

**VIRGINIA CITY COUNCIL  
AGENDA  
FEBRUARY 28, 2012 – 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 February 14, 2012.
  - 5.2 Adoption of Finance Resolution No. 02-004 – Schedule of Bills.
  - 5.3 Approve 2012 Transient Merchant License for Walter Walls, d/b/a Barb's Fried Bread.
  - 5.4 Adopt Resolution approving License Agreement with the Minnesota Department of Natural Resources for Government Lot 1, Section 6, Township 58 North, Range 17 West.
6. **APPEARANCES (Limited to 10 minutes)**
  - 6.1 Representatives of Children's Memorial Park.
7. **UNFINISHED BUSINESS**
  - 7.1 Adopt an Ordinance amending Chapter 2, Section 2.37 of the City Code entitled "Park and Recreation Commission".
  - 7.2 First reading of an Ordinance amending Chapter 6, Section. 6.43 of the City Code entitled "Taxi License Restrictions and Regulations".
8. **DISCUSSION ITEMS**
  - 8.1 Resignation from Harry Grinage from Human Rights Commission for term ending February 1, 2013.
  - 8.2 Resolution declaring the official intent of the City to reimburse certain expenditures from the proceeds of tax-exempt bonds to be issued by the City.
  - 8.3 League of Minnesota Cities Legislative Conference, March 21 & 22, 2012, St. Paul.
9. **COMMITTEE REPORTS**
  - 9.1 Finance Committee-of-the-Whole (February 21, 2012)
    - A. Change Order No. 1 with Minnesota Power for P & H Electrical Substation and Distribution System. (If approved, adopt Resolution.)
    - B. Call for bids – C.P. 4-11, P & H Sanitary Sewer and Watermain Extension Project.
    - C. DARE officer position.
    - D. RFP #3 with Lenci Enterprises for electrical revisions to Olcott Park Greenhouse.
    - E. Installation of new gas service to Olcott Park Greenhouse Maintenance Garage.
    - F. Proposal from Abatetek, Inc., for removal of asbestos from Olcott Park Greenhouse.
    - G. RFP#5 with Lenci Enterprises for replacement of electrical service in Greenhouse boiler room.
    - H. Proposal from MTI Distributing, Inc., for fairway mower. (If approved, adopt Resolution.)
    - I. Proposal from Peter Nelson to purchase basketball floor.

**10. COMMISSION LIAISON/DEPARTMENT HEAD REPORTS**

10.1 City Operations Director:

- A. Permission to request free conveyance of tax forfeited property at 312 5<sup>th</sup> Avenue North regarding proposed "Habit for Humanity" lot.

**11. ADJOURN TO TUESDAY, MARCH 13, 2012, AT 6:30 P.M., COUNCIL CHAMBERS**

COUNCIL CHAMBERS

5.4

Resolution No.

City of Virginia, Minnesota, February 28, 2012

**Resolution approving License Agreement with Minnesota Department of Natural Resources for Government Lot 1 of Section 6, Township 58 North, Range 17 West**

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

**WHEREAS, the City of Virginia is desirous to construct, maintain and operate a pipeline under lands described as Government Lot 1, Section 6, Township 58 North, Range 17 West; and**

**WHEREAS, the Minnesota Department of Natural Resources has submitted License #144-062-5540 to allow said pipeline for a period of fifty (50) years, effective February 15, 2012, and expiring February 14, 2062, with an annual license fee of \$230.00,**

**NOW, THEREFORE, BE IT RESOLVED to authorize the Mayor and City Operations Director to execute License Agreement #144-062-5440 with the Minnesota Department of Natural Resource.**

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

Ayes:

Nays:

**LICENSE FOR UTILITY TO CROSS STATE LANDS**

This license is issued by the State of Minnesota, acting by and through its commissioner of natural resources, and hereafter called the "State", under authority and subject to the limitations in Minnesota Statutes, section 84.415, and Minnesota Rules Chapter 6135 and other applicable law to the Licensee as named and for the fee and term as specified below.

Name and Address of Licensee:           City of Virginia  
  327 1<sup>st</sup> Street South  
  Virginia, MN 55792

License Fee: Two Hundred Thirty Dollars and no/100.....\$230.00

Term (years): 50 years

Effective Date: February 15, 2012

Expiration Date: February 14, 2062

Purpose of License: Construction, maintenance and operation of a liquid pipeline under lands under the covenants and agreements of the Licensee to use the following described lands:

That part of the:

Government Lot 1 of Section 6, Township 58 North, Range 17 West

in St. Louis County as shown on the attached application and map, all of which are made a part hereof by reference.

This license is granted subject to the following provisions:

1. At the end of the license period and if both parties wish to renew, the renewal fee and time period will be determined by such methods as are developed by the State.
2. This license shall be cancelable upon reasonable notice by the State for violation of any of its terms, or if at any time its continuance will conflict with a public use of the land over or upon which it is granted, or for any other reason. Licensee shall ensure that Licensee's employees, agents and contractors have received and thoroughly understand all conditions of this license.
3. Unless otherwise authorized by the State, upon the surrender, expiration or cancellation of this license, the Licensee shall remove from the above described lands all the utility lines and related structures owned by it. If Licensee does not remove such lines or related structures, all such lines or structures remaining shall become the property of the State, to be used or disposed of as the State elects. The Licensee agrees to pay the State for the costs of removing and disposing of such lines or structures.
4. The Licensee shall comply with all federal, state and local laws and regulations, including municipal ordinances, affecting said lands or the area in which they are situated and keep them in a neat and orderly condition, and shall remove all refuse and debris that may accumulate thereon.
5. No merchantable timber shall be cut, used, removed or destroyed without first paying the State the timber value in the sum stated above as determined by the State. After initial installation, no merchantable timber shall be cut, used, removed or destroyed by the Licensee without first contacting the State at least 60 days in advance to determine if a timber payment is needed. Slash material on state land crossings must be disposed of within 30 days of clearing or maintenance activities.
6. The project hereunder shall at all times during and after construction be subject to inspection by the State and for that purpose the Licensee shall grant access to the premises at all reasonable times.
7. The use of these lands by the Licensee in constructing or maintaining the lines for which this license is granted shall be subject to the use, sale, or leasing for mineral or other legal purposes. The Licensee will not cause any unnecessary hindrance to the activities of the State and shall allow access across the license area by the State when needed.

8. This license is subject to the provisions of Minnesota Statutes, section 84.415 and Minnesota Rules Chapter 6135. All standards of Chapter 6135 are incorporated as terms and conditions of this license, except such variations as are identified and approved by the State in the license applications, plans and specifications which are attached and made part of the terms and conditions of this license. The Licensee is bound by the crossing location and installation method as detailed in the application and approved by the State. The Licensee shall not deviate from the terms and conditions of this license or the application as approved by the State unless it has first obtained written permission from the State.
9. This license is permissive only. No liability shall be imposed upon or incurred by the State of Minnesota or any of its officers, agents, or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the Licensee or any of its agents, employees, or contractors relating to any matter hereunder. This license shall not be construed as estopping or limiting any legal claims or right of action of any person against the Licensee, its agents, employees, or contractors for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the State against the Licensee, its agents, employees, or contractors, for violation of or failure to comply with the provisions of the license or applicable provisions of law. The Licensee shall indemnify and hold harmless the State from all claims arising out of the Licensee's use of the above described lands whether such claims are asserted by civil action or otherwise.
10. The Licensee shall not without the State's prior written consent: a) assign, convey or otherwise transfer this license or any interest under it; b) sublet the license corridor or any part thereof; or c) permit the use or occupancy of the license corridor or any part thereof by anyone other than the Licensee. This license shall extend to, and bind the successors, heirs, legal representatives and assigns of the Licensee, if any. The State may require a party who has requested to sublet, use or occupy the license corridor to obtain a separate license from the State prior to occupying or using the license corridor.
11. No delay by the State in enforcing any of the conditions of this license shall operate as a waiver of any of its rights.
12. Licensee will pay when due all taxes and assessments levied against said land or the improvements thereon.
13. Placement and Marking of Lines:
  - A. For overhead crossings of state land, lines shall have a minimum clearance of 25 feet above the land, unless otherwise approved by the State.
  - B. When directed by the State as a condition of the license, flight diverters shall be placed on overhead utility lines.
14. Herbicides and Pesticides:
  - A. The Licensee must request and obtain written permission to apply herbicides or pesticides to state land from the State prior to treatment. This request shall consist of a map and narrative identifying proposed treatment areas, target species, herbicide or pesticide name, rate of application and a description of application method and date. All applications must be according to label regulations and as otherwise specified by the State. The Licensee shall not apply pesticides that are restricted for use on certified state forest land administered by the State.
  - B. The Licensee must submit annual reports detailing herbicide or pesticide application on areas covered under the license to the State. The report must include at a minimum, the dates, acres, location expressed as quarter-quarter section, township and range, herbicide or pesticide used and target species.
  - C. The Licensee shall post all places commonly used by the public for access along the utility corridors treated with herbicides or pesticides. The Licensee shall notify private landowners when application is made within 300 feet of an agricultural field or within a quarter mile of a residence.
15. Erosion and Revegetation:
  - A. Erosion control measures shall be adequately designed for site characteristics. They shall be installed prior to commencement and maintained for as long as needed. All erosion control measures installed next to a water body shall run parallel to the contours.
  - B. All disturbed areas shall be restored to original contours and elevations and stabilized as soon as possible following construction. Areas of subsidence and crowing shall be repaired. Topsoil shall be reserved on site and used to re-dress disturbed areas.
  - C. All disturbed areas shall be revegetated using state seed mixes compiled by the Minnesota Board of Water and Soil Resources. All seed and plant materials shall be certified weed-free. Weed-free straw or hay shall be used for mulching and erosion control. Native species plants should be used, whenever possible, to revegetate disturbed areas. This revegetation should occur as early in the season as possible to permit adequate regrowth.
  - D. The Licensee shall monitor revegetation at state land crossings until the site is stabilized and the vegetation is self sustaining. Where severe or repeated damage is occurring or where measures have not been successful, preventative and corrective actions shall be taken by the Licensee, including construction of appropriate barriers, installation of warning signs, and other methods in consultation with the State.
  - E. The Licensee shall routinely inspect for erosion that may develop during the term of the license. Areas of erosion shall be stabilized by the Licensee.

- F. If a disturbed area cannot be stabilized with vegetation before September 15 in the year that the utility was installed, the Licensee shall submit a written site stabilization plan to the State for approval. This plan shall describe erosion control, mulching, dormant seeding and monitoring. Seeding shall occur as soon as soil conditions are suitable.
  - G. Excavated materials shall not be deposited or stored alongside a public water in a manner where the materials can be redeposited into the public water by reasonably expected high water or storm run-off.
16. Invasive Species:
- A. The Licensee shall inspect all state land crossings for the presence of invasive species and noxious weeds prior to commencing clearing activities and take action to prevent their spread. If invasive species are known to be present, the State shall identify on a map the known infested sites to be avoided.
  - B. If the State or the Licensee discover additional invasive species infestation areas on state land crossings during construction, the Licensee shall immediately take action to prevent spread from the newly discovered infested area and then consult with the State on a resolution.
  - C. The Licensee shall prevent invasive species from entering into or spreading within a state land crossing by cleaning equipment and clothing prior to arriving at the license area. The Licensee shall legally dispose of material cleaned from equipment and clothing at a location offsite and the materials must be secured prior to transport to avoid dispersal.
  - D. Whenever possible, parking, staging areas and travel routes shall not be within known infested sites. Where there are multiple state land crossings and at least one contains invasive species, the Licensee shall to the extent practicable start work at the site with the fewest number of invasive plants, leaving the most heavily infested sites to last. The Licensee shall make every effort to schedule operations and site visits to avoid the spread of weed seed.
  - E. The Licensee shall continue to control invasive species on state land crossings for the terms of the license using methods approved by the State.
17. Crossing of State Trail:
- A. The location of any crossing of a state trail must be approved in advance by the State. The State may provide written instructions as to specific construction standards to be followed for the crossing of the state trail.
  - B. Utility installation and maintenance activities shall be conducted in a manner so as to minimize disturbance of state trail use and to separate the public from work areas. The Licensee must provide signs to warn state trail users of construction hazards.
  - C. The Licensee is responsible for repairing any damage to the state trail in a manner satisfactory to the State.
  - D. Underground installations must not damage or destroy the principle root structure of specimen trees. Prior approval must be obtained from the State for the cutting or trimming of trees within the state trail right-of-way.
  - E. The Licensee shall notify the State in advance of its intent to perform any installation or maintenance operations within the state trail right-of-way. The Licensee may not close the state trail right-of-way without the prior written approval of the State.
18. Maintenance and Repairs:
- A. Emergency repairs and replacements may be made without prior notification to the State by the Licensee according to conditions and standards prescribed by Minnesota Rules, Chapter 6135 and the method of installation identified in this license. The Licensee shall notify the State of this activity as soon as practicable.
  - B. The Licensee shall employ appropriate erosion and sedimentation measures at the site during any emergency repairs. The State must approve plans for restoration of the site after the emergency repairs are conducted.
  - C. At least 20 days prior to commencing any routine maintenance work on state land crossings subject to this license, the Licensee shall notify the State in writing of the extent and method of maintenance and proposed schedule. The Licensee shall include a specific description of the proposed maintenance activities including clearing methods, erosion and sedimentation control measures, and revegetation plans. The Licensee shall not commence any routine maintenance work prior to approval by the State.
19. The Licensee shall contact the State 10 days prior to installation and within 10 days following completion of licensed work. The Licensee may be required to submit the "as built" location of the utility after construction.
20. The contact for the State is the Regional Lands and Minerals Operations Supervisor, who is Joe Rokala at (218) 999-7894. Any questions about this license shall be directed to the Regional Lands and Minerals Operations Supervisor. The Regional Lands and Minerals Operations Supervisor may direct the Licensee to contact additional State staff for reviews and approvals.
21. This license is subject to the SPECIAL PROVISIONS described here: The State of Minnesota, or a lessee under a state mining lease, shall have the right to request the removal of the water pipeline from the premises, upon not less than three (3) years' written notice to the Licensee, to facilitate the mining of minerals located in, under or upon the premises. All costs for relocating the water pipeline and its ancillary facilities shall be paid by the Licensee, or its successors or assigns.

ACCEPTED AND ACKNOWLEDGED

CITY OF VIRGINIA

Licensee(s)

By \_\_\_\_\_

Title \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

STATE OF MINNESOTA  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
Assistant Director, Division of Lands and Minerals

Date \_\_\_\_\_

Form approved by Lands and Minerals Division, DNR, August 15, 2011.

**ORDINANCE NO. \_\_\_\_**

An Ordinance Amending CHAPTER 2, SEC. 2.37 of the city code entitled "Park and Recreation Commission"

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

**Section 1.**

That, pursuant to the provisions of CHAPTER 2 of the City Code, SEC. 2.37 shall be amended to read as follows:

**"SEC. 2.37. PARK AND RECREATION COMMISSION**

Subd. 1. Powers and Duties. A Park and Recreation Commission is hereby created to consist of EIGHT (8) members serving three year terms. It is the duty and responsibility of this Commission to advise the Council on park and recreation issues. The City Council shall assign the Park and Recreation Commission duties to be performed on an as-needed basis."

**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



**ORDINANCE**

An Ordinance Amending CHAPTER 6, SEC. 6.43 of the City Code of the City of Virginia Entitled "TAXI LICENSE RESTRICTIONS AND REGULATIONS"

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

Section 1.

That, pursuant to the provisions of CHAPTER 6, SEC. 6.43 shall be amended as follows:

**Subd. 3**

As part of the application process, all parties seeking taxi licensure in the City of Virginia must pass Minnesota Department of Transportation's annual vehicle inspection. As taxi vehicles do not qualify for a D.O.T. number, they cannot be issued a Minnesota state inspection decal. The City would issue a taxi number identification sticker, once the vehicle passes the MN safety inspection and provides the proper insurance certificate.

All taxi drivers must be at least 18 years old and pass a criminal background check by the Virginia Police Department. The City of Virginia will issue a photo identification card for each driver, which must be displayed in a visible place in the taxi while the driver is on duty.

The City of Virginia will charge a non-refundable fee of \$25.00 for each background check that is completed for potential taxi drivers.

**Subd. 4**

A current insurance card must be displayed in each taxi.

**Subd. 5**

The annual license fee for each vehicle so proposed to be operated is hereby fixed at \$25.00 per vehicle, to be paid by the applicant to the City Clerk before issuance of any license. Each additional vehicle added to the taxi service during the year will be required to pay \$25.00. A vehicle identification sticker will be provided for each taxi added to the service, once the vehicle complies with the safety inspection and insurance requirements.

**Subd. 7**

All licensed taxis must be clearly marked as a taxi, with the business name identified on both sides of the vehicle.

**Subd. 10**

Taxi companies found to be in violation of this ordinance within a twenty-four month period shall be administratively fined as follows:

- First offense - Seventy-Five and no/100ths dollars (\$75.00)
- Second offense – Two Hundred and no/100ths dollars (\$200.00)
- Third offense – Two Hundred Fifty and no/100ths dollars (\$250.00) and revocation of license for one year. If the business gets their license back and receives another violation, the license will be revoked permanently. Failure to pay the fine within thirty (30) days will result in suspension of license.

Before any license is suspended or revoked under this section, the licensee shall be given notice of the accused violation and shall be given the right to request a hearing on the matter and to appeal the findings of the hearing on suspension or revocation. In the case of an administrative penalty, the hearing for the penalty may be the same as for the suspension or revocation.

Section 2.

This ordinance becomes effective on May 1, 2012 and shall be published as 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

CITY OF VIRGINIA, MINNESOTA

RESOLUTION NO. \_\_\_\_\_

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF TAX-EXEMPT BONDS TO BE ISSUED BY THE CITY

WHEREAS, U.S. Treasury Regulations, Section 1.150-2 (the "Reimbursement Regulations"), promulgated pursuant to Section 150 of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the allocation of the proceeds of tax-exempt bonds to expenditures for governmental purposes originally paid from a source other than such tax-exempt bonds will be treated as expenditures of such tax-exempt bonds only if certain requirements of the Reimbursement Regulations are satisfied by the issuer of such tax-exempt bonds; and

WHEREAS, the City of Virginia, Minnesota (the "City"), proposes to pay certain original expenditures for the acquisition of various items of equipment in accordance with the City's current capital improvement plans (the "Project"), which original expenditures are expected to be financed temporarily from available funds of the City, and which original expenditures are expected to be reimbursed from the proceeds of one or more series of tax-exempt bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA, MINNESOTA, AS FOLLOWS:

1. The City has a reasonable expectation (within the meaning of Treasury Regulations, Section 1.148-1(b)) that it will pay certain expenditures for the Project out of available funds of the City. The City has a reasonable expectation that it will issue one or more series of tax-exempt bonds (the "Bonds") in the estimated maximum principal amount of \$2,500,000 to finance the Project and that the City will make reimbursement allocations with respect to such original expenditures for the Project from the proceeds of such Bonds.

2. This Resolution has been adopted not later than sixty (60) days after payment of any original expenditure for the Project to be subject to a reimbursement allocation with respect to the proceeds of the Bonds.

3. All reimbursement allocations with respect to the Bonds will be made not later than eighteen (18) months after the later of: (i) the date the original expenditure is paid; or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after an original expenditure is paid for the Project. If the Bonds are eligible for the small issuer exception from arbitrage rebate, the "18-month" limitation above is extended to "three years" and the "three-year" maximum reimbursement period is disregarded.

4. All original expenditures to which reimbursement allocations are to be made constitute: (i) capital expenditures; (ii) costs of issuance of the Bonds; (iii) expenditures for extraordinary, nonrecurring items that are not customarily payable from current revenues, such as casualty losses or extraordinary legal judgments in amounts in excess of reasonable insurance coverage, and for which no reserve is maintained; or (iv) a grant (as defined in Treasury Regulations, Section 1.148-6(d)(4), as a transfer for a governmental purpose of money or property to a transferee that is not a related party to or an agent of the transferor with respect to which no obligation or condition is imposed to directly or indirectly

repay any amount to the transferor).

5. The limitations set forth in paragraphs 2 and 3 of this Resolution do not apply to: (i) costs of issuance of the Bonds; (ii) an amount not in excess of the lesser of \$100,000 or five percent (5%) of the proceeds of the Bonds; or (iii) preliminary expenditures up to an amount not in excess of twenty percent (20%) of the aggregate issue price of the Bonds that finance or are reasonably expected by the City to finance the Project for which the preliminary expenditures were incurred. The term "preliminary expenditures" includes architectural, engineering, surveying, soil testing, reimbursement bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction, or rehabilitation of the Project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.

6. This Resolution is an expression of the reasonable expectations of the City based on the facts and circumstances known to the City as of the date hereof. The anticipated original expenditures for the Project are consistent with the City's budgetary and financial circumstances.

7. This Resolution is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

8. No reimbursement allocation of the proceeds of the Bonds to expenditures for the Project will employ an abusive arbitrage device (within the meaning of Treasury Regulations, Section 1.148-10) to avoid the arbitrage restrictions or to avoid the restrictions of Sections 141 through 150 of the Code.

Adopted by the City Council of the City of Virginia, Minnesota this 28<sup>th</sup> day of February, 2012.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk



# LEGISLATIVE CONFERENCE

for CITIES, COUNTIES, SCHOOLS, AND TOWNSHIPS

**REGISTER TODAY!**

## PRELIMINARY AGENDA

### WEDNESDAY, MARCH 21

5:00 - 7:00 p.m. **Legislative Reception at Crowne Plaza (optional)**  
Mingle with legislators and colleagues in local government at this reception on the eve of the joint conference.

### THURSDAY, MARCH 22

7:00 a.m. Registration Open  
7:30 a.m. Joint Association Breakfast  
7:55 a.m. Conference Welcome  
8:00 a.m. **Leadership Panel on the 2012 Legislative Session**  
Hear insights from legislative leaders on the top issues facing cities, counties, school districts, and townships.

#### Panelists:

- Sen. David Senjem, Senate Majority Leader
- Rep. Larry Howes, House Capital Investment Committee Chair
- Sen. Tom Bakke, Senate Minority Leader
- Rep. Paul Thissen, House Minority Leader

### 9:15 a.m. Individual Association Breakout Sessions

- Association of Minnesota Counties
- League of Minnesota Cities
- Minnesota School Boards Association
- Minnesota Association of Townships

### 11:30 a.m. Luncheon Program

- Planning for Tax Reform with MN Department of Revenue Commissioner Myron Frans
- Remarks from Governor Mark Dayton (invited)

1:00 p.m. **Meet with Senators & Representatives at the Capitol**  
Shuttle busing provided from the Crowne Plaza

4:00 - 6:00 p.m. **Social Hour at the Kelly Inn (optional)**

### MAKE THE MOST OF YOUR TIME IN ST. PAUL!

Come a day early to attend the **FREE**

### Minnesota Mayoral Summit

Wednesday, March 21  
11:00 a.m. - 6:00 p.m.

A conversation on out-of-school time and learning beyond the classroom.

Visit [www.lmc.org/MMS12](http://www.lmc.org/MMS12)

**Legislative Conference Registration Fee:** \$95 per person. Conference fee includes breakfast, lunch, and transportation to and from the Capitol. *Lodging is not included.*

**Parking:** Parking in the Crowne Plaza hotel ramp is available for a fee of \$17 per day for all overnight guests and \$18 for the general public. Clearance of the parking ramp is 5' 9".

Free parking is available in the League parking lot. Buses will be available to transport conference attendees from the League of Minnesota Cities building to the Crowne Plaza hotel on Thursday morning and from the hotel to the Capitol after lunch. Visit [www.lmc.org/JLC12](http://www.lmc.org/JLC12) for details.

**Lodging Information:** Rooms are available at a special conference rate. Please contact the hotel directly to make your lodging reservations. Ask for the "2012 Legislative Conference" group block. The deadline for reservations is February 21, 2012.

### Crowne Plaza Saint Paul Riverfront

11 East Kellogg Boulevard

Saint Paul, MN 55101

Phone: (651) 292-1900 or (866) 422-3185

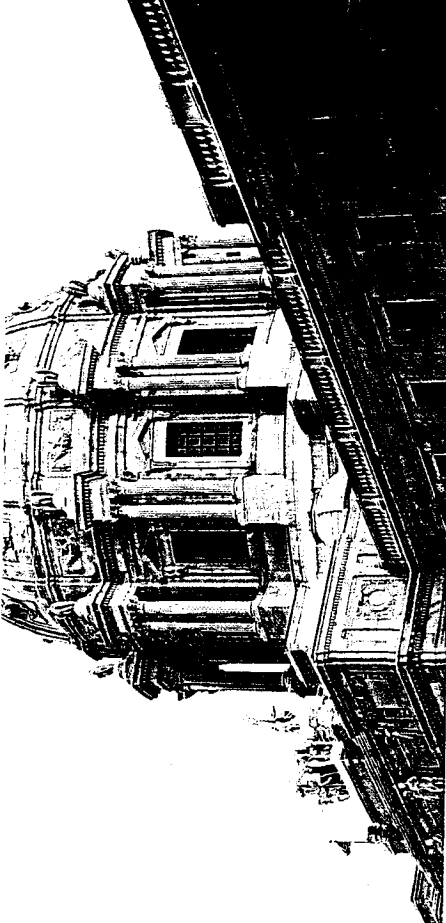
Website: [www.crowneplaza.com/stpaul](http://www.crowneplaza.com/stpaul)

Standard room—\$135 plus tax

Executive room—\$145 plus tax

**Questions?** Contact Amy Manganer at (651) 281-1240 or (800) 925-1122 or [amanager@lmc.org](mailto:amanager@lmc.org)

8.3



**FINANCE COMMITTEE-OF-THE-WHOLE**  
**Tuesday, February 21, 2012 – 9:00 A.M.**  
**Council Chambers, Virginia City Hall:**

Present: Councillors Cuffe, Littlewolf, Ralston, Baribeau, Sipola, Russo, Mayor Peterson – 7  
Absent: None

Also Present: John Bachman, Park/Recreation Director; Lois Roskoski, City Clerk; Jim Johnson, SEH Engineering; Bill Hennis, Lead Engineer; Sherry Erickson, Finance/Human Resources Director  
John Tourville, City Operations Director; Dana Waldron, Police Chief; Tom Butorac, City Attorney; Citizens - Don Etter, Dennis Begich

Lead Engineer Hennis reviewed Change Order No. 1, which decreases the contract with Minnesota Power by \$4,666.00 for the P & H Electrical Substation/Distribution System.

**A. Moved by Russo and supported to adopt a Resolution approving Change Order No. 1, which decreases the contract with Minnesota Power by the amount of \$4,666.00, for Bid Package No. 1 – P & H Electrical Substation and Distribution System. Motion carried.**

**B. Moved by Baribeau and supported by Russo to authorize calling for bids for C.P. 4-11, P & H Sanitary Sewer and Watermain Extension Project. Motion carried.**

Lead Engineer Hennis stated the City Code does not address the zoning requirements for micro-breweries. City Clerk Roskoski stated there are also changes that would need to be made to the liquor ordinance to allow the issuance of the proper licenses for a brew pub or micro-brewery. Also, the current City Code does not allow a brewer to hold a liquor license.

City Attorney Butorac stated he has reviewed Duluth’s ordinance regarding micro-breweries and will prepare amendments to the City Code to reflect the State law for the next Finance Committee meeting.

Don Etter reviewed his plans to open a micro-brewery on Chestnut Street and a brew pub at the former Virginia Brewing Company site.

Councillor Cuffe stated he has received a call from the Virginia School expressing their disappointment that the DARE program was not offered this year. Police Chief Waldron stated he was not aware that the DARE program was not being taught.

**C. Moved by Russo and supported by Sipola to request the City Operations Director to look into the DARE officer position. Motion carried.**

Park/Recreation Director Bachman reviewed the proposals that were obtained for additional work for the Olcott Park Greenhouse.

**D. Moved by Russo and supported by Sipola to accept RFP #3 from Lenci Enterprises, in the amount of \$2,065.00, for electrical revisions to the Olcott Park Greenhouse. Motion carried, with Councillor Ralston abstaining.**

Park/Recreation Director Bachman reviewed RFP#4 to allow Lenci Enterprises to make a change to the roof drains for the Greenhouse, at no additional cost.

**E. Moved by Russo and supported by Baribeau to authorize the Public Utilities to install a new gas service to the Olcott Park Greenhouse Maintenance Garage, at an estimated cost of \$1,657.15. Motion carried, with Councillor Ralston abstaining.**

**F. Moved by Russo and supported by Baribeau to accept the proposal from Abatetek, Inc., at a cost not to exceed \$5,000, to remove asbestos from the Olcott Park Greenhouse. Motion carried.**

**6. Moved by Baribeau and supported by Sipola to accept RFP#5 from Lenci Enterprises, in an amount not to exceed \$4,000.00, to replace the electrical service in the Greenhouse boiler room. Motion carried, with Councillor Ralston abstaining.**

Park/Recreation Director Bachman stated the Olcott Park Greenhouse Project has an approximate balance of \$17,000, which includes one \$250,000 grant and \$300,000 from the charter bond. The other \$250,000 grant must be used for renewable energy.

City Operations Director Tourville stated the City Council will consider adoption of a reimbursement resolution at the February 28<sup>th</sup> Council meeting. The reimbursement resolution will allow expenditures retroactive to January 1, 2012, to be included in the charter bond. Park/Recreation Bachman was directed to provide a list of expenditures for the Greenhouse project to determine which expenditures can be reimbursed through the charter bond.

City Operations Director Tourville stated Paul Steinman, Springsted, will attend the first Finance Committee meeting in March to finalize the charter bond.

Park/Recreation Director Bachman reviewed the proposal from MTI Distributing Co., in the amount of \$45,571.46 through the GSA purchasing site, to purchase a for a fairway mower, which will be funded through the charter bond. The old mower will be sold as surplus equipment.

**H. Moved by Baribeau and supported by Littlewolf to adopt a Resolution accepting the proposal from MTI Distributing, in the amount of \$45,571.46, for a fairway mower, to be funded through the charter bond. Motion carried.**

**I. Moved by Baribeau and supported by Cuffe to accept the proposal from Peter Nelson, in the amount of \$5,000, to purchase the basketball floor, contingent upon receipt of a certified check. Motion carried.**

Finance Director Erickson reviewed the Budget vs. Actual Report, Investments and Revolving Loans for the period ending January 31, 2012.

Councillor Sipola requested detailed information on the Revolving Loan with Range Monument that was written off due to bankruptcy and the payoff information for the loan with Stacy's Jewelry.

Finance Director Erickson stated the intern currently assisting in the Finance Department will be done the first part of March. Finance Director Erickson was directed to prepare a scope of duties and hours for an additional position in the Finance Department for the next meeting.

Discussion was held on the realignment of Highway 53. It was the consensus of the committee to invite representatives from the City, Fire Department and Public Utilities to a future Finance Committee meeting to review the options and determine the route that can be promoted by Virginia at future Highway 53 committee meetings. City Operations Director Tourville was directed to obtain the information on the proposed routes.

City Operations Director Tourville stated the Police Administrative Assistant will be retiring in the near future and recommended that the position be filled prior to the retirement to allow for cross-training. Councillor Russo stated the job description for the Police Administrative Assistant will be revised and reviewed at a Personnel Committee meeting.

Meeting adjourned at 9:57 A.M.

9.1A

**COUNCIL CHAMBERS**

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Resolution No.

City of Virginia, Minnesota, February 28, 2012

**Resolution approving Change Order No. 1 with Minnesota Power for Bid Package No. 1 – P & H Electrical Substation and Distribution System**

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

**WHEREAS, Short Elliott Hendrickson Engineering, Inc., has submitted Change Order 1, to decrease the contract with Minnesota Power by \$4,666.00, for Bid Package No. 1 – P & H Electrical Substation and Distribution System; and**

**WHEREAS, a utility contractor was issued a separate contract to provide trench excavation and backfill for the placement of an electrical conduit for Minnesota Power to serve P & H Minepro's new facility, which decreased the contract with Minnesota Power by \$4,666.00,**

**NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Clerk are authorized to execute Change Order No. 1 with Minnesota Power for Bid Package No. 1 – P & H Electrical Substation and Distribution System.**

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

Ayes:

Nays:



COUNCIL CHAMBERS

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9.1H.

Resolution No.

City of Virginia, Minnesota, **February 28, 2012**

**Resolution accepting proposal from MTI Distributing for a 2012 Toro Reelmaster 5210-D Mower**

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

**WHEREAS, the Park Department obtained a proposal from MTI Distributing to purchase a 2012 Toro Reelmaster 5210-D Mower, at a cost of \$45,571.46 including tax, through the GSA purchasing site; and**

**WHEREAS, the mower will be purchased with funds obtained through a charter bond,**

**NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Operations Director are authorized to enter into an agreement with MTI Distributing for the purchase of a 2012 Toro Reelmaster 5210-D Mower.**

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

Ayes:

Nays: