



LAKE CITY POLICE DEPARTMENT

PUBLIC SAFETY BOARD

Meeting Agenda

Wednesday, February 6, 2013

4:30 p.m.

2nd Floor Conference Room

1. Approval of Minutes of Regular Meeting of November 7, 2012
2. Request for Parade Permit – St Patrick’s Day
3. Discuss complaint letter on IBM commuter bus traffic
4. Follow up discussion on crosswalks on Lyon Avenue
5. Response time residency for full-time police administrative officers
6. Review Alcohol Ordinance No 117 and Amendments
7. Building update
8. Clearance rates: October 40%; November 45.45%; December 45.45%
9. Budget Report as of December 31, 2012
10. Board Comments/Miscellaneous

Gary J Majchrzak
Chief of Police

**Lake City Public Safety Board
Wednesday, November 7, 2012
4:30 p.m.
Regular Meeting**

Members Present: Chairperson Elwood Gnotke, Board members Duane King, Rev David Badgley

Members Absent: Cindy McGrath, Dale Nibbe

Others Present: Chief Gary Majchrzak, Administrative Assistant Kathy Holst, Brian Walker, Chad Kruempel, Annee Solis, Gene Durand

Others Absent: Council Liaison Mark Spence

Members Excused: Cindy McGrath, Dale Nibbe

Chair Elwood Gnotke called the meeting to order at 4:30 p.m. with a quorum present.

APPROVAL OF MINUTES OF SPECIAL MEETING OF AUGUST 27, 2012

MOTION BY KING AND SECOND BY BADGLEY TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF AUGUST 27, 2012. MOTION CARRIED 3-0-0.

REQUEST FOR EXTENSION OF SERVICE YEAR-ROUND – 2:00 A.M. ON-SALE INTOXICATING LIQUOR

Representatives of local on-sale liquor establishments were present to discuss their request to extend hours of service an additional hour until 2:00 a.m. year-round. Chad Kruempel, Manager of Port 104, said the dinner crowd is still in the restaurant at 9:00 p.m. An extra hour would allow them to schedule bands to start at 10:00 p.m. after the kitchen closes and play until 2:00 a.m. Brian Walker, owner of the Old Bank Bar, added that we are a tourist community and the bars pay for live entertainment to keep the boaters in town. Staying open an extra hour would generate more revenue and allow the bars to compete with neighboring establishments that are open until 2:00 a.m.

Chief Majchrzak said state statute allows a municipality to have an ordinance which would permit the municipality to extend hours of service to 2:00 a.m. However, to allow the extension, current ordinance would have to be amended. He further stated that he contacted law enforcement agencies in Goodhue and Wabasha County that allow the 2:00 a.m. closing. Badgley inquired as to the budgetary impact and whether it would involve overtime or merely focus on the bar closing an hour later. Majchrzak said the agencies that responded indicated that problems encountered at bar closing have not increased but just manifest an

hour later. Some schedule adjustments would need to be made initially, but incidents occurring later in the morning hours may result in overtime having to be paid.

Kruempel said entertainment would only be on select nights and the bar would not stay open every night until 2:00 a.m. Walker was in agreement and said seasonal hours of service would be acceptable to him. King preferred that the extended hours be year-round rather than seasonal and that it be left to the individual bar owners which nights they want to stay open.

MOTION BY KING RECOMMENDING COUNCIL APPROVAL OF THE REQUEST OF LOCAL ON-SALE LIQUOR ESTABLISHMENTS TO EXTEND HOURS OF SERVICE TO 2:00 A.M. YEAR-ROUND. BADGLEY SECONDED. MOTION CARRIED 3-0-0.

DISCUSSION ON EXTENSION OF SERVICE CHRISTMAS EVE – 2:00 A.M. ON-SALE INTOXICATING LIQUOR

Chief Majchrzak advised that he was approached by a bar owner about staying open until 1:00 a.m. on Christmas Eve. The bar owner stated that in the past he has closed at 8:00 p.m. in compliance with state statute. In researching the statute, Chief Majchrzak said he could only find a mandatory closing time of 8:00 p.m. for off-sale licensees, and current ordinance did not appear to restrict on-sale licensees. He requested an interpretation of the statute from the Department of Public Safety and provided a written response which indicated the state only restricts off-sales on Christmas Eve.

REQUEST TO RESCIND RECORD OF ALCOHOL ORDINANCE COMPLIANCE CHECKS – ORDINANCE 498

The Board discussed at length the request of Brian Walker, Chad Kruempel and Annee Solis on behalf of the Old Bank Bar, Port 104, and My Bar, respectively, to rescind the records of the alcohol compliance checks that were conducted in August. All three individuals objected to the way the compliance checks were handled. The main complaint was that because the bartenders who served the underage persons could not be identified, they were unable to discipline the server. Walker said the establishments were already fined and ordered to close for one day and he didn't want the violation to go on his permanent record. He said if it happens again, the fine escalates.

Chief Majchrzak explained that the ordinance is more restrictive than state statute and does require that violations be tracked from year to year to determine what penalty should be assessed. Walker felt an off-duty officer or adult should be present to witness what is going on and identify the bartender so corrective action can be taken. Chief Majchrzak said that pursuant to ordinance, it is not required that the bartenders be identified. He further explained that this is pursued as a civil violation, not criminal, and is not intended to point a finger at the bartenders, only the establishment. He inquired as to whether the bartenders wear name tags. Walker and Kruempel advised that their employees do not; Solis said her servers wear their names on their shirts.

King stated that the concerns were legitimate but the establishments should be accountable. The Board agreed that the ordinance should not be changed. Walker thanked the Board for their consideration.

DISCUSSION ON PLACEMENT OF ADDITIONAL CROSSWALKS ON LYON AVENUE

Gene Durand appeared on behalf of the Streets and Parks Commission and asked that the Board consider painting three crosswalks on Lyon Avenue: 1) Lyon and Prairie on the east side; 2) Lyon and 7th on the west side; and 3) Lyon and 10th Street on the east side. He said that there are no sidewalks at the intersection of Lyon and 10th but it is a busy intersection and vulnerable adults cross over to Kwik Trip on a regular basis. He stated that when Lyon Avenue was milled, the painted crosswalk signs were removed and not all were repainted. Durand also mentioned personal concerns about the 6th Street intersection with Lyon to St John's Church. Chief Majchrzak said he would contact MnDOT in regard to the request. The matter was tabled pending a response.

DISCUSSION ON POLICE DEPARTMENT RELOCATION AND BUILDING PLANS

Chief Majchrzak advised that as part of a Special Meeting on November 5th, the Council toured the Home Pros facility and former 7th Street Building Center to consider whether either would be suitable for combined housing of police, ambulance and EOC. He said Council directed City staff to contact architects regarding estimates on whether the three services would fit into the Home Pros building. Council also requested costs of constructing their own facility on City acreage in The Jewel.

CURRENT FEE SCHEDULE

There will be no changes in the Police Department fee schedule for 2013. Fines were increased for 2012.

INFORMATIONAL

Clearance rates: July 48.14%; August 41.17%; September 19.04%. Chief Majchrzak said the dip in September was due to a flurry of credit card fraud cases, which occurred out of our jurisdiction but track back to our banks.

The Board reviewed the Budget Report for the 9 months ending September 30, 2012.

BOARD COMMENTS/MISCELLANEOUS

King inquired as to whether the department was pleased with the new squad. Chief Majchrzak said the only complaint was the smaller interior, but it is meeting the needs of the department. He said he will be considering an SUV for the next vehicle.

Badgley noted that during Johnny Appleseed Day the 100 block of East Center was sparsely populated and would question whether that block should be closed next year.

King reported that there are two overgrown trees near the gate at the City compost site that make it difficult to see to your left when leaving; likewise, traffic entering is unable to see vehicles that are leaving the site. Chief Majchrzak said he would inform Streets and Parks Superintendent Bruce Wallerich.

ADJOURNMENT

**MOVED BY KING AND SECONDED BY BADGLEY TO ADJOURN AT 6:23 P.M.
MOTION CARRIED 3-0-0.**

Elwood Gnotke, Chairperson

<p>CITY OF LAKE CITY REQUEST FOR PSB ACTION MEETING DATE: February 6, 2013</p>	<p>Agenda Item Description: Approve Parade Permit for St. Patrick's Day Parade.</p> <p>Attachments: Yes <u>X</u> No ___ If yes, list: Application for License</p> <p>Consent Agenda?: Yes ___ No ___</p>	<p>CITY COUNCIL ACTION</p> <p><input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Tabled</p> <hr/> <p>Roll call vote: Beckman __, Peters, __ Spence __ Dunbar __, Waltman, __, Powers __, Gartner __</p>
<p>Originating Department: Police</p>	<p>Board/Commission/Committee Action: Public Safety Board</p>	
<p>Action Requested: Motion _____ seconded _____ to approve the parade permit for the annual St. Patrick's Day Parade.</p>		
<p>Introduction/ Background/Justification/Key/Legal Issues: Ms. Jil Garry is seeking to have their annual St. Patrick's Day Parade on Sunday, March 17, 2013 at 1:00 p.m. The Parade is held largely on S. Washington St. It travels about 4 blocks and lasts less than one hour. The parade has been held for several years in the past without incident.</p>		
<p>Budgetary/Fiscal Impact: None</p>		
<p>Alternatives:</p> <ol style="list-style-type: none"> 1. Do not approve/adopt 2. Table for more information 		
<p>Reviewed By:</p>		
<p>Preparer: Gary Majchrzak, Chief of Police</p>		

STATE OF MINNESOTA
CITY OF LAKE CITY
WABASHA/GOODHUE COUNTIES

APPLICATION FOR LICENSE OR PERMIT

The undersigned does hereby make application for a license or permit to be issued to:

Jil Garry
(Name)

1125. Washington St.
(Address)

Lake City, MN, 55041
(City/State/Zip)

The purpose for this application is for a **PARADE PERMIT** for the term of *1*
(one) day beginning with the 17th day of, March 2013 subject to the
laws of the State of Minnesota and the ordinances and regulations of said City of Lake
City pertaining thereto and herewith deposits **\$0.00** in payment for the fee therefor.

Dated: 1-17-13

*St. Patrick's Day Parade - 1:00 pm
4 blocks on Washington St, ending
at the Pearl Button Co*

Jil Garry
Signature of applicant

(to be completed by City Hall)

Receipt Number: _____

Date Paid: _____

Approval Date: _____

State of MN Application: _____

State of MN Master License: _____

November 12, 2012

To: The Lake City Common Council

Re: Commuter Parking

Do we have only one Commuter service? Do we provide a space for the commuter's cars? Should we?

Is it a Council plan, a police department plan or is it a Mayo plan.

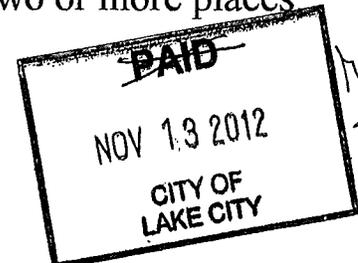
Whatever, the present plan is poor. We need a change. Such luck -- it would appear that an accident has not yet occurred.

Highway 63 (Lyon Avenue) from High Street to Oak Street and the surrounding properties are truly poor choice parking spaces for our traffic flow and general traffic concerns. This appears to be our City Plan.

During the day it is difficult to enter Lyon Avenue from High or Oak Street. Vision is impaired by parked cars – of course all vehicles drive way out into the intersection, stop a second time, look and then fully enter Lyon Avenue.

At the bewitching hour when the big bus is parked at the curb to allow the riders to disembark, there is often chaos. The bus gets half across High Street with its rear half closing off half of High Street. Now the passengers step off the bus and rush to their cars. These passengers meet the cars or cars planning to enter High Street – that's a classic "who wins in the crosswalk game." Sometimes the back half of the bus holds up two or
more

cars, then it's a neat trip of "watch for passengers two or more places"



No one has been hurt yet. And, it is really ugly to be travelling west on

Lyon Avenue and hoping to make a left turn onto High Street with the parked bus and the riders moving quickly to get to their personal cars.

This is an unplanned program in need of a very fast action plan. I've already done the needed community census – the people with whom I have spoken think some community planners need to get busy. This is an action needed YESTERDAY.

Save us all – we don't need a city law suit.

Dori N. Schmauss

A handwritten signature in black ink, appearing to read "Dori N. Schmauss", written in a cursive style.

IBM Commuter Bus Traffic Complaint & Follow up

The complaint letter arrived at city hall in November. The city administrator and Public Works Director met with Rochester City Lines (bus co.) and talked the issues over in December. The Chief of Police was contacted in January (no PSB meeting) and he spoke with RCL separately. The issues of congestions and traffic and pedestrian violations were monitored by officers.

RCL agreed to adjust the pick-up and drop-off site for commuters to S. Oak & Lyon Ave by the end of January. This new site will be monitored by officers for a while to see if congestion and Other associated problems improve.

**Crosswalk Information
Additional Facts
February 6, 2013
Public Safety Board**

In addition to the attached letter from Ms. Klema, I spoke with Lake City Public Works Director, Scott Jensen. He answered the following questions which I asked him for informational purposes for the PSB.

- Lake City Street Department can stripe and bear the cost of two new crosswalks on Lyon Ave. in 2013.
- Lake City Street Department would follow up with maintenance of those crosswalks.
- The crosswalks could be painted in April or May, depending upon weather conditions.
- The approximate cost for painting each crosswalk was placed around \$100 each.

Gary Majchrzak
Chief
Lake City Police Department

I have reviewed the marked crosswalk requests, as identified below. The Average Daily Traffic is 5600 vehicles per day in this area. The speed limit is 30 mph and there are two lanes of traffic to cross. Based on this criteria, these are acceptable locations to mark crosswalks.

I am approving two of the three locations: Prairie and Lyon (TH 63), east side and 7th Street and Lyon (TH 63), west side. These two locations, as you noted, have ADA compliant ramps and existing sidewalks. The city will be responsible for installation and maintenance of these crosswalks.

As noted in a previous request, I cannot approve the 10th Street and Lyon (TH 63) location due to lack of sidewalks in the area. ADA guidelines mandate that a marked crosswalk must connect a trail or sidewalk. There are no existing sidewalks along 10th Street nor are there continuous sidewalks along Lyon (TH 63).

There are no plans to add a semaphore at the intersection of 10th Street and Lyon (TH 63). Traffic volumes do not warrant a signal.

Please submit a resolution from the city council noting that MnDOT has approved the locations and that the city will be responsible for installation and maintenance of the marked crosswalks. Let me know if you have any questions.

Nancy Amiot Klema, PE

District Traffic Operations Engineer

MnDOT

2900 48th Street NW

Rochester, MN 55901

Office: 507.286.7683

Fax: 507.285.7355

Email: nancy.klema@state.mn.us

2012 Minnesota Statutes

415.16 EMPLOYMENT; CITY OR COUNTY RESIDENCE REQUIREMENT.

Subdivision 1. **No exception for on-premises residence.** Notwithstanding any contrary provision of other law, home rule charter, ordinance or resolution, no statutory or home rule charter city or county shall require that a person be a resident of the city or county as a condition of employment by the city or county except for positions which by their duties require the employee to live on the premises of the person's place of employment.

Subd. 2. **Reasonable area or response time requirement.** A statutory or home rule charter city or county, except if it is located in the area defined in section 473F.02, subdivision 2, may impose a reasonable area or response time residency requirement if there is a demonstrated, job-related necessity.

Subd. 3. **Volunteer or nonprofit firefighters.** A statutory or home rule charter city or county may impose a reasonable residency requirement on persons employed as volunteers or as members of a nonprofit firefighting corporation if there is a demonstrated, job-related necessity. The residency requirement must be related to response time and established without regard to political subdivision boundaries.

History: 1981 c 181 s 1; 1984 c 585 s 1; 1985 c 197 s 1



LAKE CITY POLICE DEPARTMENT

Response Time Residency For Full-Time Police Administrative Positions

Currently, all Lake City Police officers are required to live within a 45 minute response time to Lake City. This meets current State Statute guidelines of not having to be a resident of the city. This response time is reasonable and no change is sought for patrol officers.

A change in response time is felt necessary for supervisory staff. This includes the current Chief of Police and Sergeant positions. One reason for the change is due to POST rules which require supervision of part-time police officers. All part-time police officers must have "direction and guidance" available to them. Since the Chief and Sergeant split "on-call" duty between them after normal business hours, the expectation of having direction and guidance should be made as accessible as possible. While the radio and phone is an acceptable means of communication, a response to a part-time (or full-time) officer, needing assistance, should always be a timely one.

Therefore, it is proposed that an officer occupying a supervisory position within the Lake City Police Department, have a ten (10) minute response time. This response time would begin from the supervisor's home to the police department. For newly appointed supervisor(s), a six month period would be granted for a supervisor to relocate, if necessary, to within the ten minute residency response area.

Gary Majchrzak
Chief
Lake City Police Department

<p style="text-align: center;">CITY OF LAKE CITY REQUEST FOR PSB ACTION</p> <p style="text-align: center;">MEETING DATE: February 11, 2013</p>	<p>Agenda Item Description: Repeal Ordinance 117 and amend Ordinance 498 relating to Alcohol, including an amendment to move all to Chapter 117.</p> <p>Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, list: -Ordinance 117</p> <p>Consent Agenda?: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p style="text-align: center;">CITY COUNCIL ACTION</p> <p style="text-align: center;"> <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Tabled </p> <hr/> <p>Roll call vote: Beckman __, Peters, __ Spence __ Waltman, __, Powers __, Gartner __</p>
<p>Originating Department: Police/City Clerk</p>		<p>Board/Commission/Committee Action: Public Safety Board//</p>
<p>Action Requested: Motion _____ second _____ to repeal Ordinance 117 and amend ordinance 498 relating to Alcohol, including an amendment to move all to Section 117.</p>		
<p>Introduction/ Background/Justification/Key/Legal Issues: Alcohol Ordinance 117 is being repealed. The new Alcohol Ordinance 498 is being amended and the amendment includes placing it into Section 117 of the current code and renumbering it. Aside from renumbering the code, rewording some sections and cleaning out some obsolete definitions, the following changes and additions were made: -117.006 Added “public parks and any other public places”. -117.011 License Fees; Pro Rata establishment of a fee not to exceed State Statute. -117.012 “Transfers” are prohibited and thereby have been removed. (See 117.016). -117.020 Section (C) designates the police department to select people for compliance checks. -117.021 An addition and Various changes which include (4) (B) dealing with the State license allowing 2 a.m. closure. Sections (C), (D) and (E) limit to 15 minutes after closing when a sale, possession or person may stay in an on-sale licensed business after closing.</p>		
<p>Budgetary/Fiscal Impact: Allowing 2 a.m. closing for on-sale licensed businesses may result in some overtime issues for police officers dealing with alcohol-related issues at a later hour. This will be monitored for the first year to see if it becomes a large issue. Current re-scheduling is expected to cover this possibility.</p>		
<p>Alternatives:</p> <ol style="list-style-type: none"> 1. Do not approve/adopt 2. Table for more information 		
<p>Reviewed By: Administration</p>		
<p>Preparer: Gary Majchrzak, Chief of Police / Kari Schreck, City Clerk</p>		

ORDINANCE ____

AN ORDINANCE AMENDING ORDINANCE NO. 498 OF THE LAKE CITY MUNICIPAL CODE AND ADOPTING A NEW CHAPTER RELATING TO THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES

THE CITY OF LAKE CITY ORDAINS:

Section 1. Chapter 117 (ALCOHOLIC BEVERAGES) of the Lake City Code is hereby repealed in its entirety.

Section 2. Ordinance No. 498 is hereby amended as follows and will constitute the new Chapter 117 (ALCOHOLIC BEVERAGES) of the Lake City Code:

SECTION 1. § 117.001. ADOPTION OF STATE LAW BY REFERENCE.

The provisions of ~~M.S. Ch. §~~ Minnesota Statutes Chapter 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 ~~Ordinance Chapter~~ as if set out in full. It is the intention of the City Council of the City of Lake City that all future amendments to ~~M.S. Ch. §~~ Minnesota Statutes Chapter 340A are hereby adopted by reference or referenced as if they had been in existence at the time this ~~Ordinance Chapter~~ is adopted.

SECTION 2. § 117.002. CITY MAY BE MORE RESTRICTIVE THAN STATE LAW.

The City Council of Lake City is authorized by the provisions of ~~M.S. §~~ Minnesota Statutes Section 340A.509, as it may be amended from time to time, to impose, and has imposed in this ~~ordinance Chapter~~, additional restrictions on the sale and possession of alcoholic beverages within its limits beyond those contained in ~~M.S. Ch. §~~ Minnesota Statutes Chapter 340A, as it may be amended from time to time.

§ 117.003. LICENSE REQUIRED.

It is unlawful for any person to sell liquor or keep it for sale without first obtaining the required license from the city.

SECTION 3. § 117.004. DEFINITIONS.

In addition to the definitions contained in ~~M.S. §~~ Minnesota Statutes Section 340A.101, as it may be amended from time to time, the following terms are defined for purposes of this ~~ordinance Chapter~~:

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

NUDITY or NUDE. The showing of the human male or female genitals, pubic area, buttocks, or anus with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; the exposure of any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum anal region or pubic hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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. § Minnesota Statutes Section 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. § Minnesota Statutes Section 157.16, subd. subdivision 3d, as it may be amended from time to time. An establishment ~~which~~ that 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 ~~ordinance~~ Chapter unless it meets the definitions of a “small establishment”, “medium establishment” or “large establishment”.

SECTION—4. § 117.005. NUDITY ON THE PREMISES OF LICENSED ESTABLISHMENTS PROHIBITED.

(A) The City Council of Lake City 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 ~~ordinance~~ 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 City Council of the City of Lake City also finds that the prohibition of nudity on the premises of any establishment licensed under this ~~ordinance~~ 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 nudity ~~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 nude 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~~ Chapter or the imposition of a civil penalty under the provisions of Section ~~30(B)~~ 117.025.

SECTION 5. § 117.006. CONSUMPTION IN PUBLIC PLACES.

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

SECTION 6. § 117.007. RAFFLES, SILENT AUCTIONS AND FUND RAISING EVENTS FOR CHARITABLE PURPOSES OF WINE, BEER OR INTOXICATING LIQUORS.

No person shall conduct a silent auction, raffle ~~of~~ or other fund raising event pursuant to ~~Minn. Stat. § Minnesota Statutes Section~~ 340A.707 with prizes or awards of wine, beer or intoxicating liquors without notifying the city clerk, in writing, of the event at least ten (10) days prior to the occurrence of the event. The event holder shall provide the city with the following information: the person or organization holding the event, the day, time and location of the event, type of fund raising event (silent auction, raffle or otherwise), type and amount of wine, beer, intoxicating liquor to be awarded as prizes, and the charitable purposes to which the event proceeds will be donated.

SECTION 7. § 117.008. NUMBER OF LICENSES WHICH MAY BE ISSUED.

~~Minnesota State Statutes~~ Section 340A.413, Ssubdivision 1 (4) and Ssubdivision 4 establishes the number of On Sale Liquor Licenses allowed “in cities of the fourth class”. The City Council is not required to issue the full number of licenses that it has available. The City Council is authorized to establish a lower limit of On Sale Liquor Licenses. ~~Minnesota State Statutes~~ Section 340A.413 Ssubdivision 5 establishes that there is no maximum number of Off Sale Liquor Licenses that the City of Lake City may issue. The City Council is authorized, by ~~Minnesota State Statutes~~ Section 340A.413 Ssubdivision 5, to establish the maximum number of Off Sale Liquor Licenses issued.

SECTION 8. § 117.009. 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~~ this Chapter. All licenses shall expire on the same date. Temporary licenses shall 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 9. § 117.010. KINDS OF LIQUOR LICENSES.

The City Council is authorized to issue the following licenses and permits (up to the number specified in Section 7 117.008):

(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 licenses.

(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 or drug stores that have an off-sale license which was first issued on or before May 1, 1994. The fee for an off-sale intoxicating liquor license established by the Council under Section ~~40~~ 117.011 shall not exceed \$240 or a greater amount which may be permitted by M.S. Minnesota Statutes Section §340A.408, ~~subd. subdivision~~ 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. ~~§~~ Minnesota Statutes Section 340A.101, as it may be amended from time to time, and this ~~ordinance~~ 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 ~~40~~ 117.011 of this ~~ordinance~~ Chapter shall not exceed the amounts provided for in M.S. ~~§~~ Minnesota Statutes Section 340A.408, ~~subd. subdivision~~ 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. ~~§~~ Minnesota Statutes Section 340A.404, ~~subd. subdivision~~ 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. ~~§~~ Minnesota Statutes Section 340A.404, ~~subd. subdivision~~ 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, only after authorization to do so by voter approval at a general or special election as provided by M.S. ~~§~~ Minnesota Statutes Section 340A.504, ~~subd. subdivision~~ 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 ~~3~~ 117.004 of this ~~ordinance~~ Chapter, club, bowling center, or hotel which has a seating capacity of at least thirty (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 ~~40~~ 117.011 of this ~~ordinance~~ Chapter, shall not exceed \$200, or the maximum amount provided by M.S. ~~§~~ Minnesota Statutes Section 340A.504, ~~subd. subdivision~~ 3c, as it may be amended from time to time.

(G) Combination on-sale/off-sale intoxicating liquor licenses if the city has a population less than 10,000.

(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 (3) years. No license shall be for longer than four (4) consecutive days, and the city shall issue no more than twelve (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: theaters, restaurants that have facilities for seating at least twenty five (25) guests at one time and meet the criteria of M.S. § Minnesota Statutes Section 340A.404, subd. subdivision 5, as it may be amended from time to time, and which meet the definition of restaurant in section 3 Section 117.004; to licensed bed and breakfast facilities which meet the criteria in M.S. § Minnesota Statutes Section 340A.401, subd. subdivision 1, as it may be amended from time to time and to theaters that meet the criteria of M.S. § Minnesota Statutes Section 340A.404(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 40 117.011 of this ordinance Chapter, 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 of 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 40 117.011 of this ordinance Chapter shall not exceed \$300, or the maximum amount permitted by M.S. § Minnesota Statutes Section 340A.14, subd. subdivision 6, as it may be amended from time to time. Consumption and display permits shall expire on June 30 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 (6) ounces of wine or twelve (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 (3) consecutive days provided not more than six hundred (600) cases of wine are sold at any auction. The licenses are subject to the terms, including license fee, imposed by Section 10.~~

~~(N)~~ (L) 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. § Minnesota Statutes Section 340A.301 subd. subdivisions 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 ~~9-(O)~~ 117.010 (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)~~ (M) 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 ~~9-(N)~~ 117.010 (L) above or that produces fewer than 3,500 barrels of malt liquor in a year and otherwise meets the criteria established at M.S. § Minnesota Statutes Section 340A.301 subd. subdivisions 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. § Minnesota Statutes Section 340A.301 subd. subdivision 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 ~~9-(N)~~ 117.010 (L) 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)~~ (N) 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~~ city sponsored by the brewer.

SECTION 10. § 117.011. LICENSE FEES; PRO RATA.

(A) No license or other fee established by the city shall exceed the limits established by Minnesota Statutes Section 340A.408, as it may be amended from time to time, for a liquor license.

(B) The Council may establish fees and charges for any of the liquor licenses it is authorized to issue. The license fee may not exceed the cost of issuing the license, inspections 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. § Minnesota Statutes Section 340A.408, subd. subdivision 5, (1) the business ceases to operate because of destruction or damage; or (2) the licensee dies; as it may be amended from time to time.

(F) Off-sale intoxicating liquor licensees may request a reduction in their annual license fee by the amount specified in M.S. § Minnesota Statutes Section 340A.408 if at the time of initial application or renewal they:

(1) Agree to have a private vendor approved by the city train all employees within sixty (60) days of hire and annually thereafter in laws pertaining to the sale alcohol, the rules for identification checks, and the responsibilities of establishments serving intoxicating liquors;

(2) Post a policy requiring identification checks for all persons appearing to be thirty (30) years old or less;

(3) Establish a written cash award and incentive program to award employees who catch underage drinkers and a written penalty program to punish employees in the event of a failed compliance check;

(4) Failure to abide by the provisions of this paragraph may result in suspension of the license until the conditions of the fee reduction are met and may result in suspension and/or revocation of the license pursuant to Section ~~23~~ 117.024 of this ~~ordinance~~ Chapter.

SECTION 11. § 117.012. COUNCIL DISCRETION TO GRANT OR DENY A LICENSE.

The City 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 ~~ordinance~~ Chapter.

SECTION 12. § 117.013. APPLICATION FOR LICENSE.

(A) *Form.* Every application for a license issued under this ~~ordinance~~ Chapter shall be on a form provided by the city. Every application shall state the name of the applicant, the applicant's age, representations as to the applicant's character, with references as the Council may require, the type of license applied for, the name of the business in connection with which the proposed license will operate and its location, a description of the premises, whether the applicant is owner and operator of the business, how long the applicant has been in that business at that place, and other information as the City 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. The form shall be verified and filed with the city. No person shall make a false statement in an application.

(B) *Financial responsibility.* Prior to the issuance of any license under this ~~ordinance~~ Chapter, the applicant shall demonstrate proof of financial responsibility as defined in ~~M.S. § Minnesota Statutes Section 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. § Minnesota Statutes Section 340A.409~~, as it may be amended from time to time. Operation of a business which is required to be licensed by this ~~ordinance~~ 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 13.~~ **§ 117.014. DESCRIPTION OF PREMISES.**

The application shall describe with specificity the compact and contiguous premises within which liquor may be dispensed and consumed. The description may not include any parking lot or sidewalk.

~~SECTION 14.~~ **§ 117.015. APPLICATIONS FOR RENEWAL.**

At least ninety (90) days before a license issued under this ~~ordinance~~ Chapter is to be renewed, an application for renewal shall be filed with the city. The decision whether or not to renew a license shall rest within the sound discretion of the City Council. No licensee has a right to have the license renewed.

~~SECTION 15.~~ **§ 117.016. TRANSFER OF LICENSE.**

Liquor licenses are non transferable. Any transfer of stock of a corporate licensee is deemed to be a transfer of the license, and a transfer of stock without prior Council approval is a ground 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 Chapter related to applications for a license shall apply.

~~SECTION 16.~~ **§ 117.017. 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 City 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 to perform such an investigation. The applicant shall pay with the application an investigation fee of five hundred dollars (\$500) which shall be in addition to any license fee. If the cost of the preliminary investigation is less than five hundred dollars (\$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 City Council, a comprehensive background and financial investigation, the City Council may either conduct the investigation itself or contract with the Commissioner of Public Safety for such an investigation. The investigation fee for this comprehensive background and financial investigation to be paid by the applicant shall be five hundred dollars (\$500), less any amount paid for the initial investigation if the investigation is to be conducted within the state, and ten thousand dollars (\$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 17. § 117.018. HEARING AND ISSUANCE.

The City 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 18. § 117.019. RESTRICTIONS ON ISSUANCE.

(A) Each license shall be issued only to the applicant(s) for the premises described in the application.

(B) Not more than one 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 issued to any person who is not a resident of the state. If the applicant is a corporation, all of the shareholders shall be residents of the state. The provisions of this division (E) shall not apply to any license existing on the effective date of this ordinance Chapter or to the renewal of an existing license.

(F) No license shall be granted within five hundred (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 on the premises within which liquor is to be sold.

SECTION 19. § 117.020. 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) Within ninety (90) days after employment, every person selling or serving liquor in an establishment which has an on-sale license shall receive training regarding the selling or serving of liquor to customers. The training shall be provided by an organization approved by the City Council. Proof of training shall be provided by the licensee to the City Clerk's office.

(B) Every licensee shall be 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 shall be deemed to be the act of the licensee as well, and the licensee shall be liable to all penalties provided by this ~~ordinance~~ Chapter and the law equally with the employee.

(C) Every licensee shall allow any peace officer, health officer, city employee, or any other person designated by the ~~City Council~~ Police Department 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.

(D) No on-sale establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

(E) Compliance with financial responsibility requirements of state law and of this ~~ordinance~~ Chapter shall be a continuing condition of any license.

(F) Failure by an off-sale intoxicating liquor licensee who has received a fee reduction pursuant to ~~section 10 (F)~~ Section 117.011 (F) of this ~~ordinance~~ Chapter to abide with the provisions of ~~section 10 (F)~~ Section 117.011 (F).

SECTION 20. § 117.021. HOURS AND DAYS OF SALE.

(A) The hours of operation and days of sale shall be ~~those set by M.S. §340A.504, as follows: 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.~~

(1) 3.2 percent malt liquor. No sale of 3.2 percent malt liquor may be made between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 2:00 a.m. and 10:00 a.m. on Sunday.

(2) Intoxicating liquor; on-sale. No sale of intoxicating liquor for consumption on the licensed premises may be made:

(a) between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday;

(b) after 2:00 a.m. on Sunday, except as provided in paragraph 3 of this section.

(3) Intoxicating liquor; Sunday sales; on-sale. A restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 10:00 a.m. on Sundays and 2:00 a.m. on Mondays.

(4) Intoxicating liquor; off-sale. No sale of intoxicating liquor may be made by an off-sale licensee:

(a) on Sundays;

(b) before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday;

(c) on Thanksgiving Day;

(d) on Christmas Day, December 25; or

(e) after 8:00 p.m. on Christmas Eve, December 24.

(B) No licensee may sell intoxicating liquor or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the licensee has obtained a permit from the Commissioner of Public Safety and paid any applicable state or city fees.

~~(B)~~ (C) No person shall consume nor shall any on-sale licensee permit any consumption of intoxicating liquor or 3.2 percent malt liquor in an on-sale licensed premises more than thirty ~~(30)~~ fifteen (15) minutes after the time when a sale can legally occur.

~~(C)~~ (D) 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 thirty (30) fifteen (15) minutes after the time when a sale can legally occur.

~~(D)~~ (E) No person, other than the licensee and any employee, shall remain on the on-sale licensed premises more than thirty (30) fifteen (15) minutes after the time when a sale can legally occur.

~~(E)~~ (F) Any violation of any condition of this section may be grounds for revocation or suspension of the license.

SECTION 21. § 117.022. MINORS ON PREMISES.

(A) No person under the age of eighteen (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 eighteen (18) may be employed as musicians or perform the duties of a bus person, host, 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.

(B) No person under the age of twenty-one (21) years may enter a licensed establishment except to work, consume meals on premises that qualify as a restaurant, or attend social functions that are held in a portion of the premises where liquor is not sold.

~~SECTION 22.~~ § 117.023. 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. § Minnesota Statutes Section 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 23.~~ § 117.024. SUSPENSION AND REVOCATION.

(A) The City Council shall either revoke or suspend for a period not to exceed sixty (60) days any liquor license upon finding that the licensee has failed to comply with any applicable statute, regulation, or provision of this ~~ordinance~~ 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. §§ Minnesota Statutes Sections 14.57 to 14.70, as it may be amended from time to time. The City 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 City Council for violations of ~~the provisions of this ordinance~~ Chapter or M.S. Ch. Minnesota Statutes Chapter 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) The license shall be revoked for the 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 violation of Section 4 117.005.

(2) The license shall be suspended by the City Council after a finding under division (A) that the licensee has failed to comply with any applicable statute, rule, or provision of this ~~ordinance~~ 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 City Council shall select the day or days during which the license will be suspended.

(C) Lapse of required proof of financial responsibility shall affect an immediate suspension of any license issued pursuant to this ~~ordinance~~ 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 City Council shall be granted within ten (10) days. Any suspension under this division (B) shall continue until the City Council determines that the financial responsibility requirements of state law and this ~~ordinance~~ Chapter have again been met.

(D) The provisions of Section 30 117.025 pertaining to ~~administrative penalty penalties~~ may be imposed in addition to or in lieu of any suspension or revocation under this ~~ordinance~~ Chapter.

SECTION 24. § 117.025. PENALTIES.

(A) Any person violating the provisions of this ~~ordinance~~ Chapter or ~~M.S. Ch.~~ Minnesota Statutes Chapter 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 City Council shall impose a civil penalty of up to \$2,000 for each violation of ~~M.S. Ch.~~ Minnesota Statutes Chapter 340A, as it may be amended from time to time, and of this ~~ordinance~~ Chapter. Conviction of a violation in a court of law is not required in order for the City Council to impose the civil penalty. A hearing under the Administrative Procedures Act, ~~M.S. §§~~ Minnesota Statutes Sections 14.57 to 14.70, as it may be amended from time to time, is not required before the penalty is imposed, but the City 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 shall 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 23 117.024 includes any and all violations of the provisions in this section, or of M.S. ~~Ch.~~ Minnesota Statutes Chapter 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 sixty (60) days following a violation for which revocation is imposed.

~~SECTION 25. EFFECTIVE DATE.~~

~~This ordinance shall become 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 26. SUMMARY APPROVED.~~

~~The City Council hereby determines that the text of the summary of this ordinance marked "Official Summary of Ordinance No. 498," and a copy of which is attached to this ordinance, clearly informs the public of the intent and effect of this ordinance. The City 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 and in any other public location which the City Council designates.~~

Introduced by the Lake City Common Council the ____ day of _____, 2013

Adopted by the Lake City Common Council the ____ day of _____.

Joel Beckman, Mayor

Attest:

Kari Schreck, City Clerk

Publication Dates:

Published in *The Lake City Graphic* on _____

Building Update

At the December 10th, 2012 Council Meeting the City Council decided to no longer explore the two sites that had been looked at for both temporary and permanent relocation of Ambulance and Police services. The Hardware Store on N. 7th St. was deemed too small for both services to move into. The Home Pros Building on N. 10th St. was also passed over. Though its square footage seemed adequate, the fact that it was not purpose-built as a hardened structure and would need extensive remodeling before being fit for use, knocked it out of contention.

A separate plan for a purpose-built facility on land which the City already owns along N. 10th St. was also submitted by architects. This would also be a joint facility to be shared by police and ambulance. The Council reviewed this plan but decided to wait to speak with a financial advisor before continuing with the process.

At the January 14, 2013 Council meeting the Ambulance was directed to continue to look for other temporary facilities to relocate to. No direction was given to the police department.

In addition to a space shortage for both services the current conditions at the Public Safety Building show a need for repair or replacement including, but not limited to, the following items:

Roof, Floor coverings (carpet & tile), some fixtures (toilets, sink & lights) and windows.

CITY OF LAKE CITY
DETAIL REVENUES WITH COMPARISON TO BUDGET
FOR THE 12 MONTHS ENDING DECEMBER 31, 2012

FUND 101 - GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>POLICE REVENUES</u>					
101-34110-33162	POLICE DONATIONS	100.00	355.00	250.00 (105.00) 142.00
101-34110-33321	POLICE COPIES	25.50	1,080.60	500.00 (580.60) 216.12
101-34110-33328	POLICE KENNELS FOOD & CARE	20.00	180.00	400.00	220.00 45.00
101-34110-33342	POLICE COPS GRANT	.00	34,092.00	30,000.00 (4,092.00) 113.64
101-34110-33354	POLICE STATE AID	.00	66,617.17	70,000.00	3,382.83 95.17
101-34110-33370	POLICE - ADMINISTRATIVE FINES	.00	.00	5,000.00	5,000.00 0
101-34110-33371	POLICE FINES-PARKING	880.00	3,155.00	5,500.00	2,345.00 57.36
101-34110-33372	POLICE FINES-COURT	2,651.42	23,376.25	15,000.00 (8,376.25) 155.84
101-34110-33377	POLICE FORFEITURE FUNDS	.00	250.00	.00 (250.00) 0
101-34110-33524	POLICE MISCELLANEOUS	.00	16,199.48	4,879.53 (11,319.95) 331.99
	TOTAL POLICE REVENUES	3,676.92	145,305.50	131,529.53 (13,775.97) 110.47
	TOTAL FUND REVENUE	3,676.92	145,305.50	131,529.53 (13,775.97) 110.47

CITY OF LAKE CITY
DETAIL EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 12 MONTHS ENDING DECEMBER 31, 2012

FUND 101 - GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>POLICE</u>					
101-44110-100 POLICE SALARIES-REGULAR	50,895.14	690,629.38	704,000.00	(13,370.62)	98.10
101-44110-110 POLICE SALARIES-OVETIME	4,688.96	20,833.26	27,000.00	(6,166.74)	77.16
101-44110-120 POLICE SALARIES-TEMPORARY	1,301.43	19,738.99	28,000.00	(8,261.01)	70.50
101-44110-140 POLICE PERA	7,664.19	96,577.80	103,000.00	(6,422.20)	93.76
101-44110-150 POLICE FICA	1,052.31	14,539.86	16,000.00	(1,460.14)	90.87
101-44110-160 POLICE GROUP HEALTH INSURANCE	12,513.98	138,420.77	150,000.00	(11,579.23)	92.28
101-44110-170 POLICE LONGEVITY	.00	5,075.20	6,575.00	(1,499.80)	77.19
PERSONNEL	78,116.01	985,815.26	1,034,575.00	(48,759.74)	95.29
101-44110-210 POLICE OPERATING SUPPLIES	2,664.22	32,385.48	34,879.53	(2,494.05)	92.85
101-44110-220 POLICE MAINT & REPAIR	1,006.38	12,143.49	17,000.00	(4,856.51)	71.43
101-44110-230 POLICE TOOLS/EQUIP	180.00	539.63	550.00	(10.37)	98.11
101-44110-240 POLICE BOOKS/PERIODICALS	.00	.00	300.00	(300.00)	0
101-44110-270 POLICE UNIFORM	323.53	10,988.10	11,000.00	(11.90)	99.89
SUPPLIES	4,174.13	56,056.70	63,729.53	(7,672.83)	87.96
101-44110-300 POLICE PROFESSIONAL SERVICES	.00	2,118.62	2,200.00	(81.38)	96.30
101-44110-310 POLICE COMMUNICATION	426.20	9,121.83	10,500.00	(1,378.17)	86.87
101-44110-320 POLICE TRAVEL, CONF, SCHOOL	178.00	15,578.70	18,426.84	(2,848.14)	84.54
101-44110-340 POLICE PRINTING/PUBLISHING	.00	251.10	500.00	(248.90)	50.22
101-44110-380 POLICE RENTAL	.00	70.00	200.00	(130.00)	35.00
101-44110-390 POLICE CONTRACTUAL	968.22	10,724.95	14,800.00	(4,075.05)	72.47
101-44110-400 POLICE MISCELLANEOUS	76.85	1,145.76	1,200.00	(54.24)	95.48
101-44110-900 POLICE PROJECTS/PROGRAMS	85.10	923.84	2,500.00	(1,576.16)	36.95
OTHER SERVICES	1,734.37	39,934.80	50,326.84	(10,392.04)	79.35
101-44110-530 POLICE CAPITAL OUTLAY-MACH/EQUI	15,415.00	49,397.15	50,046.00	(648.85)	98.70
CAPITAL	15,415.00	49,397.15	50,046.00	(648.85)	98.70
TOTAL POLICE	99,439.51	1,131,203.91	1,198,677.37	(67,473.46)	94.37

ANIMAL CONTROL

CITY OF LAKE CITY
DETAIL EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 12 MONTHS ENDING DECEMBER 31, 2012

FUND 101 - GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
101-44196-100 ANIMAL CONTROL SALARIES-REGULA	295.68	3,893.54	3,900.00	(6.46)	99.83
101-44196-140 ANIMAL CONT EMPYR CONT P E R A	21.43	282.35	283.00	(.65)	99.77
101-44196-150 ANIMAL CONTROL FICA	20.51	272.96	300.00	(27.04)	90.99
101-44196-160 ANIMAL CONTROL-GROUP HEALTH IN	80.92	986.98	1,000.00	(13.02)	98.70
PERSONNEL	418.54	5,435.83	5,483.00	(47.17)	99.14
101-44196-210 ANIMAL CONTROL OPERATING SUPPL	142.94	224.30	250.00	(25.70)	89.72
101-44196-220 ANIMAL CONTROL MAINT & REPAIR	.00	.00	100.00	(100.00)	0
101-44196-230 ANIMAL CONTROL TOOLS/EQUIP	.00	.00	50.00	(50.00)	0
SUPPLIES	142.94	224.30	400.00	(175.70)	56.08
101-44196-320 ANIMAL CONTROL TRAVEL, CONF, S	.00	.00	300.00	(300.00)	0
101-44196-340 ANIMAL CONTROL PRINTING/PUBLIS	.00	.00	75.00	(75.00)	0
101-44196-390 ANIMAL CONTROL CONTRACTUAL	.00	.00	400.00	(400.00)	0
101-44196-400 ANIMAL CONTROL MISCELLANEOUS	.00	.00	50.00	(50.00)	0
OTHER SERVICES	.00	.00	825.00	(825.00)	0
TOTAL ANIMAL CONTROL	561.48	5,660.13	6,708.00	(1,047.87)	84.38
TOTAL FUND EXPENDITURES	100,000.99	1,136,864.04	1,205,365.37	(68,521.33)	94.32
NET REVENUES OVER EXPENDITURES	(96,324.07)	(991,558.54)	(1,073,855.84)	54,745.36	92.34