 p.m.**

18 **Council Member Bohnen seconded the motion. Motion carried unanimously.**

19

---

20

21 **These minutes were considered and approved at the regular Council Meeting March 5, 2013.**

22

23

24

25

26 \_\_\_\_\_

27 **Kim Points, City Clerk**

28 \_\_\_\_\_

**Tom Carr, Mayor**

City of Grant

Disbursements List

02/26/2013

Date range: 02/01/2013 to 02/26/2013

Vendor	Date	Check #	Total Description	Void	Account #	Detail
Payroll Period Ending 02/25/2013	02/25/2013	11996	\$3,171.64	No	100-41101-100	\$3,171.64
M.J. Raleigh Trucking	02/25/2013	11997	\$500.00 Salt/Sand	No	100-43113-210	\$500.00
Washington County Transportation	02/25/2013	11998	\$11,519.17 Snow and Ice Control	No	100-43113-210	\$11,519.17
KEJ Enterprises	02/25/2013	11999	\$20,597.50 Snow Removal/Sand Salt	No	100-43113-300	\$20,597.50
Xcel Energy	02/25/2013	12000	\$448.82 Utilities	No	100-43004-381	\$354.70
					100-43010-381	\$11.69
					100-43117-381	\$82.43
AirFresh Industries	02/25/2013	12001	\$133.91 PortaPot	No	100-43007-210	\$133.91
Croix Valley Inspector	02/25/2013	12002	\$7,852.25 Building Inspector	No	100-42004-300	\$7,852.25
Smith Appraisal Service	02/25/2013	12003	\$5,432.50 3rd Quarter Assessment Fees	No	100-41208-300	\$5,432.50
CenturyLink	02/25/2013	12004	\$163.45 City Phone	No	100-41309-321	\$163.45
Waste Management	02/25/2013	12005	\$4,347.38 Recycling	No	100-43011-384	\$4,347.38
Halogen Web Studio	02/25/2013	12006	\$787.50 We Domain Transfer	No	100-41312-300	\$787.50
Ken Ronnan	02/25/2013	12007	\$99.00 Video Services	No	100-41318-300	\$99.00
Horseland Restoration LLC	02/25/2013	12008	\$1,500.00 Grading Permit Escrow Refund	No	848-49310-810	\$1,500.00
Press Publications	02/25/2013	12009	\$37.55 legals	No	100-41308-351	\$37.55
League of MN Cities Insurance Trust	02/25/2013	12010	\$29.00 Workman's Comp	No	100-41302-301	\$29.00
Barbara Kelley	02/25/2013	12011	\$86.25 Judge	No	100-41301-100	\$86.25
Hillicrest Animal Hospital	02/25/2013	12012	\$286.02 Un-Claimed Animal	No	100-42006-300	\$286.02
Eckberg Lammers	02/25/2013	12013	\$4,851.85 Legal Services	No	100-41204-300	\$3,109.53
					100-41205-300	\$45.00
					100-41206-300	\$1,541.67
					801-49310-300	\$110.65
					849-49310-300	\$45.00
Scott Smith	02/25/2013	12014	\$1,607.88 1/2 Escrow Refund	No	849-49310-810	\$1,607.88
Trust of Kenneth Smith	02/25/2013	12015	\$1,607.87 1/2 Escrow Refund	No	849-49310-810	\$1,607.87
Sprint	02/25/2013	12016	\$35.00 City Cell Phone	No	100-43116-321	\$35.00



**City of Grant**

**Disbursements List**

**02/26/2013**

Vendor	Date	Check #	Total Description	Void	Account #	Detail
Roadkill Animal Control	02/25/2013	12017	\$466.00 2012 Deer Pickup	No	100-42006-300	\$466.00
PERA	02/25/2013	12018	\$584.95 PERA	No	100-41102-120	\$314.14
IRS	02/25/2013	EFT33	\$1,045.41 Payroll Taxes January	No	100-41113-100	\$270.81
Swanson Haskamp Consulting	02/26/2013	12019	\$1,385.00 Planning	No	100-41103-100	\$331.48
					100-41107-100	\$382.45
					100-41110-100	\$268.65
					100-41112-100	\$62.83
					100-41209-300	\$1,017.00
					850-49310-430	\$161.00
					851-49310-430	\$207.00
John Anderson	02/26/2013	12020	\$20.11 Mailbox Replacement	No	100-41306-220	\$20.11

**Total For Selected Checks**

**\$68,596.01**

**\$68,596.01**



WASHINGTON COUNTY  
 TRANSPORTATION & PHYSICAL DEVELOPMENT  
 11660 MYRON RD  
 STILLWATER, MN 55082  
 651-430-4342

INVOICE	
Invoice Number:	74457
Account Number:	27164
Invoice Date:	01/31/13
Amount Remitted:	\$ _____
Federal Tax Id: 41-6005919	
Page:	1

TO: GRANT CITY  
 PO BOX 577

WILLERNIE MN 55090

Terms - Net 30

Please detach and return upper portion with payment.

BCI #	Date	Description	Units	Invoice Amount
		Materials & Miscellaneous		
649274	01/30/13	Snow & Ice Control	187.35	6,646.90
		Total of Materials & Miscellaneous		6,646.90
<p>I declare under the penalties of law that this account claim or demand, is just and correct and no part of it has been paid.</p> <p>Please make check payable to Washington County and mail to the address above.</p> <p>Totals include applicable sales tax.</p>			<b>Invoice Total</b>	\$6,646.90
			<b>Sales Tax</b>	\$0.00
Invoice Number: 74457	Account Number: 27164		<b>Balance Due</b>	\$6,646.90
Invoice Date: 01/31/13	Terms - Net 30			



WASHINGTON COUNTY  
 TRANSPORTATION & PHYSICAL DEVELOPMENT  
 11660 MYRON RD  
 STILLWATER, MN 55082  
 651-430-4342

<b>INVOICE</b>	
Invoice Number:	74507
Account Number:	27164
Invoice Date:	02/07/13
Amount Remitted:	\$ _____
Federal Tax Id: 41-6005919	
Page:	1

TO: GRANT CITY  
 PO BOX 577

WILLERNIE MN 55090

Terms - Net 30

Please detach and return upper portion with payment.

BCI#	Date	Description	Units	Invoice Amount
		Materials & Miscellaneous		
649378	01/31/13	Snow & Ice Control	11.34	276.84
		Total of Materials & Miscellaneous		276.84
I declare under the penalties of law that this account claim or demand, is just and correct and no part of it has been paid.  Please make check payable to <b>Washington County</b> and mail to the address above.  Totals include applicable sales tax.			<b>Invoice Total</b>	\$276.84
			<b>Sales Tax</b>	\$0.00
Invoice Number: 74507	Account Number: 27164	<b>Balance Due</b>		\$276.84
Invoice Date: 02/07/13	Terms - Net 30			



WASHINGTON COUNTY  
 TRANSPORTATION & PHYSICAL DEVELOPMENT  
 11660 MYERON RD  
 STILLWATER, MN 55082  
 651-430-4342

INVOICE	
Invoice Number:	74665
Account Number:	27164
Invoice Date:	02/12/13
Amount Remitted:	\$
Federal Tax Id: 41-6005919	
Page:	1

TO: GRANT CITY  
 PO-BOX 577

WILLERNIE MN 55090

Terms - Net 30

Please detach and return upper portion with payment.

BCI #	Date	Description	Units	Invoice Amount
		Materials & Miscellaneous		
649512	02/11/13	Snow & Ice Control	62.36	2,999.59
		Total of Materials & Miscellaneous		2,999.59
<p>I declare under the penalties of law that this account claim or demand, is just and correct and no part of it has been paid.</p> <p>Please make check payable to <b>Washington County</b> and mail to the address above.</p> <p>Totals include applicable sales tax.</p>			<b>Invoice Total</b>	\$2,999.59
			<b>Sales Tax</b>	\$0.00
Invoice Number: 74665	Account Number: 27164	<b>Balance Due</b>		\$2,999.59
Invoice Date: 02/12/13	Terms: Net 30			



WASHINGTON COUNTY  
 TRANSPORTATION & PHYSICAL DEVELOPMENT  
 11660 MYERON RD  
 STILLWATER, MN 55082  
 651-430-4342

<b>INVOICE</b>	
Invoice Number:	74680
Account Number:	27164
Invoice Date:	02/13/13
Amount Remitted:	\$ _____
Federal Tax Id: 41-6005919	
Page:	1

**TO: GRANT CITY**  
**PO BOX 577**

**WILLERNIE MN 55090**

Terms - Net 30

*Please detach and return upper portion with payment.*

<i>BCI #</i>	<i>Date</i>	<i>Description</i>	<i>Units</i>	<i>Invoice Amount</i>
		Materials & Miscellaneous		
649593	02/13/13	Snow & Ice Control	33.47	1,595.84
Total of Materials & Miscellaneous				1,595.84
<p>I declare under the penalties of law that this account claim or demand, is just and correct and no part of it has been paid.</p> <p>Please make check payable to <b>Washington County</b> and mail to the address above.</p> <p>Totals include applicable sales tax.</p>				<p><b>Invoice Total</b> \$1,595.84</p> <p><b>Sales Tax</b> \$0.00</p>
Invoice Number: 74680	Account Number: 27164	<b>Balance Due</b>		\$1,595.84
Invoice Date: 02/13/13	Terms - Net 30			

KEJ Enterprises

# Invoice

Ken Johnson  
 611 Florence Avenue  
 Mahtomedi, MN 55115

Date	Invoice #
2/22/2013	378

<b>Bill To</b>
City of Grant PO Box 577 Willernie, Minn 55090

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
9.5	Plow streets with large truck 1/27	95.00	902.50
9	Plow streets with small truck 1/27	85.00	765.00
8	plow pick-up 1/27	60.00	480.00
7	Sand streets 1/28	75.00	525.00
11	Sand streets 1/29	75.00	825.00
8.5	Sand streets 1/30	75.00	637.50
7.5	Plow streets with large truck 2/2	95.00	712.50
6	Plow streets with small truck 2/2	85.00	510.00
11	Sand streets 2/3	75.00	825.00
9	Plow streets with large truck 2/4	95.00	855.00
6	Plow streets with small truck 2/4	85.00	510.00
3	plow pick-up 2/4	60.00	180.00
6	Plow streets with large truck 2/5	95.00	570.00
6	Plow streets with small truck 2/5	85.00	510.00
5	plow pick-up 2/5	60.00	300.00
7.5	Plow streets with large truck 2/6	95.00	712.50
9.5	Plow streets with small truck 2/6	85.00	807.50
4	plow pick-up	60.00	240.00
7.5	Plow streets with large truck 2/10	95.00	712.50
12	Plow streets with small truck 2/10	85.00	1,020.00
12.5	Plow streets with large truck 2/11	95.00	1,187.50
9	Plow streets with small truck 2/11	55.00	495.00
4	Sand streets 2/13	75.00	300.00
9.5	Plow streets with large truck 2/14	95.00	902.50
14	Plow streets with small truck 2/14	85.00	1,190.00
4	plow pick-up 2/14	60.00	240.00
10	Sand streets 2/21	75.00	750.00
12	Plow streets with large truck 2/22	95.00	1,140.00
18	Plow streets with small truck 2/22	85.00	1,530.00
3	plow pick-up	0.00	0.00
3.5	Sand streets 2/23	75.00	262.50
<b>Total</b>			<b>\$20,597.50</b>

## Proposal

Date Feb. 26, 2013

To:  
City of Grant

From:  
Dennis Heuer  
9135 64<sup>th</sup> St. N.  
Stillwater, Mn 55082

---

We are pleased to submit this proposal to maintain and mow city hall/picnic area/ball field. Please see the following description of services;

Mow and weed removal of the City Hall/Picnic Area/Ballfield area. Level and drag the ball field infield per city instructions. Pick up garbage on city property.

---

\$90.00 per time when needed

Level and drag ballfield infield between mowing to insure playable / safe infield.

\$33.00 per time when needed

Pre season infield prep will occur as soon as ground is dry enough to begin.

Sincerely

Dennis Heuer  
651-587-5895

# Washington County

**City of Grant**

**City Council Meeting**

**March 5, 2019**



# **Grant Council Meeting**

## **What we will cover today.....**

- Pavement Management
- Pavement Condition Index
- County Performance Measure - Average PCI
- Visual Examples of PCI
- Minimum PCI – Red, Yellow & Green Zones
- Trending Issues
- 2013, 2014 & 2015 List of Projects
- Funding Summary
- Questions

# Pavement Management

- **Process**
  - **Of planning**
    - maintenance
    - repair of a network of roadways
- **Goal**
  - To optimize pavement conditions over the **entire network.**

# Pavement Management

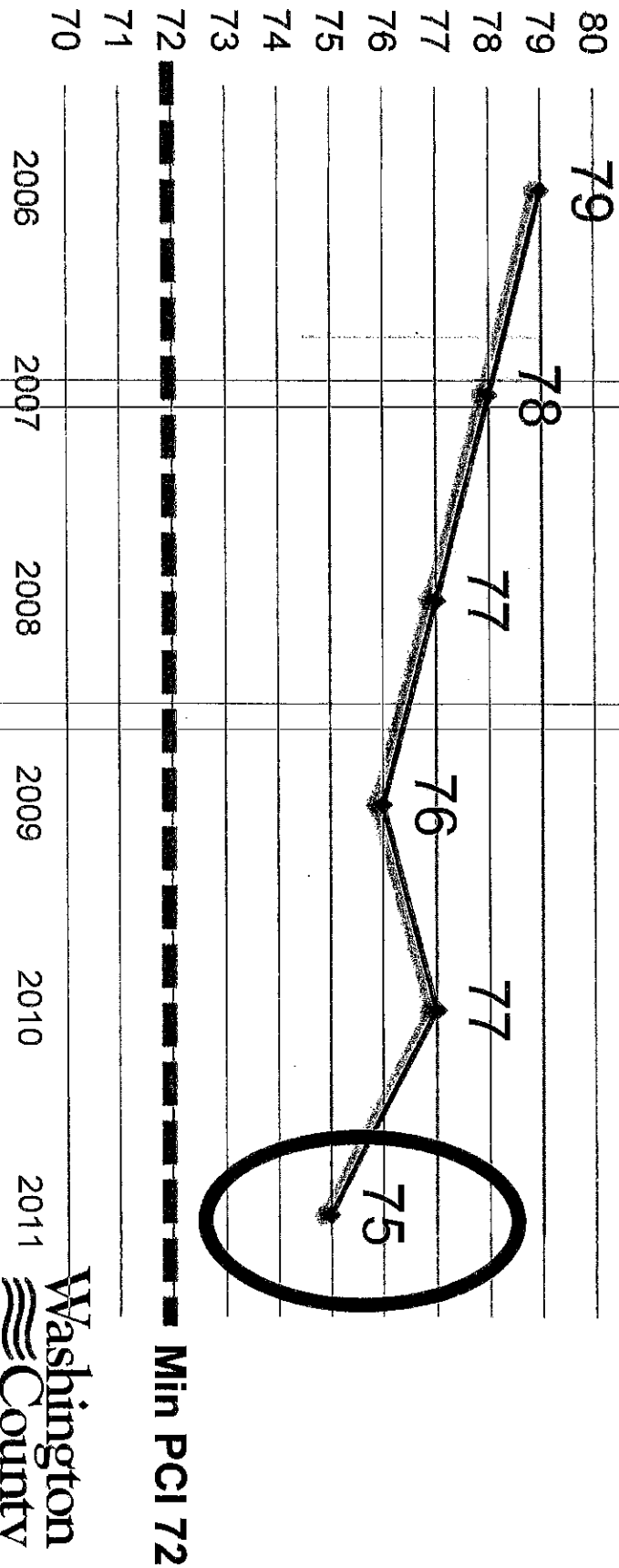
- How does Washington County do this?
  - “Measure” each road, every 3 years
  - Provide a score for each road
    - Pavement Condition Index (PCI)
    - Scale 1-100
  - Use estimates during non-measure years
  - Performance Measurement tied to pavement performance
    - Report to the County Board every year

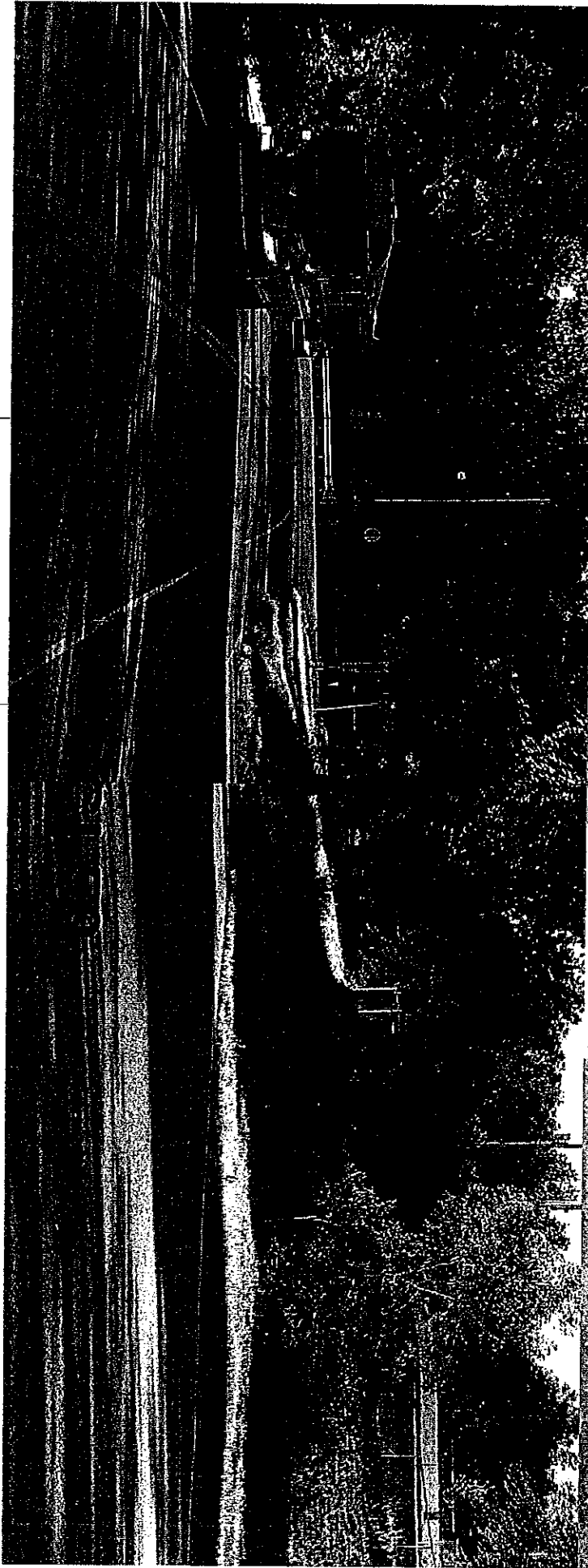
# Pavement Condition Index (PCI) Performance Measurement

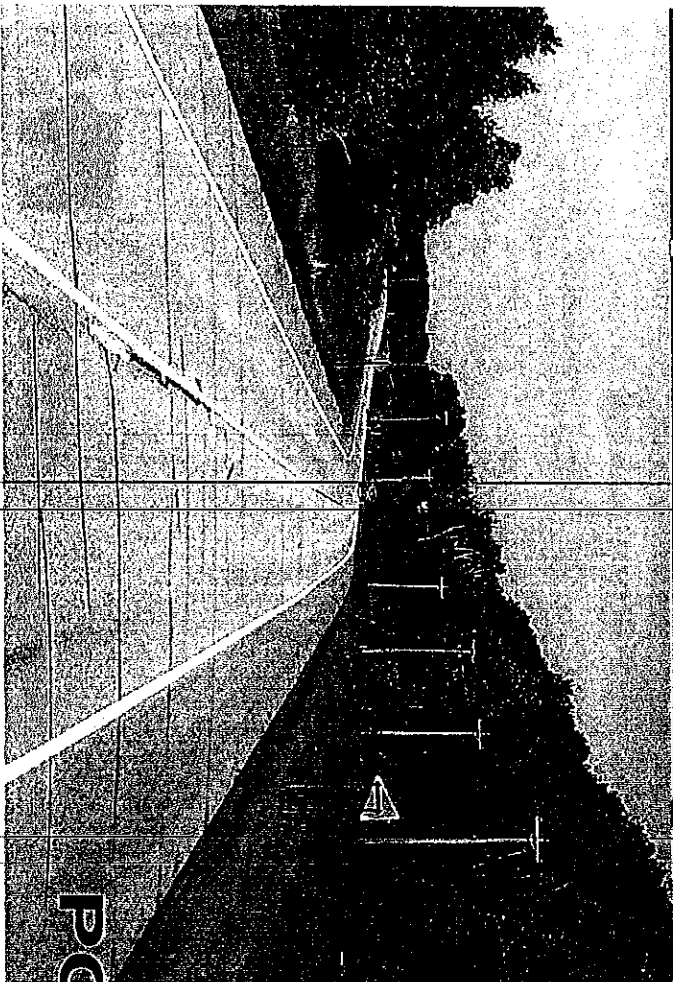
## Measure Goals are:

- An Average System PCI of 72
- A System minimum PCI of 40
- Use PCI to create a cost effective

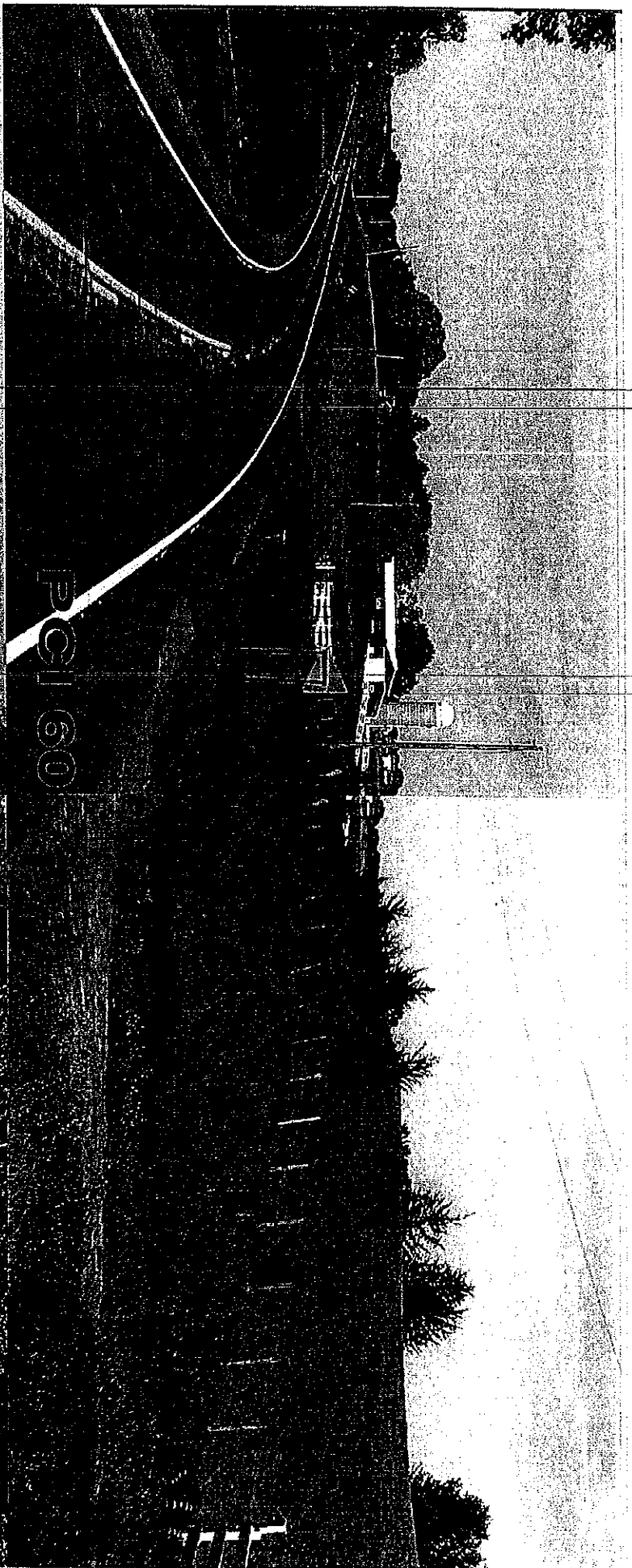
System Average PCI



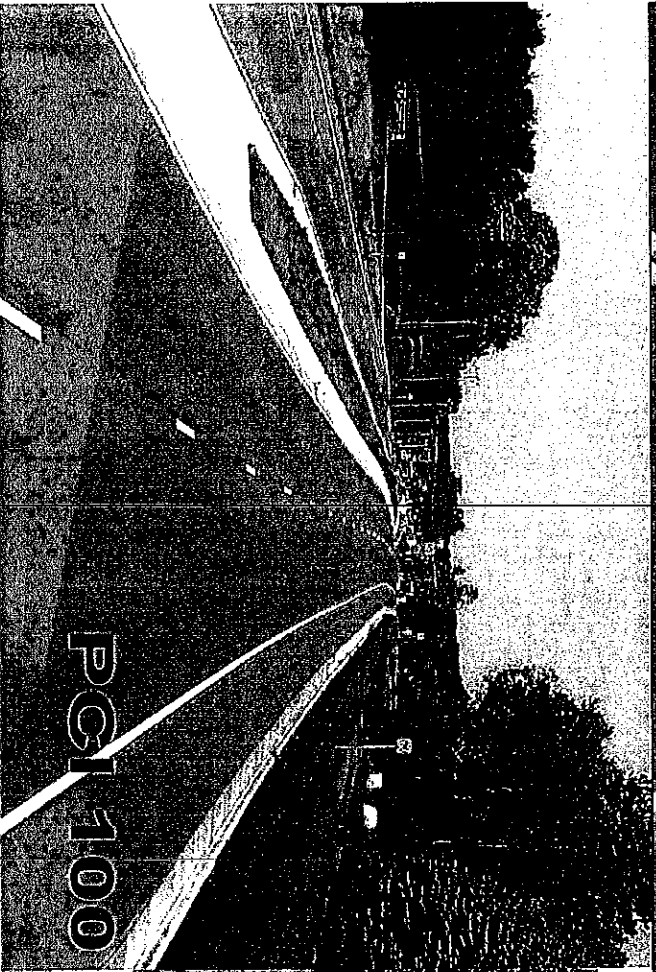




PCI 72



PCI 60



PCI 100



PCI 86



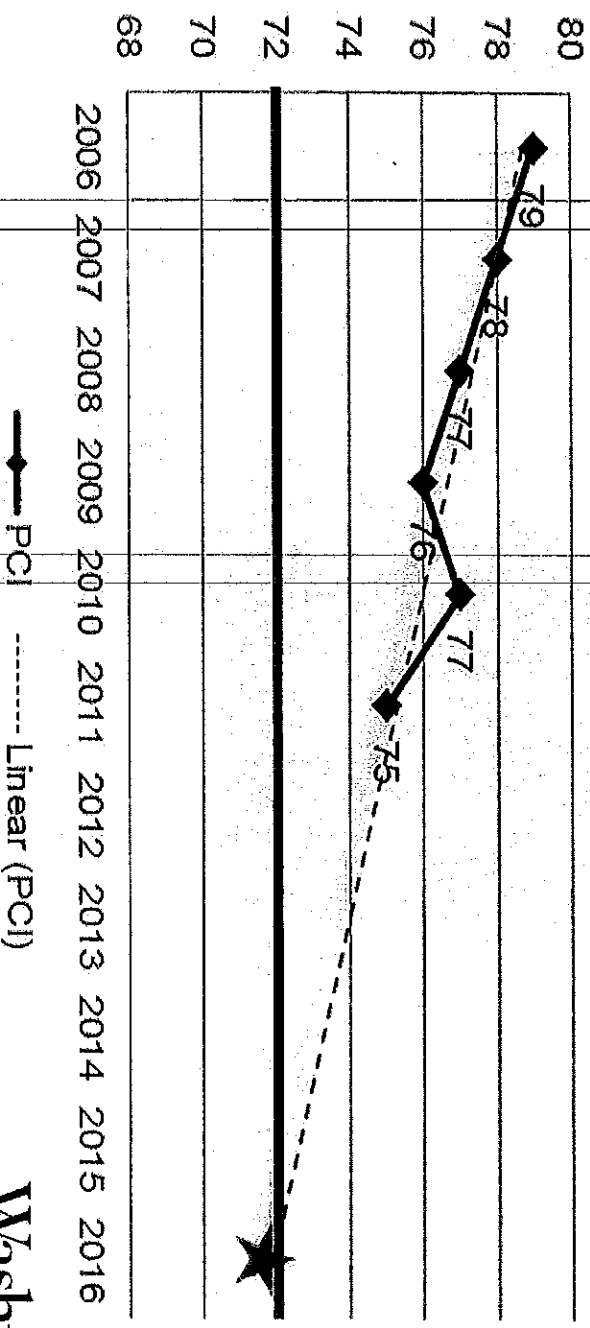
# Pavement Condition Index (PCI)

## Where are we headed?

An Average System PCI of 72

- Average System PCI is 75
- This is trending downward.
- With current investment, expect at 72 by 2016

### PCI Trendline



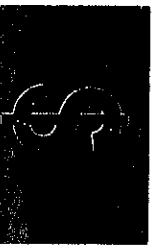
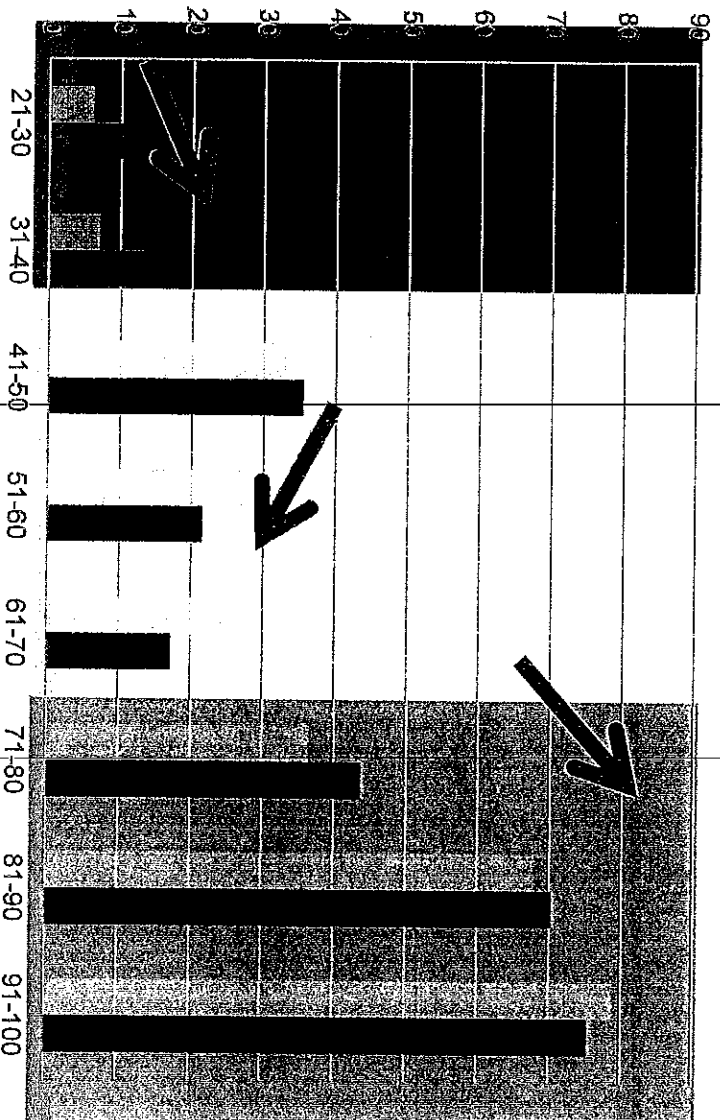
—◆— PCI      - - - - - Linear (PCI)



# Pavement Condition Index (PCI)

## Minimum PCI - 40

PCI by Centerline Mile



\$



Cost to get to GREEN

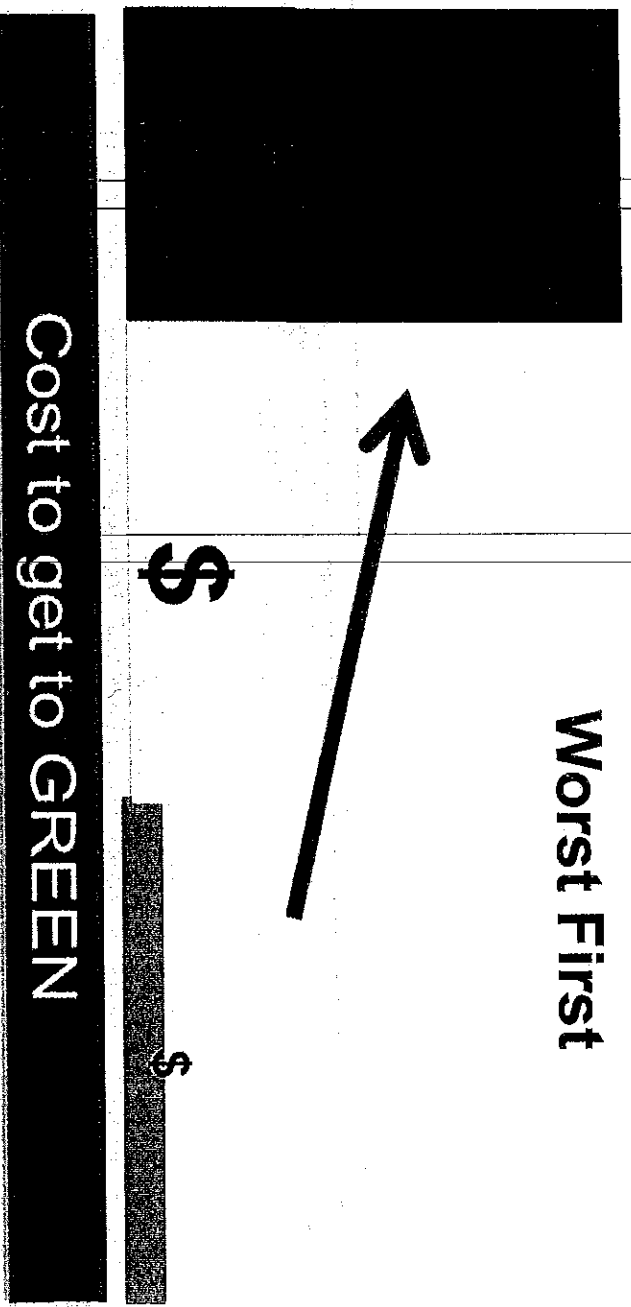
- System minimum PCI of 40
- 25 miles below 40

### Future Trends

- Will always have bad roads
- Limited Funding, unlimited wants/needs.
- Downward Trend in PCI
  - Costs rising
- Condition of worst roads noticed
- Complaints continue
- Expectations are not met

# Why don't you just pave the red zone roads first?

Worst First



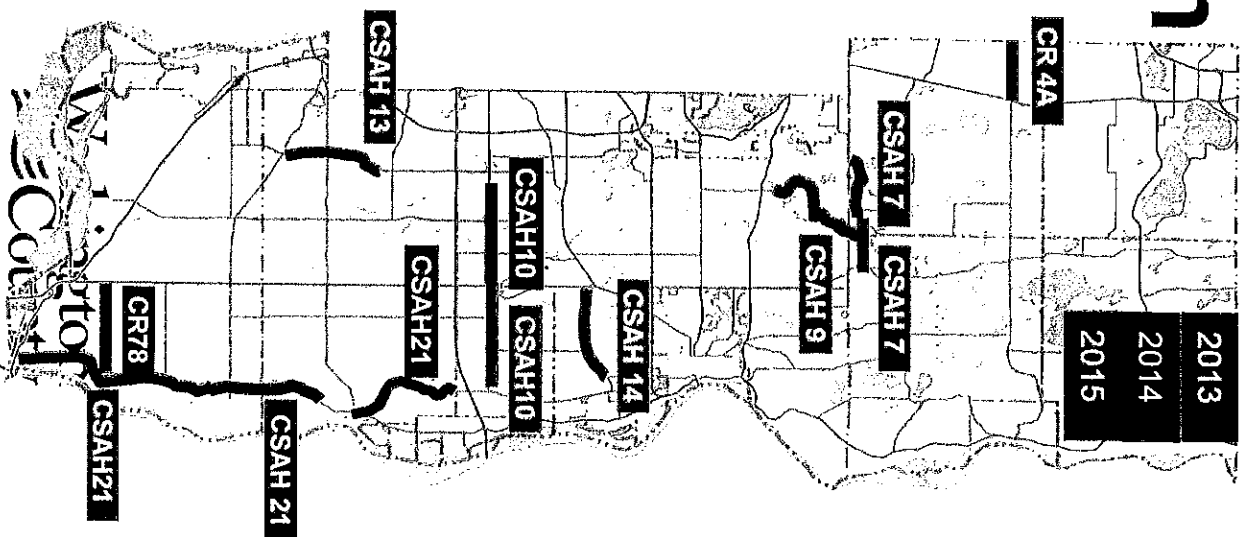
Right Road at the Right Time:  
Condition, cost, ADT, Region, System Continuity

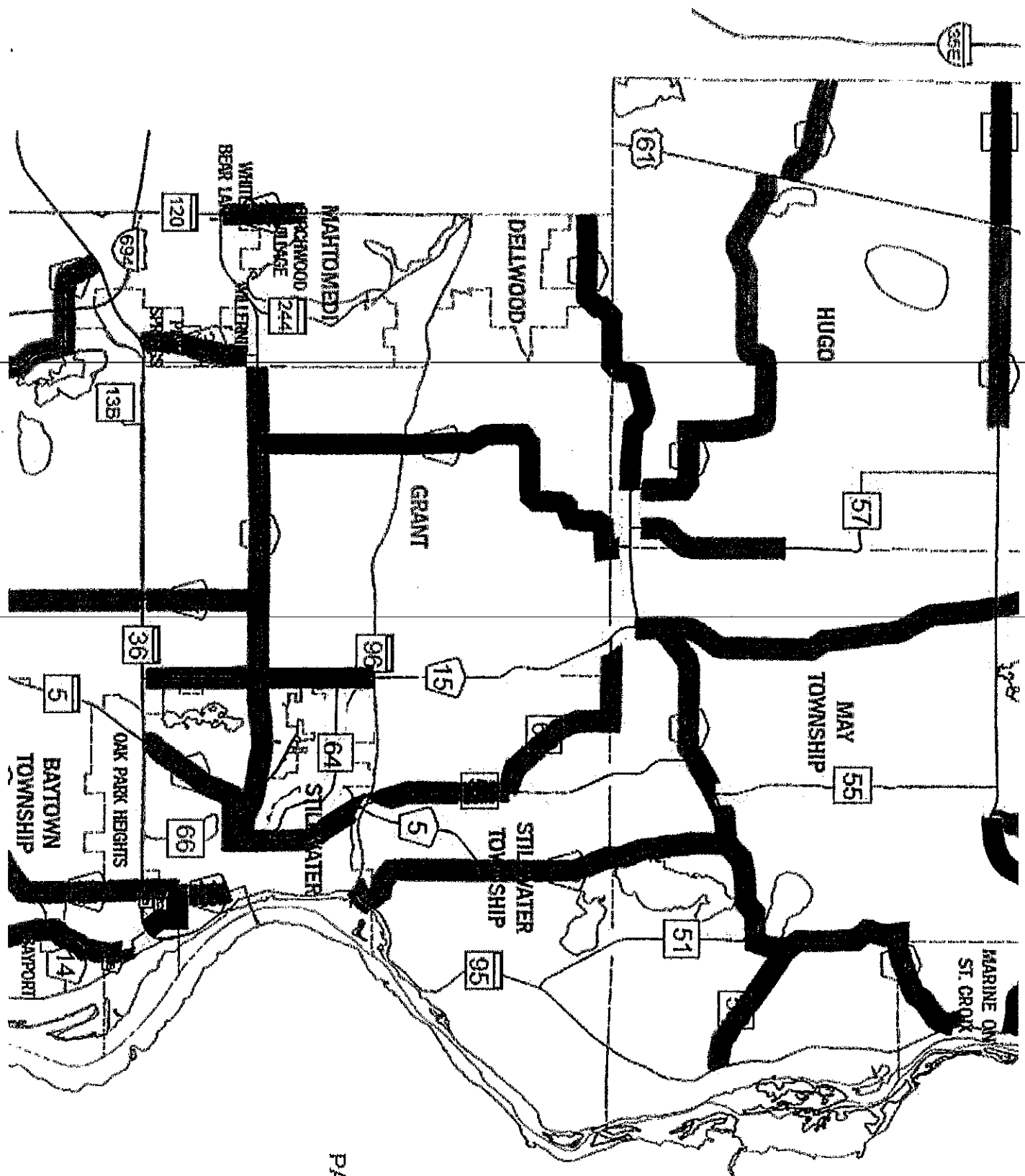
# 2013 Transportation Capital Pavement Preservation

Project	Cost	PCI
2013		
CR4A – County Line to TH 61	\$720,000	35
CSAH 13 – CSAH 20 to Hargis Pkwy	\$420,000	44
CSAH 7 – County Line to Irish Ave	\$1,020,000	46
CSAH 7 – Irish Ave to CSAH 15	\$986,000	58
CSAH 14 – CSAH 15 to Railroad	\$496,000	82
Trails/Engineering/Crack Seal/Chip Seal/Contingency	\$542,300	
<b>Total 2013</b>	<b>\$4,184,300</b>	

# 2013 Transportation Capital Pavement Preservation

Project	Cost	PCI
2014		
CSAH 21 – 80 <sup>th</sup> Street to 46 <sup>th</sup> Street	\$1,190,000	35
CSAH 21 – CSAH 18 to Hudson Road South	\$1,105,000	39
CR 78 – CSAH 21 to TH 95	\$1,020,000	42
CSAH 10 – 600' E of CSAH 13 to CSAH 15	\$544,000	62
Trails/Engineering/Crack Seal/Chip Seal/Contingency	\$325,000	
<b>Total 2014</b>	<b>\$4,184,000</b>	
2015		
CSAH 9 – 1 mile N of TH 96 to CSAH 7	\$1,074,400	28
CSAH 21 – TH 10 to CR 78	\$1,054,000	49
CSAH 21 – CR 78 to 80 <sup>th</sup> Street	\$1,054,000	35
CSAH 10 – CSAH 15 to CSAH 21	\$510,400	79
Trails/Engineering/Crack Seal/Chip Seal/Contingency	\$490,000	
<b>Total 2015</b>	<b>\$4,182,800</b>	





PAVEMENT CONDITIC

- GOOD
- FAIR
- POOR

# 2013 - 2017 Pavement Preservation Funding

ANNUAL BUDGET SUMMARY	
Funding Type	Amount
Wheelage Tax	\$ 980,000
County Levy	\$ 1,204,300
County State Aid	\$ 1,000,000
County Program Aid **	\$ 1,000,000
<b>Total</b>	<b>\$ 4,184,300</b>

# Summary

- Pavement Management
- Pavement Condition Index
- County Performance Measure - Average PCI
- Visual Examples of PCI
- Minimum PCI – Red, Yellow & Green Zones
- 2013, 2014 & 2015 List of Projects
- Funding Summary
- Questions

# Questions ?







*Memorandum*

*To: Honorable Mayor and City Council, City of Grant  
Kim Points, Administrator/Clerk, City of Grant*

*From: Phil Olson, PE, City Engineer  
WSB & Associates, Inc.*

*Date: February 26, 2013*

*Re: March Staff Report - Engineering*

**A. Agenda Items**

- i. **MS4 SWPPP Public Hearing:** As part of the Municipal Separate Storm Sewer System (MS4) permit, the Minnesota Pollution Control Agency (MPCA) requires the City to hold an annual public hearing to review the permit status. Staff will present background and update information at the Council meeting prior to opening the public hearing.
- ii. **Staff Report/Council Update:**
  - a. **Siren Coverage Map:** Barr Engineering is currently working on a siren coverage map. The map will show potential locations for future sirens to provide the entire city with coverage. The map will be completed by the April Council meeting.
  - b. **Emergency Preparedness Grant:** The emergency preparedness grant applications for new sirens will be made available to cities within the next few months. The timing will allow the City to finalize the siren coverage map so it can be included in the grant application submittal. I will update Council again when we are able to apply for a grant.
  - c. **Oak Park Heights Well Head Protection Plan (WHPP) Review:** We have reviewed the WHPP for Oak Park Heights and have no comments on behalf of Grant. A letter has been mailed to Oak Park Heights letting them know that the City has no comments. The letter is also attached.
  - d. **Mahtomedi Elementary School Landscape Escrow:** The school district has requested a refund for the landscaping escrow. A final landscape inspection of the entire site is required prior to refunding the escrow.
  - e. **Seal Coating Project:** I am working on a multiple year seal coat plan. The plan should be ready for review in April.

If you have any questions, please contact me at 763-512-5245.



engineering · planning · environmental · construction

701 Xenia Avenue South  
Suite 300  
Minneapolis, MN 55416  
Tel: 763-541-4800  
Fax: 763-541-1700

February 25, 2013

---

Mr. Erie Johnson  
City Administrator  
City of Oak Park Heights  
14168 Oak Park Blvd. N.  
Box 2007  
Oak park Heights, MN 55082

Re: Opportunity for Review and Comment  
Oak Park Heights, MN - Well Head Protection Plan – Part 1

---

Dear Mr. Johnson:

On behalf of the City of Grant, we have reviewed the above referenced document and no exceptions are taken. We have noted that portions of the City of Grant are located in Oak Park Heights' Drinking Water Supply Management Area (DWSMA).

Sincerely,

*WSB & Associates, Inc.*

A handwritten signature in black ink, appearing to read "BJ Bonin".

BJ Bonin, PG  
Engineering Geologist

St. Cloud • Minneapolis • St. Paul  
Equal Opportunity Employer  
wsbeng.com

## MEMORANDUM

<b>To:</b> Mayor and Grant City Council	<b>Date:</b> February 26, 2013
<b>CC:</b> Kim Points, City Clerk	<b>RE:</b> Staff Report
Nick Vivian, City Attorney	
<b>From:</b> Jennifer Haskamp, City Planner	

### Staff Report

#### *Fee Schedule – Pre Application Meeting Flat Fee*

A couple of weeks ago staff was contacted by the owner of Indian Hills golf course to discuss the potential for a future subdivision. The early discussions revealed that the owner was not quite ready to make a formal application, but had some questions for staff related specifically to the property and the ordinance, which would help in his decision making for moving forward. In response, staff has proposed the addition of a Pre-application meeting to the fee schedule in an effort to better accommodate these requests in the future. The proposed pre-application meeting fee covers a short meeting, travel time, and preliminary due diligence.

#### *Kelley Lot Line Rearrangement – COC*

At the regular January city council meeting, the Kelley Lot Line Rearrangement application was before you and was unanimously approved. Included within the conditions of the lot line rearrangement was the requirement that a Certificate of Compliance (COC) be obtained for the home occupation and associated storage. Staff received the application shortly after the council meeting, and issued the COC to the applicant. Additionally, there was some discussion with respect to the additional density unit credit associated with the subject property. Since the meeting, staff has received a written confirmation of which property should receive the density unit credit, and has placed it in the property address file.

#### *Other*

- » Council Goal Setting Session – staff discussed with the Administrator/Clerk the outcome of the goal setting session. Staff understands that there is desire to make some small ordinance updates/revisions. Staff will be looking for further direction from the Council, as well as any proposed schedule related to the changes.
- » Staff has been in contact with the owners at the Indian Hills Golf Course and they have informed me that they are likely to make an application under the 'other land uses' to begin the process for a subdivision. Staff will keep you informed if an application is received.

**ECKBERG LAMMERS**  
**MEMORANDUM**

---

**TO:** Honorable Mayor and City Council Members  
**FROM:** Nicholas J. Vivian, City Attorney  
**DATE:** February 26, 2013  
**RE:** Staff Report for March City Council Meeting

Please be advised our office is presently working on the following matters on behalf of the City of Grant:

**Charter Commission**

The City Council's Resolution Petitioning the Court for the Appointment of a Charter Commission was submitted to Chief Judge John Hoffman. A copy of the letter to Judge Hoffman is attached for your review.

**Harmony Horse Farm**

A letter has been drafted to the owner of Harmony Horse Farm advising the owner of the zoning violations and the requirement vacate the buildings which are not in compliance with the State Building Code. If no response is received, formal legal action be taken against the owner to encourage compliance with the City's Code.

**Citizen Complaints**

Responses to three citizen complaints were drafted and forwarded to the complainants.

Please call with any comments or questions.



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February 14, 2013

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**VIA EMAIL AND U.S. MAIL**

The Honorable John C. Hoffman  
Chief District Court Judge for the 10<sup>th</sup> Judicial District  
14949 - 62nd Street North  
Stillwater, Minnesota 55082

[www.eckberglammers.com](http://www.eckberglammers.com)

**Re: Court Appointment of Charter Commission in Accordance with Minn. Stat. §410.05**

Dear Judge Hoffman:

This law firm serves as the City Attorney for the City of Grant. I write to you in your capacity as Chief Judge for the 10<sup>th</sup> Judicial District of the State of Minnesota. In accordance with Minn. Stat. §410.05, the City of Grant recently adopted a Resolution Petitioning the Court for the appointment of a Charter Commission. Upon receiving such a resolution, the Chief Judge of the District Court has a mandatory obligation to appoint a Charter Commission. This letter is intended to (1) familiarize the Court with the City of Grant, (2) discuss the process for the initial appointment of a Charter Commission, and (3) outline the specific findings and requests contained within the Grant City Council's Resolution.

The City of Grant (the "City") is a small rural Washington County community located north of Highway 36 between the City of Stillwater and the City of Mahtomedi. The City of Grant is presently a statutory city existing under the laws of the State of Minnesota and has a population of approximately 4,000 people. Until 1996, it was a township. In 1996, the City incorporated. During the 2012 election cycle, residents of the City began discussing the possibility of moving from a statutory form of government to the home rule charter form of government.

The home rule charter form of government presents many potential opportunities for the City of Grant. For example, if approved by the electorate, this form of government may serve to involve residents in the development of a city charter and may provide the City with greater flexibility to make changes to its charter to better address the needs and concerns of its residents. The home rule charter form of government may allow the city charter to address many issues that are not presently regulated by State law or the City's Code of Ordinances. Finally, it may allow the City to operate more efficiently and with greater response to the needs of the residents of the City of Grant.

There are also a number of challenges presented by the home rule charter form of government including the difficulty and cost of drafting a comprehensive charter which addresses all of the issues facing the City and which can gain the approval of the City's electorate.

ECKBERG, LAMMERS, BRIGGS, WOLFF & VIERLING, PLLP

Family Law / Divorce • Business and Commercial Law • Criminal Law • Personal Injury / Wrongful Death  
Estate Planning / Probate • Real Estate • Land Use Law • Mediation • Municipal Law • Civil Litigation

Honorable John C. Hoffman  
February 14, 2013

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Given resident interest, the Grant City Council felt it important to support the effort and directly petition the Court for appointment of a Charter Commission. On February 5, 2013, by a unanimous 5-0 vote, the City Council adopted Resolution No. 2013-08 petitioning the Court for the appointment of a Charter Commission in accordance with Minn. Stat. §410.05 (the "Statute"). Subdivision 1 of the Statute provides:

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**"When the district court of the judicial district in which a city is situated, deems it for the best interest of the city so to do, the court, acting through its chief judge, may appoint a charter commission to frame and amend a charter. Upon presentation of a petition requesting such action, signed by at least ten percent of the number of voters of the city, as shown by the returns of the last regular city election, or upon resolution of the governing body of the city requesting such action, the court shall appoint a charter commission."** Emphasis Added.

The Statute further states, "[t]he commission shall be composed of not less than seven nor more than 15 members, each of whom shall be a qualified voter of the city. The size of the commission shall be determined within the above limits by the court, except that where the commission is appointed pursuant to a petition of the voters or resolution of the governing body of the city, the size of the commission shall be as specified in such petition or resolution." The Council Resolution seeks the creation of a nine (9) member Charter Commission.

Subdivision 3 of the Statute indicates that the city council requesting the appointment of a charter commission may submit to the court the names of eligible nominees which the District Court may consider in making appointments to the charter commission. The Council Resolution recommends the following eligible nominees for the Court's consideration in appointing the Charter Commission: Mayor Tom Carr, Council Member Steve Bohnen, Council Member Scott Fogelson, Council Member Jeff Huber, and Council Member Tina Lobin. In addition to the five current City Council members, the Court will be required to appoint four additional members. The City stands ready and willing to assist the Court with a recommendation for the additional four members to the Charter Commission. Provided the Court is interested in receiving the additional recommendation from the City, names will be forwarded to the Court for its consideration.

Subdivision 2 of the Statute provides that appointments shall be made by Order filed with the Court Administrator of the District Court. An appointee who neglects to file with the Court Administrator a written acceptance and oath of office within 30 days of the appointment, shall be deemed to have declined the appointment and the place shall be filled as though the appointee had resigned.

For the Court's convenience, I have attached both a copy of the Statute and Chapter 4 of the League of Minnesota Cities Handbook entitled, "The Home Rule Charter City." Aside from these materials, it does not appear that any cases have addressed the specific procedure for the appointment of a Charter Commission under the Statute. My reading of the Statute indicates that the Court has the discretion to appoint members to the Charter Commission in any manner it sees fit.

Honorable John C. Hoffman  
February 14, 2013

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In addition to the initial appointment of members, the District Court retains the authority to remove members and appoint members when vacancies arise. By law, only the Charter Commission itself and the City's electorate have the authority to dissolve the Charter Commission.

Finally, the Charter Commission is required to submit to the Chief Judge of the District Court, on or before December 31 of each year, an annual report outlining its activities and accomplishments for the preceding calendar year.

After you have had the opportunity to review the Council Resolution, the Statute and the League Handbook, if you have any questions or require any additional information, please contact me. I would be happy to meet with you to discuss this process. Additionally, if you would like the City's recommendations regarding the appointment of the additional four members, please advise and I will put together a list of qualified individuals for the Court's consideration.

I appreciate your review of this matter and look forward to working with you on the appointment of the City of Grant's Charter Commission.

---

Sincerely,



Nicholas J. Vivian  
Grant City Attorney

Enclosures

cc: City of Grant



**RESOLUTION NO. 2013-08**

**RESOLUTION PETITIONING DISTRICT COURT  
FOR APPOINTMENT OF A CHARTER COMMISSION  
IN ACCORDANCE WITH MINN. STAT. §410.05, SUBD. 1.**

**WHEREAS**, the City of Grant is a statutory city; and

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**WHEREAS**, in 2012 residents of the City of Grant discussed with the Grant City Council the possibility of the City moving toward a charter form of government; and

**WHEREAS**, the residents identified a number of potential advantages in converting from a statutory city to a home rule charter; and

**WHEREAS**, the charter form of government may serve to involve residents in the development of the a city charter; and

---

**WHEREAS**, the charter form of government may provide the City with greater flexibility to make changes to its charter to better address the needs and concerns of the residents of the City of Grant; and

**WHEREAS**, the charter form of government may allow the city charter to address many issues that are not presently regulated by State law or the City's Code of Ordinances; and

**WHEREAS**, the charter form of government may allow the City to operate more efficiently and with greater response to the needs of the residents of the City of Grant; and

**WHEREAS**, the Grant City Council has discussed the opportunities presented by the appointment of a Charter Commission for the purpose of determining whether a charter should be presented to the residents of the City of Grant for approval; and

**WHEREAS**, the Grant City Council desires to have a charter commission appointed by the District Court; and

**WHEREAS**, in accordance with Minn. Stat. §410.05, subd. 1., "When the district court of the judicial district in which a city is situated, deems it for the best interest of the city so to do, the court, acting through its chief judge, may appoint a charter commission to frame and amend a charter;" and

**WHEREAS**, upon resolution of the governing body of the city requesting such action, "the Court shall appoint a charter commission;" and

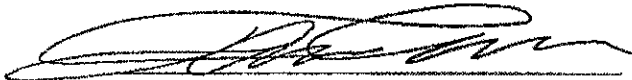
**WHEREAS**, the commission shall be composed of not less than seven members, and not more than fifteen members, each of whom a qualified voter of the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Grant, Minnesota as follows:

1. The Grant City Council deems it in the best interest of the City to petition the District Court for the appointment of a Charter Commission.
  2. In accordance with Minn. Stat. §410.05, subd. 1., the Grant City Council hereby petitions the District Court for the Tenth Judicial District of the State of Minnesota to appoint a Charter Commission to frame a charter for the City of Grant.
  3. The Charter Commission shall consist of nine members.
- 
4. In accordance with Minn. Stat. §410.05, subd. 3, the Grant City Council submits the names of the following eligible nominees for the Court's consideration in appointing the Charter Commission: Mayor Tom Carr, Council member Steve Bohnen, Council member Scott Fogelson, Council member Jeff Huber, Council member Tina Lobin.

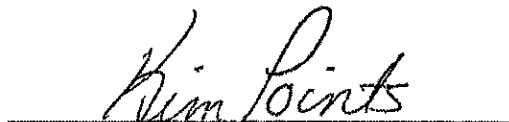
Passed and Adopted by the Council on this 5th day of February, 2013.

**CITY OF GRANT:**



By: Tom Carr  
Its: Mayor

**ATTEST:**



By: Kim Points  
Its: Administrator/Clerk

## 2012 Minnesota Statutes

### 410.05 CHARTER COMMISSION.

**Subdivision 1. Appointment.** When the district court of the judicial district in which a city is situated, deems it for the best interest of the city so to do, the court, acting through its chief judge, may appoint a charter commission to frame and amend a charter. Upon presentation of a petition requesting such action, signed by at least ten percent of the number of voters of the city, as shown by the returns of the last regular city election, or upon resolution of the governing body of the city requesting such action, the court shall appoint a charter commission. The commission shall be composed of not less than seven nor more than 15 members, each of whom shall be a qualified voter of the city. The size of the commission shall be determined within the above limits by the court, except that where the commission is appointed pursuant to a petition of the voters or resolution of the governing body of the city, the size of the commission shall be as specified in such petition or resolution. Any city may by charter provision fix the size of the charter commission at a figure which shall not be less than seven nor more than 15 members, and such charter provision shall prevail over any inconsistent provisions of this subdivision. Except as otherwise provided in the charter, no person shall be disqualified from serving on a charter commission by reason of holding any other elective or appointive office other than judicial. The charter may provide that members of the governing body of the city cannot serve on the charter commission.

**Subd. 2. Commission members; terms, vacancies.** Charter commission members shall hold office for the term of four years, and until their successors are appointed and qualify, except that of members initially appointed after July 1, 1967, eight shall be appointed for two-year terms and seven for four-year terms. Vacancies in the commission shall be filled by appointment of the chief judge for the unexpired terms. Upon the expiration of each term, the chief judge shall appoint new commission members. If the chief judge fails to appoint new commission members within 30 days then thereafter the governing body of the city shall, appoint new commission members, unless within the 30-day period the chief judge indicates in writing to the governing body an intention to appoint new members, in which case the chief judge shall have an additional 60 days within which to make the appointment. Appointments shall be made by order filed with the court administrator of the district court. An appointee who neglects to file with the court administrator within 30 days a written acceptance and oath of office shall be deemed to have declined the appointment and the place shall be filled as though the appointee had resigned. The charter commission, within 30 days after the initial appointment of the commission, shall make rules, including quorum requirements, with reference to its operations and procedures. The commission shall submit to the chief judge of the district court, on or before December 31 of each year, an annual report outlining its activities and accomplishments for the preceding calendar year. The commission shall forward a copy of the report to the clerk of the city. Any member may be removed at any time from office, by written order of the district court, the reason for such removal being stated in the order. When any member has failed to perform the duties of office and has failed to attend four consecutive meetings without being excused by the commission, the secretary of the charter commission shall file a certificate with the court setting forth those facts and the district court shall thereupon make its order of removal and the chief judge shall fill the vacancy created thereby.

**Subd. 3. Commission appointments; nominees.** A city council, a charter commission, or the petitioners requesting the appointment of a charter commission may submit to the court the names of eligible nominees which the district court may consider in making appointments to the charter commission.

**Subd. 4. Commission meetings.** The charter commission shall meet at least once during each calendar year, and upon presentation of a petition signed by at least ten percent of the number of voters of the municipality, as shown by the returns of the last annual municipal election, or upon resolution approved by a majority of the governing body of the city requesting the commission to convene, the commission shall meet to consider the proposals set forth in such petition or resolution.

**Subd. 5. Discharge.** (a) A charter commission in a statutory city may be discharged as follows:

(1) if the charter commission of a statutory city determines that a charter is not necessary or desirable, the commission may be discharged by a vote of three-fourths of its members; or

(2) if a petition signed by registered voters equal in number to at least five percent of the registered voters in the city requesting a referendum to discharge the charter commission is filed with the city clerk, an election must be held on the issue at a general election or a special election pursuant to section 205.10. If a majority of the votes cast support the referendum, the charter commission shall be discharged.

(b) Another commission may not be formed sooner than one year from the date of discharge.

**History:** (1269) RL s 749; 1909 c 423; 1913 c 535 s 1; 1949 c 210 s 1; 1959 c 305 s 5; 1961 c 608 s 1; Ex 1967 c 33 s 1; 1971 c 208 s 1-3; 1973 c 123 art 5 s 7; 1976 c 44 s 20; 1979 c 330 s 3; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1987 c 51 s 1; 2004 c 197 s 1, 2; 2008 c 331 s 6

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**PART I**  
**FORM AND STRUCTURE OF THE MINNESOTA CITY**

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**CHAPTER 4: THE HOME RULE CHARTER CITY**

I.	Home rule in Minnesota .....	3
A.	Distinction between home rule charter and statutory cities.....	3
II.	The home rule charter.....	4
A.	Forms of city organization.....	4
1.	Weak mayor-council .....	4
2.	Strong mayor-council.....	4
3.	Council-manager .....	4
4.	Commission .....	5
B.	Advantages of a home rule charter .....	5
C.	Disadvantages of a home rule charter.....	6
D.	Essentials of a good home rule charter.....	6
III.	The charter commission .....	7
A.	Creation .....	7
B.	Commission members .....	8
1.	Appointment.....	8
2.	Vacancies .....	8
C.	Purpose and functions.....	9
D.	Dissolution.....	9
IV.	The charter process.....	10
A.	Drafting .....	10
1.	Professional assistance .....	10
2.	Community involvement.....	10
B.	Election.....	11
1.	Charter campaign .....	11
2.	Ballot.....	12
3.	Ratification.....	12
4.	Filing.....	12
5.	Effective date .....	12
6.	Rejected charters .....	13
C.	Amendments .....	13
1.	Amendment by proposal .....	13
a.	Charter commission.....	13
b.	Citizen petition .....	13
c.	Process and procedure .....	14

2.	Amendment by ordinance .....	14
a.	City council .....	14
b.	Charter commission.....	14
c.	Cities of the fourth class .....	15
3.	Elections.....	15
4.	Notice.....	15
D.	New or revised charters.....	15
E.	Abandoning a home-rule charter.....	15
V.	General powers.....	16
VI.	Charter subjects and provisions.....	17
A.	Taxes .....	17
B.	Finance .....	17
C.	Utilities .....	17
1.	Municipal utilities .....	17
2.	Regulation .....	18
D.	Ordinances.....	18
1.	Procedures.....	18
2.	Initiative and referendum .....	18
E.	Elections .....	18
F.	Elected officials.....	18
1.	Wards .....	18
2.	Removal by the council.....	19
3.	Recall .....	19
4.	Term limits.....	19
G.	City personnel.....	19
1.	Delegation of powers .....	19
H.	Contracts.....	20
I.	Accounting .....	20
J.	Licensing and regulation .....	20
K.	Special assessments.....	20
L.	Real estate.....	21
M.	Liability .....	21
VII.	Conflicts with state law .....	21
A.	General rule .....	21
B.	Identifying conflicts.....	21
C.	Resolution.....	22
VIII.	How charter cities should use the LMC handbook.....	22

# Chapter 4

## The home rule charter city

Minnesota has two basic types of cities: statutory cities, those operating under the statutory city code; and home rule charter cities, those operating under a local charter. This chapter examines the organization and general powers of a home rule charter city.

### I. Home rule in Minnesota

Minn. Const. art. XII, § 4.  
Minn. Stat. Ch 410.

The Minnesota Constitution permits the Legislature to establish home rule charter cities, counties, and other units of local government. State statutes enacted under this constitutional authority authorize cities to adopt home rule charters. Any city may adopt a home rule charter. Of the 854 cities in the state, 107 are currently operating under a voter-approved home rule charter.

See Part VII – *Conflicts with state law*;

Home rule charter cities can exercise any powers in their locally adopted charters as long as they do not conflict with state laws. Conversely, charter provisions can specifically restrict the powers of a city. As a result, voters in home rule cities have more control over their city's powers.

#### A. Distinction between home rule charter and statutory cities

Minn. Stat. Ch 412.

The major difference between home rule cities and statutory cities in Minnesota is the kind of enabling legislation from which they gain their authority. Statutory cities derive their powers from Chapter 412 of Minnesota Statutes, commonly known as the statutory city code ("city code"). Home rule cities obtain their powers from a home rule charter. The distinction between home rule cities and statutory cities is one of organization and powers, not differences in population, size, location, or other physical features.

See Part III – *The charter commission*.

Minn. Stat. § 410.33.  
Minn. Stat. Ch 412.

Despite this distinction, home rule charter cities are often interested in the statutory city code. For example, a charter commission will often review Chapter 412 when drafting amendments to the charter. In addition, when a charter is silent on a matter addressed in the statutory city code (or other general law), the home rule charter city can generally use that statutory authority as well.

Statutory cities are sometimes interested in home rule charters themselves. This may occur when problems arise that cannot be solved under the statutory city code. When a statutory city finds itself in such a situation, it can either request that the Legislature change the city code (or adopt a special law for that specific city), or it can become a home rule city with a charter provision that provides the necessary authority.

## II. The home rule charter

Home rule charters are, in effect, local constitutions. State laws give cities a wide range of discretion to draft charters that will meet the specific needs of the community.

### A. Forms of city organization

Minn. Stat. § 410.16.  
Handbook, Chapter I.

The charter may provide for any form of municipal government that is consistent with state laws that apply uniformly to all cities in Minnesota. Home rule charter cities in Minnesota have operated under the following four forms of city government. An individual charter may, however, alter some of these features.

#### 1. Weak mayor-council

The weak mayor-council plan is the most predominant form of city organization and is used by 74\* of the 107 home rule charter cities. Under this plan, administrative and legislative authority is the council's ultimate responsibility. The powers of the mayor are generally no greater (or less) than those of any other member of the council. No individual councilmember holds any specific administrative powers.

#### 2. Strong mayor-council

The strong mayor-council plan is not very common in Minnesota. This plan is used by only three\* home rule charter cities: St. Paul, Duluth, and St. Cloud. Under this plan, the mayor is responsible to the council for the operation of all administrative agencies. Under the usual strong mayor-council plan, the mayor can generally appoint and remove subordinates, is not a councilmember but can veto council legislation, and prepares and administers a budget that is subject to council approval. The chief functions of the council are to legislate and set policies.

\*Northfield is sometimes classified as a strong mayor-council city. While its mayor is provided some additional authority under the Northfield City Charter, Northfield does not operate under the typical strong mayor-council form of city government.

#### 3. Council-manager

Under the council-manager form of government, the council has policy-making and legislative authority, but the administration is the responsibility of an *appointed* manager who answers directly to the council. Thirty Minnesota home rule cities use the council-manager plan.



## 4. Commission

Under the commission form of government, each elected councilmember is responsible for a particular administrative department. So, in addition to having duties as a legislative official, the councilmember is also a department head. The commission form has never been very popular. Over the years, it was used by only a few home rule cities. Today, no Minnesota city is operating under a commission.

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## B. Advantages of a home rule charter

The home rule charter type of city government has advantages and disadvantages. Some of the advantages of home rule include:

LMC Charter Assistance Program.

- One of the principle virtues of the home rule charter is that it allows each city to tailor its charter to its own individual needs and desires (cities are encouraged to contact the League of Minnesota Cities Charter Assistance Program for model and sample charters, research memos, and advice that will assist in drafting, amending, or adopting a charter). City residents draft, adopt, and amend the city's charter.

See Part IV-C – *Amendments*.

- A home rule city, unlike a statutory city, has the power to make changes to fit its own needs by amending its charter. These changes can occur locally, rather than waiting (and hoping) for a new law to be passed when the Legislature is in session.
- The home rule process educates the voters of the city. Some work on charter commissions, while others will learn about the charter and any amendments when they vote on proposed changes.

Handbook, Chapter J.

- A city charter may cover many functions and procedures, or it may be very similar to the statutory form of city government.
- If general state laws are silent on a specific subject, local citizens may address them in their city's charter.

See Part VI – *Charter subjects and provisions*.

- A charter may provide for initiative and referendum, recall, and election of councilmembers by wards.
- City charters sometimes include limitations that are more stringent than those in the general state laws. For example, a few home rule charters contain tax and debt limitations.
- The cost of government under a city charter need not be greater or less than the cost of the statutory city form of government.

## C. Disadvantages of a home rule charter

A home rule charter also has its disadvantages. Some of these can include:

- While the cost of preparing a home rule charter should be relatively minor, the smaller the community, the larger the cost in proportion to population.
- Poor charter drafting can be a problem. A charter city can minimize these concerns by relying on model charters and consulting competent professional advice.
- The process for amending a charter is often time-consuming and cumbersome.
- Charter amendments can be difficult to pass (particularly when the subject matter is controversial). Sometimes, city advocates will go directly to the Legislature for a solution, in order to bypass local opposition or to avoid dividing the community. This tends to defeat the original purpose of home rule: local control.
- If the city charter provides for special elections, election expenses may be overly burdensome to city budgets.
- Anyone looking for the applicable law relating to a home rule charter city must consult not only the state statutes, but the particular home rule charter. Only a few collections of the home rule charters exist. An up-to-date copy of a city charter is of utmost importance to ensure the advice is accurate.
- The experiences of other cities may be of little help to a home rule charter city. For example, when the Supreme Court or the attorney general gives a ruling that concerns a statutory city, that opinion will, in most instances, be equally applicable to all other statutory cities in the state. Rulings affecting a home rule charter may, however, only be relevant to those cities that have very similar charter provisions.
- The procedure for abandoning the charter form of city government may be similarly complicated.

## D. Essentials of a good home rule charter

Effective charters maximize the advantages while minimizing the potential disadvantages. In addition, a good home rule charter will also address the following:

- The most essential element of a good charter is a **comprehensive grant of power** that allows the city to exercise all powers legally available under state law and the state constitution. Because cities are organized to promote the welfare of the people, and city residents are in control through their elected representatives and charter commission members, citizens should not be afraid of entrusting their city government with a wide range of powers. If the citizens feel it necessary, the charter can include initiative, referendum, and possibly recall provisions as additional checks to prevent the abuse of power.
- Simplicity and brevity are also essential to a good charter. Provisions should be simple and clear, avoiding the possibility of more than one interpretation. A charter should also be brief enough to be read in a reasonable amount of time.

LMC information memo, City  
Administration: Clerk,  
Administrator, Manager.

- Because of the difficulty in amending and abandoning a home rule charter, the charter should only deal with governance fundamentals and give the city council the authority to provide more detailed regulations through city ordinances.
- A good city charter provides for a workable, responsive governmental organization. Its design should eliminate unnecessary “red tape” and makes city government more effective by reducing the number of working parts.
- Whenever possible, the charter should centralize responsibility for administration in one person: a chief administrative officer. This encourages and rewards expertise and efficiency in the administration of the city.
- A charter should emphasize representative democracy. A city should limit the number of elective offices so voters will be able to intelligently cast their ballots. The charter should never ask voters to elect non-policy-making administrative officers. The city should have only a single body elected by voters to legislate and determine policies for the city. This single legislative body, the city council, should be composed of between five and nine members. Councilmember terms should be long enough (up to four years) to gain experience. State law mandates that most council terms be four years, although a two-year mayoral term is allowed.
- All advisory boards should report directly to the city council.

### III. The charter commission

#### A. Creation

Minn. Stat. § 410.05, subd. 1.

Every home rule charter begins with the appointment of a charter commission by the state district court. There are three ways a city’s charter commission may be created:

Minnesota District Courts.

- First, the chief judge of the district court in which the city lies *may* appoint a charter commission if it is deemed to be in the best interest of the city. The court will probably not do this without local interest in the matter.
- Second, the court *must* make the appointment if it receives a petition signed by voters who constitute at least 10 percent of the number of voters who voted at the last city election. Smaller cities may find it easier to get the necessary number of signatures.
- Third, the city council may, by resolution, request the district court appoint a charter commission.

Minn. Stat. § 410.05, subd. 5.

See Section III-D – *Dissolution*.

Once appointed, a charter commission becomes a continuing body. Its membership will change from time to time, but the commission goes on indefinitely until it is formally dissolved using statutory procedures. Mere failure of the body to meet, to propose a successful charter for election, or to function does not end its existence.

## B. Commission members

Minn. Stat. § 410.05, subd. 1.

Charter commissions must have between seven and 15 members. The court will determine its size, unless a petition of the voters or resolution of the city council specifies the size of the commission. Any city with a home rule charter may amend the charter to fix the size of the commission to be between seven and 15 members.

### 1. Appointment

Minn. Stat. § 410.05, subd. 1.

Handbook, Chapter 5.

The district court usually makes charter commission appointments. The only statutory qualification for members of charter commissions is that they be qualified voters of the city. Commission members may hold some other public office or employment except for a judicial office. City councilmembers may serve on charter commissions. However, the city's charter may provide that members of the governing body cannot serve on the charter commission. Charter commission members may serve unlimited successive terms.

Minn. Stat. § 410.05, subd. 3.

The court may receive information from interested citizens concerning these appointments. A city council, the petitioners requesting appointment of a commission or, in the case of new appointments to an existing commission, the charter commission itself, may suggest names of eligible nominees to the district court for consideration.

Minn. Stat. § 410.05, subd. 2.

The court, acting through the chief judge, makes the charter commission appointments by filing an order with the district court clerk. The district court clerk then notifies the appointees, who have 30 days to file their written acceptances and oaths of office with the district court clerk.

Minn. Stat. § 410.05, subd. 2.

Appointments are for staggered (or overlapping) four-year terms. Of the initial appointments, half the members plus one will serve two-year terms, with the remainder serving full four-year terms. Thereafter, the chief judge appoints new members every two years.

### 2. Vacancies

Minn. Stat. § 410.05, subd. 2.

The commission will experience vacancies due to various reasons, such as death, inability to perform duties, resignation (including failure to file the acceptance and oath of office), or based on moving out of the corporate limits of the city. The district court may remove members from the commission at any time by written order. The order must show the reason for removal. If any member fails to perform the prescribed duties and fails to attend four consecutive meetings of the commission without satisfactory explanation, a majority of the members may sign a request for the member's removal and the court must order the removal.

Minn. Stat. § 410.05, subd. 2.

The commission should always contain its full complement of members. When a vacancy occurs, the chief judge has 30 days to make an appointment. If the judge fails to make an appointment, the governing body of the city may appoint the new members, unless the chief judge indicates (in writing to the governing body) within the 30-day period of his or her intention to make the appointments. In this case, the judge has an additional 60 days to make the appointment.

## C. Purpose and functions

Minn. Stat. § 410.07.

The primary concern of a new charter commission in a statutory city is discussing and drafting a home rule charter document to be voted on by the city's residents. If the voters reject the first charter proposed by a commission (absent discharge of the commission by a vote of its members or a referendum by the city's voters), the commission may continue to submit proposals until the voters finally adopt one.

Minn. Stat. § 410.05, subd. 5.

Minn. Stat. § 410.10, subd. 4.

Minn. Stat. § 410.05, subd. 2.

Within 30 days after its appointment, a newly created charter commission must make rules, including quorum requirements, on its operations and procedures. The commission must file an annual report of its activities with the chief judge on or before Dec. 31 of each year, and must send a copy of the report to the city clerk.

Minn. Stat. § 410.05, subd. 4.

After adoption of the charter, the charter commission continues to function. The charter commission's statutorily prescribed duty is to study the local charter and government. The commission is required by law to meet at least once each calendar year. In addition, the commission must meet upon presentation of a petition signed by at least 10 percent of registered voters, according to the last annual city election, or by resolution of a majority of the city council. Further, the commission must specifically convene to propose charter amendments upon presentation of a petition of at least 5 percent of the number of votes cast at the last state general election in the city.

Minn. Stat. § 410.12, subd. 1.

Minn. Stat. § 410.12, subd. 1.

The charter commission is like a standing constitutional convention. It has the power to propose charter changes at any time. If the city's charter does not work or proves to be faulty in operation, it is the commission's duty to propose improvements. It should, therefore, meet at regular intervals as required and keep its organization intact should any emergency arise.

Minn. Stat. § 13D.01.

IPAD 04-059.

Minn. Stat. § 15.17.

LMC information memo,  
Meetings of City Councils.  
Handbook, Chapter 27.

Charter commissions are subject to the Minnesota Open Meeting Law (OML) and the Minnesota Government Data Practices Act (MGDPA). In addition, as government entities, charter commissions are required by law to keep a complete record of their activities and affairs. Charter commission members should familiarize themselves with the requirements of these laws, specifically those that concern the notice and public posting of meetings under the OML.

## D. Dissolution

Minn. Stat. § 410.05, subd. 5(a).

An appointed charter commission in a *statutory city* (where a home rule charter has not been adopted) may be discharged in only one of the following ways:

LMC information memo, City  
Special Elections.

- By a three-fourths vote of the charter commission, if the charter commission determines that a charter is not necessary or desirable.
- After a general or special election (called by a petition of registered voters equal to at least 5 percent of the registered voters in the city) where a majority of the votes cast support the discharge of the charter commission.

Minn. Stat. § 410.05, subd. 5(b).

If dissolved, another commission may not be formed sooner than one year from the date of discharge.

See Section IV-E –  
Abandoning a home rule  
charter.

In a *home rule charter city*, the charter commission cannot be dissolved or otherwise cease to exist unless the home rule charter is abandoned through the statutory process for changing the city form of government.

## IV. The charter process

### A. Drafting

Minn. Stat. § 410.07.

In a statutory city without a home rule charter, the new charter commission must deliver to the city clerk the draft of a proposed charter or a report that states a home rule charter is not necessary or desirable. One of these documents must be provided as soon as practicable, and a majority of the members of the commission must sign it.

When a majority of commission members approves a charter draft, the commission should make and authenticate at least three identical, clear copies. All the members who approved the draft should sign each of the copies. One copy should go to the clerk of the city, who will deliver it to the city council. The charter commission should keep the second copy in its files. A third copy might be useful for newspaper publication.

#### 1. Professional assistance

Minn. Stat. § 410.06.

Drafting a city charter is a complex and difficult job that requires special skill. A charter commission may, subject to the dollar limitations contained in the law, employ an attorney and other personnel to assist in drafting a charter. Before getting too far along in the process, a charter commission should seek advice on what should be included in a charter and should also submit a draft to an impartial expert for final review.

LMC Charter Assistance  
Program.  
National Civic League Model  
City Charter, Eighth Edition  
(2003).

The League of Minnesota Cities Charter Assistance Program can be of assistance in furnishing the commission with pertinent charter materials. The charter commission may also find it helpful to have a member of the League's staff attend an early meeting of the commission to talk about forms of government, drafting procedures, and major policy problems. The League will also provide general advice. For a nominal fee, League counsel will examine and comment on an existing charter, charter draft, or amendment. Most proposed charters have been sent to the League for this kind of review and comment.

#### 2. Community involvement

The commission and its committees should collect the informed and interested opinions from citizens and city officials about the existing form of government and the proposed changes. The charter commission should consider criticism or positive experiences with the existing government when drafting the charter. The commission should bring tentative proposals to the attention of the public and city officials before making final decisions. Often, the mayor, city councilmembers, and other city officials may have special insights into the merits or practicality of particular proposals.

## B. Election

Minn. Stat. § 410.10, subd. 1.  
LMC information memo, City  
Special Elections.

After receiving the signed draft charter, the clerk notifies the city council of its receipt and will typically remind the council to submit the charter to an election of the voters. If the council fails to do so, the court may order it. The ordinary rules of the conduct of elections apply and the city covers the expense of a charter election.

Minn. Stat. § 410.10, subd. 1.

The charter commission may recall its proposed charter at any time before the council has fixed a date for the election. The council may authorize the commission to recall the charter at any time prior to its first publication.

Minn. Stat. § 410.10, subd. 1.

The council may have options regarding the timing of the election. If no general city election is to occur within six months after the clerk receives the draft, the council must call a special charter election within 90 days of receipt of the draft charter. If a general city election will occur within six months, the council may either postpone the election on the charter until that general election, or it may call for a special election prior to the general election. If the election is held at the same time as the general election, the voting places and election officers shall be the same for both elections.

Minn. Stat. § 410.10, subd. 2.

The notice of election must include the complete charter. The notice must be published once a week for two successive weeks in the official newspaper and may also be published in any other legal newspaper in the city. In first-class cities, the publication must be made in a newspaper having a regular paid circulation of at least 25,000 copies.

### 1. Charter campaign

What is the role of the charter commission in the campaign for adoption of the charter? There are sometimes different views about the role of the charter commission and that of individual commission members. The law does not give the commission any responsibility after the charter has left the commission, nor does it set any restrictions. Some charter commissions have served as the principal sponsoring organization for the charter. Commission members have been responsible for publicity and have made public speeches or written editorials on the commission's (as well as the proposed charter's) behalf.

In other cities, the commission as a whole has not been involved in the campaign, but sometimes individual members have participated. Because the statutes do not address the subject, what commission members do will depend on their perception of what is or is not appropriate. Surely, no other group is likely to know more about what is contained in the proposed charter and why, or is likely to be more interested in the outcome of the charter election.

No outsider can give much advice on how to campaign for adoption of the charter. Local conditions and the kind of opposition that might develop will determine the necessary community response. Overconfidence, however, frequently results in the defeat of a charter. The opposition is usually vocal and well organized. It is no easy task, especially at a general election, to get the necessary majority to vote in favor of the charter. Frankness and honesty about the contents of the charter can help "disarm" the opposition. Throughout its entire proceedings, the commission should inform the public of its actions.

LMC information memo,  
Public Purpose Expenditures.

A.G. Op. 442-a-20 (Jul 18,  
1927); A. G. Op. 442-a-20 (Jul.  
10, 1952); A. G. Op. 159-1-  
3(May 24, 1966).

See "Statement of Position:  
Expenditure of Public Funds on  
Ballot Issue Advocacy," Office  
of the State Auditor.

Charter commissions should keep in mind that the use of public funds to promote a particular election outcome may be questionable. While efforts to inform voters about the charter and to encourage voters to cast their ballot seem reasonable, a "vote yes" campaign brochure is more questionable. Campaign efforts by commission members in their role as private citizens seem acceptable, provided they do not claim to speak for the entire commission.

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## 2. Ballot

Minn. Stat. § 410.10, subd 3.  
LMC information memo, City  
Special Elections.

The ballot shall bear the printed words: "Shall the proposed new charter be adopted? Yes \_\_\_ No \_\_\_" (with a box after each of the last two words, in which the voter may indicate his or her choice). If alternative charters or charter provisions are submitted, the ballot shall be so printed as to permit the voter to indicate the preferred language.

## 3. Ratification

Minn. Stat. § 410.11.  
Minn. Stat. § 410.04. Minn.  
Stat. § 410.121. *Bard v.*  
*Minneapolis*, 256 Minn. 58, 99  
N.W.2d 468 (1959).

The majority needed to adopt a charter is 51 percent of those voting on the question at the election. A three-fourths majority, however, is needed if a proposed charter alters liquor patrol limits (provisions to remove or amend charter provisions changing the sale of intoxicating liquor require a 55 percent majority). Statutory provisions specifying the percentage of necessary votes to adopt a new or revised charter or to amend a charter supersede conflicting charter provisions.

## 4. Filing

Minn. Stat. § 410.11.

If voters adopt the charter, the city clerk must file copies in the office of the secretary of state, the office of the county recorder, and the clerk's office. A certificate attesting to the accuracy of the charter giving the date of the election and the vote by which the charter was adopted, must accompany each copy.

LMC Research and Information  
Service.

Although the Minnesota Constitution and laws do not require it, the charter commission should retain at least one copy of the charter. Printed copies of the charter should be sent to the League of Minnesota Cities, the Minnesota Historical Society, and to state and local libraries. These groups will frequently refer to the charter, and will be available to other Minnesota charter commissions considering new or amended charters. If the city has a website, it may want to consider posting an electronic copy of the charter for increased public access.

## 5. Effective date

Minn. Stat. § 410.11.

The charter will take effect 30 days after the election or at another time specified by the charter. The charter supersedes any previous charter of the city. The courts must take judicial notice of the charter.



Minn. Stat. § 410.11.

The officials elected and appointed under the newly adopted charter may then take control of the city's records, money, and property at any time specified by the charter. The charter may provide that until an election of officers occurs, the officers under the old charter will continue to function. When the new charter becomes fully operational, the re-organized city corporation is in all respects the legal successor of the corporation organized under the old charter or state law. Existing, consistent ordinances and contracts continue until the council changes them or they expire by their terms.

## 6. Rejected charters

If less than 51 percent of those voting on the question do not vote in favor of the proposed charter:

Minn. Stat. § 410.10, subd. 4.

- The charter commission may choose to modify its proposed charter and re-submit the charter for election.

Minn. Stat. § 410.05, subd. 5(a)(1).

- The charter commission may choose to disband by a three-fourths vote of its members.

Minn. Stat. § 410.05, subd. 5(a)(2).

- The city voters may disband the charter commission through a petition and referendum process.

Minn. Stat. § 410.05, subd. 5(b).

When a charter commission disbands itself or is discharged by the city voters, another commission may not be formed sooner than one year from the date of discharge.

## C. Amendments

Minn. Stat. § 410.12, subd. 1a.

Charter cities will find it necessary to update or otherwise modify their charter to reflect current needs and expectations. Amendments must originate through one of the several ways that are provided in statute:

### 1. Amendment by proposal

#### a. Charter commission

Minn. Stat. § 410.12, subd. 1.

A charter commission *may* propose amendments to the charter at any time.

#### b. Citizen petition

Minn. Stat. § 410.12, subs 1-3.

A G Op. 59a-11 (Dec. 30, 1981)

A charter commission *must* propose amendments upon receiving a petition signed by a number of *registered* voters equal to 5 percent of the total votes cast at the previous state general election in the city. This percentage cannot be changed by the charter itself.

Minn. Stat. § 410 12, subd. 1.

All petitions circulated must be uniform in character. The petition must state the proposed amendment to the charter in full. However, if the proposed amendment is larger than 1,000 words, a true and correct copy must be filed with the city clerk, and the petition will contain a summary (between 50 and 300 words) setting forth the "substance and nature" of the proposed amendment. When a summary is used, that *summary* (along with a copy of the proposed amendment) must be first submitted to the charter commission for its approval as to form and substance. The commission has 10 days to return the summary with any modifications necessary to fairly comply with these requirements.

Minn. Stat. 204B 071  
Minnesota Secretary of State -  
Petitions.

The secretary of state is required to develop rules governing the manner in which petitions required for any election in this state are circulated, signed, filed, and inspected. The secretary of state shall provide samples of petition forms for use by election officials. Once received, the commission must submit the petition to popular vote.

### **c. Process and procedure**

Minn. Stat. § 410.12, subd. 1, 4.

*Davies v. City of Minneapolis*,  
316 N.W.2d 498 (Minn. 1981).  
*Hawman v. Griffin*, 699  
N.W.2d 774 (Minn. Ct. App.  
2005).

The amendment goes to the city clerk, who notifies the council. The council then provides for the election under the same rules that apply to a new charter. The council may not refuse to submit or change the amendment as long as it is constitutional. A city council does not need to submit an unconstitutional charter amendment or an amendment that violates state or federal law to the voters. When an amendment to a charter is proposed by the charter commission or petitioned for by the voters of the city, the proposed amendment must be submitted at least 17 weeks before the general election.

## **2. Amendment by ordinance**

### **a. City council**

Minn. Stat. § 410 12, subd. 5.

The city council may propose an amendment by ordinance. The council submits the ordinance proposing an amendment to the commission, which has 60 days for review (which may be extended by the commission an additional 90 days by filing a resolution determining that additional time is necessary with the city clerk). After the review period, the commission returns the amendment or its own substitute amendment to the council. The council then submits to the voters *either* the amendment it originally proposed or the commission's substitute amendment.

### **b. Charter commission**

Minn. Stat. § 410 12, subd. 7.

The charter commission may recommend the council amend the charter by ordinance. Within one month of receiving a recommendation to amend the charter by ordinance, the city must publish notice of a public hearing of the proposal (which must also contain the text of the proposed amendment).

Minn. Stat. § 410.12, subd. 7.

The city must hold the public hearing on the proposed charter amendment at least two weeks but not more than one month after the notice is published. Within one month of the public hearing, the city council must vote on the proposed charter amendment ordinance. The vote must be unanimous, including approval by the mayor if the mayor has veto power. The ordinance proposing the amendment is subject to the same publication requirements as other ordinances. The ordinance becomes effective 90 days after passage and publication, unless a later date is provided in the ordinance.

Minn. Stat. § 410.12, subd. 7

Within 60 days after passage and publication, a petition signed by registered voters equal in number to at least 5 percent of the registered voters in the city or 2,000, ~~whichever is less, may be submitted to force a referendum on the amendment.~~ If voters file a proper petition, the city must handle the amendment like any other charter amendment, except the council may submit the ordinance at a general or special election that occurs within 60 days after filing the petition, or it may reconsider its action in adopting the ordinance.

### **c. Cities of the fourth class**

Minn. Stat. § 410.12, subd. 6.

In cities with a population of less than 10,000, the council may propose amendments by ordinance without submitting them to the charter commission. Four-fifths of the councilmembers must vote for the ordinance. Two weeks published notice is necessary before the vote. The council must then submit the ordinance to the voters like any other amendment.

## **3. Elections**

Minn. Stat. § 410.10. Minn. Stat. § 410.12, subd. 4. Minn. Stat. § 410.121

See Section IV-B -- *Election*.

The election concerning proposed amendments and the arrangement of the ballot are substantially the same as in the case of the adoption of a new charter. An amendment needs the favorable vote of 51 percent of those voting on the question.

## **4. Notice**

Minn. Stat. § 410.12. Minn. Stat. § 410.11.

Amendments, like charters, need the clerk's certification. Copies must be filed in the offices of the secretary of state and county recorder, as well as in the clerk's office. Amendments take effect either at the end of 30 days after the election, or at some other time if the amendment so specifies. The law also allows for alternative proposals.

LMC Charter Assistance Program.

The League of Minnesota Cities Charter Assistance Program would appreciate a copy in order to keep the LMC charter collection up to date. State and local libraries and the Minnesota Historical Society are also suggested recipients. A city may also want to consider posting charter amendments to its website to keep the online charter up to date.

## **D. New or revised charters**

Any city having a home rule charter may adopt a new or revised charter in the same manner as an original charter. If a new or completely revised charter is to go to the voters, the preparation of the ballot and other procedures are substantially the same as for the original charter.

## **E. Abandoning a home rule charter**

Minn. Const. art. XII, § 5.

Minn. Stat. § 410.30.

Minn. Stat. § 410.30.

Any home rule city may abandon its charter and become a statutory city. Since the state was formed, only three cities—Jordan, Isanti, and Sauk Centre, all since 1989—have abandoned their charter form of government. These three cities are now Plan A statutory cities. A city may abandon its charter by presenting a proposal, adopting it, and having it become effective in the same manner as a charter amendment. Accordingly, abandonment would require the approval of 51 percent of those voting on the question.

The proposal must include a schedule containing necessary provisions for transition to the statutory city form of government in order to place the city on a regular election schedule as soon as practicable. The proposal may provide for continuation of specified provisions of the home rule charter for an interim period, and must specify the plan under which the city will operate as a statutory city.

## V. General powers

Minn. Stat. § 410.16.

National Civic League Model City Charter, Eighth Edition (2003).

A city charter should deal only with the fundamentals of the governmental organization of the city, leaving the council free to exercise a broad grant of authority by ordinance. Modern charters contain provisions that claim for the city all powers that the home rule provision of the constitution permits a city to assume. Older charters contain a long list of specific grants giving various powers to the city. The strong statements of intent found in League and National Civic League model charters should be adequate to ensure that the omnibus grant gives the city all the municipal power it might receive through more specific grants.

*Park v. City of Duluth*, 134 Minn. 296, 159 N.W. 627 (1916). *State v. City of Duluth*, 134 Minn. 355, 159 N.W. 792 (1916). *City of Duluth v. Cerveny*, 218 Minn. 511, 16 N.W.2d 779 (1944).

Minnesota Supreme Court decisions generally have given a liberal construction to all-powers grants in city charters. In addition to powers granted by the charter, various state statutes may give additional powers to a city and regulate certain activities. For example, authority for planning, police civil service commissions, and municipal forest maintenance is included in laws dealing specifically with these subjects.

A home rule charter may provide any municipal powers the Legislature could have delegated to the city, as long as the powers are consistent with state statutes. A number of city charters have attempted to do this. Under such a grant, the charter may authorize the city to provide for medical clinics, public transit, and industrial parks. It may authorize any of a range of public enterprises as long as they do not involve the use of public funds for an unconstitutionally private purpose. The limits depend more on public policy than on the lack of home rule charter power.

Minn. Stat. § 410.33.

Minn. Stat. Ch. 412.

*In re HUC Pipeline Condemnation Litig.*, No. A03-1125 (Minn. Ct. App. May 4, 2004) (unpublished decision).

If a charter is silent on a topic that Chapter 412 or another statute addresses for statutory cities, home rule cities may usually apply the general law on the subject. If, however, general law prohibits a charter from addressing the matter or provides that the charter prevails over general law, the home rule city may not apply the general law.

*Nordmarken v. City of Richfield*, 641 N.W.2d 343 (Minn. Ct. App. 2002). *Lilly v. City of Minneapolis*, 527 N.W.2d 107 (Minn. Ct. App. 1995).

No city, however, even one organized under a city charter, has inherent powers. A city may only exercise such powers that are expressly conferred by statute or are implied as necessary in aid of those powers. If a matter presents a statewide problem, the implied necessary powers to regulate are narrowly construed unless the Legislature has provided otherwise.

## VI. Charter subjects and provisions

The following list of powers are addressed within many home rule charters is not complete or all-inclusive. Many provisions contained within a city charter are also discussed in more detail in other chapters of the *LMC Handbook for Minnesota Cities*.

### A. Taxes

Handbook, Chapter 22

~~Presumably, a charter may grant a home rule city power to tax although the state has largely pre-empted two local non-property taxes: the sales tax and the income tax. State law has historically provided some differences between home rule charter cities and statutory cities in property tax levy authority.~~

Minn. Stat. § 275.75.

For example, the Legislature allows charter cities to exceed their charter limits or referendum requirements for levy increases if the increased levy was needed to offset reductions in city local government aid (however, any state-imposed levy limits still apply).

### B. Finance

Handbook, Chapter 21.

The charter may, but does not need to, require a budget system (however, current truth-in-taxation laws require all cities to prepare a budget). The charter may regulate the payment of claims and may also limit or broaden the purposes for which the city may spend money beyond the limits set for statutory cities. For example, a charter could allow appropriations to private agencies performing work of a public nature, while statutory cities probably could not. The law limits statutory cities in their issuance of warrants in anticipation of the collection of taxes. A charter may broaden or curtail this authority.

Handbook, Chapter 22.

Minn. Stat. § 410.325.

Both statutory and home rule charter cities may use a system of anticipation certificates. A charter may lower the debt limit applicable to cities, but it may not raise the limit. A charter can also restrict the purposes for which the city may issue bonds, and it can make the procedure easier or more difficult.

Handbook, Chapter 24.

### C. Utilities

#### 1. Municipal utilities

Minn. Stat. § 412.321.

While statutory cities may establish electric, gas, light, and power utilities only after a vote by the people—regardless of the method of financing—a charter may provide for acquisition without a vote or may require a different majority from the majority necessary in statutory cities. A charter may give the right of condemnation without a time limit. A charter may also allow the city to use surplus utility funds to support general funds.

A.G. Op. 624u-3 (June 28, 1999)

Minn. Stat. § 444.075, subd. 3(b)

LMC information memo, Securing Payments of Utility Charges.

Charters may not attempt to set utility rates for water, sewer, and stormwater utilities. Charter provisions may not artificially inflate or suppress rates. Authority to set rates is vested exclusively in the city council by state statute.

Handbook, Chapter 12.  
Minn. Stat. § 410.09.

## 2. Regulation

The Minnesota Public Utilities Commission and the Department of Commerce regulate the service and rates of private gas, electric, and telephone utilities. However, charters may require gas and electric franchises and may adopt regulations, including requirements for a gross earnings tax or similar fees. Strict limitations on the use of franchises, taxation, and fees for the use of public rights-of-way exist, whether or not a city has a charter.

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## D. Ordinances

### 1. Procedures

Minn. Stat. § 412.191, subd. 4.

Statutory cities may pass an ordinance on a single reading at the same meeting that the ordinance first comes before the council. The ordinance must be published in full or in summary form in the local newspaper. Statutory cities may, but do not need to, require several readings and a lapse of time between readings. Charters may or may not provide for publication, and they may impose other restrictions on the ordinance process.

Minn. Stat. § 410.20.

### 2. Initiative and referendum

Minn. Stat. § 410.20.

Statutory cities may not submit ordinances to the people for approval under the initiative and referendum process. Only home rule charter cities may provide for initiative and referendum through their charter.

*Hanson v. City of Granite Falls*, 529 N.W.2d 485 (Minn. Ct. App. 1995). *HRA v. City of Minneapolis*, 293 Minn. 227, 198 N.W.2d 531 (Minn. 1972). A.G. Op. 858 (Oct. 26, 1970). A.G. Op. 858 (August 5, 1970).

But see *City of Cuyahoga Falls v. Buckeye Cmty. Hope Found.*, 538 U.S. 188, 123 S. Ct. 1389 (U.S. 2003). A.G. Op. 185b-2 (Mar. 8, 1962).

Only ordinances that are "legislative in character" may be enacted through the initiative and referendum process. Legislative actions are those that are general in nature and lay down a permanent and uniform rule of law. Administrative actions, on the other hand, are those of a temporary and special character. They merely carry out existing laws and relate to the daily administration of municipal affairs. Administrative actions include the settlement of lawsuits, entering of contracts, acceptance or rejection of bids, sale of municipal bonds, appointment of city officials, levying of taxes, granting of licenses and permits, and the adoption of budgets.

Minn. Stat. § 205.02, subd. 2.  
Minn. Stat. § 205.07, subd. 1.

## E. Elections

State statutes regulate many phases of election procedure, but some may be open to city regulation through the charter. State law fixes the date of city elections in both statutory and home rule cities for the first Tuesday after the first Monday in November in even or odd years.

## F. Elected officials

### 1. Wards

Minn. Stat. § 410.16.

The charter may use proportional representation and may set up different nomination procedures from those in statutory cities. The charter may provide for ward representation, which is generally not available to statutory cities.

## 2. Removal by the council

Minn. Stat. § 351.02.  
A.G. Op. 59a-30 (Jul. 24, 1996).

State law establishes the specific situations that create vacancies in elective office. A charter may not provide for removal of councilmembers by the council for any reason not explicitly stated in statute.

## 3. Recall

Minn. Stat. § 410.20.  
Minn. Const. art VIII, § 5.  
*Jacobsen v. Nagel*, 255 Minn. 300, 96 N.W. 2d 569 (1959).

Home rule charter cities have some *limited* authority to provide for recall elections of the city's elected officials. The Minnesota Constitution and state court decisions have restricted the recall of elected city officials to cases of serious malfeasance or nonfeasance during the term of office in the performance of the duties of the office. Recall does not exist in statutory cities.

## 4. Term limits

Minneapolis Term Limits  
Coalition v. Keefe, 535 N.W.2d  
306 (Minn. 1995).

A charter may not impose term limits on city elected officials.

# G. City personnel

In home rule cities, the charter may establish procedures for the appointment and removal of non-elective officers and employees at the discretion of the council. The charter may include restrictions, such as a formal civil service system, and it may authorize the council to fix administrative salaries subject to the limitations and procedures provided by the charter.

## 1. Delegation of powers

A.G. Op. 624a-3 (June 28, 1999). A.G. Op. 1001-a (Sept. 15, 1950)

*Muehring v. School District No. 37*, 224 Minn. 432, 28 N.W.2d 655 (1947). *Minneapolis Gas and Light Co. v. City of Minneapolis*, 36 Minn. 159, 30 N.W. 450 (1886).

Absent specific statutory or charter authority, the council of a charter city may not delegate powers and duties that require the exercise of judgment and discretion to other persons or bodies. Specific language must exist in the charter for any delegation to occur.

## H. Contracts

Minn. Stat. § 471.345.

State law establishes bidding procedures and uniform dollar limits for *all* city contracts for the purchase, sale, or rental of supplies, materials, or equipment, or the construction, alteration, repair, or maintenance of real or personal property. While the language leaves some doubt about the application of the law to home rule charter cities, the attorney general was of the opinion that the statute supersedes all charter provisions concerning uniform dollar limitations. Presumably, the charter may regulate some phases of the contracting procedure, but most charters deal only with subjects not covered by the state law.

A.G. Op. 59-a-15 (Aug. 22, 1969).

*Queen City Constr., Inc. v. City of Rochester*, 604 N.W.2d 368 (Minn. Ct. App. 1999).

Handbook Chapter 23.

## I. Accounting

Minn. Stat. § 412.222.

Under the law, statutory cities may employ a public accountant or the state auditor to perform an audit. By charter, cities may require an annual audit by the person designated to perform the audit. Charter cities are also subject to the law that requires the state auditor to examine a city's records on the initiative of the council or a petition of citizens.

Minn. Stat. § 6.54. Minn. Stat. § 6.55.

Minn. Stat. §§ 471.695-698.

All cities are required to publish their annual financial statements. In home rule cities, the charter may require additional reports and publication of the reports depending on the desires of the community. The number and kinds of funds, and the authority to transfer between funds, may come under charter regulation with minimum statutory restriction. In statutory cities, the law is more restrictive on this subject.

Handbook, Chapter 22.

## J. Licensing and regulation

Handbook, Chapter 11.

Handbook, Chapter 12.

While statutory cities must find a specific statute authorizing the licensing or regulation of an activity before they can regulate that activity, a charter city can often rely on an all-powers provision in its charter to license or regulate activities within its borders. Without such an all-powers or other broad grant of authority, a charter city must find a specific charter provision or state law authorizing the regulation.

## K. Special assessments

Handbook Chapter 25.

Minn. Const. art. X, § 1. Minn. Stat. Ch 429

Minn. Stat. § 429.111.

Minn. Stat. § 429.021, subd 3.

Minn. Const. art X, § 1

Both statutory and home rule cities may finance local improvements by special assessments against benefited property under a uniform constitutional and statutory procedure. While most home rule cities follow state law, a city charter may provide a different procedure or authorize the council to adopt a different procedure and may require the city to use that method exclusively. A charter city, however, must conform to certain requirements of state law. The charter can require the city to use general funds or service charges, rather than special assessments, for local improvements. Any special assessments used must comply with the constitutional requirement that the amount of the special assessments cannot exceed the increased market value of the property as a result of the benefit due to the local improvement.



*Curiskis v. City of Minneapolis*,  
729 N.W.2d 655 (Minn. Ct.  
App. 2007).

Some charters with special assessment provisions authorize the city council to choose between utilizing the charter provisions or state law when imposing special assessments. A recent case has validated such charter provisions. However, when a city elects to use its charter provisions for a special assessment project, the charter provisions must be followed throughout the entire project. The city cannot later elect to use the state law provisions for the same special assessment project. Likewise, the city cannot commence a special assessment project under the procedure in state law and then later elect to utilize the charter procedure.

Handbook, Chapter 23.  
LMC information memo,  
Purchase and Sale of Real  
Property.

## L. Real estate

Charter and statutory cities may acquire real estate that is needed for public purposes, and the council can dispose of it when it is no longer needed. State law does not require bids or approval of the voters, but a charter may impose such restrictions.

Handbook, Chapter 18.

## M. Liability

Both statutory and home rule cities are subject to the same tort liability imposed by statutes and court decisions. Home rule charter cities may not attempt to extend or curtail the city's liability to any extent.

# VII. Conflicts with state law

Harmonizing general statutory language and charter provisions that deal with the same subject can be difficult. Cities can resolve potential conflicts between state laws and charter provisions through the following process:

*Nordmarken v. City of  
Richfield*, 641 N.W.2d 343  
(Minn. Ct. App. 2002).

## A. General rule

The general rule is that when a charter provision is in conflict with the state statutes, the statutory provisions prevail and the charter provision is ineffective to the extent it conflicts with the state policy.

*Mangold Midwest Co. v. Vill of  
Richfield*, 274 Minn. 347, 141  
N.W.2d 813 (1966) *State v.  
Kuhlman*, 729 N.W.2d 377  
(Minn. 2006).

## B. Identifying conflicts

When state law is silent on an issue covered by charter and the issue is one that the Legislature has the power to delegate to a city, the assumption is that there is no conflict with state policy. On the other hand, when a charter provision and state law deal with the same issue, the possibility for conflict occurs.

*State v. Burns*, No. A05-2554  
(Minn. Ct. App. Mar. 20, 2007)  
(unpublished decision)

Rather than requesting an attorney general's opinion or having a court resolve the possible conflict, a city council can, by resolution, rely on the opinion of its attorney as to whether a conflict exists. In making this decision, the attorney should consider the following points:

- **Is there a court case or attorney general opinion that deals with the same or similar provisions?**

If so, the city must follow the court ruling. Even though attorney general opinions are only advisory, a city should seriously consider the reasoning behind the opinion.

- **In the absence of a court decision or attorney general ruling, does the state law clearly outline or imply a policy decision by the Legislature that the law applies to charter cities as well as to statutory cities?**

Minn. Stat. § 410.015.

For laws passed by the Legislature since 1976, this determination is easy. In any law taking effect after July 1, 1976, the word “city” means statutory city only. After that date, in order for a law to apply to charter cities, the law itself must clearly state it applies to both statutory and home rule charter cities. A mere reference to all cities would not be sufficient to include charter cities.

For laws enacted prior to July 1, 1976, cities should look for phrases such as, “all cities shall” or “unless the council determines to proceed under charter provisions” for clues of legislative intent. Generally, laws enacted by the Legislature for the purpose of protecting the public prior to July 1, 1976, probably apply to all cities.

### C. Resolution

*Columbia Heights Relief Ass'n v. City of Columbia Heights*, 305 Minn. 399, 233 N.W.2d 760 (1975); *State v. Kuhlman*, 729 N.W.2d 577 (Minn. 2006); *State v. Burns*, No. A05-2554 (Minn. Ct. App. Mar. 20, 2007) (unpublished decision).

Even if a general state law applies to charter cities, it does not necessarily supersede a charter provision. If both the charter and state law direct the city to take certain actions or follow certain procedures, it may be advisable to follow both the charter provision and the state law, in order to resolve any conflicts between the two provisions. State law supersedes charter provisions only to the extent the charter provisions conflict with state policy.

## VIII. How charter cities should use the LMC handbook

This handbook is written for both statutory and home rule charter cities. Each chapter includes a section on how the chapter relates to charter cities. Because of the differences in city charters, it is difficult to generalize about how an individual charter city will be impacted by any particular state law. The handbook does, however, address statewide laws and rules, court decisions, and attorney general opinions that apply to charter cities.

## City Council Report for February 2013

Date: February 16, 2013

To: Honorable mayor & City Council Members

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From: Jack Kramer Building & Code Enforcement Official


### Zoning Enforcement:

1. No new violations noted.
- 

### Building Permit Activity

1. ( 5 ) Five Building Permits were issued with a total valuation of \$ 44,450.00.

Respectfully submitted,



Jack Kramer

Building & Code Enforcement

**Grant Master Form**

Permit	Permit Type	Name	Project Address	Date Issued	Valuation:	City Fee:	75%	Plan CK Fe	Surcharge	Paid
2013-6	Insulation	Washburn	9694-75th. St. N.	1/24/2013	\$ 2,350.00	\$ 83.25	\$ 62.43	\$ -	\$ 1.17	
2013-7	Siding	Fredrick	10310 Jody Ave.	1/26/2012	\$ 21,000.00	\$ 335.25	\$ 251.43	\$ -	\$ 10.50	
2013-8	Re-Roof	Advanced	11395 Lansing Ave.N.	1/28/2013	\$ 3,100.00	\$ 111.80	\$ 83.85	\$ -	\$ 1.55	
2013-9	Cell Antennas	Synergy C	8380 Limbro Ave.	1/29/2013	\$ 18,000.00	\$ 293.25	\$ 219.03	\$ 190.61	\$ 9.00	
2013-10	HVAC Permit	Steffen	8120 Ingberg Ct. N.	2/8/2013	\$ -	\$ 80.00	\$ 60.00	\$ -	\$ 5.00	
Monthly total					\$ 44,450.00	\$ 903.55	\$ 676.74	\$ 190.61	\$ 27.22	

## AGENDA ITEM 8A

<b>STAFF ORIGINATOR</b>	Kim Points
<b>MEETING DATE</b>	March 5, 2013
<b>TOPIC</b>	2013 Fee Schedule Amendment

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### BACKGROUND

On January 8, the City Council approved by ordinance the 2013 Fee Schedule with minor revisions.

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A summary publication of that ordinance was authorized and published in the legal newspaper.

Since that publication, staff has discussed the possibility of amending the fee schedule to include a preapplication meeting with the City Planner.

In the past several years, there have been a few occasions where information is required to fully determine what type of land use application, if any, should be submitted.

Quite often the information that is required is based on current City Ordinance, density requirements, required variance, etc.

It was staff's opinion that it would be useful for citizens to have the availability of the City staff to meet and obtain the required information to determine whether or not move forward with a City application.

The revised fee schedule lists the availability of a preapplication meeting for a fee of \$200.00.

**CITY OF GRANT  
WASHINGTON COUNTY, MINNESOTA**

**ORDINANCE 2013 - 29**

**AN ORDINANCE ESTABLISHING A FEE SCHEDULE FOR THE CITY OF  
GRANT, MINNESOTA**

THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA DOES HEREBY  
ORDAIN:

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**SECTION 1. AUTHORITY.**

Minnesota Law and the Ordinances of the City of Grant allow the City to collect fees for processing applications and licenses for certain activities within the City of Grant. The City Staff reviewed the fees established for 2013 and the actual costs of processing applications and licenses in the City. The City Staff has recommended the approval of the 2013 Master Fee and Escrow Schedule to the Council.

**SECTION 2. ADOPTION OF FEE SCHEDULE.**

The 2013 Master Fee and Escrow Schedule which is attached and incorporated herein by reference as Exhibit A is hereby adopted.

**SECTION 3. ESCROW ACCOUNT.**

Applicants may be required to escrow money with the City of Grant in order to pay for the fees charged to the City of Grant by the City Attorney, Engineer or Planner for review of an application or license.

In those cases, where an escrow account is required, the Applicant shall be required to replenish the escrow account when the balance in the escrow account contains \$1,000 or less, unless the City Council by formal motion determines that the project is complete or this requirement is waived by formal action of the City Council.

Any project, application or request made to the City of Grant which has a negative escrow balance will not be further reviewed by the City until the escrow account is current or will be denied for failure to keep the escrow account current.

**SECTION 4. REPEAL OF INCONSISTENT ORDINANCE.**

Any Ordinances within the City of Grant which conflict with this Ordinance are hereby repealed and replaced by the conditions and terms contained herein.

**SECTION 5. SEVERABILITY.**

In the event that a court of competent jurisdiction adjudges any part of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included within the judgment.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance takes effect upon its adoption and publication according to law.

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WHEREUPON, a vote, being taken upon a motion by Council member Hinseth and seconded by Council member Fogelson, the following members upon roll call:

Voting AYE:

Voting NAY:

Whereupon said Ordinance was declared passed adopted this 5th day of March, 2013.

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Thomas Carr, Mayor

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Attest: Kim Points, City Clerk



## Ordinance No. 2013-29 2013 FEE SCHEDULE FEES, CHARGES, AND ESCROW

### CITY OF GRANT

Mailing Address: P.O. Box 577  
Willernie, Minnesota 55090  
Town Hall: 111 Wildwood Road  
Phone: (651) 426-3383 Fax: (651) 429-1998  
E-mail: clerk@cityofgrant.us

*Make checks payable to City of Grant.*

Under State and local planning laws, any property owner may petition for rezoning and/or platting. The City, upon receipt of such a petition, will process the application in accordance with the procedures and provisions of the ordinances.

The City charges the petitioner a filing fee for this processing, as well as requiring that he/she pay all costs the City may incur in processing and "hearing" the application. An escrow amount will be required at the time application fees and the application is received by the City's Consultant.

<i>For Each Application</i>	<i>Application Fees</i>	<i>Escrow*</i>	<i>TOTAL</i>
Minor Subdivision	\$400	\$4,000	<b>\$400 plus \$4,000 escrow</b>
Major Subdivision	\$1,000 + \$25 per lot	\$7,000	<b>\$1,000 + \$25 per lot plus \$7,000 escrow</b>
Variance	\$400	\$3,000	<b>\$400 plus \$3,000 escrow</b>
Conditional Use Permit (CUP) (Amended and New)	\$400	\$3,000	<b>\$400 + \$3,000 escrow</b>
Conditional Use Permit (CUP) Annual Review Fee	\$100		<b>\$100</b>
All other Land Use Issues	\$100	\$1,000	<b>\$100 + \$1,000 escrow</b>
Certificate of Compliance (COC)	\$100	\$900**	<b>\$50 + \$950 escrow**</b>
COC Amendment	\$50	\$200	<b>\$50 + \$200 escrow</b>
Grading Permit Fees	\$150 for 50 - 100 Cubic yards \$300 <100 Cubic Yards	No Escrow  \$1000- \$3000 Escrow	<b>Dependent upon number of yards</b>

- \* Unused escrow amounts will be returned to the applicant.
- \* COC Escrow required only for issues that require City Planner analysis or review. Examples include:
  - Accessory buildings in front of the primary structure
  - Projects involving issues related to animal units per grazable acres
  - Buildings meeting the state definition of an "agricultural building"
  - Other complex zoning issues requiring Planner analysis or review
- \* For additional information, see also the Escrow Account Policies Form.
- Permits applied for after work has begun will be two times the standard fee.

Below are listed other permits required for various activities in the City of Grant.

<i>Other Permits</i>	<i>Permit Fees</i>
Sign Permit	\$50
Charitable Gambling Operations Permit	\$100



Demolition Permit	\$100
Mann Lake Parking Permit	\$10/resident OR \$50/non-resident
Burn Permits	\$10



## 2013 FEE SCHEDULE FEES, CHARGES, AND ESCROW

### CITY OF GRANT

Mailing Address: P.O. Box 577  
Willernie, Minnesota 55090  
Town Hall: 111 Wildwood Road  
Phone: (651) 426-3383 Fax: (651) 429-1998  
E-mail: clerk@cityofgrant.com

*Make checks payable to City of Grant.*

Below are listed other fees associated with City services.

<b>False Alarm Fees</b>	<b>Commercial</b>	<b>Residential</b>
False Fire Alarms (Alarms 1-2)	No Charge	No Charge
False Fire Alarms (Alarms 3+)	Actual cost of response Minimum charge: \$50 Maximum charge: \$400	Varies with actual cost

<b>Other False Alarms</b>	<b>Commercial</b>	<b>Residential</b>
Alarms 1-2	No Charge	No Charge
Alarms 3-6	\$60 each	\$50 each
Alarms 7+	\$100 each	\$75 each

<b>Permit/Escrow Fees</b>	<b>Application Fee</b>	<b>Escrow Fee</b>
Qwest	\$200	\$3,000
MediaOne	\$200	\$3,000
Comcast	\$200	\$3,000

<b>Liquor License Fees</b>	<b>Fee</b>
On-Sale Liquor	\$2,000
On-Sale Sunday	\$200
On-Sale Beer 3.2	\$200
Off-Sale Liquor	\$200

<b>Miscellaneous Fees</b>	<b>Fee</b>
Subdivision Ordinance-Copy	\$20
Zoning Ordinance-Copy	\$25
Comprehensive Plan-Copy	\$10
Special Assessment	\$20

Dishonored Check	\$40	
Copies	.25 per page	Over 100 Time Based
Notary Fee – Non-resident	\$5.00	
Solicitor's License Fee	\$75	
Meeting DVD-Copy	\$10	
Wetland Review Specialist		
\$100/\$500 Escrow		
MLCCS Review Fee	\$75	
Driveway Permit	\$50	
Preapplication Meeting/Planner	\$200	

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**CITY OF GRANT  
WASHINGTON COUNTY, MINNESOTA**

**RESOLUTION NO. 2013-09**

**A RESOLUTION OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA,  
PROVIDING FOR THE SUMMARY PUBLICATION OF ORDINANCE NO. 2013-29, AN  
ORDINANCE AMENDING A FEE SCHEDULE FOR THE CITY OF GRANT,  
MINNESOTA**

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WHEREAS, On march 5, 2013, at a Regular Meeting of the Grant City Council, by majority vote, the City Council adopted Ordinance No. 2013-29 which amended the fee schedule for 2013 for the City of Grant; and

WHEREAS, State law requires that all ordinances adopted be published prior to becoming effective; and

WHEREAS, the City Council for the City of Grant has determined that publication of the title and a summary of Ordinance No. 2013-29 would clearly inform the public of the intent and effect of the Ordinance; and

WHEREAS, the City Council for the City of Grant has reviewed the summary of Ordinance No. 2013-29 attached and incorporated herein as **Exhibit A**; and

WHEREAS, the City Council for the City of Grant has determined that the text of the summary clearly informs the public of the intent and effect of Ordinance No. 2013-29.

NOW THEREFORE BE IT RESOLVED, the City Council for the City of Grant hereby:

1. Approves the text of the summary of Ordinance No. 2013-29 attached as **Exhibit A**.
2. Directs the City Clerk to post a summary publication of Ordinance No. 2013-29 in all public locations designated by the City Council.
3. Directs the City Clerk to publish the summary in the City's legal newspaper within ten days.
4. Directs the City Clerk to file the executed Ordinance upon the books and records of the City along with proof of publication.

Dated this 5th day of March, 2013.

\_\_\_\_\_  
Tom Carr, Mayor

ATTEST:

\_\_\_\_\_  
Kim Points, City Clerk

*Exhibit A*

**Ordinance Summary**

**Ordinance No. 2013-29**

**AN ORDINANCE AMENDING A FEE SCHEDULE  
FOR THE CITY OF GRANT, MINNESOTA**

On March 5, 2013 the City of Grant adopted an ordinance amending its annual fee schedule (the "Ordinance"). The Ordinance restated the fee schedule for 2013, with an additional fee schedule for preapplication meetings.

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A printed copy of the Ordinance is available for inspection by any person during regular office hours at the office of the City Clerk or by standard or electronic mail.

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**AGENDA ITEM 8C**

**STAFF ORIGINATOR** Kim Points  
**MEETING DATE** March 5, 2013  
**TOPIC** Minnesota Municipal Clerks Institute

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**BACKGROUND**

The MMCI, following IIMC professional development guidelines, recognizes the critical role of the municipal clerk and finance officer in serving both the large and small cities. Planned by a committee of clerks, the program emphasizes professional development in the areas of public administration, social and interpersonal skills, and special topics addressing emerging issues in the field.

The institute offers a five (5) day course for City Clerks continuing education. The training takes place in Brooklyn Center so no overnight accommodations are necessary.

The cost of the institute is \$410, if registered by April 3 and a MCFOA member, which the City is.

Scholarships are available in grant awards of \$150, \$250, and \$350. A grant application has already been submitted and the City will receive notification on the grant application by March 22, 2013. The City did budget \$1,000 for 2013 training. The annual League of Minnesota Cities Conference, attended by the Clerk every year, will have no fee this year as last year's fee was rolled over to 2013. That conference is in St. Paul so again there are no lodging costs.

Attached is the Institute's brochure and agenda for the training.

Staff is requesting Council input and authorization to attend the annual Clerk's Institute.

Scholarship and payment information:

- MCFOA member: \$410 by April 3, 2013
- Non-MCFOA member: \$450 by April 3, 2013
- MCFOA member: \$450 after April 3, 2013
- Non-MCFOA member: \$470 after April 3, 2013

I have received an MCFOA scholarship. Please register AFTER you have confirmation of your scholarship.

Scholarship Amount: \$ \_\_\_\_\_

TOTAL amount due: \$ \_\_\_\_\_

Enclosed is \$ \_\_\_\_\_ in payment of the MMCI Institute.

(Check, or money order is payable to the SCSTU. A \$20 service charge will be applied if returned for insufficient funds, closed account, or Stop Payment request.)

Please bill my employer, reference Purchase Order # \_\_\_\_\_

Please charge my credit card in the amount of \$ \_\_\_\_\_

- VISA  MasterCard  Discover  American Express

Card number: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Name as it appears on your credit card bill \_\_\_\_\_

Address as it appears on your credit card bill \_\_\_\_\_

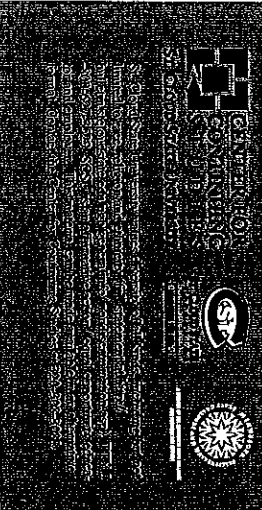
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Authorized signature: \_\_\_\_\_

Send registration form by mail or e-mail:

Mail: St. Cloud State University  
Attn: Gail Ruhland, BH211  
720 Fourth Avenue South  
St. Cloud, MN 56301-4498

E-Mail: register@scstuniversity.com



**ST. CLOUD STATE UNIVERSITY**

Center for Continuing Studies  
720 Fourth Avenue South, BH211  
St. Cloud, MN 56301-4498

**MINNESOTA MUNICIPAL CLERKS INSTITUTE (MMCI)**

April

Crowne Plaza Minneapolis North  
Brooklyn Center, Minnesota

**2013 MINNESOTA MUNICIPAL CLERKS INSTITUTE (MMCI)**

APRIL 22-26



**Crowne Plaza Minneapolis North  
Brooklyn Center, Minnesota**

**SPONSORED BY:**  
Minnesota Municipal Clerks & Finance  
Officers Association (MCFOA)

League of Minnesota Cities (LMC)  
The Center for Continuing Studies  
at St. Cloud State University

**REGISTRATION INFORMATION**  
AVAILABLE AT:  
• www.mcfoa.org  
• www.scstuniversity.com/MMCI

**WHY ATTEND?**  
The Institute experience helps participants build a network for problem solving that continues after the formal sessions end!

**ABOUT THE PROGRAM**

The Minnesota Municipal Clerks and Finance Officers Association (MCFOA) and St. Cloud State University's Center for Continuing Studies invite you to participate in the Minnesota Municipal Clerks Institute. MMCI is a three-year continuing education program leading to professional accreditation. Individuals successfully completing the three-year certification program are awarded 60 educational points toward the designation Certified Municipal Clerk (CMC) by the International Institute of Municipal Clerks (IIMC). In addition to the educational points, 50 experience points are also required to receive the CMC.

The MMCI, following IMC professional development guidelines, recognizes the critical role of the municipal clerk and finance officer in serving both large and small cities. Planned by a committee of clerks, the program emphasizes professional development in the areas of public administration, social and interpersonal skills, and special topics addressing emerging issues in the field.

The program provides opportunity for discussion and idea sharing among clerks and finance officers participating from throughout Minnesota. The Institute experience helps participants build a network for problem solving that continues after the formal sessions end. Completion of the Institute is an important step toward professional achievement.

**GENERAL INFORMATION**

**REGISTRATION AND FEES**

The Institute fee for MCFOA members is \$410 if postmarked by April 3, 2013 and \$450 after April 3. The non-MCFOA member fee is \$450 if postmarked by April 3, 2013 and \$470 after April 3. This fee includes instruction, course materials, four lunches, refreshment breaks, and the Thursday evening banquet. Banquet guest tickets are \$30. Refund of the registration fee, minus a \$30 processing fee, will be granted to written cancellations received by April 14, 2013. The University reserves the right to cancel the Institute, if necessary.

**SCHOLARSHIPS**

The Municipal Clerks and Finance Officers Association, (MCFOA), is a membership organization open to the Municipal Clerks and Finance Officers of the 85 Minnesota cities. Members are eligible to apply to MCFOA

for a MMCI scholarship. Grants are \$150, \$250, \$350. You must be a paid member to apply. The membership dues are \$35. Go to [www.mnclerks.org](http://www.mnclerks.org) and click on forms to download the membership and scholarship applications forms.

If you are applying for a scholarship please register after you receive notification from the MCFOA of their decision. Notice will be sent to you by March 22, 2013. You will be able to complete your registration prior to the April 3, 2013 early registration deadline. The Institute will still have plenty of space for you.

**ACCOMMODATIONS**

A block of sleeping rooms has been reserved at the Crowne Plaza Minneapolis North, 2200 Freeway Boulevard, Brooklyn Center, MN 55430. You can access their web site at [www.minneapolisnorthhotel.com](http://www.minneapolisnorthhotel.com) or call the hotel directly at 763-566-8000 or 1-800-481-3556 and mention that you are attending the Minnesota Municipal Clerks Institute (MMCI) to receive the special room rate of \$99 per night plus tax 6.5% sales tax and 6% occupancy tax. Reservations are guaranteed until June 20, 2011. After this date, reservations will be handled on a first-come, first-served basis at the hotel or neighboring lodging property. There will be a complimentary BBQ on Monday, April 22, 2013, outside by the pool from 6:15 - 8:15 p.m.

**PARKING**

Free parking is available at the Crowne Plaza Minneapolis North.

**CONTINUING EDUCATION UNITS**

The Institute offers 4.0 Continuing Education Units (CEUs). One CEU is defined as 10 contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction.

**FOR FURTHER INFORMATION**

If you would like more information or have questions, please contact:

Gail Ruhland at 320-308-5759  
 (gail@scstraining.com)  
 Or  
 Charlotte Kastanek at 320-308-4723  
 (char@scstraining.com)

**SPECIAL ACCOMMODATIONS**

To ensure full participation in this workshop, please inform us about any dietary requirements or physical challenges which should be addressed prior to your arrival.

**MINNESOTA MUNICIPAL CLERKS INSTITUTE WEEK-AT-A-GLANCE BY YEAR**

Sunday - 6:00-7:00 pm Early Registration (encouraged for Year One participants)  
 Monday - 6:15-8:15 pm Complimentary Welcome BBQ - Crowne Plaza, outside by the pool  
 Thursday - 6:30 pm Social Hour, 7:00 Banquet - Crowne Plaza, Lake of the Isles

YEAR 1	Monday April 22	Tuesday April 23	Wednesday April 24	Thursday April 25	Friday April 26
8 am To 12:30 pm	Welcome & Introduction to the Institute Secretary of State, Mark Ritchie & the MCFOA President & Education Committee	Fundamentals of Minnesota Government	Diagnosis Training: Tour of Target Field	Open Meeting Law and What Councils Can and Cannot Do	Effective Listening
8 am To 1:00 pm	Effective Interpersonal Communication and Work Style	Do's and Don'ts: Working with Volunteer Fire Department and Relief Association	Capital Planning and Budgeting	Getting Along with your Elected Officials: How To Work As A Team	World-Class Customer Service
8 am To 1:00 pm	Human Resources Issues & Approaches for Clerks	Volunteer Fire Department and Relief Association	Human Resources Issues for Municipalities	Presentations of field with tour of MN Historical Society Insurance in Municipalities	Operational Communication and Conflict Management
8 am To 12:30 pm	MCFOA Certification	Intro to Emergency Management	Legislative High Priority Issues	Historic Preservation & City Government	World-Class Customer Service
1:00 pm To 5:30 pm	Organizational Communication and Conflict Management	Revenue Sources	City Legal Issues	Field Trip: Tour Historical Archives & Preservation	MMCI Evaluation
8 am To 1:00 pm	Ethical Issues in the Public Sector	Records and Information Management	Records and Information Management	Effective Writing Communication	Bonding and Other Financing Options
8 am To 12:30 pm	Identifying Conflicts of Interest	Managing Electronic Records	Managing Electronic Records	Economic Development	Municipal Issues & Approaches
8 am To 12:30 pm	Making Decisions in a Morally Distress Workplace	Protecting Essential Records	Protecting Essential Records	Field Trip: MN State Capitol	Adjuern 12:30
8 am To 12:30 pm	Welcome & Introduction to the Institute Secretary of State, Mark Ritchie & the MCFOA President & Education Committee	Small Group Communication	Field Trip: MN State Capitol	Simulated Council Meeting	Remaining Apolitical
8 am To 12:30 pm	MCFOA Certification	Municipal Case Study: Intimidation	9am - Tour: State Capitol	Tax Abatement: The Alternatives to TIF	World-Class Customer Service
8 am To 12:30 pm	Municipal Case Study: Public Relations	Media Relations	Media Relations	Lobbying Resources for Clerks	MMCI Evaluation
8 am To 12:30 pm	Parliamentary Procedure	Speak Up! Public Speaking & Facilitating a Discussion	Municipal Case Study and Presentation Preparation	Organizational Style & Dynamics	Municipal Issues & Approaches
8 am To 12:30 pm	Parliamentary Procedure	Speak Up! Public Speaking & Facilitating a Discussion	Municipal Case Study and Presentation Preparation	Organizational Style & Dynamics	Municipal Issues & Approaches

**REGISTRATION FORM**

Please detach this portion of the brochure, fill out the front and back and send in to register.

**2013 MINNESOTA MUNICIPAL CLERKS INSTITUTE (MMCI)**

April 22 - 26, 2013

Refund of the registration payment, minus a \$50 service fee, will be made if written cancellation is received by June 30, 2011. Cancellations after this date are ineligible for a refund.

Please enroll me in the 2013 MMCI for:

(NOTE - You must designate a year)

Year One  Year Two  Year Three

BBQ on Monday, April 22

I plan on attending the BBQ (included in registration fee)

I DO NOT plan on attending the BBQ

Banquet on Thursday, April 25

I plan on attending the banquet (included in registration fee)

I DO NOT plan on attending the banquet

Please print or type

Name (First) (MI) (Last)

Work Title / Position

E-mail

Work Address

Work City State Zip Code

Work Phone Fax

Soc. Sec. # (List 4 digits) Birth Date MM/DD/YYYY

(For CEUs / membership purposes only)

The information on this form is private data, used to identify and locate you, obtain payment, and enable instructions to better know their audience. Name, address, & payment method are mandatory. If you desire CEU certification and do not supply a Social Security number an alternative identifier will be used.

I do NOT want to be included on the registrant list for distribution to participants.

(From continued on back side)

**2013 Minnesota Municipal Clerks Institute Week-At-A-Glance by Year**  
**Sunday - 6:00-7:00 pm Early Registration (encouraged for Year One participants)**  
**Monday - 6:15-8:15 pm Complimentary Welcome BBQ — Crowne Plaza, outside by the pool**  
**Thursday - 6:00 pm Social Hour; 6:30 Banquet — Crowne Plaza, Lake of the Isles**

<b>Year One</b>					
	<b>Monday, April 22</b>	<b>Tuesday, April 23</b>	<b>Wednesday, April 24</b>	<b>Thursday, April 25</b>	<b>Friday, April 26</b>
8:00 a.m. to 12:30 p.m.	<b>Welcome &amp; Introduction to the Institute - Secretary of State, Mark Ritchie &amp; the MCFOA President &amp; Education Committee</b>  <b>CMC Certification</b> <i>(Char Friedges, CMC)</i>	<b>Fund Accounting and Budget Preparation (Y1-4)</b> <i>(Susan Iverson &amp; Tom Kelly)</i>  <b>Fundamentals of Minnesota Government (Y1-5)</b> <i>(Susan Iverson)</i>	<b>Elections Training (Y1-8)</b> <i>(Gary Poser)</i>  <b>FIELD TRIP: Tour of Target Field (Y1-9)</b>	<b>Minute-Taking, Meetings, Parliamentary Procedure (Y1-12)</b> <i>(Deb Boelter &amp; Amanda Zeidler)</i>  <b>Open Meeting-Law and What Councils Can and Cannot Do (Y1-13)</b> <i>(Corrine A. Heine)</i>	<b>Effective Listening (Y1-16)</b> <i>(Kit Welchlin)</i>  <b>World-Class Customer Service (Y1-17)</b> Years 1, 2 and 3 <i>(Kit Welchlin)</i>  <b>MMCI Evaluation</b>  <b>Adjourn 12:30</b>
1:00 p.m. to 5:30 p.m.	<b>Effective Interpersonal Communication and Work Styles (Y1-1)</b> <i>(Karen Ray)</i>  <b>Human Resource Issues &amp; Approaches for Clerks (Y1-2)</b> <i>(Donyelle Mikacevich)</i>  <b>Intro to Emergency Management (Y1-3)</b> <i>(Kurt Kramer)</i>	<b>Do's &amp; Don'ts – Working with Volunteer Fire Departments and Relief Associations (Y1-6)</b> <i>(Colleen Hartmon Bollom)</i>  <b>Revenue Sources (Y1-7)</b> <i>(Doug Green)</i>	<b>Capital Planning and Budgeting (Y1-10)</b> <i>(Bruce Kimmel)</i>  <b>Fundamentals of Data Practices (Y1-11)</b> <i>(Corrine A. Heine)</i>	<b>Getting Along with your Elected Officials: How To Work As A Team (Y1-14)</b> <i>(Joel Hanson)</i>  <b>Municipal Issues &amp; Approaches (Y1-15)</b> (with Years 2&3) <i>(Wendy Bjorklund)</i>	

<b>Year Two</b>					
	<b>Monday, April 22</b>	<b>Tuesday, April 23</b>	<b>Wednesday, April 24</b>	<b>Thursday, April 25</b>	<b>Friday, April 26</b>
8:00 a.m. to 12:30 p.m.	<b>Welcome &amp; Introduction to the Institute - Secretary of State, Mark Ritchie &amp; the MCFOA President &amp; Education Committee</b>  <b>CMC Certification</b> <i>(Char Friedges, CMC)</i>  <b>Organizational Communication and Conflict Management (Y2-1)</b> (continued on Friday) <i>(Donelle Hintermeister)</i>	<b>Emerging Public Policy Issues for Municipalities (Y2-5)</b> <i>(Rachel Walker)</i>  <b>Legislative High Priority Issues (Y2-6)</b> <i>(Gary Carlson)</i>  <b>City Legal Issues (Y2-7)</b> <i>(James Mongé III)</i>	<b>Human Resource Issues for Municipalities (Y2-11)</b> <i>(Joyce Hottinger &amp; Rebecca Hardel)</i>  <b>Technology Problems &amp; Policies (Y2-12)</b> <i>(Dan Greensweig &amp; Greg Van Wormer)</i>	<b>Presentations at Hotel with tour of MN Historical Society:</b>  <b>Insurance in Municipalities (Y2-15)</b> <i>(Laura Honeck &amp; Liam Biever)</i>  <b>Historic Preservation &amp; City Government (Y2-16)</b> <i>(Michael Koop)</i>  <b>FIELD TRIP: Tour: Historical Archives &amp; Preservation (Y2-17)</b> <i>(Charles Rodgers)</i>	<b>Organizational Communication and Conflict Mgmt. (Y2-20)</b> (cont' from Monday) <i>(Donelle Hintermeister)</i>  <b>World-Class Customer Service (Y2-21)</b> Years 1, 2 and 3 <i>(Kit Welchlin)</i>  <b>MMCI Evaluation</b>  <b>Adjourn 12:30</b>
1:00 p.m. to 5:30 p.m.	<b>Ethical Issues in the Public Sector (Y2-2)</b> <i>(David Schultz)</i>  <b>Identifying Conflicts of Interest (Y2-3)</b> <i>(David Schultz)</i>  <b>Making Decisions in a Morally Diverse Workplace (Y2-4)</b> <i>(David Schultz)</i>	<b>Records and Information Management (Y2-8)</b> <i>(Chris Johnson)</i>  <b>Managing Electronic Records (Y2-9)</b> <i>(Cathy Beil &amp; Chris Johnson)</i>  <b>Protecting Essential Records (Y2-10)</b> <i>(Cathy Beil)</i>	<b>Effective Written Communication (Y2-13)</b> <i>(Donelle Hintermeister)</i>  <b>Economic Development/HRA/TIF (Y2-14)</b> <i>(Bruce Kimmel)</i>	<b>Bonding and Other Financing Options (Y2-18)</b> <i>(Mike Bubany)</i>  <b>Municipal Issues &amp; Approaches (Y2-19)</b> (with Years 1&3) <i>(Wendy Bjorklund)</i>	



**Year Three**

	<i>Monday, April 22</i>	<i>Tuesday, April 23</i>	<i>Wednesday, April 24</i>	<i>Thursday, April 25</i>	<i>Friday, April 26</i>
8:00 a.m. to 12:30 p.m.	<p><b>Welcome &amp; Introduction to the Institute - Secretary of State, Mark Ritchie &amp; the MCFOA President &amp; Education Committee</b></p> <p><b>CMC Certification</b> <i>(Char Friedges, CMC)</i></p> <p><b>Municipal Case Study: Introduction (Y3-1)</b> <i>(continued on Wednesday)</i> <i>(Steve Wallner)</i></p>	<p><b>Small Group Communication (Y3-4)</b> <i>(Wendy Bjorklund)</i></p>	<p><b>FIELD TRIP: MN State Capitol:</b></p> <p><b>9am - TOUR: State Capitol (Y3-10)</b></p> <p><b>Lobbying (Y3-8)</b> <i>(Sarah Erickson)</i></p> <p><b>Resources for Clerks (Y3-9)</b> <i>(Mark Ritchie)</i></p>	<p><b>Simulated Council Meeting (Y3-11)</b> <i>(Wendy Bjorklund, R. Jeff Ringer, &amp; Steve Wallner)</i></p> <p><b>Tax Abatement: The Alternative to TIF (Y3-12)</b> <i>(Rusty Fifield &amp; Tammy Omdal)</i></p>	<p><b>Remaining Apolitical (Y3-15)</b> <i>(Frederic 'Fritz' Knaak)</i></p> <p><b>World-Class Customer Service (Y3-16)</b> Years. 1, 2 and 3 <i>(Kit Weichlin)</i></p>
	<p><b>Media Relations (Y3-2)</b> <i>(Mary Tan)</i></p>				<p>MMCF Evaluation</p> <p><b>Adjourn 12:30</b></p>
1:00 p.m. to 5:30 p.m.	<p><b>Parliamentary Procedure (Y3-3)</b> <i>(R. Jeff Ringer)</i></p>	<p><b>Speak Up! Public Speaking &amp; Facilitating a Discussion (Y3-5)</b> <i>(Wendy Bjorklund)</i></p>	<p><b>Municipal Case Study and Presentation Preparation (Y3-6)</b> <i>(continued from Monday)</i> <i>(Steve Wallner)</i></p> <p><b>Grants &amp; Grant Writing (Y3-7)</b> <i>(Chuck Pettipiece)</i></p>	<p><b>Organizational Styles &amp; Dynamics (Y3-13)</b> <i>(Wendy Bjorklund)</i></p> <p><b>Municipal Issues and Approaches (Y3-14)</b> <b>(with Years 1 &amp; 2)</b> <i>(Wendy Bjorklund)</i></p>	

## AGENDA ITEM 9A

<b>STAFF ORIGINATOR</b>	Kim Points
<b>MEETING DATE</b>	March 5, 2013
<b>TOPIC</b>	Town Hall Meeting Policy

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### BACKGROUND

At the February 5, 2013 City Council meeting, staff was directed to gather information from surrounding cities regarding the use of City buildings for community meetings.

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Lake Elmo -- City Hall use is allowed but must be reserved and rented, do not advertise

Birchwood, Mahtomedi -- Allow use of Town Hall with fee and deposit.

Stillwater -- Allowed use for non-profit organizations to use with form.

Marine St. Croix -- Allow use of Village Hall with fee and deposit.

Willernie -- No use for residents.

May Township -- Allowed use one time and are still trying to collect dollars for cleaning/damage

Scandia -- Rental of their Community Senior Center with fee and reservation agreement.

Lino Lakes -- They have a community room that can be reserved by the public. No use of Council Chambers.

Hugo -- have three public facilities that can be used for public business for a fee of \$100 per event. Political groups require specific approval from the City Administrator.

Please note that the cities above do not allow groups to access or use the video equipment. Attached are various applications and policies utilized by these cities for use of the buildings.

### Agreement/Application for Use of Meeting Rooms in Stillwater City Hall

Applicant Name	Day time Phone #
Organization Name	Alternate Phone #
Mailing Address	

Date needed: \_\_\_\_\_ Hours: from \_\_\_\_\_ to \_\_\_\_\_

For Use of Meeting Room: (check one)

Council Chambers

with Conference Room 213 – maximum capacity 197

without Conference Room 213 – maximum capacity 148

Conference Room 213 – maximum capacity 49

Police/Fire Training Room – maximum capacity 48

Riverview Room – maximum capacity 10-12

Anticipated Attendance: Adults \_\_\_\_\_ Children \_\_\_\_\_

Purpose for which the meeting room shall be used: \_\_\_\_\_

Permission to bring into the building: \_\_\_\_\_

(equipment, supplies, etc.)

The applicant agrees to:

1. Pay for damages to City property or equipment over and above normal wear and tear
2. Assume full responsibility for the conduct of the group during the time the facility is being used.
3. Leave the room in "as received" condition.
4. Abide by the terms of this Agreement and conform with written policy governing the use of meeting places in Stillwater City Hall.
5. Recognize the right of the City of Stillwater to cancel this Agreement in event of emergency or conflicting governmental use.
6. Pay for any copies requested according to our fee schedule.

I, \_\_\_\_\_, on behalf of \_\_\_\_\_ (individual name and name of organization) hereby agree to the conditions set forth above.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

**CITY OF STILLWATER  
STILLWATER CITY HALL MEETING ROOM USAGE POLICY**

**Purpose**

The purpose of this policy is to clarify conditions and terms for use of meeting rooms in Stillwater City Hall.

**Policy**Availability

Stillwater City Hall has four meeting rooms available for use:

- 1) Council Chambers
  - a) with Conference Room 213 – maximum capacity 189
  - b) without Conference Room 213 – maximum capacity 163
- 2) Conference Room 213 – maximum capacity 26
- 3) Police/Fire Training Room – maximum capacity 47
- 4) Riverview Room – maximum capacity 10-12

Council Chambers and Conference Room 213 are located on the second (main) level of City Hall and will not be available on nights when the City Council is in session. Non-governmental groups will not be allowed to use the council chambers. The Police/Fire Training Room is located on the First level, across from the Police Department. It is set up classroom style with eight tables that will seat five each. All meeting rooms are equipped with a white board, markers, tables, chairs and an overhead projector.

The meeting rooms are primarily designed and intended for official local government meetings. Therefore, priority for use of the above rooms will be given to governmental use. The rooms may not be used for purposes that would cause interference whatsoever with Council or other governmental meetings, regular or emergency, scheduled in the building area. If interference could possibly occur, the government function has priority, and other meetings would be immediately canceled. The cancellation privilege shall apply regardless of reservation by non-governmental users.

Activities scheduled for the meeting rooms shall be restricted to the hours of 8:00 a.m. to 9:30 p.m. Monday through Friday, and 9:00 a.m. – 5:00 p.m. on Saturdays and Sundays (excluding Holidays). Reservations for use of the meeting rooms should be submitted at least ten days in advance of the date desired.

Meeting rooms are available for use by local government boards/commissions and non-profit organizations only.

Rules and Guidelines

1. Users shall be responsible for making arrangements to have the building opened for their meeting after regular business hours (4:30 p.m.) and closed

when users are done (by 9:30 p.m.) Monday through Friday. User shall be responsible for making arrangements to have the building opened for their meeting and closed when done on Saturdays and Sundays (not before 8:00 a.m. or after 5:00 p.m.)

2. Users shall not exceed the maximum number of persons allowed.
3. Users shall not allow the consumption or serving of alcohol in the facility.
4. Users shall not allow smoking in the facility.
5. Users shall be fully responsible for the activities and actions of all minors in the facility.
6. Users shall not charge a fee for activities held at the facility.
7. Upon exiting the facility, Users shall:
  - a. Return all furnishings to their original placement.
  - b. Wipe down surfaces of tables and dispose of any trash.
  - c. Turn off all lights.
  - d. Notify Fire Department to secure all doors by calling (301-4950) or by stopping at the Fire Department.
8. During use of the facility, Users shall be totally responsible for maintaining the condition of the facility. Inspections shall be conducted by City staff the following business day. If the condition of the facility is found to be unacceptable, the appropriate amount shall be billed to the User and may affect the Users ability to utilize the facility in the future.
9. An Agreement/Application form shall be signed by the User's representative prior to use.
10. Users will not leave any of their own furniture or equipment in any of the meeting rooms.

**Parking**

Parking is recommended down behind City Hall, but not across from the police/fire depts.

THE CITY IS NOT RESPONSIBLE FOR ANY LOST OR STOLEN PROPERTY.

Residents - \$100 per event

**POLICY REGULATING THE USE OF  
THE CITY OF HUGO PUBLIC FACILITIES  
(Effective and Approved May 2, 2011  
Updated August 22, 2012)**

**GENERAL**

The City has public facilities (City Hall Oneka Room, Rice Lake Centre, Hanifl Shelter Gathering Room) which are intended to serve the public where possible by providing a facility conducive to the conduct of public business. ~~The Hugo Fire Hall is generally not available for~~ use for public gatherings and is made available only upon special consent of the City and the Fire Chief. Since public funds made these facilities possible, the public is encouraged to use them. The following policy is designed to promote orderly and appropriate use of these public facilities. Failure to conform to this policy for use of the facility shall be cause for forfeiture of future use privileges.

**WHO MAY USE THE PUBLIC BUILDINGS**

The public facilities shall be generally available for use by area civic, charitable or non-profit organizations and for public and private meetings. They may also be used, subject to availability, for private parties and exhibitions. They shall not be used for private ceremonies or for private profit-making activities or any other activity not consistent with the general purpose of the building or these policies.

Routine use (weekly or bi-weekly) shall occur only with specific approval of the City Administrator.

Use by political groups shall require specific approval by the City Administrator.

**AVAILABILITY AND PRIORITY**

All public buildings shall be closed on the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Approved reservation times and dates shall be adhered to. There shall be no subletting or assignment of reservations except by a City designee.

**Priority of Use:**

- 1) Hugo City Council and Commissions appointed by the City Council
- 2) Groups or organizations that receive permission from the City Council for regularly scheduled meetings
- 3) Other applicants on a first-come, first- served basis

The City reserves the right to cancel any reserved meeting or event, without any cost to the City, if it becomes necessary in an emergency to schedule a special governmental associated meeting or event.

### **APPLICATION**

All parties wishing to rent a public facility must complete an application and submit it to the City at least two weeks prior to the requested reservation date. An application needs to be completed once annually for organizations using the facilities periodically during the year. Fees and deposits shall be paid at the time of application according to the fee schedule as established by the Council.

The request will be reviewed in light of these guidelines and the availability of the facilities. The person designated by the City shall approve or decline the application in a timely manner.

The person signing the application is deemed to be the representative of the group or organization using the public facility and shall be responsible for compliance with all City policies. An applicant to rent or reserve use of a public facility must be a person 18 years of age or older.

### **FEES AND DEPOSITS**

Fees and deposits shall be paid at the time of submitting a rental application according to the fee schedule as established by the Council.

If alcohol is being served, a \$500 damage deposit is required.

The fee may be waived for 501(c)3 non-profit organizations, community volunteer service organizations, or applicants who have performed a commensurate service to the City. No physical use of the facility shall be allowed under any circumstances unless all fees and deposits have been paid.

The rental fee shall not be refunded if the applicant withdraws their rental application or cancels their rental within 2 weeks of the date of the rental.

The damage deposit shall be refunded after the event provided no damage is done, all areas used are left in a clean acceptable condition, and that all keys are returned. The applicant is responsible for any damage or cleaning expense that exceeds the deposit.

### **ACCESS TO THE FACILITY**

The applicant shall contact the City offices by 2:00pm on the day of, or business day prior to, the meeting or event to pick up a key or arrange entrance into the building. All rental keys must be returned to Hugo City Hall the business day after the reservation.

### **SMOKING AND ALCOHOL USE**

Hugo public buildings are smoke free facilities. Smoking is prohibited in all areas.

Use of alcohol in the public facilities will be the responsibility of the applicant. The use of alcohol will abide by all federal, state and local laws regarding the consumption, display and use of alcoholic beverages. The sale of alcoholic beverages is prohibited. No alcohol shall be provided to minors. No alcohol shall be consumed or taken outside the building. Alcohol may be allowed after payment of the alcohol deposit fee, subject to special rules and regulations.

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### **GAMBLING**

No gambling of any kind shall be allowed except lawfully excluded bingo and exempt gambling.

### **SPECIAL RULES AND REGULATIONS**

The Hugo City Council shall adopt from time to time as it deems appropriate special rules and regulations pertaining to the specific uses of the public buildings. The Council shall also adopt a fee schedule for the rental of the Public Buildings. The policies and the fee schedule shall be available to the public and a copy given to all rental applicants.

### **LIABILITY**

The City of Hugo or any of its employees or agents of the City shall not be liable for any loss, damage, injury or illness incurred by any user of the facility.

### **FOOD AND BEVERAGES**

Food and beverages are allowed as long as this policy is followed. The kitchens in the Rice Lake Centre and the Oneka Room are food catering facilities only, not preparation centers. The applicant is responsible for furnishing all serving needs (plates, silverware, utensils, serving dishes, etc.) Applicant shall provide containers for leftovers. All food and beverages must be removed and all dishes and utensils washed and dried and stored.



**CLEAN UP REGULATIONS**

- 1) No rice or confetti shall be allowed on premises.
- 2) No decorations, banners, signs, etc., shall be attached to any walls. No tape or tacks shall be used.
- 3) At the end of the use of the facility it must be cleaned and returned to its original condition. The check out procedure posted at the facility must be followed which may include:  
~~disposing of garbage and placing it in a designate area, wiping off tables and chairs to~~  
remove all food and spills, returning tables and chairs to their original location, washing and putting away dishes and/or cleaning bathrooms.
- 4) Doors shall be unlocked during the meeting or event. At the end of the meeting, the doors shall be locked and the lights shall be turned off.

If the facility is not satisfactorily returned to its original condition, the City shall have the facility cleaned and the applicant agrees to pay for cost of clean up.

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# Facility Rental Application



Name of Applicant:

Name of Organization/ Group/ Individual:

Type of Group:

Non-Profit

For-Profit

Phone Number:

Mailing Address:

Email Address:

## Rental or Use Information

Date of Use:

Start and Ending Time of Use:

Preferred Facility:

Oneka Room

Rice Lake Centre

Hanifl Gathering Room

Purpose of the Meeting:

Will participants be charged a fee?

No

Yes, this type:

Will alcohol be served?

No

Yes, this type:

Attach separate sheet of requested permit days and times as needed.

Rent and Deposit Received: Date: \_\_\_\_\_ Amount: \_\_\_\_\_ Check #: \_\_\_\_\_

Key Picked Up On: Date: \_\_\_\_\_ By Whom: \_\_\_\_\_

Key Returned On: Date: \_\_\_\_\_ By Whom: \_\_\_\_\_

Rent and Deposit Returned: Date: \_\_\_\_\_ Amount: \_\_\_\_\_ Check #: \_\_\_\_\_

Approved by (City designee): \_\_\_\_\_

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

Notes:

Apply to:

City of Hugo

14669 Fitzgerald Avenue N.  
Hugo, MN 55038

Phone: 651-762-6300

# Facility Rental Application



Organization/ Group/ Individual:

## Agreement for Assumption of Responsibility and Waiver of Liability

On behalf of the above named organization, group or individual, I agree to all of the following terms and conditions together with the Policy Regulating Use of the City of Hugo Public Facilities all other written rules and policies adopted by the City which govern the use of the Hugo Public Building.

- 1) The undersigned is familiar with the facility and acknowledges that the facility is in good and clean condition and that it is safe to be used for the purposes set forth above.
- 2) ~~The undersigned will not allow any activity to be conducted during the time which it uses the facility which will or could lead to damage to personal property or personal injury to any person whatsoever.~~
- 3) The undersigned agrees that it shall be responsible for all loss or damage or claims made by any person or any party that concerns use of the facility during the time the undersigned is using the Public Building. The City shall not be responsible for any loss or damage or claims made by any person or party, it being understood that the sole and complete responsibility for use of the premises lies with the undersigned in case such claims are made. If claims are made against the City, the undersigned, for himself or herself and on behalf of the organization or group the undersigned represents agrees to defend the City, its officers, council members, employees and agents against all claims made. Further, your undersigned agrees to indemnify and hold the City, its officers, council members, employees and agents harmless from and against any and all claims and liabilities, including attorneys' fees, as to any claims for damages or loss which arise or could have arisen relating to the use of the facility whether occurring on the premise or off-premise, including but not limited to alcohol related incidents, accidental falls, discrimination, rights, etc. by the undersigned. If the undersigned does not defend, indemnify and hold the City harmless pursuant to the provisions of this Agreement, then the City may institute an action against the undersigned and all persons using the premises for recovery of all expenses and costs incurred by the City for failure to defend, indemnify and hold the City harmless pursuant to the provisions of this paragraph.
- 4) The undersigned further agrees and warrants that if the signature of the undersigned is for and on behalf of an organization or group, that the organization or group has expressly authorized the undersigned to make this agreement on behalf of the organization or group and that the organization or group shall be bound by the undersigned's signature. The City may request that the undersigned furnish a certified copy of the resolution of the organization or association authorizing the undersigned to apply for use of the Public Building if, in its discretion, it so determines necessary. Alternatively, the City may require all members of the organization or association or all of its officers or directors or members as it shall select to sign this Agreement or an addendum to this Agreement to further document this request and agreement to use the facility in the manner provided herein. If the organization or association requesting use of the facility is not incorporated, by signing this request and Agreement, the undersigned understands and agrees that all organization members or members of the group are or could be liable for use of the facility and that all members bear responsibility legally if the facility is not used properly and is not used in accordance with the terms of this request and agreement.
- 5) The undersigned understands and agrees that the use of the facility is subject to the payment of all fees and deposits as adopted by the City from time to time and that the undersigned will be responsible for the payment of all such fees and deposits as required when due.
- 6) The undersigned understands this application/request is subject to approval by the City. If the request is approved this request shall become a binding agreement between the undersigned and the City of Hugo.

Print Organization/ Group/ Individual:

Signature of applicant:

Applicant Title:

Date:

City of Marine on St. Croix  
P.O. Box 250, 121 Judd Street  
Marine on St. Croix, MN 55047  
651-433-3636

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
Date of Rental

**RENTAL CONTRACT FOR MARINE ON ST. CROIX VILLAGE HALL**  
121 Judd Street

In order to promote the orderly use of the Village Hall built in 1888 and to protect its historical value, the Marine on St. Croix City Council and \_\_\_\_\_ (renter) have agreed to the following Rental Contract:

**1. Fees and Deposits:**

- a. Marine residents \$400 plus \$1000 deposit
- b. Non-residents \$750 plus \$1000 deposit
  - i. The deposit will be returned when it has been determined by the city public works person that all requirements of this Contract have been fulfilled.
  - ii. One-half of the deposit will be retained if any cigarette butts are found inside the hall, on the 2<sup>nd</sup> floor south emergency exit balcony, or on the 1<sup>st</sup> floor east exterior stage access.
  - iii. The deposit and fees must be paid to the city clerk-treasurer one week in advance of the rental period. The funds will be deposited in the City account upon receipt.

**2. Venue Services:**

- 165 occupancy limit
- fully handicapped accessible/elevator
- non-commercial kitchen
- no cancellation fee
- hourly fee available
- upstairs space may be arranged as desired
- stage lighting and sound – special rules apply
- historic Axel Lindahl stage curtain – special rules apply
- 160 metal folding chairs, 12 banquet tables
- Council Chamber with 20 chairs and long wooden table (scheduled City meetings take precedence in the use of this room)

**3. Operating Rules:**

- a. All backdrops, decorations, table ornaments, front entry way decorations used in the building must have the approval of the Village Fire Chief before the event takes place. This includes school events such as plays.
- b. Decorations, in addition to being required to be non-flammable, shall NOT be attached to any wall or light fixture in the building by nails or staples. Tape, ribbon, or string is acceptable. The walls have been restored and painted and should be treated as one would one's own home.
- c. Candles may be used only if they are contained in a non-flammable votive or globe.
- d. Real Christmas trees are specifically forbidden inside the hall.
- e. There are 12 tables (8'x 2.5') and 160 metal folding chairs upstairs as well as 2 counter height, rolling buffet/bars.
- f. The library table in the 1<sup>st</sup> floor entry and the Council Chamber table must be covered with table cloths if used for food or beverage service.
- g. Sound equipment has special use rules. See the City Clerk.
- h. Lighting equipment may be used if the stage is being used or a performance is taking place. Special use rules apply.
- i. The historic Axel Lindahl stage curtain is to be kept rolled up. Special use rules apply. See the

City Clerk.

- j. Beverages are to be served in one designated location and proper care is to be taken to avoid spills. Coolers, kegs, beverage tubs, and ice buckets must have a protective, waterproof mat underneath them (supplied by City).
  - k. All FIRE EXITS must be unlocked while the building is in use.
  - l. Renters are responsible for the safety of those using the hall as well as for the customary good conduct of their guests. Juvenile groups shall be properly supervised by adults. This includes preparation and clean-up activities, and a responsible adult who shall sign and be responsible under this Agreement.
  - m. Responsible party must remain in the building for an hour after any event to guard against possible fire.
  - n. ~~NO DANCING WAX MAY BE USED ON THE FLOOR.~~
  - o. No structural alterations, repairs, or painting will be allowed except by special permission of the city council.
  - p. There shall be no smoking anywhere in the building, on the south side exterior staircase, or the east side exterior stoop. Violation of this rule is a misdemeanor punishable by fine or jail.
  - q. Renter agrees to release, discharge, hold harmless and indemnify city for all damages or claims that arise or grow out of the rental period.
4. It is the renter's responsibility to return the hall to the city in the following condition:
- a. Wipe up all food and beverage spills immediately.
  - b. Use the supplied waterproof mat underneath all kegs, coolers, beverage tubs, and ice buckets.
  - c. Sweep the floors upstairs and downstairs, including the stairs.
  - d. Collect trash from upstairs, entry, kitchen, restrooms, and Council Room and place in covered trash containers outside the building to the south of the front door.
  - e. Collect recycling and remove from premises.
  - f. Wash and dry all tables and return to storage units.
  - g. Place chairs in storage racks and stack excess chairs on the stage.
  - h. Turn heat off upstairs.
  - i. Leave upstairs shutters open.
  - j. Secure windows throughout the building.
  - k. Lock upstairs entry door, Council Chamber door, and front door.
  - l. Turn in Village Hall keys as arranged with city clerk.

**Special Notes:**


**Rental Date:** \_\_\_\_\_ **City Clerk Initials/Date** \_\_\_\_\_

**Dated:** \_\_\_\_\_ **Signature of Renter** \_\_\_\_\_

**CITY OF MAHTOMEDI  
CITY HALL USAGE FORM  
651-426-3344 FAX 651-426-1786**

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

Time: \_\_\_\_\_

Name of Organization: \_\_\_\_\_

Purpose of Use: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: Work \_\_\_\_\_ Home \_\_\_\_\_

I certify that I am authorized to accept, in the name of the above organization, the responsibility for the observance of the City of Mahtomedi's rules and regulations as a condition of this permit.

\_\_\_\_\_  
Signature of Authorized Applicant

\_\_\_\_\_  
Date of Application

**A \$100 DAMAGE DEPOSIT IS REQUIRED.** This can be paid by cash, check or credit card. All or part of the deposit will be returned upon a satisfactory inspection of the facility after use.

\_\_\_\_\_  
Credit Card Number (damage deposit **will** be charged to card)      \_\_\_\_\_  
Expiration Date

\_\_\_\_\_  
Signature if using credit card

**General Rules:**

- Make notes about problems before you start.
- Leave building clean if not cleaner upon exiting.
- Remove all goods brought to the facility.
- Put tables and chairs back to original position.
- Turn off all lights upon leaving.
- Lock all outside doors upon leaving.

**THE KEY FOR THE BUILDING MUST BE PICKED UP DURING REGULAR BUSINESS HOURS. (On Thursday or Friday if the event takes place over the weekend). (If not, call out charges will occur)**  
**PLEASE RETURN THE KEY TO CITY HALL BY THE FOLLOWING BUSINESS DAY TO AVOID CASHING OF THE DAMAGE DEPOSIT OR REVOCATION OF USAGE PRIVILEGES.**



**CITY OF BIRCHWOOD VILLAGE**  
207 Birchwood Avenue  
Birchwood Village, MN 55110  
651-426-3403 tel  
651-426-7747 fax  
[birchwoodvillage@comcast.net](mailto:birchwoodvillage@comcast.net)

CITY HALL RENTAL AGREEMENT

The undersigned hereby agrees to pay the City of Birchwood, the sum of \$25.00 per say, for the use of the upstairs portion of City Hall (including meeting space and kitchen), for the following day(s): \_\_\_\_\_ for the hours of \_\_\_\_\_, and for the following purpose: \_\_\_\_\_.

The undersigned agrees that said use shall be subject to the terms and conditions stated below:

1. The space shall be used only for the purpose set forth in this Agreement.
2. The space shall not be used in furtherance of a commercial enterprise.
3. The undersigned renter agrees to pick up the key to the hall on designated City Hall open office hours (Monday and Thursday from 9:00 am to 12:00 noon), but no earlier than 5 business days before the date of usage. Further, when the use is completed the undersigned agrees to lock the main door to the hall and to place the key in the mail slot in the door.
4. The undersigned agrees that at no time during the function shall minors be present without the presence of adult supervision.
5. All decorations placed within the City Hall shall not deface or damage the structure.
6. The undersigned renter is responsible for cleaning the hall after its use.
7. The undersigned renter shall indemnify and hold harmless the City for any and all damage to the City Hall or the personal property located herein, and any and all claims arising out of the use of the hall as set forth in this agreement.
8. The undersigned renter shall agree to cease any and all activities being conducted if so directed by the White Bear Lake Police Department. The undersigned renter shall waive their right to a refund of the hall rental fee in this situation.
9. The undersigned renter agrees to pay a deposit of \$100.00 which shall be returned to the undersigned renter if the City Clerk deems that the condition of the hall does not require additional cleaning help.

RENTER

Name: \_\_\_\_\_

Organization (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

CITY OF BIRCHWOOD VILLAGE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

DATE: \_\_\_\_\_

## POLICY: VILLAGE HALL AVAILABILITY

Revised April 9, 2003

Birchwood Village Hall is available as a meeting place for community groups and residents. The goal of this policy is to have the Village Hall serve as a "Community Center" for activities important to Birchwood residents.

The Hall shall be made available only as it does not conflict with the operation of City government. Scheduling and availability is at the discretion of the City Clerk. City-sponsored meetings, hearings and activities (# 1, below) can preempt activities in the other categories. City staff will make reasonable efforts not to schedule meetings in conflict with other scheduled events.

### Scheduling Priority:

1. City-sponsored meetings, hearings and activities.
2. The Village Community Club
3. Community groups such as charitable and social service organizations
4. Other private events

The Hall shall be provided without charge to uses falling under Priorities 1, 2, and 3. For private events (Priority 4), there is both a fee and a deposit. The Clerk will maintain and provide a schedule of current prices as established by the City Council.

### In all cases:

- A resident of the City of Birchwood Village must sponsor and be present for the event and be responsible for all matters of opening, maintaining, and closing the Hall.
- The Hall must be left in as good or better condition after the event than before. The City retains the right to charge for repairs of any damage caused by such use.
- Misuse of the Hall will result in termination of the resident's privilege to hold such events there.
- The City will not provide storage space in the Hall.





14727 209<sup>th</sup> Street North  
Scandia, Minnesota 55073  
(651) 433-2274

**Scandia Community Senior Center  
Rental/ Reservation Agreement**

The City of Scandia hopes your event in our Community Center is enjoyable for all that attend. Please read this agreement thoroughly. It contains your responsibilities as the renter for the event.

**Rental Date:** \_\_\_\_\_ **Start time:** \_\_\_\_\_  
(including setup)

**End time:** \_\_\_\_\_  
(including clean-up)

**Renter Name:** \_\_\_\_\_ **Phone:** \_\_\_\_\_  
**Street Address:** \_\_\_\_\_ **Email:** \_\_\_\_\_  
**City/ State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Description of Event:** \_\_\_\_\_  
**Number of Guests Expected:** \_\_\_\_\_  
**Name of Caterer, if any:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Calculation of Rental Fee:**

Room(s) to be Used:	Rental Rate	
	Resident	Non-Resident
_____ Hall	200	475
_____ Heritage Room	75	100
_____ Kitchen Use	300	300

Will liquor be served? \_\_\_\_\_ No \_\_\_\_\_ Yes  
*(if "yes", rental agreement addendum is required)* 135 135

Set-up on day prior to event? \_\_\_\_\_ No \_\_\_\_\_ Yes 100 150

**Total Rental Fee:** \_\_\_\_\_  
*(Cash or Check, Due at Reservation)*

**Calculation of Deposit:**

		<u>Deposit</u>
Equipment	_____ VCR/DVD/TV	50
Deposit:	_____ P.A. System	50
	_____ Overhead Projector	50
Cleaning/ Damage Deposit:		<u>100 / 300</u>
	Total Deposit:	_____

*(Cash-Only, Due Prior to Event)*

**Rental Period:** The rental period shall be as specified in this agreement. Access to the hall on the day prior to the event is permitted, subject to availability, if the additional \$100 or \$150 set-up fee is paid and access will not interfere with other users. Event activities (including music) shall end not later than 12:00 a.m. (midnight.) Events on Sunday may not begin earlier than 10:00 a.m.

**Keys:** The key must be picked up before your function during regular office hours; 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m., Monday and Wednesday through Friday; 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 6:00 p.m. on Tuesday. Return the key to the office the next business day following the event.

**Rental Fees:** All rental fees are due when the facility is reserved. Rental fees are payable by cash or check to the City of Scandia.

**Resident/ Non-Resident Rates:** Resident rates are available to residents of the City of Scandia. Residency will be verified at the time the rental agreement is signed.

**Cancellations:** Rental fees are fully refundable if a written cancellation is received 60 days in advance of the event. Refunds will be issued if a written cancellation is received from 30 to 59 days prior to the event, if the facility is booked for another event for the time reserved. No refunds will be issued if the reservation is cancelled less than 30 days prior to the event

**Cleaning/ Damage Deposits:** Cleaning and damage deposits must be made in cash prior to picking up the key for the event. Cash deposits will be refunded upon return of the key. A portion of the deposit will be withheld for any cleaning required exceeding one hour, at the rate of \$50.00 per hour, or for any damage to furnishings or equipment.

**Decorations:** All decorations must be removed at the end of the event. No decorations that may damage any part of the building or furnishings will be allowed.

No tape on the walls.

No glitter, confetti or sequins, as it is impossible to clean up off the floor.

No staples in the wood trim for decorations.

No items hung from the ceiling.

**Utilities:** All doors must be closed when the heat or air conditioning are on. Turn off all

lights and equipment at the end of your event. The switch for the parking lot lights is located in the entry vestibule.

**Security:** Close and lock all doors at the end of your event, including the two exit doors, kitchen door, coatroom door and Heritage Room door. The front door must be locked with the key.

**Equipment provided, Heritage Room:** The dimensions of the Heritage room are 15 feet by 36 feet. It will accommodate seating for approximately 50 people.

**Equipment provided, Hall:** ~~The dimensions of the hall are 48 feet by 68 feet. It will~~ accommodate seating for approximately 200 people. A dais approximately 6 feet by 15 feet is located in the north end of the room. It may not be moved. A small podium is available. There are approximately 30 eight-foot tables, 1 five-foot round table, 3 four-foot round tables and 250 folding chairs. The number of tables and chairs available is subject to change; please take inventory of what you need prior to your event.

**A/V Equipment:** A P/A system is available in the hall. A VCR/DVD and TV, and an overhead projector, are available by prior arrangement. The room is not equipped with a projection screen; you are responsible to provide this and any other equipment and accessories (such as extension cords) for your event.

**Kitchen Use:** Small functions serving only coffee or light refreshments not requiring use of the major kitchen appliances (stove/ ovens/ dishwasher) may utilize the kitchen for their events without an extra charge for kitchen use. All use of the kitchen facilities must be in accordance with the requirements of the licensing authority (Washington County.) Our food and beverage license does not allow use of the commercial kitchen to serve food prepared in a home kitchen.

**Equipment provided, Kitchen:** The kitchen is equipped with the following items in the approximate numbers indicated: plates, 350; cups, 250; glasses, 200; silverware, service for 300; salad bowls, 350; salad plates, 195; dessert cups, 250. One large punch bowl, coffee servers, water pitchers, platters, kettles, and assorted kitchen utensils are provided. The number of kitchen items is subject to change. You or your caterer should take inventory of what you need prior to your event. You must notify the City office if any dishes are broken (651 433-2274). No dishtowels, napkins or table cloths are provided.

**Clean-up, General:**

All floors must be swept, including the bathrooms.

Wash all tables you have used. Also wash chairs that have been spilled upon.

Mop up any spills.

All refuse (including from bathrooms) must be put into the dumpster located in the back of the building.

No coffee grounds are to be put in the sinks.

Return all chairs and tables to the normal configuration (see diagram).

Extra chairs and tables must be returned to the racks and storage room. Do not stack against the walls.

**Clean-up, Kitchen:**

- Wash and put away all dishes or utensils.
- Return the kitchen to a clean condition: clean coffeemaker, leave sinks and countertops clean, wipe down stovetop and oven, empty basket in dishwasher and put tray from dishwashing spray table through dishwasher cycle.
- Sweep and mop kitchen floor.
- Turn off stove, ovens, dishwasher and coffeemaker.
- Remove all food from freezer and refrigerator; anything food or containers left after the event will be disposed of without notice.

**Acknowledgement/ Signature:**

**I hereby acknowledge receipt of a copy of this agreement and accept the responsibilities listed herein as renter of the Scandia Senior Community Center. I understand that violation of the terms of this rental agreement may result in the denial of future use of the facilities.**

Renter Signature:	Date:
City Representative Signature:	Date:

***For City Use Only:***

<i>Rental Fee Paid:</i>	
<i>Deposit Paid:</i>	
<i>Keys issued to:</i>	
<i>Key returned:</i>	
<i>Deposit retained/ refunded:</i>	

**Scandia Community Senior Center  
Rental Agreement**

**Liquor Addendum**

All serving of Beer, Wine and/or Liquor shall abide by the following:

**Sales:** No one without a valid liquor license may sell any type of beer, wine or liquor in the Community Center. If your caterer has a liquor license, a copy of the license must be provided to the City prior to the event.

**Consumption and Display:** The Center is licensed for Consumption and Display. You may bring your own drinks and serve them to your guests but you may not sell alcoholic beverages. "Sale" includes any donation specifically required in return for alcoholic beverages.

**Liability:** You are responsible to not serve alcohol to underage guests or to anyone who is obviously intoxicated. It is recommended that you check your liability insurance policy and seek advice from your agent regarding "host coverage" for serving alcohol to your guests. It is suggested you designate someone to be responsible for the bar, and that people serving alcoholic beverages not consume any alcohol during the event.

**City Attendant:** At any event where alcohol will be served, an attendant provided by the City must be on duty at all times. You will pay an additional \$135 fee for this service. The attendant is authorized to ask anyone who is obviously intoxicated or behaving in a disorderly manner to leave the premises. The attendant will assist with maintenance or facility needs during the event, and provide direction and assist with clean-up after the event.

**Other:** All alcohol consumption must remain inside the Community Center building. No beer kegs are allowed in the refrigerator. You must provide a container for any keg in order to avoid water damage to the floor or furnishings.

**I hereby acknowledge receipt of a copy of this agreement and accept the responsibilities listed herein as renter of the Scandia Senior Community Center. I understand that violation of the terms of this rental agreement may result in the denial of future use of the facilities.**

Renter Signature:	Date:
City Representative Signature:	Date:

# TULIP: Tenant User Liability Insurance Program

**Protect yourself from claims  
for injuries or property damage  
during your event**

## Are you planning to use or rent a city facility?

TULIP ensures you are protected from liability for injuries and damage that may occur at your event or activity.

Without TULIP, you may be personally responsible for paying claims for bodily injury or property damage during your event or activity. Your homeowner's insurance may cover some situations, but it may be limited and not all claims will be covered.

You can buy insurance through TULIP, a city-sponsored program, or you can purchase a policy through another private insurance carrier.

## What does TULIP cover?

This city-sponsored program provides coverage up to \$1 million for events such as:

- Receptions
- Reunions
- Festivals
- Concerts
- Job Fairs
- Weddings
- Clubs & Meetings
- Arts & Crafts Fairs
- Many more!

A full listing of covered events is available at [www.ebl-ins.com/tulip](http://www.ebl-ins.com/tulip). Please use the online contact information for questions about whether other events are eligible for coverage.

## Can I get liquor liability coverage from TULIP?

Yes. Liquor liability coverage is available.

## How does TULIP work?

Your city has made TULIP coverage available for purchase through a collection of cities and insurers.

After entering event information into the secure web site, an instant quote is generated. Coverage can be purchased online with a credit card.

## How much does TULIP cost?

The cost for TULIP coverage is based upon the type of event, number of people attending, event length, and several other factors. Coverage for most events is between \$75 and \$150 for \$1 million of protection. An instant quote for TULIP coverage is available on the secure web site.

## How do I get more information about TULIP?

Visit [www.ebl-ins.com/tulip](http://www.ebl-ins.com/tulip), or contact Carole Stapleton at (978) 661-6874 or Theresa Lee at (978) 661-6642.

## Get a quote or purchase TULIP coverage:

Step 1:  
Visit [www.ebl-ins.com/tulip](http://www.ebl-ins.com/tulip)

Step 2:  
Enter facility code

0501 - B3Z

Don't have a code? Select "National League of Cities" from the drop-down list, then select your state and city.

Step 3:  
Describe event or activity  
Select from drop-down menu.  
Click next.

Step 4:  
Get your quote  
Answer some basic questions  
and enter your contact and  
billing information.

Step 5:  
Purchase when ready  
A credit card is required.

**Protect yourself  
and your guests  
with TULIP coverage**



City of Scandia

## Community Senior Center Rental Policy

Adopted by the City Council  
December 16, 2008



The City of Scandia makes the facilities at the Scandia Community Senior Center available to a wide variety of organizations, community groups and residents. This policy shall govern the priority for and fees for use of the facility. Any variation from this policy shall require approval by the City Council.

**Priority for Use:** Public meetings and functions of the City of Scandia and its various committees shall take priority over other uses of the facility. Community-wide events such as Taco Daze shall also take precedence over other uses.

**Rental/ Reservation Agreement:** All users shall sign a rental/ reservation agreement. A "Liquor Addendum" shall also be signed if any alcoholic beverages will be served at the event.

**Waiver of Rental Fees:** Rental fees will be waived for use of the facility for the following purposes and/or to the following groups at no charge:

- Meetings conducted or sponsored by the city or other units of local government (such as Washington County, watershed districts, etc.)
- Firemen's Ball
- Taco Daze community festival
- All Scandia Marine Lion's Club functions (in recognition of the in-kind services provided and the contribution of the kitchen and equipment to the facility)
- Senior Citizen's Groups and Activities
- 4H Club, Boy /Girl Scout regular meetings, pinewood derby & Eagle Scout ceremonies (not requiring kitchen use)
- Meetings of homeowner/ resident associations, special interest clubs (car club, horse and carriage, pony club, etc.) and similar community groups (not requiring kitchen use or serving alcohol)

**Special Rates for Community Groups:** Special rates are established for non-profit groups (such as churches, schools, scouts and other charitable and/or service organizations) serving Scandia, as follows:

- Events for small groups (less than 150 guests): \$150.00
- Events for large groups: \$300.00
- Duck Soup Players: \$100.00 per night

**Special Rates for Funerals:** The rental rate for funerals, including use of the hall and kitchen, shall be \$100.00 for residents and \$150.00 for non-residents.

**All Other Users:** Unless a reduced or special rate has been established, all other users of the facility shall be charged a rental fee as follows:

Room Rental:	<u>Resident</u>	<u>Non-Resident</u>
Hall	\$200	\$475
Hall, Set-Up Day Prior to Event	\$100	\$150
Heritage Room	\$75	\$100
Kitchen Use:	\$300	\$300

**Resident Rates:** Resident rates are available to residents of the City of Scandia only. Residency will be verified at the time the rental agreement is signed.

**Reservations:** Reservations may be made up to one year in advance. All rental fees are due when the facility is reserved. Rental fees are payable by cash or check to the City of Scandia.

**Cancellations:** Rental fees are fully refundable if a written cancellation is received 60 days in advance of the event. Refunds will be issued if a written cancellation is received from 30 to 59 days prior to the event, if the facility is booked for another event for the time reserved. No refunds will be issued if the reservation is cancelled less than 30 days prior to the event

**Cleaning/ Damage Deposits:** Users of the facility are responsible for cleaning up the facility and restoring the tables and chairs and any other equipment used to their original location and condition. Cleaning and damage deposits must be made in cash prior to picking up the key for the event. Cash deposits will be refunded in full upon return of the key, less any amount for cleaning required exceeding one hour, at the rate of \$50.00 per hour, or for any damage to furnishings or equipment. Cash deposits required shall be as follows:

- Community events and other non-profit groups: \$100.00
- All others utilizing kitchen: \$300.00

**Waiver of Cleaning/ Damage Deposits:** Cash deposits shall be waived for groups and events qualifying for waiver of rental fees. However, if the facility is not cleaned properly they will be charged for the necessary cleaning, and in the future will be charged a deposit.

**Kitchen Use:** Small functions serving only coffee or light refreshments not requiring use of the major kitchen appliances (stove/ ovens/ dishwasher) may utilize the kitchen for their events without an extra charge for kitchen use. All use of the kitchen facilities must be in accordance with the requirements of the licensing authority (Washington County.)



**City Attendant:** At any event where alcohol will be served, an attendant provided by the City must be on duty at all times. Users shall pay an additional \$135 fee for this service. The attendant is authorized to ask anyone who is obviously intoxicated or behaving in a disorderly manner to leave the premises. The attendant will assist with maintenance or facility needs during the event, and provide direction and assist with clean-up after the event.

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