

AGENDA
CHAMPLIN CITY COUNCIL
MONDAY, FEBRUARY 22, 2010
CITY COUNCIL CHAMBERS
7:00 P.M.

THIS CITY COUNCIL MEETING WILL BE CABLECAST LIVE ON CABLE CHANNEL 16

IF DUE TO A DISABILITY YOU NEED AUXILIARY AIDS OR SERVICES DURING A CITY COUNCIL MEETING, PLEASE PROVIDE THE CITY WITH 24 HOURS NOTICE BY CALLING 421-8100 OR FAX 421-5256

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INTRODUCTIONS/ROLL CALL

AGENDA

MINUTES: FEBRUARY 8, 2010 WORKSESSION
 FEBRUARY 8, 2010 REGULAR MEETING

BILLS: FEBRUARY 22, 2010

ANNOUNCEMENTS:

JOINT MEETING WITH ANOKA – THURSDAY, MARCH 4TH AT 5:30 P.M. AT GREENHAVEN GOLF COURSE IN ANOKA

CITY COUNCIL WORKSESSION – MONDAY, MARCH 8TH AT 5:45 P.M. IN THE COUNCIL CONFERENCE ROOM

CITY COUNCIL MEETING – MONDAY, MARCH 8TH AT 7:00 P.M. IN THE COUNCIL CHAMBERS

IN MID-MARCH, EVERY HOUSEHOLD IN CHAMPLIN WILL RECEIVE A CENSUS FORM TO BE COMPLETED BY APRIL 1ST. BUSINESSES, GOVERNMENTS, SCHOOLS AND NON-PROFIT AGENCIES USE CENSUS DATA FOR PLANNING PROGRAMS, LAND USE, AND SERVICES. CONTACT CITY HALL AT 763-923-7102 FOR MORE INFORMATION.

THE CITY’S MILL POND GABLES PROJECT HAS APARTMENT OPENINGS FOR INDEPENDENT SENIORS INTERESTED IN A HIGH AMENITY, AFFORDABLE HOUSING COMMUNITY. IF YOU OR SOMEONE YOU KNOW HAS AN INTEREST, YOU ARE ENCOURAGED TO CALL SHELLY BAKKEN AT (763) 576-8696.

CONSENT AGENDA

The Consent Agenda contains action items considered routine or non-controversial in nature, that need little or no additional deliberation based on the level of review, analysis or discussion that has been previously conducted by the City Council

1. APPROVE 2010 TEAMSTERS UNION CONTRACT PROPOSAL
2. RESOLUTION NO. 2010-21 APPROVING ACQUISITION OF DESIGNATED PROPERTIES ON GOOSE LAKE ROAD
3. ADOPT ORDINANCE NO. 695 GOVERNING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS AND ORDINANCE NO. 696 FEES
4. APPLICATION FOR GENERAL BUSINESS LICENSE (TOBACCO SALES AND GASOLINE PUMPS) FOR CHAMPLIN BRITISH PETROLEUM
5. APPROVE AMENDED JOINT POWERS AGREEMENT WITH NORTH METRO MAYORS ASSOCIATION
6. ACCEPT HENNEPIN COUNTY GRANT FOR ELM CREEK STREAM STABILIZATION PLAN

OPEN FORUM

CITY COUNCIL AGENDA

PUBLIC HEARINGS

7. RESOLUTION NO. 2010-22 REAFFIRMING THE PRELIMINARY APPROVAL OF THE ISSUANCE OF REVENUE BONDS FOR THE FINANCING OF THE ACQUISITION AND REHABILITATION OF A MULTI-FAMILY HOUSING DEVELOPMENT LOCATED IN THE CITY OF CHAMPLIN AFTER HOLDING A PUBLIC HEARING WITH RESPECT THERETO

ADJOURNMENT

CITY OF CHAMPLIN
REQUEST FOR COUNCIL ACTION

AGENDA SECTION	ORIGINATING DEPARTMENT	MEETING DATE
CONSENT AGENDA	ADMINISTRATION	FEBRUARY 22, 2010
ITEM #	ITEM DESCRIPTION	PREPARED BY
1	APPROVE 2010 TEAMSTERS UNION CONTRACT PROPOSAL	BRET HEITKAMP

BACKGROUND

Staff has reached a tentative agreement with the Teamsters Union (Local #320) regarding wages, benefits, and the general terms of employment for 2010.

REVIEW OF ISSUES

With the health and dental insurance component being ratified for 2010 as part of the implementation of the High Deductible Health Plan (HDHP) last year, along with the Teamsters employees agreeing to the wage freeze for 2010, there are only a series of minor components to the tentative agreement that need to be formally authorized by the City Council. The proposed amendments are outlined below:

1. Opportunity to convert eight hours of accrued sick leave to the employee's Health Savings Account (HSA).
2. Increase employer provided life insurance from \$10,000 to \$20,000.
3. Reduce the minimum balance requirement from 500 hours to 400 hours on the conversion of accrued sick time to the employee's vacation balance.
4. Increase the current clothing allowance by \$25 (total of \$405 for 2010).
5. Amendment to the immediate family definition as it pertains to Sick Leave Usage.
6. Discontinue prior practice of permitting employees to utilize accrued and unused sick leave associated with the birth or adoption of a child. This matter will be governed solely by the requirements of the Family and Leave Act.
7. The temporary or permanent layoff of any Teamster employee would not be allowed for the duration of this contract (2010), as a trade for no COLA increase.

RECOMMENDATIONS

It is recommended that the tentative agreement with the Teamsters Union be ratified as recommended.

**CITY OF CHAMPLIN
REQUEST FOR COUNCIL ACTION**

AGENDA SECTION	ORIGINATING DEPARTMENT	MEETING DATE
CONSENT	GOVERNMENT SERVICES	FEBRUARY 22, 2010
ITEM #	ITEM DESCRIPTION	PREPARED BY
2	RESOLUTION NO. 2010-21 APPROVING ACQUISITION OF DESIGNATED PROPERTIES ON GOOSE LAKE ROAD NORTH	ROBERTA COLOTTI, CMC, CITY CLERK

BACKGROUND

The Goose Lake Road Area Cooperative Agreement dated February 24, 2005 requires the City to enact a resolution giving approval to the Three Rivers Park District to acquire the following properties, in accordance with Minn. Stat. 398.09:

- 12102 West Hayden Lake Road
- 12208 West Hayden Lake Road
- 12226 West Hayden Lake Road
- 12310 West Hayden Lake Road

Within the signed agreement we pledge to use our condemnation authority if needed. However, the Park District has agreed to make every reasonable effort to acquire the subject properties on a willing seller basis and shall not commence eminent domain proceedings sooner than ten years following execution of the 2005 Goose Lake Road Area Cooperative Agreement. At this time, two of the four properties (in-holdings) are requesting that the Park District acquire their properties.

REVIEW OF ISSUES

The Goose Lake Road project is moving forward and an existing agreement is in place between the City and the Park District. At this time, formal action is required to adopt a resolution regarding our consent for the Park District to acquire the identified properties.

ALTERNATIVES/IMPACTS (UPSIDE/DOWNSIDE)

This resolution is required for the Goose Lake Road project to continue to move forward.

RECOMMENDATIONS

Staff recommends approval of Resolution No. 2010-21 APPROVING ACQUISITION OF DESIGNATED PROPERTIES ON GOOSE LAKE ROAD NORTH

**CITY OF CHAMPLIN
HENNEPIN COUNTY, MINNESOTA
RESOLUTION NO. 2010 - 21**

**RESOLUTION APPROVING ACQUISITION OF DESIGNATED PROPERTIES ON GOOSE
LAKE ROAD NORTH**

WHEREAS, The City of Champlin (City) recognizes Elm Creek Park Reserve as an important component of the regional parks system that serves residents of the City and the region; and

WHEREAS, The City has supported the Master Plan for Elm Creek Park Reserve by adopting Resolution No. 2006-106; and

WHEREAS, The City and the Three Rivers Park District (Park District) have collaborated to define the actions related to public roadway vacation and purchase of inholding properties by adopting the Goose Lake Road Area Cooperative Agreement; and

WHEREAS, The City further recognizes the inholding properties as:

Property One (12102 West Hayden Lake Road):

That part of Government Lot 2, Section 25, Township 120, Range 22, described as follows: Beginning at the Southeast corner of said Government Lot 2, thence North on the East line of said Government Lot a distance of 250 feet thence angle left 69 degrees, 22 minutes a distance of 446.06 feet more or less to the center line of existing Township road; thence Southwesterly along said center line to its point of intersection with the South line of said Government Lot 2, thence East on said South line to the point of beginning; and also the North 200 feet of Northwest $\frac{1}{4}$ of Southwest $\frac{1}{4}$ Section 25-Township 120, Range 22, lying East of the Township road.

Property Two (12208 West Hayden Lake Road):

That part of Government Lot Two (2), Section Twenty-five (25), Township 120, Range 22, West of the Fifth Principal Meridian described as follows: Commencing at the Southeast corner of said Government Lot Two (2); thence North on the East line of said Government Lot, a distance of 250 feet to the actual point of beginning of tract thence angle left 69° 22' a distance of 446.06 feet, more or less, to the center line of the existing township road; thence Northeasterly along said center line to its point of intersection with the East line of said Government Lot Two (2); thence South along said East line to the point of beginning.

Subject to a roadway easement over the Northwesterly 33 feet of the above described tract.

Property Three (12226 West Hayden Lake Road):

Lot 1, Block 1, ZOPFI ADDITION, according to the map or plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota.

Property Four (12310 West Hayden Lake Road):

Part of West ½ of the East 40 acres of Government Lot 1 and the West ½ of Southeast ¼ of Northwest ¼ all in Section 25, Township 120, North Range 22, West of the Fifth Principal Meridian, Hennepin County, Minnesota, described as follows:

From the Northwest corner of said Southeast ¼ of Northwest ¼; thence South on West line thereof 240 feet; thence South 67 degrees 10 minutes East 77.5 feet to Easterly line of public road and place of beginning; thence South 67 degrees 10 minutes East 129.5 feet; thence North 23 degrees 30 minutes East 219 feet; thence North 6 degrees 10 minutes West 253 feet to Easterly line of said Highway; thence Southwesterly on said Easterly line 465 feet, more or less, to place of beginning.

WHEREAS, The Goose Lake Road Area Cooperative Agreement dated February 24, 2005 requires the City to enact a resolution giving approval to Park District to acquire the properties cited above, in accordance with Minn. Stat. 398.09; and

WHEREAS, The Park District has agreed to make every reasonable effort to acquire the subject properties on a willing seller basis and shall not commence eminent domain proceedings sooner than ten years following execution of said Goose Lake Road Area Cooperative Agreement; and

WHEREAS, all other City and Park District actions required by the Goose Lake Road Area Cooperative Agreement have taken place.

NOW THEREFORE BE IT RESOLVED, that the City, in accordance with M.S. 398.09.1 and the provisions of the Goose Lake Road Area Cooperative Agreement, approve the acquisition of the subject properties.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember , and upon vote being taken thereon, the following voted in favor thereof: , and the following voted against the same: none, whereupon said resolution was passed this 22nd day of February, 2010.

Mark W. Uglem, Mayor

ATTEST:

Roberta Colotti, CMC, City Clerk

CITY OF CHAMPLIN
REQUEST FOR COUNCIL ACTION

AGENDA SECTION	ORIGINATING DEPT.	MEETING DATE
CONSENT AGENDA	GOVERNMENT SERVICES	FEBRUARY 22, 2010
ITEM NO.	ITEM DESCRIPTION	PREPARED BY
3	ADOPT ORDINANCE NO. 695 GOVERNING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS AND ORDINANCE NO. 696 FEES	Roberta Colotti, CMC, City Clerk

BACKGROUND

On January 4, 2010 the City Council considered several amendments to the ordinance governing peddlers, solicitors, and transient merchants. Most significant of these changes was moving from a registration to a licensing requirement for solicitors as is required for peddlers. The ordinance changes the licensing process from a Council procedure to an administrative one and provides certain exceptions to the licensing requirement for non-profit organizations.

REVIEW OF ISSUES

First reading was given on February 8, 2010.

ALTERNATIVES/IMPACTS (UPSIDE/DOWNSIDE)

N/A

RECOMMENDATIONS

It is recommended that the City Council take the following two actions:

- Adopt the attached Ordinance No. 695, governing peddlers, solicitors and transient merchants and authorize use of the attached publication summary.
- Waive first reading and adopt Ordinance No. 696 governing solicitor license fees and authorize the use of the attached publication summary.

ORDINANCE NO. 695

CITY OF CHAMPLIN
COUNTY OF HENNEPIN
STATE OF MINNESOTA

AN ORDINANCE REPEALING CHAPTER 30 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE X PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS AND ADOPTING THE FOLLOWING ORDINANCE GOVERNING PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS WITHIN THE CITY OF CHAMPLIN, MINNESOTA

THE CITY COUNCIL OF THE CITY OF CHAMPLIN, MINNESOTA DOES ORDAIN:

SECTION 1. DEFINITIONS.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NON-COMMERICAL DOOR-TO-DOOR ADVOCATE. A person who goes door-to-door for the primary purpose of disseminating religious, political, social, or other ideological beliefs. For purpose of this ordinance, the term door-to-door advocate shall fall under the term solicitor and include door-to-door canvassing and pamphleteering intended for non-commercial purposes.

PEDDLER. A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of offering for sale, displaying for exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, or other personal property that the person is carrying or otherwise transporting or the provision of a service the person is offering. For purpose of this ordinance, the term peddler shall have the same common meaning as the term hawker.

PERSON. Any natural individual, group, organization, corporation, partnership, or similar association.

PROFESSIONAL FUNDRAISER. Any person, including a corporation or other entity, who, for compensation, performs any solicitations or other services for a religious, politician, social, or other charitable organization.

REGULAR BUSINESS DAY. Any day during which the city hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be considered regular business days.

SOLICITOR. A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a

person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. For purposes of this ordinance, the term solicitor shall have the same meaning as the term canvasser.

TRANSIENT MERCHANT. A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property and who does not remain in any one location for more than fourteen (14) consecutive days.

SECTION 2. EXCEPTIONS TO DEFINITIONS.

Exemption from these definitions shall not, for the scope of this chapter, excuse any person from complying with any other applicable statutory provision or requirement provided by another city ordinance.

For the purpose of this chapter, the terms **PEDDLER**, **SOLICITOR**, and **TRANSIENT MERCHANT** shall not apply to:

- (A) Non-commercial door-to-door advocates. Nothing within this ordinance shall be interpreted to prohibit or restrict non-commercial door-to-door advocates. Person engaging in door-to-door advocacy shall not be required to register as a solicitor under Section 3.
- (B) Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler.
- (C) Any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products, such as baked goods or milk.
- (D) Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route.
- (E) Ice cream and other vendors, covered under Article XII. Vending Trucks.
- (F) Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.
- (G) Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales.
- (H) Any person participating in an organized multi-person bazaar or flea market.
- (I) Any person conducting an auction as a properly licensed auctioneer.
- (J) Any officer of the court conducting a court-ordered sale.

SECTION 3. LICENSING; EXEMPTIONS.

(A) *City license required.* Except as otherwise provided for by this ordinance, no person shall conduct business within this jurisdiction as a peddler, solicitor or a transient merchant without first obtaining a city license.

(B) *Application.* An application for a city license to conduct business as a peddler, solicitor or transient merchant shall be made at least fifteen (15) regular business days before the applicant desires to begin conducting a business operation within the City. Application for a license shall be made on a form approved by the City Council and available from the office of the City Clerk. All applications shall be signed by the applicant. All applications shall include the following information:

Business Information

- (1) Business Name
- (2) Business Permanent Address
- (3) Business Temporary Address (if applicable)
- (4) Business Permanent Phone Number and E-mail Address
- (5) Business Temporary Phone Number (if applicable)
- (6) Manager/Owner's Name and Contact Phone Number and E-mail Address
- (7) Local Representative Contact Name, Phone Number and E-mail Address
- (8) A complete listing of the goods or services to be provided.
- (9) The dates during which the applicant intends to conduct business. If the applicant is applying for a daily license, the number of days he or she will be conducting business within the city.
- (10) A list of the three (3) most recent locations where the applicant has conducted business as a peddler or transient merchant.
- (11) The license plate number for any vehicle to be used in conjunction with the licensed business operation.

Additional Business Information for Transient Merchants

- (1) Written permission of the property owner or the property owner's agent for any location to be used by a transient merchant.

(2) A site plan for review by the Building Department for any location to be used by a transient merchant.

(3) A copy of the temporary sign permit/application for any transient merchant desiring to have signage.

Salesperson Information

(1) The salespersons full legal name.

(2) Any and all other names under which the salesperson has or does conduct business, or to which the applicant will officially answer to.

(3) Full address of salespersons permanent residence.

(4) Telephone number of applicant's permanent residence.

(5) Cellular phone if used as a business contact number.

(6) A statement as to whether or not the applicant has been convicted with the last five (5) years of any felony, gross misdemeanor or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses.

(7) A copy of the applicant's driver's license or other acceptable form of identification.

(8) Each sales person is required to authorize a criminal background check by the Champlin Police Department indicating whether the salesperson included on the application has been convicted of any crime, misdemeanor or violations, the nature of the offense and the punishment or penalty assessed.

(D) **Fee.** All applications for a license under this chapter shall be accompanied by the fee established in the Chapter 22 Fee Schedule as it may be amended from time to time.

(E) **Procedure.** Upon receipt of the application and payment of the license fee, the City Clerk will, within ten (10) regular business days, determine if the application is complete. An application will be considered complete if all required information is provided.

If the City Clerk determines that the application is incomplete, the City Clerk must inform the applicant of the required, necessary information that is missing.

If the application is complete, the City Clerk must order any investigation, including background checks, necessary to verify the information provided with the application.

Within fifteen (15) regular business days of receiving a complete application the City Clerk must issue the license unless grounds exist for denying the license application under Section 4, in which case the clerk must deny the request for a city peddler, solicitor or transient merchant license.

A name badge shall be issued for all sales people and a license will be issued for transient merchants. The badge must be worn at all times while conducting business in Champlin and the license must be displayed by the transient merchant.

If the City Clerk denies the license application, the applicant must be notified in writing of the decision, the reason for denial and the applicant's right to appeal the denial by requesting, within twenty (20) days of receiving notice of rejection, a public hearing before the City Council. The City Council shall hear the appeal with twenty (20) days of the date of the request for a hearing. The decision of the City Council following the public hearing can be appealed by petitioning the Minnesota Court of Appeals for a writ of certiorari.

(F) *Duration*. An annual license granted under this ordinance shall be valid for one calendar year from the date of issuance. All other licenses granted to peddlers and transient merchants under this ordinance shall be valid only during the time period indicated on the license. The license shall only be valid for the sale of those goods listed on the application form or the provision of the services listed on the application form. A new application shall be required in order to sell additional products or provide additional services.

(G) *Professional fundraisers not exempt*. A professional fundraiser working on behalf of an otherwise exempt group or person shall not be exempt from the licensing requirements of this ordinance.

(H) *License exemptions*.

(1) No license shall be required for any person to sell or attempt to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised on any farm.

(2) No license shall be required for any person going from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement for the primary purpose of exercising that person's state or federal constitutional rights such as the freedom of speech, freedom of the press, freedom of religion, and the like. This exemption will not apply if the person's exercise of constitutional rights is merely incidental to what would properly be considered a commercial activity.

(3) No license shall be required for any nonprofit organization, society, association or corporation desiring to have solicited in its own name donations of money or property, or desiring to sell or distribute any item of literature or merchandise for which a fee is charged, and which has a charitable, religious, patriotic or philanthropic purpose.

SECTION 4. LICENSE INELIGIBILITY.

The following shall be grounds for denying a peddler, solicitor or transient merchant license:

(A) The failure of an applicant to truthfully provide any information requested by the City as part of the application process.

- (B) The failure of an applicant to sign the license application.
- (C) The failure of an applicant to pay the required fee at the time of application.
- (D) A conviction with the past five (5) years of the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the company or sales person's ability to conduct the business for which the license is being sought in a professional, honest and legal manner. Such violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
- (E) The revocation with the past five (5) years of any license issued to an applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant.
- (F) When an applicant has a bad business reputation.

Evidence of a bad business reputation shall include, but is not limited to:

- (1) The existence of more than three (3) complaints against an applicant with the Better Business Bureau, the Office of the Minnesota Attorney General or other state office, or other similar business or consumer rights office or agency, with the preceding twelve (12) months; or
- (2) Three (3) complaints filed with the city against an applicant within the preceding five (5) years.

Nothing in this section shall require that the City conduct a background investigation through those agencies listed.

SECTION 5. LICENSE SUSPENSION AND REVOCATION.

(A) **Generally.** Any license issued under this section may be suspended or revoked at the discretion of the City Council for violation of any of the following:

- (1) Subsequent knowledge by the City of fraud, misrepresentation or incorrect statements provided by an applicant on the application form.
- (2) Fraud, misrepresentation or false statements made during the course of the licensed activity.
- (3) Subsequent conviction of any offense to which the granting of the license could have been denied under Section 4.
- (4) Engaging in any prohibited activity as provided under Section 7 of this ordinance.

(5) Failure of any sales person to prominently wear the name badge provided by the City or for any transient merchant to fail to display their certificate of licensure at their site.

(6) Violation of any other provision of this ordinance.

(B) **Multiple persons under one license.** The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers, solicitors or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person's authority to conduct business as a peddler, solicitor or transient merchant on behalf of the licensee whose license is suspended or revoked.

(C) **Notice.** Prior to revoking or suspending any license issued under this chapter, the City shall provide a license holder with written notice of the alleged violations and inform the licensee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the business address listed on the license application, or if no business address is listed, to the permanent residential address provided on the license application.

(D) **Public Hearing.** Upon receiving the notice provided in part (C) of this section, the licensee shall have the right to request a public hearing. If no request for a hearing is received by the City Clerk within ten (10) days following the service of the notice, the City may proceed with the suspension or revocation. For the purpose of a mailed notice, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the stated time frame, a hearing shall be scheduled within twenty (20) days from the date of the request for the public hearing. Within three (3) regular business days of the hearing, the City Council shall notify the licensee of its decision.

(E) **Emergency.** If, in the discretion of the City Administrator, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this ordinance, the City Administrator may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in part (C) of this section.

(F) **Appeal.** Any person whose license is suspended or revoked under this section shall have the right to appeal that decision in court.

SECTION 6. LICENSE TRANSFERABILITY.

No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued.

SECTION 7. PROHIBITED ACTIVITIES.

No peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall conduct business in any of the following manner:

(A) Calling attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.

(B) Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.

(C) Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.

(D) Conducting business before 8 a.m. or after 8 p.m.

(E) Failing to provide proof of license, or registration, and identification as required or when requested.

(F) Using the license or registration of another person.

(G) Alleging false or misleading statements about the products or services being sold, including untrue statements of endorsement. No peddler, solicitor, or transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person.

(H) Remaining on the property of another when requested to leave.

(I) Otherwise operating their business in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.

(J) No transient merchant license shall be issued for sales from any location which does not have sufficient parking for customers and for areas where customer parking would interfere with normal traffic flow. No transient merchant license shall be issued for activities on any property abutting Highway 169 or Hennepin County Road 12.

(K) No Transient merchant shall occupy any area within a site triangle at any intersection for the purpose of advertising and/or conducting business. For purpose of this section, a site triangle is the area located at the corner of intersecting streets contained by a triangle composed of sides measuring 20 feet in length from the corner along the curb line or edge of the street and the line connecting the non-joining ends of those two sides.

(L) No peddler, solicitor or transient merchant license shall be issued to those whose sales occur directly from vehicles on City streets.

SECTION 8. EXCLUSION BY PLACARD.

Unless specifically invited by the property owner or tenant, no peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall enter onto the property of another for the purpose of conducting business as a peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or similar activity when the property is marked with a sign or placard:

(A) At least four inches long.

(B) At least four inches wide.

(C) With print of at least one-half inch high.

(D) Stating “No Peddlers, Solicitors or Transient Merchants,” “Peddlers, Solicitors, and Transient Merchants Prohibited,” or other comparable statement.

No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this section.

SECTION 9. FIREWORKS LICENSE FOR TRANSIENT MERCHANTS.

Transient merchants wishing to sell fireworks shall comply with the rules and regulations of this section with the exception of the licensing requirement. They shall instead submit an application for a license for the manufacture, storage, display or sale of consumer fireworks as provided for under section 26-127. All applicants must comply with National Fire Protection Association Standard 1124 (2003 Edition). (Code 1977, § 11-414; Ord. No. 610, 3-24-2005)

SECTION 10. PENALTY.

Any individual found in violation of any provision of this ordinance, shall be a guilty of a misdemeanor.

SECTION 11. EFFECTIVE DATE.

This ordinance shall become effective following its passage and publication as required by law.

Mark W. Uglem, Mayor

ATTEST:

Roberta Colotti, CMC, City Clerk

First Reading: February 8, 2010

Second Reading: February 22, 2010

Adoption: February 22, 2010

Published in the Champlin-Dayton Press on March 4, 2010.

Publication Summary

**City of Champlin, MN
Publication Summary
Ordinance No. 695**

An Ordinance repealing Chapter 30 Licenses, Permits and Miscellaneous Business Regulations, Article X Peddlers, Solicitors and Transient Merchants and adopting an Ordinance governing peddlers, solicitors and transient merchants within the City of Champlin, Minnesota. This ordinance eliminates the requirement for non-profits to register with the City of Champlin and requires a license instead of a registration of solicitors.

Adopted: February 22, 2010

Mark W. Uglem, Mayor

Attest:

Roberta Colotti, CMC City Clerk

Published in Champlin Dayton Press on March 4, 2010.

The full ordinance shall be available at the public library, and at City Hall during normal business hours,
Monday-Friday 8:00 a.m. to 4:30 p.m.

ORDINANCE NO. 696

CITY OF CHAMPLIN
COUNTY OF HENNEPIN
STATE OF MINNESOTA

AN ORDINANCE AMENDING CHAPTER 22 FEES

Chapter 22 FEES

[Sec. 22-1. Fees.](#)

Section of Code	Description	Fee (In Dollars)
	CHAPTER 30 LICENSES, PERMITS AND MICELLANEOUS BUSINESS REGULATIONS	
30-460(b)	Peddler, Solicitor and transient merchant, application and license fees:	
	Investigation (per person)	15.00
	Daily Rate	60.00
	Monthly Rate	100.00
	Annual Rate	600.00
	Solicitor registration (no fee allowed by law)	N/C

EFFECTIVE DATE.

This ordinance shall become effective following its passage and publication as required by law.

Mark W. Uglem, Mayor

ATTEST:

Roberta Colotti, CMC, City Clerk

First Reading: Waived, February 22, 2010

Second Reading: February 22, 2010

Adoption: February 22, 2010

Published in the Champlin-Dayton Press on March 4, 2010.

Publication Summary

**City of Champlin, MN
Publication Summary
Ordinance No. 696**

AN ORDINANCE AMENDING CHAPTER 22 FEES

The fee schedule for the City of Champlin was amended to require the same fees for a solicitor as are established for a peddlers and transient merchants.

Adopted: February 22, 2010

Mark W. Uglem, Mayor

Attest:

Roberta Colotti, CMC City Clerk

Published in Champlin Dayton Press on March 4, 2010.

The full ordinance shall be available at the public library, and at City Hall during normal business hours,
Monday-Friday 8:00 a.m. to 4:30 p.m.

**CITY OF CHAMPLIN
REQUEST FOR COUNCIL ACTION**

AGENDA SECTION	ORIGINATING DEPARTMENT	MEETING DATE
CONSENT	GOVERNMENT SERVICES	FEBRUARY 22, 2010
ITEM #	ITEM DESCRIPTION	PREPARED BY
4	APPLICATION FOR GENERAL BUSINESS LICENSE (TOBACCO SALES AND GASOLINE PUMPS) FOR CHAMPLIN BRITISH PETROLEUM	ROBERTA COLOTTI, CMC, CITY CLERK

BACKGROUND

Currently AAA Greatwall Development LLC (d.b.a. Champlin British Petroleum) owns the business, located at 11201 Aquila Drive. Jason Seitz has an agreement to purchase the store. He will operate the store under the name Champlin British Petroleum. He is seeking approval of tobacco and gasoline sales business licenses from the City Council.

REVIEW OF ISSUES

The current owner has been issued an over the counter tobacco sales license as well as a license for 16 gasoline pumps. The requested transfer in ownership results in the need to re-issue the licenses.

ALTERNATIVES/IMPACTS (UPSIDE/DOWNSIDE)

The City Council can approve, deny, or table the license request. If the license request is denied, there should be specific rationale for denial.

RECOMMENDATIONS

Staff recommends that the application for licenses for over the counter tobacco sales and for 16 gasoline pumps submitted by Jason Seitz of Champlin British Petroleum, located at 11201 Aquila Drive, be approved.

CITY OF CHAMPLIN

REQUEST FOR COUNCIL ACTION

AGENDA SECTION	ORIGINATING DEPARTMENT	MEETING DATE
Consent	Administration	February 22, 2010
ITEM #	ITEM DESCRIPTION	PREPARED BY
5	Approve Amended Joint Powers Agreement with North Metro Mayors Association	Bret Heitkamp

BACKGROUND:

Per the direction from the City Council at the January 25th worksession, attached is a copy of the amended Joint Powers Agreement (JPA) with North Metro Mayors Association (NMMA), which incorporates the City's involvement in the Cooperative Purchasing Program (CPP).

REVIEW OF ISSUES:

While the amended document, and more specifically the (CPP), provides an opportunity for the City of Champlin to utilize the group purchasing authority, which to date has produced substantial savings to member cities, it does not *require* that the City of Champlin participate in the (CPP). Member cities will always maintain the opportunity to opt-in or opt-out of the (CPP), based on the materials, goods and/or services being bid.

RECOMMENDATIONS:

Based on the previous consensus direction from the City Council, it is recommended that the amended (JPA) be approved as presented.

CITY OF CHAMPLIN

REQUEST FOR COUNCIL ACTION

AGENDA SECTION	ORIGINATING DEPT.	MEETING DATE
CONSENT	ENGINEERING	FEBRUARY 22, 2010

ITEM NO.	ITEM DESCRIPTION	PREPARED BY
6	ACCEPT HENNEPIN COUNTY GRANT FOR THE ELM CREEK STREAM STABILIZATION PLAN	T. TUOMINEN

BACKGROUND

The Minnesota Legislature awarded Hennepin County \$500,000 from the Minnesota Clean Water Fund to implement the Riparian Restoration and Stream Bank Stabilization Program for 2010. The purpose of this program is to fund projects that will reduce erosion and stabilize stream banks throughout the County. Hennepin County has made these funds available through grants to local governments that meet program criteria.

Priority was given to applicants and projects that:

- Incorporate the use of Minnesota Conservation Corps or the Tree Trust Program
- Are identified as a priority by the local water management organization
- Address erosion and bank stabilization of streams listed as impaired or are tributary to impaired waters.
- Provide significant funds from other sources.

Hennepin County indicated that they received project grant applications totaling \$8.2 million dollars that competed for \$500,000 in available funds.

REVIEW OF ISSUES

The City of Champlin has received notice that the proposed Elm Creek Stream Stabilization Plan for the repair of Elm Creek upstream of the Mill Pond was one of the highest scoring applications and qualifies for a grant in the amount of \$50,000 from the Hennepin County Stream Bank Stabilization Program. In addition, the Hennepin Conservation District (HCD) has offered an additional grant in the amount of \$26,400 for this project. The total project cost is estimated to be \$150,000- \$200,000 and would repair approximately 620 feet of stream edge between the Jo Nunn Park pedestrian bridge and Cartway Road. The stream bank stabilization is expected to reduce sediments and nutrient loading to the Mill Pond and is the first step in an overall strategy of improving the water quality in the Lower Elm Creek and Mill Pond.

The City has programmed \$200,000 from the CIP for water quality improvements for the Mill Pond for 2010 and \$272,000 for upstream improvements in 2013/ 2014 from the storm sewer fund. Staff is recommending that capital expenditures be used to take advantage of the grant opportunity. Combined, the two grants total \$76,400 and would represent approximately 50% of a \$150,000 project. In order to receive the Stream Stabilization Grant, the City is required to enter into a Cost Share Agreement with Hennepin County. With this grant there are specific requirements

including: Local Matching Funds; Design Criteria; Reporting Requirements; and Contracting with either the MN Conservation Corps or Tree Trust for restoration work.

The HCD Board is expected to approve the City grant at their March 15, 2010 Board meeting. The City will need to enter into the State Cost-Share Agreement at this time to secure the \$26,400 grant. The City can withdraw from this agreement in the event the project does not move forward. The Hennepin County Grant Agreement for the \$50,000 Stream Grant is expected to be available for review in April 2010 and will be considered along with the project Feasibility Study.

At this time, the Elm Creek Watershed Management Commission (WMC) does not have a Capital Improvements Plan that will fund this project; therefore the City has applied for grants and programmed CIP funds for this project. In the future, the City will be looking to the Elm Creek WMC for assistance in securing the funding to create a stable stream bank throughout the lower portion of the Elm Creek. In addition, the City will be requesting that the Elm Creek WMC provide studies that will assist in the proper management of the Elm Creek to prevent stream bank erosion.

Proposed Project Scope

The project proposes to stabilize 620 feet of a heavily meandering reach of the Elm Creek upstream of Cartway Road. This section of Creek has experienced severe bank erosion, causing siltation and nutrient loading in the Mill Pond. This increases the sediment and nutrient loads into the Mill Pond and the Mississippi River which is directly downstream of the Mill Pond. As part of this work, riprap will be placed on the stream edge for slope protection. Native vegetation of grasses, forbs, trees and shrubs will be established on the slopes above the riprap section. The Conservation Corps of Minnesota or Tree Trust Program will be used to establish the native landscape.

Tentative Schedule

- | | |
|---------------------|---|
| • February 22, 2010 | Authorization for HCD Grant Agreement |
| • March 15, 2010 | Grant Approval by HCD Board |
| • March 22, 2010 | Order Feasibility Study |
| • May 10, 2010 | Accept Feasibility Study/ Hennepin County Grant Agreement |
| • June 2010 | Public Hearing/ Order Plans and Specs |
| • Summer/ Fall 2010 | Approve Plans and Specs/ Order Bids |
| • Fall 2010 | Bid Approval/Award Contract |

RECOMMENDATIONS

It is recommended that the City enter into a State Cost Share Agreement with Hennepin Conservation District with the understanding that the agreement will be terminated if the Elm Creek Stream Stabilization Project does not move forward.

Attachment: State Cost-Share Assistance Contract/ HCD
Project Location Map

**CITY OF CHAMPLIN
REQUEST FOR COUNCIL ACTION**

AGENDA SECTION	ORIGINATING DEPT	MEETING DATE
PUBLIC HEARING	COMMUNITY DEVELOPMENT	FEBRUARY 22, 2010

ITEM NO:	ITEM DESCRIPTION	PREPARED BY
7	RESOLUTION REAFFIRMING THE PRELIMINARY APPROVAL OF THE ISSUANCE OF REVENUE BONDS FOR THE FINANCING OF THE ACQUISITION AND REHABILITATION OF A MULTI-FAMILY HOUSING DEVELOPMENT LOCATED IN THE CITY OF CHAMPLIN AFTER HOLDING A PUBLIC HEARING WITH RESPECT THERETO	JOHN W. COX

BACKGROUND

Dominium (Champlin Leased Housing Associates III) is requesting the City issue up to \$9.5 million in housing bonds to finance the acquisition and rehabilitation of 72-apartment units at the Elm Creek Apartments. Dominium had planned to finance the project using low income housing tax credits, but there is no market for the credits.

REVIEW

In 2005, the City issued \$4 million in housing revenue bonds to finance the acquisition and renovation of the southerly 72 apartment units at Elm Creek. Dominium is requesting similar financing to acquire and rehabilitate the northerly 72 apartment units. The bonds, known as private activity bonds, are not a general obligation of the City and are not backed by the full faith and credit of the City but are supported by the project's revenues. The financing is contingent upon Dominium securing state authorization for the tax-exemption.

Approval will be conditioned upon approval of a renovation budget and a 30-year deed restriction requiring rents be affordable to those making 60% of median income. Attached is a proposed rent schedule, program budget and scope of work. Dominium plans to invest \$15,000 per apartment. The City will charge a .5 point financing fee or \$47,500 for a \$9.5 million issue.

With the 2005 bond financing, the City agreed to refund a portion of Dominium's financing fee if it worked with the City and their tenant population to reduce police calls by 10%. Dominium met that goal and continues to be an active participant in the City's livable housing program. Since 2005, Dominium has reduced police calls by 60%.

RECOMMENDATION

It is recommended that the City Council approve the resolution providing preliminary approval for the issuance of housing bonds.

Attachments

ELM CREEK APARTMENTS
11715-11725 and 11817-11827 Champlin Drive

Police Calls By Year

Year	Police Calls
2004	180
2005	213
2008	102
2009	84