



City Council Meeting

June 26, 2023

7:00 PM

Fridley City Hall, 7071 University Avenue N.E.

Agenda

Call to Order

Pledge of Allegiance

Proclamations/Presentations

1. Proclamation: Brian Weierke Appreciation Day – June 30, 2023

Approval of Proposed Consent Agenda

Approval/Receipt of Minutes

2. Approve the Minutes from the City Council Meeting of June 12, 2023
3. Receive the Minutes from the City Council Conference Meeting of June 12, 2023

Old Business

4. Ordinance No. 1409, Amending the Fridley City Code to Add Chapter 35, Mobile Food Units, Amend Chapter 209, Fees and Repeal Chapter 216, Street Vending (Second Reading)

New Business

5. Resolution No. 2023-66, Designating the Public Safety Director
6. Resolution No. 2023-67, Approving an Extension on the Final Plat Approval and Recording for PS #22-03, Roers Companies
7. Resolution No. 2023-71, Declaring Costs to be Assessed, Ordering Preparation of the Proposed Assessment Roll and Directing Publication of the Public Hearing Notice for the Street Rehabilitation Project No. ST-2022-01
8. Resolution No. 2023-72, Approving Gifts, Donations and Sponsorships Received Between May 13, 2023, and June 16, 2023

Claims

9. Resolution No. 2023-73, Approving Claims for the Period Ending June 21, 2023

Adoption of Regular Agenda

Open Forum/Visitors (Consideration of Items not on Agenda – 15 minutes)

Regular Agenda

New Business

- [10.](#) Resolution No. 2023-68, Awarding 53rd Avenue Trail and Walk Improvements Project No. ST2023-21
- [11.](#) Resolution No. 2023-69, Approving Change Order No. 2 (Final) for 2022 Street Rehabilitation Project No. ST2022-01
- [12.](#) Resolution No. 2023-70, Authorizing a Safe Streets and Roads for All Grant Application to Create a Safe Action Plan
- [13.](#) Resolution No. 2023-74, Awarding 53rd Avenue Roundabout Safety Project No. ST2023-22
- [14.](#) Interim Ordinance No. 1408, Authorizing a Study and Imposing a Moratorium on the Sale of Cannabinoid Products (Reconsideration and Approval)
- [15.](#) Ordinance No. 1410, Amending the Fridley City Code to Add Chapter 310, Hemp THC Products and Amend Chapter 209, Fees

Informal Status Reports

Adjourn

Upon request, accommodation will be provided to allow individuals with disabilities to participate in any City of Fridley services, programs, or activities. Hearing impaired persons who need an interpreter or other persons who require auxiliary aids should contact the City at (763) 571-3450.



AGENDA REPORT

Meeting Date: June 26, 2023

Meeting Type: City Council

Submitted By: Roberta Collins, Assistant to the City Manager

Title

Proclamation: Brian Weierke Appreciation Day – June 30, 2023

Background

Public Safety Director Brian Weierke will be retiring from the City of Fridley on June 30, 2023. This proclamation is being presented by the Fridley City Council in appreciation for his leadership and hard work for Fridley.

Financial Impact

None.

Recommendation

Staff recommend Council proclaim June 30, 2023, as Brian Weierke Appreciation Day.

Focus on Fridley Strategic Alignment

<input type="checkbox"/> Vibrant Neighborhoods & Places	<input checked="" type="checkbox"/> Community Identity & Relationship Building
<input type="checkbox"/> Financial Stability & Commercial Prosperity	<input type="checkbox"/> Public Safety & Environmental Stewardship
<input type="checkbox"/> Organizational Excellence	

Attachments and Other Resources

- Proclamation for Brian Weierke Appreciation Day

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



Proclamation

Brian Weierke Appreciation Day – June 30, 2023

Whereas, Public Safety Director Brian Weierke will be retiring on June 30, 2023, after 27 years of outstanding and meritorious service to the residents of the City of Fridley; and

Whereas, Brian started his law enforcement career with Fridley on December 28, 1995, as a patrol officer, was promoted to Sergeant on September 7, 2001, Captain on August 12, 2004, and Public Safety Director on September 30, 2015; and

Whereas, Brian was the Fridley's first School Resource Officer and worked with Fridley High School in that role for two years; and

Whereas, Brian successfully led the effort to combine and unify the Fridley Police and Fire Departments into the Fridley Public Safety Department; and

Whereas, through his leadership and professionalism, Brian has helped establish a department culture that supports duty, sacrifice, honor, and valor; and

Whereas, Brian worked to build cooperative relationships with residents, government organizations, community groups, local non-profits, Fridley businesses, faith-based organizations, youth, and others, and successfully expanded the social fabric of the community and made the relationships and connections stronger; and

Whereas, Brian was the President of the Minnesota Chiefs of Police Association in 2022, and has been a member of the International Association of Chiefs of Police, Minnesota Chiefs of Police Association, FBI National Academy, Anoka County Chiefs of Police Association, the Association of Minnesota Emergency Managers, Minnesota Fraternal order of Police, Hennepin Technical College Advisory Board, and the Fridley/Columbia Heights Rotary Club; and

Whereas, Brian has led by example in his personal and professional life and leaves the City of Fridley with a reputation for leadership, honesty, integrity, and commitment to the residents, youth and businesses of Fridley; and

Whereas, the Fridley City Council would like to honor the contributions Public Safety Director Brian Weierke has made during his law enforcement career.

Now therefore, be it resolved that I, Scott J. Lund, Mayor of the City of Fridley, do hereby proclaim June 30, 2023, as Brian Weierke Appreciation Day in the City of Fridley.

In witness whereof, I have set my hand and caused the seal of the City of Fridley to be affixed this 26th day of June, 2023.

Scott J. Lund - Mayor



AGENDA REPORT

Meeting Date: June 26, 2023

Meeting Type: City Council

Submitted By: Roberta Collins, Assistant to the City Manager

Title

Approve the Minutes from the City Council Meeting of June 12, 2023

Background

Attached are the minutes from the City Council Meeting of June 12, 2023.

Financial Impact

None.

Recommendation

Staff recommend the approval of the minutes from the City Council Meeting of June 12, 2023.

Focus on Fridley Strategic Alignment

- | | |
|--|---|
| <input type="checkbox"/> Vibrant Neighborhoods & Places | <input type="checkbox"/> Community Identity & Relationship Building |
| <input type="checkbox"/> Financial Stability & Commercial Prosperity | <input type="checkbox"/> Public Safety & Environmental Stewardship |
| <input checked="" type="checkbox"/> Organizational Excellence | |

Attachments and Other Resources

- Minutes from the City Council Meeting of June 12, 2023

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



City Council Meeting

June 12, 2023

7:00 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Call to Order

Mayor Lund called the City Council Meeting of June 12, 2023, to order at 7:00 p.m.

Present

Mayor Scott Lund
 Councilmember Dave Ostwald
 Councilmember Tom Tillberry
 Councilmember Ryan Evanson
 Councilmember Ann Bolkom

Others Present

Walter Wysopal, City Manager
 Scott Hickok, Community Development Director
 Joe Sathe, City Attorney
 Ryan George, Deputy Director of Police
 Joe Starks, Finance Director
 Melissa Moore, City Clerk
 Stacy Stromberg, Planning Manager

Pledge Of Allegiance

Proclamations/Presentations

1. Proclamation: Women of Today Founder's Day – July 1, 2023

Mayor Lund presented the proclamation declaring July 1, 2023 as Women of Today Founder's Day.

Kathy Rodel-Mezzenga, President of Fridley Women of Today, thanked the City for the proclamation. She provided information on the organization and highlighted upcoming events.

2. Proclamation Congratulating Al-Amal School and Certificate of Achievement to Muminah N. Mohammed

Mayor Lund presented the proclamation congratulating the Al-Amal School.

Ishrat Islam, Vice Principal of Al-Amal School, stated that the school is proud to be the only K-12 Islamic school in Minnesota. She provided additional information on the school and its near perfect graduation rate. She thanked the City for supporting the school and embracing their values.

Mayor Lund presented the Certificate of Achievement to Muminah N. Mohammed.

Muminah N. Mohammed introduced herself and expressed gratitude to the City staff and Council for their support. She shared some of the achievements and awards of the students of Al-Amal School in the areas of science and history.

Approval of Proposed Consent Agenda

Motion made by Councilmember Bolkcom to adopt the proposed Consent Agenda. Seconded by Councilmember Evanson.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Approval/Receipt of Minutes

3. Approve the Minutes from the Local Board of Appeals and Equalization Meeting of April 10, 2023.
4. Approve the Minutes from the City Council Meeting of May 22, 2023.
5. Receive the Minutes from the Parks and Recreation Commission Meeting of April 3, 2023.
6. Receive the Minutes from the City Council Conference Meeting of May 22, 2023.
7. Receive the Minutes from the Housing and Redevelopment Authority Meeting of May 4, 2023.

New Business

8. Resolution No. 2023-60, Authorizing Participation of the City of Fridley in the Minnesota Local Performance Measurement Program.
9. Resolution No. 2023-62, Approving and Authorizing Signing an Agreement with Certain Employees Represented by Local No. 514 for the City of Fridley Public Safety Department for the Years 2023 and 2024.
10. Resolution No. 2023-65, Approving Special Legislation to Provide Funding for the Fridley Housing and Redevelopment Authority's Housing Programs.

Licenses

11. Resolution No. 2023-59, Approving Temporary Intoxicating Liquor Permit and Temporary Lawful Gambling Permit for Fridley Lions Club for Events to be Held During Fridley 49er Days on June 17, 2023 at Commons Park and Community Park.

Claims

12. Resolution No. 2023-64 Approving Claims for the Period Ending June 7, 2023.

Adoption of Regular Agenda

Motion made by Councilmember Bolkcom to adopt the regular agenda. Seconded by Councilmember Tillberry.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Open Forum, Visitors: (Consideration of Items not on Agenda – 15 minutes.)

A resident of Lucia Lane expressed concern with the speed of vehicles and unsafe behavior of vehicles on the roadway.

Council confirmed that they are aware of the issue and continue to work on that.

Ryan George, Deputy Director of Public Safety, confirmed that they have been working on slowing the speed of traffic for many years and while things have gotten better, it is something they continue to work on. He reviewed some of the methods the department in collaboration with the Islamic University have has used in an attempt to manage the traffic. Another resident of Lucia Lane provided some additional things that could be considered to assist in managing traffic.

Regular Agenda

Public Hearing

13. Resolution No. 2023-63, Approving the Issuance and Sale of Multifamily Housing Revenue Bonds (Moon Plaza Apartments Project), Series 2023, and Approving a Housing Program Pursuant to Minnesota Statutes, Chapter 462C.

Motion made by Councilmember Tillberry to open the public hearing. Seconded by Councilmember Evanson.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Joe Starks, Finance Director, provided background information on this development project and the actions taken thus far. He noted that at the last meeting, Council adopted a resolution increasing the not to exceed amount from \$27,000,000 to \$50,000,000. He reviewed the logistics of the financing noting that the City is merely a conduit and the money and obligations flow only between the Trustee and the Borrower.

There were no public comments.

Motion made by Councilmember Tillberry to close the public hearing. Seconded by Councilmember Ostwald.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Motion made by Councilmember Tillberry to adopt Resolution No. 2023-63, Approving the Issuance and Sale of Multifamily Housing Revenue Bonds (Moon Plaza Apartments Project), Series 2023, and Approving a Housing Program Pursuant to Minnesota Statutes, Chapter 462C. Seconded by Councilmember Bolcom.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Old Business

14. Interim Ordinance No. 1408, Authorizing a Study and Imposing a Moratorium on the Sale of Cannabinoid Products (Second Reading).

Ryan George, Deputy Director of Public Safety, noted that following the discussion at the first reading of the ordinance, the percentage allowed was changed from .1 to .3 percent. He provided additional background information on the actions of the State legislature since the first reading of the ordinance. He explained that the ordinance would allow the City to authorize a study and impose a moratorium. He reviewed the changes to the draft ordinance following the first reading and the next steps.

A local business owner explained that his products are hemp-derived, not marijuana derived, and are even legal on a Federal level. He stated that he opened his business in April of 2022 and received the approval from Mr. George prior to opening, including confirmation that his business would be grandfathered in if the City were to change its regulations. He noted that his store only sells CBD and hemp-derived products and does not sell tobacco or any illegal products. He stated that if the City agrees to pay his rent during the moratorium, he would agree to it, but otherwise he needs to operate his business. He asked for clarification on whether both CBD and hemp-derived products could be sold under the moratorium.

Mr. George stated the moratorium would allow the business to sell hemp derived CBD products at or below .3 percent. He commented that the Delta-9 and other THC derived products would not be allowed under the moratorium.

The business owner stated that he has complied with all regulations and many of his clientele have shifted to the Delta-9 products which have been legal since 2018. He volunteered to meet with City staff to share his knowledge of these products.

Council asked for more background information, noting that many other cities are following the path of a moratorium. Mr. George confirmed that many other cities, over 80 at this time, are issuing moratoriums, and staff worked with the City Attorney to draft a similar moratorium. He confirmed that the moratorium would allow the business to sell the hemp derived CBD products that are .3 percent or less, but he would not be able to sell Delta-9 or HHC products. He explained that the moratorium would allow the City to study the issue and also allow the State to provide more guidance

on this issue. He stated that while the moratorium would be valid for one year, it could be lifted sooner.

Council acknowledged that the business is selling products that are federally legal. Mr. George stated that THC products were not previously allowed for sale until April, only the sale of hemp derived CBD products were allowed. He confirmed that the products are currently legal for sale under City Code as the intent of the City was to follow the path of licensing. He stated that because of the change made by the legislature, the City would not have the ability to license.

Joe Sathe, City Attorney, explained that the interim ordinance is unique in the sense that it addresses three categories of products under the cannabinoid umbrella and provided further explanation.

Wally Wysopal, City Manager, commented that the Council should consider its compelling interest in why the products that have been allowed to be sold should now not be allowed for sale. Mr. George stated that the new law does bring about concerns but acknowledged that these products can be sold in any gas station at this time where minors would be exposed, and the City would prefer the products to be sold in establishments only serving those 21 and up.

The Council asked if the businesses that have authorization to sell these products could be grandfathered in to allow them to sell those products during the moratorium. Mr. Sathe did not recommend exempting certain businesses but believed the interim ordinance could be drafted in a manner that would state an existing or new business could not begin the sale of these products.

Mr. Wysopal asked if the business is currently licensed. Mr. George replied that it is not because he does not sell tobacco. He noted that there are currently five tobacco license holders, so a total of six businesses that could potentially be grandfathered in.

Mr. Sathe stated that licensing could still be implemented on the 151 products by the City until the time a State license process is enacted for those products.

Mr. George clarified that the tobacco product shops are only allowed to sell tobacco/nicotine products and are not allowed to sell these products, although the concept was to eventually allow those stores to sell those products.

Mr. Sathe stated that if any business could provide proof that they were selling after it was deemed allowed in April, until the interim ordinance, those businesses should be treated the same. He noted that 151 products can be sold at any retailer, and it is not limited to these types of businesses. He recommended that the City use licensing to limit the sale of those products, noting that could occur in conjunction with the moratorium. He noted that he has experience in drafting licensing and could do so within a few days, but that would need to be reviewed to cater to the desires of Fridley.

Council recognized that the moratorium casts a wide net that includes products that have been able to be sold legally. A member expressed that licensing seems to provide the City better control over the sale of the legal products and would also allow this business to continue selling their products legally. A member of the Council suggested that the moratorium move forward, allowing a carve-out for this business and potentially others prior to the enactment date of June 30.

Mr. George commented that this shop would be unique enough to have a carve-out, as it is the only dedicated CBD store in the City, and he does not sell tobacco.

Mr. Sathe stated that he has seen that done through a licensing framework and provided more details.

Mr. Wysopal stated that the Council could move forward with the moratorium as drafted and then staff can be directed to create the licensing process.

Mr. Sathe commented that could be done but they would need to consider what the licensing would allow a business to sell. He provided additional details on anticipated timelines.

Mr. Wysopal asked if the interim ordinance could be adopted with a carve-out for a business that exclusively sells the CBD/hemp-derived products.

A member of the Council suggested adopting the interim ordinance, which would become effective on June 30. It was noted that would allow time for staff to create the framework for limited licensing that could be considered at the June 22 meeting.

Mr. Sathe noted that a second reading would be required, therefore the licensing would take effect mid-July.

Melissa Moore, City Clerk, commented that if a public hearing were desired that would add time as well but confirmed that it is discretionary. It was noted that the second meeting in June is June 26, not June 22.

The business owner expressed appreciation to the Council for its consideration and commented that he would be happy to be part of the licensing.

Pam Reynolds, 1241 Norton Avenue N.E., asked that the ordinance be read before being adopted as allowed by the City Charter and expressed concern that this draft ordinance is meant for edibles and not marijuana. The City Clerk read aloud the draft interim ordinance. The resident asked for additional clarification on terms and answers were provided by the City Attorney. She said she did not believe any other cities were enacting moratoriums of this nature and have moratoriums that soon expire.

Motion made by Councilmember Bolkcom to adopt the second reading and Interim Ordinance No. 1408, Authorizing a Study and Imposing a Moratorium on the Sale of Cannabinoid Products. Seconded by Councilmember Tillberry.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

New Business

15. Ordinance No. 1409, Amending the Fridley City Code to Add Chapter 35, Mobile Food Units, Amend Chapter 209, Fees and Repeal Chapter 216, Street Vending.

Melissa Moore, City Clerk, provided background information noting that the City currently does not have an ordinance regulating food trucks and relies on Chapter 216, street vending. She reviewed the proposed requirements of the food truck license and allowed operations. She also reviewed the ice cream truck license requirements and allowed operations as proposed. She provided an overview of the related fees as proposed and next steps.

The Council asked for clarification on the allowed time a food truck could be operating in Fridley under the City license and County permit.

Stacy Stromberg, Planning Manager, replied that the County allows a permit for 21 days in one location. She stated that because of that limit, the City would follow the same limit at one location. She noted that a food truck could go to another location after that time period and stated that property owner permission must be provided as well.

Motion made by Councilmember Evanson to approve the first reading of Ordinance No. 1409 Amending the Fridley City Code to add Chapter 35, Mobile Food Units, Amend Chapter 209, Fees and Repeal Chapter 216, Street Vending. Seconded by Councilmember Ostwald.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

16. Resolution No. 2023-61, Approving and Accepting the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year ending December 31, 2022.

Rebecca Petersen, Redpath and Company, presented the results of the 2022 audit noting a clean or unmodified opinion. She stated that the City has received the GFOA Award for excellence in financial reporting every year since 2011 and the 2022 reports will be submitted as well. She stated that there was one internal control finding related to audit adjustments which is an extremely common finding. She noted that there were no findings of legal noncompliance and reviewed the communication to those charged with governance. She also provided a brief review of the different City funds.

Joe Starks, Finance Director, Ms. Peterson and her team along with the finance staff for their hard work.

Motion made by Councilmember Ostwald to adopt Resolution No. 2023-61, Approving and Accepting the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year ending December 31, 2022. Seconded by Councilmember Bolkom.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Informal Status Reports

The Council reminded the public about '49er Days and all the related events that will take place this weekend.

Adjourn

Motion made by Councilmember Ostwald to adjourn. Seconded by Councilmember Evanson.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously, and the meeting adjourned at 9:40 p.m.

Respectfully Submitted,

Melissa Moore
City Clerk

Scott J. Lund
Mayor



AGENDA REPORT

Meeting Date: June 26, 2023

Meeting Type: City Council

Submitted By: Roberta S. Collins, Assistant to the City Manager

Title

Receive the Minutes from the City Council Conference Meeting of June 12, 2023

Background

Attached are the minutes from the City Council Conference Meeting of June 12, 2023.

Financial Impact

Recommendation

Receive the minutes from the City Council Conference Meeting of June 12, 2023.

Focus on Fridley Strategic Alignment

- | | |
|--|---|
| <input type="checkbox"/> Vibrant Neighborhoods & Places | <input type="checkbox"/> Community Identity & Relationship Building |
| <input type="checkbox"/> Financial Stability & Commercial Prosperity | <input type="checkbox"/> Public Safety & Environmental Stewardship |
| <input checked="" type="checkbox"/> Organizational Excellence | |

Attachments and Other Resources

- Minutes from the City Council Conference Meeting of June 12, 2023

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



Council Conference Meeting

June 12, 2023

5:30 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Roll Call

Present: Mayor Scott Lund
 Councilmember Dave Ostwald
 Councilmember Tom Tillberry
 Councilmember Ryan Evanson
 Councilmember Ann Bolkcom

Absent: None

Others Present: Walter Wysopal, City Manager
 Jim Kosluchar, Public Works Director
 Becca Hellegers, Employee Resources Director
 Paul Bolin, Assistant Executive Director of the HRA
 Brandon Brodhag, Assistant City Engineer

Items for Discussion

1. Labor Agreement for the Police Technicians for 2023 and 2024.

Becca Hellegers, Employee Resources Director, provided a review of the new labor agreement.

2. 73rd Avenue Corridor Project.

Jim Kosluchar, Public Works Director, and Brandon Brodhag, Assistant City Engineer, discussed the work done to date on this project, which has been driven by storm water improvements for flood mitigation.

3. City Building Solar Recommendations.

Jim Kosluchar, Public Works Director, discussed the changes made to solar, and the solar options for the Moore Lake Community Building and the Public Works site.

4. 2023 Legislative Update.

Paul Bolin, Assistant Executive Director of the HRA, provided a State 2023 legislative update.



AGENDA REPORT

Meeting Date: June 26, 2023

Meeting Type: City Council Meeting

Submitted By: Melissa Moore, City Clerk/Communications Manager
 Stacy Stromberg, Planning Manager
 James Lange, Fire Marshal

Title

Ordinance No. 1409, Amending the Fridley City Code to Add Chapter 35, Mobile Food Units, Amend Chapter 209, Fees and Repeal Chapter 216, Street Vending (Second Reading)

Background

In 2021 staff began working on drafting a chapter of the Fridley City Code (Code) that addresses Mobile Food Units, frequently known as “food trucks.” The popularity of such services has brought an increase in inquiries regarding the City’s rules and regulations. A growing number of cities in the metro area have begun regulating these activities, mainly to ensure compliance with County health regulations for the preparation and handling of food and compliance with State and local fire inspection requirements. Without such a license, the City has minimal regulatory authority to enforce health, fire, or other considerations such as the location of the operation and impact to the surrounding community.

The attached draft proposes to add a new chapter to the Code. The chapter broadly defines a “Mobile Food Unit” as a vehicle that offers food or beverage service. The chapter then offers more specific definitions of “Food Truck” as a stationary vehicle in which food is stored, cooked, or prepared, and an “Ice Cream Truck” is a vehicle that sells pre-packaged ice cream (or similar items) while travelling around the City.

The chapter accomplishes several things for the City:

1. Minnesota Rules 4626.0015 establishes State-wide regulations to safeguard public health and ensure that food is safe for human consumption. The Minnesota Department of Health and Anoka County regulate food establishments by establishing licensure and inspection requirements. This chapter of the Code requires that applicants follow all State and County laws and requires compliance with some of the City’s distinct regulations pertaining to fire inspections, prohibited activities (e.g., excessive noise or signage), hours of operation, protecting the right-of-way, etc.
2. The chapter creates a Food Truck License and an Ice Cream Truck License so that the City can ensure such business activities are done in a safe and efficient manner. These licenses, as proposed, are annual licenses following the City’s typical renewal cadence (effective May 1 through April 30 of the following year).

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

3. The ordinance, when presented to the Council, will recommend Chapter 16, Street Vending, be repealed. This is because the contents of that chapter are largely integrated into the Mobile Food Units chapter.

4. Establishes the fees the City will charge for the two new licenses in Chapter 209, Fees:

- (a) \$50 for a Food Truck License
- (b) \$100 for a Fire Safety Inspection (required for food trucks only)
- (c) \$75 for an Ice Cream Truck License.

Recommendation

Staff recommend the approval of the second reading of Ordinance No. 1409.

Staff recommend the approval of Summary Ordinance No. 1409 for publication.

Focus on Fridley Strategic Alignment

- | | |
|--|---|
| <input checked="" type="checkbox"/> Vibrant Neighborhoods & Places | <input type="checkbox"/> Community Identity & Relationship Building |
| <input type="checkbox"/> Financial Stability & Commercial Prosperity | <input checked="" type="checkbox"/> Public Safety & Environmental Stewardship |
| <input checked="" type="checkbox"/> Organizational Excellence | |

Attachments and Other Resources

- Ordinance No. 1409
- Summary Ordinance No. 1409

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Ordinance No. 1409

Amending the Fridley City Code to Add Chapter 35, Mobile Food Units, Amend Chapter 209, Fees and Repeal Chapter 216, Street Vending

The City Council of the City of Fridley does ordain, after review, examination and staff recommendation that the Fridley City Code be amended as follows:

Section 1

That the Fridley City Code be hereby amended by adding Chapter 35, Mobile Food Units as follows:

Fridley City Code
Chapter 35 Mobile Food Units

35.01 Purpose

The purpose of this Chapter is to protect the health, safety, and welfare of the community through the establishment of standards for mobile food units to operate in a safe and effective manner in the City of Fridley (City).

35.02 Definitions

Mobile Food Unit: A food or beverage service that is a mounted vehicle, either motorized or trailer, and is readily movable without disassembling for transport to another location. The two distinct types of Mobile Food Units are detailed below:

- 1. Food Truck: A self-contained unit in which food is stored, cooked, or prepared for direct sale to the consumer while parked or stationary in one location.

- 2. Ice Cream Truck: A motor vehicle utilized as the point of retail sale of pre-packaged ice cream, frozen yogurt, frozen custard, flavored frozen water, or similar frozen dessert products, while travelling within the City.

35.03 Food Truck License Required

- 1. All operators of food trucks must obtain a license to operate within the City.

- 2. No person may operate a food truck within the City without a valid license from Anoka County.

- 3. No license issued under this Chapter may be transferred to any other person or business.

4. A license issued under this Chapter becomes effective from the date on which the license is issued through April 30 of the subsequent year.

5. A valid license must be openly displayed at all times in the food truck when it is within the City.

6. For the purposes of this Chapter, any food truck equipped with appliances that produce smoke or grease-laden vapors must submit to a Fire Safety Inspection performed by the Fire Division, pursuant to the Mobile Food Preparation Vehicles Chapter of the Minnesota State Fire Code.

35.04 Food Truck License Application

1. No person may operate a food truck within the City without a valid license from the City, which includes the following requirements:

(a) The full legal name of the owner of the food truck;

(b) The full legal name of the operator of the food truck, other commonly known names the operator may use, the operator's date of birth, and a copy of their driver's license;

(c) A list of names of all persons working in the food truck;

(d) A description of the nature of the business and the goods to be sold out of the food truck;

(e) A description of the food truck and valid license plate number for any vehicle associated with a City food truck license;

(f) The name, address and contact information for the restaurant with which the food truck is affiliated, if applicable;

(g) A complete Background Investigation Consent Form;

(h) A Certificate of Insurance proving commercial general liability coverage of not less than \$1 million for each occurrence, or a \$2 million annual aggregate;

(i) Proof of workers' compensation insurance, or evidence of exemption, is required;

(j) A copy of the applicant's State sales tax identification number, with a complete State SP:C1 Form; and

(k) Written consent of each private property owner from which sales from a food truck will be conducted.

(l) A valid permit pursuant to the Rights-of-Way Management Chapter of the Code, if applicable.

35.05 Food Truck Allowed Activities

1. Mobile food trucks are allowed under the following circumstances:

(a) In conjunction with a private party or event located at a City or County park, provided the renter of the park has a valid park rental permit;

(b) In conjunction with an event sponsored by the City taking place on City-owned property with written consent of the City Manager or their designee;

(c) In conjunction with a school-sponsored event taking place on school-owned property with written consent of the school official; or

(d) In conjunction with a private event, on private property with written consent from the property owner.

35.06 Food Truck Prohibited Activities

1. No mobile food truck operators may conduct business in the following manner:

(a) Calling attention to their business or the items to be sold by means of blowing any horn or whistle, ringing any bell, yelling, or by making any other noise that would disturb the peace and enjoyment of the general public.

(b) Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way. An operator may not park a food truck on any public right-of-way or in residential zoning district except during events permitted under this Chapter and with a valid license.

(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 7:00 a.m. or after 10:00 p.m.

(e) Failing to provide license, registration, or identification when requested.

(f) Using the registration of another person or business.

(g) Using false or misleading statements about the products or services being sold, including untrue statements of endorsement. No food truck operator may claim to have the endorsement of the City solely based on the City having issued a license to that person.

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

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

(j) Operating on the same property more than 21 days in a 60-day period.

(k) Disposing gray water into any City stormwater drain. Gray water must be drained daily and in an appropriate manner.

(l) Failing to provide refuse containers for customers. The operator of a food truck is responsible for removing all refuse associated with the food truck operations.

(m) No overnight storage of a food truck is permitted.

35.07 Food Truck Signs

1. A licensed food truck is not required to obtain a Sign Permit from the City. However, no additional signage is permitted beyond that which is affixed to the food truck unless it meets the following requirements:

(a) One single sandwich board style sign is permitted per food truck;

(b) The maximum sign size is eight square feet;

(c) The sign must be placed on the ground and be within 10 feet of the food truck;

(d) The sign must not be placed in a manner that obstructs passage upon any sidewalk;

(e) The sign must not be placed within the improved travel surface of the public right-of-way.

35.08 Ice Cream Truck License Required

1. All operators of ice cream trucks must obtain a license to operate within the City.

2. No license issued under this Chapter may be transferred to any other person.

3. A license issued under this Chapter becomes effective from the date on which the license is issued through April 30.

4. A valid license must be openly displayed at all times when the food truck is within the City.

35.09 Ice Cream Truck License Application

1. No person may operate an ice cream truck within the City without a valid license from the City, which includes the following requirements:

(a) The full legal name of the owner of the ice cream truck;

(b) The full legal name of the operator of the ice cream truck, other commonly known names the operator may use, the operator's date of birth, and a copy of their driver's license;

(c) A description of the types of confections to be sold out of the ice cream truck;

(d) A description and valid license plate number for any vehicle associated with the license;

(e) A completed Background Investigation Consent Form;

(f) A Certificate of Insurance proving commercial general liability coverage of not less than \$1 million for each occurrence, or \$2 million annual aggregate is required;

(g) Proof of workers' compensation insurance, or evidence of exemption, is required;

(h) A copy of the applicant's State sales tax identification number, with a complete State SP:C1 Form;

35.10 Ice Cream Truck Routes and Hours of Operation

1. Operations may be carried on only between the hours of 10:00 a.m. and 8:00 p.m.

2. The proposed area in which the licensed vehicle will travel each day while within the City.

3. The licensee must only operate on streets as approved by the City Manager or their designee. Changes to a proposed area or route must be submitted to, and approved by, the City Manager or their designee at least 10 days in advance of making any change.

4. At no time, may the licensee operate the ice cream truck outside of the area or route approved by the City Manager or their designee. This section does not apply to emergency situations or travel to and from the approved route.

35.11 Ice Cream Truck Operations

1. When engaged in any vending operations, the ice cream truck must be parked as close to the street curb as practical. All vending must be done only at the curb side of the ice cream truck.

2. Ice cream trucks must not be parked in a manner that encourages unsafe pedestrian behavior, including but not limited to, encouraging the unsafe crossing of busy thoroughfares.

3. Ice cream trucks must be stopped or parked so as to not obstruct or cause a hazard to traffic or create danger of injury to customers or the general public.

4. All ice cream trucks must be equipped with flashing lights on both the front and rear of the vehicle, which must be clearly visible to oncoming traffic in full daylight.

5. No ice cream truck may be moved backward if:

(a) There is a substantial number of people congregated near the ice cream truck.

(b) The ice cream truck operator has reason to believe there are minors or persons with disabilities near the truck.

(c) Movement in such direction threatens injury to any person in or near the ice cream truck.

6. Ice cream trucks must carry signaling or warning devices that enable the attendant to give adequate warnings to pedestrians or other vehicles on the street.

7. Except as permitted by this Chapter, while transiting within their designated area or route, no ice cream truck may operate any device that produces any noise or sound for the purpose of attracting persons to the ice cream truck.

8. Ice cream trucks may sound a manually operated bell in the areas of and the hours established in this Chapter, which produces a noise level measured at 50 feet from the source, no greater than 65 decibels, as defined in the Noise Chapter of the Fridley City Code (Code).

9. Ice cream trucks may not operate within one block of any school zone in the City.

35.12 Suspension, Revocation, or Grounds for Denial

1. Any license issued under this Chapter may be suspended, revoked, or denied renewal by the City Manager or their designee. Grounds include:

(a) Subsequent knowledge by the City of fraud, misrepresentation, or incorrect statements provided by an applicant on the application form;

(b) Fraud, misrepresentation, or false statements in the application process;

(c) Engaging in any prohibited activity as provided under of this Chapter; or

(d) Violation of any other provision of this Chapter or Code, or any provision of State law.

2. The suspension or revocation of a license will apply to the owner of the mobile food unit, the operator of the mobile food unit (if different) and any other person authorized to work in the mobile food unit.

3. Prior to suspending or revoking any license issued under this Chapter, the City will provide the licensee with written notice of the alleged violations and inform them of their right to a hearing on the alleged violation. Notice will be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.

4. Any person contesting a license suspension or revocation or other decision by the City associated with violations of this Chapter may file an appeal pursuant to the Appeals and Administrative Citations Chapter of the Code.

5. Within 14 business days of a determination by the Hearing Examiner, any person contesting that decision may appeal to the Council by submitting a written appeal to the City Clerk. At its next regular meeting following the Hearing Examiner's decision, the Council will affirm, repeal, or modify that decision.

6. If, in the discretion of the City Manager or their designee, imminent harm to the health or safety of the public may occur because of the actions of any mobile food unit operations licensed under this Chapter, the City Manager or their designee, may immediately suspend the license by notifying the licensee in writing.

35.13 Fees

The fees for this Chapter are set in the Fees Chapter of the Code.

Section 2

That the Fridley City Code be hereby amended by updating Chapter 209, Fees as follows:

Fridley City Code
Chapter 209 Fees

209.12 Fees

5. Licensing Fees

Code	Subject	Fee
308	Adult Entertainment Establishment – Investigation Fee	\$400 \$400
17	Auction – Weekly permit – Annual permit	\$30 \$150
300	Beekeeping – Initial fee – Annual renewal fee	\$100 \$25
27	Billiards – First table – Each additional table	\$40 \$10
15	Bowling Alleys – Annual license – Per lane	\$40 \$10
28	Carnivals – Application fee – Each day – Required cash deposit or bond	\$75 \$75 \$3,000
21	Christmas Tree Lots – Annual license fee – Deposit	\$200 \$100
300	Dogs – Lifetime license – Duplicate license – Impound fee – Annual Dangerous Dog license – Potentially Dangerous Dog license	\$25 \$5 \$25 \$500 \$500
702	Drive-in Theaters	\$400
607	Entertainment	\$85
32	Food Establishment – Business License	\$45
32	Food Temporary – Business License	\$30
25	Golf Course, Driving Range	\$30
319	Haulers Mixed Municipal Solid Waste License (Garbage Truck), Yard Waste License, Organics License, Recycling License	\$100 for first truck and \$40 each additional truck
24	Junk Yards	\$350
609	Liquor, Caterer – Annual Caterer Registration – Event Notification Permit (per event)	\$100 \$25

604	Liquor, Consumption and Display – Annual State permit – One-day City permit	\$300 \$25
603	Liquor, On-Sale Intoxicating Holiday Endorsement	\$100
603	Liquor, Lawful Gambling Endorsement	\$300
610	Liquor Manufacturers/Investigative Fee – Individual – Partnership/Corporation – Alteration of Business – Change of Officers – On-Sale Brewer/Distillery Taproom License – Off-Sale Brewer/Distillery Growler License	\$200 \$400 \$100 \$25 \$600 \$300
603	Liquor, On-Sale Intoxicating – No entertainment (a) 0-3,000 square feet (b) 3,001-6,000 square feet (c) Over 6,000 square feet – With entertainment or dancing (a) 0-3,000 square feet (b) 3,001-6,000 square feet (c) Over 6,000 square feet	 \$6,000 \$7,000 \$8,000 \$7,000 \$8,000 \$9,000
603	Liquor, On-Sale Intoxicating Initial Investigative Fee – Individual – Corporation or partnership	\$200 \$400
603	Liquor, On-Sale Sunday	\$200
603	Liquor, On-Sale Intoxicating Temporary one day only	\$25
602	– Liquor, 3.2% Malt Liquor Off-Sale – On-Sale – Holiday Endorsement	\$60 \$325 \$100
602	Liquor, 3.2% Malt Liquor, Initial Investigative Fee – Individual – Corporation or partnership	\$90 \$180
602	Liquor, 3.2% Malt Liquor Temporary	\$60
603	Liquor, Wine	\$1,000
603	Liquor, Wine Investigative Initial Fee – Individual	\$200

	– Corporation or partnership	\$400
605	Liquor, Bottle Club	
	– Annual permit	\$300
	– One day permit	\$25
606	Liquor, On-Sale Intoxicating Club	
	– Per club under 200 members	\$300
	– Per club of 201-500 members	\$500
	– Per club of 501-1,000 members	\$650
	– Per club of 1,001-2,000 members	\$800
	– Per club of 2,001-4,000 members	\$1000
	– Per club of 4,001-6,000 members	\$2,000
	– Per club of over 6,000 members	\$3,000
606	Liquor, On-Sale Club Holiday Endorsement	\$100
300	Livestock	
	– Initial fee	\$100
	– Annual review	\$25
603	Managerial License (Liquor)	\$10
125	Massage Therapy Business License	
	– Annual license	\$400
	– Business investigation fee for corporations or partnerships	\$400 (new) \$200 (renewal)
	– Business investigation fee for individual/sole proprietor	\$200 (new) \$100 (renewal)
125	Massage Therapist	
	– License Fee	\$50
	– Therapist Investigation Fee	\$25
22	Music Festivals	
	– Per day	\$700
	– Filing fee	\$100
<u>35</u>	<u>Mobile Food Unit</u>	
	– <u>Food Truck License</u>	<u>\$50</u>
	– <u>Food Truck Fire Safety Inspection</u>	<u>\$100</u>
	– <u>Ice Cream Truck License</u>	<u>\$75</u>
18	Motor Vehicle Body Repair Business	\$150
509	Motorized Vehicles Rental	\$50 per vehicle
300	Multiple Pet Location	
	– License Fee	\$100
	– Renewal Fee	\$25
	– Impound Fee	\$25
300	Poultry	
	– Initial fee	\$100
	– Annual renewal fee	\$25

	– Impound fee	\$25
220	Rental Housing Annual License	
	– Single rental unit	\$100
	– Two rental units	\$150
	– Three rental units	\$210
	– Four rental unit	\$270
	– Five or more units	\$270 plus \$12 per unit over four units
	License renewal late fee if more than seven days late	150% of the annual license fee
	License fee to reinstate after revocation or suspension	150% of the annual license fee
	License transfer fee	\$25
	License reinstatement fee for properties that were posted for not complying with correction orders or license renewals	
	– 1-30 days	\$250
	– 31+ days	\$500
	Renting prior to obtaining a license	125% of the annual license
	Reinspection fee after second inspection	
	– Single, duplex, triplex	\$100
	– Four or more units	\$300
31	Pawn Shops	
	– Annual license fee	\$3,000
	– Monthly transaction fee	\$3 per transaction
	– Reporting failure penalty	\$4 per transaction
	– Investigation fee	\$400
14	Peddlers/Solicitor	\$60 per peddler
23	Public Dance	\$75
13	Retail Gasoline Sales	\$60
	Private Gasoline Pump	\$30 per location
602, 603, 606	Social Skill Game Tournament Service Provider	\$100 annually
16	— Street Vending	\$50
	— Industrial/commercial	

	— Residential	\$70
	– Both	\$100
12	Tobacco License	\$125
12	Tobacco Product Shop	
	– License fee	\$400
	– Investigation fee	\$100
104	Tree Management License	\$150
19	Used Motor Vehicles License	\$150 per year

Section 3

That the Fridley City Code be hereby amended by repealing Chapter 16, Street Vending as follows:

FRIDLEY CITY CODE
CHAPTER 16. STREET VENDING

~~16.01. LICENSE REQUIRED~~

~~Except under a license as provided herein, no person shall operate a vehicle in the City of Fridley for the purpose of dispensing or vending confections or other goods directly from a vehicle without a license to do so first being obtained, or contrary to the terms of such license. This Chapter does not apply, however, to any person using a vehicle for the delivery of goods or services directly to homes or establishments when the goods are taken by the operator of the vehicle onto private property for such delivery. (Ref. 183)~~

~~16.02. APPLICATION~~

~~The application for a license shall be made to the City Clerk and shall describe the vehicle or vehicles from which such vending operations are to be carried on, as well as the names and addresses of all persons interested in such business and its operation. The application shall also describe the types of confections or other goods which are to be sold from said vehicle and the areas of the City in which the business is proposed to be carried on. The application shall also set forth the names of the insurers providing liability coverage on the vehicle or vehicles to be used and the amount of the coverage carried. The application shall be accompanied by the annual license fee. If the application for a license is denied, the fee shall be refunded to the applicant.~~

~~16.03. ROUTES AND HOURS OF OPERATION~~

~~No person licensed under this Chapter shall carry on a vending operation upon any street or public place which is other than as provided under the terms of such license. Such operations may be carried on only between the hours of 10:00 a.m. and 4:30 p.m., and 6:00 p.m. to 8:00 p.m. in any area zoned commercial or industrial, and only between the hours of 1:00 P.M. and 4:30 p.m., and 6:30 to 8:00 p.m. in any area zoned residential or other than commercial or industrial. At least~~

~~ten (10) days before the commencement of operations, the licensee shall file with the City for approval by the City Manager, the proposed area in which the vehicles so licensed will travel each day while within the City. The licensee shall at all times operate on streets only as are approved within such areas; and changes in the area shall be filed with the City manager at least ten (10) days in advance of making any change. If the City Manager shall deny use of any street within the area, the licensee may appeal the ruling of the City Manager to the City Council for determination. At no time, however, shall the licensee operate a vehicle on and over any street that is not approved. Only such streets within the area shall be approved as would minimize the danger of injury by hazards of traffic to persons who may be customers of such vehicle, and also as would minimize traffic difficulties which may arise out of the operation of the vehicle for such purposes. A vehicle may be licensed to operate exclusively in areas of the City zoned "Commercial" or "Industrial"; or it may be licensed to operate exclusively in areas zoned "Residential" or "Other than Commercial or Industrial"; or it may be licensed to operate in all areas of the City. No vehicle, however, shall be operated in any area of the City which is zoned different than that for which the same is licensed. In the absence of proof to the contrary, a vehicle parked or left standing on any street or public place is deemed to be there for business operations.~~

~~16.04. FEE~~

~~The annual license fee and expiration date shall be as provided in Chapter 11 of this Code.~~

~~16.05. SAFETY REQUIREMENTS~~

~~1. Insurance.~~

~~Every licensee shall maintain liability insurance with respect to the operation of any vehicle used in such business. The liability coverage of such insurance shall be in an amount of at least \$50,000 for single injuries and at least \$100,000 for each accident with respect to personal injuries, together with at least \$5,000 for property damage.~~

~~2. Parking.~~

~~When engaged in any vending operations, the vehicles used shall be parked at the curb of any street upon which the vehicle stands, and the vending shall be done only at the curb side of vehicle. When the vending is carried on near any school or other similar place, the vehicle used shall be parked at the curb side of the street nearest the school, or at a place next to such school or other similar public place as is safe and makes it reasonably unnecessary for a customer to cross a street or thoroughfare upon which there is traffic to reach such vehicle from the school or such other similar public place. At all times the vehicle used shall be stopped or parked only in such place as will not obstruct or cause a hazard to traffic and which creates no danger of injury to customers of the vehicle. Each vehicle shall be equipped with flashing lights on both the front and rear of the vehicle, which lights shall be clearly visible to oncoming traffic in full daylight.~~

~~3. Operators.~~

~~No vehicle used in such vending operation shall be moved backward if:~~

- ~~A. There is congregated a substantial number of people.~~
- ~~B. There can reasonably be expected in and about such vehicle persons of minor age, infirmity or disability.~~
- ~~C. Movement in such direction threatens injury to any person in and near such vehicle.~~

~~A vehicle operator shall at all times give adequate warnings to keep all persons clear of such vehicle while the same is in movement.~~

~~4. Warning.~~

~~The vehicle used shall carry such signaling or warning devices as will enable the attendant reasonably at all times to give adequate warnings as required herein. Except as permitted by Section 16.05.5, no vehicle or equipment shall operate any device that shall produce any noise or sound for the purposes of attracting persons to the vending truck. (Ref. 243)~~

~~5. Exception for Food/Beverage Vehicles.~~

~~Notwithstanding any other provision to the contrary, food/beverage vehicles may sound a manually operated bell, between the hours of 10:00 a.m. and 4:30 p.m., and 6:00 p.m. to 8:00 p.m. in any area zoned commercial or industrial, and only between the hours of 1:00 p.m. and 4:30 p.m., and 6:30 p.m. to 8:00 p.m. in any area zoned residential or other than commercial or industrial, which produces a noise level measured at a distance of 50 feet from, the source no greater than 65 decibels, as defined in Fridley City Code Chapter 124, "Noise". (Ref. 836)~~

~~16.06. ADDITIONAL REQUIREMENTS~~

~~All vehicles used for street vending shall be subject to the applicable requirements of Chapter 11 of this Code.~~

~~16.07. ADDITIONAL PENALTY~~

~~Any licensee who violates any provision of this Chapter or who drives or operates his or her vehicle in a careless and negligent fashion may, in addition to the usual penalties, have his or her license revoked after hearing before the City Council, upon reasonable notice.~~

~~16.08. PENALTIES~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

Passed and adopted by the City Council of the City of Fridley on this 12th day of June, 2023.

Scott J. Lund - Mayor

Melissa Moore - City Clerk

First Reading: June 12, 2023
Second Reading: June 26, 2023
Publication: June 29, 2023

City of Fridley
Summary Ordinance No. 1409

Amending the Fridley City Code to Add Chapter 35, Mobile Food Units, Amend Chapter 209,
Fees and Repeal Chapter 216, Street Vending

The City of Fridley does ordain, after review, examination, and staff recommendation that the Fridley City Code (Code) be amended by adopting Ordinance No. 1409. A summary of the amendments to the Code made by Ordinance No. 1409 are as follows:

The Ordinance adds Chapter 35, Mobile Food Units to the Fridley City Code (Code). Section 35.01 is a purpose statement, § 35.02 defines terms related to the chapter, § 35.03 establishes a Food Truck License in the City of Fridley (City), § 35.04 outlines the Food Truck License application requirements, § 35.05 lists allowed activities for Food Trucks, § 35.06 lists prohibited activities for Food Trucks, § 35.07 lists signs requirements for Food Trucks, § 35.08 establishes an Ice Cream Truck License in the City, § 35.09 outlines the Ice Cream Truck License application requirements, § 35.10 describes Ice Cream Truck routes and hours of operations, § 35.11 lists allowed activities for Ice Cream Trucks, § 35.12 describes the City's response to license suspensions, revocations and denials of licenses, § 35.13 refers to the Fees Chapter of the Code for such licenses. The ordinance amends the Fees Chapter of the Code by establishing a fee for a Food Truck License at \$50, a Food Truck Fire Safety Inspection at \$100 and an Ice Cream Truck License at \$75. The ordinance repeals the fee for a Street Vending License. The ordinance repeals the Street Vending Chapter of the Code.

Ordinance No. 1409 was passed and adopted by the City Council of the City of Fridley on June 26, 2023. The full text of the Ordinance is available on the City website or for inspection by any person during regular office hours at the Office of the City Clerk.



AGENDA REPORT

Meeting Date: June 26, 2023

Meeting Type: City Council Meeting

Submitted By: Melissa Moore, City Clerk/Communications Manager

Title

Resolution No. 2023-66, Designating the Public Safety Director

Background

Minnesota Statute § 12.25 requires the Fridley City Council (Council) to establish an organization to perform emergency management functions in the City of Fridley (City). Additionally, Statute requires the City to appoint a Public Safety Director.

The City's Public Safety Director, Brian Weierke, has submitted notification of his retirement to the City Manager. The City Manager has selected Deputy Director Ryan George to take the position of Public Safety Director. This resolution serves as the Council's official designation to satisfy State law. Mr. George's appointment will become effective July 1, 2023.

Financial Impact

None.

Discussion

Staff recommend the approval of Resolution No. 2023-66.

Focus on Fridley Strategic Alignment

- | | |
|--|---|
| <input type="checkbox"/> Vibrant Neighborhoods & Places | <input type="checkbox"/> Community Identity & Relationship Building |
| <input type="checkbox"/> Financial Stability & Commercial Prosperity | <input type="checkbox"/> Public Safety & Environmental Stewardship |
| <input checked="" type="checkbox"/> Organizational Excellence | |

Attachments and Other Resources

- Resolution No. 2023-66

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Resolution No. 2023 - 66

Designating the Public Safety Director

Whereas, Minnesota Statute (M.S.) § 12.25 requires the Fridley City Council (Council) to establish a local organization to perform emergency management functions; and

Whereas, M.S. § 12.25 subd. 1 requires the Council to designate a Director of Public Safety; and

Whereas, Brian Weierke now serves as the Public Safety Director; and

Whereas, Brian Weierke has informed the City Manager of his retirement from the City; and

Whereas, pursuant to Section 6.02 of the Fridley City Charter, the City Manager is to appoint all employees and exercise control over all departments of the City’s government structure; and

Whereas, the City Manager has selected Ryan George to be appointed as Public Safety Director effective July 1, 2023.

Now therefore, be it resolved, that the City Council of the City of Fridley hereby designates Ryan George as the Public Safety Director for the City of Fridley who will be responsible to the City Manager, serve as the City’s Emergency Management Director, and be responsible for all aspects of public safety including all fire and police activities.

Passed and adopted by the City Council of the City of Fridley this 26th day of June, 2023.

Scott J. Lund – Mayor

Attest:

Melissa Moore – City Clerk



AGENDA REPORT

Meeting Date: June 26, 2023

Meeting Type: City Council

Submitted By: Scott Hickok, Community Development Director
Stacy Stromberg, Planning Manager

Title

Resolution No. 2023-67, Approving an Extension on the Final Plat Approval and Recording for PS #22-03, Roers Companies

Background

The Council will recall that on January 9, 2023, Roers Companies received Preliminary Plat approval for their project on the Moon Plaza site at 6257 University Avenue. Fridley City Code requires that the final plat be approved by the City within six months of approval of the preliminary plat unless an extension has been approved.

The plat is currently under review at Anoka County, but the petitioner anticipates that approval will occur shortly. Once the County has approved the plat, the final plat needs to be approved by the Council before it can be filed at Anoka County Records office. The petitioner is seeking a 3-month extension to allow the time needed to have the final plat approved and filed.

Financial Impact

None

Recommendation

Staff recommend the approval of Resolution No. 2023-67.

Focus on Fridley Strategic Alignment

<input checked="" type="checkbox"/> Vibrant Neighborhoods & Places	<input type="checkbox"/> Community Identity & Relationship Building
<input type="checkbox"/> Financial Stability & Commercial Prosperity	<input type="checkbox"/> Public Safety & Environmental Stewardship
<input type="checkbox"/> Organizational Excellence	

Attachments and Other Resources

- Resolution No. 2023-67
- Extension Request Email

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Resolution No. 2023-67

Approving a Three Month Extension for Approval Final Plat, PS #22-03 Petitioned by Roers Companies for the Property Located at 6257 University Avenue N.E.

Whereas, on January 9, 2023, the Fridley City Council approved Preliminary Plat, PS #22-03 submitted by Roers Company to replat the property at 6257 University Avenue N.E.; and

Whereas, Fridley City Code Section 211.04.2.C.(5)(B) requires that within six months after the date of the Council’s review of the preliminary plat, the final plat shall be submitted for approval; and

Whereas, if the final plat is not filed within the designed six-month period, the action of the Planning Commission and the Council shall become null and void, unless this period is extended by the Council; and

Whereas, on June 22, 2023, a three month extension request was received by the City from Roers Companies asking for additional time to receive Anoka County approval; and

Whereas, once approved by Anoka County, the petitioner will be ready to submit the final plat for approval by the Council.

Now, therefore be it resolved, that the City Council of the City of Fridley approves a three month extension for Plat, PS #22-03 until October 9, 2023.

Passed and adopted by the City Council of the City of Fridley this 26th day of June, 2023.

Scott J. Lund – Mayor

Attest:

Melissa Moore – City Clerk

From: [Stromberg, Stacy](#)
To: [Andy Bollig](#)
Subject: RE: Final Plat Extension Request
Date: Thursday, June 22, 2023 3:33:00 PM

Thank you.

From: Andy Bollig <Andy@roerscompanies.com>
Sent: Thursday, June 22, 2023 3:28 PM
To: Stromberg, Stacy <Stacy.Stromberg@fridleymn.gov>
Subject: RE: Final Plat Extension Request

Hi Stacy,

I'm reaching out to formally request an extension for the Final Plat approval for Roers' Moon Plaza redevelopment. The plat is currently at the County for approval after receiving comments and we should have the final approval from them imminently. Please let us know if there is anything else we can provide for this request and we appreciate the consideration.

Thanks,
Andy

Andy Bollig

Development Partner

m: 952.221.3698

andy@roerscompanies.com



AGENDA REPORT

Meeting Date: June 26, 2023

Meeting Type: City Council

Submitted By: Joe Starks, Finance Director/City Treasurer
Korrie Johnson, Assistant Finance Director

Title

Resolution No. 2023-71, Declaring Costs to be Assessed, Ordering Preparation of the Proposed Assessment Roll and Directing Publication of the Public Hearing Notice for the Street Rehabilitation Project No. ST-2022-01

Background

Pursuant to Minnesota Statute § 429.021 and City Charter § 8.03, the City Council (Council) may finance certain public improvement projects using special assessments. Generally, special assessments are a form of tax levied by a local government against a property that benefits from the improvement(s). To further govern this process, the Council also adopted Fridley City Code Chapter 7 and a Roadway Major Financing Policy.

Consistent with these regulations, the Council followed the below process for the use of special assessments regarding the Street Rehabilitation Project (Project) No. ST-2022-01:

- Ordered the preliminary report, plans and specifications (Resolution No. 2021-84);
- Received the preliminary report, called for a public hearing (Resolution No. 2022-04);
- Conducted the public hearing (Monday, January 24, 2022);
- Accepted feasibility report, ordered the final plans and specifications, called for bids (Resolution No. 2022-10); and
- Receive bids and awarded contract to S.M. Hentges & Sons, Inc. of Jordan, MN (June 13, 2022).

Based on the construction costs, the proposed special assessment for Project No. ST-2022-01 will include 144 properties totaling approximately \$311,964. Benefitting property owners will be permitted to repay the applicable amount over at 10-year period at an interest rate of 4.25%.

Financial Impact

The Adopted 2022 and 2023 Budgets included and anticipated the use of the above-mentioned special assessments to support Project No. ST-2022-01.

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Recommendation

Staff recommend the Council approve Resolution No. 2023-71.

Focus on Fridley Strategic Alignment

- | | |
|--|---|
| <input checked="" type="checkbox"/> Vibrant Neighborhoods & Places | <input type="checkbox"/> Community Identity & Relationship Building |
| <input type="checkbox"/> Financial Stability & Commercial Prosperity | <input type="checkbox"/> Public Safety & Environmental Stewardship |
| <input type="checkbox"/> Organizational Excellence | |

Attachments and Other Resources

- Resolution No. 2023-71

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Resolution No. 2023-71**Resolution Declaring Costs to be Assessed, Ordering the Preparation of the Proposed Assessment Roll and Directing Publication of a Public Hearing Notice for Street Rehabilitation Project No. ST-2022-01**

Whereas, a contract has been let for Street Rehabilitation Project No. ST-2022-01 and the contract priced for such improvement is \$827,435, and the expenses incurred or to be incurred in the making of such improvement amount to \$117,595 so that the total cost of the improvement will be \$945,030; and

Whereas, by resolution passed by the City Council (Council) on June 26, 2023, the City Clerk, with the assistance of the City Engineer and City Treasurer, was directed to prepare a proposed assessment of the cost of Street Rehabilitation Project No. ST-2022-01; and

Whereas, the City Clerk, with the assistance of the City Engineer and City Treasurer, has notified the Council that such proposed assessment has been completed and filed by their office for public inspection.

Now, therefore be it resolved, by the City Council of the City of Fridley, Minnesota:

1. The portion of the cost of such improvement to be paid by the City is hereby estimated to be \$633,066 and the portion of the cost to be assessed against benefited property owners is declared to be \$311,964 for a total cost of \$945,030.
2. Assessments shall be payable in installments extending over a period of 10 years, the first of the installments to be payable on or before the first Monday in January, 2024 and shall bear interest at the rate of 4.25 percent per annum from the date of the adoption of the assessment resolution.
3. The City Clerk, with the assistance of the City Engineer and City Treasurer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and they shall file a copy of such proposed assessment in their office for public inspection.

Be it further resolved:

1. A hearing shall be held at 7:00 p.m. on July 24, 2023 in the City Hall located at 7071 University Avenue Northeast to pass upon such proposed assessment. All persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.

- 2. The City Clerk, with the assistance of the City Engineer and City Treasurer, is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official publication at least two weeks prior to the hearing and they shall state in the notice the total cost of the improvement. They shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.
- 3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County, make one payment of at least one hundred dollars (\$100.00), to the City of Fridley; no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment.

Upon receipt of any such prepayment, the City Clerk, with the assistance of the City Treasurer, shall note the same upon the records of the City, credit the payee therefore, and reduce the assessment as originally made in the amount of the prepayment received. The balance remaining shall then be noted as the amount due and may then be certified to the county together with and as a part of the assessment roll in which the original amount due was contained.

A property owner may at any time, thereafter, pay to the City of Fridley the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

Passed and adopted by the City Council of the City of Fridley this 26th day of June, 2023.

 Scott J. Lund – Mayor

Attest:

 Melissa Moore – City Clerk

**City of Fridley, Anoka County, Minnesota
Public Hearing**

Notice is hereby given that the City Council of the City of Fridley will conduct a public hearing at 7:00 p.m. on July 24, 2023 in the City Council Chambers at 7071 University Avenue NE, to consider, and possibly adopt, the proposed assessment for the following improvements:

**2022 STREET REHABILITATION PROJECT (ST-2022-01): Assess 10 years @ 4.25% Interest,
\$311,964**

15-30-24-12-0004	10-30-24-41-0063	24-30-24-41-0155	24-30-24-41-0200
15-30-24-12-0027	10-30-24-42-0041	24-30-24-41-0156	24-30-24-41-0201
15-30-24-12-0028	10-30-24-42-0042	24-30-24-41-0157	24-30-24-41-0202
15-30-24-12-0029	10-30-24-42-0043	24-30-24-41-0158	24-30-24-41-0203
15-30-24-12-0030	10-30-24-42-0044	24-30-24-41-0159	24-30-24-41-0204
15-30-24-12-0031	10-30-24-42-0045	24-30-24-41-0160	24-30-24-41-0205
15-30-24-12-0032	10-30-24-42-0046	24-30-24-41-0161	24-30-24-41-0206
15-30-24-12-0033	10-30-24-42-0047	24-30-24-41-0162	24-30-24-41-0207
15-30-24-12-0034	10-30-24-42-0048	24-30-24-41-0163	24-30-24-41-0208
15-30-24-12-0035	10-30-24-42-0049	24-30-24-41-0164	24-30-24-41-0209
15-30-24-12-0036	10-30-24-42-0050	24-30-24-41-0165	24-30-24-41-0210
15-30-24-12-0037	10-30-24-42-0051	24-30-24-41-0166	24-30-24-41-0211
15-30-24-12-0038	10-30-24-42-0052	24-30-24-41-0167	24-30-24-41-0212
15-30-24-12-0039	10-30-24-42-0053	24-30-24-41-0168	24-30-24-41-0213
15-30-24-12-0040	10-30-24-42-0054	24-30-24-41-0169	24-30-24-41-0214
15-30-24-12-0041	10-30-24-42-0055	24-30-24-41-0170	24-30-24-41-0215
15-30-24-12-0042	10-30-24-42-0072	24-30-24-41-0171	24-30-24-41-0216
15-30-24-12-0043	10-30-24-42-0077	24-30-24-41-0172	24-30-24-41-0217
15-30-24-12-0044	10-30-24-42-0078	24-30-24-41-0173	24-30-24-41-0218
15-30-24-12-0045	10-30-24-42-0079	24-30-24-41-0174	24-30-24-41-0219
15-30-24-12-0046	10-30-24-42-0080	24-30-24-41-0175	24-30-24-41-0220
15-30-24-12-0047	10-30-24-42-0081	24-30-24-41-0176	24-30-24-41-0221
15-30-24-12-0048	10-30-24-43-0004	24-30-24-41-0177	24-30-24-41-0234
15-30-24-12-0049	10-30-24-43-0005	24-30-24-41-0178	24-30-24-41-0235
15-30-24-12-0050	10-30-24-43-0006	24-30-24-41-0179	24-30-24-41-0236
15-30-24-12-0051	10-30-24-43-0007	24-30-24-41-0180	24-30-24-41-0237
15-30-24-12-0052	10-30-24-43-0022	24-30-24-41-0181	24-30-24-41-0245
15-30-24-12-0053	10-30-24-43-0023	24-30-24-41-0182	24-30-24-41-0246
15-30-24-12-0054	10-30-24-43-0024	24-30-24-41-0187	24-30-24-41-0247
15-30-24-12-0055	10-30-24-43-0025	24-30-24-41-0188	24-30-24-41-0248

15-30-24-12-0057	10-30-24-43-0026	24-30-24-41-0189	24-30-24-41-0255
15-30-24-12-0059	10-30-24-43-0027	24-30-24-41-0190	24-30-24-41-0256
15-30-24-12-0060	10-30-24-43-0028	24-30-24-41-0191	24-30-24-41-0257
15-30-24-12-0061	10-30-24-44-0069	24-30-24-41-0192	24-30-24-41-0258
15-30-24-12-0076	24-30-24-14-0043	24-30-24-41-0193	24-30-24-41-0984
10-30-24-41-0062	24-30-24-14-0044	24-30-24-41-0194	24-30-24-41-0985

The proposed assessment rolls are on file for public inspection at the City Clerk’s Office. Notices are being mailed to all property owners.

Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a signed, written objection is filed with the City Clerk prior to the hearing or is presented to the presiding officer at the hearing. The City Council may, upon such notice, consider any objection to the amount of a proposed individual assessment at an adjourned meeting, upon such further notice to the affected property owners, as it deems advisable.

A property owner who has properly objected to the assessment may appeal an assessment to district court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or City Clerk of the City within 30 days after the adoption of the assessment and filing such notice with the District Court within ten days after service upon the Mayor or City Clerk.

The City of Fridley has adopted Resolution No. 14-1995 deferring special assessment payments for senior citizens. The City Council may defer the payment of special assessments for any homestead property owned by a person 65 years of age or older, or for persons retired due to permanent and total disability for which it would be a hardship to make the payments.

Mayor Scott J. Lund

Publish: July 10, 2023



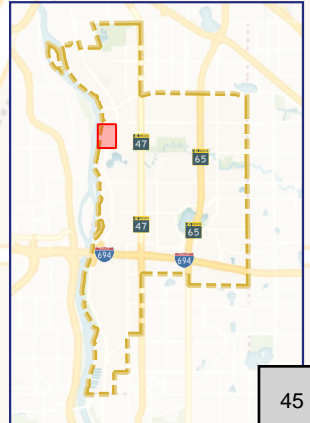
Item 7.

2022 Street Rehabilitation Project



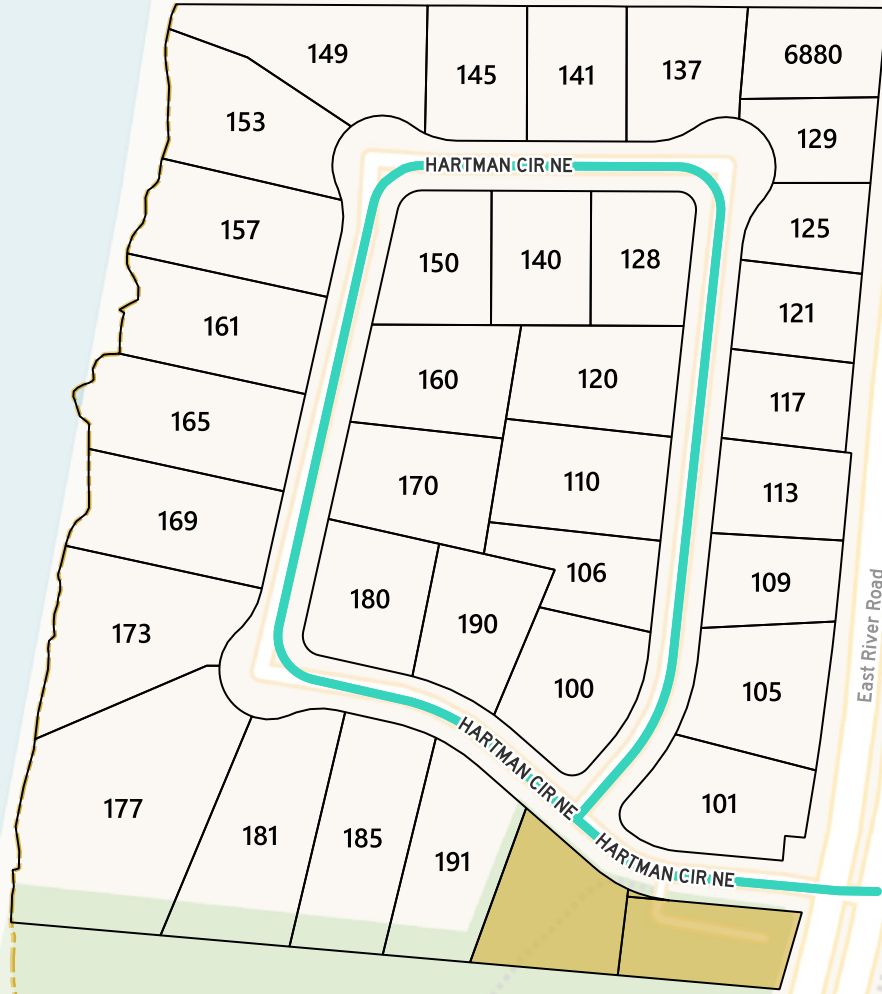
Street Reconstruction




Parcels to be Assessed

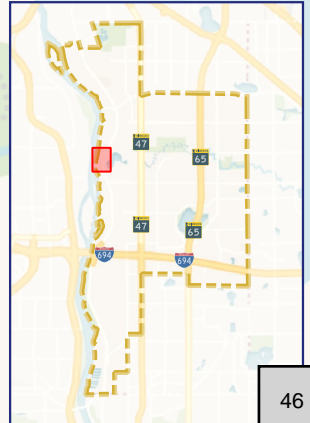




2022 Street Rehabilitation Project Item 7.



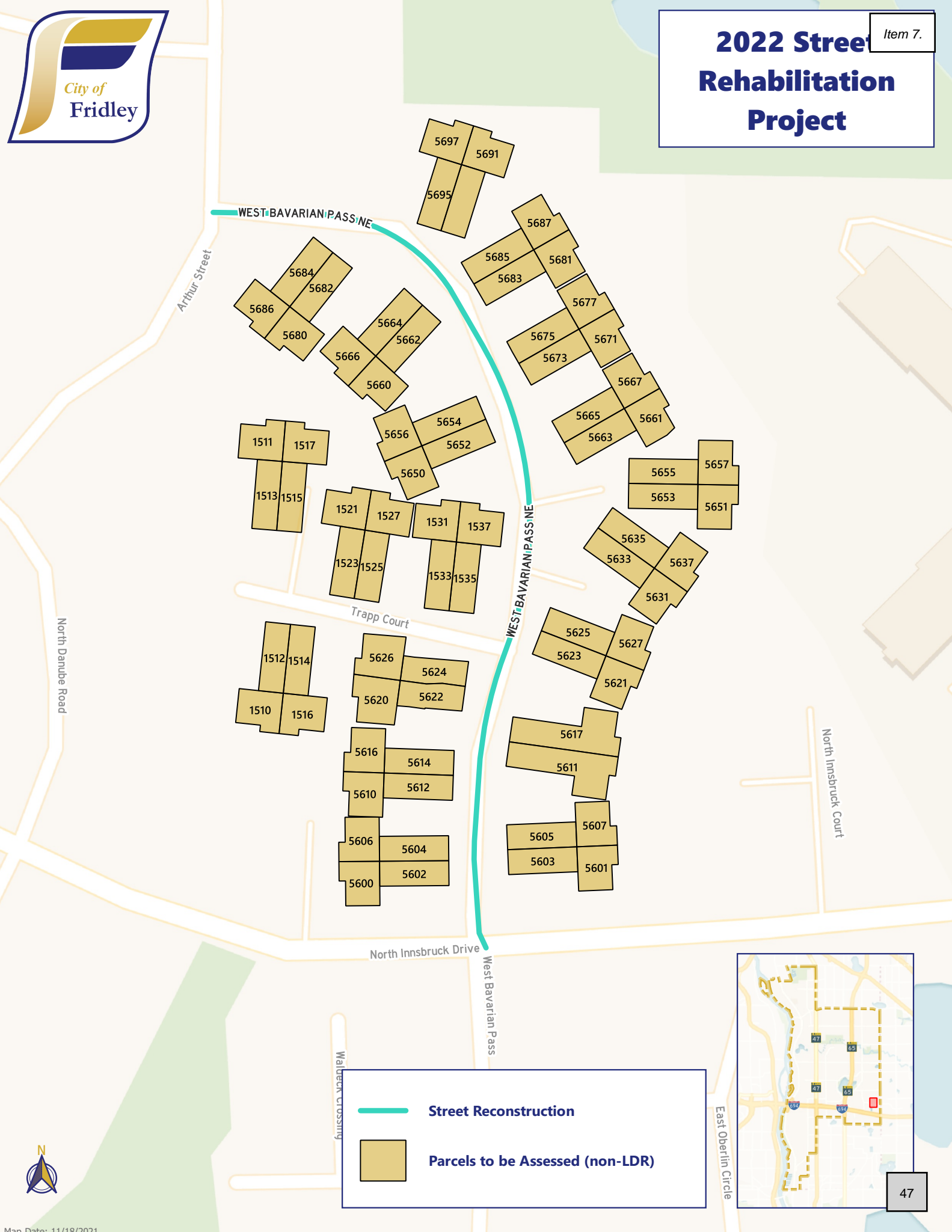
-  **Street Reconstruction**
-  **Parcels to be Assessed**
-  **Parcels to be Assessed (non-LDR)**





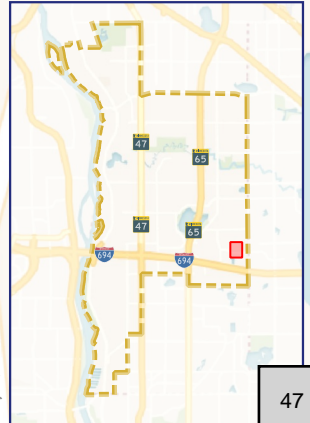


2022 Street Rehabilitation Project

Item 7.



-  Street Reconstruction
-  Parcels to be Assessed (non-LDR)





AGENDA REPORT

Meeting Date: June 26, 2023

Meeting Type: City Council

Submitted By: Korrie Johnson, Assistant Finance Director

Title

Resolution No. 2023-72, Approving Gifts, Donations and Sponsorships Received Between May 13, 2023, and June 16, 2023

Background

Each month, the City of Fridley (City) receives various donations and gifts to support City operations, programs and projects. Pursuant to Minnesota Statute § 465.03, the City may accept these donations and gifts for the benefit of residents. For specific donations or gifts, the donor may prescribe certain requirements, such as for a specific activity or department.

Consistent with the abovementioned statute, staff prepared Schedule No. 1 (Exhibit A), which outlines the various donations, gifts and/or sponsorships received by the City between May 13, 2023, and June 16, 2023. To accept the same, the Council must adopt the attached resolution by a two-third majority vote.

Lastly, for each donation, gift or sponsorship, staff ensure it meets an identified need, does not create a quid-pro-quo or long-term maintenance obligation, and the donor received an acknowledgment of their gift through a letter or publication.

Financial Impact

Every donation benefits the City of Fridley's finances.

Recommendation

Staff recommend the approval of Resolution No. 2023-72.

Focus on Fridley Strategic Alignment

<input type="checkbox"/> Vibrant Neighborhoods & Places	<input type="checkbox"/> Community Identity & Relationship Building
<input checked="" type="checkbox"/> Financial Stability & Commercial Prosperity	<input type="checkbox"/> Public Safety & Environmental Stewardship
<input type="checkbox"/> Organizational Excellence	

Attachments and Other Resources

- Resolution No. 2023-72
- Exhibit A: Schedule No. 1

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Resolution No. 2023-72

Approving Gifts, Donations and Sponsorships for the City of Fridley

Whereas, throughout the year the City of Fridley (City) receives various gifts and donations; and

Whereas, the City is sincerely grateful for the support it receives from an array of organizations and individuals; and

Whereas, without this support, the continuation of different events or programs would be difficult to sustain; and

Whereas, the attached schedule (Exhibit A) lists all of the donations and gifts received by various City departments between May 13, 2023, and June 16, 2023; and

Whereas, all of the items listed on the attached schedule (Exhibit A) are required to be accepted by the City Council by a two-thirds majority vote; and

Whereas, all items have been determined to be donated free of any quid-pro-quo expectation by the donor.

Now, therefore be it resolved, that the City Council of the City of Fridley hereby approves and accepts the various donations, gifts and sponsorships made between May 13 2023, and June 16, 2023.

Passed and adopted by the City Council of the City of Fridley this 26th day of June, 2023.

Scott J. Lund – Mayor

Attest:

Melissa Moore – City Clerk

Gifts, Donations, and Sponsorships - City of Fridley

Schedule No. 1

Date Received	Department or Division	Program	Donor Name, if not anonymous	Amount/ Value	Fund
12/19/2022	SNC	Xcel grant	Springbrook Foundation	\$7,500.00	270
12/22/2022	SNC	Green Roof	Springbrook Foundation	\$67,751.20	270
12/28/2022	Public Safety - Police	Donation for Police K9 Expenses	Coss Family Foundation (St. Paul & MN Foundation)	\$20,000.00	101
12/30/2022	SNC	Donation for Winterfest - Kicksleds	Spring Lake Park Lions	\$1,500.00	270
12/31/2022	SNC	Donation Box Contents	Various	\$127.00	270
1/3/2023	Public Safety - Police	Donation for "Nite to Unite" supplies	MINCO	\$1,000.00	101
1/17/2023	Parks & Recreation - Rec Div	Donation for Winterfest - Kicksleds	Fridley Lions Club	\$1,500.00	101
1/18/2023	Public Safety - Fire	Donation for Fire Prevention Activities	MINCO	\$1,000.00	101
1/25/2023	SNC	Donation Box Contents	Various	\$145.04	270
1/25/2023	SNC	Individual Donation	Jerrilynn Boehland	\$100.00	270
2/28/2023	SNC	Donation Box Contents	Various	\$295.00	270
3/1/2023	SNC	Donation Box Contents	Various	\$88.00	270
3/10/2023	SNC	General Donation	Zoe & Brett Hildreth	\$100.00	270
3/16/2023	SNC	Memorial Donation for Dave Kondrick	Roger & Barb Van Batavia	\$25.00	270
3/23/2023	Public Works	Donation of Right of Way at 53rd	Target	\$137,600.00	406
4/10/2023	Public Safety - Police	Donation for "Shop with a Cop" gift cards	Wal-Mart	\$4,000.00	101
4/13/2023	SNC	Memorial Donation for Dave Kondrick	Various	\$295.00	270
4/13/2023	SNC	Donation Box Contents	Various	\$184.00	270
4/19/2023	SNC	Memorial Donation for Dave Kondrick	Barbara & Stephen Kondrick	\$25.00	270
4/28/2023	SNC	Donation Box Contents	Various	\$65.00	270
5/10/2023	SNC	Memorial Donation for Jeanette Oliverus	Shelly Albers	\$100.00	270
5/12/2023	SNC	SNCF Grant Reimbursement	Xcel Energy and International Paper	\$7,000.00	270
5/24/2023	SNC	Donation Box Contents	Various	\$102.00	270
5/25/2023	REC	Safety Camp - Helmet donation	Fridley Women of Today	\$700.00	101
6/1/2023	REC	Safety Camp - Presentation	Fridley Lions Club	\$1,500.00	101
6/14/2023	SNC	Donation Box Contents	Various	\$76.00	270

Year to Date Total

\$252,778.24



AGENDA REPORT

Meeting Date: June 26, 2023

Meeting Type: City Council

Submitted By: Roberta Collins, Assistant to the City Manager

Title

Resolution No. 2023-73, Approving Claims for the Period Ending June 21, 2023

Background

Attached is Resolution No. 2023-73 and the Claims Report for the period ending June 21, 2023.

Financial Impact

Included in the budget.

Recommendation

Staff recommend the approval of Resolution No. 2023-73.

Focus on Fridley Strategic Alignment

- | | |
|---|---|
| <input type="checkbox"/> Vibrant Neighborhoods & Places | <input type="checkbox"/> Community Identity & Relationship Building |
| <input checked="" type="checkbox"/> Financial Stability & Commercial Prosperity | <input type="checkbox"/> Public Safety & Environmental Stewardship |
| <input type="checkbox"/> Organizational Excellence | |

Attachments and Other Resources

- Resolution No. 2023-73
- City Council Claims Report

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Resolution No. 2023-73

Approving Claims for the Period Ending June 21, 2023

Whereas, Minnesota Statute § 412.271 generally requires the City Council to review and approve claims for goods and services prior to the release of payment; and

Whereas, a list of such claims for the period ending June 21, 2023, was reviewed by the City Council.

Now, therefore be it resolved, that the City Council of the City of Fridley hereby approves the payment of the claims as presented.

Passed and adopted by the City Council of the City of Fridley this 26th day of June, 2023.

Scott J. Lund - Mayor

Attest:

Melissa Moore – City Clerk



City of Fridley, MN

Bank Transaction Report Transaction Detail

Issued Date Range: 06/08/2023 - 06/21/2023

Cleared Date Range: -

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
Accounts Payable							
06/09/2023		911	CITY OF FRIDLEY-IAFF DUES/INTL ASSOC/FIRE FIGHTERS	Accounts Payable	Outstanding	EFT	-80.00
06/09/2023		DFT0004409	EMPOWER RETIREMENT (for MN/MSRS)	Accounts Payable	Outstanding	Bank Draft	-1,539.23
06/09/2023		DFT0004410	EMPOWER RETIREMENT (for MN/MSRS)	Accounts Payable	Outstanding	Bank Draft	-1,261.17
06/09/2023		DFT0004411	CITY OF FRIDLEY-MISSION SQUARE-457 Def.Comp	Accounts Payable	Outstanding	Bank Draft	-20,475.39
06/09/2023		DFT0004412	CITY OF FRIDLEY-MISSION SQUARE-457 Def.Comp	Accounts Payable	Outstanding	Bank Draft	-5,190.07
06/09/2023		DFT0004414	CITY OF FRIDLEY-MISSION SQUARE RHS, Retiree Health Sav	Accounts Payable	Outstanding	Bank Draft	-363.48
06/09/2023		DFT0004416	OPTUM BANK (HSA)	Accounts Payable	Outstanding	Bank Draft	-3,910.46
06/09/2023		DFT0004417	OPTUM BANK (HSA)	Accounts Payable	Outstanding	Bank Draft	-3,010.66
06/09/2023		DFT0004418	PERA - PUBLIC EMPLOYEES	Accounts Payable	Outstanding	Bank Draft	-44,432.51
06/09/2023		DFT0004419	PERA - PUBLIC EMPLOYEES	Accounts Payable	Outstanding	Bank Draft	-164.46
06/09/2023		DFT0004420	PERA - PUBLIC EMPLOYEES	Accounts Payable	Outstanding	Bank Draft	-63,987.81
06/09/2023		DFT0004421	CITY OF FRIDLEY-MISSION SQUARE RHS, Retiree Health Sav	Accounts Payable	Outstanding	Bank Draft	-100.00
06/09/2023		DFT0004422	CITY OF FRIDLEY-MISSION SQUARE RHS, Retiree Health Sav	Accounts Payable	Outstanding	Bank Draft	-2,550.00
06/09/2023		DFT0004423	CITY OF FRIDLEY-MISSION SQUARE RHS, Retiree Health Sav	Accounts Payable	Outstanding	Bank Draft	-700.00
06/09/2023		DFT0004424	CITY OF FRIDLEY-MISSION SQUARE Roth IRA	Accounts Payable	Outstanding	Bank Draft	-4,633.83
06/09/2023		DFT0004425	BENEFIT RESOURCE LLC - BPA/VEBA	Accounts Payable	Outstanding	Bank Draft	-1,050.00
06/09/2023		DFT0004426	INTERNAL REVENUE SERVICE - PAYROLL TAXES	Accounts Payable	Outstanding	Bank Draft	-47,126.82
06/09/2023		DFT0004427	INTERNAL REVENUE SERVICE - PAYROLL TAXES	Accounts Payable	Outstanding	Bank Draft	-17,328.74
06/09/2023		DFT0004428	MINN DEPARTMENT OF REVENUE - PAYROLL TAXES	Accounts Payable	Outstanding	Bank Draft	-25,143.43
06/09/2023		DFT0004429	INTERNAL REVENUE SERVICE - PAYROLL TAXES	Accounts Payable	Outstanding	Bank Draft	-53,966.48
06/13/2023		200838	ACI ASPHALT & CONCRETE INC	Accounts Payable	Outstanding	Check	-1,618.78
06/13/2023		200839	ADVANCE AUTO PARTS	Accounts Payable	Outstanding	Check	-24.68
06/13/2023		200840	ANOKA COUNTY TREASURY OFFICE	Accounts Payable	Outstanding	Check	-6,523.16
06/13/2023		200841	ARAMARK UNIFORM SERVICES	Accounts Payable	Outstanding	Check	-349.83
06/13/2023		200842	ASPEN MILLS INC	Accounts Payable	Outstanding	Check	-140.50
06/13/2023		200843	ASTLEFORD INTERNATIONAL TRUCKS	Accounts Payable	Outstanding	Check	-686.44
06/13/2023		200844	AUTONATION FORD WHITE BEAR LAKE	Accounts Payable	Outstanding	Check	-2,210.50
06/13/2023		200845	AVILA, CRISTIAN	Accounts Payable	Outstanding	Check	-500.00
06/13/2023		200846	CARDINAL INVESTIGATIONS	Accounts Payable	Outstanding	Check	-1,740.00
06/13/2023		200847	CENTRAL TURF & IRRIGATION SUPPLY	Accounts Payable	Outstanding	Check	-2,531.19
06/13/2023		200848	CENTURY LINK	Accounts Payable	Outstanding	Check	-1,146.61
06/13/2023		200849	CERES ENVIRONMENTAL INC	Accounts Payable	Outstanding	Check	-210.00
06/13/2023		200850	CMT JANITORIAL SERVICES	Accounts Payable	Outstanding	Check	-2,492.00
06/13/2023		200851	COMCAST/XFINITY	Accounts Payable	Outstanding	Check	-317.21
06/13/2023		200852	CORE & MAIN LP	Accounts Payable	Outstanding	Check	-1,842.09
06/13/2023		200853	COSTAR REALTY INFORMATION	Accounts Payable	Outstanding	Check	-430.00

Bank Transaction Report

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
06/13/2023		200854	ENTERPRISE FM TRUST	Accounts Payable	Outstanding	Check	-19,875.24
06/13/2023		200855	FAUL PSYCHOLOGICAL PLLC	Accounts Payable	Outstanding	Check	-1,100.00
06/13/2023		200856	FILE OF LIFE FOUNDATION	Accounts Payable	Outstanding	Check	-1,161.02
06/13/2023		200857	FINANCE AND COMMERCE INC	Accounts Payable	Outstanding	Check	-705.57
06/13/2023		200858	FRIENDLY CHEVROLET INC	Accounts Payable	Outstanding	Check	-1,461.40
06/13/2023		200859	HAWKINS INC	Accounts Payable	Outstanding	Check	-4,308.59
06/13/2023		200860	HEALTH PARTNERS	Accounts Payable	Outstanding	Check	-924.00
06/13/2023		200861	HYDRAULIC SPECIALTY CO	Accounts Payable	Outstanding	Check	-57.39
06/13/2023		200862	INSTRUMENTAL RESEARCH INC	Accounts Payable	Outstanding	Check	-352.00
06/13/2023		200863	JASONS JANITORIAL SERVICES	Accounts Payable	Outstanding	Check	-3,100.00
06/13/2023		200864	LOFFLER COMPANIES-131511	Accounts Payable	Outstanding	Check	-145.56
06/13/2023		200865	MADDEN GALANTER HANSEN LLP	Accounts Payable	Outstanding	Check	-585.85
06/13/2023		200866	MANSFIELD OIL COMPANY	Accounts Payable	Outstanding	Check	-13,627.38
06/13/2023		200867	MARTIN MARIETTA	Accounts Payable	Outstanding	Check	-3,721.89
06/13/2023		200868	MEDIATION SERVICES	Accounts Payable	Outstanding	Check	-5,565.20
06/13/2023		200869	MENARDS - FRIDLEY	Accounts Payable	Outstanding	Check	-186.25
06/13/2023		200870	METERING & TECHNOLOGY SOLUTIONS	Accounts Payable	Outstanding	Check	-2,534.76
06/13/2023		200871	METRO-INET	Accounts Payable	Outstanding	Check	-4,563.00
06/13/2023		200872	METROPOLITAN COUNCIL	Accounts Payable	Outstanding	Check	-434,336.81
06/13/2023		200873	MINN EQUIPMENT	Accounts Payable	Outstanding	Check	-98.97
06/13/2023		200874	NELSON CHEESE & DELI	Accounts Payable	Outstanding	Check	-158.95
06/13/2023		200875	OMANN BROTHERS CONTRACTING CO	Accounts Payable	Outstanding	Check	-510.90
06/13/2023		200876	ON SITE COMPANIES	Accounts Payable	Outstanding	Check	-266.00
06/13/2023		200877	OUPERSON SEWER & WATER	Accounts Payable	Outstanding	Check	-9,665.00
06/13/2023		200878	Q3 CONTRACTING INC / PSC	Accounts Payable	Outstanding	Check	-1,468.70
06/13/2023		200879	REMTECH REMEDIATION TECHNOLOGIES	Accounts Payable	Outstanding	Check	-249.00
06/13/2023		200880	REVSPRING INC	Accounts Payable	Outstanding	Check	-3,480.08
06/13/2023		200881	ROADKILL ANIMAL CONTROL	Accounts Payable	Outstanding	Check	-206.00
06/13/2023		200882	ROCK SOLID LANDSCAPE & IRRIGATION	Accounts Payable	Outstanding	Check	-900.00
06/13/2023		200883	ROSE CITY CANOPY & SIGN	Accounts Payable	Outstanding	Check	-600.00
06/13/2023		200884	STANDARD INSURANCE COMPANY (LIFE)	Accounts Payable	Outstanding	Check	-2,231.03
06/13/2023		200885	STANDARD INSURANCE COMPANY LTD/STD	Accounts Payable	Outstanding	Check	-7,165.69
06/13/2023		200886	STEPHENS, MELISSA	Accounts Payable	Outstanding	Check	-24.13
06/13/2023		200887	STEPP MANUFACTURING CO INC	Accounts Payable	Outstanding	Check	-576.03
06/13/2023		200888	STREICHER'S	Accounts Payable	Outstanding	Check	-649.95
06/13/2023		200889	SUBURBAN TIRE WHOLESALE INC	Accounts Payable	Outstanding	Check	-2,246.12
06/13/2023		200890	SWINNEY, ADAM	Accounts Payable	Outstanding	Check	-200.00
06/13/2023		200891	TIMESAVER OFF SITE SECRETARIAL INC	Accounts Payable	Outstanding	Check	-159.00
06/13/2023		200892	T-MOBILE	Accounts Payable	Outstanding	Check	-25.00
06/13/2023		200893	USA BLUEBOOK	Accounts Payable	Outstanding	Check	-92.95
06/13/2023		200894	VECTOR/TARGET SOLUTIONS LEARNING	Accounts Payable	Outstanding	Check	-4,414.05
06/13/2023		200895	VERIZON WIRELESS	Accounts Payable	Outstanding	Check	-1,902.31
06/13/2023		200896	VERTEX UNMANNED SOLUTIONS	Accounts Payable	Outstanding	Check	-2,223.00

Bank Transaction Report

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
06/21/2023		200897	ABM EQUIPMENT & SUPPLY	Accounts Payable	Outstanding	Check	-85.36
06/21/2023		200898	ALBRECHT SIGN COMPANY	Accounts Payable	Outstanding	Check	-292.00
06/21/2023		200899	ALL AUTO GLASS INC	Accounts Payable	Outstanding	Check	-794.03
06/21/2023		200900	AMERICAN SOLUTIONS FOR BUSINESS	Accounts Payable	Outstanding	Check	-24.77
06/21/2023		200901	ANDERSON, MATT	Accounts Payable	Outstanding	Check	-76.49
06/21/2023		200902	ANGELLOTTI, GAVIN	Accounts Payable	Outstanding	Check	-54.98
06/21/2023		200903	ANOKA COUNTY PROP RECORDS/TAXATION	Accounts Payable	Outstanding	Check	-1,092.00
06/21/2023		200904	ARAMARK UNIFORM SERVICES	Accounts Payable	Outstanding	Check	-362.69
06/21/2023		200905	ASPEN MILLS INC	Accounts Payable	Outstanding	Check	-2,368.84
06/21/2023		200906	AUTONATION FORD WHITE BEAR LAKE	Accounts Payable	Outstanding	Check	-2,745.06
06/21/2023		200907	BANIA, DON JR.	Accounts Payable	Outstanding	Check	-400.00
06/21/2023		200908	BARR ENGINEERING	Accounts Payable	Outstanding	Check	-1,469.50
06/21/2023		200909	CENTERPOINT ENERGY-MINNEGASCO	Accounts Payable	Outstanding	Check	-1,082.22
06/21/2023		200910	CENTRAL TURF & IRRIGATION SUPPLY	Accounts Payable	Outstanding	Check	-213.19
06/21/2023		200911	CENTURY LINK	Accounts Payable	Outstanding	Check	-127.16
06/21/2023		200912	CERES ENVIRONMENTAL INC	Accounts Payable	Outstanding	Check	-960.00
06/21/2023		200913	EHLERS & ASSOCIATES INC	Accounts Payable	Outstanding	Check	-2,172.50
06/21/2023		200914	EMERGENCY AUTOMOTIVE TECHNOLOGIES	Accounts Payable	Outstanding	Check	-837.26
06/21/2023		200915	FLEET PRIDE TRUCK & TRAILER PARTS	Accounts Payable	Outstanding	Check	-1,160.57
06/21/2023		200916	GENUINE PARTS CO/NAPA	Accounts Payable	Outstanding	Check	-292.38
06/21/2023		200917	HAWKINS INC	Accounts Payable	Outstanding	Check	-20.00
06/21/2023		200918	HERNANDEZ, CHARLES	Accounts Payable	Outstanding	Check	-98.00
06/21/2023		200919	HOSE PROS LLC	Accounts Payable	Outstanding	Check	-25.15
06/21/2023		200920	INTERSTATE ALL BATTERY CENTER	Accounts Payable	Outstanding	Check	-90.00
06/21/2023		200921	K & S ENGRAVING LLC	Accounts Payable	Outstanding	Check	-94.50
06/21/2023		200922	KENNEDY & GRAVEN CHARTERED	Accounts Payable	Outstanding	Check	-3,617.00
06/21/2023		200923	MAC QUEEN EMERGENCY	Accounts Payable	Outstanding	Check	-28,381.81
06/21/2023		200924	MARTIN MARIETTA	Accounts Payable	Outstanding	Check	-1,111.58
06/21/2023		200925	MCCANDLESS, HARPER	Accounts Payable	Outstanding	Check	-39.98
06/21/2023		200926	MENARDS - FRIDLEY	Accounts Payable	Outstanding	Check	-125.17
06/21/2023		200927	METROPOLITAN COUNCIL (SAC CHARGES)	Accounts Payable	Outstanding	Check	-2,460.15
06/21/2023		200928	MINN DEPT OF FINANCE	Accounts Payable	Outstanding	Check	-213.90
06/21/2023		200929	MINN DEPT OF LABOR & INDUSTRY	Accounts Payable	Outstanding	Check	-1,839.90
06/21/2023		200930	MINN IT	Accounts Payable	Outstanding	Check	-265.65
06/21/2023		200931	NORTHERN TOOL & EQUIPMENT	Accounts Payable	Outstanding	Check	-229.99
06/21/2023		200932	NYKANEN, ANDREW	Accounts Payable	Outstanding	Check	-9,555.20
06/21/2023		200933	ON SITE COMPANIES	Accounts Payable	Outstanding	Check	-1,256.25
06/21/2023		200934	PETERSON COMPANIES INC	Accounts Payable	Outstanding	Check	-8,432.13
06/21/2023		200935	RAMSEY EXCAVATING COMPANY	Accounts Payable	Outstanding	Check	-19,572.50
06/21/2023		200936	REPUBLIC SERVICES #899	Accounts Payable	Outstanding	Check	-4,854.75
06/21/2023		200937	RESPEC	Accounts Payable	Outstanding	Check	-3,386.25
06/21/2023		200938	ROCK SOLID LANDSCAPE & IRRIGATION	Accounts Payable	Outstanding	Check	-720.00
06/21/2023		200939	SCHIFSKY & SONS INC	Accounts Payable	Outstanding	Check	-1,617.00

Bank Transaction Report

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
06/21/2023		200940	SHRED RIGHT	Accounts Payable	Outstanding	Check	-66.63
06/21/2023		200941	ST CROIX RECREATION FUN PLAYGROUNDS	Accounts Payable	Outstanding	Check	-192,828.00
06/21/2023		200942	SUBURBAN TIRE WHOLESALE INC	Accounts Payable	Outstanding	Check	-438.00
06/21/2023		200943	TAHO SPORTSWEAR	Accounts Payable	Outstanding	Check	-975.99
06/21/2023		200944	VERIZON WIRELESS	Accounts Payable	Outstanding	Check	-480.12
06/21/2023		200945	WILDLIFE SCIENCE CENTER	Accounts Payable	Outstanding	Check	-484.80
06/21/2023		200946	XCEL ENERGY	Accounts Payable	Outstanding	Check	-36,620.55
Accounts Payable Total: (129)							-1,194,114.25
Payroll							
06/09/2023	06/07/2023	13	13	Payroll	Cleared	Check	0.00
06/09/2023		EFT0000187	Payroll EFT	Payroll	Outstanding	EFT	-395,861.26
Payroll Total: (2)							-395,861.26
Report Total: (131)							-1,589,975.51

Bank Transaction Report

Bank Account	Count	Amount
0000100479 City of Fridley	131	-1,589,975.51
Report Total:	131	-1,589,975.51

Cash Account	Count	Amount
No Cash Account	1	0.00
999 999-101100 Cash in Bank - CITY Pooled Cash	130	-1,589,975.51
Report Total:	131	-1,589,975.51

Transaction Type	Count	Amount
Bank Draft	19	-296,934.54
Check	110	-897,099.71
EFT	2	-395,941.26
Report Total:	131	-1,589,975.51



AGENDA REPORT

Meeting Date: June 26, 2023

Meeting Type: City Council

Submitted By: James Kosluchar, Public Works Director
Brandon Brodhag, Assistant City Engineer

Title

Resolution No. 2023-68, Awarding 53rd Avenue Trail and Walk Improvements Project No. ST2023-21

Background

On Thursday, June 22 at 9:00 a.m., bids were publicly opened online via the virtual platform available on QuestCDN and Microsoft Teams for the 53rd Avenue Trail and Walk Improvements Project No. ST2023-21. Four responsive bids were received.

The City's Capital Investment Plan includes rehabilitation on 53rd Avenue from Main Street (County Road 102) to Trunk Highway 65 (Central Avenue). The total project length is approximately 0.95 miles. The area is majority residential properties with a mix of commercial and high-density housing. On 53rd Avenue from University Avenue (Trunk Highway 47) to Central Avenue (Trunk Highway 65), the roadway is shared between the cities of Fridley and Columbia Heights. This project was submitted for eligible Minnesota Department of Transportation (MnDOT) Local Road Improvement Program (LRIP) funding for the trail, sidewalk, and resurfacing improvements in 2021 and received \$1,250,000 in State funding.

Proposed street rehabilitation will include asphalt reclaiming, asphalt paving, concrete curb and gutter relocation on the south side of 53rd Avenue, concrete curb and gutter spot replacement on the north side of 53rd Avenue, and miscellaneous utility repairs. The segment of 53rd Avenue from Main Street to Trunk Highway 47 will be paved with 4-inch asphalt pavement while the segment of 53rd Avenue from Trunk Highway 47 to Monroe Street will be paved with 4.5-inch asphalt pavement. Spot replacement of concrete curb and gutter will only occur along segments that are severely damaged, settled, or restrict the conveyance of storm water.

Trail improvements include adding a new shared asphalt trail on the south side of 53rd Avenue from Main Street to Central Avenue (Trunk Highway 65). The location of the trail will require the concrete curb to be bumped out 10-feet towards the centerline of the roadway. The existing roadway is 40 feet in width with an eight-foot parking shoulder on both sides of 53rd Avenue. The proposed roadway will be 30 feet in width eliminating the existing south side parking lane to accommodate for the new off-street 10-foot shared use trail. The trail will connect to existing trail facilities on Main Street, 7th Street, and Trunk Highway 65.

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Sidewalk improvements include adding a six-foot concrete sidewalk on the north side of 53rd Avenue from University Avenue (Trunk Highway 47) to the existing sidewalk on the east side of Monroe Street near the Target/Petco property. The existing sidewalk continues from Monroe Street east to Central Avenue (Trunk Highway 65).

Proposed water main improvements will include the replacement of approximately 550 lineal feet of six-inch watermain and existing valves within the project area will either be replaced or repaired. Staff has identified the portion of the water main on 53rd Avenue near Monroe Street to be replaced. The water main work will include replacement of the main and a portion of the services. Two hydrants will need to be relocated due to the location of the trail and sidewalk.

As noted, four bids were received. The low bid was received from Park Construction Company of Fridley, Minnesota in the amount of \$1,776,297.26, which is 15.5% below the final engineer's estimate of \$2,051,581.85 (Exhibit A). The two lowest bids were very competitive and within \$79,524 of one another. Of the four bids, the high bid received was \$2,006,836.87.

The City of Columbia Heights will be providing funding for a portion of the project through a Joint Powers Agreement. They have been advised of our recommendation and concur with the recommended award.

The City of Fridley has worked with Park Construction Company in the past on the 2019 Street Rehabilitation Project (the streets near the Civic Campus). Staff believes they are a knowledgeable and reputable contractor and will deliver the project within the requisite quality specified in the bid documents.

Based on the low bid, special assessments are expected to be within projections. Property owners will receive notification of project advancement this July presuming the City Council awards the project at this meeting. A project information sheet will provide a tentative work schedule, work description and contact information. During the project, staff will distribute weekly project updates via email and the project-specific page on the City's website to minimize disruption to the residents. We expect the work to begin in August with substantial completion in October of this year.

Financial Impact

Funding for this project is derived from several sources including the Local Road Improvement Program Grant, the City of Columbia Heights through a cost-share project Joint Powers Agreement, Municipal State Aid street funding, special assessments, and Utility CIP funds (water, sanitary sewer, and storm sewer).

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Recommendation

Staff recommends the approval of Resolution No. 2023-68.

Focus on Fridley Strategic Alignment

- | | |
|--|---|
| <input checked="" type="checkbox"/> Vibrant Neighborhoods & Places | <input type="checkbox"/> Community Identity & Relationship Building |
| <input type="checkbox"/> Financial Stability & Commercial Prosperity | <input type="checkbox"/> Public Safety & Environmental Stewardship |
| <input type="checkbox"/> Organizational Excellence | |

Attachments and Other Resources

- Resolution No. 2023-68
- Exhibit A – Bid Tabulation

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Resolution No. 2023-68**Award of 53rd Avenue Trail and Walk Improvements Project No. ST2023-21**

Whereas, the 53rd Avenue Trail and Walk Improvements Project No. ST2023-21 (the Project) has been incorporated into the City of Fridley's Capital Investment Program; and

Whereas, the Project includes street rehabilitation of 53rd Avenue, along with associated roadway repairs, and other ancillary items; and

Whereas, the City of Fridley has developed an Active Transportation Plan that identifies improvements to promote multi-modal travel along 53rd Avenue from Main Street (County Road 102) to Central Avenue (Trunk Highway 47); and

Whereas, the City of Fridley has successfully obtained state funding to improve 53rd Avenue from Main Street (County Road 102) to Central Avenue (Trunk Highway 47); and

Whereas, Resolution No. 2022-144 adopted December 12, 2022 received the Project feasibility report and called for a public hearing on the matter of the construction of certain improvements listen therein; and

Whereas, a public hearing regarding said improvements considered under the Project was set for January 9, 2023 and ten days mailed notice and two weeks published notice of the hearing was given; and

Whereas, at said hearing on improvements, the City Council heard all those persons that desired to address the Council; and

Whereas, Resolution No. 2023-03 subsequently adopted January 9, 2023 ordered final plans, specifications and calling for bids; and

Whereas, electronic bids were received and publicly read aloud at 2:00 PM on June 22, 2023; and

Whereas, the City of Columbia Heights, who are partners on this project through a joint powers agreement, concurs with the recommended award.

Now, therefore be it resolved, that the City Council of the City of Fridley hereby approves received bids per the attached bid tabulation and award the 53rd Avenue Trail and Walk Improvements Project No. ST2023-21 to the lowest responsive bidder, Park Construction Company of Fridley, MN in the amount of \$1,776,297.26.

Passed and adopted by the City Council of the City of Fridley this 26th day of June, 2023.

Scott J. Lund – Mayor

Attest:

Melissa Moore – City Clerk

59	Repair/Replace Pet Fence & Irrigation System	LUMP SUM	1	\$ 3,000.00	\$ 3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
60	Traffic Control	LUMP SUM	1	\$ 25,000.00	\$ 25,000.00	\$15,400.00	\$15,400.00	\$17,200.00	\$17,200.00	\$20,000.00	\$20,000.00	\$14,950.00	\$14,950.00
61	Install Sign Type C	EACH	21	\$ 250.00	\$ 5,250.00	\$232.00	\$4,872.00	\$230.00	\$4,830.00	\$225.00	\$4,725.00	\$225.00	\$4,725.00
62	Sign Panels Type C	SQ FT	11	\$ 100.00	\$ 1,100.00	\$82.40	\$906.40	\$82.00	\$902.00	\$80.00	\$880.00	\$80.00	\$880.00
63	Rigid PVC Loop Detector 6'X6'	EACH	9	\$ 1,500.00	\$ 13,500.00	\$1,470.00	\$13,230.00	\$1,454.00	\$13,086.00	\$1,200.00	\$10,800.00	\$1,425.00	\$12,825.00
64	Rigid PVC Loop Detector 6'X12'	EACH	1	\$ 2,250.00	\$ 2,250.00	\$1,930.00	\$1,930.00	\$1,912.00	\$1,912.00	\$1,400.00	\$1,400.00	\$1,875.00	\$1,875.00
65	Storm Drain Inlet Protection	EACH	43	\$ 150.00	\$ 6,450.00	\$196.00	\$8,428.00	\$150.00	\$6,450.00	\$185.00	\$7,955.00	\$150.00	\$6,450.00
66	Silt Fence MS	LIN FT	1092	\$ 7.50	\$ 8,190.00	\$3.10	\$3,385.20	\$3.00	\$3,276.00	\$3.00	\$3,276.00	\$2.35	\$2,566.20
67	Common Topsoil Borrow	CU YD	255	\$ 50.00	\$ 12,750.00	\$62.90	\$16,039.50	\$39.00	\$9,945.00	\$20.00	\$5,100.00	\$50.01	\$12,752.55
68	Fertilizer Type 3 (350 LB/AC)	POUND	131	\$ 2.00	\$ 262.00	\$1.55	\$203.05	\$1.60	\$209.60	\$1.50	\$196.50	\$2.00	\$262.00
69	Rolled Erosion Prevention Category 15	SQ YD	1041	\$ 2.00	\$ 2,082.00	\$5.15	\$5,361.15	\$2.80	\$2,914.80	\$5.00	\$5,205.00	\$3.50	\$3,643.50
70	Seeding	ACRE	0.37	\$ 4,500.00	\$ 1,665.00	\$1,240.00	\$458.80	\$9,180.00	\$3,396.60	\$1,200.00	\$444.00	\$3,500.00	\$1,295.00
71	Seed Mixture 25-151 (120 LB/AC)	POUND	45	\$ 7.00	\$ 315.00	\$5.15	\$231.75	\$7.10	\$319.50	\$5.00	\$225.00	\$10.00	\$450.00
72	Hydraulic Bonded Fiber Matrix (3500 LB/AC)	POUND	1306	\$ 2.00	\$ 2,612.00	\$3.85	\$5,028.10	\$1.80	\$2,350.80	\$3.75	\$4,897.50	\$3.50	\$4,571.00
73	4" Broken Line: Epoxy	LIN FT	506	\$ 0.35	\$ 177.10	\$1.30	\$657.80	\$1.30	\$657.80	\$1.25	\$632.50	\$1.25	\$632.50
74	4" Solid Line: Epoxy	LIN FT	6925	\$ 0.35	\$ 2,423.75	\$1.30	\$9,002.50	\$1.30	\$9,002.50	\$1.25	\$8,656.25	\$1.25	\$8,656.25
75	4" Double Solid Line: Epoxy	LIN FT	395	\$ 0.75	\$ 296.25	\$2.60	\$1,027.00	\$2.50	\$987.50	\$2.50	\$987.50	\$2.50	\$987.50
76	Crosswalk: Epoxy	SQ FT	2658	\$ 7.50	\$ 19,935.00	\$7.20	\$19,137.60	\$7.10	\$18,871.80	\$7.00	\$18,606.00	\$7.00	\$18,606.00
77	Pavement Message Paint	SQ FT	62	\$ 7.50	\$ 465.00	\$11.30	\$700.60	\$11.20	\$694.40	\$11.00	\$682.00	\$11.00	\$682.00
78	24" Solid Line: Epoxy	LIN FT	88	\$ 7.50	\$ 660.00	\$9.80	\$862.40	\$9.20	\$809.60	\$9.50	\$836.00	\$9.50	\$836.00
Bid Total:						\$2,051,581.85		\$1,776,297.26		\$1,855,821.40		\$1,920,695.91	\$2,006,836.87



AGENDA REPORT

Meeting Date: June 26, 2023

Meeting Type: City Council

Submitted By: James Kosluchar, Public Works Director
 Brandon Brodhag, Assistant City Engineer
 Carl Lind, Graduate Engineer

Title

Resolution No. 2023-69, Approving Change Order No. 2 (Final) for 2022 Street Rehabilitation Project No. ST2022-01

Background

Attached is Change Order No. 2 (Final) for the 2022 Street Rehabilitation Project No. ST2022-01. This project is part of the City of Fridley's (City) regular street maintenance program and includes pavement, utility and other miscellaneous improvements. The work is being performed under a contract with S.M. Hentges & Sons, Inc. of Jordan, MN (Contractor).

The amount of this change order is \$104,013.25. Total work included in Change Order No. 2 would increase the contract by 12.6%. Cumulative change orders to this project including Change Order No. 2, would total 14.2% of the original contract.

In September 2022, the Contractor began construction activities on Hartman Circle. Due to a combination of private utility relocation delays, shortage of cementitious material necessary for concrete items and deleterious material encountered on site, the Contractor was unable to complete the scope of work outlined in the contract for Hartman Circle in 2022.

To preserve the roadway integrity and maintain emergency access to public utilities along the roadway through winter, staff directed the Contractor to complete work through the installation of the initial pavement lift along Hartman Circle, with the remaining contracted work to be completed in 2023.

The items detailed in Change Order No. 2 include all additional work and base quantity overruns required for the winter preparation of Hartman Circle and the completion of the remaining scope of work for the project in 2023. The project is currently substantially complete with no additional anticipated changes to the contract. A summary of the changes is included below:

Subgrade Soil Correction - Hartman Circle 2023 (CO2.01)

During preparation of the roadway base along Hartman Circle in October 2022 a localized segment of the roadway base failed compaction testing and showed signs of instability. Locations with poor subgrade material typically require soil correction or other rehabilitation methods to be suitable for

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

paving. In order to provide a base course of pavement across the roadway for winter, the Contractor was directed by staff to pave over the location of unsuitable material with the understanding that a soil correction would be completed the following spring.

In May 2023, the Contractor completed a subgrade soil correction across the area before installing a bituminous patch and the final pavement lift along Hartman Circle. The correction method employed by the Contractor included the excavation and disposal of unsuitable material to a depth one foot across the impacted area and replacement with imported aggregate base.

CO2.01 accounted for \$8,721 of the change order and will be funded by the Water Utility Fund.

Temporary Bituminous Patch Removal – Hartman Circle (CO2.02)

In conjunction with the subgrade soil correction detailed in CO2.01, the Contractor performed bituminous patch removals in 2023 as directed by staff to expose the location of unsuitable roadway base material. Additional bituminous removals were also performed for the installation of concrete valley gutter along the southwest corner of Hartman Circle per the contract. The concrete valley gutter was not installed in 2022 with the base pavement course so as not to create an obstacle for winter plowing operations.

CO2.02 accounted for \$5,420.25 of the change order and will be funded by the Water Utility Fund.

Bituminous Patching – Hartman Circle (CO2.03)

Following the subgrade soil correction detailed in CO2.01 and installation of concrete valley gutter along Hartman Circle in 2023, the Contractor installed bituminous patching of identical mix and depth to the pavement removal area to match the existing base pavement course. Following bituminous patching, the Contractor installed the final pavement wear course per the contract.

CO2.03 accounted for \$9,600 of the change order and will be funded by the Water Utility Fund.

Manhole/Gate Valve Adjustments – Hartman Circle (CO2.04)

In order to maintain emergency access to water, sanitary sewer, and storm sewer utility structures in the roadway along Hartman Circle over the winter, the Contractor was directed by staff to adjust all utility structures in the roadway to the grade of the first bituminous pavement lift.

When construction resumed in May 2023, the Contractor performed additional adjustments to the roadway utility structures along Hartman Circle to achieve the grade of the final lift of bituminous pavement per the contract. Where applicable, the Contractor utilized riser rings as a cost-effective means to adjust roadway utilities without the need for additional excavation and patching.

CO2.04 accounted for \$6,476 of the change order and will be funded by a combination of the Sanitary Sewer and Water Utility Funds.

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Bituminous Base and Wear Course (CO2.05)

Due to the construction delays as previously discussed, the Contractor was only able to install the initial bituminous pavement lift along Hartman Circle during the 2022 construction season. The remaining wear course lift and all paving operations on the remaining project streets were completed in May/June 2023.

Final quantities for wear and base courses exceeded the base contract quantities, with an overrun of 18% and 13% for wear course and base course, respectively. These values do not vary substantially from a typical +/- 15% tolerance for bituminous paving operations along rehabilitated streets. This tolerance in paving tonnage can primarily be attributed to variations in the existing curb profiles that prevent a consistent depth of mat installation as well as minor areas discrepancies from the use of aerial satellite data in lieu of preliminary topographical survey data.

CO2.05 accounted for \$48,902 of the change order and will be funded by the Street Improvement Fund.

Subgrade Preparation (CO2.06)

Subgrade preparation is a contract item included with the City's street rehabilitation projects that encompasses the final grading of the roadway base in preparation for bituminous pavement. Payment for subgrade preparation is made based upon the length of roadway base graded, measured in road stations (RDST).

The total quantity for subgrade preparation across all project streets was accurately reflected in the construction plan (46.32 RDST) but was misrepresented with the base contract bidding (16.42 RDST). CO2.06 would adjust the base contract to include the remaining subgrade preparation quantity and match the total quantity as reflected in the construction plan.

CO2.06 accounted for \$16,146 of the change order and will be funded by the Street Improvement Fund.

Concrete Curb and Gutter Spot Replacement (CO2.07)

Spot removal and replacement of existing concrete curb and gutter is included with the City's street rehabilitation projects as a means to address severely damaged curb and gutter and surface drainage issues that can accelerate roadway deterioration. During construction, staff identified a need for additional spot replacement of concrete curb and gutter to address severely damaged sections along 71st Way and Riverview Terrace. As directed by staff, the Contractor completed the additional spot curb and gutter replacement in May 2023.

CO2.07 accounted for \$8,748 of the change order and will be funded by the Storm Water Utility Fund.

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Financial Impact

Funding for this project is derived from a combination of Municipal State Aid street funding, utility CIP funds (water, sanitary sewer and storm sewer) and special assessments. The amount of this change order exceeds the normal project allowance of 5% but is within budget for the project.

Recommendation

Staff recommend the approval of Resolution No. 2023-69.

Focus on Fridley Strategic Alignment

- | | |
|--|---|
| <input checked="" type="checkbox"/> Vibrant Neighborhoods & Places | <input type="checkbox"/> Community Identity & Relationship Building |
| <input type="checkbox"/> Financial Stability & Commercial Prosperity | <input type="checkbox"/> Public Safety & Environmental Stewardship |
| <input type="checkbox"/> Organizational Excellence | |

Attachments and Other Resources

- Resolution No. 2023-69
- Change Order No. 2 (Final) for 2022 Street Rehabilitation Project No. ST2022-01

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Resolution No. 2023-69

**Approving Change Order No. 2 (Final) for 2022 Street Rehabilitation Project
No. ST2022-01**

Whereas, the 2022 Street Rehabilitation Project (Project) included street rehabilitation on Hartman Circle, 71st Way, Riverview Terrace and West Bavarian Pass as part of the City of Fridley’s (City) regular street maintenance program under a contract with S.M. Hentges & Sons, Inc. of Jordan, MN (Contractor); and

Whereas, the Project was funded by the City’s Minnesota State Aid System funding, utility enterprise funds and special assessments; and

Whereas, additional work has been directed by the City to be completed by the Contractor including the Change Order No. 2 in the amount of \$104,013.25; and

Whereas, cumulative additional work has been directed by the City has modified the original contract from \$827,434.60 to \$945,030.55 (14.2% increase); and

Whereas, the Contractor performed work as directed by City staff.

Now, therefore be it resolved, that the City Council of the City of Fridley hereby approves Approval of Change Order No. 2 (Final) for the 2022 Street Rehabilitation Project No. ST2022-01 in the amount of \$104,013.25.

Passed and adopted by the City Council of the City of Fridley this 26th day of June, 2023.

Scott J. Lund – Mayor

Attest:

Melissa Moore – City Clerk



Public Works Department

Streets • Parks • Water • Sewer • Stormwater • Fleet • Facilities • Engineering

6/20/2023

S.M. Hentges & Sons Inc.
650 Quaker Avenue
Jordan, MN 55352

SUBJECT : Change Order No. 2 2022 Street Rehabilitation Project No. ST2022-01

You are hereby ordered, authorized, and instructed to modify your contract for the above referenced project by including the following items:

ITEM NO.	DESCRIPTION	UNITS	QUANTITY	UNIT PRICE	COST
CO2.01	Subgrade Soil Correction (Hartman Circle 2023)	CY (LV)	102.00	\$ 85.50	\$ 8,721.00
CO2.02	Temporary Bituminous Removal - Hartman Circle	LS	1.00	\$ 5,420.25	\$ 5,420.25
CO2.03	Bituminous Patching - Hartman Circle	TON	60.00	\$ 160.00	\$ 9,600.00
CO2.04	Manhole/Gate Valve Adjustments - Hartman Circle	LS	1.00	\$ 6,476.00	\$ 6,476.00
CO2.05	Bituminous Base & Wear Course	LS	1.00	\$ 48,902.00	\$ 48,902.00
CO2.06	Subgrade Preparation	RDST	29.90	\$ 540.00	\$ 16,146.00
CO2.07	Concrete Curb & Gutter Spot Replacement	LS	1.00	\$ 8,748.00	\$ 8,748.00
CHANGE ORDER NO. 2 TOTAL =					\$ 104,013.25

Original Contract Amount:	\$	827,434.60	
Prior Change Orders Approved:	\$	13,582.70	1.6% of Original Contract Amount
This Change Order:	\$	104,013.25	12.6% of Original Contract Amount
Proposed Contract Amount:	\$	945,030.55	

Submitted and approved by James Kosluchar, Director of Public Works, on the 26th Day of June, 2023

James P. Kosluchar, Director of Public Works

Approved and accepted this ____ th day of _____, 2023 by S.M. Hentges & Sons

S.M. Hentges & Sons Representative

Approved and accepted this ____ th day of _____, 2023 by the City of Fridley

Scott Lund, Mayor

Walter T. Wysopal, City Manager



AGENDA REPORT

Meeting Date: June 26, 2023

Meeting Type: City Council

Submitted By: James Kosluchar, Director of Public Works
Rachel Workin, Environmental Planner

Title

Resolution No. 2023-70, Authorizing a Safe Streets and Roads for All Grant Application to Create a Safe Action Plan

Background

The "Safe Streets and Roads for All" is a competitive federal grant that provides local governments funding to create comprehensive safety action plans to address and prevent traffic fatalities. Between 2017-2021, there were 12 fatal motor vehicle crashes in Fridley and 107 motor vehicle crashes involving a pedestrian, bicycle, or motorcycle of which eight were noted to be fatal.

This grant will allow the City of Fridley (City) to conduct a full multi-modal roadway safety analysis to determine underlying issues within its transportation network and then strategically prioritize projects to address those issues within the context of risk, equity, and existing transportation plans. By creating this plan, the City will be positioned to apply for future grants to implement identified projects. Grant funds will be used to hire a consultant to assist in the creation of the safety action plan.

Financial Impact

The estimated project cost is \$265,150. The City's application is for the maximum percentage of project costs (80%) equaling \$212,128. The City will be required to provide the remaining 20% match.

Recommendation

Staff recommend the approval of Resolution No. 2023-70

Focus on Fridley Strategic Alignment

- | | |
|--|---|
| <input type="checkbox"/> Vibrant Neighborhoods & Places | <input type="checkbox"/> Community Identity & Relationship Building |
| <input type="checkbox"/> Financial Stability & Commercial Prosperity | <input checked="" type="checkbox"/> Public Safety & Environmental Stewardship |
| <input type="checkbox"/> Organizational Excellence | |

Attachments and Other Resources

- Resolution No. 2023-70

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Resolution No. 2023-70

Authorizing a Safe Streets and Roads for All Grant Application to Create a Safety Action Plan

Whereas, the City of Fridley (City) is the legal sponsor for the project contained in the Safe Streets For All (SS4A) Grants Program application; and

Whereas, the Bipartisan Infrastructure Law (BIL) established the Safe Streets and Roads for All (SS4A) discretionary program in 2022 to provide \$5-6 billion in grants over a five-year period with funding supporting the Department’s National Roadway Safety Strategy and a goal of zero deaths and serious injuries on our nation’s roadways; and

Whereas, the City will use SS4A planning grant funding to develop a citywide Safety Action Plan for the safety and benefit of all transportation network users; and

Whereas, the City will use SS4A planning grant funding to conduct planning, design, and development activities in support of a multimodal, equity-informed Safety Action Plan; and

Whereas, the City-wide Safety Action Plan will address existing safety, access, and mobility issues on roadways throughout the state and local system, and will significantly improve regional freight and commuter traffic and enhance economic development; and

Whereas, the City recognizes grant agreements may not exceed five years and is committed to completing the city-wide Streets for All Plan within that time frame.

Now, therefore be it resolved, that the City Council of the City of Fridley hereby:

1. Supports the pursuit of Safe Streets For All (SS4A) Discretionary Program funding and authorizes staff to prepare and submit the necessary application materials.
2. Commits to guiding a process that will result in a Streets For All Plan that meets SS4A program requirements and results in priority projects which are eligible for future implementation funding awards.

Passed and adopted by the City Council of the City of Fridley this 26th day of June, 2023.

Scott J. Lund – Mayor

Attest:

Melissa Moore – City Clerk



AGENDA REPORT

Meeting Date: June 26, 2023

Meeting Type: City Council

Submitted By: James Kosluchar, Public Works Director
Brandon Brodhag, Assistant City Engineer

Title

Resolution No. 2023-74, Awarding 53rd Avenue Roundabout Safety Project No. ST2023-22

Background

On Thursday, June 15 at 1:00 p.m., bids were publicly opened online via the virtual platform available on QuestCDN and Microsoft Teams for the 53rd Avenue Roundabout Safety Project No. ST2023-22. Four responsive bids were received.

The City of Fridley's (City) Capital Investment Plan includes street rehabilitation and safety improvements on 53rd Avenue from Central Avenue (Trunk Highway 65) to 1,200 feet to the west. The total project length is approximately a quarter mile. On 53rd Avenue, for this portion of the roadway, it is shared between the City and city of Columbia Heights. On August 10, 2020 a Joint Powers Agreement between the City and Columbia Heights was fully executed by the Fridley City Council (Council) and the Columbia Heights City Council. Both cities were successful in applying for funding under MnDOT's Highway Safety Improvement Program (HSIP), which will fund up to 90% of estimated construction.

Proposed street rehabilitation will include asphalt milling and asphalt removal, asphalt paving, and concrete curb and gutter spot replacement. The existing pavement east of the proposed roundabout will receive a two-inch mill and asphalt overlay. Spot replacement of concrete curb and gutter will only occur along segments that are severely damaged, settled, or restrict the conveyance of storm water.

In addition to the pavement improvements proposed along 53rd Avenue, the project also includes safety improvements including a continuous concrete safety barrier median to eliminate left turning conflicts and will provide access to and from adjacent businesses through a roundabout. The existing pavement in this section would be removed and new travel lanes would be constructed through the roundabout.

No planned water main improvements with this project. Sanitary sewer and storm sewer improvements will include minor work for manhole and inlet adjustments as well as casting replacement, if necessary, in conjunction with roadway paving operations. The existing system structures are generally in good condition and are expected to exceed the service life of the proposed pavement rehabilitation. New storm catch basins and manhole structures will be required as part of the concrete curb and gutter relocation for the construction of the roundabout.

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

As noted, four bids were received. The low bid was received from Forest Lake Contracting, Inc. of Forest Lake, Minnesota in the amount of \$1,384,132, which is 5.1% above the final engineer’s estimate of \$1,316,489 (Exhibit A). The second and third lowest bids were \$1,627,540.00 and \$1,647,806.11. Of the four bids, the high bid received was \$1,822,173.08.

The City has worked with Forest Lake Contracting, Inc. in the past. Most recently, Forest Lake Contracting, Inc was a subcontractor for the City’s West Moore Lake Drive Trail and Street Resurfacing project that was constructed in 2019, where they installed the pedestrian light bollards near Fridley High School. Staff believe they are a knowledgeable and reputable contractor and will deliver the project within the requisite quality specified in the bid documents.

Based on the low bid, special assessments are expected to be within projections. Property owners will receive notification of project advancement this July presuming the Council awards the project at this meeting. A project information sheet will provide a tentative work schedule, work description and contact information. During the project, staff will distribute weekly project updates via email and the project-specific page on the City’s website to minimize disruption to the residents. We expect the work to begin in July with substantial completion in October of this year.

Financial Impact

Funding for this project is derived from several sources including MnDOT’s Highway Safety Improvement Program (HSIP) Grant, the City of Columbia Heights through a cost-share project Joint Powers Agreement, Minnesota State Aid Street funding, special assessments and Utility CIP funds (water, sanitary sewer, and storm sewer).

Recommendation

Staff recommends the approval of Resolution No. 2023-74.

Focus on Fridley Strategic Alignment

<input checked="" type="checkbox"/> Vibrant Neighborhoods & Places	<input type="checkbox"/> Community Identity & Relationship Building
<input type="checkbox"/> Financial Stability & Commercial Prosperity	<input checked="" type="checkbox"/> Public Safety & Environmental Stewardship
<input type="checkbox"/> Organizational Excellence	

Attachments and Other Resources

- Resolution No. 2023-74
- Exhibit A – Bid Tabulation

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Resolution No. 2023-74

Awarding 53rd Avenue Roundabout Safety Project No. ST2023-22

Whereas, the construction of certain improvements identified as the 53rd Avenue Roundabout Safety Project No. ST2023-22 (Improvements) is deemed to be in the interest of the City of Fridley (City) and the property owners affected thereby; and

Whereas, the City has prepared a Capital Investment Program to systematically reconstruct streets in the City regularly to maintain roadway quality and performance; and

Whereas, the City has received a Highway Safety Improvement Program grant of \$730,800 for the improvements; and

Whereas, the City has entered into a Joint Powers Agreement with the City of Columbia Heights to collaborate to meet mutual goals of the respective communities and fund the Improvements; and

Whereas, Resolution No. 2023-09 adopted January 23, 2023 received the Project feasibility report and called for a public hearing on the matter of the construction of certain improvements listen therein; and

Whereas, a public hearing regarding said improvements considered under the Project was set for February 13, 2023 and ten days mailed notice and two weeks published notice of the hearing was given; and

Whereas, at said hearing on improvements, the City Council heard all those persons that desired to address the Council; and

Whereas, Resolution No. 2023-16 subsequently adopted February 13, 2023 ordered final plans, specifications and calling for bids.

Now, therefore be it resolved, that the City Council of the City of Fridley hereby approves received bids per the attached bid tabulation and authorizes the award of the 53rd Avenue Roundabout Safety Project No. ST2023-22 to the lowest responsive bidder, Forest Lake Contracting, Inc. of Forest Lake, MN in the amount of \$1,384,132 pending the City Engineer’s receipt and approval of federal aid authorization requirements.

Passed and adopted by the City Council of the City of Fridley this 26th day of June, 2023.

Scott J. Lund – Mayor

Attest:

Melissa Moore – City Clerk

57	Traffic Control Supervisor	LUMP SUM	1	\$15,000.00	\$15,000.00	\$10,000.00	\$10,000.00	\$1.00	\$1.00	\$0.01	\$0.01	\$18,073.98	\$
58	Install Sign Type C	EACH	5	\$150.00	\$750.00	\$250.00	\$1,250.00	\$625.00	\$3,125.00	\$263.00	\$1,315.00	\$250.00	\$1,250.00
59	Sign Panels Type C	SQ FT	236	\$70.00	\$16,520.00	\$64.00	\$15,104.00	\$85.00	\$20,060.00	\$66.70	\$15,741.20	\$63.50	\$14,986.00
60	Install Ped Push Button & Sign	EACH	1	\$1,500.00	\$1,500.00	\$3,500.00	\$3,500.00	\$2,400.00	\$2,400.00	\$2,150.00	\$2,150.00	\$2,050.00	\$2,050.00
61	Revise Signal System	SYS	1	\$35,000.00	\$35,000.00	\$15,000.00	\$15,000.00	\$11,000.00	\$11,000.00	\$9,830.00	\$9,830.00	\$9,365.00	\$9,365.00
62	Ornamental Grass No 1 Cont	EACH	135	\$45.00	\$6,075.00	\$53.00	\$7,155.00	\$31.00	\$4,185.00	\$22.10	\$2,983.50	\$53.54	\$7,227.90
63	Perrnial No 1 Cont	EACH	73	\$40.00	\$2,920.00	\$53.00	\$3,869.00	\$37.00	\$2,701.00	\$26.30	\$1,919.90	\$53.54	\$3,908.42
64	Stabilized Construction Exit	LUMP SUM	1	\$2,500.00	\$2,500.00	\$3,000.00	\$3,000.00	\$1.00	\$1.00	\$668.00	\$668.00	\$10,323.17	\$10,323.17
65	Storm Drain Inlet Protection	EACH	10	\$300.00	\$3,000.00	\$165.00	\$1,650.00	\$250.00	\$2,500.00	\$202.00	\$2,020.00	\$188.89	\$1,888.90
66	Silt Fence, Type Ms	LIN FT	1000	\$3.00	\$3,000.00	\$2.55	\$2,550.00	\$4.50	\$4,500.00	\$2.90	\$2,900.00	\$2.58	\$2,580.00
67	Sediment Control Log Type Wood Fiber	LIN FT	1400	\$2.50	\$3,500.00	\$4.68	\$6,552.00	\$5.50	\$7,700.00	\$2.80	\$3,920.00	\$4.73	\$6,622.00
68	Common Topsoil Borrow	CU YD	560	\$40.00	\$22,400.00	\$15.00	\$8,400.00	\$0.10	\$56.00	\$72.60	\$40,656.00	\$35.86	\$20,081.60
69	Fertilizer Type 3	POUND	300	\$2.00	\$600.00	\$1.00	\$300.00	\$2.50	\$750.00	\$1.65	\$495.00	\$1.00	\$300.00
70	Seeding	ACRE	1	\$1,200.00	\$1,200.00	\$1,300.00	\$1,300.00	\$2,200.00	\$2,200.00	\$1,580.00	\$1,580.00	\$1,313.13	\$1,313.13
71	Rapid Stabilization Method 2	ACRE	1	\$4,000.00	\$4,000.00	\$44.00	\$44.00	\$1,300.00	\$1,300.00	\$945.00	\$945.00	\$44.44	\$44.44
72	Mulch Material Type 6	CY YD	40	\$80.00	\$3,200.00	\$58.00	\$2,320.00	\$140.00	\$5,600.00	\$99.80	\$3,992.00	\$58.59	\$2,343.60
73	Hydraulic Bonded Fiber Matrix	POUND	4000	\$2.25	\$9,000.00	\$2.50	\$10,000.00	\$2.00	\$8,000.00	\$1.30	\$5,200.00	\$2.53	\$10,120.00
74	Seed Mixture 25-131	POUND	330	\$5.00	\$1,650.00	\$8.00	\$2,640.00	\$7.50	\$2,475.00	\$5.25	\$1,732.50	\$8.08	\$2,666.40
75	Landscape Rock	CU YD	30	\$90.00	\$2,700.00	\$210.00	\$6,300.00	\$250.00	\$7,500.00	\$184.00	\$5,520.00	\$212.12	\$6,363.60
76	4" Broken Line Multi Comp Gr In (Wr)	LIN FT	40	\$1.50	\$60.00	\$8.00	\$320.00	\$25.00	\$1,000.00	\$8.40	\$336.00	\$8.00	\$320.00
77	4" Double Solid Line Multi Comp Gr In (Wr)	LIN FT	312	\$3.00	\$936.00	\$8.00	\$2,496.00	\$10.00	\$3,120.00	\$8.40	\$2,620.80	\$8.00	\$2,496.00
78	4" Solid Line Multi Comp Gr In (Wr)	LIN FT	1024	\$1.50	\$1,536.00	\$4.00	\$4,096.00	\$5.00	\$5,120.00	\$4.20	\$4,300.80	\$4.00	\$4,096.00
79	6" Solid Line Pref Thermo Gr In	LIN FT	225	\$2.00	\$450.00	\$12.00	\$2,700.00	\$15.00	\$3,375.00	\$12.60	\$2,835.00	\$12.00	\$2,700.00
80	4" Dotted Line Pref Thermo Gr In	LIN FT	24	\$1.50	\$36.00	\$20.00	\$480.00	\$50.00	\$1,200.00	\$21.00	\$504.00	\$20.00	\$480.00
81	4" Solid Line Pref Thermo Gr In	LIN FT	627	\$3.00	\$1,881.00	\$6.00	\$3,762.00	\$7.50	\$4,702.50	\$6.30	\$3,950.10	\$6.00	\$3,762.00
82	12" Dotted Line Pref Thermo Gr In	LIN FT	19	\$5.00	\$95.00	\$20.00	\$380.00	\$50.00	\$950.00	\$21.00	\$399.00	\$20.00	\$380.00
83	24" Solid Line Pref Thermo Gr In	LIN FT	40	\$15.00	\$600.00	\$30.00	\$1,200.00	\$40.00	\$1,600.00	\$31.50	\$1,260.00	\$30.00	\$1,200.00
84	Crosswalk Pref Thermo Gr In	SQ FT	288	\$30.00	\$8,640.00	\$15.00	\$4,320.00	\$20.00	\$5,760.00	\$15.80	\$4,550.40	\$15.00	\$4,320.00
85	Pavt Messg Pref Thermo Gr In	SQ FT	170	\$30.00	\$5,100.00	\$25.00	\$4,250.00	\$30.00	\$5,100.00	\$33.20	\$5,644.00	\$25.00	\$4,250.00
Bid Total:					\$1,316,489.00		\$1,384,132.00		\$1,627,540.00		\$1,647,806.11		\$1,822,173.08



AGENDA REPORT

Meeting Date: June 26, 2023

Meeting Type: City Council

Submitted By: Sarah Sonsalla, City Attorney
Joseph L. Sathe, Assistant City Attorney

Title

Interim Ordinance No. 1408, Authorizing a Study and Imposing a Moratorium on the Sale of Cannabinoid Products (Reconsideration and Approval)

Background

On June 12, 2023, the Fridley City Council (Council) directed staff to provide the Council with actions that would result in the City of Fridley (City) allowing businesses that are currently selling products authorized under Minnesota Statutes, section 151.72 (e.g., edibles/gummies, beverages, and external application products containing tetrahydrocannabinol (THC)) (151 Hemp Products) to continue doing so and to establish a licensing framework for the 151 Hemp Products.

Also on June 12, 2023, the Council voted to enact Interim Ordinance No. 1408, which temporarily prohibits the sale of any product containing THC within the City. Interim Ordinance 1408 is set to be effective on June 30, 2023.

To allow businesses currently selling 151 Hemp Products to continue to do so, the Council can "reconsider" its approval of Interim Ordinance No. 1408 prior to its effective date. Doing so will delay the effective date of the ordinance from June 30, 2023 to July 14, 2023, but will allow businesses to continue selling 151 Hemp Products and will also allow the City to enact a licensing ordinance for the sale of 151 Hemp Products without impacting the ordinance. Additional information on reconsidering Interim Ordinance No. 1408 can be found in the attached memo: Hemp and Cannabis Business Moratoria and Licensing.

The memo also addresses adopting licensing for 151 Hemp Products, which is on tonight's agenda as found in Ordinance No. 1410, as well as a separate Interim Ordinance No. 1411 (attached) that will supplement the current Interim Ordinance No. 1408 and is related to businesses selling cannabis (i.e., non-hemp) THC products that can be considered at the City Council meeting on July 10, 2023.

Financial Impact

None.

Recommendation

Staff recommend a motion to suspend Rosenberg’s Rules of Order’s rule regarding “reconsideration” to allow reconsideration at a subsequent meeting (requires a 2/3rds vote).

Staff recommend a motion to reconsider the approval of Interim Ordinance No. 1408 (requires a majority vote).

Staff recommend a motion to approve Interim Ordinance No. 1408, as amended.

Staff recommend a motion to approve Summary interim ordinance No. 1408 for publication.

Staff recommend a motion to call for a public hearing to consider Interim Ordinance No. 1411 on July 10, 2023.

Focus on Fridley Strategic Alignment

<input type="checkbox"/> Vibrant Neighborhoods & Places	<input type="checkbox"/> Community Identity & Relationship Building
<input type="checkbox"/> Financial Stability & Commercial Prosperity	<input checked="" type="checkbox"/> Public Safety & Environmental Stewardship
<input type="checkbox"/> Organizational Excellence	

Attachments and Other Resources

- Revised Interim Ordinance No. 1408
- Revised Summary Interim Ordinance No. 1408
- Memo from Sarah Sonsalla, City Attorney, and Joseph L. Sathe, Assistant City Attorney
- Draft Interim Ordinance No. 1411

Interim Ordinance No. 1408

Authorizing a Study and Imposing a Moratorium on the Sale of Cannabinoid Products

The City Council of the City of Fridley does ordain, after review, examination and staff recommendation that a moratorium on cannabinoid products be enacted as follows:

Section 1. Purpose

The Fridley City Council (Council) finds that an interim ordinance placing a moratorium on the retail sale of cannabinoids is necessary to protect the health, safety general welfare of the citizens of the City of Fridley (City).

The City further finds that an ordinance establishing a moratorium on the retail sale of cannabinoids will allow the City time to study the issue and determine what, if any, additional licensing and/or regulations for these cannabinoid products are appropriate.

Section 2. Definitions

Cannabinoids: any product containing tetrahydrocannabinol (THC), tetrahydrocannabinol acetate (THC-O), Tetrahydrocannabivarin (THC-V), hexahydrocannabinol (HHC), tetrahydrocannabiphorol (THC-P or THC-Heptyl), tetrahydrocannabioctyl (THCjd), tetrahydrocannabihexol (THC-H), and cannabiniol (CBN). This term excludes products that are not intended to be eaten or consumed by humans or that are marketed as being a cannabidiol (CBD) product which contains less than 0.3% of any tetrahydrocannabinol (THC) by dry weight.

Trace amount: a product that contains no more than a trace amount of THC if the manufacturer is not required by any State or Federal law to identify the amount of any tetrahydrocannabinol on the product label or the product label indicates the product contains less than 0.3% of any tetrahydrocannabinol by dry weight.

Section 3. Legislative Findings

1. There is a great deal of uncertainty regarding the effect of Minnesota Laws 2022, Chapter 98 amending M.S. § 151.72 (Act) to allow the sale of certain cannabinoid products.
2. Because the proposal to allow the sale of cannabinoids received little publicity until the Act went into effect on July 1, 2022, the City did not have an opportunity to study and consider the potential impacts of the Act on the City. Nor did the Council have sufficient time to engage in policy discussions regarding the regulations the Council may elect to impose on the sale of cannabinoids and now wishes to do so to ensure responsible and adequate regulations are implemented.

3. The Act authorizes the Minnesota Board of Pharmacy to enforce the Act, but the Act does not provide for any licensing of manufacturers or of those who sell cannabinoids. The Act is also silent regarding the enactment of local regulations related to cannabinoids.

4. The Legislature did not expressly prohibit or limit local regulations, and the regulations established in the Act clearly do not constitute the Legislature having occupied the field of regulation regarding the sale of cannabinoids.

5. The Council finds the uncertainties associated with sale of cannabinoids, and the options for local regulation compels the need for a study to develop information the Council can rely on as it engages in policy discussions related to potential regulation of cannabinoids through the adoption of licensing and zoning controls.

6. Pursuant to M.S. § 462.355, subd. 4(a), the Council is authorized to adopt an interim ordinance “to regulate, restrict, or prohibit any use...within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective.”

7. The Council is also authorized as part of its general police powers to adopt business licensing requirements related to the sale of cannabinoids.

8. The Minnesota Supreme Court in *Almquist v. Town of Marshan*, 245 N.W.2d 819 (Minn. 1976) upheld the enactment of a moratorium despite the lack of express statutory authority as being a power inherent in a broad legislative grant of power to municipalities. In most cases, the enactment of business licensing requirements is based on a city’s police powers, which is the broadest grant of power to cities. Inherent in that broad grant of authority is the power to temporarily place a moratorium on a business activity to study and potentially implement licensing regulations on that business activity.

9. There are both business licensing and zoning issues associated with the sale of cannabinoids that the Council determines it needs time to study in order to consider the development and adoption of appropriate local regulations. In order to protect the planning process and the health, safety, and welfare of the residents while the City conducts its study and the Council engages in policy discussions regarding possible regulations, the Council determines it is in the best interests of the City to impose a temporary moratorium on the sale of cannabinoids.

10. The City anticipates considering enacting a licensing framework for certain products containing cannabinoids authorized under M.S. § 151.72 and a separate moratorium on the establishment or operation of cannabis businesses as authorized under M.S. § 342.13 (e) and intends the actions in this Ordinance to be unaffected and continue in unison with the adoption of such licensing ordinance or moratoria unless explicitly stated otherwise.

Section 4. Study

City staff will conduct a study regarding cannabinoids and provide the Council a report on the potential regulations of such products. The report must include the staff's recommendations on whether the Council should adopt regulations and, if so, the recommended types of regulations. The study will consider, but is not limited to, the following:

1. The potential impacts of the sale of cannabinoids within the City;
2. Licensing the sale of cannabinoids and related regulations; and
3. Zoning regulations related to the sale, manufacture, and distribution of cannabinoids as uses within the City.

Section 5. Moratorium

A moratorium is hereby imposed to prohibit any business, person, or entity from offering for sale or selling cannabinoids to the public within the jurisdictional boundaries of the City. The City will not accept, process, or act on any application, site plan, building permit, or other zoning approval for a business proposing to engage in the sale of cannabinoids.

Section 6. Exceptions

This moratorium does not apply to the selling of products containing THC related to the Medical Cannabis Program as administered by the Minnesota Department of Health, provided that such activity is done in accordance with the regulations and laws of Minnesota regarding Medical Cannabis.

This moratorium does not apply to the sale of edible cannabinoid products or nonintoxicating cannabinoids authorized under M.S. § 151.72 by businesses lawfully selling edible cannabinoid products or nonintoxicating cannabinoids authorized under M.S. § 151.72 prior to the effective date of this Ordinance.

However, nothing in this Ordinance exempts a business, person, or entity from complying with all other requirements and prohibitions of applicable laws and ordinances related to such exemptions.

Section 7. Violations

During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to offer for sale, or to sell cannabinoid products within the City.

Section 8. Enforcement

A violation of this Ordinance is a misdemeanor. In addition, the City may enforce this Ordinance by mandamus, injunction, other appropriate civil remedy in any court of competent jurisdiction,

or through the City's administrative penalties program under Section 203.05 of the Fridley City Code (Code).

Section 9. Severability

Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part of this Ordinance. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment will not invalidate any other section, provision, or part of this Ordinance.

Section 10. Effective Date and Term

This Ordinance will have a term of 12 months. This Ordinance will remain in effect until ~~June 30~~ July 14, 2024, or until it is expressly repealed by the Council or until the effective date of an ordinance amending the Code to address the sale of cannabinoid products, whichever occurs first. Unless explicitly provided otherwise, this Ordinance will not terminate upon the effective date of a licensing ordinance related to the sale of edible cannabinoid products and nonintoxicating cannabinoids authorized under M.S. § 151.72 or the effective date of an interim ordinance related to the establishment or operation of cannabis businesses as authorized under M.S. § 342.13 (e).

Section 11. Notice

This Ordinance has been published to clearly inform the public of the intent and effect of the Council. A copy of this Ordinance is available for inspection by any person during regular business hours at the office of the City Clerk at Fridley City Hall (7071 University Ave N.E.).

Passed and adopted by the City Council of the City of Fridley the 26th day of June, 2023.

Scott J. Lund, Mayor

Attest:

Melissa Moore, City Clerk

First reading: May 22, 2023

Second reading: June 12, 2023

Publication: June 15, 2023

Reconsideration: June 26, 2023

Publication: June 29, 2023

| Effective: July 14, 2023

City of Fridley
Summary Interim Ordinance No. 1408

Authorizing a Study and Imposing a Moratorium on the Sale of Cannabinoid Products

The City of Fridley does ordain, after review, examination and staff recommendation that a moratorium on cannabinoid products be enacted. A summary of the moratorium made by Interim Ordinance No. 1408 is as follows:

Section one of the ordinance declares that the Fridley City Council (Council) finds that a moratorium on the retail sale of cannabinoid products is necessary to protect the health, safety and welfare of citizens. Section two defines "cannabinoids" and "trace amount." Section three summarizes the State legislature's changes to Minnesota Statute § 151.72 to allow for the sale of certain cannabinoid products and summarizes the Council's authority to enact such a moratorium pursuant to State law. Section four authorizes a study of the issue to gauge impacts to the City, licensing and business regulations and zoning regulations. Section five imposes a moratorium. Section six provides exceptions to the moratorium for business selling products related to the Medical Cannabis Program and for businesses selling edible cannabinoid products authorized under Minnesota Statutes § 151.72 prior to July 14, 2023. Section seven declares it a violation of the ordinance for any business or person to sell cannabinoids within the City. Section eight declares any violation of the ordinance is a misdemeanor. Section nine declares every section of the ordinance to be separate from any other section. Section 10 establishes a 12-month term for the moratorium, which will expire ~~June 30~~ July 14, 2024, or sooner and clarifies that the moratorium will not expire or terminate if the City adopts licensing related to edible cannabinoid products or an interim ordinance related to cannabis businesses. Section 11 declares that the ordinance was properly notices to the public as required by State law and the City Charter.

Ordinance No. 1408 was passed and adopted by the City Council of the City of Fridley on June ~~12~~ 26, 2023. The full text of the Ordinance is available on the City website or for inspection by any person during regular office hours at the Office of the City Clerk.



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MEMORANDUM

DATE: June 20, 2023

TO: Honorable Mayor and City Council Members

FROM: Sarah J. Sonsalla, City Attorney
 Joseph L. Sathe, Assistant City Attorney

RE: **THC and Cannabis Business Moratoria and Licensing**

On June 12, 2023, the City Council adopted an interim ordinance establishing a moratorium on certain products that contain tetrahydrocannabinol (“THC”). The City Council also directed staff to present further options for the Council to consider with respect to businesses that were legally selling edibles and beverages authorized under Minnesota Statutes Section 151.72 (“151 Hemp Products”) prior to the effective date of the moratorium that would allow those businesses to continue selling those products. The City Council also directed staff to draft a licensing ordinance for its consideration for 151 Hemp Products.

Based on Council direction, our recommendation is for the Council to take three actions:

- 1) Amend the current interim ordinance to:
 - a. Explicitly exempt businesses currently selling 151 Hemp Products to continue doing so; and
 - b. Provide that the interim ordinance will not automatically terminate if the City adopts a licensing ordinance for 151 Hemp Products or a moratorium on cannabis businesses – businesses that will be licensed by the state to sell cannabis products including edibles, beverages, flower and other statutorily authorized products (“Cannabis Businesses”).

- 2) Consider adopting a licensing ordinance for businesses that were legally selling 151 Hemp Products prior to the effective date of the interim ordinance. The licensing ordinance would require these businesses to apply for a city license in order to be able to continue to operate. The first reading of the licensing ordinance is on the agenda for the June 26, 2023, City Council meeting.

- 3) Adopt a second interim ordinance, as authorized under the recently signed Cannabis Act, that specifically prohibits Cannabis Businesses and that may be effective until January 1, 2025. Staff propose having the first reading on July 10, 2023.

I. Impact of Three Proposed Actions

A) Amend the Current Interim Ordinance

The current interim ordinance applies to sales of all products that contain THC except for any products that contain trace amounts of THC and are marketed as a CBD product.

The proposed amendment would allow the current “umbrella” prohibiting THC products to stay in place but would allow the City to specifically enact licensing of 151 Hemp Products and enact a moratorium on Cannabis Businesses in other actions without impacting the umbrella.

Amending the interim ordinance on June 26, 2023, will result in the effective date being delayed until July 14, 2023. The interim ordinance will only be effective for 12 months, until July 14, 2024.

B) Adopt 151 Hemp Product Licensing Ordinance

Adopting a licensing ordinance for businesses selling 151 Hemp Products would provide the City with the ability to regulate the sale of 151 Hemp Products in the City until March 1, 2025.

During the period of the moratorium in Section A, the only businesses that could apply for a license are those businesses that were legally selling 151 Hemp Products prior to July 14, 2023.

However, after July 14, 2024, or sooner if the moratorium is sooner repealed by the City, any business that meets the definition of a hemp products shop or tobacco products shop would be able to apply for a license that could last until March 1, 2025.

The City should hold a public hearing prior to adopting the licensing ordinance since the proposed licensing ordinance contains provisions that could be considered to be “zoning” in nature (e.g., requiring distance from particular uses).

C) Adopt Cannabis Business Moratorium

The Act authorizes an extended moratorium that may last until January 1, 2025, which is longer than the normal one-year timeline for other moratoria, to temporarily prohibit Cannabis Businesses from establishing or operating within the City.

A public hearing is required prior to adoption of a Cannabis Business moratorium.

Staff recommend holding the first reading on the Cannabis Business Moratorium on July 10, 2023. No official action is required on June 26, 2023.

II. Actions on June 26, 2023

A) Amending the Interim Ordinance

- a. Move to suspend Rosenberg's Rules of Order's rule regarding "reconsideration" to allow reconsideration at a subsequent meeting. *Requires a 2/3rds Vote.*
- b. Move to reconsider the action on June 12, 2023. *Requires a majority vote.*
- c. Move to approve the Interim Ordinance, as amended.

B) Approve the First Reading of the Licensing Ordinance

Interim Ordinance No. 1411

Authorizing a Study and Imposing a Moratorium on the Establishment and Operation of Cannabis Businesses Within the City of Fridley

The City Council of the City of Fridley does ordain, after review, examination and staff recommendation that a moratorium on cannabis businesses be enacted as follows:

Section 1. Legislative Findings and Authority

1. The Minnesota Legislature recently enacted, and the Governor signed, 2023 Minnesota Session Laws, Chapter 63 – H.F. No. 100 (Act), which is comprehensive legislation relating to cannabis including, but not limited to, the establishment of the Office of Cannabis Management (OCM), legalizing and limiting the possession and use of cannabis and certain hemp products by adults, providing for the licensing, inspection, and regulation of cannabis and hemp businesses, taxing the sale of cannabis flower, cannabis products, and certain hemp products, establishing grant and loan programs, amending criminal penalties, providing for expungement of certain convictions, and providing for the temporary regulation of Edible Cannabinoid Products and Nonintoxicating Cannabinoids.

2. The Act provides local units of government certain authority related to Cannabis Businesses, including the authority to (i) require local registration of certain Cannabis Businesses operating retail establishments, (ii) adopt reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, provided that such restrictions do not prohibit the establishment or operation of a Cannabis Business, (iii) limit the number of certain Cannabis Businesses based on the population of the community, and (iv) prohibit the operation of a Cannabis Business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.

3. The Act requires the OCM, which was established effective July 1, 2023, to work with local governments to develop model ordinances for reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses. The Act also requires the OCM to establish additional rules and regulations relating to the operation of Cannabis Businesses. It is anticipated that the City of Fridley (City) will benefit from reviewing and analyzing the OCM's model ordinances, rules and regulations before making any decisions related to the regulation of Cannabis Businesses in the City.

4. The Act (Minnesota Statutes (M.S.) § 342.13(e)) expressly allows a local unit of government that is conducting studies or has authorized a study to be conducted or has held or scheduled a hearing for the purpose of considering adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses to adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. The interim ordinance may regulate,

restrict, or prohibit the operation of Cannabis Businesses within the jurisdiction or a portion thereof until January 1, 2025.

5. Given the uncertainty regarding the model ordinances to be developed by the OCM and the broad scope of the changes to Minnesota law brought about by the Act, the Fridley City Council (Council) desires to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.

6. The Council desires to conduct a study for the purpose of considering the adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses as well as the other regulations local units of government may adopt under the Act.

7. On July 10, 2023, after providing at least 10 days published notice, the Council held a public hearing regarding the consideration and adoption of an interim ordinance prohibiting the operation of Cannabis Businesses within the City until January 1, 2025.

Section 2. Definitions

Act: 2023 Minnesota Session Laws, Chapter 63 (H.F. No. 100).

Cannabis Business: the meaning given the term in M.S. § 342.01, subd. 14.

City: City of Fridley, a Minnesota municipal corporation.

Edible Cannabinoid Product: has the meaning given the term in M.S. § 151.72, subd. 1(f).

Nonintoxicating Cannabinoid: has the meaning given the term in M.S. § 151.72, subd 1(k).

OCM: the Office of Cannabis Management, established as set forth in M.S. § 342.02, subd. 1.

Ordinance: this interim ordinance, which is adopted pursuant to M.S. § 342.13(e).

Section 3. Study Authorized

The Council hereby authorizes and directs City staff to conduct a study regarding the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, as well as other potential local regulations allowed under the Act, and report to the Council on the potential regulation of Cannabis Businesses. The study may include a review of any model ordinances that OCM is directed to draft under M.S. § 342.13(d), an analysis of potential setback regulations allowed under M.S. § 342.13(c), and such other matters as staff may determine are relevant to the city council's consideration of this matter. The report may also include City staff's recommendations on whether the Council should adopt regulations and, if so, the recommended types of regulations.

Section 4. Moratorium

A moratorium is hereby imposed on the operation of any Cannabis Business within the City. During the term of this Ordinance, no business, person, or entity may establish or operate a Cannabis Business within the jurisdictional boundaries of the City. Accordingly, during the period that this Ordinance is in effect, the City shall not accept, process, or act on any application, site plan, building permit, zoning request, or other approval, including any requested confirmation, certification, approval, or other request from the OCM or other governmental entity requesting City review of any application or proposal for a business proposing to engage in the operation of a Cannabis Business. During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to establish or operate a Cannabis Business within the City.

Section 5. Exceptions

The moratorium imposed by this Ordinance does not apply to: (i) the continued operation of a duly established business as part of the Medical Cannabis Program administered by the Minnesota Department of Health; or (ii) the sale of Edible Cannabinoid Products and Nonintoxicating Cannabinoids, provided, however, that nothing in this Ordinance exempts a business, person, or entity from complying with all other requirements and prohibitions of applicable laws and ordinances related to such exceptions. For example, as of the effective date of this Ordinance, the sale of certain cannabinoids is currently prohibited within the City pursuant to Interim Ordinance 1408 and the City requires a license to sell certain Edible Cannabinoid Products and Nonintoxicating Cannabinoids pursuant to the Hemp THC Products Chapter of the Fridley City Code (Code).

Section 6. Enforcement

Violation of this Ordinance is a misdemeanor. The City may also enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also subject to the City's general penalties prescribed in the Code and may further result in the City reporting violations to the OCM, if relevant to OCM licensing. The Council hereby authorizes City staff and consultants to initiate any legal action deemed necessary to secure compliance with this Ordinance.

Section 7. Severability

Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

Section 8. Effective Date and Term

This Ordinance shall become effective on August 11, 2023. This Ordinance will remain in effect until January 1, 2025, or until the Council expressly repeals it, whichever occurs first.

Passed and adopted by the City Council of the City of Fridley the 24th day of July, 2023.

Scott J. Lund, Mayor

Attest:

Melissa Moore, City Clerk

Public Hearing: July 10, 2023
First reading: July 10, 2023
Second reading: July 24, 2023
Publication: July 27, 2023
Effective: August 11, 2023

DRAFT



AGENDA REPORT

Meeting Date: June 26, 2023

Meeting Type: City Council

Submitted By: Sarah Sonsalla, City Attorney
Joseph L. Sathe, Assistant City Attorney
Beth Kondrick, Deputy City Clerk

Title

Ordinance No. 1410, Amending the Fridley City Code to Add Chapter 310, Hemp THC Products and Amend Chapter 209, Fees

Background

On June 12, 2023, the City Council directed staff to draft a licensing ordinance to regulate the sale of edibles/gummies, beverages, and products that are meant for external application and which contain tetrahydrocannabinol (THC) and which are authorized under Minnesota Statutes § 151.72 (151 Products).

The proposed ordinance allows businesses that meet the definition of a tobacco products shop or the proposed City-defined "Hemp THC Product Shop" to apply for a license from the City to sell 151 Products. Tobacco products shops and hemp products shops are unique in that they are required to have an entrance directly to the outside, prohibit persons under the age of 21 from entering without being accompanied by someone who is 21 years of age, and which meet certain gross revenue requirements. For tobacco products shops, 90% of revenue must be from the sale of tobacco products and for Hemp THC Product Shops, 90% of revenue must be from 151 Products.

The proposed ordinance limits the number of licenses that the City may issue to six and prohibits issuing a license within 400 feet of a public or private elementary, middle, or high school, or state-licensed child or day care program with more than 10 children.

The proposed ordinance is drafted to exist in unison with the City's interim ordinance establishing a moratorium on the sale of cannabinoids and will not impact the moratorium.

This Code amendment creates a Hemp THC Product license, which will be issued upon successful completion of an application and background investigation. As with all other City licenses, this license will be an annual license that expires April 30. If a licensee chooses to renew their license

they must submit a renewal application. This Chapter of the Code will be repealed in March of 2025 when M.S. 151.72 is repealed and no longer exists.

Financial Impact

None.

Recommendation

Staff recommend the Council approve a first reading of Ordinance No. 1410.

Focus on Fridley Strategic Alignment

- Vibrant Neighborhoods & Places
- Financial Stability & Commercial Prosperity
- Organizational Excellence
- Community Identity & Relationship Building
- Public Safety & Environmental Stewardship

Attachments and Other Resources

- Ordinance No. 1410

Ordinance No. 1410
Amending the Fridley City Code to Add Chapter 310, Hemp THC Products and Amend Chapter 209, Fees

The City Council of the City of Fridley does ordain, after review, examination and staff recommendation that the Fridley City Code be amended as follows:

Section 1

That the Fridley City Code be hereby amended by adding Chapter 310, Hemp THC Products as follows:

Fridley City Code
Chapter 310 Hemp THC Products

310.01 Purpose

The purpose of this Chapter is to establish regulations for the sale of edible cannabinoid products and nonintoxicating cannabinoids, as authorized in Minnesota Statutes (M.S.) § 151.72, in the City of Fridley (City). The Fridley City Council (Council) finds as follows:

1. The Minnesota Legislature's decision to amend Minnesota Statutes § 151.72 to expressly allow the sale of certain products derived from hemp, some of which contain tetrahydrocannabinol (THC), created a regulatory gap regarding the licensing and sale of products allowed to be sold under M.S. § 151.72 (Hemp THC Products).
2. The City recognizes that, based on the most reliable and up-to-date scientific evidence, the largely unregulated Hemp THC Products presents a potential threat to the public health, safety, and welfare of the residents of the City.
3. The City has the opportunity to make decisions that will mitigate this threat, reduce exposure of young people to Hemp THC Products, curtail the marketing of Hemp THC Products to young people, and improve retailer compliance with existing laws related to Hemp THC Products.
4. A local regulatory system for retailers of Hemp THC Products is appropriate to ensure that such retailers comply with laws and business standards of the City to protect the health, safety, and welfare of youth and other vulnerable residents.
5. M.S. § 151.72 requires Hemp THC Product retailers to check the identification of purchasers to verify that they are at least 21 years of age, comply with certain packaging and labeling requirements to protect children and youth, and meet certain potency and serving size requirements.
6. State law does not preempt municipalities from adopting and enforcing local ordinances to regulate retailers of Hemp THC Products including, but not limited to, business licensing

requirements. The Governor signed HF100/SF73 (Cannabis Act) on May 30, 2023, which provides a framework for adult-use cannabis in the State of Minnesota, and also provides that M.S. § 151.72 will automatically repeal on March 1, 2025.

7. The Cannabis Act provides a transition period between Hemp THC Products and other similar products authorized under the Cannabis Act, and the City finds that it is prudent to enact a licensing framework for Hemp THC Products while the State of Minnesota develops and implements the permanent structure for licensing products authorized under the Cannabis Act.

8. A licensing requirement for retailers that desire to sell Hemp THC Products will not unduly burden legitimate business activities of such retailers who sell or distribute Hemp THC Products to adults but will allow the City to effectively regulate the operation of lawful businesses, limit access to persons under the age of 21 years and discourage violations of Hemp THC Product-related laws.

9. Limiting the sale of Hemp THC Products to hemp products shops and to tobacco products shops in the best method for limiting access to persons under the age of 21 years.

10. The Council finds that the sale of Hemp THC Products may lead to the creation of a nuisance situation that threatens the public welfare and limiting the number of licenses issued by the City is in the public interest to ensure that the sale of Hemp THC Products is done in accordance with applicable law, including M.S. § 151.72 and City requirements.

11. In making these findings and enacting this ordinance, it is the intent of the City to facilitate responsible retail activities associated with Hemp THC Products by allowing legal sale and access without promoting increases in use, and to discourage violations of hemp THC product-related laws, especially those which prohibit or discourage the marketing, sale or distribution of Hemp THC Products to persons under the age of 21 years.

310.02 Definitions

CBD: cannabidiol.

CBD products: any edible cannabinoid product or nonintoxicating cannabinoid that is labeled and marketed as a CBD product that contains no more than trace amounts of any tetrahydrocannabinol, that meets the requirements to be sold for human or animal consumption under M.S. § 151.72.

Delivery sales: the sale of any hemp THC product to any person for personal consumption and not for resale when the sale is conducted by any means other than an in-person, over-the-counter sales transaction in a retail establishment. Delivery sale includes, but is not limited to, the sale of any Hemp THC Products when the sale is conducted by telephone, other voice transmission, mail, the internet, or app-based service. Delivery sale includes delivery by licensees or third parties by any means, including curbside pick-up.

Edible cannabinoid product: has the meaning as given in M.S. § 151.72, subd. 1(f).

Hemp Products Shop: a retail establishment that:

1. Has an entrance door opening directly to the outside;
2. Greater than 90% of the retail establishment's gross revenue is from the sale of Hemp THC Products and CBD products, and in which the sale of other products is merely incidental;
3. Prohibits persons under the age of 21 years from entering the establishment at any time without being accompanied by someone who is at least 21 years of age; and
4. Is in compliance with all applicable provisions of this Code.

Hemp THC product: any edible cannabinoid product or nonintoxicating cannabinoid that is not a CBD product and that meets the requirements to be sold for human or animal consumption under M.S. § 151.72. The term does not include CBD products or medical cannabis as defined in M.S. § 152.22, subd. 6.

Labeling: has the meaning as given in M.S. § 151.72, subd. 1(i).

Moveable place of business: any form of business operated out of a kiosk, truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address storefront or other permanent type of structure authorized for sales transactions.

Nonintoxicating cannabinoid: as the same meaning as given in M.S. § 151.72, subd. 1(k).

Product label: has the same meaning given the term "label" in M.S. § 151.72, subd. 1(e).

THC: tetrahydrocannabinol.

Trace amount: a product is considered to have no more than a trace amount of THC if the manufacturer is not required by any federal or state law to identify the amount of any tetrahydrocannabinol on the product label or if the labeling provides that the product may contain residual or trace amounts of THC as part of the manufacturing process.

Self-service merchandising: open displays of Hemp THC Products in any manner where any person has access to the Hemp THC Products without the assistance or intervention of the licensee or the licensee's employee. Assistance or intervention means the actual physical exchange of the hemp THC product between the customer and the licensee or employee.

Tobacco Products Shop: a retail establishment with a current tobacco license issued by the City that:

1. Has an entrance door opening directly to the outside;
2. Prohibits persons under the age of 21 years from entering the establishment at any time;
3. Is in compliance with all applicable provisions of this Code; and
4. Derives more than 90% of its gross revenue from the sale of tobacco, tobacco-related devices, and electronic delivery devices, as defined in M.S. § 609.685, and in which the sale of other products is merely incidental.
5. The term does not include a tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license.

Vending machine: any mechanical, electric, or electronic, or other type of device that dispenses Hemp THC Products upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the hemp THC product.

Youth oriented facility: a public or private elementary, middle, or high school, or a state-licensed child or day care program with more than ten children.

310.03 License

1. Required. No person may directly or indirectly, or by means of any device, keep for retail sale, sell at retail, offer to sell, or otherwise dispose of Hemp THC Products at retail at any place in the City of Fridley without first having obtained a license from the City to do so.
2. Eligibility. The City shall only issue a license to sell Hemp THC Products to a business qualified as a hemp Products shop or a tobacco products shop that complies with the requirements of this Chapter.
3. Manufacturing Exception. No license is required under this chapter for the manufacturing of Hemp THC Products or the sale by a manufacturer of its products to resalers, provided the manufacturer does not sell Hemp THC Products directly to the public.
4. CBD Products. No license is required under this Chapter to sell CBD products at a retail establishment within the City. Retail establishments selling CBD products may be subject to compliance checks as described in this Chapter. Retail establishments shall not include home occupations.
5. Total Number of Licenses. The total number of licenses issued to sell Hemp THC Products under this Chapter shall be limited to six.

310.04 Ineligible Places and Operations

The City will not issue a license under this Chapter to sell Hemp THC Products to any of the following:

1. A business or operation that does not qualify as a Hemp THC Products Shop or a tobacco products shop;
2. A business providing delivery sales of Hemp THC Products ;
3. A moveable place of business;
4. A vending machine;
5. A premises located within 400 feet of a Youth oriented facility. The distance to be measured in a straight line from the nearest point of building to building;
6. An operation on any premises on which taxes, assessments, or other financial claims of the City are delinquent and unpaid. If an action has been commenced pursuant to the provisions of M.S. Chapter 278, questioning the amount or validity of taxes, the Council may, on application by the licensee, waive strict compliance with this provision; no waiver may be granted, however, for taxes, or any portion thereof, which remain unpaid for a period exceeding one year after becoming due unless such one-year period is extended through no fault of the licensee; or
7. A business that is in violation of one or more provisions of the Code.

310.05 Application Procedures

1. Application for License; Granting of License. Application for a Hemp THC Product License must be made to the City Manager or their designee on a form provided by City, which must include the full name and address of the applicant, the location of the building to be occupied by the applicant in the conduct of the business, and such other information as the City Manager or their designee may require. If the City Manager or designee determines an application is incomplete, the City Manager will provide the applicant notice of the information necessary to make the application complete. The City may not process an application until it is made complete. Upon receipt of a completed application, the City Manager will forward the application to the Public Safety Department to conduct a background investigation.
2. Fees. No license will be processed or issued under this Chapter until the appropriate fees has been paid in full. The fees for a license under this Chapter are set forth in the Fees Chapter of the Code.
3. Background Investigation. The Police Department shall conduct a background check of the applicant and application, including a criminal history check pursuant to M.S. § 299C.72. The

investigation shall consider all facts and information bearing on the question of the applicant's fitness to receive the license and to perform the duties imposed by this Chapter. The City may conduct such other inspections, including an inspection of the premises, as it may determine are needed to verify the information in the application and regarding background of the application and any manager or agent. Failure of an applicant to allow an inspection is grounds for denial of the license. The results of any investigation must be submitted to the City Council prior to action on the application.

4. License Decision. The Council may grant or deny a license application. The Council may also continue its consideration of a license if it determines it needs additional information before making its decision. Any of the following are grounds for denial of a license.

(a) The business does not qualify as a THC Hemp Products Shop or a tobacco products shop.

(b) The applicant is under the age of 21 years old.

(c) The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to Hemp THC Products or the operation of the licensed premises.

(d) The applicant has had a license to sell Hemp THC Products suspended or revoked during the 12 months preceding the date of application, or the applicant has or had an interest in another premises authorized to sell Hemp THC Products, whether in the City or in another jurisdiction, that has had a license to sell Hemp THC Products suspended or revoked during the same time period, provided the applicant had an interest in the premises at the time of the revocation or suspension, or at the time of the violation that led to the revocation or suspension.

(e) The applicant provides false or misleading information. Any false statement on an application, or any willful omission of any information called for on such application form, shall cause an automatic refusal of license, or if already issued, shall render any license issued pursuant thereto void and of no effect upon written notice of the City.

(f) The proposed location does not meet all applicable zoning requirements or requirements of this Chapter.

(g) The applicant is prohibited by federal or state law, local ordinance, or other regulation, from holding such a license.

(h) The applicant failed to provide information required by the application or provided false or misleading information.

(i) The proposed location constitutes an ineligible place or operation under this Chapter.

5. Term. All licenses issued under this chapter shall expire on March 1, 2025 unless it is revoked, suspended, or forfeited prior to that date.

6. Non-Transferable. All licenses issued under this Chapter are valid only on the premises for which the license was issued and only for the person or business to whom the license was issued. The transfer of any license to another location, business, or person is prohibited.

310.06 Operational Requirements

1. License Display. All licenses must be posted and displayed in plain view of the general public on the licensed premises.

2. Responsibility. All licensees under this Chapter are responsible for the actions of their employees in regard to the sale of Hemp THC Products on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder.

3. Product Storage and Display. All Hemp THC Products must be stored either behind a counter or other area not freely accessible to customers, or in a locked case or other storage unit not left open and accessible to the general public.

4. Age Posting. Notice of the legal sales age and age verification requirement must be posted prominently and in plain view at all times at each location where Hemp THC Products are offered for sale. The required signage must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

5. Age Verification. A licensee's employees shall verify by means of government issued photographic identification that any purchaser of a Hemp THC Product is at least 21 years of age in accordance with M.S. § 151.72, subd. 5c.

6. Sales. Hemp THC Products may only be sold in a direct face-to-face exchange between the licensee's employee and the consumer. The licensee's employees selling Hemp THC Products must be at least 21 years old. It is a violation of this Chapter for a licensee to give away, dispense, sell, or offer to sell any Hemp THC Product in a manner that violates any of the following:

(a) To a person under the age of 21 years old. It will be an affirmative defense to the violation of this section for a person to have reasonably relied upon proof of age;

(b) Through the use of a vending machine or similar automated dispensing device;

(c) In a manner that does not comply with the requirements of M.S. § 151.72 including, but not limited to, the packaging, labeling, and other requirements provided by that section;

(d) At any location outside of the licensed premises;

(e) By self-service, or in open displays which are accessible to the public without the assistance or intervention of a store employee;

(f) By a mobile business, including but not limited to motorized vehicles, moveable sales kiosks, or trailers. Licenses must be issued to fixed location businesses only;

(g) By delivery sales;

(h) By any employee under the age of 21 years;

(i) To a visibly intoxicated person;

(j) By the means of providing samples of any Hemp THC Product free of charge or at a nominal cost; or

(k) To any other person, in any other manner or form prohibited by federal or state law or regulation, or by local ordinance.

7. Inspections. The premises licensed under this Chapter must be open to inspection by the City Manager or their designee during regular business hours for purposes of ensuring compliance with this Chapter.

8. Revocation or Suspension. Any license issued under this Chapter may be revoked or suspended by the Council for a violation of any provision of this Chapter in accordance with this Chapter.

9. Training. Every licensee must implement a training program for employees regarding laws relating to the sale of Hemp THC Products. Every licensee must certify that all employees have been trained to comply with federal, state and City regulations regarding the sale of Hemp THC Products within six months of the date a license is issued and within two weeks of hiring a new employee.

310.07 Other Prohibited Acts

1. Non-Compliant Products. No person may sell or offer for sale a product containing THC, including Hemp THC Products, that does not meet all the applicable requirements in M.S. § 151.72. This prohibition does not apply to a business that has a license issued by the Office of Cannabis Management, has registered with the City as required by M.S. § 342.22, and is otherwise in compliance with state and local laws regarding the sales of products containing THC.

2. Presumptions. Hemp THC Products must comply with the labeling requirements in M.S. § 151.72, subd. 5 and all other applicable labeling requirements. The City may presume, for the purposes of enforcing this Chapter, a Hemp THC Product being offered for sale or that is sold by a licensee has been tested by an independent lab as required in M.S. § 151.72, subd. 4 and that the information contained on the product label is accurate.

3. Purchase for Others. It is a misdemeanor violation of this Chapter for any person 21 years of age or older to purchase or otherwise obtain any Hemp THC Product on behalf of a person under the age of 21.

4. Under Aged Persons. It is a petty misdemeanor for any person under the age of 21 to do any of the following:

(a) To attempt to disguise their true age by the use of a false form of identification, whether the identification is that of another person has been modified or tampered with to represent an age older than the actual age of the person using that identification.

(b) To attempt to purchase Hemp THC Products.

5. Electronic Delivery Devices. Hemp THC Product Shops may not sell, give away, or otherwise furnish any electronic delivery device as defined in the Tobacco Product Shops Chapter of the Code.

310.08 Compliance Checks

The City may from time-to-time conduct unannounced compliance checks of establishments licensed under this Chapter and establishments selling CBD products. No person used in compliance checks may attempt to use a form of identification that misrepresents the person's age. All persons lawfully engaged in a compliance check must answer all questions about their age asked by the licensee or their employee, and produce any identification, if any exists, for which they are asked. The City will conduct a compliance check that involves the participation of a person at least 18 years of age, but under the age of 21 to enter the licensed premises to attempt to purchase the Hemp THC Products. Persons used for the purpose of compliance checks will be supervised by law enforcement or other designated personnel. Nothing in this Chapter will prohibit compliance checks authorized by state or federal laws for businesses manufacturing, storing, or selling Hemp THC Products under any applicable federal or state law. Persons used in compliance checks shall not be subject to the penalties and violations outlined in this Chapter.

310.09 License Actions

1. Basis for Action. The City may suspend or revoke a license issued under this Chapter for any of the following reasons:

(a) The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to the licensed activity, or has had a license to sell Hemp THC Products revoked or suspended within the past five years;

(b) Fraud, misrepresentation, bribery, or incorrect statement contained in the application for license, or made in carrying on the licensed activity;

(c) Actions that are unauthorized or otherwise beyond the scope of the license granted;

(d) Violation of any federal, state or local regulation or provision related to Hemp THC Products;

(e) Failure to continuously comply with all conditions required as part of the license;

(f) Failure to comply with the applicable Zoning Chapters of the Code;

(g) Failure to pay an administrative penalty imposed by the Council; or

(h) The City discovers the license was mistakenly issued to a person, it will be revoked upon the discovery that the person was ineligible for the license under this Chapter.

2. Process. The City will provide a licensee at least 10 days' written notice of a hearing to be held before the Council on the potential suspension or revocation of its license. The licensee will be provided an opportunity to be heard at the hearing. If the Council acts to suspend or revoke the license, the City will provide the licensee a written notice of the period of suspension, or of the revocation. All sales of Hemp THC Products must cease during a suspension period or permanently upon revocation of the license.

310.10 Violation

Unless expressly indicated otherwise, a violation of this Chapter is a misdemeanor. The City may also impose administrative penalties as provided in the Appeals and Administrative Citations Chapter of the Code. Any administrative penalties may be imposed by the Council, or by administrative citation, and will be collected in accordance with this Code. Nothing in this section may prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this Chapter.

Section 2

That the Fridley City Code be hereby amended by updating Chapter 209, Fees as follows:

Fridley City Code
Chapter 209 Fees

209.12 Fees

5. Licensing Fees

Code	Subject	Fee
308	Adult Entertainment Establishment – Investigation fee	\$400 \$400
17	Auction – Weekly permit – Annual permit	\$30 \$150
300	Beekeeping – Initial fee – Annual renewal fee	\$100 \$25
27	Billiards – First table – Each additional table	\$40 \$10
15	Bowling Alleys – Annual license – Per lane	\$40 \$10
28	Carnivals – Application fee – Each day – Required cash deposit or bond	\$75 \$75 \$3,000
21	Christmas Tree Lots – Annual license fee – Deposit	\$200 \$100
300	Dogs – Lifetime license – Duplicate license – Impound fee – Annual Dangerous Dog license – Potentially Dangerous Dog license	\$25 \$5 \$25 \$500 \$500
702	Drive-in Theaters	\$400
607	Entertainment	\$85
32	Food Establishment – Business License	\$45
32	Food Temporary – Business License	\$30
25	Golf Course, Driving Range	\$30
319	Haulers Mixed Municipal Solid Waste License (Garbage Truck), Yard Waste License, Organics License, Recycling License	\$100 for first truck and \$40 each additional truck
<u>310</u>	<u>Hemp THC Product</u> – Annual License	<u>\$1,500</u>

	<ul style="list-style-type: none"> – <u>Investigation Fee, Individual</u> \$200 – <u>Investigation Fee, Corporation/Partnership</u> \$400 – <u>Administrative Penalty for individuals, first violation</u> \$250 – <u>Administrative Penalty for individuals, second violation within 12 months</u> \$500 – <u>Administrative Penalty for individuals, third violation within 12 months</u> \$750 – <u>Administrative Penalty for licensee, first violation</u> \$500 – <u>Administrative Penalty for licensee, second violation within 36 months</u> \$1,000 	
24	Junk Yards	\$350
609	Liquor, Caterer <ul style="list-style-type: none"> – Annual Caterer Registration \$100 – Event Notification Permit (per event) \$25 	
604	Liquor, Consumption and Display <ul style="list-style-type: none"> – Annual State permit \$300 – One-day City permit \$25 	
603	Liquor, On-Sale Intoxicating Holiday Endorsement	\$100
603	Liquor, Lawful Gambling Endorsement	\$300
610	Liquor Manufacturers/Investigative Fee <ul style="list-style-type: none"> – Individual \$200 – Partnership/Corporation \$400 – Alteration of Business \$100 – Change of Officers \$25 – On-Sale Brewer/Distillery Taproom License \$600 – Off-Sale Brewer/Distillery Growler License \$300 	
603	Liquor, On-Sale Intoxicating <ul style="list-style-type: none"> – No entertainment <ul style="list-style-type: none"> (a) 0-3,000 square feet \$6,000 (b) 3,001-6,000 square feet \$7,000 (c) Over 6,000 square feet \$8,000 – With entertainment or dancing <ul style="list-style-type: none"> (a) 0-3,000 square feet \$7,000 	

	(b) 3,001-6,000 square feet (c) Over 6,000 square feet	\$8,000 \$9,000
603	Liquor, On-Sale Intoxicating Initial Investigative Fee – Individual – Corporation or partnership	\$200 \$400
603	Liquor, On-Sale Sunday	\$200
603	Liquor, On-Sale Intoxicating Temporary one day only	\$25
602	– Liquor, 3.2% Malt Liquor Off-Sale – On-Sale – Holiday Endorsement	\$60 \$325 \$100
602	Liquor, 3.2% Malt Liquor, Initial Investigative Fee – Individual – Corporation or partnership	\$90 \$180
602	Liquor, 3.2% Malt Liquor Temporary	\$60
603	Liquor, Wine	\$1,000
603	Liquor, Wine Investigative Initial Fee – Individual – Corporation or partnership	\$200 \$400
605	Liquor, Bottle Club – Annual permit – One day permit	\$300 \$25
606	Liquor, On-Sale Intoxicating Club – Per club under 200 members – Per club of 201-500 members – Per club of 501-1,000 members – Per club of 1,001-2,000 members – Per club of 2,001-4,000 members – Per club of 4,001-6,000 members – Per club of over 6,000 members	\$300 \$500 \$650 \$800 \$1000 \$2,000 \$3,000
606	Liquor, On-Sale Club Holiday Endorsement	\$100
300	Livestock – Initial fee – Annual review	\$100 \$25
603	Managerial License (Liquor)	\$10
125	Massage Therapy Business License – Annual license – Business investigation fee for corporations or partnerships	\$400 \$400 (new) \$200 (renewal) \$200 (new) \$100 (renewal)

	– Business investigation fee for individual/sole proprietor	
125	Massage Therapist – License Fee – Therapist Investigation Fee	\$50 \$25
22	Music Festivals – Per day – Filing fee	\$700 \$100
35	Mobile Food Unit – Food Truck License – Food Truck Fire Safety Inspection – Ice Cream Truck License	\$50 \$100 \$75
18	Motor Vehicle Body Repair Business	\$150
509	Motorized Vehicles Rental	\$50 per vehicle
300	Multiple Pet Location – License Fee – Renewal Fee – Impound Fee	\$100 \$25 \$25
300	Poultry – Initial fee – Annual renewal fee – Impound fee	\$100 \$25 \$25
220	Rental Housing Annual License – Single rental unit – Two rental units – Three rental units – Four rental unit – Five or more units License renewal late fee if more than seven days late License fee to reinstate after revocation or suspension License transfer fee License reinstatement fee for properties that were posted for not complying with correction orders or license renewals – 1-30 days	\$100 \$150 \$210 \$270 \$270 plus \$12 per unit over four units 150% of the annual license fee 150% of the annual license fee \$25 \$250

	<ul style="list-style-type: none"> – 31+ days 	\$500
	Renting prior to obtaining a license	125% of the annual license
	Reinspection fee after second inspection	
	<ul style="list-style-type: none"> – Single, duplex, triplex – Four or more units 	\$100 \$300
31	Pawn Shops <ul style="list-style-type: none"> – Annual license fee – Monthly transaction fee – Reporting failure penalty – Investigation fee 	\$3,000 \$3 per transaction \$4 per transaction \$400
14	Peddlers/Solicitor	\$60 per peddler
23	Public Dance	\$75
13	Retail Gasoline Sales Private Gasoline Pump	\$60 \$30 per location
602, 603, 606	Social Skill Game Tournament Service Provider	\$100 annually
12	Tobacco License	\$125
12	Tobacco Product Shop <ul style="list-style-type: none"> – License fee – Investigation fee 	\$400 \$100
104	Tree Management License	\$150
19	Used Motor Vehicles License	\$150 per year

Passed and adopted by the City Council of the City of Fridley on this 10th day of July, 2023.

Scott J. Lund - Mayor

Melissa Moore - City Clerk

First Reading: June 26, 2023

Second Reading:

Publication: