

A regular meeting of the City Council for the City of Canby, Minnesota was held on December 2nd, 2014 at 7:00 P.M. in the City Council Chambers.

Members: Nancy Bormann, Nate Oellien, Denise Hanson, Frank Maas

Absent: None

Visitors: Nicholas Johnson, City Administrator
Gerald Boulton, City Attorney
Ryan Feiock, Canby News
Jody Olson
Myron Anhalt

The Pledge of Allegiance was recited.

The meeting was called to order.

The Truth in Taxation hearing was opened. Myron Anhalt inquired about the increase in his property taxes. The cause was a valuation increase to the property. It was recommended he speak to the County Assessor and return for the Board of Appeals and Equalization meeting in April should he still wish to contest the valuation. Nicholas Johnson proceeded to go over the draft 2015 budget. The Council elected to return funding for operation of the swimming pool in 2015 along with funding to make the necessary repairs. The hearing was closed.

The minutes of November 12th, 2014 were reviewed. A motion was made by Hanson and seconded by Oellien to approve the minutes. All voted in favor. None voted against. The motion was carried.

Ordinance 317.1, an ordinance regulating the possession, sale, and consumption of intoxicating and 3.2 percent malt liquor, was reviewed. A motion was made by Oellien and seconded by Maas to adopt the ordinance. All voted in favor. None voted against. The motion was carried. Due to the length of the ordinance only the summary is published in these minutes. A full copy of the ordinance is on file in the City Administrative Office for review.

OFFICIAL SUMMARY OF ORDINANCE 317.1,
AN ORDINANCE REGULATING THE POSSESSION, SALE AND CONSUMPTION
OF INTOXICATING AND 3.2 PERCENT MALT LIQUOR
WITHIN THE CITY OF CANBY, MINNESOTA

The following is the official summary of Ordinance 317.1, which was passed by the City Council on December 2nd, 2014.

A printed copy of this ordinance is available for inspection by any person at the office of the City Administrator during normal business hours.

The ordinance regulating the possession, sale and consumption of intoxicating and 3.2 percent malt liquor within this city contains the following provisions.

Section 1 adopts Minn. Stat. Ch. 340A, as it may be amended from time to time, by reference.

Section 2 permits the city to be more restrictive than state law concerning the sale and possession of alcoholic beverages.

Section 3 defines "liquor" and "restaurant" as those terms are used in the ordinance.

Section 4 makes it is unlawful for any licensee to permit or allow any person or persons on the licensed premises when the person does not have his or her buttocks, anus, breasts and genitals covered with a non-transparent material. It is unlawful for any person to be on the licensed premises when the person does not have his or her buttocks, anus, breasts and genitals covered with a non-transparent material. A violation of this section is a misdemeanor punishable as provided by law, and is justification for revocation or suspension of any liquor, wine or 3.2 percent malt liquor license or the imposition of a civil penalty under the provisions of Section 29(B) of this ordinance.

Section 5 provides that no person shall consume intoxicating liquor or 3.2 percent malt liquor in a public park, on any public street, sidewalk, parking lot or alley, or in any public place other than on the premises of an establishment licensed under this ordinance, in a municipal liquor dispensary if one exists in the city, or where the consumption and display of liquor is lawfully permitted.

Section 6 establishes the term and expiration dates for licenses.

Section 7 establishes the kinds of licenses which may be issued as follows:

3.2 On-Sale "Beer", 3.2 Off-Sale "Beer", On-Sale Intoxicating Liquor, Off-Sale Intoxicating Liquor, Sunday On-Sale Intoxicating Liquor, Combination On-Sale/Off-Sale Intoxicating Liquor, On-Sale Wine, Consumption and Display, Culinary Class Limited On-Sale Intoxicating Liquor, Brew Pub On-Sale Intoxicating or 3.2 On-Sale "Beer", Brewer Off-Sale Intoxicating Liquor, Temporary 3.2 On-Sale "Beer", Temporary On-Sale Intoxicating Liquor, One Day Consumption and Display, Temporary Off-Sale Wine, Temporary Brewer On-Sale Intoxicating Liquor

Section 8 authorizes the establishment of license fees by ordinance or resolution.

Section 9 permits the Council, in its sound discretion, to grant or deny applications for licenses, or for the transfer or renewal of any license.

Section 10 describes the information required in an application for a license.

Section 11 requires a specific description of the premises to be licensed.

Section 12 provides that applications for renewal of licenses must be filed at least 30 days before the date of expiration, and permits the council in its sound discretion to renew or not renew a license.

Section 13 prohibits the transfer of a license without Council approval.

Section 14 requires background and financial investigations of applicants for a license, renewal of a license or transfer of a license.

Section 15 provides for a hearing on the issuance of a license.

Section 16 establishes restrictions on the issuance of a license.

Section 17 establishes the conditions of a liquor license that a licensee must follow to avoid suspension or revocation. The failure of a licensee to meet any one of the conditions of the license specified below shall result in a suspension of the license until the condition is met.

1. Within 90 days after employment, every person selling or serving liquor in an establishment which has an "on-sale" license shall receive training regarding the selling or serving of liquor to customers. The training shall be provided by an organization approved by the Council. Proof of training of the servers shall be provided by the licensee.
2. Every licensee is responsible for the conduct of the place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this ordinance and the law equally with the employee.
3. Every licensee shall allow any peace officer, health officer, city employee, or any other person designated by the Council to conduct compliance checks and to otherwise enter, inspect and search the premises of the licensee during business hours and after business hours during the time when customers remain on the premises without a warrant.
4. No on-sale establishment shall display liquor to the public during hours when the sale of liquor is prohibited.
5. Compliance with financial responsibility requirements of state law and of this ordinance is a continuing condition of any license.

Section 18 establishes the hours and days of sale which are consistent with those established by state law; except that this ordinance restricts the hours where state law specifies 2:00 a.m. to 1:00 a.m. In addition, the ordinance provides that:

1. No person shall consume nor shall any on-sale licensee permit any consumption of intoxicating liquor or 3.2 percent malt liquor in an on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.

2. No on-sale licensee shall permit any glass, bottle or other container containing intoxicating liquor or 3.2 percent malt liquor to remain upon any table, bar, stool or other place where customers are served, more than 30 minutes after the time when a sale can legally occur.
3. No person, other than the licensee and any employee, shall remain on the on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.
4. Any violation of any condition may be grounds for revocation or suspension of the license.

Section 19 prohibits minors and underage persons on licensed premises except under certain conditions:

1. No person under the age of 18 years shall be employed in any rooms constituting the place in which intoxicating liquors or 3.2 percent malt liquor are sold at retail on sale, except that persons under the age of 18 may be employed as musicians or to perform the duties of a bus person or dishwashing services in places defined as a restaurant, hotel, motel or other multipurpose building serving food in rooms in which intoxicating liquors or 3.2 percent malt liquor are sold at retail on sale.
2. No person under the age of 21 years may enter a licensed establishment except to work, consume meals on premises that qualify as a restaurant, or attend social functions that are held in a portion of the premises where liquor is not sold.

Section 20 prohibits persons from mixing or preparing liquor for consumption in any public place of business unless it has a license or permit.

Section 21 establishes the circumstances and procedures for suspension and revocation of a license. The Council is required to either suspend for a period not to exceed 60 days or revoke any liquor license upon finding that the licensee has failed to comply with any applicable statute, regulation or provision of this ordinance relating to liquor. Lapse of required proof of financial responsibility shall effect an immediate suspension of any license issued pursuant to this ordinance or state law without further action of the Council. Notice of cancellation or lapse of a current liquor liability policy shall also constitute notice to the licensee of the impending suspension of the license. A schedule of minimum periods of suspension and for revocation is established.

Section 22 provides for penalties for violating this ordinance, including a schedule of civil penalties.

Section 23 establishes the effective date of the ordinance which is the date of the publication of this summary of the ordinance.

Section 24 approves this summary of the ordinance.

Section 25 repeals prior and inconsistent ordinances.

This summary was approved by the City Council of Canby, Minnesota, on December 2nd, 2014.

Attest:

Mayor

City Administrator

Nicholas Johnson discussed a request to extend the RBEG grant #27-087-00005031 to June 30th, 2015. A motion was made by Maas and seconded by Hanson to approve the extension request. All voted in favor. None voted against. The motion was carried.

Vendor transactions for November 2014 in the amount of \$ 666,930.45 were reviewed. A motion was made by Hanson and seconded by Oellien to approve the transactions. All voted in favor. None voted against. The motion was carried.

Resolution 2014-12-2-1, a resolution authorizing lawful gambling, was reviewed. A motion was made by Oellien and seconded by Hanson to adopt the resolution. All voted in favor. None voted against. The motion was carried.

City of Canby
Resolution 2014-12-2-1

A Resolution Authorizing Lawful Gambling

WHEREAS, the Canby Fire Relief Association has applied to the Minnesota Gambling Control Board for a premises permits to conduct one-day off-site gambling at the hereinafter named location in the City of Canby; and

WHEREAS, Local approval of the location is required before such permit shall be issued:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CANBY,
That the premises permit of the Canby Fire Relief Association to conduct one-day off-site gambling at the following date and location is hereby approved:

January 1st, 2015

Canby Fire Hall
312 1st Street East
Canby, MN 56220

Adopted by the City Council of the City of Canby this 2nd day of December, 2014.

Attest:

Mayor Pro-Tem

City Administrator

Resolution 2014-12-2-2, a resolution approving specific fees to be charged, was reviewed. A motion was made by Oellien and seconded by Maas to adopt the resolution. All voted in favor. None voted against. The motion was carried.

Resolution 2014-12-2-2

Resolution Approving Specific Fees to be Charge by the City of Canby

WHEREAS, several sections of the City of Canby ordinances permit the City Council to set rates by resolution for various permits, licenses, fees, etc. which will be effective in the City.

City of Canby
Fee Schedule

<u>Fee Category</u>	<u>Amount</u>
<u>Administrative</u>	
Returned Check	\$30.00
Budget Reports	\$25
Audit Reports	\$25
Copies (External Copier)	\$0.15 per sheet
Copies (Internal Copier)	\$0.15 per sheet
<u>Public Safety</u>	
Illegal Placement of Substance Within Right of Way	\$25.00
Failure to remove snow from sidewalk	\$50.00
Grass and Weeds	\$50.00
Illegal Operation of a Snowmobile	\$50.00
Snowbird	\$50.00
Exhibition Driving	\$110.00
Improper Parking	\$25.00
Prohibited Parking	\$25.00
Double Parking	\$25.00
Blocking Driveway	\$25.00
No Parking Zone	\$25.00
Fire Hydrant	\$25.00
Blocking Alley	\$25.00

Parking in Alley	\$25.00
Improper Semi Parking	\$25.00
Recreational Vehicle Parking	\$50.00
Dog Running at Large	\$50.00
Noise Control	\$75.00
Junk Vehicle	\$50.00
Junk/Rubbish	\$50.00
Unsafe/Deteriorated Structure	\$100.00
Public Nuisances	\$50.00
Curfew	\$50.00
Underage Tobacco	\$50.00
Impound Fee	\$5.00 per day

Fire Department

Fire Call	\$750.00
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Public Works

Water Disconnect Fee	\$50.00
Water Reconnect Fee	\$25.00
Water Connection Fee	\$450 plus cost
Sewer Connection Fee	\$450 plus cost

Recreation

Dance Permit for Outdoor Dances - Per Day	\$5.00
Picnic Tables	\$10.00 per table
Recreation Vehicle Parking Permit	\$10.00
Park Shelter Rental	No charge

Planning/Zoning

Variance	No charge
Zoning Permit	No charge
Special Use Permit	\$50.00
Rezone	\$150.00
Street & Alley Vacations	\$50.00

Licenses and Permits

Tobacco	\$125.00
3.2 On-Sale "Beer"	\$100.00

3.2 Off-Sale "Beer"	\$25.00
On-Sale Intoxicating Liquor	\$1,050.00
Off-Sale Intoxicating Liquor	\$200.00
Sunday On-Sale Intoxicating Liquor	\$50.00
Combination On-Sale/Off-Sale Intoxicating Liquor	\$1,250.00
On-Sale Wine	\$250.00
Culinary Class Limited On-Sale Intoxicating Liquor	\$100.00
Brew Pub On-Sale Intoxicating or 3.2 On-Sale "Beer"	\$100.00
Brewer Off-Sale Intoxicating Liquor	\$100.00
Temporary 3.2 On-Sale "Beer"	\$20.00 per day
Temporary On-Sale Intoxicating Liquor	\$20.00 per day
One Day Consumption and Display	\$20.00 per day
Temporary Off-Sale Wine	\$20.00 per day
Temporary Brewer On-Sale Intoxicating Liquor	\$20.00 per day
Transient Merchant	\$150.00
Pet License	\$4.00
Bicycle License	\$1.00

Community Center

Community Center Rental No charge, see rules

Demolition Site

In Town Rate \$10.00 per cubic yard
 Out of Town Rate \$12.00 per cubic yard

Cemetery

Grave Site \$300.00
 Cremates \$50.00

NOW THEREFORE BE IT RESOLVED, that the following fee schedule is hereby approved for the designated services of the City of Canby.

Adopted by the City Council this ____ day of _____, 2014.

Attest:

 Mayor

 City Administrator

A list of accounts for unpaid water meters to certify to the County Auditor was reviewed. A motion was made by Maas and seconded by Hanson to certify. All voted in favor. None voted against. The motion was carried.

Unpaid Water Meters to Certify to County Auditor:

Parcel #	Name	Amount
31-418-6201	Duane Behnke	\$118.00
31-418-6003	Hundt/Karlowski	\$383.81

A cigarette license for Independent Oil was reviewed. A motion was made by Oellien and seconded by Maas to approve the license. All voted in favor. None voted against. The motion was carried.

A motion was made by Maas and seconded by Oellien to approve the meal site contract with Prairie Five. All voted in favor. None voted against. The motion was carried.

Nicholas Johnson gave an update to the Theater Project. Expenditures on the project are outpacing donations collected. A motion was made by Hanson and seconded by Maas to approve utilizing city funds to subsidize the theater project until it can be repaid. Bormann, Hanson, and Maas voted in favor. Oellien voted against. The motion was carried.

A motion was made by Maas and seconded by Oellien to adjourn the meeting. All voted in favor. None voted against. The motion was carried.

Attest:

Mayor Pro-Tem

City Administrator