



**City Council – Meeting Agenda
June 4, 2024– 5:30 P.M. – Foley City Hall**

1. Call the meeting to order.
2. Pledge of Allegiance.
3. Approve the agenda.
4. Consent Agenda:
 - Approve minutes of May 7, 2024.
 - Approve minutes of May 14, 2024.
 - Approve closure of downtown streets for Foley Fun Days.
 - Approve closure of 7th Avenue for Fun Days car show – June 18, 2024.
 - Approve School Resource Officer Agreement.
 - Adopt Resolution #2024-11 Approving Additional Election Judges
 - Approve Ordinance #480 - Amending Rental Code- Training Requirements.
 - Approve seasonal pay rates.
 - Approve payment of bills.
5. Mayor’s Comments and Open Forum
6. Wastewater Regionalization Project
 - Jarod Voge - Consider and Approve Pay Application #18 - Project Update.
 - Discuss and Approve Ordinance #479 - Wastewater Treatment System Use Code
 - Discuss and Approve Enforcement Response Plan.
7. Public Hearing – Liquor Violations of Mr. Jim’s and Stone Creek.
8. Public Hearing – Liquor License Renewals
 - On Sale Liquor: Mr. Jim’s, Foley American Legion, and Stone Creek.
 - Sunday On Sale Liquor: Mr. Jim’s, Foley American Legion, and Stone Creek.
 - Off Sale Liquor: Coborn’s Liquor, Foley American Legion, and Super Spirits.
 - 3.2 Off Sale – Coborn’s Inc., Little Dukes
 - Non-enclosed Premises On Sale Liquor: Foley American Legion, Stone Creek and Mr. Jim’s.
 - Temporary Liquor Licenses:
 - Foley Lion’s Club –to be used for Foley Fun Days, June 17-19, 2024.
 - St. John’s Church, 621 Dewey Street, to be used July 21, 2024.
 - Foley Chamber of Commerce, 329 Oak Drive, to be used for Oktoberfest on September 21, 2024.
9. Approve Tobacco Licenses
 - Brenny Oil
 - Casey’s Retail Co #1813
 - Coborn’s Liquor
 - Coborn’s Grocery Store
 - Little Dukes



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- Speedway
 - Super Spirits
10. Public Hearing – 2025 Improvements – Preliminary Assessment Hearing
 - Presentation on Financial Impacts – Sarah Brunn, City Administrator
 - Conduct Public Hearing.
 - Discuss comments from community meeting -and possible design changes.
 - Consider Resolution Ordering the Improvement.
 11. Discussion on Garbage Contract RFP.
 12. EDA Report - Downtown Façade Grant Program Applications
 - Consider and approve EDA recommendations (meeting held prior to council meeting).
 13. Discussion on Cannabis Moratorium Ordinance – Ashley Bukowski, City Attorney
 - Discussion Cannabis Licensing Registration with Benton County – Police Chief/City Attorney
 14. Xcel Franchise Agreements – Discuss & Approve – Ashley Bukowski, City Attorney
 - Discussion on necessary ordinance amendments.
 - Discuss and approve proceeding with East Central Energy Ordinance Discussions.
 15. Department Reports:
 - City Attorney- Ashley Bukowski
 - Police Department –Katie McMillin
 - Cannabis Licensing Registration with Benton County.
 - City Engineer – Jarod Griffith
 - Public Works/Fire – Mark Pappenfus
 - CSAH Maintenance Agreement – Discuss & Approve.
 - Hanson Paving Trail Overlay Quote – Discuss & Approve.
 - Administration – Sarah Brunn
 16. Old Business
 17. New Business
 18. Mayor’s Comments and 2nd Open Forum
 19. Adjourn

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – May 7, 2024

The Foley City Council held a workshop to discuss the garbage contract on May 7, 2024, at 4:30 p.m. at Foley City Hall prior to the council's regular meeting.

Members present: Mayor Jack Brosh, Councilmembers Jeff Gondeck, Deb Mathiowetz, Gary Swanson, and Brandon Voit.

Beverly Mathiasen, Municipal Sales Manager – Republic Services, gave an overview of the proposed contract extension. A lot has changed since the last request for proposal five years ago. She gave an overview of the company, outlining their commitment to the environment and to the community. She also talked about some of the challenges in the industry such as the depressed commodities market; supply chain delays; and recycling contamination (has improved). She also invited the council to look at Republic's sustainability plan and how they support the environment. Mathiasen also gave an overview of the rising cost of business. People have had to pay more for services. The average wages for the refuse and recycling industry have increased. There is also the challenge of finding CDL drivers and how the company can attract new young talent. Other challenges include recruiting diesel technicians and welders and the rising cost of maintenance parts. The current contract's 4% annual increase has not kept up with inflation. She also presented the proposed the 2024 monthly service rates for both commercial and residential customers.

Questions and discussion followed with Voit and Mathiowetz expressing support to open the garbage contract to an RFP. Voit asked if the council could allow commercial properties to find their own haulers.

Sarah Brunn, City Administrator, said that some cities only focus their garbage contract on residential and commercial properties are free to choose their own hauler. Multiple haulers would have an impact on streets and alleys.

Gondeck expressed support for one hauler for residential and commercial. He also expressed support for an RFP based on the proposed numbers for the 2024 rates.

More discussion and questions followed. Brunn stated that the city wide cleanup day would need to be written into the RFP or the city would need to pay for it. Historically, the council has voted to keep the cleanup day in the garbage contract.

The council thanked Mathiasen for her presentation.

Mayor Brosh concluded the workshop at 5:20 p.m.

The regular council meeting opened at 5:30 p.m.

Members present: Mayor Jack Brosh, Councilmembers Jeff Gondeck, Deb Mathiowetz, Gary Swanson, and Brandon Voit.

The pledge of allegiance was recited.

Motion by Swanson, seconded by Gondeck, to approve the agenda.

Motion carried, unanimous.

Motion by Gondeck, seconded by Mathiowetz, to approve the consent agenda:

- Approve minutes of April 2, 2024.
- Approve St. Cloud Airport Mutual Aid Agreement.
- Adopt Resolution #2024-10 Limited Use Permit – City Welcome Signs.
- Approve closing of City of Foley on Friday, July 5th.
- Approve establishment of Downtown Façade Improvement Program Policy, Agreement Template and Funding Allocation from Expendable Trust Fund of \$20,000.
- Approve Benton County Fair Police Coverage Contract.
- Approve hire of part-time police officer Kourtney Lind – contingent on background.
- Accept and approve retirement of Josh Beutz, firefighter.
- Approve payment of bills.

Mathiowetz asked about the approval of the other officer.

Chief Katie McMillin explained that the other candidate was not moved forward in the process.

Motion carried, unanimous.

Mayor's Open Forum

No one spoke.

Update on Wastewater Regionalization Project

Jared Voge, Bolton & Menk, gave an overview of the project and recommended Payment Estimate #17 for \$264,644.55 for approval. The project is now 88% complete. The contractor as been testing pumps and generators. The Broadway lift station is planned to start up on Thursday. He expects panels to arrive in May or early June to finalize some connections. He tentatively estimates that some time in August they would be ready to start moving flow toward St. Cloud.

Questions and discussion followed. Voge said that a couple ideas came up during discussion of decommission of the pond. Those items are being investigated. Ultimately, the council will need to determine the use of the property.

Voit said he would like to look into a wetland bank for wetland credits. Voge said he is working with their wetland staff. It may not be the ideal location for wetlands. He expects to have that information soon.

Motion by Mathiowetz, seconded by Gondeck to approve Payment Estimate #17.

Motion carried, unanimous.

Consider/approve Benton County SLFRF (ARPA) Funds Agreement

Brunn directed the council to the template agreement in their packet. She explained this is the agreement the county wishes to transfer \$500,000 of ARPA funding for housing costs to the city. She looked at the concepts for the proposed south side development and this would finalize it. The county's primary focus for the funds is for water/sewer infrastructure. The city must follow federal guidelines. There is also information requested from the county attached to the agreement. Staff is looking at using the funds for the south side project along with other possibilities. The money must move quickly and must be spent by 2026.

Questions and discussion followed. Brunn explained the money would need to be allocated in 2024 and spent and done in 2026. The south side project is being considered because of the timeline but it could be opened up to other locations. Council could decide to allocate on a first come first serve basis. Staff has told developers that the city will spend the funds quickly.

Mathiowetz expressed concern that not enough discussion has focused on senior housing. Townhomes are general multi-level and are not senior housing.

Voit commented that the city can't tell developers what kind of housing to build. We can suggest transition housing, but it's ultimately up to the developer. Anything would be better than what we've had in the last 10 years. The housing study lists the need for homes, including homes for seniors, and developers see the demand.

Discussion and questions followed. Brunn commented that while staff has had developers express interest in building homes they are not interested in building infrastructure. The hope is that if the city puts in the infrastructure and sell the lots they will build. It is not a typical practice of the city to act as a developer, but given the high cost of infrastructure and with the county's support the city can help move things forward. The city also owns the land.

More discussion and questions followed.

Jim Moshier – Multiple Topics

Jim Moshier, 320 Birch Drive, stated that Foley is designed for 2,500 people. Nobody looks at what a city can afford. We needed a watertower before I retired. Now I'm retired and will subsidize every house that is built. Houses don't pay enough in taxes. If you look at Lange Estates, the rest of the city subsidized that. When we built the pond in 1990, we had to buy the house out there and then we rented it back to the guy. Now you want to put nice homes by the wastewater ponds. They will ask every year for access to town. Are people living in town now willing to pay more taxes? People have been complaining about senior housing for 20 years. I know we need people. Just look at the big picture. I'm not against growth. There's no place for people my age to retire. You can't build affordable housing.

Discussion followed. Swanson commented that any developer looking at building commercial properties are going to ask if we have housing here. Moshier said he didn't think the city should be in the real estate business.

Motion by Voit, seconded by Gondeck, to approve the Benton County SLFRF (ARPA) Funds Agreement.

Motion carried with Gondeck, Brosh, Swanson, and Voit voiting yes. Mathiowetz voted no.

Debra Olson – Interpretation of the Ordinances – Definition of Snow Fence

Debra Olson, 600 Dewey Street, addressed the council regarding the definition of 'snow fence.' She explained she received a letter from the police department saying she was in violation of the ordinance and said the snow fence needed to be taken down. The ordinance only allows for snowing fencing between Nov. 1 till April 1. Olson asked for clarification on the definition of 'snow fence.' She stated she uses a 'snow prohibitor.' She also stated that snow accumulation on average begins in late October. If she waited till Nov. 1 to install her 'snow prohibitor,' the ground would be too frozen to get the stakes in. She also said according to state climatologist at the DNR the latest snow on average is April

23. She also told the council it is a waste of the police department's time. She she said she would like more specific wording on 'snow fencing' so there's no confusion when and where you can put up a temporary 'snow prohibitor.'

Discussion and questions followed. Swanson suggested residents could put in the stakes early and then put up the rest of the fence after Nov. 1. Voit and Brosh were open to adjusting the date on the ordinance.

Gondeck asked the issue be referred back to the Planning Commission. Gondeck suggested Olson join the Planning Commission. Olson refused his invitation.

Department Reports

Police Department

Chief Katie McMillin gave an overview of the stat report for April. Officers reponded to 382 calls. Speed enforcement is up. Child complaints are up at the school. The SRO has been very busy at the school. The high school prom is this Saturday. Suspicious activity is up. There have been 18 animal complaints – most of these have come from one address in town. Child custody disputes and civil matters are also up. Currently, we are seven days into the month of May and the department has already taken 90 calls for service. The Bike Rodeo is scheduled for June 15 for kids 10 and under. The council is invited to come help with the drawing. It is a free event for kids. Fairview Hospital can't come out, but Centracare will come out to do the bike helmet fittings so parents know what size helmet to buy.

City Engineer

Jarod Griffith, City Engineer, updated the council on the south side project. The wetland delination is scheduled for this month weather permitting. May 3 staff submitted the water treatment facility and other projects to the state for review. The neighborhood public meeting for the 2025 road project is scheduled for May 29 from 5:00 p.m. to 7:00 p.m. Questions and discussion followed.

Brunn said she wanted the council to know staff submitted the proposed water treatment project to multiple federal legislators hoping the city would qualify for federal funds - \$6 million was requested which is 50% of the project.

Public Works and Fire Department

Mark Pappenfus, Director of Public Works, gave an overview to the council regarding the electrical upgrades to the compost site. He directed them to the quote in the council packet from Security Locksmith. The quote is for \$2,406.00 and does not include the card reader. The addition of the card reader would push the quote up to \$3,000.00. The budget for the compost site is gone for the year. This would be the last of the expenses for the year.

Brosh stated he'd like to wait until next year and then move forward with the upgrade. Discussion and questions followed. Council agreed to table the upgrade until next year.

Pappenfus also stated that the county road maintenance agreement prices are out with no negotiations. Other cities are disputing prices in their counties. If other cities are getting an increase, then Foley should get an increase too. He asked if the council would like to table discussion until the next meeting. Questions and discussion followed.

Motion by Gondeck, seconded by Mathiowetz, to table the discussion of the county road maintenance agreement.

Motion carried unanimously.

Administration

Brunn gave an overview to the council. Staff just finished the audit and expect the presentation to be done in June. Last year staff met with Midco to discuss internet options at the pool. Midco is willing to offer free wi-fi at the pool if the city includes a sign at the pool to advertise their sponsorship. If the council is okay with the arrangement, staff will move ahead with it.

Voit asked if this would allow processing of debit/credit cards at the pool house. Brunn explained that is what staff is hoping for. The council agreed for staff to move forward.

Brunn also gave an overview of the updates needed to the sewer code as required by St. Cloud. Staff is working through it including an action plan. She said she would bring it to the council next month. St. Cloud is also looking to replace the metro force main. As a regionalization partner, we are involved. The project is looking at using alternative pipe solution. Staff will share with council once they have final numbers. The city's share of the expense would be 2.8%.

Brunn also shared that staff is working on Election Judge Training and could use a few more judges if there is interest.

Brunn stated that online swimming lesson registrations will begin tomorrow. Staff has received lots of applications for life guards this year. We might need to do some WSI training. Our pool manager is coming back from last year and lots of other familiar faces. Wages are increasing another .50 per hour same as with season Public Works employees.

Old Business

Update on garbage contract. Brosh stated that the council had a workshop regarding the regular meeting on the garbage contract. He stated he felt the council should ask for an RFP and open the bidding up for the new contract given that the proposed rates for residential were up 33% and commercial side was even more. Discussion and questions followed.

Motion by Gondeck, seconded by Swanson, to open the garbage contract up for RFP with both residential and commercial together as well as residential only and including the clean up in the fall with existing terms for Fun Day dumpsters.

Motion carried, unanimous.

New Business

Brunn asked if the council wanted to schedule another workshop. She also asked to set the date for approval of the request for proposal terms at the May 14 meeting at 5:00 p.m. Council approved.

Gondeck stated that in the budget this year they included funds to update the Lion's Park bathroom. He was able to get materials from work for new countertops. He said he was donating his labor and materials to install the new countertops on May 17. Pappefus added that the new drinking fountain was installed yesterday and the concrete for the bench was poured.

Mayor's Open Forum

No one spoke.

Motion by Swanson, seconded by Gondeck to adjourn.

Motion carried, unanimous.

Meeting adjourned 6:45 p.m.

Sarah A. Brunn, Administrator

(Minutes By: Sara Judson Brown, Administrative Assistant)

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – May 14, 2024

The Foley City Council held a special meeting on May 14, 2024, at 5:00 p.m. at Foley City Hall.

Members Present: Councilmembers Jeff Gondeck, Deb Mathiowetz, Gary Swanson, and Brandon Voit.

Members Absent: Mayor Jack Brosh

Councilmember Gondeck presided and called the meeting to order at 5:00 p.m.

The pledge of allegiance was recited.

Motion by Swanson, seconded by Mathiowetz, to approve the agenda.

Motion carried, unanimous.

Review and Approve the Garbage Request for Approval

Sarah Brunn, City Administrator, directed the council to their packets. She explained there are two price worksheets. There is no separate RFP for commercial. She also explained that currently not everyone is using the garbage service and that could be an issue if we switch to a new provider. Some residents who own businesses in town put their garbage in their business dumpsters. Some are sharing. It's up to the hauler if they would continue to allow that. Discussion and questions followed.

Motion by Voit, seconded by Swanson, to approve the request for proposal document.

Motion carried, unanimous.

Set Up Special Meeting for Audit Presentation

Brunn asked the council to move the audit presentation to June 7 at 12 p.m. at City Hall. The council agreed.

Other Business

Brunn shared that the 2025 project meeting letters are now out to property owners in the proposed project area. Gondeck shared that the countertops for Lion's Park are begin installed.

Motion by Mathiowetz, seconded by Voit, to adjourn.

Motion carried, unanimous.

Meeting adjourned 5:15 p.m.

Sarah A. Brunn, Administrator
(Minutes By: Sara Judson Brown, Administrative Assistant)

SCHOOL RESOURCE OFFICER AGREEMENT

This Agreement is made July 1, 2024, by and between FOLEY INDEPENDENT SCHOOL DISTRICT #51 ("DISTRICT") and the CITY OF FOLEY ("CITY") as follows:

WHEREAS, the DISTRICT agrees to purchase services from the CITY and the CITY agrees to provide and manage a School Resource Officer Program to and for the DISTRICT, consisting of not less than one full-time School Resource Officer (SRO), a vehicle, necessary supplies and equipment and DISTRICT agrees to reimburse the CITY for 50% of the officer's wages and benefits in providing said SRO Program; and

WHEREAS, the DISTRICT and the CITY desire to set forth in this Agreement the general terms and conditions of the services to be performed by the SRO in DISTRICT's facilities.

NOW, THEREFORE, the parties agree as follows:

1. Goals and Objectives

It is understood and agreed that DISTRICT and CITY officials share the following goals and objectives with regard to the SRO Program in the schools:

A. Education

- (1) Provide classroom support in the area of safety, distracted driving, chemical use, and law enforcement in the community.
- (2) Presentations to classrooms, faculty, administration, or other groups regarding criminal justice issues.
- (3) The SRO may collaborate with DARE program.

B. Information

- (1) Inform school personnel about community law enforcement trends.
- (2) Keep school officials informed about relevant changes in laws.
- (3) Provide school administrators with information on ongoing investigations that concern school issues or might affect decisions that administrators make.
- (4) Attend staff meetings as a support for school personnel when requested.
- (5) Collect relevant interaction data.

C. Prevention

- (1) Be present during non-structured student time: passing times, lunches, parking lots, assemblies, and student arrival and dismissal.
- (2) Support all buildings including Foley Elementary, Foley Intermediate, Foley High School, Alternative Learning Center, and Foley District Office. The SRO will also provide some services during summer school including patrol of grounds, assistance with students and attending meetings as needed.
- (3) The expectation is that the SRO will project a positive image of the law enforcement profession and build relationships with students and staff.

D. Intervention

- (1) Intervene violent behaviors by students.
- (2) Protect students and school staff from acts of violence.
- (3) Intervene with chemical use issues.
- (4) Provide support for weapons violations.
- (5) Provide support for intruder procedures.
- (6) Provide assistance with lunches, materials and packets in a distance learning situation.
- (7) Provide assistance with SAT (Student Assessment Team).
- (8) Assist with welfare checks with those students not attending online.
- (9) Respond to anonymous tips located within the City Limits and contact and collaborate with agencies to respond outside city limits.

2. Employment and Assignment of the School Resource Officer

A. The CITY agrees to employ a School Resource Officer (SRO) during the term of this Agreement subject to the following provisions:

- (1) Compensation from the DISTRICT to the CITY in accordance with the terms of this Agreement to cover 50% of the costs of the SRO as provided in Exhibit A, which shall be annually updated by the CITY. Compensation shall be prorated for the initial term and any future partial term. Compensation shall be paid by the DISTRICT to the CITY in four (4) quarterly installments. The CITY will bill the DISTRICT at the completion of each quarter.
- (2) The CITY has a police officer available for deployment to DISTRICT. In the event of a reduction or restructuring of the police department's workforce which

results in the reassignment of the SRO or the loss of this program, this Agreement shall be considered null and void after thirty (30) days written notice to the DISTRICT. Any prepaid compensation extending beyond the expiration of the 30-day notice will be refunded to DISTRICT by the CITY.

(3) The SRO shall be an employee of the CITY's Police Department and shall be under the administration, supervision, and control of the CITY, subject to the terms and conditions of this Agreement. The SRO shall be subject to all other personnel policies and practices of the Foley Police Department except as such policies or practices may have to be modified to comply with the terms and conditions of this Agreement.

- B. The CITY, in its sole discretion, shall have the power and authority to appoint, remove and discipline SROs. The SRO shall be assigned by the CITY to the DISTRICT. Specifically assigned tasks will determine where the SRO will report to on any given day, however, the SRO will be prepared to serve in any of the schools in the district as demands arise.
- C. In the event that the SRO is absent from work, the SRO shall notify both the supervisor in the Foley Police Department and the Superintendent or the Superintendent's designee. A substitute officer shall not be provided during the short term absence of the SRO.
- D. During the summer months and other periods when school is not in session, the SRO will be required to perform work outside of the DISTRICT as assigned by the CITY. The SRO will provide some support during summer school hours. The SRO will be allowed such reasonable time in the beginning of June to complete unfinished tasks and, at the end of August to prepare for the following school year.

3. Duty Hours

- A. An SRO shall be assigned to the school on a full-time basis. Specific SRO duty hours shall be set by mutual agreement between the DISTRICT and the CITY.
- B. It is understood and agreed that the time spent by the SRO attending court for juvenile and criminal cases arising from or out of the SRO's assignment as an SRO is encompassed by this Agreement.
- C. The SRO will only be called away from duties for the school district under emergency conditions, training, and short term policing needs of the City of Foley.

4. Duties of School Resource Officers

- A. The SRO shall assist the school administration in developing plans and strategies to prevent and minimize dangerous situations that may occur on campus, and also address other issues determined important by the school administration.

- B. The SRO shall present programs on various topics to students. Subjects shall include a basic understanding of law, role of law enforcement, drug awareness, distracted driving, sexual assault, anger management, and the mission of law enforcement.
- C. The SRO is encouraged to interact with students on an individual basis and in small groups.
- D. The SRO shall be available for conferences involving teachers, parents and faculty.
- E. The SRO shall be familiar with agencies and resources that offer assistance to youth and their families, and make referrals to agencies when necessary.
- F. The SRO shall take law enforcement action when necessary.
- G. The SRO shall communicate with school administration to make them aware of arrest or crime.
- H. The SRO shall notify the principal or their designee before removing a student from school.
- I. The SRO can take law enforcement action against intruders and unwanted guests who appear on school property.
- J. The SRO shall conduct investigations of crimes which occur at school and use other resources, if needed, for follow-up investigations.
- K. The SRO shall not be used as a school disciplinarian. If school administration believes an incident is a violation of the law, they may contact the SRO to see if law enforcement action is needed.
- L. The SRO shall follow the Foley Police Department's Standard Operating Procedures when confiscating drugs from students on school property.
- M. The SRO shall follow the guidelines of the Minnesota Statutes, case law, School Board Policy and the Foley Police Department's Standard Operating Procedures in regards to investigations, interviews and searches relating to juveniles.

5. Dress Code

- A. The SRO shall wear either a Foley Police Department issued uniform or other attire as mutually approved by the school administration and Police Chief.

6. Supplies and Equipment

- A. The CITY agrees to provide all necessary equipment and supplies for the SRO to function as a licensed peace officer including; a police vehicle and related equipment.

- B. The DISTRICT agrees to provide the SRO with the usual and customary office supplies and forms required in the performance of administrative duties. In addition, the SRO will be provided a private office within the school that is accessible by the students. The SRO shall also be provided a desk, telephone, computer and access to a printer and fax machine. The SRO shall also be provided with a lockable cabinet of space for securing evidence or other controlled materials.

7. Firearms

- A. The SRO shall at all times carry a duty firearm. No firearms shall be stored in the school. A duty rifle may be stored in the SRO's police vehicle

8. Investigations, Interrogations, Search and Arrest Procedures

- A. The SRO shall act in a professional manner at all times and will follow practices and procedures established by applicable local, state and federal laws concerning the interrogation, search and arrest of students or others suspected of committing criminal offenses or participating in other misconduct. Upon arrest of a student, the SRO shall notify school administration before removing any student from campus.

9. Information Exchange

- A. The SRO and DISTRICT shall cooperate in ensuring the privacy of students pursuant to MSA § 260B.171, Subd. 5(e) and all other applicable laws and regulations.
- B. School officials shall allow the SRO to inspect and copy any public records maintained by the school, including student directory information such as yearbooks.
- C. If some information in a student's cumulative record is needed in an emergency to protect the health or safety of the student or other individuals, school officials may disclose to the SRO that information which is needed to respond to the emergency situation based on the seriousness of the threat to someone's health or safety.

10. Term of Agreement

- A. The initial term of this Agreement shall end on July 1, 2024. The Agreement may be renewed and extended annually for additional and successive one-year terms unless notice of non-renewal is given by either party, in writing, prior to June 1st of the initial or any succeeding term.

11. Insurance and Indemnification

- A. The CITY and DISTRICT shall each purchase and maintain in full force and effect during the term of this Agreement, a general comprehensive liability insurance policy with coverage in any amount of not less than One Million Dollars (\$1,000,000) for any acts or omissions that occur or claims that are made during the term of the Agreement.

- B. Except for claims arising out of the willful or negligent act of the other party or its representatives, each party shall indemnify and defend the other party against all claims, expenses, and liabilities incurred, including reasonable attorney fees, related to claims for loss of life, personal injury, and damage to property arising out of any occurrence in, upon or at the School District properties in accordance with the execution of the School Resource Officers' duties under this contract.

12. Evaluation

- A. It is mutually agreed that the DISTRICT shall regularly communicate with the CITY on the effectiveness of the SRO Program and the performance of the SRO. It is further understood that the DISTRICT evaluation of the SRO is advisory only and that the CITY retains the final authority to evaluate the performance of the SRO.

{Signatures on following pages}

IN WITNESS WHEREOF, the parties hereto have caused this School Resource Officer Agreement to be executed the day and year first written above.

MAYOR, CITY OF FOLEY

DISTRICT 51 SUPERINTENDENT

By: _____

By: _____

CITY ADMINISTRATOR, CITY OF FOLEY

DISTRICT 51 BOARD CHAIRPERSON

By: _____

By: _____

EXHIBIT A

(2024 Estimated SRO Cost)

2024 SRO Estimated Costs

Benefit	Rate	Annual Costs
Step	2	2080 Hrs
Annual Salary	\$27.91	\$58,052.80
Vacation, Sick, Holiday	288	\$8,038.08
Medicare	1.45%	\$841.77
PERA	11.80%	\$6,850.23
Health Ins	\$436.31	\$5,235.72
Dental Ins	\$34.38	\$412.56
Life Ins	\$9.50	\$114.00
LTD Ins	\$10.30	\$123.60
Training		\$1,200.00
SRO Training		\$1,000.00
Taser/Equipment		\$1,000.00
Cell Phone		\$1,000.00
Squad Computer/Verizon Service		\$2,000.00
Uniforms		\$1,300.00
Fuel		\$300.00
Squad Car		\$6,700.00
Misc		\$1,000.00
Total Annual Benefit		\$95,292.10

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2024-11

A RESOLUTION APPOINTING ADDITIONAL ELECTION JUDGES FOR THE
PRIMARY AND GENERAL ELECTION

WHEREAS, Election Judges are needed for the upcoming Primary Election on August 13th, 2024;

WHEREAS, Election Judges are needed for the upcoming General Election on November 5th, 2024;

WHEREAS, in accordance with State Law, council appointment of election judges is necessary for training and conducting local elections; and

NOW, THEREFORE, BE IT RESOLVED that the following people are hereby designated as Judges for the Primary and General Elections in 2024:

Judges:	Amy Peterson
	Bruce Latterell
	Rosanne Latterell

Adopted by the council, this 4th day June, 2024.

Jack M Brosh, Mayor

ATTEST:

Sarah A. Brunn, Administrator

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

ORDINANCE NUMBER 480

AN AMENDMENT TO THE RENTAL CODE

THE COUNCIL OF THE CITY OF FOLEY HEREBY ORDAINS that the 1974 Code of Ordinances of the City of Foley, Section 730 Rental Code, be amended to read as follows:

SECTION 1

Section 730:03 Subd. 2(h).

Certification of completion of Crime Free Rental Program, as provided in Section 735 of an owner or an operator with a contract to manage the property. In lieu of Crime Free Rental Program training, property owners may obtain a certification with the City of Foley directly, by reviewing materials and completing a test provided by the Foley Police Department.

SECTION 2

Summary Publication.

At least four-fifths of the City Council's members direct the Administrator to publish only the title and a summary of this Ordinance as follows:

"AN AMENDMENT TO RENTAL CODE. It is the intent and effect of this Ordinance to provide an alternative training to the crime free housing requirement of the rental code."

A printed copy of the ordinance is available for inspection by any person during regular office hours at City Hall.

Adopted this 4th day of June, 2024.

Jack M. Brosh, Mayor

ATTEST:

Sarah A. Brunn, Administrator

Pool Manager	WSI	Lifeguard	Pool Attendent	Public Works
\$20.50 - Start	\$15.00 - Start	\$14.00 - Start	\$12.00 - Start	\$14.00 - Start
\$.50/hr return	\$.50/hr return	\$.50/hr return		\$.50/hr return
\$22.50 - Max	\$16.00 - Max	\$16.00 - Max		\$16.00 - Max

Asst. Pool Mgr None this year
 \$16.50 - Start
 \$.50/hr returning
 \$19.50 - Max

Payroll -June 2024

Gross Salaries	Payroll - 5/17/24	\$	37,396.11
EFTPS	Federal Withholding	\$	6,569.65
MN Dept of Revenue	State Withholding	\$	1,337.95
State Treas. PERA	PERA	\$	7,128.14
Nationwide	Deferred Comp	\$	1,171.27
Pacific Life Ins	Deferred Comp/Roth IRA	\$	90.00
Further	HSA Contribution	\$	1,294.14
MN Dept of Human Services	Child Support Garnishments	\$	329.48
Gross Salaries	Payroll - 5/31/24	\$	39,328.94
EFTPS	Federal Withholding	\$	7,021.91
MN Dept of Revenue	State Withholding	\$	1,455.77
State Treas. PERA	PERA	\$	7,515.00
Nationwide	Deferred Comp	\$	1,166.37
Pacific Life Ins	Deferred Comp/Roth IRA	\$	90.00
Further	HSA Contribution	\$	1,294.14
MN Dept of Human Services	Child Support Garnishments	\$	329.48
LELS	PD Union Dues	\$	211.50

Report Criteria:
 Detail report.
 Only unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Invoice Date	GL Account and Title	Net Invoice Amount	Amount Paid	Date Paid	Voided
AIP MANAGEMENT								
2911	AIP MANAGEMENT	16005	05/13/2024	100-45200-405 Other Maint./Repairs	1,041.60	.00		
Total AIP MANAGEMENT:					1,041.60	.00		
AUTO VALUE								
302	AUTO VALUE	25174481	04/26/2024	100-43100-407 Vehicle Maint/Repair	217.96	.00		
302	AUTO VALUE	25174959	05/07/2024	100-43100-405 Other Maint./Repairs	22.98	.00		
302	AUTO VALUE	25175477	05/16/2024	100-43100-405 Other Maint./Repairs	132.92	.00		
302	AUTO VALUE	25175776	05/22/2024	100-43100-405 Other Maint./Repairs	3.49	.00		
Total AUTO VALUE:					377.35	.00		
BATTERIES PLUS								
192	BATTERIES PLUS	P72404339	05/02/2024	100-41000-405 Other Maint./Repairs	559.98	.00		
192	BATTERIES PLUS	P72925400	05/22/2024	100-43100-215 Shop Supplies	23.78	.00		
Total BATTERIES PLUS:					583.76	.00		
BENTON COUNTY ATTORNEY								
298	BENTON COUNTY ATTOR	05/24/2024	05/03/2024	100-42100-313 Prosecutor Fees	300.67	.00		
Total BENTON COUNTY ATTORNEY:					300.67	.00		
BENTON COUNTY HIGHWAY DEPT								
220	BENTON COUNTY HIGH	4013 04/24	05/14/2024	100-42100-212 Fuel	1,019.86	.00		
Total BENTON COUNTY HIGHWAY DEPT:					1,019.86	.00		
BLUE FIRE TRAINING								
3177	BLUE FIRE TRAINING	92931	05/21/2024	100-42100-447 Training & School	250.00	.00		
Total BLUE FIRE TRAINING:					250.00	.00		
BOLTON & MENK								
2972	BOLTON & MENK	0335175	04/30/2024	602-49450-515 Wasterwater Expansion	29,261.38	.00		
Total BOLTON & MENK:					29,261.38	.00		
BOUND TREE MEDICAL, LLC.								
354	BOUND TREE MEDICAL,	85340224	05/07/2024	699-42200-208 Supplies	37.97	.00		
354	BOUND TREE MEDICAL,	85349350	05/15/2024	699-42200-208 Supplies	82.59	.00		
Total BOUND TREE MEDICAL, LLC.:					120.56	.00		
CENTRAL MCGOWAN INC								
38	CENTRAL MCGOWAN IN	0000299971	04/30/2024	100-42100-240 Equipment	13.85	.00		
38	CENTRAL MCGOWAN IN	0000840456	05/02/2024	699-42200-208 Supplies	52.49	.00		
Total CENTRAL MCGOWAN INC:					66.34	.00		
CINTAS CORPORATION								
2910	CINTAS CORPORATION	4192197021	05/09/2024	602-49450-209 Uniforms	31.37	.00		

Vendor	Vendor Name	Invoice Number	Invoice Date	GL Account and Title	Net Invoice Amount	Amount Paid	Date Paid	Voided
2910	CINTAS CORPORATION	4192197021	05/09/2024	601-49400-209 Uniforms	31.36	.00		
2910	CINTAS CORPORATION	4192197021	05/09/2024	100-43100-209 Uniforms	31.36	.00		
2910	CINTAS CORPORATION	4192915007	05/16/2024	602-49450-209 Uniforms	31.36	.00		
2910	CINTAS CORPORATION	4192915007	05/16/2024	601-49400-209 Uniforms	31.37	.00		
2910	CINTAS CORPORATION	4192915007	05/16/2024	100-43100-209 Uniforms	31.36	.00		
2910	CINTAS CORPORATION	4193630510	05/23/2024	100-43100-209 Uniforms	31.37	.00		
2910	CINTAS CORPORATION	4193630510	05/23/2024	601-49400-209 Uniforms	31.36	.00		
2910	CINTAS CORPORATION	4193630510	05/23/2024	602-49450-209 Uniforms	31.36	.00		
2910	CINTAS CORPORATION	4194292344	05/30/2024	602-49450-209 Uniforms	31.36	.00		
2910	CINTAS CORPORATION	4194292344	05/30/2024	601-49400-209 Uniforms	31.37	.00		
2910	CINTAS CORPORATION	4194292344	05/30/2024	100-43100-209 Uniforms	31.36	.00		
Total CINTAS CORPORATION:					376.36	.00		
CITY OF ST. CLOUD								
2248	CITY OF ST. CLOUD	AR031100	05/21/2024	602-49450-511 St. Cloud Regional Capita	16,654.13	.00		
Total CITY OF ST. CLOUD:					16,654.13	.00		
CUSTOMIZED FIRE RESCUE TRAININ								
2928	CUSTOMIZED FIRE RESC	2688	05/20/2024	699-42200-447 Training & School	500.00	.00		
Total CUSTOMIZED FIRE RESCUE TRAININ:					500.00	.00		
DISPLAY SALES								
3179	DISPLAY SALES	INV2593	04/04/2024	100-41000-500 Public Improvement Proje	5,227.00	.00		
Total DISPLAY SALES:					5,227.00	.00		
EAST CENTRAL ENERGY								
47	EAST CENTRAL ENERGY	200457600 05-	06/04/2024	602-49450-380 Utilities	116.21	.00		
47	EAST CENTRAL ENERGY	204305000 05-	06/04/2024	100-41000-380 Utilities	145.46	.00		
47	EAST CENTRAL ENERGY	206903000 05-	06/04/2024	601-49400-388 Pumping Expense	731.40	.00		
47	EAST CENTRAL ENERGY	208022600 04/	06/04/2024	602-49450-380 Utilities	167.10	.00		
47	EAST CENTRAL ENERGY	208022600 05/	06/04/2024	602-49450-380 Utilities	60.08	.00		
47	EAST CENTRAL ENERGY	208022700 05/	06/04/2024	602-49450-380 Utilities	123.86	.00		
Total EAST CENTRAL ENERGY:					1,344.11	.00		
FARRELL EQUIPMENT & SUPPLY								
3123	FARRELL EQUIPMENT &	105820	01/17/2024	100-45200-405 Other Maint./Repairs	29.43	.00		
3123	FARRELL EQUIPMENT &	79651	09/22/2023	100-43100-215 Shop Supplies	116.00	.00		
Total FARRELL EQUIPMENT & SUPPLY:					145.43	.00		
FERGUSON ENTERPRISES LLC #3326								
2952	FERGUSON ENTERPRIS	WW055386	05/08/2024	616-45124-405 Other Maint./Repairs	75.60	.00		
Total FERGUSON ENTERPRISES LLC #3326:					75.60	.00		
FERGUSON WATERWORKS #2518								
1828	FERGUSON WATERWOR	0530056	05/20/2024	601-49400-405 Other Maint./Repairs	525.97	.00		
Total FERGUSON WATERWORKS #2518:					525.97	.00		
FIRST NATIONAL BANK OF OMAHA								
2626	FIRST NATIONAL BANK O	3193 - 05/24	04/15/2024	100-42100-209 Uniforms	31.16-	.00		

Vendor	Vendor Name	Invoice Number	Invoice Date	GL Account and Title	Net Invoice Amount	Amount Paid	Date Paid	Voided
2626	FIRST NATIONAL BANK O	3193 - 05/24	04/15/2024	100-42100-240 Equipment	323.93	.00		
2626	FIRST NATIONAL BANK O	3193 - 05/24	04/15/2024	100-42100-201 Office Expense	50.76	.00		
2626	FIRST NATIONAL BANK O	3193 - 05/24	04/15/2024	100-42100-201 Office Expense	175.51	.00		
2626	FIRST NATIONAL BANK O	3193 - 05/24	04/15/2024	100-42100-445 Misc.	22.90	.00		
2626	FIRST NATIONAL BANK O	3193 - 05/24	04/15/2024	100-42100-201 Office Expense	5.99	.00		
2626	FIRST NATIONAL BANK O	3193 - 05/24	04/15/2024	100-42100-209 Uniforms	165.66	.00		
2733	FIRST NATIONAL BANK O	6194 - 05/24	04/19/2024	616-45124-208 Supplies	300.00	.00		
2733	FIRST NATIONAL BANK O	6194 - 05/24	04/19/2024	100-41000-32200 Rental License & Inspe	1.39	.00		
2733	FIRST NATIONAL BANK O	6194 - 05/24	04/19/2024	100-41000-441 Conference Exp	260.00	.00		
2733	FIRST NATIONAL BANK O	6194 - 05/24	04/19/2024	100-41000-433 Dues and Subscriptions	185.00	.00		
2733	FIRST NATIONAL BANK O	6194 - 05/24	04/19/2024	100-41000-433 Dues and Subscriptions	320.00	.00		
2733	FIRST NATIONAL BANK O	6194 - 05/24	04/19/2024	100-41000-441 Conference Exp	41.70	.00		
2733	FIRST NATIONAL BANK O	6194 - 05/24	04/19/2024	100-42100-201 Office Expense	1.63	.00		
2733	FIRST NATIONAL BANK O	6194 - 05/24	04/19/2024	100-41000-32200 Rental License & Inspe	16.01	.00		
2733	FIRST NATIONAL BANK O	6194 - 05/24	04/19/2024	100-41000-441 Conference Exp	30.00	.00		
2733	FIRST NATIONAL BANK O	6194 - 05/24	04/19/2024	100-41000-32200 Rental License & Inspe	1.39	.00		
2733	FIRST NATIONAL BANK O	6194 - 05/24	04/19/2024	100-42100-201 Office Expense	5.80	.00		
2725	FIRST NATIONAL BANK O	9197 - 05/24	05/06/2024	100-45200-445 Misc.	141.27	.00		
Total FIRST NATIONAL BANK OF OMAHA:					1,957.78	.00		
FOLEY CIVIC GROUP								
299	FOLEY CIVIC GROUP	060424	06/01/2024	100-41000-443 Fun Days Support	6,000.00	.00		
Total FOLEY CIVIC GROUP:					6,000.00	.00		
FOLEY PUBLIC LIBRARY								
315	FOLEY PUBLIC LIBRARY	060624	06/01/2024	100-41000-442 Annual Contributions	1,000.00	.00		
Total FOLEY PUBLIC LIBRARY:					1,000.00	.00		
FURTHER								
2057	FURTHER	16911473	05/08/2024	100-41000-201 Office Expense	49.10	.00		
2057	FURTHER	5/29/2024	05/29/2024	100-41000-130 Insurance	800.00	.00		
Total FURTHER:					849.10	.00		
GEISLINGER AND SONS, INC.								
3088	GEISLINGER AND SONS, INC.	18	05/28/2024	602-49450-515 Wasterwater Expansion	113,727.82	.00		
Total GEISLINGER AND SONS, INC.:					113,727.82	.00		
GOODIN COMPANY								
306	GOODIN COMPANY	5417501-00	05/02/2024	616-45124-405 Other Maint./Repairs	88.52	.00		
Total GOODIN COMPANY:					88.52	.00		
HAWKINS, INC.								
55	HAWKINS, INC.	6760079	05/03/2024	601-49400-216 Chemicals and Products	1,534.26	.00		
55	HAWKINS, INC.	6760545	05/30/2024	616-45124-405 Other Maint./Repairs	1,117.50	.00		
Total HAWKINS, INC.:					2,651.76	.00		
HEALTHPARTNERS								
2932	HEALTHPARTNERS	7046036	05/10/2024	100-42100-433 Dues and Subscriptions	21.00	.00		

Vendor	Vendor Name	Invoice Number	Invoice Date	GL Account and Title	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total HEALTHPARTNERS:					21.00	.00		
HELMIN CONSTRUCTION								
1713	HELMIN CONSTRUCTION	12094	04/30/2024	100-41000-115 Compost Pile	365.70	.00		
Total HELMIN CONSTRUCTION:					365.70	.00		
JR MASONRY & CONCRETE INC								
2566	JR MASONRY & CONCRETE	2049	05/16/2024	100-45200-403 Improvements	500.00	.00		
Total JR MASONRY & CONCRETE INC:					500.00	.00		
K&K TIRE & AUTO CENTER INC								
121	K&K TIRE & AUTO CENTE	80511	05/07/2024	100-42100-407 Vehicle Maint/Repair	912.35	.00		
121	K&K TIRE & AUTO CENTE	80722	05/21/2024	100-45200-404 Machinery/Equipment	29.50	.00		
Total K&K TIRE & AUTO CENTER INC:					941.85	.00		
LOCATORS & SUPPLIES, INC.								
257	LOCATORS & SUPPLIES,	0314031-IN	05/10/2024	100-43100-208 Supplies	72.50	.00		
257	LOCATORS & SUPPLIES,	0314057-IN	05/13/2024	601-49400-208 Supplies	147.42	.00		
Total LOCATORS & SUPPLIES, INC.:					219.92	.00		
MIDCONTINENT COMMUNICATIONS								
1863	MIDCONTINENT COMMU	191187901140	05/27/2024	100-41000-321 Telephone	174.01	.00		
1863	MIDCONTINENT COMMU	191187901140	05/27/2024	100-43100-321 Telephone	37.40	.00		
1863	MIDCONTINENT COMMU	191187901140	05/27/2024	602-49450-201 Office Expense	37.40	.00		
1863	MIDCONTINENT COMMU	191187901140	05/27/2024	601-49400-201 Office Expense	37.40	.00		
1863	MIDCONTINENT COMMU	191187901140	05/27/2024	699-42200-321 Telephone	162.37	.00		
1863	MIDCONTINENT COMMU	191187901140	05/27/2024	616-45124-321 Telephone	48.16	.00		
1863	MIDCONTINENT COMMU	191187901140	05/27/2024	100-41000-321 Telephone	497.42	.00		
1863	MIDCONTINENT COMMU	191187901140	05/27/2024	699-42200-321 Telephone	48.16	.00		
Total MIDCONTINENT COMMUNICATIONS:					1,042.32	.00		
MIMBACH FLEET SUPPLY								
65	MIMBACH FLEET SUPPL	69942200405	05/14/2024	699-42200-405 Other Maint./Repairs	219.96	.00		
65	MIMBACH FLEET SUPPL	69942200405	05/14/2024	100-43100-208 Supplies	104.98	.00		
Total MIMBACH FLEET SUPPLY:					324.94	.00		
MN DEPT OF HEALTH								
224	MN DEPT OF HEALTH	04/01/2024-06/	06/04/2024	601-49400-387 Quarterly Connection Fee	2,201.00	.00		
Total MN DEPT OF HEALTH:					2,201.00	.00		
MN DEPT OF REVENUE								
225	MN DEPT OF REVENUE	04-30-2024	05/16/2024	601-49400-395 Water Sales Tax	406.00	.00		
Total MN DEPT OF REVENUE:					406.00	.00		
MN FIRE SERVICE CERT BOARD								
277	MN FIRE SERVICE CERT	12626	05/15/2024	699-42200-447 Training & School	504.00	.00		

Vendor	Vendor Name	Invoice Number	Invoice Date	GL Account and Title	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total MN FIRE SERVICE CERT BOARD:					504.00	.00		
MN RURAL WATER ASSOCIATION								
68	MN RURAL WATER ASSO	05/23/24	05/23/2024	601-49400-433 Dues and Subscriptions	400.00	.00		
Total MN RURAL WATER ASSOCIATION:					400.00	.00		
MOTOROLA SOLUTIONS, INC.								
1147	MOTOROLA SOLUTIONS,	8281895485	05/18/2024	100-42100-240 Equipment	50.00	.00		
Total MOTOROLA SOLUTIONS, INC.:					50.00	.00		
MTI DISTRIBUTING INC								
274	MTI DISTRIBUTING INC	1429729-00	05/20/2024	100-43100-215 Shop Supplies	190.17	.00		
Total MTI DISTRIBUTING INC:					190.17	.00		
NAGELL APPRAISAL & CONSULTING								
3178	NAGELL APPRAISAL & C	32399	05/24/2024	100-41900-311 Professional Services	500.00	.00		
Total NAGELL APPRAISAL & CONSULTING:					500.00	.00		
NEW FRONTIER SERVICES, LLC								
1737	NEW FRONTIER SERVIC	6329	05/17/2024	100-41000-35100 Fines & Penalties	150.00	.00		
Total NEW FRONTIER SERVICES, LLC:					150.00	.00		
POMP'S TIRE SERVICE, INC								
563	POMP'S TIRE SERVICE, I	2380015400	05/17/2024	602-49450-404 Machinery/Equipment	472.70	.00		
Total POMP'S TIRE SERVICE, INC:					472.70	.00		
RECREATION SUPPLY CO.								
235	RECREATION SUPPLY C	524481	05/11/2024	616-45124-229 Materials	761.60	.00		
235	RECREATION SUPPLY C	524482	05/11/2024	616-45124-229 Materials	21.54	.00		
235	RECREATION SUPPLY C	524510	05/11/2024	616-45124-405 Other Maint./Repairs	46.11	.00		
235	RECREATION SUPPLY C	525229	05/24/2024	616-45124-405 Other Maint./Repairs	398.93	.00		
Total RECREATION SUPPLY CO.:					1,228.18	.00		
RINKE-NOONAN								
78	RINKE-NOONAN	371768	05/13/2024	100-41900-304 Legal Fees	975.50	.00		
78	RINKE-NOONAN	371769	05/13/2024	100-41900-304 Legal Fees	721.50	.00		
78	RINKE-NOONAN	371770	05/13/2024	100-41900-304 Legal Fees	1,191.00	.00		
78	RINKE-NOONAN	371771	05/13/2024	100-41900-304 Legal Fees	207.50	.00		
Total RINKE-NOONAN:					3,095.50	.00		
RMB ENVIRONMENTAL LABORATORIES								
2966	RMB ENVIRONMENTAL L	D058868	05/17/2024	602-49450-385 Wastewater Analysis	209.00	.00		
2966	RMB ENVIRONMENTAL L	D058869	05/17/2024	602-49450-385 Wastewater Analysis	369.93	.00		
2966	RMB ENVIRONMENTAL L	D059698	05/24/2024	601-49400-382 Water Analysis	83.60	.00		
Total RMB ENVIRONMENTAL LABORATORIES:					662.53	.00		

Vendor	Vendor Name	Invoice Number	Invoice Date	GL Account and Title	Net Invoice Amount	Amount Paid	Date Paid	Voided
SCHLENNER WENNER & CO								
2269	SCHLENNER WENNER &	319228	04/30/2024	100-41900-311 Professional Services	21,500.00	.00		
Total SCHLENNER WENNER & CO:					21,500.00	.00		
SHORT ELLIOT HENDRICKSON, INC								
84	SHORT ELLIOT HENDRIC	463081 2ND 1/	03/15/2024	601-49400-303 Engineering Fees	3,000.00	.00		
84	SHORT ELLIOT HENDRIC	466380	05/15/2024	100-41900-303 Engineering Fees	234.00	.00		
84	SHORT ELLIOT HENDRIC	467021	05/15/2024	100-41900-303 Engineering Fees	5,265.00	.00		
Total SHORT ELLIOT HENDRICKSON, INC:					8,499.00	.00		
SUN LIFE FINANCIAL								
2857	SUN LIFE FINANCIAL	247992 05/24	05/14/2024	100-21708 Misc Benefits Payable	310.27	.00		
Total SUN LIFE FINANCIAL:					310.27	.00		
TRAUT COMPANIES								
265	TRAUT COMPANIES	46605	05/22/2024	616-45124-208 Supplies	1,117.00	.00		
Total TRAUT COMPANIES:					1,117.00	.00		
USA BLUE BOOK								
330	USA BLUE BOOK	INV00350642	04/30/2024	602-49450-404 Machinery/Equipment	249.90	.00		
Total USA BLUE BOOK:					249.90	.00		
USABLE LIFE								
1285	USABLE LIFE	0005184573	05/17/2024	100-41000-130 Insurance	288.50	.00		
Total USABLE LIFE:					288.50	.00		
UTILITY REFUNDS								
3175	UTILITY REFUNDS	LILLESTRAND	06/04/2024	601-49400-37180 Unallocated	55.06	.00		
3175	UTILITY REFUNDS	WOLF	06/04/2024	601-49400-37180 Unallocated	35.59	.00		
Total UTILITY REFUNDS:					90.65	.00		
VERIZON								
4	VERIZON	9964221566	05/15/2024	699-42200-321 Telephone	47.66	.00		
4	VERIZON	9964221566	05/15/2024	699-42200-240 Equipment	568.66	.00		
4	VERIZON	9964221566	05/15/2024	100-42100-321 Telephone	111.24	.00		
4	VERIZON	9964221566	05/15/2024	602-49450-208 Supplies	74.60	.00		
4	VERIZON	9964221566	05/15/2024	601-49400-208 Supplies	74.60	.00		
4	VERIZON	9964221566	05/15/2024	100-43100-321 Telephone	74.60	.00		
Total VERIZON:					951.36	.00		
WEIDNERS PLBG & HTG CO								
843	WEIDNERS PLBG & HTG	14706	05/23/2024	601-49400-405 Other Maint./Repairs	1,391.58	.00		
843	WEIDNERS PLBG & HTG	14706	05/23/2024	699-42200-401 Building Maint.	166.00	.00		
Total WEIDNERS PLBG & HTG CO:					1,557.58	.00		
WILKE SANDERSON								
3180	WILKE SANDERSON	INV-24-100492	05/29/2024	100-45200-208 Supplies	243.26	.00		

Vendor	Vendor Name	Invoice Number	Invoice Date	GL Account and Title	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total WILKE SANDERSON:					243.26	.00		
WILLIAMS INTEGRACARE CLINIC								
3103	WILLIAMS INTEGRACAR	40233291	05/07/2024	100-42100-311 Professional Services	84.00	.00		
Total WILLIAMS INTEGRACARE CLINIC:					84.00	.00		
Grand Totals:					232,312.43	.00		

Report Criteria:

- Detail report.
- Only unpaid invoices included.



**BOLTON
& MENK**

Real People. Real Solutions.

2040 Highway 12 East
Willmar, MN 56201-5818

Ph: (320) 231-3956
Fax: (320) 231-9710
Bolton-Menk.com

5/24/2024

Sarah Brunn
City Administrator
City of Foley
251 4th Ave. N
Foley, MN 56329

RE: Wastewater Regionalization Project
City of Foley, Minnesota
Project No.: R21.120226

Dear Sarah,

Please find enclosed Payment Estimate No. 18 for the above referenced project. The estimate includes work completed through May 24th. We have reviewed the estimate and recommend approval. If you agree, please sign and date three copies and return one with payment to Geislinger & Sons, Inc., one copy to me for our records, and retain one for yourself.

Please contact me if you have any questions.

Sincerely,

Bolton & Menk, Inc.

Jared Voge, P.E.
Principal Engineer

Contractor's Application for Payment

Owner: <u>City of Foley</u>	Owner's Project No.: _____
Engineer: <u>Bolton & Menk, Inc.</u>	Engineer's Project No.: <u>R21.120226</u>
Contractor: <u>Geislinger and Sons, Inc.</u>	Agency's Project No.: _____
Project: <u>Wastewater Regionalization Project</u>	
Contract: <u>Wastewater Regionalization Project</u>	

Application No.: <u>18</u>	Application Date: <u>5/28/2024</u>
Application Period: From <u>4/27/2024</u>	to <u>5/24/2024</u>

1. Original Contract Price	\$ 16,548,705.51
2. Net change by Change Orders	\$ 546,569.88
3. Current Contract Price (Line 1 + Line 2)	\$ 17,095,275.39
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 15,223,593.58
5. Retainage	
a. 5% X \$ 15,223,593.58 Work Completed	\$ 761,179.68
b. 5% X \$ - Stored Materials	\$ -
c. Total Retainage (Line 5.a + Line 5.b)	\$ 761,179.68
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 14,462,413.90
7. Less previous payments	\$ 14,348,686.08
8. Amount due this application	\$ 113,727.82
9. Balance to finish, including retainage (Line 3 - Line 4)	\$ 1,871,681.81

Contractor's Certification

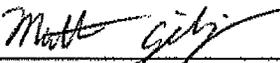
The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;

(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor: Geislinger and Sons, Inc.

Signature: <u></u>	Date: <u>5-24-24</u>
Name: <u>Matt Geislinger</u>	Title: <u>Project Manager</u>

<p>Recommended by Engineer</p> <p>By: <u></u></p> <p>Name: <u>Jared Voge, P.E.</u></p> <p>Title: <u>Principal Engineer</u></p> <p>Date: <u>5/24/2024</u></p>	<p>Approved by Owner</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>
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Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner:	City of Foley	Owner's Project No.:	
Engineer:	Bolton & Menk, Inc.	Engineer's Project:	R21.120226
Contractor:	Gelsinger and Sons, Inc.	Agency's Project No.:	
Project:	Wastewater Regionalization Project		
Contract:	Wastewater Regionalization Project		

Application No.:		Application Period:		From		To		Application Date:					
18		04/27/24		05/24/24		05/28/24							
Bld Item No.	Description	Contract Information				Previous Estimate		Work Completed		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)
		Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Quantity Previous Estimate	Value Previous Estimate	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)				
Original Contract													
1	MOBILIZATION	1.00	LUMP SUM	570,000.00	570,000.00	0.88	501,600.00	0.92	524,400.00		524,400.00	92%	45,600.00
2	CLEARING AND GRUBBING	1.70	ACRE	31,000.00	52,700.00	3.60	111,600.00	3.60	111,600.00		111,600.00	212%	(58,900.00)
3	CLEARING AND GRUBBING	27.00	TREE	1,100.00	29,700.00	49.00	53,900.00	49.00	53,900.00		53,900.00	181%	(24,200.00)
4	DECOMMISSION BIRCH LIFT STATION	1.00	LUMP SUM	7,500.00	7,500.00	-	-	-	-		-	-	7,500.00
5	SALVAGE AND REINSTALL SIGN	14.00	EACH	510.00	7,140.00	45.00	22,950.00	45.00	22,950.00		22,950.00	321%	(15,810.00)
6	SALVAGE AND REINSTALL PIPE CULVERT	252.00	LN FT	20.00	5,040.00	523.00	10,460.00	523.00	10,460.00		10,460.00	208%	(5,420.00)
7	AGGREGATE SURFACING FROM STOCKPILE (CV)	4,164.00	CU YD	21.00	87,444.00	225.00	4,725.00	225.00	4,725.00		4,725.00	5%	82,719.00
8	DEWATERING	1.00	LUMP SUM	0.01	0.01	1.00	0.01	1.00	0.01		0.01	100%	-
9	GEOTEXTILE FABRIC, TYPE 5	8,053.00	SQ YD	2.00	16,106.00	14,149.00	28,298.00	14,149.00	28,298.00		28,298.00	176%	(12,192.00)
10	COMMON EXCAVATION (P)	4,082.00	CU YD	15.00	61,230.00	4,082.00	61,230.00	4,082.00	61,230.00		61,230.00	100%	-
11	AGGREGATE SURFACING, CLASS 2 (CV)	908.00	CU YD	50.00	45,400.00	827.00	41,350.00	827.00	41,350.00		41,350.00	91%	4,050.00
12	AGGREGATE SURFACING, CLASS 5 (CV)	1,519.00	CU YD	40.00	60,760.00	1,257.30	50,292.00	1,257.30	50,292.00		50,292.00	83%	10,468.00
13	AGGREGATE BASE, CLASS 5 (CV)	2,747.00	CU YD	35.00	96,145.00	3,068.56	107,399.60	3,068.56	107,399.60		107,399.60	112%	(11,254.60)
14	BITUMINOUS PATCH - DRIVEWAY	450.00	SQ YD	90.00	40,500.00	470.50	42,345.00	470.50	42,345.00		42,345.00	105%	(1,845.00)
15	BITUMINOUS PATCH - STREET	796.00	SQ YD	85.00	67,660.00	310.50	26,392.50	310.50	26,392.50		26,392.50	39%	41,267.50
16	12" PIPE APRON	4.00	EACH	250.00	1,000.00	4.00	1,000.00	4.00	1,000.00		1,000.00	100%	-
17	15" PIPE APRON	6.00	EACH	310.00	1,860.00	10.00	3,100.00	10.00	3,100.00		3,100.00	167%	(1,740.00)
18	18" PIPE APRON	4.00	EACH	375.00	1,500.00	-	-	-	-		-	-	1,500.00
19	24" PIPE APRON	4.00	EACH	525.00	2,100.00	4.00	2,100.00	4.00	2,100.00		2,100.00	100%	-
20	30" PIPE APRON	1.00	EACH	950.00	950.00	-	-	-	-		-	-	950.00
21	12" PIPE CULVERT	80.00	LN FT	30.00	2,400.00	76.00	2,280.00	76.00	2,280.00		2,280.00	95%	120.00
22	15" PIPE CULVERT	76.00	LN FT	32.00	2,432.00	180.00	5,760.00	180.00	5,760.00		5,760.00	237%	(3,328.00)
23	18" PIPE CULVERT	143.00	LN FT	36.00	5,148.00	-	-	-	-		-	-	5,148.00
24	24" PIPE CULVERT	282.00	LN FT	45.00	12,690.00	284.00	12,780.00	284.00	12,780.00		12,780.00	101%	(90.00)
25	30" PIPE CULVERT	20.00	LN FT	65.00	1,300.00	-	-	-	-		-	-	1,300.00
26	CONNECT TO EXISTING SANITARY MAIN	8.00	EACH	7,500.00	60,000.00	3.00	22,500.00	4.00	30,000.00		30,000.00	50%	30,000.00
27	8" SANITARY SEWER PIPE	221.00	LN FT	125.00	27,625.00	-	-	-	-		-	-	27,625.00
28	12" SANITARY SEWER PIPE	1,995.00	LN FT	135.00	269,325.00	1,767.00	238,545.00	1,816.00	245,160.00		245,160.00	91%	24,165.00
29	15" SANITARY SEWER PIPE	285.00	LN FT	140.00	39,900.00	289.00	40,460.00	298.00	41,720.00		41,720.00	105%	(1,820.00)
30	18" SANITARY SEWER PIPE	40.00	LN FT	165.00	6,600.00	15.00	2,475.00	75.00	12,375.00		12,375.00	188%	(5,775.00)
31	27" SANITARY SEWER PIPE	38.00	LN FT	250.00	9,500.00	47.00	11,750.00	47.00	11,750.00		11,750.00	124%	(2,250.00)
32	FORCE MAIN (MIN. I.D. 11.65 INCHES)	70,839.00	LN FT	100.00	7,083,900.00	71,024.00	7,102,400.00	71,024.00	7,102,400.00		7,102,400.00	100%	(18,500.00)
33	24" CASING (MIN. DIAM)	374.00	LN FT	250.00	93,500.00	354.00	88,500.00	354.00	88,500.00		88,500.00	95%	5,000.00
34	TRENCHLESS FORCE MAIN - (MIN. I.D. 11.65 INCHES)	10,692.00	LN FT	115.00	1,279,580.00	10,129.00	1,164,835.00	10,129.00	1,164,835.00		1,164,835.00	95%	64,745.00
35	TRENCHLESS FORCE MAIN & CASING-SIMULTANEOUS PULL-	1,386.00	LN FT	250.00	346,500.00	971.00	242,750.00	971.00	242,750.00		242,750.00	70%	103,750.00
36	TRENCHLESS 30" CASING (DIRECTIONAL DRILL)	110.00	LN FT	850.00	93,500.00	95.10	80,833.30	95.10	80,833.30		80,833.30	86%	12,666.70
37	GATE VALVE AND BOX	12.00	EACH	5,500.00	66,000.00	9.00	49,500.00	9.00	49,500.00		49,500.00	75%	16,500.00
38	METERING & OUTFALL MANHOLES - FOLEY	1.00	LUMP SUM	40,000.00	40,000.00	1.00	40,000.00	1.00	40,000.00		40,000.00	100%	-
39	METERING MANHOLE - SAUK RAPIDS	1.00	LUMP SUM	45,000.00	45,000.00	1.00	45,000.00	1.00	45,000.00		45,000.00	100%	-
40	CONSTRUCT 8" OUTSIDE DROP	4.30	LN FT	650.00	2,795.00	-	-	-	-		-	-	2,795.00
41	CONSTRUCT SANITARY SEWER MANHOLE - DESIGN 4007 48"	178.00	LN FT	550.00	97,900.00	110.35	60,692.50	129.42	71,181.00		71,181.00	73%	26,719.00
42	CONSTRUCT SANITARY SEWER MANHOLE - 60" DESIGN	23.90	LN FT	650.00	15,535.00	25.90	16,835.00	25.90	16,835.00		16,835.00	108%	(1,300.00)
43	FIBERGLASS-REINFORCED MANHOLE	1.00	EACH	40,000.00	40,000.00	1.00	40,000.00	1.00	40,000.00		40,000.00	100%	-
44	CASTING ASSEMBLY	14.00	EACH	1,000.00	14,000.00	7.00	7,000.00	7.00	7,000.00		7,000.00	50%	7,000.00
45	AIR & VACUUM RELEASE MANHOLE	42.00	EACH	25,000.00	1,050,000.00	42.00	1,050,000.00	42.00	1,050,000.00		1,050,000.00	100%	-
46	LOCATE EXISTING UTILITY	468.00	EACH	125.00	58,500.00	180.00	22,500.00	182.00	22,750.00		22,750.00	39%	35,750.00
47	CONSTRUCT LIFT STATION - BROADWAY	1.00	LUMP SUM	350,000.00	350,000.00	0.90	315,000.00	1.00	350,000.00		350,000.00	100%	-
48	BROADWAY LIFT STATION ELECTRICAL, GENERATOR, &	1.00	LUMP SUM	125,000.00	125,000.00	0.90	112,500.00	1.00	125,000.00		125,000.00	100%	-
49	CONSTRUCT LIFT STATION - GOLF	1.00	LUMP SUM	400,000.00	400,000.00	1.00	400,000.00	1.00	400,000.00		400,000.00	100%	-

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner:	City of Foley	Owner's Project No.:	
Engineer:	Bolton & Menk, Inc.	Engineer's Project No.:	R21.120226
Contractor:	Gelsinger and Sons, Inc.	Agency's Project No.:	
Project:	Wastewater Regionalization Project		
Contract:	Wastewater Regionalization Project		

Application No.:		Application Period:		From		to		Application Date:					
18		From		04/27/24		to		05/24/24					
Bld Item No.	Description	Contract Information				Previous Estimate		Work Completed		Materials Currently Stored (not in G)	Work Completed and Materials Stored to Date (H + I)	% of Value of Item (J / F)	Balance to Finish (F - J)
		Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Quantity Previous Estimate	Value Previous Estimate	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)				
50	GOLF LIFT STATION ELECTRICAL, GENERATOR, & CONTROLS	1.00	LUMP SUM	140,000.00	140,000.00	0.90	126,000.00	0.90	126,000.00		126,000.00	90%	14,000.00
51	CONSTRUCT LIFT STATION - MAIN	1.00	LUMP SUM	500,000.00	500,000.00	1.00	500,000.00	1.00	500,000.00		500,000.00	100%	-
52	MAIN LIFT STATION ELECTRICAL, GENERATOR, & CONTROLS	1.00	LUMP SUM	140,000.00	140,000.00	0.90	126,000.00	0.90	126,000.00		126,000.00	90%	14,000.00
53	LIFT STATION ALTERATIONS - LANGE	1.00	LUMP SUM	200,000.00	200,000.00	-	-	-	-		-	-	200,000.00
54	LANGE LIFT STATION ELECTRICAL, GENERATOR, & CONTROLS	1.00	LUMP SUM	55,000.00	55,000.00	-	-	-	-		-	-	55,000.00
55	CONSTRUCT ODOR CONTROL BUILDING	1.00	LUMP SUM	600,000.00	600,000.00	1.00	600,000.00	1.00	600,000.00		600,000.00	100%	-
56	ODOR CONTROL BUILDING ELECTRICAL & CONTROLS	1.00	LUMP SUM	50,000.00	50,000.00	0.85	42,500.00	0.85	42,500.00		42,500.00	85%	7,500.00
57	PUBLIC WORKS SCADA/ELECTRICAL & PROGRAMMING	1.00	LUMP SUM	51,000.00	51,000.00	1.00	51,000.00	1.00	51,000.00		51,000.00	100%	-
58	CHAIN LINK FENCE	427.00	LIN FT	50.00	21,350.00	427.00	21,350.00	427.00	21,350.00		21,350.00	100%	-
59	TRAFFIC CONTROL	1.00	LUMP SUM	50,000.00	50,000.00	0.90	45,000.00	1.00	50,000.00		50,000.00	100%	-
60	EROSION AND SEDIMENT CONTROL	1.00	LUMP SUM	60,000.00	60,000.00	0.78	46,800.00	0.92	55,200.00		55,200.00	92%	4,800.00
61	RIPRAP, CLASS III	178.00	CU YD	65.00	11,570.00	46.21	3,003.65	46.21	3,003.65		3,003.65	26%	8,566.35
62	SEED 25-141, FERTILIZER, HYDRAULIC MATRIX	305,376.00	SQ YD	0.50	152,688.00	313,704.19	156,852.10	313,704.19	156,852.10		156,852.10	103%	(4,164.10)
63	SEED 25-141, FERTILIZER, EROSION CONTROL BLANKET	54,312.00	SQ YD	2.50	135,780.00	24,343.04	60,857.60	24,343.04	60,857.60		60,857.60	45%	74,922.40
64	SEED 34-171	39,905.00	SQ YD	0.50	19,952.50	9,472.50	4,736.25	9,472.50	4,736.25		4,736.25	24%	15,216.25
65	GENERAL CONSTRUCTION ALLOWANCE	1.00	ALLOWANCE	120,000.00	120,000.00	0.50	60,358.80	0.50	60,358.80		60,358.80	50%	59,641.20
66	COMPUTER ALLOWANCE	1.00	ALLOWANCE	10,000.00	10,000.00	-	-	-	-		-	-	10,000.00
67	ST. CLOUD FLOW METERING ALLOWANCE	1.00	ALLOWANCE	500,000.00	500,000.00	1.00	500,000.00	1.00	500,000.00		500,000.00	100%	-
68	UTILITY SERVICE ALLOWANCE	1.00	ALLOWANCE	400,000.00	400,000.00	0.46	182,408.00	0.46	182,408.00		182,408.00	46%	217,592.00
A.1	JACK & AUGER 24" CASING (MIN DIAM) & FORCE MAIN	490.00	LIN FT	1,200.00	588,000.00	243.41	292,095.60	243.41	292,095.60		292,095.60	50%	295,904.40
Original Contract Totals					\$ 16,948,705.51		\$ 15,062,539.91		\$ 15,182,313.41	\$ -	\$ 15,182,313.41	92%	\$ 1,386,392.10

Stored Materials Summary

Contractor's Application for Payment

Owner:	City of Foley	Owner's Project No.:	
Engineer:	Bolton & Menk, Inc.	Engineer's Project No.:	R21.120226
Contractor:	Gelsinger and Sons, Inc.	Agency's Project No.:	
Project:	Wastewater Regionalization Project		
Contract:	Wastewater Regionalization Project		

Application No.:		18		Application Period: From		04/27/24		to		05/24/24		Application Date:		05/28/24	
A	B	C	D	E	F	G H I			J K		L	M			
Item No. (Lump Sum Tab) or Bld Item No. (Unit Price Tab)	Supplier Invoice No.	Submittal No. (with Specification Section No.)	Description of Materials or Equipment Stored	Storage Location	Application No. When Materials Placed In Storage	Materials Stored			Incorporated In Work		Total Amount Incorporated in the Work (J+K) (\$)	Materials Remaining In Storage (L-I) (\$)			
						Previous Amount Stored (\$)	Amount Stored this Period (\$)	Amount Stored to Date (G+H) (\$)	Amount Previously Incorporated in the Work (\$)	Amount Incorporated in the Work this Period (\$)					
32	Q955350	1 - 02535	Forcemain Pipe HDPE (9000 LF@\$36.5/FT)	Contractor secured site	1	328,500.00		328,500.00	328,500.00		328,500.00	-			
32	Q955352	1 - 02535	Forcemain Pipe HDPE (7200 LF@\$36.5/FT)	Contractor site	1	262,800.00		262,800.00	262,800.00		262,800.00	-			
35	Q899708	1 - 02535	Forcemain Trenchless (900 LF)	Contractor site	1	60,075.00		60,075.00	60,075.00		60,075.00	-			
32	Q700254	1 - 02535	Forcemain PVC	Contractor site	2	99,397.86		99,397.86	99,397.86		99,397.86	-			
35	Q700069	1 - 02535	Forcemain Trenchless - 16" FPVC	Contractor site	2	176,001.04		176,001.04	176,001.04		176,001.04	-			
32	Q700202	1 - 02535	Forcemain Pipe HDPE	Contractor site	2	352,726.88		352,726.88	352,726.88		352,726.88	-			
32	R108559	1 - 02535	Forcemain Pipe HDPE	Contractor site	2	352,726.88		352,726.88	352,726.88		352,726.88	-			
32	R100644	1 - 02535	Forcemain Pipe HDPE	Contractor site	2	211,636.13		211,636.13	211,636.13		211,636.13	-			
32	R100672	1 - 02535	Forcemain Pipe HDPE	Contractor site	2	211,636.13		211,636.13	211,636.13		211,636.13	-			
32	R096653	1 - 02535	Forcemain Pipe HDPE	Contractor site	2	141,090.75		141,090.75	141,090.75		141,090.75	-			
32	R115020	1 - 02535	Forcemain Pipe HDPE	Contractor site	2	141,090.75		141,090.75	141,090.75		141,090.75	-			
34	R108573	1 - 02535	Forcemain Pipe HDPE	Contractor site	2	211,636.13		211,636.13	211,636.13		211,636.13	-			
32	R320146	1 - 02535	Forcemain Components	Contractor Site	3	6,652.38		6,652.38	6,652.38		6,652.38	-			
32	R328247	1 - 02535	Forcemain Components	Contractor Site	3	2,746.37		2,746.37	2,746.37		2,746.37	-			
32	R382355	1 - 02535	Forcemain Components	Contractor Site	3	1,778.13		1,778.13	1,778.13		1,778.13	-			
32	R390082	1 - 02535	Forcemain Components	Contractor Site	3	1,717.17		1,717.17	1,717.17		1,717.17	-			
32	R392202	1 - 02535	Forcemain Components	Contractor Site	3	521.70		521.70	521.70		521.70	-			
32	R393786	1 - 02535	Forcemain Components	Contractor Site	3	1,496.55		1,496.55	1,496.55		1,496.55	-			
		33-02530	FRP Manhole	Manufacturers warehouse	6	25,419.00		25,419.00	25,419.00		25,419.00	-			
						Totals	\$ 2,589,648.85	\$ -	\$ 2,589,648.85	\$ 2,589,648.85	\$ -	\$ 2,589,648.85	\$ -		

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

ORDINANCE NUMBER 479

AN ORDINANCE REGULATING DISCHARGES INTO THE CITY'S
PUBLICLY OWNED TREATMENT WORKS (POTW) TO COMPLY WITH FEDERAL AND
STATE REGULATIONS AND ENSURE CONNECTION TO THE ST. CLOUD
WASTEWATER TREATMENT SYSTEM.

THE CITY COUNCIL OF THE CITY OF FOLEY HEREBY ORDAINS AS FOLLOWS:

SECTION 1. REPEAL OF EXISTING CITY CODE PROVISIONS

The existing Section 305 of the Foley City Code is repealed in its entirety.

SECTION 2. CITY CODE REVISIONS

The following language is adopted and shall be incorporated into a new Section 305 below.

Section 305 – Wastewater Treatment System Use Code

Section 305:00. Purpose and Policy. This ordinance sets forth uniform requirements for discharges into the City's Publicly Owned Treatment Works (POTW), and enables the City of Foley to comply with state and federal regulation and ensures connection to the St. Cloud Wastewater Treatment System (SCWWTS).

The objectives of this ordinance are:

- a) To prevent the introduction of pollutants to the POTW that will interfere with the treatment process or the beneficial reuse or disposal of biosolids;
- b) To prevent the introduction of pollutants into the POTW and SCWWTS, which will ultimately pass through the system inadequately treated, into receiving waters, the atmosphere or otherwise be incompatible with the system;
- c) To comply with federal, state and local rules and regulations to maintain eligibility for federal and state grants and loans for improvements or upgrades; and
- d) To improve the ability to recycle and reclaim wastewater and biosolids from the system.

This ordinance provides for the regulation of discharges to the POTW through; the issuance of permits to specific users and through enforcement of the general requirements for all users,

authorizes monitoring and enforcement activities, provides for penalty relief, requires user reporting, and provides for the method of setting fees necessary to carry out the program established herein.

The ordinance shall apply to the City of Foley and to persons outside the City who are, by contract or agreement with the City, users of the POTW. Except as otherwise provided herein, the Public Works Director shall administer, implement, and enforce the provisions of this ordinance.

Section 305:05. Definitions. Unless the context specifically indicates otherwise, the following terms, as used in this ordinance, shall have the meanings designated.

Subd. 1. "Act" means the Federal Water Pollution Control Act, as amended, commonly referred as the Clean Water Act, United States Code, Title 33, Sections 1251, et. seq.

Subd. 2. "Biosolids" means the nutrient rich organic, treated and tested residuals from the wastewater treatment process that meet federal and state standards for beneficial reuse as a fertilizers and as a soil conditioner.

Subd. 3. "Best Management Practices (BMP's)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5. BMP's also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Subd. 4. "Building Drain" means clean water connections to the sanitary sewer system, such as drain tile connections to the sanitary sewer, sump pumps discharging directly into the sanitary sewer; or any modifications to the property that intentionally directs clean water to the floor drain or sanitary sewer.

Subd. 5. "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal. The building sewer is owned and maintained by the property owner.

Subd. 6. "Carbonaceous Biochemical Oxygen Demand (cBOD₅)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter, in the presence of a nitrification inhibitor, under standard laboratory procedures in five (5) days at 20 degrees Centigrade expressed in terms of weight and concentration (milligrams per liter-mg/L).

Subd. 7. "CFR" – The Code of Federal Regulations, which is the codification of general and permanent rules of departments and agencies of the federal government.

Subd. 8. "Chemical Oxygen Demand" means the quantity of oxygen utilized in the

chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of Standard Methods of the Examination of Water and Wastewater.

Subd. 9. "City" means the City of Foley or the City Council of Foley.

Subd. 10. "Cooling Water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added to the water is heat.

Subd. 11. "Contract User" means all users who have a written contract with the City to use the POTW.

Subd. 12. "Director" means the City of Foley's Public Utilities Director or authorized agent.

Subd. 13. "Domestic User" means those establishments of which its related occupations, if any, are usually considered as domestic and whose discharge consists solely of sanitary wastes.

Subd. 14. "Domestic Waste" means wastes from residential users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions and industrial facilities. Domestic concentrations of cBOD_5 shall be 218 milligrams per liter, and domestic concentration of TSS shall be 240 milligrams per liter.

Subd. 15. "EPA" means the United States Environmental Protection Agency.

Subd. 16. "Flow" means the quantity of wastewater expressed in gallons or cubic feet per twenty-four (24) hours.

Subd. 17. "General Municipal Flow" means wastes from residential users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions and industrial facilities. General Municipal Flow based on the design of the POTW is further defined as flows containing 5-day cBOD_5 concentrations no greater than 218 milligrams per liter (mg/L) and total suspended solids concentrations no greater than 240 milligrams per liter (mg/L).

Subd. 18. "General Municipal User" means any user discharging wastewater other than industrial users, municipalities and other contract users. This category of user includes as sub-categories: Domestic Users, Commercial Users, Institutional Users, and Governmental Users, which are not Contract Users.

Subd. 19. "General Pretreatment Regulations" means the general pretreatment regulations for existing and new sources of pollution promulgated by the EPA under Section 307(b) and (c) of the Act and found at 40 CFR Part 403.

Subd. 20. "Indirect Discharge" means the introduction of pollutants or wastes into the POTW from any nondomestic source regulated under Section 301 (b), (c), or (d) of the Act.

Subd. 21. "Industrial Discharge Permit or Permit" means a permit issued by the City of Foley to an Industrial User authorizing them to use the POTW as established herein.

Subd. 22. "Industrial Waste" means solid, liquid, or gaseous wastes, excluding domestic waste, resulting from any industrial, manufacturing, commercial, institutional or business activity, or from the development, recovery, or processing of a natural resource.

Subd. 23. "Industrial User" means any person who discharges industrial waste into the POTW.

Subd. 24. "Institutional User" means those establishments engaged in activities of a non- economic nature, frequently being the performance of services for the general public (health, educational, social) and not classified as a governmental or commercial user in this ordinance.

Subd. 25. "Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes, operations or solids processes, use or disposal and, therefore, is a cause of a violation of any requirement of the SCWWTS's NPDES Permit or of the prevention of biosolids use or disposal with statutory provisions and regulations or permits.

Subd. 26. "Leachate" means wastewater resulting from the percolation of rain water and/or internal liquids through the deposited material in a solid waste disposal facility.

Subd. 27. "Load" means quantities of wastewater characteristics such as c BOD₅, TSS, or other constituents as expressed in milligrams per liter (mg/L) or pounds per twenty-four (24) hours (lbs/24 hrs.).

Subd. 28. "Local Limits" means discharge limitations established by the City to protect the wastewater treatment process, infrastructure and the beneficial reuse of biosolids.

Subd. 29. "MPCA" means the Minnesota Pollution Control Agency

Subd. 30. "Mercury Reduction Plan (MRP)" is a strategy to ensure the maximum allowable mercury loading to the SCWWTS is not exceeded.

Subd. 31. "National Pollutant Discharge Elimination System (NPDES) Permit" means any permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq); for the purpose of regulating the discharge of wastewater, industrial wastes, or other wastes under the authority of Section 402 of the Act.

Subd. 32. "Non-dispersible wipes" are any cleaning or personal use product that does not breakdown quickly in the sanitary sewer system and can cause interference or accumulate in the system.

Subd. 33. "Non-Domestic Nutrient Contributor (NDNC)" means any non-domestic (as defined by Subd. 11 Domestic Waste) wastewater source which is determined to contribute nutrients (as defined by Subd. 39 Nutrients).

Subd. 34. "Nutrients" means elements and substances which are required to support living plants and organisms, including carbon, hydrogen, nitrogen, oxygen and phosphorus.

Subd. 35. "Ordinance" means the set of rules contained herein governing the discharge of wastewater to the POTW.

Subd. 36. "Permit holder" means an Industrial User authorized to discharge industrial waste into the POTW pursuant to an Industrial Discharge Permit.

Subd. 37. "pH" means the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of a solution. It is a measure of the acidity or basicity of a waste.

Subd. 38. "Phosphorus Management Plan" means the strategy used by the City including pretreatment and operational procedures to reduce the amount of phosphorus discharged to the environment.

Subd. 39. "Phosphorus Reduction Strategy (PRS)" means the process of reporting, evaluating and reducing the amount of phosphorus discharged to the POTW.

Subd. 40. "Pretreatment" means the process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction, elimination, or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by this ordinance.

Subd. 41. "Pretreatment Standards" means standards for industrial groups (categories) promulgated by the EPA pursuant to the Act which regulates the quality of effluent discharge to the POTW and must be met by all users subject to such standards.

Subd. 42. "Residual Solids" means solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment facility.

Subd. 43. "Sanitary Sewer" means a sewer which carries wastewater, and to which

storm, surface and groundwater are not intentionally admitted.

Subd. 44. "Sewer" means a pipe or conduit for carrying wastewater, industrial waste or other waste liquids.

Subd. 45. "Sewer System" means pipelines or conduits, pumping stations, force mains, and all other devices and appurtenances, used for collecting or conducting wastewater.

Subd. 46. "Significant Industrial User (SIU)" means all Industrial Users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N and any other Industrial User that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow down wastewater), contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW, or is designated as such by the City as the control authority as defined in 40 CFR 403.12 (a) on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8 (f)(6). If, upon finding that an Industrial User meeting the criteria of this subdivision has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City as the control authority, as defined in 40 CFR 403.12 (a), may, at any time, on its own initiative or in response to a petition received from an Industrial User or POTW and in accordance with 40 CFR 403.8 (f)(6) determine that such Industrial User is not a Significant Industrial User. The City may determine that an Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter 1, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling water and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the conditions are met stated in 40 CFR 403.3 (v)(2) (i,ii,iii).

Subd. 47. "Slug" means any waste discharge which, in concentration of any given constituent or in quantity of flow, exceeds four (4) times the average twenty-four (24) hour concentration or flow during normal operation which may by itself or in combination with other wastes cause an interference within the POTW.

Subd. 48. "Stormwater" means any flow occurring during, following or resulting from any form of natural precipitation.

Subd. 49. "Storm Sewer" (sometimes termed "storm drain") means a sewer which carries storm and surface water and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling or process water.

Subd 50. "Strength Charge" means a surcharge for any discharge above the domestic concentrations of TSS and cBOD₅.

Subd. 51. "Sump Pump" means a pump which removes storm or groundwater from a sump well.

Subd. 52. "Total Suspended Solids (TSS)" means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by a standard glass fiber filter.

Subd. 53. "Total Toxic Organics" means the summation of all values greater than 0.01 mg/L of toxic organics listed in Section 307 (A) of the Act.

Subd. 54. "Unpolluted Water" means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life.

Subd. 55. "User" means any person who discharges, causes, or permits the discharge of wastewater into the POTW.

Subd. 56. "User Charge System" means the system established by this ordinance to recover from the users of the POTW the cost of operation, maintenance and replacement of the POTW.

Subd. 57. "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the POTW.

Section 305:10. Individual Sewage Treatment System. Where a public sanitary sewer is not available under the provision of Section 305:30, the building sewer shall be connected to an individual sewage treatment system complying with the provisions of this Section 365:00, Sewage Treatment Systems, and Minnesota Pollution Control Agency Rules, Chapter 7080. The provisions of this subsection shall be in addition to any requirements established by applicable federal, state or local laws and regulations and shall not be construed to relieve any liability or obligation imposed by such laws and regulations.

Section 305:15. Building Sewers and Connections.

Subd. 1. No person, unless authorized, shall uncover, make any connections with, or disturb any public sewer or appurtenance thereof.

Subd. 2. All costs incurred in the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the City from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installation of the building sewer.

Subd. 3. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, provided that the City shall require a written agreement between the property owners as to the share of the costs of construction and maintenance which each will contribute.

Subd. 4. Old building sewers may be used in connections with new buildings only when they are found, on examination and test by the City, to meet all requirements of this ordinance.

Subd. 5. The size, slope, alignment, materials of construction of a building sewer, and the method to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in Practice No. 9 and applicable American Society of Testing and Materials (ASTM) standards shall apply.

Subd. 6. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, such building drain shall be provided with a lifting device approved by the plumbing inspector and discharged to the building sewer.

Subd. 7. As required by Section 310 of the Foley Code of Ordinances, no persons shall make connection of roof downspouts, sump pump, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the public sanitary sewer.

Subd. 8. The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the building and plumbing code, the sewer specifications included herein, or other applicable rules and regulations and the procedures set forth in appropriate specifications of the ASTM. All such construction shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Plumbing Inspector prior to installation.

Subd. 9. Agents of the City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the connection shall notify the Public

Works Director when the work is ready for final inspection and no underground portions shall be covered prior to the final inspection. The connection shall be made under the supervision of the Director.

Subd. 10. Any new connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, CBOD, nutrients, and suspended solids, as determined by the Director.

Section 305:20. Main and Lateral Sewers.

Subd. 1. No person, unless authorized, shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

Subd. 2. No sanitary or storm sewers shall be constructed in the City (except house or building service sewers) except by the City or others, and subject to inspection during construction by engineers and employees of the City. No such sewers shall be considered to be a part of the public sewer system unless accepted by the City.

Subd. 3. The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling and other work connected with the construction of sewers shall conform to the requirements of the City.

Subd. 4. Joints and pipes shall be watertight and sound. The sewer lateral shall be free of any structural defects including fractures, cracks, breaks, openings or missing portions.

Subd. 5. The sewer lateral shall be free of roots, grease deposits and other solids which may impede or obstruct flow.

Subd. 6. Sanitary sewer cleanouts shall be securely sealed with a proper cap or approved overflow device.

Section 305:25. Protection from Damage. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the POTW.

Section 305:30. Use of Public Sewers.

Subd. 1. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any wastewater or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Subd. 2. As set forth in Section 305:10, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. This prohibition shall not prevent existing legal non-conforming or non-compliant systems from being repaired, maintained or replaced where public sewer is not available to the property.

Subd. 3. The owner of any building or property which is located within the City, or in any area under the jurisdiction of the City, and from which wastewater is discharged, shall be required to connect to a public sewer at the owner's expense within one year after service of official notice to do so, provided that said public sewer is available for connection.

Subd. 4. In the event an owner fails to connect to a public sewer in compliance with a notice given under Section 305:30, Subd. 3 of this ordinance, the City may undertake to have the connection made and shall assess the cost against the benefited property, the assessment shall be a lien against the property. Such assessment, when levied, shall bear interest at the rate of eight percent (8%) per annum and shall be certified to the County Auditor in which the land is situated and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City under this subdivision shall be in addition to any other remedial or enforcement provisions of this ordinance.

Subd. 5. No person shall discharge or cause to be discharged directly or indirectly any stormwater, surface water, groundwater, roof runoff, sub-surface drainage, unpolluted cooling or process water to any sanitary sewer unless there is no prudent and feasible alternative and unless as approved by the Director.

Subd. 6. Stormwater and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or process water shall only be so discharged upon approval by the Director, and the user may be required to obtain a NPDES Permit by the MPCA.

Subd. 7. The sanitary sewer system shall not be the disposal method for unused pharmaceuticals.

Section 305:32. Charges for General Municipal Users - Domestic, Commercial, Institutional and Governmental Users.

Subd. 1. The charge for general municipal, commercial, institutional, industrial and government users will be the product of the unit charge and the quantity of the water used as measured by the city water meter. The formula for this calculation follows:

Unit Cost Per Volume of Water x Users Metered Water Flow

= Residential, Commercial, Institutional, Industrial Governmental Users Charge

Subd. 2. If a substantial portion of the water utilized by any user is not discharged into the sewer system, the volume of such water will be deducted in computing the wastewater use charge provided a separate meter is installed to measure such volume. The user desiring to install such separate meter will make application and payment for the meter to the Director and engage, at their own expense, a plumber to install the necessary piping changes and to install the meter. Actual calculation of usage charges is determined by Section 609 – Sewer Service Charge.

Section 305:35. Phosphorus Management

Subd. 1. Any non-domestic, i.e. commercial or industrial, source may be included as part of the Phosphorus Management Plan (PMP) and required to evaluate their phosphorus discharge to the POTW.

Subd. 2. Any significant non-domestic nutrient contributor (NDNC) of phosphorus, as determined by the Director, will be required to develop a Phosphorus Reduction Strategy (PRS). The NDNC will evaluate and/or update the PRS to include methods and/or steps taken to eliminate or reduce phosphorus loading to the POTW.

Section 305:36. Mercury Management.

Subd. 1. Mercury concentrations in non-domestic wastewater discharged to the POTW shall not exceed 0.2 micrograms per liter (ug/L), as set forth in the Local Limitations: Section 305.50 Subd.6. Mercury sampling procedures, preservation, handling and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.7 or another method approved or required by the Director. The level of detection developed in accordance with the procedure specified in 40 CFR 136, shall not exceed 0.2 micrograms per liter for mercury, unless higher levels are appropriate due to matrix interference.

Subd. 2. To ensure that the maximum allowable mercury loading to the POTW is not exceeded, the City may require a non-domestic users to develop, submit for approval and implement a Mercury Reduction Plan (MRP). Details of the requirements of the MRP are included in the City of St. Cloud Mercury Minimization Plan. The MMP is required by the MPCA and is updated once every five (5) years in accordance with the NPDES permit. A copy of this plan is available upon request.

Subd. 3. Failure to submit an approvable MRP within 30 days of the required due date shall constitute significant non-compliance in accordance with this Section, and will result in publication as a significant violator;

Subd. 4. A non-domestic user may request a variance from MRP requirements if all samples of the discharge for a period of one year are below the specified level of detection, the non-domestic user has complied with the minimum monitoring frequency of quarterly sampling events, and the Director deems that the MRP commitments have been fulfilled sufficiently to ensure continued compliance with the mercury limitation. Notice of approval or disapproval of the variance from MRP requirements will be made in writing from the Director. If a MRP variance is issued, the non-domestic user remains subject to the local limitation for mercury.

Section 305:40. Industrial Discharge Permit.

Subd. 1. Permit Requirement: Industrial Users discharging wastewater to the POTW shall apply for an Industrial Discharge Permit in accordance with these rules unless the Director determines the wastewater has an insignificant impact to the POTW. No Industrial User requiring a permit shall discharge to the POTW until the Industrial User has been issued a permit. Issuance of an Industrial Discharge Permit shall not relieve the Industrial User from any obligation to obtain any hazardous waste license required by other authorities or to comply with any other local, state, or federal requirements regarding waste disposal.

The criteria utilized by the Director to determine if an Industrial Discharge Permit will be required include:

- (a) An average flow loading greater than 25,000 gallons per operating day; or
- (b) A pollutant concentration of greater than 50% for one or more regulated pollutants (see 305:50, Subd. 6) at the point of discharge; or
- (c) Has prohibitive discharge properties (see 305:40.); or
- (d) Has been pretreated or passed through an equalization tank before discharge; or
- (e) A hydraulic or organic loading greater than 5% of the average dry weather capacity of the POTW; or
- (f) An industrial process regulated by EPA categorical standards; or
- (g) Others as designated by the City as defined in 40 CFR 403.12 (a).

Subd. 2. Permit Application.

- (a) An existing Significant Industrial User or other person who is required to obtain an Industrial Discharge Permit shall complete and file a permit application with the City within (ninety) 90 days of notification. The appropriate permit fee shall accompany the permit application form. A user shall have one year from the date of notification by the City to obtain an Industrial Discharge Permit.
- (b) New Significant Industrial Users proposing to connect or to commence a new discharge to the POTW shall apply for an Industrial Discharge Permit prior to connection to or discharging into the POTW. No discharge into the POTW can commence until an Industrial Discharge Permit is received unless the Director has ruled that:
 - (i) an Industrial Discharge Permit is not required or
 - (ii) a discharge waiver is granted to commence discharge pending final action by the Director.

Subd. 3. Incomplete or Deficient Application: An Industrial Discharge Permit shall not be issued until an application is complete.

Subd. 4. Issuance of Industrial Discharge Permit: Within sixty (60) days of receiving a completed application form the Director shall, upon a determination that the applicant is capable of compliance with the Industrial Discharge Permit conditions and these rules, issue an Industrial Discharge Permit subject to the terms and conditions provided herein.

Types of Industrial Discharge Permits:

- (a) A Standard Permit, with requirements for a specific facility, will be issued to an Industrial User with a direct discharge connection to the POTW. A Standard Permit will be issued to each Significant Industrial User, and other Industrial Users determined by the Director;
- (b) Special Discharge Permit will be issued to an Industrial User who discharges leachate, groundwater or other waste to the collection system or the POTW for which other permit forms are not applicable.

Subd. 5. Permit Conditions: Industrial Discharge Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges, and fees established by the City Council. Permits shall contain the following:

- (a) A summary of the penalties and charges applicable for violations of the terms of permit as provided in Section 305:85 of this ordinance;
- (b) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;

Limits on the average and maximum wastewater constituents and characteristics, either in terms of concentrations, mass limitations, or other appropriate limits;

Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

Requirements for installation and maintenance on inspection and sampling facilities;

Requirements for access to the permit holder's premises and records;

Requirements for installation, operation, and maintenance of pretreatment facilities; (see Section 305:65 on Pretreatment);

Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and self reporting schedule;

Compliance schedules;

Requirements for maintaining and retaining records relating to wastewater discharge as specified by the Director;

Requirements for notification to the Director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;

Requirements for notification of slug discharges as provided in Section 305:55 of this ordinance;

The requirement for Industrial Discharge Permit transfer as stated herein; and

Other conditions as deemed appropriate by the City to ensure compliance with this ordinance.

Subd. 6. Permit Modification, Suspension, and Revocation: An Industrial Discharge Permit may be modified, suspended or revoked, in whole or in part, by the Director or City during its term for cause, including:

Violation of these rules;

Violation of any terms or conditions of the Industrial Discharge Permit;

Obtaining an Industrial Discharge Permit by misrepresentation or failure to fully disclose all relevant facts;

Amendment of these rules;

A change in the wastewater treatment process which results in the permit holder's discharge having a significantly different and negative impact on the process;

A change in the permit holder's industrial waste volume or characteristics which the permit holder knows or has reason to know will or is likely to have, either by itself or by interaction with other wastes, a negative impact on the treatment process;

A change in the POTW's NPDES or SDS permit requirements, any other changes made by local, state and/or federal rules; and/or

A determination by the Director that the permit holder's discharge reasonably appears to present an imminent endangerment to the health or welfare of persons, present an endangerment to the environment, or threaten interference with the operation of the POTW.

Subd. 7. Time Schedule for Compliance: Any modifications in the Industrial Discharge Permit shall specify a reasonable time schedule for compliance.

Subd. 8. Refund of Permit Fee on Surrender or Revocation: A permit holder may surrender an Industrial Discharge Permit to the City prior to the permit's scheduled termination. In the event that a permit is surrendered or revoked, the permit holder shall be refunded a pro rata portion of the permit fee paid.

Subd. 9. Permit Duration: Permits shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for permit reissuance a minimum of 180 days prior to the permit's expiration date by filing with the City a permit reissuance application. If an industrial user fails to submit a permit re-issuance application, the City may administratively extend the Industrial User Permit. The terms and conditions of the permit may be subject to modification by the Director during the term of the permit as limitations or requirements as identified in Section 305:45 are modified or other just cause exists. The user shall be informed prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Subd. 10. Permit Transfer: Industrial Discharge Permits are issued to a specific user at a specific location, for a specific operation, except in the case of Liquid Waste Haulers. An Industrial Discharge Permit shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Director. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. In the event of a change in the entity owning the industrial discharge facilities for which there is an Industrial Discharge Permit, the prior owner, shall notify the City and the succeeding owner of said change in ownership and of the provisions of the Industrial Discharge Permit and these rules. The new owner shall submit a new permit application or shall submit to the City an executed statement agreeing to be bound by the terms and conditions of the existing Industrial Discharge Permit for the facility, in which case, upon consent of the City, the permit shall continue in effect until its expiration date.

Section 305:45. Prohibitive Discharge. No person shall discharge or cause to be discharged, directly or indirectly, into the POTW any of the following:

Subd. 1. Any combustible, flammable or explosive solids, liquids, or gases which by their nature or quantity will or are likely to cause either alone or by interaction with other substances a fire or explosion or be injurious to the treatment facility operation. At no time shall two (2) successive readings on an explosimeter, at the point of discharge into the sewer system, be more than five percent (5%) nor shall there be any single reading over ten percent (10%) of the Lower Explosive Limit (LEL). Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, fuel oil, lubricating oil, benzene, toluene, xylene, ethers, alcohols, and ketones.

Subd. 2. Any solids or viscous substances which will or are likely to cause obstruction to the flow in a sewer, interference with the operation of the wastewater treatment or pass through to the receiving waters. These include garbage with particles greater than one-half inch (1/2") in any dimension, grease, animal guts or tissues, bones, hair, hides or fleshings, entrails, feathers, ashes, sand, spent lime, stone or marble dust, metal, glass, grass clippings, rags, spent grains, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass grinding, polishing wastes, non-dispersible wipes, pharmaceuticals.

Subd. 3. Any wastewater having a pH less than 5.0 or greater than 12.0 or having any corrosive property that will or is likely to cause damage or hazard to structures, equipment, or employee of the City.

Subd. 4. Any alkaline wastewater which alone or with others will or is likely to cause an elevated pH in the POTW so as to result in an inhibiting effect on the biological process or encrustation to the sewer.

Subd. 5. Any wastewater containing toxic or poisonous pollutants in sufficient quantity, either by itself or by interaction with other pollutants, that will or is likely to cause interference or constitute a hazard to humans. (A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.)

Subd. 6. Any noxious or malodorous solids, liquids, or gases, which either singly or by interaction with other wastes, will or are likely to create a public nuisance or hazard to life or prevent the entry of Utility employees into a sewer for monitoring, maintenance, and repair.

Subd. 7. Any wastewater which will or is likely to cause excessive discoloration in treatment facility effluent.

Subd. 8. Wastes, other than Domestic Wastes, that are infectious prior to discharging.

Subd. 9. Any solids residual from an industrial pretreatment facility except as provided in Section 305:65.

Subd. 10. Heat in amounts which will or is likely to inhibit biological activity in the treatment facility resulting in interference or causing damage to the treatment facility, but in no case heat in such quantities that the Industrial User's waste temperature is greater than 65 C (150 F) at its point of discharge to the sewer system, or heat causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 40 C (104 F).

Subd. 11. Any wastewater containing fat, wax, grease or oil in excess of 100 mg/L that will or is likely to solidify or become viscous at temperatures between 0 and 65 Centigrade and which will or is likely to cause interference at the POTW including petroleum oil, non- biodegradable cutting oil, or products of mineral oil origin.

Subd. 12. Any slug discharged in such volume or strength which a person knows or has reason to know will or is likely to cause interference to the POTW.

Subd. 13. Any substance including nutrients which will cause the POTW to violate the NPDES and/or State Disposal System Permit or the receiving water quality standards or goals.

Subd. 14. Any substance which may cause the POTW's effluent or any other product of the wastewater treatment process such as residues, biosolids, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the system to be in noncompliance with biosolids use or disposal criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State standards applicable to the biosolids management method being used.

Subd. 15. Any wastewater containing inert suspended solids (including lime slurries and lime residues) or dissolved solids (including sodium chloride) in such quantities that will or is likely to cause interference or pass through at the POTW.

Subd. 16. Radioactive wastes or isotopes of such a half-life or concentration that they are in noncompliance with standards issued by the appropriate authority having control over their use and which will or are likely to cause damage or hazards to the POTW or utility employees.

Subd. 17. Any hazardous waste, unless prior approval has been issued from the Director.

Subd. 18. Any waste generated outside the area served by the POTW without prior approval of the Director.

Subd. 19. Any unpolluted water, including cooling water, rain water, stormwater or groundwater, unless there is no other prudent or feasible alternative.

Subd. 20. Any trucked or hauled wastes or pollutants, except those approved by the

Director at discharge points designated by the City.

Subd. 21. Phosphorus or other nutrients that exceed acceptable limits as set by the POTW.

Section 305:50. Limitations on Wastewater Strength.

Subd. 1. Federal Pretreatment Standards: Federal Pretreatment Standards and General Regulations promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this ordinance unless the Director has applied for, and obtained from the MPCA, approval to modify the specific limits in the Federal Pretreatment Standards. In all other respects, Industrial Users subject to Pretreatment Standards shall comply with all provisions of these rules and any permit issued thereunder, notwithstanding less stringent provisions of the General Pretreatment Regulations or any applicable Pretreatment Standard.

Subd. 2. State Requirements: State requirements and limitations on discharges shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this ordinance.

Subd. 3. City's Right of Revision: The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 305:00.

Subd. 4. Dilution: No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in any local or State requirements or Federal pretreatment standards.

Subd. 5. Removal Credits and Variances:

- (a) If the POTW achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to MPCA for modification of specific limits of the EPA Pretreatment Standards. The City shall modify pollutant discharge limits applicable to an Industrial User in the Pretreatment Standards if the requirements contained in 40 CFR 403.7 of the General Pretreatment Regulations relating to credits for the removal of pollutants are fulfilled and approval from MPCA is obtained. However, nothing herein shall be construed to require the City to apply to MPCA for removal credits nor shall it be construed to in any way limit the applicability of the limitations provided in Section 305:50, Subd. 6 in the event that such a removal credit is granted, except as provided in Section 305:50.

- (b) The City shall recognize and enforce the conditions allowed for by variances from Pretreatment Standards for fundamentally different factors as granted by EPA to individual Industrial Users in accordance with 40 CFR 403.13 of the General Pretreatment Regulations.
- (c) The Director shall notify all affected Industrial Users of the applicable Pretreatment Standards, their amendments, and reporting requirements in accordance with 40 CFR 403.12 of the General Pretreatment Regulations. A compliance schedule as part of the Industrial Discharge Permit shall be developed between the Director and the Industrial User to ensure that the Industrial User complies with local, State, and Federal limitations in a timely manner as provided by the same section of the General Pretreatment Regulations.

Subd. 6. Supplementary Limitations: No person, except as authorized pursuant to a compliance schedule in a permit, shall discharge or cause or allow to be discharged, directly or indirectly, into the POTW any of the following waste pollutants containing concentrations in excess of the following maximum limitations for any operating day:

<u>Pollutant</u>	<u>Maximum Allowable Concentration (mg/L)</u>
Arsenic	0.16
Cadmium	0.20
Chromium, Total	3.94
Copper	2.76
Cyanide, Total	3.11
Lead	1.36
Mercury	0.0002
Molybdenum	0.11
Nickel	0.75
Selenium	0.27
Silver	0.56
Zinc	5.00

Ammonia Nitrogen	Best Management Practices
cBOD ₅	Best Management Practices
Phosphorus	Best Management Practices or 6.00
Total Suspended Solids	Best Management Practices

Subd. 7. Special Agreements: No statement contained in this subsection, except as promulgated by the EPA, shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment, by the industrial concern, in accordance with applicable ordinances and any supplemental agreement with the City.

Subd. 8. Pretreatment Standards Notification: The Director shall notify all affected Industrial Users of the applicable Pretreatment Standards, their amendments, and reporting requirements in accordance with Code of Federal Regulations, Title 40, Section 403.12 of the General Pretreatment Regulations. A compliance schedule shall be developed between the City and the Industrial User to ensure that the Industrial User complies with local, state, and federal limitations in a timely manner as provided by the same section of the General Pretreatment Regulations.

Subd. 9. Reports specified in Code of Federal Regulations, Title 40, Section 403.12 of the General Pretreatment Regulations shall be submitted to the City by affected users.

Section 305:51. Strength Charge System

Subd. 1. Any permit holder as designated by the Director, discharging into the POTW industrial waste at carbonaceous biochemical oxygen demand and/or total suspended solids concentrations in excess of base levels shall be subject to a strength charge. Further, any person discharging waste into the POTW may be subject to a strength charge under the same provisions. Base levels, strength charge rates and the procedures for determining strength charges shall be set forth by the Director. These rates and methods may be adjusted annually. Additional parameters, other than carbonaceous biochemical oxygen demand and total suspended solids may be subject to a strength charge. For current base level concentrations see definition of "Industrial Waste" in 305:05.

Subd. 2. Industrial user charges may also include specific credits for industrial pretreatment which would encourage reduction in overall POTW plant loading.

Section 305:55. Accidental and Slug Discharges.

Subd. 1. Prevention of Accidental and Slug Discharges: All Industrial Users shall provide adequate protective procedures to prevent the accidental discharge of any

prohibited waste, any waste in excess of the local limitations or any waste in violation of an applicable pretreatment standard.

Subd. 2. Accidental Discharge: Accidental discharges of prohibited waste into the POTW, directly or through another disposal system, or to any place from which such waste may enter the POTW, shall be reported to the Director by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of such discharge. Such notification will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the City on account thereof under any State or Federal law. The responsible person shall take immediate action as is reasonably possible to minimize or abate the prohibited discharge.

The responsible person shall send a letter describing the prohibited discharge to the Director within seven (7) days of obtaining knowledge of the discharge. The letter shall include the following information:

- (a) the time and location of the spill;
- (b) description of the accidentally discharged waste, including estimate of pollutant concentrations;
- (c) time period and volume of wastewater discharged;
- (d) actions taken to correct or control the spill;
- (e) a schedule of corrective measures to prevent further spill occurrences.

Subd. 3. Slug Discharge: In the event that an Industrial User discharges a slug in such volume or strength that the Industrial User knows or has reason to know it will cause interference in the SCWWTS, the Industrial User shall immediately report the same to the Director. Within seven (7) days thereafter, the Industrial User shall send a letter to the Director describing the slug as specified under Accidental Discharge.

Subd. 4. Spill Containment Program Requirement: Any Industrial User with a significant potential to discharge materials listed in the prohibited discharge section of this ordinance is required to install and maintain an adequate spill containment system. General spill containment requirements are listed below:

- (a) Process, storage, holding or treatment tanks containing materials listed in the prohibitive discharge section of this ordinance as well as the associated piping, pumps and other appurtenances must be contained if a spill or leak could enter the sewer. This includes tanks used for short-duration mixing, processing or storage.

- (b) The City prohibits floor drains with direct connections to the public sewer in facilities that store toxic or flammable materials.
- (c) The spill containment system must be capable of containing 100 percent of the volume of the largest tank of restricted material.
- (d) Acceptable Containment Systems Include:
 - (i.) Diking may be used to spill contain single shell tanks. Diking usually consists of concrete blocks, concrete berming or other materials that form a permanent structural barrier. Portable spill containment trays/pallets are also acceptable.
 - (ii.) Self-Containment. Tanks of double shell construction are considered to be self-contained and do not require additional spill containment features unless there is a significant likelihood of overflowing. These tanks consist of two independent structural shells with the outer shell capable of containing any leakage from the inner one. An air gap of at least one-inch must be provided between the inner and outer shell.
 - (iii.) Pits constructed under or around tanks are acceptable as spill containment. No openings, manual or electric gates or valves are allowed.

Subd. 5. Slug Discharge Control Plan: Any SIU that may batch discharge any wastewater (including from spill containment areas), treated or otherwise, and that discharge may potentially cause adverse impacts to the collection system or treatment plant must complete and implement a Slug Discharge Control Plan. Slug Discharge Control Plan must contain the following elements:

Description of discharge practices, including non routine batch discharges;

Description of stored chemicals;

Procedure for promptly notifying the City of slug discharges as defined under Section 403.5(b) of the Code of Federal Regulations Title 40 and Section 305:40 of this ordinance, with procedures for follow-up written notification within five (5) days;

Procedures necessary to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of site runoff, and employee training. Include drawings that show spill containment dimensions and the locations of all floor drains, wastewater piping and pretreatment equipment;

The Slug Discharge Control Plan must be maintained at the discharge location and be available on request to staff from the City, MPCA or EPA.

Section 305:60 Monitoring Requirements.

Subd. 1. Monitoring Facilities: When required by the City's permit, the permit holder of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances in the building sewer to facilitate observation sampling, flow measurement, and measurement of wastes. Such structure and equipment when required shall be constructed at the owner's expense in accordance with plans approved by the City and shall be safely maintained by the owner and accessible at all times.

Subd. 2. Monitoring Point: Each permit holder shall have an approved monitoring point provided at the permit holder's expense. Liquid Waste Haulers and special industrial users may be exempted by permit from portions of this section. All permit holders shall have an approved monitoring point. All new installations shall be in accordance with provisions of the Minnesota Plumbing Code, Minnesota Rules, chapter 4715. Each permit holder is responsible for all maintenance on the approved monitoring point, including routine cleaning. The Director may allow multiple monitoring points provided that each point meets criteria 1-5 of this section. An approved monitoring point shall meet the following criteria:

- (a) the wastewater flow is visible and accessible for inspection and monitoring purposes;
- (b) the wastewater flow has appropriate velocity and is well mixed to yield representative samples;
- (c) the wastewater flow at the monitoring point conveys all of the permit holder's industrial waste;
- (d) the monitoring point is large enough or space is provided nearby to allow for monitoring equipment and replacement; and
- (e) the total wastewater flow of the permitted facility, if exceeding 25,000 gallons per day, can be measured using an open channel or other acceptable measuring device.

Subd. 3. Inspection Maintenance Hatch: The Director may require the installation of an inspection maintenance hatch (manhole), in the event of construction, replacement or modification of a permit holder's sewer connection(s). Permit holders shall provide notice to the Director prior to any such replacement or modification. The inspection maintenance hatch shall be of standard size and shape and be located on the private sewer line between the facility and the public sewer. If feasible, the inspection maintenance hole shall convey the total facility wastewater discharge.

Subd. 4. Flow Measurement: A permit holder, when required by permit, shall install and maintain a flow measurement device for instantaneous rate and/or cumulative flow

volume determinations. Metered water supply may be used in lieu of flow measurement devices if it can be documented that the water usage and waste discharge are the same, or where a measurable adjustment to the metered supply can be made to determine the waste volume.

Meters and flow records shall be maintained at the permit holder's expense in good operating condition at all times. The permit holder shall notify the Director in writing within five (5) days in the event that the permit holder becomes aware that the meter or flow recorder has failed to accurately register the flow. The permit holder shall also notify the Director of the permit holder's intention to alter the installation of a meter or flow recorder so as to affect the accurate recording of industrial waste entering the POTW.

The following requirements apply to the selection and installation of wastewater flow measuring devices:

- (a) Flow measuring devices including, but not limited to, weirs, flumes, area- velocity sensors and closed-pipe flow meters, shall be installed such that proper hydraulic conditions exist. Factors used to determine the type, size and location of a flow measuring device include:
 - 1. flow rate and velocity;
 - 2. pipe configuration and slope;
 - 3. turbulence;
 - 4. presence of nearby tributary flows; and
 - 5. solids concentration.
- (b) All flow measuring devices shall be properly installed and, where applicable, properly level and sealed.
- (c) When a weir or a flume is utilized, the flow level-sensing device shall be installed at a proper distance upstream of the primary flow device and in a location where excessive turbulence is not created.

Subd. 5. Self-monitoring Analyses: All measurements, tests, and analyses of the characteristics of water and wastes as outlined in the permit shall be determined in accordance with guidelines established in 40 CFR Part 136 and 40 CFR 403.12 (g) of the General Pretreatment Regulations.

Subd. 6. Representative Sampling: Representative samples of a permit holder's industrial waste shall be collected on a normal operating day and in accordance with guidelines listed in the Industrial Discharge Permit. Industrial Users subject to Pretreatment Standards shall sample in accordance with the Pretreatment Standards. Self-monitoring point(s) for Industrial Users who are not subject to Pretreatment Standards shall be at a location and at a frequency as specified in the Permit. The samples shall accurately characterize the discharge, taking into account batch

discharges, daily production variations, downtime, cleanup and other operating conditions.

Subd. 7. Monitoring Techniques: The following monitoring methods will be used by Industrial Users and contracted monitoring services and/or commercial analytical laboratories that collect and/or analyze wastewater samples to fulfill requirements of these rules or any permit issued under these rules:

- (a) A series of at least four grab samples is required when analyzing wastewater for pH, grease and oil, total phenols and sulfides, unless otherwise approved by the Director. Samples for cyanide and volatile organics may be collected by the grab sampling technique described above or by an automatic sampler, using acceptable techniques. For other parameters, grab samples may be required when the wastewater flow is not continuous or when necessary to determine the instantaneous wastewater characteristics. Grab samples can be taken manually or automatically. Appropriate containers shall be used when collected grab samples.
- (b) Composite samples are formed by combining discrete samples collected either manually or by an automatic sampler. Each discrete sample shall have a minimum volume of at least 100 milliliters. Discrete samples can be composited using any of the following methods.
 1. equal time intervals and equal volume samples;
 2. equal time intervals and unequal volume samples; or
 3. unequal time intervals and equal volume samples.
- (c) When an equal time interval is used, the maximum sampling interval shall be 30 minutes. The composite sample volume shall be well mixed before sub sampling.

Subd. 8. Sample Handling Procedures: All samples shall be contained, preserved and held in accordance with 40 CFR Part 136. The sample temperature shall be maintained at four (4) degrees Celsius, if necessary, from the time of collection until sample analysis is performed. When applicable, additional preservation shall be performed upon sample collection.

Subd. 9. Industrial Discharge Monitoring Reports (IDMR's): A condition of the Industrial Discharge Permit shall include the completion and submittal of accurate routine self-monitoring reports to the Director in a form subscribed to by the Director. The nature and frequency of routine reporting shall be based upon the requirements specified in the Industrial Discharge Permit.

The Director may modify the above reporting and/or sampling schedule for a particular permit holder based on the permit holder's industrial waste characteristics. Permit holders subject to Pretreatment Standards shall submit reports to the City in accordance with the applicable Pretreatment Standards.

Permit holders shall submit complete IDMR's on or before the 21st calendar day of the month following the end of each applicable reporting period, unless otherwise stated in the Industrial Discharge Permit. Any permit holder not submitting a self-monitoring report by this date shall pay a late reporting fee.

Subd. 10. Inspection and Sampling: The City may modify the sampling requirements, parameters sampled and/or analyzed, and frequency of sampling to ensure compliance with federal, state and permit requirements. This may involve additional sampling requirements other than stated in the Significant Industrial Users permit.

The City may conduct tests as are necessary to enforce this ordinance. Agents of the City may enter any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the City for the purpose of determining user compliance, the cost of such tests shall be added to the user's sewer charge. In those cases where the City determines that the nature or volume of a particular user's wastewater requires more frequent testing, the City may charge such user for the tests, after giving the user ten (10) days written notice of its intention to do so, and the cost thereof shall be added to the user's sewer charge.

Duly authorized agents of the City, MPCA, and EPA bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. Those agents shall have no authority to inquire into any processes except as is necessary to determine the kind and source of the discharge to the POTW.

Duly authorized agents of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement shall be done in all accordance with the terms of the easement pertaining to the private property involved. While performing the necessary work on private properties the authorized agents of the City shall observe all safety rules applicable to the premises established by the company.

The Director and/or their designee shall conduct inspections at least once a year as required by the federal General Pretreatment Regulations and to determine compliance status with the Pretreatment Program. The City will conduct the annual inspection at no cost to the SIU; any additional inspections due to noncompliance may be billed to the affected property owner at 2.5 times the base hourly salary of the Inspector.

Subd. 11. Testing Procedures: Testing procedures for analysis of pollutants for permit applications and routine self-monitoring shall conform to the guidelines established in Code of Regulations, Title 40, Part 136 and Code of Federal Regulations, Title 40,

Section 403.12 (g) of the Federal Pretreatment Regulations.

Subd. 12. Report and Monitoring Discrepancies: A permit holder shall be notified in writing by the Director of a significant discrepancy between the permit holder's routine, self-monitoring records and the City's monitoring results within thirty (30) days of receiving monitoring results. The permit holder shall then have ten (10) working days to reply in writing to such notification. If mutual resolution of such discrepancy is not achieved, additional sampling shall be performed by the City at the owner's expense. Samples may be split between the permit holder's laboratory or agent and the City's laboratory for analysis.

Subd. 13. Wastewater Discharge Records: Wastewater discharge records of a permit holder shall be kept by the permit holder for not less than three (3) years. The permit holder shall provide the Director reasonable access to these records during normal business hours. A permit holder, subject to an applicable Pretreatment Standard, shall maintain all records required by Code of Federal Regulations, Title 40, Section 403.12 (n) of the General Pretreatment Regulations.

Section 305:65. Pretreatment Compliance with Standards

Subd. 1. Where pretreatment, flow equalizing facilities or interceptors are provided for any water or wastes, they shall be effectively operated and maintained in satisfactory and effective condition by the owner, at the owner's expense, and available for inspection by City agents at all reasonable times.

Subd. 2. Industrial Users shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Industrial Users as required by their Industrial Discharge Permit shall submit to the Director for review, detailed plans showing the pretreatment facilities at least sixty (60) days prior to initiation of construction. The Director shall approve the Industrial User's pretreatment plans if it appears that the proposed pretreatment facility is capable of meeting all applicable limitations.

Subd. 3. The Director's review and approval shall in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of these rules. Any subsequent modifications in the pretreatment facilities which will result in a substantial change in discharge shall be reported for approval by the Director upon a determination that the modified facility is capable of meeting all applicable limitations, prior to the modification of the existing facility.

Subd. 4. Residual solids from a pretreatment facility shall not be disposed, directly or indirectly, into the POTW without prior written approval from the Director. The disposal method shall be in accordance with local, State and Federal requirements. The Director shall be notified in writing within ten (10) days of any substantial changes in such residual solids disposal procedures and/or characteristics.

Subd. 5. Separator and Trap Installations: Grease, oil, and sand separators and traps shall be provided at the owner's expense for the proper collection of waste containing excessive amounts of grease, oil or sand. All trap installations shall be regularly cleaned and maintained for adequate performance. All records of separators and traps must be available for review by City agents. The distance between the inlet and outlet of the separator or trap must be sufficient to allow gravity separation of solids. To prevent overloading, flow control baffles and any necessary inlet flow, control fitting shall be provided.

Section 305:70. Confidential Information.

Subd. 1. User information obtained from reports, questionnaires, permit applications, permits, monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets.

Subd. 2. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this ordinance, the NPDES Permit, State Disposal System Permit, and/or the Pretreatment Programs, provided that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Section 305:75. Severability and Conflicts.

Subd. 1. Severability: If the provisions of any section, paragraph, or sentence of these rules shall for any reason be held to be unconstitutional or invalid by any court of competent jurisdiction, the provisions of the remaining sections, paragraphs, and sentences shall nevertheless continue in full force and effect.

Subd. 2. Conflicts: If conflicts arise between these rules or regulations previously adopted by the City, these rules, and the interpretations thereof, shall take precedence. No conflict shall impair the City's ability to connect to the SCWWTS.

Section 305:80. Enforcement.

Subd. 1. Remedies Available: The Director may suspend the sewer system service and/or an Industrial Discharge Permit when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, the environment, or the POTW, or would cause the City to violate any condition of its NPDES or State Disposal System Permit. Any user notified of a

suspension of the sewer system service and/or the Industrial Discharge Permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or endangerment to any individuals. The Director shall reinstate the Industrial Discharge Permit and/or the sewer system service upon proof of the elimination of the noncomplying discharge.

Subd. 2. Revocation of Permit: The Director may revoke the permit of any user which fails to factually report the wastewater constituents and characteristics of its discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring; or for violation of conditions of its permit, this ordinance, or applicable State and Federal regulations.

Subd. 3. Notification of Violation: Whenever the Director finds that any person has violated or is violating this ordinance, Industrial Discharge Permit, Phosphorus Management Plan or any prohibition, limitation or requirement contained herein, the Director may serve upon such person a written notice stating the nature of the violation. Within ten (10) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

Subd. 4. Show Cause Hearing:

- (a) Notice of Hearing. If the violation is not corrected by timely compliance, the Director may order any user which causes or allows an unauthorized discharge to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days before the hearing. Service may be made on any agent or officer of a corporation.
- (b) Hearing Officials: The City Council may itself conduct the hearing and take the evidence, or may designate any of its member, employees, or agents to:
 - (i.) Issue in the name of the City notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - (ii.) Take the evidence; and,

(iii.) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.

(c) Issuance of Orders: After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Subd. 5. Legal Action: If any person discharges wastewater, industrial wastes, or other wastes into the City's wastewater disposal system contrary to the provisions of this ordinance, Federal or State pretreatment requirements or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief.

Subd. 6. Enforcement Response Plan (ERP): The ERP describes violations and indicates a range of appropriate enforcement options. An enforcement action can be issued in no particular order for each violation to ensure compliance with city, state and federal regulations and the Pretreatment Program.

Section 305:85. Penalties.

Subd. 1. Administrative Fines: Notwithstanding any other section of this ordinance, any user who is found to have violated any provision of this ordinance, or permits and orders issued hereunder, shall be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Industrial Users desiring to dispute such fines must file a request with the City.

Subd. 2. Criminal Penalties: Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be furnished by a fine of not more than \$800, or by imprisonment for not to exceed 90 days, or both.

Subd. 3. Costs: In addition to the penalties provided herein, the City may recover court costs, court reporter's fees and other expenses of litigation by an appropriate action against the person found to have violated this ordinance or the orders, rules, regulations, and permits issued hereunder.

Subd. 4. Costs of Damage: Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage. The Director may add to the user's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violation or discharge. Any refusal to pay the

assessed costs shall constitute a violation of this ordinance.

Subd. 5. Falsifying Information: Any person who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or Industrial Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall upon conviction, be punished by a fine of not more than \$1000 or by imprisonment for not more than 90 days, or both.

Section 305:90. Publication of Significant Violations. Public notification will occur at least annually in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous twelve (12) months, were in significant violation of applicable Pretreatment Standards or Pretreatment Requirements. For the purpose of this provision, an Industrial User is in significant violation if its violations meet one or more of the following:

Subd. 1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including instantaneous limits.

Subd. 2. Technical review criteria (TRC) violations, defined here as those in which thirty- three percent (33%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the product of a numeric Pretreatment Standard or requirement, including instantaneous limits times the applicable TRC (TRC = 1.4 for CBOD, SS, fats, oil and grease and TRC = 1.2 for all other pollutants except pH);

Subd. 3. Any other violation of a pretreatment (daily maximum or longer term average, instantaneous limit or narrative standard) that the Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City employees or the general public);

Subd. 4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment and has resulted in the necessity for the City's to exercise its emergency authority under 40 CFR 403.8 (F)(1)(vii)(b) to halt or prevent such a discharge;

Subd. 5. Violation, by ninety (90) days or more after the schedule date, of a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;

Subd. 6. Failure to provide required reports such as baseline monitoring reports, self-monitoring reports, and reports on compliance with compliance schedules, within forty-five (45) days of the due date;

Subd. 7. Failure to accurately report noncompliance; or

Subd. 8. Any other violation or group of violations, which may include a violation of Best Management Practices which the Director determines will adversely affect the operation or implementation of the local Pretreatment Program.

SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective upon publication.

SECTION 4. SUMMARY PUBLICATION

At least four-fifths of the City Council's members direct the Administrator to publish only the title and summary of this Ordinance as follows:

“ORDINANCE AMENDING SECTION 305 TO ALLOW FOR CONNECTION TO REGIONAL WASTEWATER SYSTEM.

The ordinance sets forth requirements for connection to the St. Cloud Wastewater Treatment System.

ADOPTED this 4th day of June, 2024.

Jack M. Brosh, Mayor

ATTEST:

Sarah A. Brunn, City Administrator



ST. CLOUD PRETREATMENT PROGRAM ENFORCEMENT RESPONSE PLAN

St. Cloud Public Utilities Mission

To provide utility services to our customers in a safe and cost-effective manner, while providing excellent customer service and protecting the environment.

St. Cloud Pretreatment Program Vision / Mission

The Pretreatment Program will strive to prevent the introduction of substances which could interfere with or pass through the normal treatment process of the St. Cloud NEW Recovery Facility (NEWRF) including protection of equipment, microbiological health, and solids recycling.

The Pretreatment Program will work diligently to simplify complex regulations and communicate effectively with our customers to meet and exceed all regulatory requirements in the most cost-effective manner possible.

The Pretreatment program will foster an atmosphere of openness and trust so that customers are comfortable working with our expertise.

Contents

I. ADDITIONAL REFERENCES.....	2
II. INTRODUCTION	2
III. APPLICABLE ERP DEFINITIONS AND TIMELINES	2
A. Types of Violations	3
B. Informal Notice (IN)	3
C. Notice of Violation (NOV).....	3
D. Administrative Fines (AF)	3
E. Administrative Order (AO)	4
F. Additional Sampling (AS)	4
G. Compliance Schedule (CS)	4
H. Show Cause Hearing (SCH)	4
I. Revocation of Permit (RP).....	4
J. Termination of Service (TS)	5
K. Criminal Penalties (CP)	5
L. Significant Noncompliance (SNC)	5
IV. ENFORCEMENT RESPONSE GUIDE.....	6
A. Unauthorized Discharges	6
B. Prohibitive Discharges	7
C. Discharge Limit Violations	8
D. Failure to Monitor Violations	9
E. Reporting Violations	10
F. Other Permit Agreement Violations	12
V. CONCLUSION.....	14

I. ADDITIONAL REFERENCES

Section 360 – Wastewater Treatment System Use Code
Federal Pretreatment Regulations – 40 CFR 403
Minnesota Pretreatment Statutes – Minn. R. Ch. 7049

II. INTRODUCTION

This Enforcement Response Plan (ERP) is intended to be used as a guidance document by St. Cloud Public Utilities staff for enforcement procedures pertaining to the Industrial Pretreatment Program. This ERP is based on the enforcement provisions of the St. Cloud Wastewater Treatment Use Code, Section 360, of the City of St. Cloud Code of Ordinances. In the event of any conflict between this ERP and the ordinance, the ordinance shall govern.

The ERP is applicable to Users of the St. Cloud Wastewater Treatment System (SCWWTS) and St. Cloud Pretreatment Program including Significant Industrial Users (SIUs), Special Dischargers (SDs), and Liquid Waste Haulers (LWHs).

The main portion of the ERP is the Enforcement Response Guide. This Guide describes violations and indicates a range of appropriate enforcement actions. The Guide serves the following functions:

1. Defines the range of appropriate enforcement actions based on the nature and severity of the violation and other relevant factors.
2. Promotes clear, consistent, and timely use of enforcement actions. This consistency lessens the likelihood of a successful legal challenge based on allegations of "selective enforcement" or harassment.
3. Establishes an escalating enforcement response for violations in a stepped fashion, which provides for consistent and continuing enforcement procedures based on the noncompliance of pretreatment requirements.

An investigation of noncompliance will be initiated when there is a lack of information to make a sound judgement of a user's compliance status with the requirements set forth in the St. Cloud Wastewater Treatment Use Code, Pretreatment Program, Discharge Permit, or control document.

Failure, by a user, to comply with an order from the City will subject the user to escalating enforcement actions, which may include administrative fines, termination of services, and/or civil and criminal penalties.

Documentation of all enforcement actions will be maintained as a hard copy and/or electronically as required by Federal Pretreatment Regulations 40 CFR 403.12(o).

The outlying jurisdictions which receive wastewater conveyance and treatment services from the City of St. Cloud include St. Joseph, Sartell, Sauk Rapids, St. Augusta, Foley, and Waite Park. These cities are required to follow the St. Cloud Pretreatment Program Enforcement Response Plan or develop their own which is as stringent or more stringent than the City of St. Cloud's.

III. APPLICABLE ERP DEFINITIONS AND TIMELINES

Note: all time frames listed below may be extended as needed to complete investigation action in relation to possible violations.

A. Types of Violations

i. Discharge Limit Violation

Discharge limit violations are exceedances of Federal, State, and/or Local limits as defined in the User's Permit and are identified in an issued Informal Notice (IN) or Notice of Violation (NOV).

User data will be rounded to the same number of decimal places as the parameters listed in Local Limits, Subpart 360.50, of Section 360. Values ending in "0-4" will round down; values ending in "5-9" will round up.

• Chronic vs Acute Discharge Limit Violations

Discharge limit violations are either considered chronic or acute depending on Technical Review Criteria (TRC) limits (see Significant Non-Compliance (SNC) section below).

- Chronic discharge limit violations are exceedances of a daily maximum limit but remain below the TRC limit.
- Acute discharge limit violations are exceedances of TRC limits for a specified parameter. Acute violations are included in chronic violation totals for SNC calculations.

ii. Permit Agreement Violation

Permit agreement violations are actions or inaction of a User that directly defy the standards and requirements of Federal, State, and/or Local Pretreatment regulations (40 CFR 403, Minn. R. Ch. 7049, and/or User Permits). Permit agreement violations are identified in issued INs or NOVs.

B. Informal Notice (IN)

A telephone call (documented), letter, email, site visit, or informal meeting notifying a User of a problem or noncompliance. This notice will be implemented by the Public Utilities Director or designee.

An IN is usually an immediate notice but may take up to 48 hours depending on the violation, its severity, and/or any investigative work associated with the violation.

C. Notice of Violation (NOV)

An official written notice stating a violation has occurred. The NOV will include: the type and severity of the violation, the permit or ordinance section violated, the date or period the violation occurred and any subsequent corrective action that is required. This notice will be implemented by the Public Utilities Director or designee.

The NOV may require, to be returned within 10 days of issuance, a response from the User explaining why the violation occurred and what steps they have taken / plan to take to correct the violation. The NOV may also indicate if the User is in Significant Noncompliance. An invoice for fees may accompany the NOV.

A NOV will be issued within 15 working days after a determination has been made that a violation has occurred. Upon notification the User has 10 days to respond to or contest the issued NOV.

D. Administrative Fines (AF)

Fines or penalties assessed to Users for permit violations and/or City Wastewater Treatment Use Code Ordinance violations which shall not exceed \$1,000 per violation. Each day on which noncompliance occurs or continues, is considered a separate distinct violation. This enforcement response will be implemented by the Public Utilities Director or designee, and/or the Mayor to recover losses and correct violations of noncompliance.

Upon determination and/or reconsideration requests by the User of the fine, the City of St. Cloud will, within 60 days, assess the fine(s) necessary to bring the User into compliance with Federal, State, and Local (City Ordinance and User Permit) Pretreatment regulations and standards.

E. Administrative Order (AO)

A written order requiring the User to take a specific action or cease a specific action. This order will always contain corrective measures and a deadline for compliance which may include a compliance schedule. An AO for corrective action is often documented within an IN or NOV. This enforcement will be implemented by the Public Utilities Director or designee.

F. Additional Sampling (AS)

Additional sampling shall be required, with subsequent reporting, in order to return to compliance after a discharge limit violation and to prove continued compliance with the St. Cloud Pretreatment Program. An AO for AS is often documented within an IN or NOV.

The User is responsible for all associated costs and requirements in organizing the sampling events. It is the responsibility of the User to complete representative sampling as specified in the User's Permit, this Enforcement Response Plan, any issued Notice of Violation or Administrative Order, and 40 CFR Part 136.

G. Compliance Schedule (CS)

The User may be placed on a Compliance Schedule with specific sampling and reporting requirements for parameters of concern if non-compliance is ongoing. CS may contain milestones with interim deadlines to show and track progress towards returning to compliance.

Upon determination that noncompliance is ongoing, the User may be placed on a CS within 14 days. Final Return to Compliance (RTC) should be achieved within 365 days of CS issuance.

H. Show Cause Hearing (SCH)

An order issued to a User which caused or allowed an unauthorized discharge or other form of noncompliance to show cause before the City Council. A SCH may be initiated at any time, for any violation if specified corrective actions have not been completed by a User in a timely manner. This enforcement response is implemented by the Public Utilities Director and/or City Attorney.

Upon determination that a SCH is necessary, the order to appear will be issued within 30 days. The notice of the hearing shall be served by registered or certified mail at least 14 days before the hearing specifying the time and place of a hearing to be held by the City Council regarding the violation, the reason(s) why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City Council why the proposed enforcement action should not be taken.

I. Revocation of Permit (RP)

The termination of an existing User Permit due to the failure to factually report the wastewater constituents and characteristics of its discharge; or significant changes in the wastestream; or refuses reasonable access for inspection and monitoring; or for violation of the Permit or City, State and Federal regulations. This enforcement action can be implemented by the Public Utilities Director or City Council.

A RP may be issued immediately but no more than 15 days upon determination that above conditions have occurred.

Permits may be reinstated upon demonstration of ability to correct applicable violation(s) and comply with of Federal, State, and Local Pretreatment standards and regulations.

J. Termination of Service (TS)

Termination of Services is the disconnection of sewer and/or water services and is determined by the severity of conditions which may warrant more immediate action. TS shall be ordered by the City Council or Public Utilities Director and shall not be reconnected without prior written approval from the Public Utilities Director.

In the case of imminent danger to the St. Cloud NEWRF public health by a User's discharge and failure of the User to comply voluntarily, immediate severance of the sewer service will be enforced. Otherwise, TS will occur within 7 days once all other enforcement options are exhausted.

K. Criminal Penalties (CP)

Any violation of the ordinance by a User may result in criminal penalties, up to a misdemeanor. Upon conviction, the User may be fined not more than \$800 or by imprisonment not to exceed 90 days or both. This action will be initiated by the City Attorney's Office.

Any person who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to the ordinance, or Industrial Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under the ordinance, shall upon conviction, be punished by a fine of not more than \$1000 or by imprisonment for not more than 90 days, or both.

Criminal proceedings will be initiated within 90 days upon determination that the Ordinance has been violated, including falsification of records, and that CP are appropriate for the violation or noncompliance.

L. Significant Noncompliance (SNC)

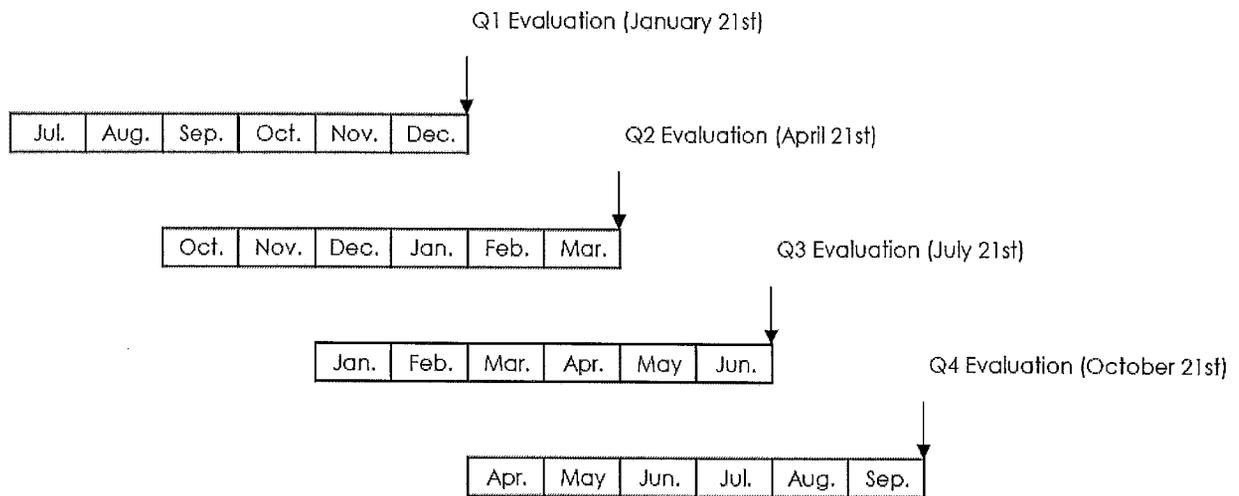
An industrial user is in significant noncompliance if its violation meets one or more of the following criteria (see section V. for additional information):

- Chronic violation: sixty-six percent or more of all the measurements taken during a defined six-month period (see below for defined period) exceed the daily maximum limit or the average limit for the same pollutant parameter. All results that are representative of the discharge from the facility to the wastewater conveyance system shall count towards the calculation of acceptable versus violation, including additional sampling that has been required for Compliance or as part of a Compliance Schedule.
- Technical Review Criteria (TRC) violation: thirty-three percent or more of all the measurements for each pollutant parameter taken during a defined six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
- Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public).
- Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(b) of 40 CFR 403.8 to halt or prevent such a discharge.

- Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- Failure to accurately report noncompliance.
- Any other violation that the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

All Users that fall into Significant Noncompliance will be published in the paper of record (currently the St. Cloud Times), once annually, as per Federal Regulation 40 CFR 403.8(f)(2)(vii).

Defined Six Month Periods for Evaluation of Significant Noncompliance



IV. ENFORCEMENT RESPONSE GUIDE

The following sections detail violations and actions that may be taken. The City has the authority to take alternative actions as needed for special circumstances.

Note: actions prefaced by a bullet point (•) may be included in the numbered action listed above.

A. Unauthorized Discharges

Noncompliance	Nature of Violation	Enforcement Response
i. Discharge from Nonpermitted User	User unaware of permitting requirement; no harm to NEWRF or environment	1. IN
	User unaware of permitting requirement; harm to NEWRF or environment	1. NOV <ul style="list-style-type: none"> • AO • AS • AF

Noncompliance	Nature of Violation	Enforcement Response
i. Discharge from Nonpermitted User Continued	Failure to comply after NEWRF notice	1. NOV <ul style="list-style-type: none"> • AO • AS • AF 2. SCH 3. TS 4. CP
ii. Nonpermitted Source Discharge from Permitted User	User unaware of requirement; no harm to NEWRF or environment	1. IN
	User unaware of requirement; harm to NEWRF or environment	1. NOV <ul style="list-style-type: none"> • AO • AS • AF
	Failure to comply after NEWRF notice	1. RP <ul style="list-style-type: none"> • AO • AF 2. SCH 3. TS 4. CP
iii. Permitted Source Discharge; Failure to Renew Permit	User has not submitted renewal application by due date	1. IN
	Failure to submit renewal application after NEWRF notice	1. NOV <ul style="list-style-type: none"> • AO • AF 2. RP 3. SCH
B. Prohibitive Discharges		
i. Discharge of 360:45 Prohibited Material/Substances	No harm to WWTS, NEWRF, or environment: isolated	1. IN <ul style="list-style-type: none"> • AO • AF

Noncompliance	Nature of Violation	Enforcement Response
i. Discharge of 360:45 Prohibited Material/Substances Continued	No harm to WWTS, NEWRF, or environment: reoccurring	1. NOV <ul style="list-style-type: none"> • AO • AS • AF 2. RP 3. SCH
	Discharge causes harm to WWTS, NEWRF, or environment: with or without evidence of intent or neglect	1. NOV <ul style="list-style-type: none"> • AO • AS • AF 2. RP 3. SCH 4. TS 5. CP

C. Discharge Limit Violations

i. Exceedance of Local, State, or Federal Standard includes Permit Limit (360:50) and/or BMP

Non-metal parameter or BMP exceedance, chronic: isolated	1. IN <ul style="list-style-type: none"> • AO • AS
Metal parameter, chronic: isolated	1. NOV <ul style="list-style-type: none"> • AO • AS • AF
Any parameter, acute: isolated	1. NOV <ul style="list-style-type: none"> • AO • AS • AF
Any parameter, harm to WWTS, NEWRF, or environment: isolated	1. NOV <ul style="list-style-type: none"> • AO • AS • AF 2. SCH 3. CP

Noncompliance	Nature of Violation	Enforcement Response		
i. Exceedance of Local, State, or Federal Standard Continued includes Permit Limit (360:50) and/or BMP	No harm to WWTS, NEWRF, or environment: reoccurring	1. NOV <ul style="list-style-type: none"> • AO • AS • AF 2. CS 3. RP 4. SCH		
	Harm to WWTS, NEWRF, or environment: reoccurring	1. NOV <ul style="list-style-type: none"> • AO • AS • AF 2. CS 3. SCH 4. TS 5. CP		
D. Failure to Monitor Violations	i. Installation of Monitoring Equipment	Delay of less than 30 days	1. IN <ul style="list-style-type: none"> • AO 	
		Delay of 30 days or more	1. NOV <ul style="list-style-type: none"> • AO • AF 	
Refusal to install	1. RP 2. SCH 3. TS 4. CP	ii. Required Parameter(s) Missed	Failure to monitor required pollutant(s): unintentional	1. IN
			Failure to monitor required pollutant(s): reoccurring, intentional, or intent to do harm	1. NOV <ul style="list-style-type: none"> • AO • AS • AF 2. RP 3. SCH 4. CP

Noncompliance	Nature of Violation	Enforcement Response
ii. Required Parameter(s) Missed Continued	Failure to complete a permit required sampling event: isolated, unintentional	1. NOV <ul style="list-style-type: none"> • AO • AS • AF
	Failure to complete a permit required sampling event: reoccurring or intentional	1. NOV <ul style="list-style-type: none"> • AO • AS • AF 2. RP 3. SCH 4. CP
iii. Improper Sampling and Handling	Sampling at a non-permit specified location(s)	1. IN
	Use of incorrect sampling technique(s)	1. IN
	Use of an uncertified laboratory or unapproved methods	1. IN
	Sampling during non-routine operations or during shut down of process(es)	1. IN
	Reoccurring sampling and handling violations	1. NOV <ul style="list-style-type: none"> • AO • AS • AF 2. RP 3. SCH
E. Reporting Violations		
i. Reporting Violations	Report is improperly signed, late, or inaccurate: isolated, unintentional	1. IN
	Report not submitted after NEWRF notification	1. NOV <ul style="list-style-type: none"> • AO • AF 2. SCH

Noncompliance	Nature of Violation	Enforcement Response
i. Reporting Violations Continued	Report is improperly signed, late, or inaccurate: reoccurring, apparent intent, possible falsification	<ol style="list-style-type: none"> 1. NOV <ul style="list-style-type: none"> • AO • AF 2. RP 3. SCH 4. TS 5. CP
	Failure to report spill(s) or change in discharge quality or quantity: no harm to WWTS, NEWRF, or environment	<ol style="list-style-type: none"> 1. IN
	Failure to report spill(s) or change in discharge quality or quantity: harm to WWTS, NEWRF, or environment	<ol style="list-style-type: none"> 1. NOV <ul style="list-style-type: none"> • AO • AF 2. RP 3. SCH 4. TS 5. CP
	Reoccurring failure to report spill(s) or violations.	<ol style="list-style-type: none"> 1. NOV <ul style="list-style-type: none"> • AO • AF 2. SCH 3. TS 4. CP
	Falsification	<ol style="list-style-type: none"> 1. SCH 2. RP 3. CP
ii. Reporting Additional Monitoring	First offense: unintentional	<ol style="list-style-type: none"> 1. IN
	Reoccurring or evidence of intent to conceal or cause harm	<ol style="list-style-type: none"> 1. NOV <ul style="list-style-type: none"> • AO • AF 2. SCH 3. RP 4. CP

Noncompliance	Nature of Violation	Enforcement Response
iii. Compliance Schedule Violation(s)	Milestone missed by less than 30 days: no effect final compliance date	1. IN
	Milestone missed by more than 30 days	1. NOV <ul style="list-style-type: none"> • AO • AF
	Missed final compliance deadline, has been over 365 days since initial compliance schedule issuance	1. AF 2. RP 3. SCH 4. TS 5. CP

F. Other Permit Agreement Violations

i. Waste Stream Diluted In lieu of Treatment

Initial violation	1. IN
Reoccurring	1. NOV <ul style="list-style-type: none"> • AO • AS • AF 2. RP 3. SCH 4. TS

ii. Failure to Mitigate Spill or Accidental Discharge(s)

Results in no harm: isolated, unintentional	1. IN
Results in no harm: reoccurring, intent, or neglect	1. NOV <ul style="list-style-type: none"> • AO • AS • AF
Discharge causes harm to WWTS, NEWRF, or environment; without or without evidence of intent or neglect	1. NOV <ul style="list-style-type: none"> • AO • AS • AF 2. RP 3. SCH 4. TS 5. CP

Noncompliance	Nature of Violation	Enforcement Response
iii. Failure to Complete Required Corrective Actions (RCAs)	RCA deadline missed by less than 30 days	1. IN • AO
	RCA deadline missed by more than 30 days	1. NOV • AO • AF
	Refusal to complete RCA(s)	1. RP 2. SCH 3. TS 4. CP
iv. Nonpayment of Fees	Payment missed by 30 days or less	1. IN
	Payment missed by more than 30 days, but less than 90 days	1. NOV • AO • AF
	Payment missed by more than 90 days	1. RP 2. SCH
v. Access or Entry Denied	Entry to facility or copies of records denied, upon presentation of applicable regulations requiring access	1. IN 2. NOV • AO • AF 3. Obtain Warrant
vi. Inadequate Record Keeping	Documentation incomplete or missing: unintentional	1. IN
	Reoccurring or intent to conceal or cause harm	1. NOV • AO • AF 2. RP 3. SCH 4. TS 5. CP

Noncompliance	Nature of Violation	Enforcement Response
vii. Failure to Operate and/or Maintain Equipment and Pretreatment BMPs	Results in no harm: isolated, unintentional	1. IN
	Results in no harm: reoccurring, intent, or neglect	1. NOV • AO • AS • AF
	Discharge causes harm to WWTS, NEWRF, or environment; without or without evidence of intent or neglect	1. NOV • AO • AS • AF 2. RP 3. SCH 4. TS 5. CP

V. CONCLUSION

The guidelines provided are intended as a tool to be used by the Pretreatment staff as a stepped enforcement response in situations where enforcement action may be necessary.

The City has the authority to revise this enforcement guideline at any time. The City also has the authority to take enforcement responses other than as indicated in this guidance plan where special circumstances justify a special response.

Violations which threaten health, property, or environmental quality are considered emergencies and may receive more immediate responses, such as halting the discharge or terminating service.

The City has the right to charge and assess sewer users for all costs to the City for damages from any discharge or other action in violation of the City ordinance or in violation of a discharge permit issued by the City, including reasonable attorney's fees. Administrative fines or other enforcement actions are not considered to be payment of these costs.



City of Foley

251 4th Avenue North • P.O. Box 709
Foley, Minnesota 56329
(320) 968-7260 • Fax (320) 968-6325
www.ci.foley.mn.us • email: contactus@ci.foley.mn.us

May 22, 2024

Re: Liquor Compliance Violation

Dear Liquor Licensee (Mr. Jim's):

Per Section 425 of the City of Foley Liquor Code an application for renewal is required to be filed with the City at least 45 days before the license is to be renewed. The City has not received your application and therefore you are in violation of city code and state statute, M.S. Ch. 340A.

All violations of Section 425 are subject to hearing at the City Council level. Section 425:29 also sets the following fine schedule:

- First violation within any three-year period: \$500
- Second violation within any three-year period: \$1,000
- Third and subsequent violations within any three-year period: \$2,000

A hearing is scheduled to address this matter at the council meeting on June 4, 2024. The meeting starts at 5:30pm. Any person who wishes to speak at this hearing regarding the violation will be heard at this meeting. Following the hearing the council will discuss any applicable fines.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Sarah A. Brunn
City of Foley
251 4th Ave N, P.O. Box 709, Foley, MN 56329
320-968-7260



City of Foley

251 4th Avenue North • P.O. Box 709

Foley, Minnesota 56329

(320) 968-7260 • Fax (320) 968-6325

www.ci.foley.mn.us • email: contactus@ci.foley.mn.us

May 22, 2024

Re: Liquor Compliance Violation

Dear Liquor Licensee (Stone Creek):

Per Section 425 of the City of Foley Liquor Code an application for renewal is required to be filed with the City at least 45 days before the license is to be renewed. The City has not received your application and therefore you are in violation of city code and state statute, M.S. Ch. 340A.

All violations of Section 425 are subject to hearing at the City Council level. Section 425:29 also sets the following fine schedule:

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If you have any questions, please do not hesitate to contact me.

Sincerely,

Sarah A. Brunn
City of Foley
251 4th Ave N, P.O. Box 709, Foley, MN 56329
320-968-7260

CHAPTER IV

LIQUORS AND BEVERAGES

Section 400:00 – 400:10: Municipal Liquor Store. Repealed.

Section 405:01 – 405:62: Licensing and Regulating the Sale and Consumption of Beer and Non-Intoxicating Liquor and Providing a Penalty for Violations. Deleted.

Section 410:00 – 410:15: Club Liquor Licenses. Deleted.

Section 415:00 – 415:50: Licensing and Regulating the Sale and Consumption of Wine and Providing a Penalty for Violation. Deleted.

Section 420:01 – 420:12: Licensing and Regulating the Sale and Consumption of Intoxicating Liquor and Providing a Penalty for Violations. Deleted.

Section 425: Possession, Sale and Consumption of Intoxicating and 3.2 Percent Malt Liquor

Section 425:01. Adoption of State Law by Reference. The provisions of M.S. Ch. 340A, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2 percent malt liquor are hereby adopted by reference and are made a part of this Chapter as if set out in full. It is the intention of the City Council that all future amendments to M.S. Ch. 340A are hereby adopted by reference or referenced as if they had been in existence at the time this Chapter is adopted.

Section 425:02. City May Be More Restrictive Than State Law. The Council is authorized by the provisions of M.S. § 340A.509, as it may be amended from time to time, to impose, and has imposed in this chapter, additional restrictions on the sale and possession of alcoholic beverages within its limits beyond those contained in M.S. Ch. 340A, as it may be amended from time to time.

Section 425:03. Definitions. In addition to the definitions contained in M.S. § 340A.101, as it may be amended from time to time, the following terms are defined for purposes of this chapter:

Liquor. As used in this chapter, without modification by the words “an intoxicating” or “a 3.2 percent malt,” includes both intoxicating liquor and 3.2 percent malt liquor.

Non-Enclosed Premise. An area not wholly within a completely enclosed building that is contiguous to the completely enclosed premises to which an on-sale license has been issued.

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

Section 425:04. Nudity on the Premises of Licensed Establishments Prohibited.

(A) The City Council finds that it is in the best interests of the public health, safety, and general welfare of the people of the city that nudity is prohibited as provided in this section on the premises of any establishment licensed under this chapter. This is to protect and assist the owners, operators, and employees of the establishment, as well as patrons and the public in general, from harm stemming from the physical immediacy and combination of alcohol, nudity, and sex. The Council especially intends to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various criminal conduct, including prostitution, sexual assault, and disorderly conduct. The Council also finds that the prohibition of nudity on the premises of any establishment licensed under this chapter, as set forth in this section, reflects the prevailing community standards of the city.

(B) 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.

(C) 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 any other license issued under this ordinance or the imposition of a civil penalty under the provisions of Section 425:29(B).

Section 425:05. Reserved for Future Use.

Section 425:06. Number of Licenses Which May Be Issued. The Council hereby establishes the number of liquor licenses which may be granted under this chapter as the maximum allowed by law. These include those licenses authorized by M.S. Ch. 340A, as it may be amended from time to time; by a referendum held under the provisions of M.S. § 340A.413, Subd. 3, as it may be amended from time to time; or by other special legislation. The Council is not required to issue the full number of licenses that it has available.

Section 425:07. Term and Expiration of Licenses. Each license shall be issued for a maximum period of one year. All licenses, except temporary licenses, shall expire on June 30 of each year unless another date is provided by ordinance. All licenses shall expire on the same date. Temporary licenses expire according to their terms. Consumption and display permits issued by the Commissioner of Public Safety, and the accompanying City consent to the permit, shall expire on June 30 of each year.

Section 425:08. Kinds of Liquor Licenses. The Council is authorized to issue the following licenses and permits, up to the number specified in Section 425:06.

(A) 3.2 percent malt liquor on-sale licenses, which may be issued only to golf courses, restaurants, hotels, clubs, bowling centers, and establishments used exclusively for the sale of 3.2 percent malt liquor with the incidental sale of tobacco and soft drinks.

(B) 3.2 percent malt liquor off-sale license.

(C) Temporary 3.2 percent malt liquor licenses which may be issued only to a club, charitable, religious, or nonprofit organization.

(D) Off-sale intoxicating liquor licenses, which may be issued only to exclusive liquor stores. The fee for an off-sale intoxicating liquor license established by the Council under Section 425:09 shall not exceed \$100 or a greater amount which may be permitted by M.S. § 340A.408, Subd. 3, as it may be amended from time to time.

(E) On-sale intoxicating liquor licenses, which may be issued to the following establishments as defined by M.S. § 340A.101, as it may be amended from time to time, and this chapter: hotels, restaurants, bowling centers, theaters, clubs or congressionally chartered veterans organizations, theaters and exclusive liquor stores. Club licenses may be issued only with the approval of the Commissioner of Public Safety. The fee for club licenses established by the Council under Section 425:09 of this ordinance shall not exceed the amounts provided for in M.S. § 340A.408, Subd. 2b, as it may be amended from time to time. The Council may in its sound discretion authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises at a community festival

held within the City under the provisions of M.S. § 340A.404, Subd. 4b, as it may be amended from time to time. The Council may in its sound discretion authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises at any convention, banquet, conference, meeting, or social affair conducted on the premises of a sports, convention, or cultural facility owned by the City, under the provisions of M.S. § 340A.404, Subd. 4a, as it may be amended from time to time; however, the licensee is prohibited from dispensing intoxicating liquor to any person attending or participating in an amateur athletic event being held on the premises.

(F) Sunday on-sale intoxicating liquor licenses, as provided by M.S. § 340A.504, Subd. 3, as it may be amended from time to time. Sunday on-sale intoxicating liquor licenses may be issued only to a restaurant as defined in Section 425:03 of this ordinance, club, bowling center, or hotel which has a seating capacity of at least 30 persons, which holds an on-sale intoxicating liquor license, and which serves liquor only in conjunction with the service of food. The maximum fee for this license, which shall be established by the Council under the provisions of Section 425:09 of this ordinance, shall not exceed \$200, or the maximum amount provided by M.S. § 340A.504, Subd. 3b, as it may be amended from time to time.

(G) Combination on-sale/off-sale intoxicating liquor licenses.

(H) Temporary on-sale intoxicating liquor licenses, with the approval of the Commissioner of Public Safety, which may be issued only in connection with a social event sponsored by a club, charitable, religious, or other nonprofit corporation that has existed for at least three years. No license shall be for longer than four consecutive days, and the City shall issue no more than 12 days worth of temporary licenses to any one organization in one calendar year.

(I) On-sale wine licenses, with the approval of the Commissioner of Public Safety to: restaurants that have facilities for seating at least 25 guests at one time and meet the criteria of M.S. § 340A.404, Subd. 5, as it may be amended from time to time, and which meet the definition of restaurant in Section 425:03; to licensed bed and breakfast facilities which meet the criteria in M.S. § 340A.401, Subd. 1, as it may be amended from time to time, and to theaters that meet the criteria of M.S. § 340A.404, Subd. 1(b), as it may be amended from time to time, the fee for an on-sale wine license established by the Council under the provisions of Section 425:09 of this ordinance, shall not exceed one-half of the license fee charged for an on-sale intoxicating liquor license. The holder of an on-sale wine license who also holds an on-sale 3.2 percent malt liquor license is authorized to sell malt liquor with a content over 3.2 percent (strong beer) without an additional license.

(J) One day consumption and display permits with the approval of the Commissioner of Public Safety to a nonprofit organization in conjunction with a social activity in the City sponsored by the organization.

(K) Approval of the issuance of a consumption and display permit by the Commissioner of Public Safety. The maximum amount of the additional fee which may be imposed by the Council on a person who has been issued a consumption and display permit under the provisions of Section 425:09 of this ordinance shall not exceed \$300, or the maximum amount permitted by M.S. § 340A.14, Subd. 6, as it may be amended from time to time. Consumption and display permits shall expire on March 31 of each year.

(L) Culinary class limited on-sale licenses may be issued to a business establishment not otherwise eligible for an on-sale intoxicating liquor license that, as part of its business, conducts culinary or cooking classes for which payment is made by each participant or advance reservation required. The license authorizes the licensee to furnish to each participant in each class, at no additional cost to the participant, up to a maximum of six ounces of wine or 12 ounces of intoxicating malt liquor, during and as part of the class, for consumption on the licensed premises only.

(M) Temporary off-sale wine licenses, with the approval of the Commission of Public Safety, may be issued for the off-sale of wine at an auction. A license issued under this subdivision authorizes the sale of only vintage wine of a brand and vintage that is not commonly being offered for sale by any wholesaler in Minnesota. The license may authorize the off-sale of wine for not more than three consecutive days provided not more than 600 cases of wine are sold at any auction. The licenses are subject to the terms, including license fee, imposed by Section 425:09.

(N) Brew pub on-sale intoxicating liquor or on-sale 3.2 percent malt liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to brewers who operate a restaurant in their place of manufacture and who meet the criteria established at M.S. §340A.301 Subd. 6(d) and 7(b), as it may be amended from time to time. Sales under this license at on-sale may not exceed 3,500 barrels per year. If a brew pub licensed under this section possesses a license for off-sale under Section 425:08 (M) below, the brew pub's total combined retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 500 barrels.

(O) Brewer off-sale intoxicating liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to a brewer that is a licensee under Section 425:08 (N) above or that produces fewer than 3,500 barrels of malt liquor in a year and otherwise meets the criteria established at M.S. § 340A.301 Subd. 6(d) and 7(b), as it may be amended from time to time. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the City. Malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. All malt liquor sold under this license shall be packaged in the manner required by M.S. § 340A.301 Subd. 7, as it may be amended from time to time. Sales under this license may not exceed 500 barrels per year. If a brewer licensed under this section possesses a license under Section 425:08 (N) above, the brewer's total retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 500 barrels.

(P) Brewer temporary on-sale intoxicating liquor licenses may be issued, with the approval of the Commissioner of Public Safety, to brewers who manufacture fewer than 3,500 barrels of malt liquor in a year for the on-sale of intoxicating liquor in connection with a social event within the municipality sponsored by the brewer.

(Q) Non-enclosed premises on-sale intoxicating liquor license may be issued to any licensee to which an on-sale license has been issued under the provisions of Sections A, C, E, F, G, H, I, J, K, L, N, and P of this Ordinance, to include a compact, non-enclosed area contiguous to the completely enclosed licensed premises.

(1) Each initial application must be accompanied by an investigation and review fee, which fee is non-refundable and in addition to any other investigation fee required. An application for the same area in a succeeding year does not require an additional review and investigation fee. A license fee, as established by the Council pursuant to Section 425:09, is required with the initial application and each subsequent application.

(2) A non-enclosed premises on-sale intoxicating liquor license shall expire concurrently with the underlying on-sale license. A non-enclosed premises license shall be revoked or suspended if the underlying on-sale license is revoked or suspended.

(3) Any violations of the provisions of this ordinance regulating non-enclosed premise intoxicating liquor licenses, or of the State law regulating the sales of liquors which occur in the licensed area, shall be considered as violations of the principal on-sale license for the premises.

(4) Any licensing of unenclosed premises must be deemed experimental and as such, no expectation must be had by the licensee that the licensing of the non-enclosed premises will be renewed even though no misconduct occurred on the non-enclosed premises in the event the City Council determines to repeal the general authorization for non-enclosed areas to be included in the licensed premises of establishments.

(R) Temporary non-enclosed premises on-sale intoxicating liquor license may be issued to any licensee to which an on-sale license has been issued under the provisions of Sections A, C, E, F, G, H, I, J, K, L, N, and P of this Ordinance, to include a compact, non-enclosed area contiguous to the completely enclosed licensed premises. This non-enclosed premise may include driveways, sidewalks or other similar areas. A temporary non-enclosed premises on-sale intoxicating liquor license may only be issued for a period of up to four (4) days. Each licensee may only receive three (3) temporary non-enclosed premises on-sale intoxicating liquor licenses each year.

(S) A Community Festival Event license may be issued to the holder of a retail on-sale intoxicating liquor license to dispense intoxicating liquor off premises at a community festival held within the city. The license shall specify the area in which the intoxicating liquor must be dispensed and consumed, and shall not be issued unless the licensee demonstrates that it has liability insurance as prescribed by M.S. § 340A.409 to cover the event.

Section 425:09. License Fees, Pro Rata.

(A) No license or other fee established by the City shall exceed any limit established by M.S. Ch. 340A, as it may be amended from time to time, for a liquor license.

(B) The Council may establish from time to time, by resolution or ordinance, the fee for any of the liquor licenses it is authorized to issue. The license fee may not exceed the cost of issuing the license and other costs directly related to the enforcement of the liquor laws and this chapter. No liquor license fee shall be increased without providing mailed notice of a hearing on the proposed increase to all affected licensees at least 30 days before the hearing.

(C) The fee for all licenses, except temporary licenses, granted after the commencement of the license year shall be prorated on a quarterly basis.

(D) All license fees shall be paid in full at the time the application is filed with the City. If the application is denied, the license fee shall be returned to the applicant.

(E) A refund of a pro rata share of an annual license fee may occur only if authorized by M.S. § 340A.408, Subd. 5, as it may be amended from time to time.

Section 425:10. Council Discretion to Grant or Deny a License. The Council in its sound discretion may either grant or deny the application for any license or for the transfer or renewal of any license. No applicant has a right to a license under this chapter.

Section 425:11. Application for License.

(A) Form. Every application for a license issued under this chapter shall be on a form provided by the City. The form shall be verified and filed with the City. No person shall make a false statement in an application. Every application shall:

- (1) State the name of the applicant, the applicant's age;
- (2) Make representations as to the applicant's character, with references as the Council may require;
- (3) State the type of license applied for;

- (4) State the business in connection with which the proposed license will operate and its location;
- (5) Provide a description of the premises. Each application that includes a non-enclosed premise shall contain a description of the non-enclosed premise that is proposed to be licensed and shall be accompanied by a drawing of the proposed area to be licensed. Such application shall also include a detailed scale description of the barriers that will be used, method of seating, ingress and egress arrangements, security provisions, sanitary and fire arrangements, and lighting. The drawings required hereunder must include the dimensions of the area, barriers, tables, aisles, and equipment, and must be drawn proportionately to scale.
- (6) State whether the applicant is owner and operator of the business, how long the applicant has been in that business at that place; and
- (7) Provide other information as the Council may require from time to time. An application for an on-sale intoxicating liquor license shall be in the form prescribed by the Commissioner of Public Safety and shall also contain the information required in this section.

(B) Financial responsibility. Prior to the issuance of any license under this chapter, the applicant shall demonstrate proof of financial responsibility as defined in M.S. § 340A.409, as it may be amended from time to time, with regard to liability under M.S. § 340A.801, as it may be amended from time to time. This proof will be filed with the City and the Commissioner of Public Safety. Any liability insurance policy filed as proof of financial responsibility under this section shall conform to M.S. § 340A.409, as it may be amended from time to time. Operation of a business which is required to be licensed by this chapter without having on file with the City at all times effective proof of financial responsibility is a cause for revocation of the license.

Section 425:12. Description of Premises. The application shall specifically describe the compact and contiguous premises within which liquor may be dispensed and consumed. The description may not include any parking lot or sidewalk, except under a temporary non-enclosed on-sale intoxicating liquor license. In the case of a restaurant, club, or exclusive liquor store licensed for on-sales of alcoholic beverages and located on a golf course, premises may be described as provided in M.S. § 340A.101, Subd. 15, as it may be amended from time to time.

Section 425:13. Applications for Renewal. At least 45 days before a license issued under this chapter is to be renewed, an application for renewal shall be filed with the City. The decision whether or not to renew a license rests within the sound discretion of the Council. No licensee has a right to have the license renewed.

Section 425:14. Transfer of License. No license issued under this chapter may be transferred without the approval of the Council. Any transfer of more than ten percent of the stock of a corporate licensee is deemed to be a transfer of the license, and a transfer of stock without prior Council approval is grounds for revocation of the license. An application to transfer a license shall be treated the same as an application for a new license, and all of the provisions of this code applying to applications for a license shall apply.

Section 425:15. Investigation.

(A) Preliminary background and financial investigation. On an initial application for a license, on an application for transfer of a license and, in the sound discretion of the Council that it is in the public interest to do so, on an application for renewal of a license, the City shall conduct a preliminary background and financial investigation of the applicant or it may contract with the Commissioner of Public Safety for the investigation. The applicant shall pay with the application an investigation fee of \$500 which shall be in addition to any license fee. If the cost of the preliminary investigation is less than \$500, the unused balance shall be returned to the applicant. The results of the preliminary investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor license or an on-sale wine license.

(B) Comprehensive background and financial investigation. If the results of a preliminary investigation warrant, in the sound discretion of the Council, a comprehensive background and financial investigation, the Council may either conduct the investigation itself or contract with the Commissioner of Public Safety for the investigation. The investigation fee for this comprehensive background and financial investigation to be paid by the applicant shall be \$500, less any amount paid for the initial investigation if the investigation is to be conducted within the state, and \$10,000, less any amount paid for the initial investigation, if the investigation is required outside the state. The unused balance of the fee shall be returned to the applicant whether or not the application is denied. The fee shall be paid in advance of any investigation and the amount actually expended on the investigation shall not be refundable in the event the application is denied. The results of the comprehensive investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor license or an on-sale wine license.

Section 425:16. Hearing and Issuance. The Council shall investigate all facts set out in the application and not investigated in the preliminary or comprehensive background and financial investigations. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the Council shall in its sound discretion grant or deny the application. No license shall become effective until the proof of financial security has been approved by the Commissioner of Public Safety.

Section 425:17. Restrictions on Issuance.

- (A) Each license shall be issued only to the applicant for the premises described in the application.
- (B) Not more than one off-sale license shall be directly or indirectly issued within the City to any one person.
- (C) No license shall be granted or renewed for operation on any premises on which taxes, assessments, utility charges, service charges, or other financial claims of the City are delinquent and unpaid.
- (D) No license shall be issued for any place or any business ineligible for a license under state law.
- (E) No license shall be granted within 500 feet of any school or church. The distance is to be measured from the closest side of the church to the closest side of the structure or boundary on the premises within which liquor is to be sold. Existing licenses in conflict with this paragraph may be renewed. This paragraph may be waived by the Council for temporary licenses issued pursuant to Section 425:08(C), (H), (M), or (P).

Section 425:18. Conditions of License. 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.

- (A) 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 chapter and the law equally with the employee.
- (B) 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.
- (C) No on-sale establishment shall display liquor to the public during hours when the sale of liquor is prohibited.
- (D) Compliance with financial responsibility requirements of state law and of this chapter is a continuing condition of any license.

(E) The primary access and egress from a non-enclosed premise shall be from the main enclosed premise or structure and no other access or egress shall be allowed other than those required as emergency exits. The non-enclosed premise must be defined or structurally constructed so as to inhibit the free passage of any person or substance from the non-enclosed premise. The non-enclosed premise and surroundings shall be so landscaped or designed as to segregate the enclosure from the outside.

(F) A staff person shall be assigned, at all times of operation, the responsibilities of supervision of the activities within the non-enclosed licensed area.

(G) Any license for the inclusion of non-enclosed premises in the licensed premises will be granted upon such terms and conditions as the Council may specify in granting such application relating to the limits of such use including provisions relating to:

- (1) Barriers to be maintained delineating the unenclosed area such as requiring planters, walls or fences;
- (2) Minimum lighting requirements;
- (3) Type of chairs and/or tables used and/or their anchoring;
- (4) Personnel required to supervise the unenclosed area;
- (5) Items required by applicable fire, health, building and life safety codes;
- (6) Maximum number of persons who may be present at any one time;
- (7) Means and methods used to restrict consumption to licensed area and prevent removal or consumption of beverages outside licensed area;
- (8) The type of beverage container used;
- (9) Sanitary facilities provided, their location and number;
- (10) Any such additional terms and conditions as the Council may specify.

Section 425:19. Hours and Days of Sale.

(A) The hours of operation and days of sale shall be those set by M.S. § 340A.504, as it may be amended from time to time, except that the City Council may, by resolution or ordinance, provide for more restrictive hours than state law allows.

- (B) 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 premise more than 30 minutes after the time when a sale can legally occur.
- (C) 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.
- (D) 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.
- (E) Sales of liquor in a non-enclosed premises is limited to the hours commencing at 10 a.m. and ending at 10 p.m.. In the event a noise or special event permit is obtained providing for sales after 10 p.m. at the license location, sales may occur until the time provided in the noise or special event permit, or the applicable time identified in Section 425:19(A)
- (F) Any violation of any condition of this section may be grounds for revocation or suspension of the license.

Section 425:20. Minors on Premises.

(A) 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 multi-purpose building serving food in rooms in which intoxicating liquors or 3.2 percent malt liquor are sold at retail on sale.

Section 425:21. Restrictions on Purchase and Consumption. No person shall mix or prepare liquor for consumption in any public place of business unless it has a license to sell on-sale, or a permit from the Commissioner of Public Safety under the provisions of M.S. § 340A.414, as it may be amended from time to time, which has been approved by the Council, and no person shall consume liquor in any such place.

Section 425:22. Suspension and Revocation.

(A) The Council shall 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 chapter relating to liquor. Except in cases of lapse

of proof of financial responsibility, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to the Administrative Procedures Act, M.S. §§ 14.57 to 14.70, as it may be amended from time to time. The Council may act as the hearing body under that act, or it may contract with the Office of Hearing Examiners for a hearing officer.

(B) The following are the minimum periods of suspension or revocation which shall be imposed by the Council for violations of the provisions of this chapter or M.S. Ch. 340A, as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time:

- (1) For commission of a felony related to the licensed activity, sale of alcoholic beverages while the license is under suspension, sale of intoxicating liquor where the only license is for 3.2 percent malt liquor, or a violation of Section 425:04, the license shall be revoked.
- (2) The license shall be suspended by the Council after a finding under subdivision (A) that the licensee has failed to comply with any applicable statute, rule, or provision of this chapter for at least the minimum periods as follows:
 - (a) For the first violation within any three-year period, at least one day suspension in addition to any criminal or civil penalties which may be imposed.
 - (b) For a second violation within any three-year period, at least three consecutive days suspension in addition to any criminal or civil penalties which may be imposed.
 - (c) For the third violation within any three-year period, at least seven consecutive days suspension in addition to any criminal or civil penalties which may be imposed.
 - (d) For a fourth violation within any three-year period, the license shall be revoked.
- (3) The Council shall select the day or days during which the license will be suspended.

(C) Lapse of required proof of financial responsibility shall effect an immediate suspension of any license issued pursuant to this chapter 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. The holder of a license who has received notice of lapse of required insurance or of

suspension or revocation of a license may request a hearing thereon and, if a request is made in writing to the Clerk, a hearing before the Council shall be granted within ten days. Any suspension under this subdivision (C) shall continue until the Council determines that the financial responsibility requirements of state law and this chapter have again been met.

(D) The provisions of Section 425:29 pertaining to administrative penalty may be imposed in addition to or in lieu of any suspension or revocation under this chapter.

Sections 425:23 through 425:28. Reserved for Future Use.

Section 425:29. Penalties.

(A) Any person violating the provisions of this chapter or M.S. Ch. 340A, as it may be amended from time to time, or any rules promulgated under that chapter, as they may be amended from time to time, is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

(B) The Council shall impose a civil penalty of up to \$2,000 for each violation of M.S. Ch. 340A, as it may be amended from time to time, and of this chapter. Conviction of a violation in a court of law is not required in order for the Council to impose the civil penalty. A hearing under the Administrative Procedures Act, M.S. §§ 14.57 to 14.70, as it may be amended from time to time, is not required before the penalty is imposed, but the Council shall hold a hearing on the proposed violation and the proposed penalty and hear any person who wishes to speak. Non-payment of the penalty is grounds for suspension or revocation of the license. The following is the minimum schedule of presumptive civil penalties which must be imposed in addition to any suspension unless the license is revoked:

- (1) For the first violation within any three-year period, \$500.
- (2) For the second violation within any three-year period, \$1,000.
- (3) For the third and subsequent violations within any three-year period, \$2,000.

(C) The term "violation" as used in Section 425:22 includes any and all violations of the provisions in this section, or of M.S. Ch. 340A, as it may be amended from time to time, or any rules promulgated under that chapter, as they may be amended from time to time. The number of violations shall be determined on the basis of the history of violations for the preceding three-year period. Revocation shall occur within 60 days following a violation for which revocation is imposed.

Section 3: Effective Date. This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by M.S. § 412.191, Subd. 4, as it may be amended from time to time, which meets the requirements of M.S. § 331A.01, Subd. 10, as it may be amended from time to time.

Section 4: Summary Approved. The Council hereby determines that the text of the summary of this ordinance marked “Official Summary of Ordinance No. 374,” and a copy of which is attached to this ordinance, clearly informs the public of the intent and effect of this ordinance. The Council further determines that publication of the title and this summary will clearly inform the public of the intent and the effect of this ordinance. The Clerk shall file a copy of this ordinance and the summary in the Clerk’s office which shall be available for inspection by any person during regular office hours. A copy of the ordinance shall be available in the community library, if there is one, or if not, in any other public location which the council designates

PASSED AND ADOPTED by unanimous vote of the Foley City Council this 16th day of January, 2007.

Chapter IV of the 1974 Code of Ordinances was amended by Ordinance Number 374 deleting Sections 405:01 – 405:62, Sections 405:10 – 405:15, Sections 415:00 – 415:50, Sections 420:01 – 420:12; and by inserting Section 425, passed and adopted January 16, 2007 and published February 6, 2007.

Chapter IV of the 1974 Code of Ordinances was amended by Ordinance Number 438 increasing liquor license fees passed and adopted December 4, 2018 and published December 11, 2018.

Liquor License Fees

Liquor License	Section	Fee
3.2 percent Malt Liquor On-sale	425:08 (A)	\$60.00
3.2 percent Malt Liquor Off-sale	425:08 (B)	\$20.00
Temporary 3.2 percent Malt Liquor	425:08 (C)	\$50.00
Off-sale Intoxicating Liquor	425:08 (D)	\$150.00
On-sale Intoxicating Liquor	425:08 (E)	\$1,750.00
Sunday On-sale Intoxicating Liquor	425:08 (F)	\$150.00
Combination On-sale/Off-sale Intoxicating Liquor	425:08 (G)	\$1,900.00
Temporary On-sale Intoxicating Liquor	425:08 (H)	\$100.00
On-sale Wine	425:08 (I)	\$150.00
One Day Consumption and Display	425:08 (J)	\$100.00
Approval of Issuance of Consumption and Display	425:08 (K)	\$100.00
Culinary Class Limited On-sale	425:08 (L)	\$100.00
Temporary Off-sale Wine	425:08 (M)	\$100.00
Brew Pub On-sale Intoxicating Liquor	425:08 (N)	\$500.00
Brewer Off-sale Intoxicating Liquor	425:08 (O)	\$100.00
Brewer Temporary On-sale Intoxicating Liquor	425:08 (P)	\$100.00
Non-enclosed Premises On-sale Intoxicating Liquor	425:08 (Q)	\$100.00
Temporary Non-enclosed Premises On-sale Intoxicating Liquor	425:08 (R)	\$100.00
Liquor – Community Festival Event / per event fee	425:08 (S)	\$50.00
Liquor Violation	425:29	\$500.00 1 st Violation \$1,000.00 2 nd Violation \$2,000.00 3 rd Violation
Preliminary Background and Financial Investigation	425:15	\$500.00

Section 400 – Liquor Ordinance Amendments

Section 425:00, 425:02, 425:04, 425:06 and 425:08 was added to the 1974 Code of Ordinances by Ordinance Number 157, adopted November 20, 1979 and effective December 26, 1979.

Section 400:00 and Section 410:00 of the 1974 Code of Ordinances was repealed and Section 405:00 (f), 405:10, 405:12, 405:15 Subd. 3, 405:15 Subd. 4, 405:15 Subd. 5, 405:20 Subd. 3, 405:25, 405:35 Subd. 8 and Section 420:00 – 420:12 was amended by Ordinance Number 179, adopted October 27, 1981 and effective November 4, 1981.

Section 405:11 and Section 420:03 Subd. 2 was added to the 1974 Code of Ordinances by Ordinance Number 183, adopted March 1, 1983 and published March 23, 1983.

Section 415:00, 415:05, 415:10, 415:15, 415:20, 415:25, 415:30, 415:35, 415:40, 415:45 and 415:50 was added to the 1974 Code of Ordinances by Ordinance Number 185, adopted April 19, 1983 and effective April 27, 1983.

Section 405:25 and Section 405:30 was added to the 1974 Code of Ordinances by Ordinance Number 187, adopted May 3, 1983 and published May 18, 1983.

Section 420:10 (c) of the 1974 Code of Ordinances was repealed by Ordinance Number 199, adopted September 18, 1984 and published September 26, 1984.

Section 420:01, 420:03, 420:06, 420:07, 420:08, 420:10 and 420:11 of the 1974 Code of Ordinances was amended by Ordinance Number 201, adopted November 20, 1984 and published December 12, 1984.

Section 405:00 of the 1974 Code of Ordinances was deleted and Section 405:01, 405:13, 405:20 Subd. 1, 405:25, 405:26, 405:30, 405:35, 405:45 and 405:50 was amended by Ordinance Number 202, adopted November 20, 1984 and published December 12, 1984.

Section 405 Subd. 12 of the 1974 Code of Ordinances was amended by Ordinance Number 208, adopted May 5, 1986 and published May 14, 1986.

Section 420:03 (D) Subd. 1 of the 1974 Code of Ordinances was amended by Ordinance Number 209, adopted May 5, 1986 and published May 14, 1986.

Section 405:35 Subd. 12 of the 1974 Code of Ordinances was amended by Ordinance Number 210, adopted June 3, 1986 and published June 11, 1986.

Section 420:10 a (d) of the 1974 Code of Ordinances was amended by Ordinance Number 211, adopted July 15, 1986 and published July 23, 1986.

Section 426:00 was added to the 1974 Code of Ordinances by Ordinance Number 223, adopted June 20, 1989 and published July 4, 1989.

Section 420:10 Subd. (d) of the 1974 Code of Ordinances was amended and repealed by Ordinance Number 224, adopted June 20, 1989 and published July 4, 1989.

Section 420:10 of the 1974 Code of Ordinances was amended by Ordinance Number 229, adopted December 5, 1989 and published December 12, 1989.

Section 420:03 Subd. 4 of the 1974 Code of Ordinances was repealed in its entirety by Ordinance Number 231, adopted May 15, 1990 and published May 29, 1990.

Section 420:02 Subd. 3 of the 1974 Code of Ordinances was amended by Ordinance Number 232, adopted June 5, 1990 and published June 12, 1990.

Section 405:45 of the 1974 Code of Ordinances was amended by Ordinance Number 324, adopted August 20, 2002 and published August 27, 2002.

Section 405:55 Subd. 1 and 2, 410:15, 415:40 and 420:11 of the 1974 Code of Ordinances was amended and Section 420:12 was repealed by Ordinance Number 338, adopted August 19, 2003 and published September 2, 2003.

Sections 405:55, 410:15, 415:40 and 420:11 of the 1974 Code of Ordinances was amended by Ordinance Number 339, passed and adopted August 19, 2003.

Chapter IV of the 1974 Code of Ordinances was amended by deleting Sections 405:01 – 405:62, Sections 405:10 – 405:15, Sections 415:00 – 415:50, Sections 420:01 – 420:12; and by inserting Section 425 Possession, Sale and Consumption of Intoxicating and 3.2 Percent Malt Liquor by Ordinance Number 374, passed and adopted January 16, 2007 and published February 6, 2007.

Section 425:08 – Kinds of Liquor License of the 1974 Code of Ordinances was amended by adding paragraph (S) Community Festival Event License by Ordinance Number 398, passed and adopted January 3, 2012.

2025 Proposed Improvement Project Financial Impact



Foley City Council Meeting
June 4, 2024

City Cost Summary – 15 Year Bond Issuance “Project 1 Scenario”

Deposit to Construction Fund	\$ 5,128,849
Add Costs of Issuance and Rounding	\$ 151,151
Bond Amount	\$ 5,280,000
Bond term (Years)	15
Avg. Interest Rate	3.52%
Total Net Debt Service	\$ 7,343,478
Avg. Annual Debt Service	\$ 489,565
105% Statutory Debt Service	\$ 514,043

How do we pay back the bonds?

- Water & Sewer Revenues
 - This covers the pipes in the ground!
- Special Assessment Revenue
 - This is collected from benefited property owners – they pay their property taxes/assessment each year and then it is passed to the city to make the bond payment.
- Property Tax Levy
 - This pays for the overall city's portion of street surface, sidewalks, storm, etc.
 - City determines levy each year in December.

Financial Impact to Water & Sewer Revenues

- 2024 Budgeted Water Revenues = \$582,000
 - Additional Annual Revenues of \$131,081 needed for a total of \$713,081
 - Increase of 23%
- 2024 Budgeted Sewer Revenues = \$1,601,875
 - Additional Annual Revenues of \$92,528 needed for a total of \$1,694,403
 - Increase of 6%

Financial Impact on Property Tax Levy

- Additional \$136,189 needed annually to cover bond payments.
- 10% increase to overall city property tax levy.
- Individual residential and commercial impact varies depending on property value and classification.

Impact Based on Property Values (Annual)

Market Value of Residential Property	
100,000	\$ 46.25
150,000	\$ 81.37
200,000	\$ 116.49
250,000	\$ 151.62
300,000	\$ 186.74
350,000	\$ 221.86
Mkt Value of Commercial-Industrial Property	
100,000	\$ 96.67
250,000	\$ 273.90
400,000	\$ 467.23
600,000	\$ 725.02

Other Considerations

- Final costs can fluctuate between tax levy and water and sewer funds. Final amounts are determined on the actual project expenditures.
- Interest rates are still uncertain.

Questions?

Sarah A. Brunn
City Administrator
sbrunn@ci.foley.mn.us

Monica Shaw
Accounting Technician/Deputy Clerk
mshaw@ci.foley.mn.us

City of Foley, Minnesota
2025 Street & Utility Improvements Project
Overview of Financing Options / Issuance of General Obligation Bonds
(based upon interest rates as of 4/05/24 - with an assumed "AA-" Rating)

BOND OVERVIEW	Project 1 15-year Scenario	Project 1 20-year Scenario	Projects 1 and 2 Combined 15 year
Deposit to Construction Fund	\$ 5,128,849	\$ 5,128,849	\$ 7,628,849
Add Costs of Issuance and Rounding	\$ 151,151	\$ 151,151	\$ 181,151
Bond Amount	\$ 5,280,000	\$ 5,280,000	\$ 7,810,000
Bond term (Years)	15	20	15
Avg. Interest Rate	3.52%	3.71%	3.50%
Total Net Debt Service	\$ 7,343,478	\$ 7,957,213	\$ 10,647,836
Avg. Annual Debt Service	\$ 489,565	\$ 397,861	\$ 709,856
105% Statutory Debt Service	\$ 514,043	\$ 417,754	\$ 745,349

UTILITY REVENUE			
Avg. Water Revenue Required	\$ 131,081	\$ 100,261	\$ 129,858
Avg. Sewer Revenue Required	\$ 92,528	\$ 83,551	\$ 91,664

SPECIAL ASSESSMENT REVENUE			
Project #1 Total Special Assessment Principal	\$ 1,647,463	\$ 1,647,463	\$ 1,647,462
Project #1 Annual Payment	\$ 154,246	\$ 129,594	\$ 154,246
Project #2 Total Special Assessment Principal	\$ -	\$ -	\$ 2,560,000
Project #2 Annual Payment	\$ -	\$ -	\$ 239,683

TAX IMPACT			
New Debt Service Levy Required	\$ 136,189	\$ 104,348	\$ 129,898
Tax Impact Information			
Net Tax Capacity Value (Pay 2023)	\$ 2,113,223	\$ 2,113,223	\$ 2,113,223
Estimated Net Tax Rate Increase	6.4446%	4.9379%	6.1469%
Market Value of Residential Property			
100,000	\$ 46.25	\$ 35.43	\$ 44.11
150,000	\$ 81.37	\$ 62.35	\$ 77.61
200,000	\$ 116.49	\$ 89.26	\$ 111.11
250,000	\$ 151.62	\$ 116.17	\$ 144.61
300,000	\$ 186.74	\$ 143.08	\$ 178.11
350,000	\$ 221.86	\$ 169.99	\$ 211.61
Mkt Value of Commercial-Industrial Property			
100,000	\$ 96.67	\$ 74.07	\$ 92.20
250,000	\$ 273.90	\$ 209.86	\$ 261.24
400,000	\$ 467.23	\$ 358.00	\$ 445.65
600,000	\$ 725.02	\$ 555.51	\$ 691.53

Sarah Brunn

From: Sarah Brunn
Sent: Thursday, May 30, 2024 10:35 AM
To: Pappenfus, Mark; Jarod Griffith
Cc: Foley City Council; Jeff Gondeck; 'Deb Mathiowetz'; swansontrucking75@yahoo.com; Foley City Council
Subject: 2025 Improvements Community Meeting

All -

Here's an email summary of comments we received at the community meeting held last night. I'm also copying the councilmembers on this as some may warrant further council discussion at Tuesday's meeting.

- Discussion on width of Murphy – what's necessary, what are the pros and cons of wider vs. narrower?
- Sidewalks on Murphy and Parent – some of 3rd Ave as well? There were specific concerns on who will use the sidewalks and how people will park in their driveway with a sidewalk cutting through a portion of it. Could sidewalks be eliminated on these side streets?
- Why is the alley from Murphy to Hwy 23 not being proposed to be reconstructed? PW commented it was reconstructed in the 90's?
- Could the assessable portion (percentage) be lowered since this area serves so much other traffic with the school and church? Staff commented that the proposed assessments are per current policy and has been standard practice on past projects as well. Council ultimately decides on the assessment policy and if any changes.
- Some general comments about water/drainage on Murphy and Parent.
- Trees – concerns about the loss of mature trees and the impact it would have on utility bills and property values. Discussion was had about replacing some of the trees (but not all).
- Some specific property owners questioned prior work they had done and if they needed to be re-charged for new services. City Engineer/Public Works needs to review some of the properties and remove those who recently had new services installed and would not need to do them again.
- City Admin did review average payments for assessments and how properties would be charged. We are required to follow 429 state statutes on much of this – and attempted to explain that to the affected property owners. Council will ultimately make the final decision on a 15 or 20 year bond if the project moves forward.

Also – we did record the presentation from Jarod and will have that up on our YouTube channel for anyone who missed the meeting.

Thanks.

Sarah A. Brunn

City Administrator

sbrunn@ci.foley.mn.us



Date: May 16, 2024

To: Council members, and those involved in this project

RE: Street project that runs on both sides of my corner lot at
441 4th Avenue N

I will be out of state when the informational meeting is held, but want my voice to be heard.

I am on limited income and it will hard to take care of the costs for this project, BUT I do want it to go ahead and finally get done. This has been put off too many times and will only become more costly if it gets delayed again. There has been a lot of "dig up and repair" on 4th Avenue N, and in several of the streets involved. Water pressure is not the greatest either.

I would appreciate it if you would please consider narrowing Murphy street, as there is no real reason for it to be so wide.

Mark and his crew do an excellent job of fixing what they can, but we have a continual problem of fixing worn out, too old facilities instead of replacing. It is overdue to just bite the bullet and get it done asap.

Sincerely,

Thelma Otto

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2024-12

A RESOLUTION ORDERING 2025 STREET AND UTILITY IMPROVEMENTS AND
PREPARATION OF PLANS

WHEREAS, a resolution of the city council adopted the 2nd day of April, 2024, fixed a date for a council hearing on the proposed 2025 Street and Utility Improvements, and,

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 4th day of June, 2024, at which all persons desiring to be heard were given an opportunity to be heard thereon,

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

1. Such improvement is necessary, cost-effective, and feasible as detailed in the Feasibility Report dated April 2nd, 2024.
2. Short Elliot Hendrickson Inc. (SEH) is hereby designed as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.
3. The city council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of a future bond.

Passed by the City Council of Foley, Minnesota this 4th day of June, 2024.

Jack M. Brosh, Mayor

ATTEST:

Sarah A. Brunn, City Administrator