

**VIRGINIA CITY COUNCIL
AGENDA
SEPTEMBER 13, 2011 – 6:30 P.M.**

1. **CALL MEETING TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC FORUM (Limited to 5 minutes per Council protocol)**
5. **CONSENT AGENDA** (Note: Motion will be to approve the Consent Agenda as listed.)
The following items will be enacted by one motion unless a Councillor or Citizen of the City of Virginia requests that the item be considered separately:
 - 5.1 Approval/correction of minutes of Regular Meeting held August 23, 2011.
 - 5.2 Adoption of Finance Resolution No. 11-016 – Schedule of Bills.
 - 5.3 Approval renewal of 2 AM Liquor License for QCSP, Inc., d/b/a Queen City Sports Palace.
 - 5.4 Approve the Sportspage Bar to serve liquor at Olcott Park for a Virginia Foundation fundraiser on October 7, 2011, from 4 PM to 8 PM, as allowed per Minnesota Statutes 340A.404.
6. **APPEARANCES (Limited to 10 minutes)**
7. **UNFINISHED BUSINESS**
 - 7.1 Adoption of an Ordinance Amending Chapter 8, Section 8.07, Subd. 4 and 5 of the City Code of the City of Virginia entitled “Rules and Regulations for the Operation of Boats and Watercraft on Silver Lake and Virginia (Bailey’s) Lake”.
8. **DISCUSSION ITEMS**
 - 8.1 Ambulance Intercept Agreement with the City of Hoyt Lakes. (If approved, adopt Resolution.)
 - 8.2 Hiring of a Patrol Officer for the City of Virginia. (If approved, adopt Resolution.)
 - 8.3 Communication from Carly Gobats, The 218 Bar, regarding rental of city property located at 220 Chestnut Street for a fundraiser on September 24, 2011.
 - 8.4 Set date for Truth in Taxation hearing.
9. **COMMITTEE REPORTS**
 - 9.1 Street/Alley Committee (August 30, 2011)
 - A. Repair of Sixth Avenue bridge.
 - B. Installation of storm sewer.
 - C. Quotes to crush material at City recycling area for street projects.
 - D. Preliminary plans to install right turn lane at 12th Avenue and 17th Street South.
 - 9.2 Finance Committee-of-the-Whole (September 6, 2011)
 - A. Revision to City Code, Section 5.02, Subd. 4B.
 - B. Revision to City Code, Section 5.76, Subd. 3B.
 - C. Revision to City Code, Section 5.75, Subd. C.
 - D. First reading of an Ordinance to Amend Chapter 5 of the City Code of the City of Virginia Entitled “Alcoholic Beverages Licensing and Regulations.

- E. Accept bid for Pearsall Industrial Addition Utility, Infrastructure and Site Improvements. (If approved, adopt Resolution.)
 - F. Travel request for Joshua Mettler, Police Department.
 - G. Proposed 2011 tax levy, collectible in 2012. (If approved, adopt Resolution.)
 - H. Reimbursement resolution – P & H Minepro site.
- 9.3 Personnel Committee (September 13, 2011)

10. COMMISSION LIAISON/DEPARTMENT HEAD REPORTS

11. ADJOURN TO TUESDAY, SEPTEMBER 27, 2011, AT 6:30 P.M., COUNCIL CHAMBERS



Renewal Application for Optional Liquor 2AM

5.3

License Type: 2AM-100K-500K Expires On: September 24, 2011

ID Number: 12668

DBA

QCSP Inc.
Queen City Sports Palace
523 Chestnut St
Virginia MN 55792

Business Phone: 2187493031

If any of the above licensee information is not correct, please make corrections as necessary.

Licensee must report previous 12 month on sale alcoholic beverage gross receipts by checking one of the boxes below. Next to the box you check is your 2 AM license fee. Make check payable to: Alcohol and Gambling Enforcement Division (AGED). Mail this application and check to : AGED, 444 Cedar St., Suite 133, St. Paul, MN 55101-5133.

- \$300 2 AM license fee - Up to \$100,000 in on sale gross receipts for alcoholic beverages
- \$750 2 AM license fee - Over \$100,000, but not over \$500,000 in on sale gross receipts for alcoholic beverages
- \$1000 2 AM license fee - Over \$500,000 in on sale gross receipts for alcoholic beverages
- \$200 2 AM license fee - 3.2% On Sale Malt Liquor licensees or Set Up license holders
- \$200 2 AM license fee - Did not sell alcoholic beverages for a full 12 months prior to this application

Yes No Does the city or county that issues your liquor license allow the sale of alcoholic beverages until 2 AM?

City Clerk/County Auditor Signature _____ Date _____
(I certify that the city or county of _____ approves the sale of alcoholic beverages until 2AM)

Licensee Signature M. Foster Pres. QCSP Inc Date 8/20/11
(I certify that I have answered the above questions truthfully and correctly)

Licensee Minnesota Tax ID Number (Required): _____

Licensee: Prior to submitting this application to the Alcohol & Gambling Enforcement Division you must have this form signed by your local city or county licensing official

Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division (AGED)
444 Cedar Street, Suite 133, St. Paul, MN 55101-5133
Telephone 651-201-7500 Fax 651-297-5259 TTY 651-282-6555
www.dps.state.mn.us

5.4

TO: City of Virginia

FROM: Chris Peterson
Sportspage Bar
429 Chestnut Street
Virginia, MN 55792

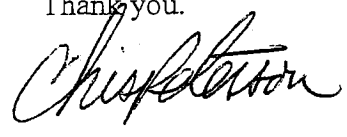
DATE: August 23, 2011

The Sportspage Bar is requesting permission to serve liquor at Olcott Park for a Virginia Foundation fundraiser on October 7, 2011, from 4 P.M. to 8 P.M.

We have met all the requirements, as outlined in Minnesota Statutes 340A.404 - Intoxicating Liquor, Subd. 4 - Special Provisions.

A certificate of insurance will be provided for the off-site location.

Thank you.



ORDINANCE

An Ordinance Amending CHAPTER 8, SEC. 8.07, SUBD. 4 and SUBD. 5 of the City Code of the City of Virginia Entitled "RULES AND REGULATIONS FOR THE OPERATION OF BOATS AND WATERCRAFT ON SILVER LAKE AND VIRGINIA (BAILEYS) LAKE"

The City Council of the City of Virginia does ordain as follows:

Section 1.

That, pursuant to the provisions of CHAPTER 8 of the City Code, SEC. 8.07 shall be amended to read as follows:

"SEC. 8.07 RULES AND REGULATIONS FOR THE OPERATION OF BOATS AND WATERCRAFT ON SILVER LAKE AND VIRGINIA (BAILEYS) LAKE

SUBD 4. "A person may operate water craft on Silver Lake without a permit from the City of Virginia. Silver Lake is designated a "no wake" lake, as all parties using water craft must comply with the no wake policy."

SUBD. 5 "A person may operate water craft on Virginia (Bailey's) Lake without a permit from the City of Virginia. Virginia (Bailey's) Lake is designated a "no wake" lake, as all parties using water craft must comply with the no wake policy."

Section 2.

This ordinance becomes effective upon its passage and publication according to law.

Moved by _____, supported by _____, that the ordinance be adopted.

The President declared the Ordinance adopted.

Adopted: _____

Steve Peterson, Mayor

Attest: _____
Lois Roskoski
City Clerk

COUNCIL CHAMBERS

8.1

Resolution No.

City of Virginia, Minnesota, September 13, 2011

Resolution approving Ambulance Intercept Agreement with the City of Hoyt Lakes

Resolved by the City Council of the City of Virginia, that

WHEREAS, the City of Hoyt Lakes is desirous of entering into an agreement with the City of Virginia to provide assistance from Virginia's Ambulance Advanced Life Support Service; and

WHEREAS, the City of Hoyt Lakes has agreed to be reimbursed at a flat fee of \$300 for the payment of each ambulance run; and

WHEREAS, this agreement will be effective through December, 31, 2012, and shall be automatically renewable on an annual basis, as of January 1st of each year, and may be modified or cancelled at any time by either party giving a 30 day written notice to the other party,

NOW, THEREFORE, BE IT RESOLVED to authorize the Mayor and City Operations Director to enter into the Ambulance Intercept Agreement with the City of Hoyt Lakes.

Moved by Councillor supported by Councillor that the above resolution be adopted.

Ayes:

Nays:

**LETTER OF INTERCEPT AGREEMENT
BETWEEN THE
HOYT LAKES AMBULANCE SERVICE
AND THE
VIRGINIA FIRE DEPARTMENT AMBULANCE**

In order to assure optimum patient care in times of emergencies, this letter of agreement addresses financial arrangements. The intent of this agreement is for when a Basic Life Support service (BLS) summons for assistance from an Advanced Life Support service (ALS) to meet or intercept and bring a paramedic to the patient's side.

When this ALS intercept occurs and the patient is transferred to the Virginia Fire Department Ambulance for transport, Virginia Fire Department Ambulance will assume the responsibility of billing and collection for the ambulance run. Virginia Fire Department Ambulance will reimburse the Hoyt Lakes Ambulance service, under this agreement, a flat fee of \$ 300.00 for the payment of this run.

If the patient is transported to the hospital by the Hoyt Lakes Ambulance service while the Virginia Fire Department Ambulance paramedics are on board providing ALS care, billing and collection will be the responsibility of the Hoyt Lakes Ambulance Service. Further, Virginia Fire Department Ambulance will bill the Hoyt Lakes Ambulance service a flat fee of \$ 300.00 for the services of our paramedics and any supplies used.

In this manner, a fair and equitable arrangement is made for services provided and eliminates the potential of improper or double billing which could occur in the absence of such an agreement.

This agreement is made effective on August 23, 2011 and shall remain in force through December 31, 2012. It shall be automatically renewable on an annual basis, commencing January 1 of each year and may be modified or cancelled at any time by either party giving thirty (30) days written notice to the other party.

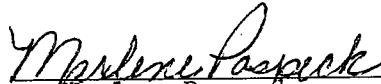
CITY OF VIRGINIA
VIRGINIA FIRE DEPARTMENT AMBULANCE

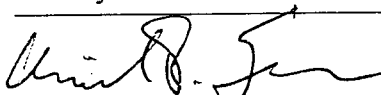
By: _____
MAYOR

By: _____
CITY OPERATIONS DIRECTOR

By: _____
EMS COORDINATOR

HOYT LAKES AMBULANCE SERVICE

By: 
Marlene Pospeck
Mayor

Title: _____
By: 
Michael Skrbich
City Administrator

COUNCIL CHAMBERS

8.2

Resolution No.

City of Virginia, Minnesota, September 13, 2011

Resolution approving hiring of a Patrol Officer for the City of Virginia

Resolved by the City Council of the City of Virginia, that

WHEREAS, the City of Virginia and Law Enforcement Labor Services Inc. have agreed that there is a Patrol Officer position available in the Virginia Police Department; and

WHEREAS, this position is covered under an agreement between the City of Virginia and the Law Enforcement Labor Services Local 195; and

WHEREAS, the Civil Service Commission and a review committee have reviewed potential applicants; and

WHEREAS, Mr. Cory Rondeau has satisfactorily passed an initial background check, and is scheduled for a pre-employment physical, occupational therapy assessment, and psychological assessment,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Virginia hereby approves offering the Patrol Officer position to Mr. Rondeau, contingent upon passing the pre-employment physical, occupational therapy assessment, and psychological assessment, with a starting date on or after September 13, 2011, subject to a twelve (12) month probation period and the terms of the Law Enforcement Labor Services Local 195 labor agreement.

Moved by Councillor

supported by Councillor

that the above resolution be adopted.

Ayes:

Nays:

8.3

Dear Council Members,

I, Carly Gobats, owner of the the 218 , am requesting to rent the empty lot adjacent to the bar located at 220 chestnut st. on Saturday, September 24th 2011 for a rib cook-off fundraiser. The proceeds will go to The Children's Memorial park to help with the cost of the Angel statue.

In 2006 the previous owner of the bar held a similar fundraiser and the city rented him the lot for \$75.00, of course as long as he provided proof of a special event insurance waiver for that day.

I have provided copies of the insurance waiver and the rules of the rib cook-off. If you have any questions or concerns feel free to contact me, Carly at 749-1009 or event organizer Alyce Christopherson at 741-2976.

Thank you for taking your time to look this over.

Sincerely,
Carly Gobats

Rib Cook-off Rules

1. Meat prepared for judging must be RIBS. Any sort of pork or beef ribs will be accepted.
2. Meat must be cooked on location. Wood, charcoal or gas grills or smoker type barbeques are allowed. Par-boiling is permitted on-site only. Electricity is not provided and generators are not allowed.
3. Pre-marinated ribs are allowed, but contestants must mix up another batch of marinade from scratch , on-site. All ingredients used in preparing, seasoning, marinating, basting, or saucing ribs for the competition must be brought to the cook-off, and must be available.
4. All ingredients used in the Cook-off may be store purchased, but must be assembled and prepared at the Cook-off within the cooking period.
5. Each rib cooker may have up to three assistants.
6. The cooking period will be approximately 8 hours and will start at the cooks meeting at 9-9:30a.m. The cooking period will end at 5p.m. Delivering ribs to the judging area after cooking period has ended can be cause for disqualification.
7. Contestants will only be supplied a designated cooking area. Contestants will be responsible for supplying ALL of their own supplies: utensils, ingredients, equipment, water, etc.
8. Contestants will be allowed to set up equipment starting at 9:00 a.m. All vehicles must be removed by 10:00 a.m.
9. East contestant must submit a minimum of two racks of ribs to the judging area. Cookers cannot pass out "samples" to the general public, nor can they sell their ribs. The remaining ribs after judging will be donated to
10. Ribs submitted for judging must be submitted in the container provided at the cooks meeting. Feel free to garnish your containers.
11. Bleach water will be provided and a meat inspector will be checking temperatures of meat. Meat should be stored at 40 degrees or lower. Meat that is resting before or after cooking must be covered at all times.
12. Cookers are responsible for keeping their areas clean and sanitary at all times.
13. Cookers are also responsible for cleaning up and removing their grills by approximately 8:00 p.m.
14. Have fun, be safe, and happy cooking!!!!

8.4

Public Hearing Date

CITY NAME:

Public Hearing Information

Date: _____

(must be between Nov. 25 & Dec. 26, 2011)

Time: _____ (must be after 6:00 p.m.)

Location: _____

Address To Mail Comments: _____

Contact Name: _____

Title: _____

Phone: _____

PLEASE RETURN TO THE COUNTY AUDITOR BY SEPTEMBER 15th.
THANK YOU.

STREET AND ALLEY COMMITTEE
Tuesday, August 30, 2011 – 9:00 A.M.
Council Chambers, City Hall

Present: Councillors Baribeau, Ralston - 2
Absent: Councillor Cuffe – 1

Also Present: Councillor Sipola; Eric Fallstrom, Benchmark Engineering; Ed Alto, Public Works Team Coordinator; Scott Asbach, Hometown Focus; Dennis Benz, Acting Police Chief; John Tourville, City Operations Director; Bill Hennis, Lead Engineer; Lois Roskoski, City Clerk; Jim Johnson, SEH Engineering; Tom Butorac, City Attorney

Scott Asbach was present to discuss the rumbling and vibrations caused by large trucks driving over the 6th Avenue bridge and stated it is affecting the Hometown Focus building. Mr. Asbach stated he is also working with the Minnesota DNR on a recommendation to stabilize the shoreline.

Lead Engineer Hennis stated the bridge is inspected every two years and the problem is caused by the pilings that the bridge sits on, plus the traffic from the truck route.

Eric Fallstrom, Benchmark Engineering, reviewed a plan to mill and overlay the bridge area with one inch of bituminous, to dampen the impact caused by the large trucks traveling over the bridge. Mr. Fallstrom stated this option would be a three to five year temporary fix and estimated the cost at \$4,520.00.

It was the consensus of the committee that the engineers consider a permanent fix for the bridge, prior to approving the temporary repair.

Lead Engineer Hennis stated state aid funding could possibly be used for the bridge repair, as 6th Avenue is a state aid street.

A. Moved by Ralston and supported to table the temporary repair of the bridge on Sixth Avenue North and request the engineers to continue to research a plan to permanently repair the bridge and to determine if there are grants available through the Minnesota DNR. Motion carried.

Councillor Baribeau recommended that a storm sewer be installed on 20th Street South, from 12th Avenue to Southern Drive. Currently, there is one catch basin on the entire stretch and there are issues with standing water.

B. Moved by Ralston and supported to place the installation of a storm sewer on 20th Street South, between 12th Avenue and Southern Drive, on the project list for 2012 and request the Engineering Department to obtain a cost estimate and determine if funding is available. Motion carried.

Councillor Sipola reported that he attended the Mesabi Humane Society board meeting in August and a task force was formed to review the animal issues and City ordinance. Councillors Sipola and Cuffe and the Police Chief will represent the City on the task force.

The Police Chief, City Attorney and City Clerk were directed to meet and prepare a recommendation to update the taxi ordinance for the next meeting.

A complaint was received on a hump in the street near 18 Vermilion Drive. The Public Works Team Coordinator was directed to prepare a recommendation for the next Street/Alley Committee meeting.

Lead Engineer Hennis reported that he received a call regarding speed concerns on 6th Avenue, near 11th Street South.

Lead Engineer Hennis stated the City's recycling area for street projects is full and is ready for crushing and requested permission to obtain quotes to crush the material, with the Public Utilities to participate in the cost.

C. Moved by Ralston and supported to authorize the Engineering Department to obtain quotes to crush materials from the City recycling area for street projects. Motion carried.

Lead Engineer Hennis recommended adding a southbound right turn lane on 12th Avenue South to turn onto 17th Street South, due to the increased traffic with the Menard's project. He also recommended placing a stop sign in the northbound lane on 12th Avenue South, at 17th Street South.

D. Moved by Ralston and supported to authorize Benchmark Engineering to prepare preliminary plans to install a right turn lane on 12th avenue South for southbound traffic turning right onto 17th Street South. Motion carried.

Meeting adjourned at 9:45 A.M.

FINANCE COMMITTEE AS A COMMITTEE-OF-THE-WHOLE
Tuesday, September 6, 2011 – 9:00 A.M.
Council Chambers, City Hall

Present: Councillors Cuffe, Littlewolf, Baribeau, Sipola, Mayor Peterson - 5
Absent: Councillors Russo, Ralston - 2

Also Present: Mike Appelwick, Northeast Technical Service; Sherry Erickson, Finance/HR Director; Lois Roskoski, City Clerk; John Tourville, City Operations Director; Dana Waldron, Police Chief; Dan L'Allier, Fire Chief; Rick Puhek, City Assessor

Councillor Cuffe reviewed the following concerns regarding the proposed revisions to the liquor ordinance:

- Off-street access into liquor establishments.
- Allowing exclusive liquor stores and off-sale establishments to operate off Chestnut Street in properly zoned areas.
- Criteria to allow Sunday liquor, in conjunction with serving food.
- Policy to hold a liquor license if the business closes.

Councillor Cuffe stated he would like a legal opinion on the requirements to serve liquor on Sundays. According to information provided by the Liquor Inspector and Health Department, a liquor establishment must have a minimum of a "small establishment" license through the Health Department, in order to serve liquor on Sunday. Councillor Cuffe recommended that the language remain the same for Section 5.41 - Sunday Sales and that the issue be readdressed if it becomes a problem.

A. Moved by Sipola and supported to revise the proposed language change to Section 5.02 – Applications and Licenses under this Chapter Procedure and Administration, Subd. 4B, to allow the license to remain with the liquor establishment through the end of the license period, or for a period of no less than six months from the date of closing. Motion carried.

B. Moved by Sipola and supported by Littlewolf to change Sec. 5.75 – Consumption and Display, Subd. 3B, as follows: "It is unlawful to sell liquor on unlicensed premises." Motion carried.

C. Moved by Sipola and supported to change the language in Sec. 5.75, Consumption and Display, Subd. C, as follows: "In order to coordinate the expiration of a consumption and display license with a State permit, all licenses shall expire at the same time as the State licensing period." Motion carried.

The City Attorney will review the legislation and clarify Section 5.60, Liquor and On-Sale Wine License Restrictions and Regulations, Subd. 10, regarding the number of liquor licenses issued by the City.

D. The proposed changes to Chapter 5 of the City Code will be placed on the Council desks at the September 13th meeting for the first reading.

The City Clerk was directed to provide the City Council with a current listing of liquor licenses.

Lead Engineer Hennis recommended accepting the low bid from Ulland Brothers, in the amount of \$482,400.00, for the Pearsall Industrial Addition Utility, Infrastructure and Site Improvement Project.

E. Moved by Baribeau and supported to adopt a Resolution to accept the low bid from Ulland Brothers, Inc., in the amount of \$482,400.00, for the Pearsall Industrial Addition Utility, Infrastructure and Site Improvements, and to authorize SEH Engineering to move forward immediately with the contract. Motion carried.

Mike Appelwick, Northeast Technical Service, stated they were not given an opportunity to submit a proposal for the special inspection and material testing for the Wastewater Treatment Plant. Lead Engineer Hennis stated he will discuss the specifications with SEH Engineering and make a recommendation at the next meeting.

Moved by Baribeau and supported to remove the quotes for the special inspection/material testing for the Wastewater Treatment Plant from the agenda and consider at the next meeting. Motion carried.

City Operations Director Tourville reviewed the travel request for Joshua Mettler to attend training to be an instructor for the 223 M4 rifles. Police Chief Waldron stated the department does not currently have these weapons. The Police Chief stated he has not studied these weapons and stated a minimum of seven would need to be purchased (one for each squad and some for training purposes). Estimated cost is \$700/rifle.

F. Moved by Cuffe and supported to approve the travel request for Joshua Mettler, Police Department, to attend the Patrol Rifle Instruction Course, from September 18-23, 2011, in Walker, Minnesota. Motion carried.

Finance Director Erickson stated a resolution will be included in the packet for the next City Council meeting to hire one patrol officer.

Lead Engineer Hennis requested that the quotes to repair the roof at the Senior Citizens Center be removed from the agenda until an additional quote is received.

Finance Director Erickson distributed the capital improvement requests for 2012.

City Operations Director Tourville stated Paul Steinman of Springsted will attend the next Finance Committee meeting to review the capital improvement software and discuss the charter bonds for the purchase of capital equipment.

Councillor Ralston entered the meeting.

Finance Director Erickson submitted budget projections for 2012, with the following scenarios for the levy:

1. Increased General Fund levy of 9%, which would increase revenue by \$243,000 and cover the reduction of the Market Value Credit, which has been eliminated for 2012.
2. Increased General Fund levy of 6%, which would increase revenue by \$180,000.

Finance Director Erickson also stated \$456,000 was cut from the 2011 local government aid, which was not considered in the 2011 budget, but the City ended the year 2010 with a reserve balance of \$410,000.

Fire Chief L'Allier stated the ambulance figures will be reviewed at the next Finance Committee Meeting. Finance Director Erickson reported that the City agreed to pay \$955,000 in bond payments for the Hospital over the next four years, as part of the City taking over the ambulance licensure. Finance Director Erickson stated she will provide the Council with a report on the bond payments.

Moved by Sipola and supported to adopt a Resolution to increase the 2012 overall taxable levy by 8.9%, above the levy collected in 2011.

Ayes: Councillors Littlewolf, Ralston, Baribeau, Cuffe, Mayor Peterson – 5

Nays: Councillor Cuffe – 1

Motion carried.

City Operations Director Tourville stated the soils must be corrected for the P & H Minepro site and recommended adopting a reimbursement resolution to cover the costs for the soils corrections with grant funds.

Moved by Baribeau and supported to authorize City staff to work with the City's bond counsel to draft a reimbursement resolution for the soils correction for the P & H Minepro site.
Motion carried.

Finance Director Erickson stated an AFSCME employee posted for the Library Clerk position after the posting date. The issue was referred to the Personnel Committee, which will meet on Tuesday, September 13th.

Councillor Russo entered the meeting.

Police Chief Waldron stated he has been in contact with Bill Mahoney, a consultant that deals with Police Department conflict and communication issues. Councillor Cuffe requested that Mr. Mahoney submit his qualifications and a proposal for the City Council to review.

Meeting adjourned at 10:30 A.M.

9.20.

ORDINANCE

An Ordinance Amending CHAPTER 5, of the City Code of the City of Virginia Entitled "ALCOHOLIC BEVERAGES LICENSING AND REGULATION"

The City Council of the City of Virginia does ordain as follows:

Section 1.

That, pursuant to the provisions of CHAPTER 5 shall be amended as follows:

ALCOHOLIC BEVERAGES LICENSING AND REGULATION

SECTION 5.01. DEFINITIONS. As used in this Chapter, unless otherwise stated in specific sections, the following words and terms shall have the meanings stated:

17. "Minor" means any natural person who either (1) has not attained the age of 21 years,.

SEC. 5.02. APPLICATIONS AND LICENSES UNDER THIS CHAPTER PROCEDURE AND ADMINISTRATION.

Subd. 1. Application. All applications shall be made at the office of the City Clerk upon forms prescribed by the City, or if by the Commissioner, then together with such additional information as the Council may desire. Information required may vary with the type of business organization making application. All questions asked or information required by the application forms shall be answered fully and completely by the applicant. All new applicants or re-issued license applicants must submit with the Application for a Liquor License a copy of the Certificate of Assumed name and the Articles of Incorporation showing Corporation Name. Furthermore all applicants will be required to submit a copy of Certificate of Work Compensation Insurance for any new license, transfer of license or renewal of license.

Subd. 3. Application and Investigation Fees. At the time the initial or transfer application is made, an applicant for a license under this Chapter shall accompany such application with payment of a \$300 investigation fee, in addition to the License Application Fee, , in which investigation fee is not refundable to the applicant, to cover the cost of the City in processing the application and the investigation of the applicant. No such fee, shall be required of an applicant for a temporary beer license.

Subd. 4. Action.

A. Granting. The Council may approve any application for the period of the remainder of the then current license year or for the entire ensuing license year. All applications including proposed license periods must be consistent with this Chapter. Prior to consideration of any application for a license, the applicant shall pay the license fee, and if applicable, pay the non-

refundable investigation fee. Upon rejection of any application for a license, or upon withdrawal of an application before consideration by the Council, the license fee shall be refunded to the applicant. Failure to pay any portion of a fee when due shall be cause for revocation.

B. Issuing. If an application is approved, the City Clerk shall forthwith issue a license pursuant thereto in the form prescribed by the City or the Commissioner, as the case may be, and upon payment of the license fee. All licenses shall be on a calendar year basis unless otherwise specified herein. Licenses shall be valid only at one location and on the premises therein described. If licensed liquor establishment closes during the license year, the license shall remain with the liquor establishment through the end of the license period or for a period of no less than six months from the date of closing. License fees will not be refunded to any liquor establishment that closes during the license year, regardless of the reason for the closure.

C. Transfer. A license shall be transferable between persons upon consent of the Council and payment of the investigation fee. No license shall be transferable to a different location without prior consent of the Council and payment of the fee for a duplicate license. It is unlawful to make any transfer in violation of this Subparagraph. All new applicants or re-issued license applicants must submit with the Application for a Liquor License a copy of the Certificate of Assumed name and the Articles of Incorporation showing Corporation Name. Furthermore all applicants will be required to submit a copy of Certificate of Work Compensation Insurance for any new license, transfer of license or renewal of license.

F. Revocation or Suspension. The Council shall revoke or suspend, for a period not to exceed ninety days, a license granted under the provisions of this Chapter for each violation on a finding that the licensee has failed to comply with a statute, regulation or provision of the City Code relating to alcoholic beverages. Fines shall be administered as follows:

- A. A First Violation of the Liquor Code shall carry a \$250.00 fine.
- B. A Second Violation of the Liquor Code shall carry a \$500.00 fine.
- C. A Third Violation of the Liquor Code shall carry a \$1000.00 fine.
- D. A Fourth Violation of the Liquor Code shall carry a \$2000.00 fine, a 90-day suspension of the violator's liquor license or permanent revocation of license.
- E. Any license violations that occur within a three-year period shall be counted in the total violation tabulation.

Subd. 7. Resident Manager or Agent. Before a license is issued under this Chapter to an individual, or to a corporation, partnership, or association, the applicant or applicants shall appoint in writing a natural person as its manager or agent. Such resident manager or agent shall, by the terms of his written consent, (1) take full responsibility for the conduct of the licensed premises, and, (2) serve as agent for service of notices and other process relating to the license. Such manager or agent must be a person who, by reason of age, character, reputation, and other attributes, could qualify individually as a licensee. If such manager or agent ceases to be a resident of the City or ceases to act in such capacity for the licensee without appointment of a successor, the license issued pursuant to such appointment shall be subject to revocation or suspension.

Subd. 8. Persons Disqualified.

A. No license under this Chapter may be issued to: (1) a person not a citizen of the United States or a resident alien; (2) a person under twenty-one years of age; (3) a person who within five years of the license application has been convicted of a willful violation of a Federal or State law, or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution, of alcoholic beverages; (4) a person who has had an alcoholic beverage license revoked

within five years of the license application in any of the fifty states, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporate licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; or, (5) a person not of good moral character and repute to include, but not limited to, no history of bad checks and no gross misdemeanors.

B. No person holding a license from the Commissioner as a manufacturer, brewer or wholesaler may have any ownership, in whole or in part, in a business holding an alcoholic beverage license from the City.

SEC. 5.03. RENEWAL LICENSE APPLICATIONS. Applications for renewal of all licenses under this Chapter shall be made at least sixty (60) days prior to the date of expiration of the license, and shall contain such information as is required by the City. All new applicants or re-issued license applicants must submit with the Application for a Liquor License a copy of the Certificate of Assumed name and the Articles of Incorporation showing Corporation Name. Furthermore all applicants will be required to submit a copy of Certificate of Work Compensation Insurance for any new license, transfer of license or renewal of license.

SEC. 5.11. LICENSE FEES - FIXING AND REFUNDMENT.

Subd. 1. Fixing Fees. Except as otherwise specifically provided, all fees provided for in this Chapter, including, but not by way of limitation, license fees, investigation and administration fees, shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such fees may, from time-to-time, be amended by the Council by resolution. A public hearing shall be conducted for any proposed increase of Liquor License fees. Notice of the proposed increase must be mailed to all affected licensees at least 30 days before the date set for the hearing. A copy of the resolution shall be kept on file in the office of the City Clerk and open to inspection during regular business hours. For the purpose of fixing such fees, the Council may categorize and classify, provided, that such categorization and classification shall be included in the resolution authorized by this Section.

SEC. 5.12. FINANCIAL RESPONSIBILITY OF LICENSEES.

Subd. 1. Proof. No alcoholic beverage license shall be issued or renewed unless and until the applicant has provided proof of financial responsibility and good reputation to include no history of bad checks and no gross misdemeanors, imposed by Statute, by filing with the City:

A. A certificate that there is in effect an insurance policy or pool providing minimum coverages of (1) \$50,000.00 because of bodily injury to any one person in any one occurrence, and, subject to the limit for one person, in the amount of \$100,000.00 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000.00 because of injury to or destruction of property of others in any one ACTS occurrence, and (2) \$50,000.00 for loss of means of support of any one person in any one occurrence, and, subject to the limit for one person, \$100,000.00 for loss of means of support of two or more persons in any one occurrence; an annual aggregate of \$300,000.00 may be included in the insurance coverage; or,

B. As Per MN STATUTE 340A.409, Certification of Insurance does not apply to licensees who by affidavit establish that:

(1) they are on-sale 3.2 percent malt liquor licensees with sales of less than \$25,000 of 3.2 percent malt liquor for the preceding year;

- (2) they are off-sale 3.2 percent malt liquor licensees with sales of less than \$50,000 of 3.2 percent malt liquor for the preceding year;
- (3) they are holders of on-sale wine licenses with sales of less than \$25,000 for wine for the preceding year;
- (4) they are holders of temporary wine licenses issued under law; or
- (5) they are wholesalers who donate wine to an organization for a wine tasting conducted under MN Statute 340A.418 or 340A.419

Subd. 2. Documents Submitted to Commissioner. All proofs of financial responsibility and exemption affidavits filed with the City under this Section shall be submitted by the City to the Commissioner.

SEC. 5.13. INSURANCE CERTIFICATE REQUIREMENTS. Whenever an insurance certificate is required by this Chapter the applicant shall file with the City Clerk a certificate of insurance showing (1) that the limits are at least as high as required, (2) that coverage is effective for at least the license term approved, and (3) that such insurance will not be cancelled or terminated without thirty days' written notice served upon the City Clerk. Cancellation or termination of such coverage shall be grounds for license revocation. The term "certificate of insurance" as used in this Section means the contract between carrier and insured embodying all the terms of their agreement as distinguished from a writing which simply outlines the coverage. As Per MN STATUTE 340A.409, Certification of Insurance does not apply to licensees who by affidavit establish that:

- (1) they are on-sale 3.2 percent malt liquor licensees with sales of less than \$25,000 of 3.2 percent malt liquor for the preceding year;
- (2) they are off-sale 3.2 percent malt liquor licensees with sales of less than \$50,000 of 3.2 percent malt liquor for the preceding year;
- (3) they are holders of on-sale wine licenses with sales of less than \$25,000 for wine for the preceding year;
- (4) they are holders of temporary wine licenses issued under law; or
- (5) they are wholesalers who donate wine to an organization for a wine tasting conducted under MN Statute 340A.418 or 340A.419

SEC. 5.43. TEMPORARY LIQUOR LICENSE.

Subd. 1. License Authorized. Notwithstanding any provision of the City Code to the contrary, the Council may issue a license for the temporary on-sale of liquor in connection with a social event sponsored by the licensee. Such license may provide that the licensee may contract with the holder of a full-year onsale license, issued by the City, for liquor catering services.

Subd. 2. Applicant. The applicant for a license under this Section must be a club or charitable, religious, or other nonprofit organization in existence for at least three years.

Subd. 3. Terms and Conditions of License.

- A. No license is valid until approved by the Commissioner.

B. No license shall be issued for more than three consecutive days.

C. All licenses and licensees are subject to all provisions of statutes and the City Code relating to liquor sale and licensing except those relating to financial responsibility and insurance, and except those which by their nature are not applicable.

D. Licenses may authorize sales on premises other than those owned or permanently occupied by the licensee.

E. A municipality may not issue more than three four-day, four three-day, six two-day, or 12 one-day temporary licenses, in any combination not to exceed 12 days per year, under MN Statute 340A.404, subdivision 10, for the sale of alcoholic beverages to any one organization or registered political committee, or for any one location, within a 12-month period.

F. A municipality may not issue more than one temporary license under section 340A.404, subdivision 10, for the sale of alcoholic beverages to any one organization or registered political committee, or for any one location, within any 30-day period unless the licenses are issued in connection with an event officially designated a community festival by the municipality.

G. A municipality that issues separate temporary wine and liquor licenses may separately apply the limitations contained in paragraphs (a) and (b) to the issuance of such licenses to any one organization or registered political committee, or for any one location.

SEC. 5.75. CONSUMPTION AND DISPLAY.

Subd. 3. Consumption and Display Restrictions and Regulations.

A. Eligible Licensees. If the applicant is otherwise eligible, licenses may be issued only to (1) persons who have not, within five years prior to application, been convicted of a felony or of violating provisions of this Chapter or other law relating to the sale or furnishing of alcoholic beverages; (2) a restaurant; (3) a hotel; (4) a beer licensee; (5) a resort as defined by statute; or, (6) a club or an unincorporated club otherwise meeting the definition of a club, provided, that no license may be issued to a club holding an on-sale liquor license.

B. Unlawful Act. It is unlawful to sell liquor on *un*licensed premises.

C. License Expiration. In order to coordinate the expiration of a consumption and display license with a State permit, all licenses shall expire at the same time as the State licensing period.

SEC. 5.60. LIQUOR AND ON-SALE WINE LICENSE RESTRICTIONS AND REGULATIONS.

Subd. 10. The Council may issue liquor licenses not to exceed the following numbers: (1) eleven off-sale, (2) twenty one on sale liquor licenses with nine to exclusive liquor stores, one to a hotel, one to the Golf Course, and the remainder to restaurants.

Section 2.

This ordinance becomes effective upon its passage and publication according to law.

Moved by _____, supported by _____, that the ordinance be adopted.

The Mayor declared the Ordinance adopted.

Adopted: _____

Steve Peterson, Mayor

Attest: _____

Lois Roskoski
City Clerk

COUNCIL CHAMBERS

Resolution No.

City of Virginia, Minnesota, September 13, 2011

Resolution accepting proposal from Ulland Brothers, Inc., for the Pearsall Industrial Addition Utility, Infrastructure and Site Improvements

Resolved by the City Council of the City of Virginia, that

WHEREAS, the City of Virginia received three bids for the Pearsall Industrial Addition Utility, Infrastructure and Site Improvements, as follows:

Ulland Brothers, Inc.	\$482,400.00
Hibbing Excavating	\$500,423.75
Utility Systems of America, Inc.	\$599,720.00

WHEREAS, the City of Virginia Engineering Department and SEH Engineering, Inc., recommends accepting the proposal from Ulland Brothers, Inc., in the amount of \$482,400.00,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Operations Director are authorized to enter into an agreement with Ulland Brothers, Inc., for the Pearsall Industrial Addition Utility, Infrastructure and Site Improvements.

Moved by Councillor supported by Councillor that the above resolution be adopted.

Ayes:

Nays:

COUNCIL CHAMBERS

Resolution No.

City of Virginia, Minnesota, September 13, 2011

Resolution setting the proposed 2011 tax levy, collectible in 2012

Resolved by the City Council of the City of Virginia, that

the following sums of money be submitted to the County Auditor of St. Louis County as the proposed Annual Tax Levy for the Year 2011, collectible in 2012, for the following purposes:

General Fund	\$3,349,108
Debt Service	<u>580,369</u>
	\$3,929,477

RESOLVED FURTHER, that the Finance Director is hereby instructed to transmit a copy of this resolution to the County Auditor of St. Louis County, Minnesota, which copy will be the authority of the said County Auditor for the Proposed Annual Levy for the year 2011 collectible in 2012 for the City of Virginia for the year ending December 31, 2012.

Moved by Councillor supported by Councillor that the above resolution be adopted.

Ayes:

Nays: