



**PLAINVIEW CITY COUNCIL
WORK SESSION
AGENDA**

Tuesday, May 22, 2018, immediately following the Special Meeting

- 1. CALL TO ORDER**
- 2. APPROVAL OF AGENDA**
- 3. DISCUSSION**
 - A. City Buildings
 - B. Personnel Policies
 - C. Zoning Code Topics
 - D. Department Head Report Content
- 4. UPDATES**
 - A. Food Vendors at Liquor Store / Food Truck Research
 - B. Comprehensive Plan
 - C. Audit / Financial Reporting
 - D. Final Website Design
- 5. COUNCIL & STAFF UPDATES**
- 6. ADJOURN**



Executive Summary

City Council Work Session: May 22, 2018

AGENDA ITEM: City Buildings	AGENDA SECTION: Discussion
PREPARED BY: Clarissa Hadler, City Administrator	AGENDA NO. 3.A.
ATTACHMENTS:	APPROVED BY: cgh
RECOMMENDED ACTION: Discussion.	

SUMMARY

The City has had an ongoing discussion regarding City buildings that may need repair or replacement in the near future. Some of the issues include the following;

City Hall / Police Department

- Leaking roof
- Separation of brick from neighboring buildings
- Tuckpointing
- Police Department does not have sufficient space.
- Flooring is worn and needs replacement.
- Office spaces are inefficient and not easily rearranged due to concrete block walls.
- Lighting needs to be updated because the T-12 fixtures are no longer manufactured.

Liquor Store

- Will need a new roof within next few years.
- Extremely outdated. Appears dark and dirty, especially restrooms.
- Worn flooring needs replacement.
- Small space minimizes ability to host more customers / meet demand.

I would like feedback from Council and staff about what their individual thoughts are on the building needs of the city. We had just a little bit of feedback from the three members that attended the April Work Session. It is my understanding that this discussion has been going on for some time now, so tonight's discussion is meant to bring me up to speed on your expectations or perceptions of earlier discussions and do just a bit of brainstorming on the issue. It is important for me as an Administrator to gather input and individual impressions in a group setting, as I believe this is one of the best ways to grow ideas and build consensus. This is especially true for a discussion of this magnitude that will take months, if not years, to complete and implement.

I have provided a few questions below to get you thinking about your own preferences. Please make notes for discussion at the meeting and for me to retain for my files, as much or as little as you see fit. Please also consider adding notes regarding any discussions you have had with community members on the issue.

What timeframe do you feel that either new or improved buildings is likely necessary and why do you think you have this perception? (Examples of answers may include “Sooner than later”, “We’ve been waiting this long, what’s a few years longer?”, “now for PD, wait for Liquor Store”, or however you wish to express your preference.)

What do you think is the desired location for these buildings? This is sort of a philosophical question. Is the community better served by placing the liquor store on Highway 42 to bolster sales or is it better to use the opportunity to redevelop property downtown and draw more traffic there?

How would we like to pay for these buildings? Does the current council have a strong preference for paying cash or are you personally comfortable with taking on debt to fund the project(s)? Your answer may be different depending on the building.

What sort of public, professional, and Council input process should we have? We have agreed that a building committee would be appropriate, but how much input / updating would the Council member who is not on that committee expect? Public processes are more transparent, but can make the project more costly/time-consuming. What level of professional assistance do we feel we need; someone to walk us through the whole process or just take on certain tasks when asked?

What level of importance should we prescribe to architecture? As stewards of the community's tax dollar, should we spend a little more to create a place that adds to the character of the community?

If we were to build new, what are some ideas for the reuse of the current building? Are we willing to pay for repairs if we won't be in it? Are we interested in using it to jump-start a new local business?

If building new, should we take the opportunity to redevelop downtown? Are we interested in using this as an opportunity to redevelop a spot that may not otherwise be redeveloped in the near future? Are we willing to pursue building purchase(s)/demo(s) to accomplish this?

Clarissa Hadler

From: Dana Hlebichuk <Dana.Hlebichuk@wsn.us.com>
Sent: Tuesday, January 30, 2018 5:50 PM
To: Clarissa Hadler
Subject: FW: Police/City Hall/EOC Program and Construction Estimate:
Attachments: Plainview Building Program.xlsx

Dana J. Hlebichuk, AIA

Architect, VP
507-206-2135
Dana.Hlebichuk@wsn.us.com
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3777 40th Avenue NW Suite 200 | Rochester, MN 55901-3297

WidethSmithNolting.com

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From: Dana Hlebichuk
Sent: Thursday, December 28, 2017 11:20 AM
To: John Chattin (cityadmin@plainviewmn.com) <cityadmin@plainviewmn.com>
Cc: Craig Britton (Craig.Britton@wsn.us.com) <Craig.Britton@wsn.us.com>
Subject: Police/City Hall/EOC Program and Construction Estimate:

John,

Attached you will find a building program and construction estimate for the PD, City Hall and EOC facility for Plainview. The text you see in **Red** are program elements you are missing. The *Italic, highlighted* text are rooms which are duplicated between departments. If we had one Small Conference Room and the EOC room was also the Large Conference Room we could remove approximately 554sf and \$94,950 from the construction cost. I am basing my construction costs at \$175/sf as we are seeing this sf cost for projects similar to this. I do not have escalation built into this estimate but we are seeing anywhere between 5%-8% per year. I've built in Architect/Engineering fees, Soft Costs, permits and fees, General Conditions and an \$80,000 contingency. Our next step would be a Schematic Design to include a site plan, floor plan, elevations and a building section. We could use that to get a more detailed construction estimate. Please call or email with any questions or comments.

Considerations for a combined city hall/police station:

City Hall:

- 3 Offices
- 2 Work stations
- Employee and public bathrooms
- Secure entrance/counter
- Conference room (an additional small conference room?)
- Networking/computer room
- File room
- Storage room
- Breakroom
- Waiting area
- Individual/area thermostats
- Panic Button

*These
could
probably
be combined*

Police Department:

- Evidence room with water and pass-through
- Interview rooms – large and small
- Suspect/Interviewee bathroom
- Employee bathrooms — *could share w/ CH*
- Entrance vestibule with 2 seats and drug box
- Secure counter with pass-through
- Reception work station
- Cameras in all rooms and building exterior
- 2 officer work stations
- 3 – 4 Offices
- Conference room
- Access to city hall conference room
- 2 stall parking garage
- Storage area off of garage
- Networking/computer room
- Storage room
- Armory
- Locker room
- Panic button
- Emergency operations centerf

Police	Size	No.	Area	Total Area
Arms Room	12 x 16	1	192 sf	192 sf
Mens Locker	19 x 16	1	304 sf	304 sf
Womens Locker	19 x 10	1	190 sf	190 sf
Police Chief	10 x 12	1	120 sf	120 sf
Investigator	10 x 12	1	120 sf	120 sf
Sargent	10 x 12	1	120 sf	120 sf
Office #4	10 x 12	1	120 sf	120 sf
Gear/Uniform Storage	12 x 13	1	156 sf	156 sf
Police Report Storage	8 x 12	1	96 sf	96 sf
Interview/Detox Room	14 x 10	1	140 sf	140 sf
Evidence Processing	8 x 15	1	120 sf	120 sf
Soft Interview Room	14 x 8	1	112 sf	112 sf
Detox Toilet Room	8 x 8	1	64 sf	64 sf
Officer Work Stations	6 x 8	2	48 sf	96 sf
Toilet Room	14 x 11	2	154 sf	308 sf
Evidence Storage	23 x 10	1	230 sf	230 sf
Reception Desk	16 x 12	1	192 sf	192 sf
Small Conference Room	17 x 12	1	204 sf	204 sf
Vehicle Bay	18 x 30	2	540 sf	1080 sf
Garage Storage	10 x 20	1	200 sf	200 sf
Storage		10%		416.4 sf
Circulation		15%		624.6 sf
Police Sub-total				5,205.00 sf

Common Spaces	Size	No.	Area	Total Area
DMARC Room	8 x 8	1	64 sf	64 sf
Lobby	14 x 12	1	168 sf	168 sf
Lobby Toilet	8 x 8	2	64 sf	128 sf
Break Room	14 x 14	1	196 sf	196 sf
Janitor Room	8 x 8	1	64 sf	64 sf
Circulation		15%		93 sf
Common Spaces Sub-Total				713.00 sf

City Hall	Size	No.	Area	Total Area
Office	10 x 12	3	120 sf	360 sf
Workstations	8 x 8	3	64 sf	192 sf
Secure Entrance Counter	10 x 15	1	150 sf	150 sf
Small Conference Room	17 x 12	1	204 sf	204 sf
Large Conference Room	25 x 14	1	350 sf	350 sf
Break Room	18 x 20	1	360 sf	360 sf
File Storage	12 x 7	1	84 sf	84 sf
Storage	10 x 12	1	120 sf	120 sf
Workroom/Mail	8 x 9	1	72 sf	72 sf
Front Office Staff	14 x 12	1	168 sf	168 sf
Storage		10%		206 sf
Circulation		15%		309 sf
City Hall Sub-Total				2,575.00 sf

Total SF	Total Area
Police	5,205.00 sf
City Hall	2,575.00 sf
E.O.C.	1,455.00 sf
Common Space	713.00 sf
Unassigned	15% 1492.2 sf
Total Gross Floor Area	11,440.20 sf

E.O.C.	Size	No.	Area	Total Area
EOC w/Kitchenette	36 x 29	1	1044 sf	1044 sf
Office	10 x 12	1	120 sf	120 sf
Storage		10%		116.4 sf
Circulation		15%		174.6 sf
E.O.C. Sub-total				1,455.00 sf

Construction Costs	New Construction
Total s.f.	11,440.20 sf
Construction Costs/s.f.	\$ 175.00 /sf
Land Costs	\$0
Sub-Total	\$2,002,035.00
Soft Costs	10% \$ 200,203.50
Architect/Engineering Fees	8% \$ 160,162.80
Design/Construction Contingency	4% \$ 80,081.40
Permits, Bonds, Fees, Tax, Testing, Insur.	3% \$ 60,061.05
G.C. O/P	4% \$ 80,081.40
General Conditions	5% \$ 100,101.75
Total Estimated Construction Costs	\$ 2,682,726.90

Mierau, Renee [2227:CALLPILOT]

From: Owen Warneke [owen@owaarchitects.com]
Sent: Thursday, July 07, 2016 5:36 PM
To: cityclerk@plainviewmn.com
Cc: Jacob Nicklay
Subject: Plainview City Hall Addition
Attachments: 1638 A10-Layout.pdf; 1638 Preliminary cost estimate.pdf

Renee,

Attached in our cost estimate for the proposed City Hall addition. The estimate is based on plan (option B) and elevation drawings dated 6/30/16.

We estimate the project construction cost range to be between \$430,000 and \$500,000. This does not include any architectural, engineering, or testing fees.

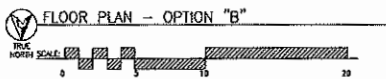
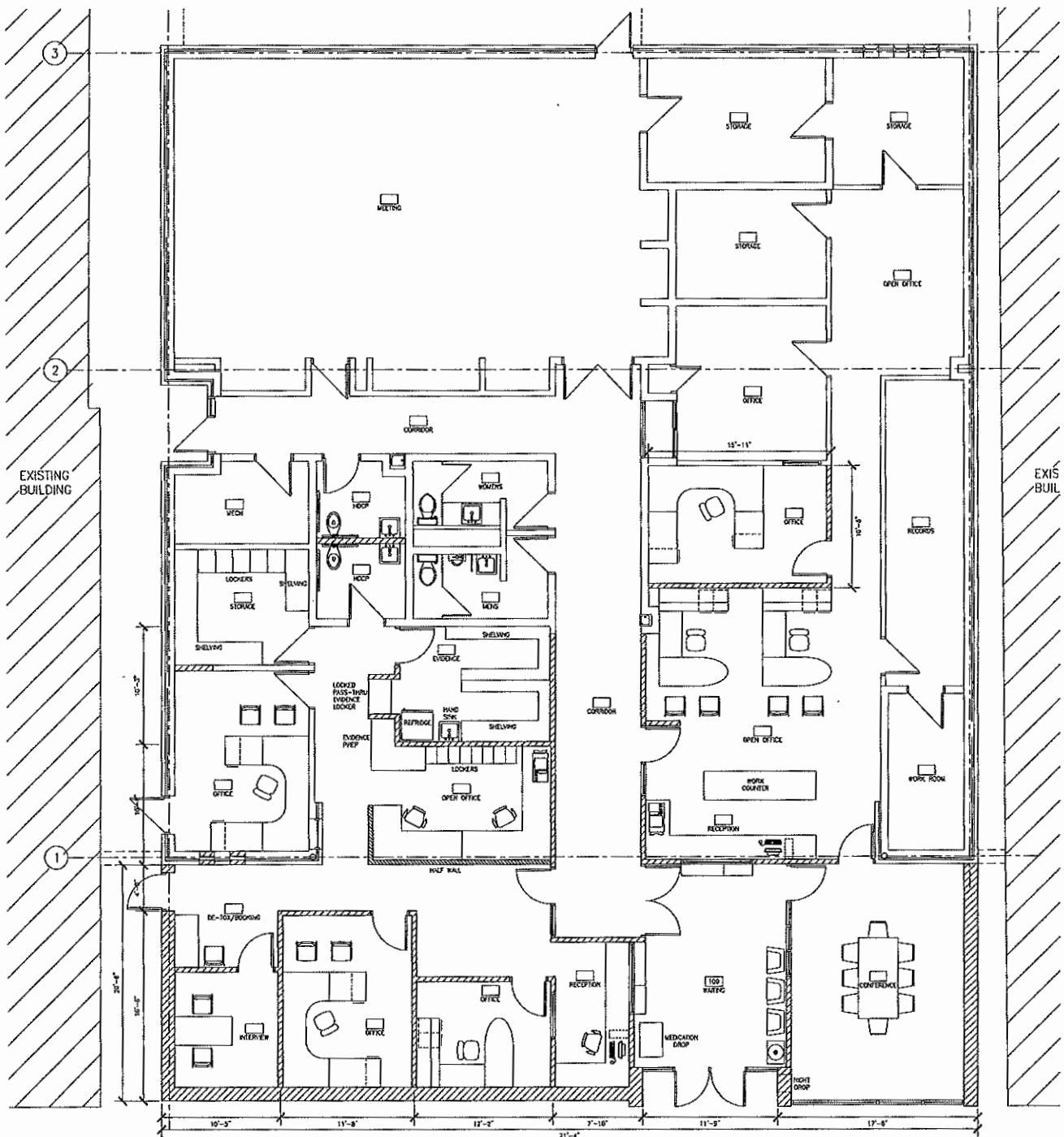
The cost estimates for the adds at the bottom of the page are very preliminary "ball park" numbers. Without having a better idea of the scope of work on these items, these are more rough guesses than estimates.

Please call if you have any questions,

Thanks,

Owen Warneke, Principal
OWA Architects
355 West Second Street
Winona, MN 55987

owen@owaarchitects.com
tel 507 454 2038



NORTH ELEVATION



OWEN WARNEKE AND ASSOCIATES
355 WEST SECOND ST. SUITE 200
WINONA, MINNESOTA 55987
PHONE 507/454-2000 FAX 507/454-2024

REMODELING / ADDITION FOR:
CITY HALL, CITY OF PLAINVIEW
241 WEST BROADWAY, PLAINVIEW, MINNESOTA

PRELIMINARY
NOT FOR
CONSTRUCTION
PL01122-0-13012016

I HEREBY CERTIFY THAT THIS PLAN
 SPECIFICATION OR REPORT WAS PREPARED BY
 ME OR UNDER MY DIRECT SUPERVISION AND
 THAT I AM A FULLY LICENSED ARCHITECT UNDER
 THE LAWS OF THE STATE OF MINNESOTA

OWEN H. ARNOLD _____

DATE _____ REG. NO. 15799

CRANEY _____ N
DATE _____ 6/20/2015
REPT _____

DATE 6/20/2015

95142

Plainview City Hall - Addition

Feasibility Cost Estimate

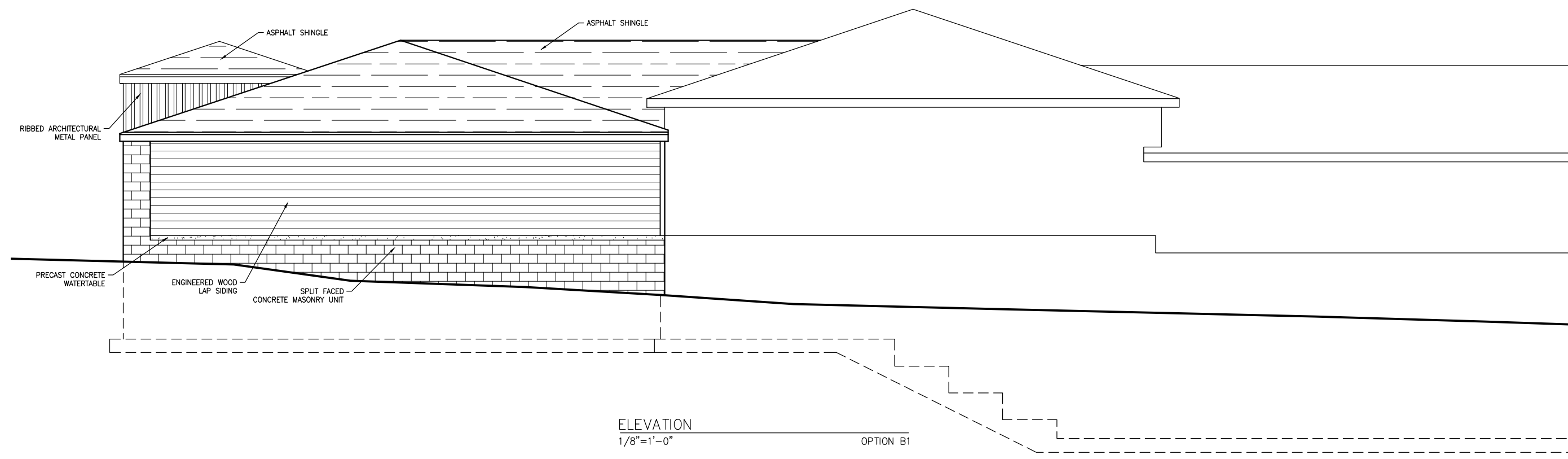
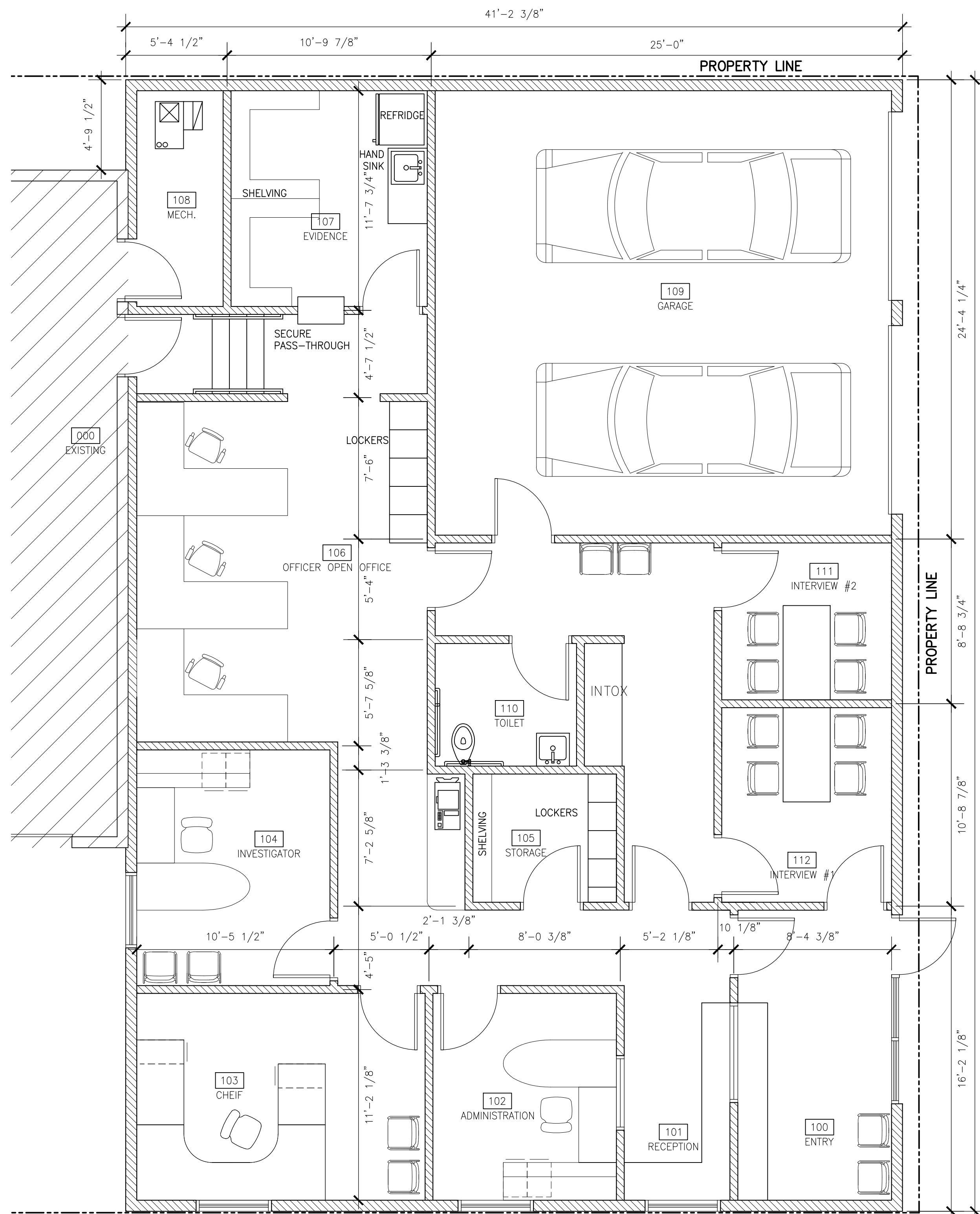
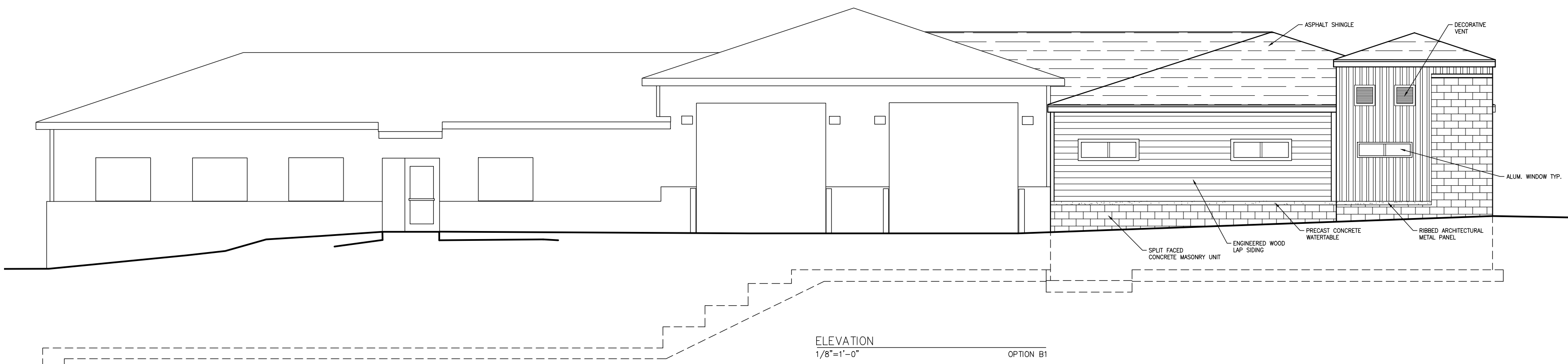
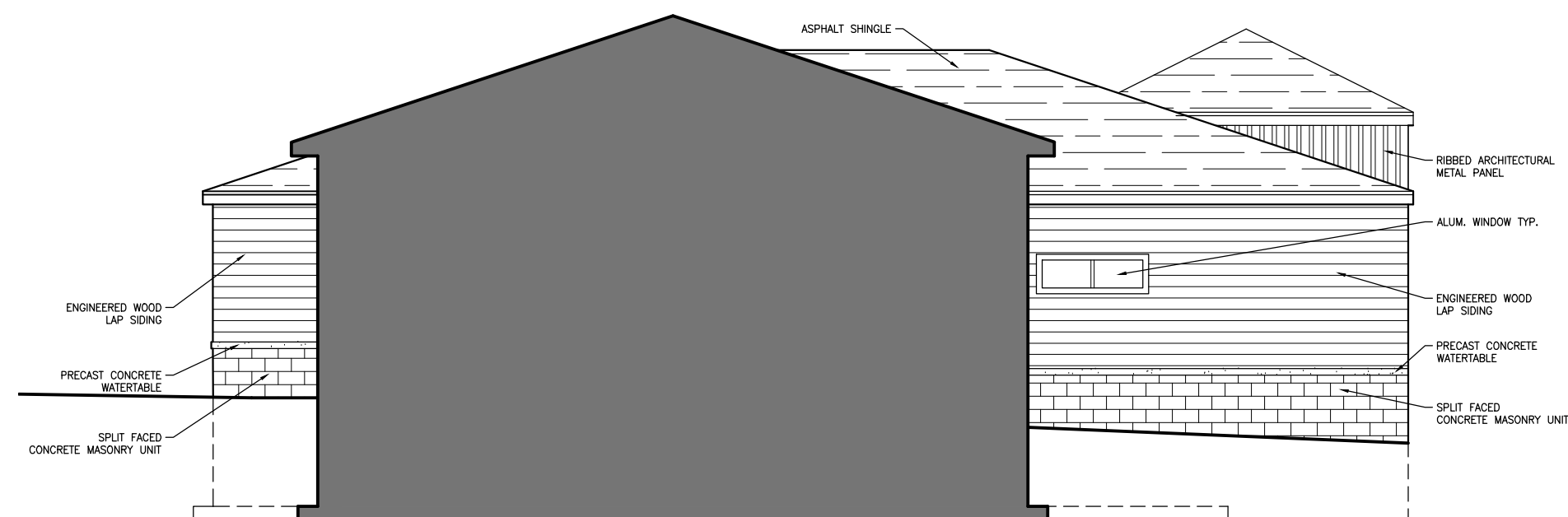
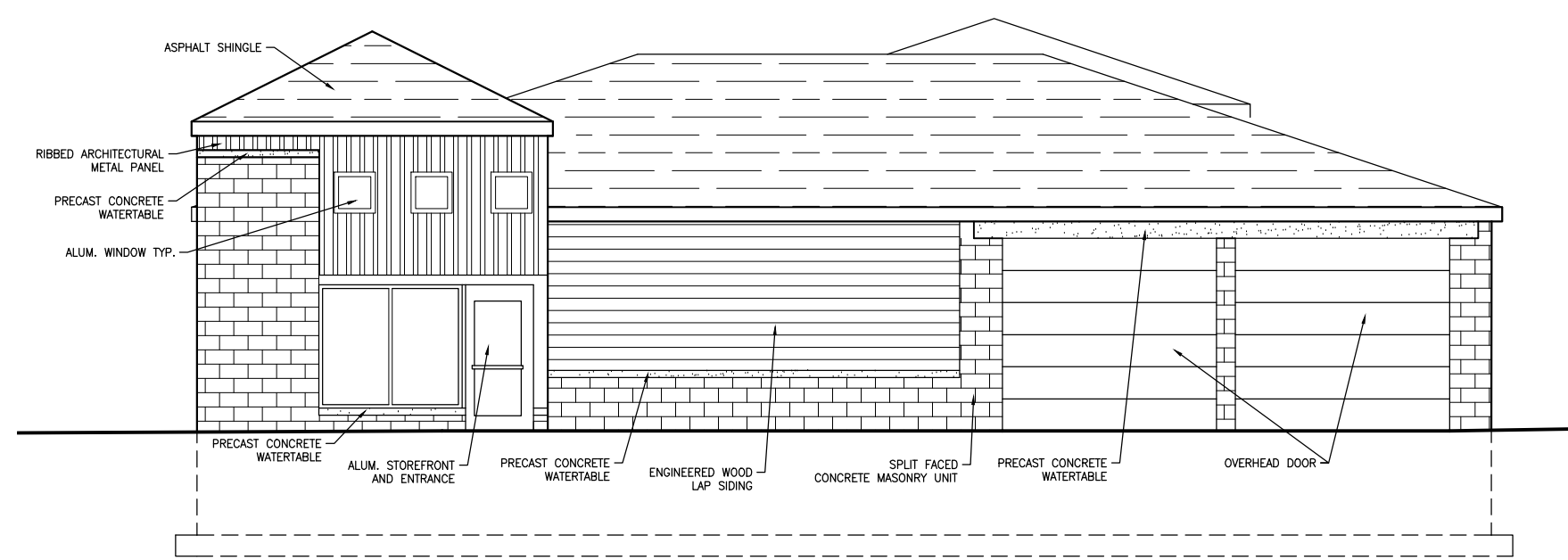
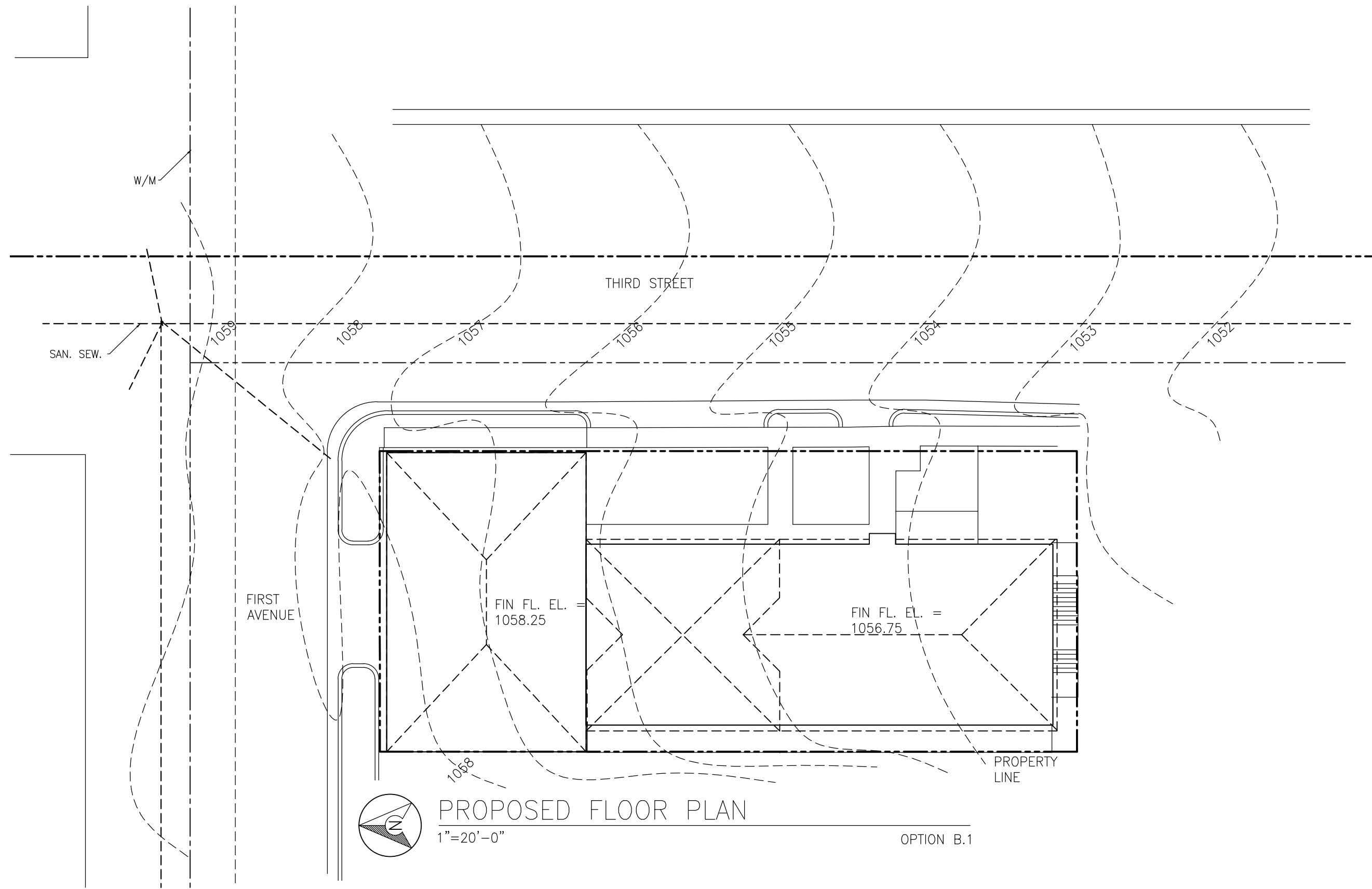
7/7/2016

Item (includes material and labor)	Quantity	Units	Cost per Unit	Total
General Conditions, Permits, Etc. (10%)				\$36,800
Demolition				
Demolition, temp. partitions	1	allowance	\$4,000.00	\$4,000
Concrete paving	208	sq.ft.	\$3.50	\$727
Haul and Dump	4	cu.yd.	\$30.00	\$106
Flag Pole	1	allowance	\$600.00	\$600
Planters	618	cu.yd.	\$3.50	\$2,163
Footing and Foundation				
Excavation and Backfill	1643	sq.ft.	\$1.64	\$2,695
Strip Footings	138	ln.ft.	\$41.15	\$5,679
Pad Footings	1	allowance	\$500.00	\$500
Foundation Wall	138	ln.ft.	\$76.00	\$10,488
Slab on Grade	1643	sq.ft.	\$5.56	\$9,135
Envelope				
Open web joist roof structure	1739	sq.ft.	\$11.00	\$19,129
CMU w/ veneer brick	1652	sq.ft.	\$33.00	\$54,516
CMU w/ veneer stone	120	sq.ft.	\$55.40	\$6,648
Metal Framed w/EIFS	400	sq.ft.	\$18.50	\$7,400
Wall Insulation	2172	sq.ft.	\$2.00	\$4,344
Roof Insulation	1739	sq.ft.	\$5.00	\$8,695
Standing Seam Metal Roof	1739	sq.ft.	\$9.00	\$15,651
Roof Edge, flashings, gutter and downspouts	138	ln.ft.	\$35.00	\$4,830
Alum. Windows	412	sq.ft.	\$50.00	\$20,575
Alum. Doors	1	double door	\$6,200.00	\$6,200
Hollow Metal Doors and Frames	1	door	\$1,500.00	\$1,500
Interior				
Partition Walls	2704	sq.ft.	\$5.50	\$14,872
Solid Core Wood Doors and H.M. Frames	7	door	\$1,100.00	\$7,700
Interior Alum Windows	88	sq.ft.	\$45.00	\$3,938
Alum. Door	4	door	\$3,000.00	\$12,000
Casework	50	ln.ft.	\$350.00	\$17,500
VCT flooring	320	sq.ft.	\$2.75	\$880
Suspended Ceiling	3480	sq.ft.	\$3.75	\$13,050
Carpet	2720	sq.ft.	\$5.50	\$14,960
Ceramic Tile	105	sq.ft.	\$11.45	\$1,202
Painting	6600	sq.ft.	\$0.75	\$4,950
window blinds	127	sq.ft.	\$9.82	\$1,247
toilet accessories	2	each	\$1,500.00	\$3,000
Site Work				
Pavement	960	sq.ft.	\$5.50	\$5,280
Flagpole	1	allowance	\$2,200.00	\$2,200
Signage	1	allowance	\$5,000.00	\$5,000
Subtotal				\$293,359
Mechanical	1587	sq.ft.	\$ 21.00	\$33,327
Plumbing	1587	sq.ft.	\$ 7.75	\$12,299
Electrical	1587	sq.ft.	\$ 18.00	\$28,566
Construction Sub Total				\$404,351
Contingency (15%)				\$60,653
Base Construction Cost				\$465,004

Estimated Project Range \$430,129 \$499,879

Adds:

Replace Existing Mechanical	\$105,000.00
Replace Existing Roofing	\$55,000.00
Carport	\$34,000.00



Plainview Police Station

12/16/2016

2,400 SF Addition					
Item (includes material and labor)	Quantity	Units	Cost per Unit	Total incl. O&P	Notes
Division 2					
Demolition & Protect Existing	1	Allowance	\$5,000.00	\$5,000	
Division 3					
Strip Footings	200	Ln. Ft.	\$32.00	\$6,400	
4" Slab on Grade	2,400	Sq. Ft.	\$5.30	\$12,720	
CIP Foundation Wall & 2" Insulation	680	Sq. Ft.	\$21.50	\$14,620	
Division 4					
Masonry -Split Face Veneer	671	Sq. Ft.	\$25.00	\$16,775	
Division 6					
Misc. Blocking	1	Allowance	\$4,000.00	\$4,000	
Wood Composite Siding	1,000	sq.ft.	\$6.50	\$6,500	
Wood Framing Ext. Wall	1,700	sq.ft.	\$10.00	\$17,000	
Wood Trusses	2,600	sq.ft.	\$7.42	\$19,292	
Cabinetry	23	ln.ft.	\$250.00	\$5,750	
Countertops	42	ln.ft.	\$51.00	\$2,142	
Division 7					
Blown-in Fiberglass	2,400	Sq. Ft.	\$1.40	\$3,360	
Fiberglass Batt Insulation	2,175	Sq. Ft.	\$1.20	\$2,610	
Fascia	170	Ln. Ft.	\$12.00	\$2,040	
Sealants	1	Allowance	\$1,000.00	\$1,000	
Asphalt Shingles	2,935	Sq. Ft.	\$5.00	\$14,675	
Gutters & Downspouts	1	Allowance	\$3,500.00	\$3,500	
Division 8					
H.M. Doors, Frames, and Hardware	7	each	\$1,200.00	\$8,400	
S.C. Wood Doors with Frames, and Hardware	7	each	\$1,200.00	\$8,400	
Aluminum Entrance doors	1	each	\$2,400.00	\$2,400	
Overhead Door	2	each	\$3,000.00	\$6,000	
Exterior Alum. Windows and Glazing	85	sq.ft.	\$60.00	\$5,100	
Interior Windows	24	sq.ft.	\$45.00	\$1,080	
Ballistic Windows	12	sq.ft.	\$182.00	\$2,184	
Division 9					
Interior Gyp. Assembly (Partitions)	3,000	sq.ft.	\$5.50	\$16,500	
Paint	7,280	sq.ft.	\$0.80	\$5,824	
Vinyl Composite Tile	691	sq.ft.	\$1.30	\$898	
Carpet	1,050	sq.ft.	\$5.00	\$5,250	
Suspended Ceiling	1,360	sq.ft.	\$4.95	\$6,732	
Suspended Gypsum board Ceiling	390	sq.ft.	\$5.50	\$2,145	
Division 22					
Toilet Room	4	fixture	\$2,000.00	\$8,000	
Floor Drain	8	ln.ft.	\$80.00	\$640	
Sewer Connection and Water Service	1	allowance	\$14,000.00	\$14,000	
Division 23					
HVAC - Garage - heater	625	sq.ft.	\$11.00	\$6,875	

HVAC - Office - forced air and air conditioning	1,775	sq.ft.	\$19.00	\$33,725	
Division 26					
Power and Lighting - Office	1,775	sq. ft.	\$13.50	\$23,963	
Power and Lighting - Garage	625	sq. ft.	\$8.00	\$5,000	
Division 28					
Electronic Safety & Security	2,400	sq. ft.	\$4.00	\$9,600	
Division 31					
Remove Concrete Paving	110	sq.yd.	\$15.75	\$1,733	
Remove Bituminous Paving	267	sq.yd.	\$5.80	\$1,549	
Excavation	260	cu.yd.	\$8.25	\$2,145	
Backfill	240	cu.yd.	\$7.94	\$1,906	
Division 32					
New Concrete Paving/Curb Cut	990	sq.ft.	\$6.50	\$6,435	
Hard Cost Sub Total				\$323,867	
Undeveloped Design Contingency	10%			\$32,387	
Arch. & Eng., Survey, Reports, Testing and Misc. Fees	8%			\$28,500	
Estimated Project Budget				\$384,753	
Cost per Sq. Ft				\$160.31	

OWA Architects

Options/questions
Sq.ft. per Means

\$240.00 sq.ft. \$2,400.00 \$576,000



Executive Summary

City Council Work Session: May 22, 2018

AGENDA ITEM: Personnel Policies	AGENDA SECTION: Discussion
PREPARED BY: Clarissa Hadler, City Administrator	AGENDA NO. 3.B.
ATTACHMENTS:	APPROVED BY: cgh
RECOMMENDED ACTION: Discussion.	

SUMMARY

As discussed at prior work session and meetings, staff would like to continue the review of the current personnel policies. The policies were implemented in March; however, there were a number of issues that were not able to be discussed with Council prior to implementation. As part of the continuing review of these policies, I would suggest that we address the following items at tonight's work session;

Section 16.7 Travel & Meal Allowance	"If employees are required to travel outside of the area in performance of their duties as a City employee..." What is the definition of "the area"?
Section 4.1 Hiring	It does not appear that Minnesota Statute allows for the delegation of hiring in a Standard Plan city. I wonder if Council would be comfortable from a process standpoint if the Administrator is allowed to "hire" and have the individual begin employment, then have Council approve the hire at the next Council meeting. I have requested advice on this issue from the League and hope to have that response at the Work Session.

Staff will continue to bring items for review as we have time to address.



Executive Summary

City Council Work Session: May 22, 2018

AGENDA ITEM: Zoning Code Topics	AGENDA SECTION: Discussion
PREPARED BY: Clarissa Hadler, City Administrator	AGENDA NO. 3.C.
ATTACHMENTS: School Property Purchase map, Rochester Agr. Operations standard.	APPROVED BY: cgh
RECOMMENDED ACTION: Discussion as necessary.	

SUMMARY

There are just a few issues I wished to allow the Council to discuss if they so choose.

The School District is looking at purchasing a house adjacent to the other property they recently purchased for the greenhouse and garage. They school has applied for a Conditional Use Permit, and we're going through the process for that. City Attorney Flaherty had suggested we contemplate the conditions we may wish to add to the permit. Here are a few that we thought may be appropriate;

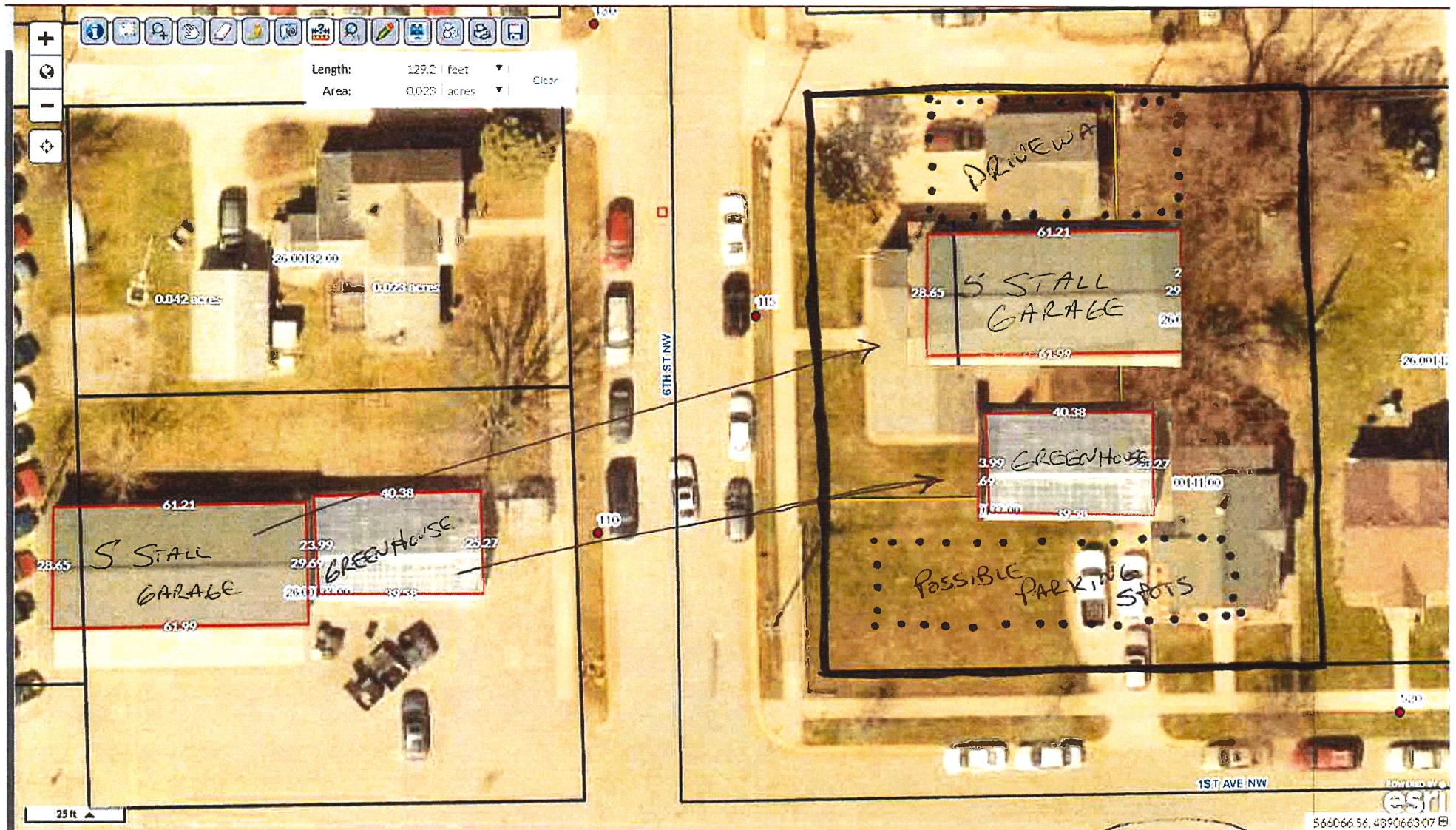
- Installation of crosswalk and appropriate signage, and encouraging students to utilize crosswalk.
- Paved parking areas.
- Additional screening on the east side.
- Hours of Operation
- Use of Greenhouse shall be limited to teaching activities, and up to 4 retail-type fundraisers per year.
- Greenhouse lighting shall not negatively affect neighbors.

Also, the current standard for non-residential uses is one acre, which is significantly higher than other towns, or "atypically restrictive", according to our Kristi Clarke of Bolton & Menk. With the two school lots combined, the total lot area would be .38 acres (16,500+ sq. ft.). Staff will be recommending a zoning amendment to decrease the Lot Area Requirement in Districts R-1 and R-2 to 12,000 square feet. This is still 33% higher than the Two-family Dwelling Unit standard in R-1 and 50% higher than the Two-Family Dwelling Unit standard in R-2.

Also of interest, I found recently, is the issue of agricultural uses in the R-1 and R-2 Districts. They are not a permitted or conditional use, yet are allowed to continue as a Legally Nonconforming Use, or "grandfathered in". The question comes in areas that are platted for future development. Can we control the use in some fashion of property that is now adjacent, and often part of, a residential development? We can't *not* allow them to utilize it as they have been, as the law provides protection

of their property rights. However, we could potentially create standards for agricultural use and limit the expansion of the use. For instance, Rochester code states explicitly that agricultural uses may not be expanded or intensified without a conditional use permit if “the farm is within 400 feet of any residential use and the changes are detrimental to living conditions by reason of creating safety hazards or the emittance of noise, odor, or other nuisance.” We may be able create setbacks for agricultural use within the R-1 and R-2 districts from residential lots. Ideally, any agreement with a developer would include standards of performance on unplatted outlots, but this did not seem to be the case in at least one development in question. I am not suggesting we take immediate action, but given a recent neighborhood dispute, it may be something we should look into for future developments and potentially incorporate into the code. I wanted to give Council the opportunity to comment on it and voice any concerns, and well as just gauge interest / concern of the Council regarding this issue.

PROPOSED RELOCATION OF SCHOOL 5 STALL GARAGE & GREENHOUSE TO COMBINED SCHOOL LOT OF FORMER PRIBBE PROPERTY & CURRENT STELLING PROPERTY.
INCLUDES PARKING SPACES ON SOUTH SIDE OF GREENHOUSE AND DRIVE ON NORTH SIDE OF GARAGE,



DIMENSIONS OF GARAGE = 60'3" x 28'4"
DIMENSIONS OF GREENHOUSE = 40'5" x 25'5"

PROJECT
PLAN

62.264 Nonresidential Uses:

- 1) Agricultural Operations: All agricultural operations in existence upon the effective date of this ordinance shall be considered a permitted use and allowed to continue in operation. This includes the raising of poultry and livestock and also existing animal feedlots, provided that the feedlot is otherwise in compliance with any Minnesota Pollution Control Agency requirements. It does not, however; include a new animal feedlot. In addition, the animal density shall not be greater than one (1) animal unit per one (1) acre of pasture; and any structure used for the housing of livestock or poultry shall be located a minimum of fifty (50) feet from any property line. Changes to the operation which have the effect of expanding or intensifying the operation shall be considered a Type III (Phase I only) use if, in the opinion of the Zoning Administrator,
- a) the farm is within 400 feet of any residential use and the changes are detrimental to living conditions by reason of creating safety hazards or the emittance of noise, odor, or other nuisance;
 - b) the operations constitute an industrial type use involving the compounding, processing and packaging of products for wholesale or retail use involving more than five outside employees.



Executive Summary

City Council Work Session: May 22, 2018

AGENDA ITEM: Department Head Report Content	AGENDA SECTION: Discussion
PREPARED BY: Clarissa Hadler, City Administrator	AGENDA NO. 3.D.
ATTACHMENTS:	APPROVED BY: cgh
RECOMMENDED ACTION: Discussion as necessary.	

SUMMARY

Councilmember O'Connor has requested additional information in the department head reports. Please provide suggestions for each department of information you would like to see and we will see what we can come up with. If you could fill out this document and email to me, that would be ideal.

Administration
Library
Liquor Store
Police Department
Public Works



Executive Summary

City Council Work Session: May 22, 2018

AGENDA ITEM:	Food Vendors at Liquor Store / Food Truck Research	AGENDA SECTION:	Update
PREPARED BY:	Clarissa Hadler, City Administrator	AGENDA NO.	4.A.
ATTACHMENTS:		APPROVED BY:	cgh
RECOMMENDED ACTION: Update.			

SUMMARY

Based on the conversation regarding Food Trucks at the last City Council meeting, staff has found the attached information regarding both Food Trucks and the ability of local restaurants to serve on-site using their existing license.

Staff will provide a verbal update on the outcome of that research and next steps.

Clarissa Hadler

From: Kieffer, Andrea (MDH) <andrea.kieffer@state.mn.us>
Sent: Thursday, May 17, 2018 7:08 AM
To: Clarissa Hadler
Cc: Plainview Police; Alisha Mohs; S Oconnor
Subject: RE: Plainview Licenses
Attachments: plainview.pdf

Clarissa,

Below I have included the definition for category 2 and category 3 establishments. The way the establishments are licensed have changed recently to reflect licensing based on risk instead of establishment size. Category 3 establishments do more extensive food handling than category 2 and do more complex procedures. With our old categories the license category was enough to determine if an establishment could cater, that is no longer true. Almost every category 3 establishment should be able to cater, but there will be some category 2 that will be eligible to.

Anywhere that wants to cater will need to have the capacity for storage and amount of proper equipment to transport and hot hold or cold hold. If they are interested in catering but have not discussed with MDH before they should contact us to verify eligibility to cater. When they cater all food needs to be prepared in their establishment and brought to yours to be served unless they have a mobile food unit, seasonal temporary stand, or a special event license with event listed on it. If they have any of the previously stated licenses they would be able to prepare food onsite.

Below is a link for the catering fact sheet and the category definitions.

<http://www.health.state.mn.us/divs/eh/food/fs/catering.pdf>
<http://www.health.state.mn.us/divs/eh/food/license/fblestdef.html>

Attached is list of businesses in Plainview. If you have questions please let me know. I would also be willing to attend a meeting.

Thanks,

ANDREA KIEFFER, RS

Public Health Sanitarian II | Food, Pools and Lodging

Minnesota Department of Health

Office: 507 206 2721 | Fax: 507 206 2711



From: Clarissa Hadler <c.hadler@plainviewmn.com>
Sent: Monday, May 14, 2018 3:32 PM
To: Kieffer, Andrea (MDH) <andrea.kieffer@state.mn.us>

Cc: Plainview Police <tschneider@plainviewpolice.com>; Alisha Mohs <a.mohs@plainviewmn.com>; S Oconnor <s.oconnor@plainviewmn.com>

Subject: Plainview Licenses

Dear Ms. Kieffer,

The City of Plainview is currently researching the possibility of having our local restaurants serve food at our new Municipal liquor store patio.

Could you please send me the following information at your convenience?

- List of all local restaurants in Plainview and their category of license.
- Clarify the difference between Category 2 and Category 3 with regard to off-site serving of food.
- The requirements for serving food off-site.

In addition, I wonder if you would be willing to participate in a meeting of our local businesses on the topic in order for them to have a fuller understanding of the requirements for off-site food service.

Thank you very much for your assistance!

Sincerely,

Clarissa Hadler
Plainview City Administrator

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**Environmental Health Services System - FBL
Sanitarian Short Form**

Sorted by county, city, establishment name

5/17/2018
Page 1 of 6

County of [79] Wabasha

Estab #	Establishment Name/Address		
30034	All "Bout Children 300 1st Avenue NW Plainview, Minnesota 55964		
	(507) 534-2424		
Operator #:	41952 All'Bout Children		abcplainview123@embarqmail.com
	License Types: Boarding Establishment		
	Categories: Base Fee - FBL, Category 1 Establishment, Hospitality Fee		
30038	American Legion Post 179 - Plainview 215 3rd Street SW Plainview, Minnesota 55964		
	(507) 534-3298		
Operator #:	42215 American Legion		wgoede62@embargmail.com
	License Types: Restaurant/Place of Refreshment		
	Categories: 1-Additional Food Service Bar, Base Fee - FBL, Category 2 Establishment, Hospitality Fee		
33404	Cabin Coffee 10 West Broadway Plainview, Minnesota 55964		
	(507) 951-4828		
Operator #:	47319 Plainview Coffee House, LLC		charlene.b@cabincoffee.net
	License Types: Restaurant		
	Categories: Base Fee - FBL, Category 2 Establishment, Hospitality Fee		
30057	Dairy Queen Brazier - Plainview 800 North Wabasha Plainview, Minnesota 55964		
	(507) 534-4380		
Operator #:	26349 Frauenshuh Hospitality Group of MN, LLC dba F		
	License Types: Restaurant		
	Categories: Base Fee - FBL, Category 2 Establishment, Hospitality Fee		

Environmental Health Services System - FBL
Sanitarian Short Form

Sorted by county, city, establishment name

5/17/2018
Page 2 of 6

County of [79] Wabasha

Estab #	Establishment Name/Address
30131	Eagles Nest 25188 534th Street Plainview, Minnesota 55964 (507) 951-2655 Operator #: 47020 Eagles Nest of Plainview LLC bnelson0901@yahoo.com License Types: Restaurant/Place of Refreshment Categories: 1-Additional Food Service Bar, Base Fee - FBL, Category 3 Establishment , Hospitality Fee, 0-Private Sewer, 1-Private Water
30065	Gopher Lanes Bar & Grill 211 West Broadway Plainview, Minnesota 55964 (507) 534-3286 Operator #: 42218 KJ Bowling Enterprises Inc. gopherlanes@gmail.com License Types: Restaurant/Place of Refreshment Categories: Base Fee - FBL, Category 2 Establishment , Hospitality Fee
30070	Immanuel Lutheran School 30 South Wabasha Plainview, Minnesota 55964 (507) 534-2108 Operator #: 41760 Immanuel Lutheran School alutringer@immanuelplainview.org License Types: Restaurant Categories: Base Fee - FBL, Category 2 Establishment, Hospitality Fee, School
30073	Kim's Saloon & Grill 45 4th Street Southweat Plainview, Minnesota 55964 (507) 534-3707 Operator #: 41789 Walkes Enterprises, Inc. dwalkes@hotmail.com License Types: Restaurant/Place of Refreshment Categories: 1-Additional Food Service Bar, Base Fee - FBL, Category 3 Establishment , Hospitality Fee

Environmental Health Services System - FBL
Sanitarian Short Form

Sorted by county, city, establishment name

5/17/2018
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County of [79] Wabasha

Estab #	Establishment Name/Address		
30085	MA's Cafe 30 3rd Street SW Plainview, Minnesota 55964		
	(507) 534-4400		
Operator #:	42380 MA's Cafe Incorporated		amberstadacher25@gmail.com
	License Types: Restaurant		
	Categories: Base Fee - FBL, Category 3 Establishment , Hospitality Fee		
30090	New Fresh Wok 330 West Broadway Plainview, Minnesota 55964		
	(507) 534-4288		
Operator #:	41763 Yi Li Zheng		
	License Types: Restaurant/Place of Refreshment		
	Categories: Base Fee - FBL, Category 3 Establishment , Hospitality Fee		
30098	Piper Hills Golf Course 25233 534th Street Plainview, Minnesota 55964		
	(507) 534-2613		
Operator #:	43288 Paul Pehler		pjfitz927@msn.com
	License Types: Restaurant/Place of Refreshment		
	Categories: Base Fee - FBL, Category 1 Establishment, Hospitality Fee, 0-Private Sewer, 1-Private Water		
30100	Plainview Elgin Millville High School 500 West Broadway Plainview, Minnesota 55964		
	(952) 945-0505		
Operator #:	5993 Taher, Inc.		s.berkowitz@taher.com
	License Types: Restaurant		
	Categories: Additional Inspection Fee, Base Fee - FBL, Category 2 Establishment, Hospitality Fee, School, 2-School Concession Stand		

**Environmental Health Services System - FBL
Sanitarian Short Form**

Sorted by county, city, establishment name

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Page 4 of 6

County of [79] Wabasha

Estab #	Establishment Name/Address
30103	Plainview Municipal 218 West Broadway Plainview, Minnesota 55964 (507) 534-3307 Operator #: 42161 City of Plainview plainviewls@centurylink.net License Types: Restaurant/Place of Refreshment Categories: Base Fee - FBL, Category 1 Establishment, Hospitality Fee
30104	Plainview Municipal Pool 390 North Wabasha Plainview, Minnesota 55964 (507) 534-3701 Operator #: 42161 City of Plainview v.welch@plainviewmn.com License Types: Pool Categories: Base Fee - FBL, Category 1 Establishment, Hospitality Fee, Public Swimming Pool
30133	Subway - Plainview 629 North Wabasha Plainview, Minnesota 55964 (507) 534-3201 Operator #: 42079 LM Subs Inc. lmschmitz54@gmail.com License Types: Restaurant Categories: Base Fee - FBL, Category 2 Establishment, Hospitality Fee

Total number of establishments for the county of Wabasha 15

Environmental Health Services System - FBL
Sanitarian Short Form

Sorted by county, city, establishment name

5/17/2018
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County of [93] Special Event Stand

Estab #	Establishment Name/Address		
30184	PBR Floats - Special Event Food Stand 15921 75th St Plainview, Minnesota 55964		
	(507) 534-4191		
Operator #:	40566	Randy Speltz	
		License Types: Special Event	
	Categories: Hospitality Fee, Special Event Food Stand		
32029	Plainview Area Community/Youth Center - SEFS 346 West Broadway Plainview, Minnesota 55964		
	(507) 534-3802		
Operator #:	44638	Plainview Area Community Youth Center	plainviewccyc@gmail.com
		License Types: Special Event	
	Categories: Hospitality Fee, Special Event Food Stand		

Total number of establishments for the county of Special Event Stand 2

County of [94] Seasonal Temporary Stand

Estab #	Establishment Name/Address
1617	Unique Concessions, LLC 505 4th Avenue NE Plainview, Minnesota 55964 (507) 534-6504
Operator #: 17965	Jeff Henry jeff.henry01@gmail.com License Types: Seasonal Temporary Stand
Categories: Base Fee - FBL, Hospitality Fee, Seasonal Temporary Food Stand	

Total number of establishments for the county of Seasonal Temporary Stand 1

Total number of establishments for report 18



MEMORANDUM

TO: Phil Kern

FROM: Alan Brixius/Michelle Barness

DATE: July 9, 2015

RE: Delano – Mobile Food Unit/Food Truck Licensing and Regulation

FILE: 432.08 – 15.02

BACKGROUND

The City of Delano has expressed an interest in pursuing regulations to permit the operation of food truck vendors in the community, a use which is not currently addressed in the City Ordinance. Food trucks are a transient business that may operate in a variety of zoning districts and at different times of the year. In other communities, food trucks have served food in commercial areas where there is a demand for additional food options. Food trucks may also serve public and semi-public events, such as farmers markets or City festivals, or may be connected with an established restaurant business.

The operation of food trucks in the community raises some questions. The transient nature of food trucks poses concerns with regards to potential impacts on other local food related businesses. Food trucks are not required to rent or purchase property to conduct their sales but will compete against established taxpaying restaurants that have invested in real estate. Should the City deem this kind of competition appropriate, they will need to establish regulations for the unique style of operation associated with mobile food vendors.

The following memorandum further defines food trucks, details applicable state and regional regulation of food trucks, reviews topics or concerns to be addressed with food truck licensure and regulation, and identifies how to integrate food truck licensure and regulation in the Delano Ordinance. A draft ordinance amendment establishing food truck regulations is provided with the report for consideration by the Planning Commission.

ISSUES AND ANALYSIS

State Regulation of Mobile Food Trucks.

Minnesota Statutes Chapter 157 Food, Beverage, and Lodging Establishments

According to Minnesota Statutes *Chapter 157 Food, Beverage, and Lodging Establishments*, a license is required annually for anyone engaged in the business of conducting a food and beverage service establishment. To acquire a license, applicants must make application, pay the required licensure fee, and receive approval for their operation, including plan review approval. Food truck licensure in Wright County is provided by the Minnesota Health Department.

State Statutes directly address regulation of mobile food trucks, which the State refers to as “mobile food units,” or MFUs. MN Statutes Chapter 157 provides the following definition for food establishments of a temporary or mobile nature, from *Section 157.15 Definitions*:

Food cart. A food and beverage service establishment that is a non-motorized vehicle self-propelled by the operator.

Mobile food unit. A food and beverage service establishment that is a vehicle mounted unit, either:

(1) motorized or trailered, operating no more than 21 days annually at any one place, or operating more than 21 days annually at any one place with the approval of the regulatory authority as defined in Minnesota Rules, part 4626.0020, subpart 70; or

(2) operated in conjunction with a permanent business licensed under this chapter or chapter 28A at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location.

Seasonal permanent food stand. A food and beverage service establishment which is a permanent food service stand or building, but which operates no more than 21 days annually.

Seasonal temporary food stand. A food and beverage service establishment that is a food stand which is disassembled and moved from location to location, but which operates no more than 21 days annually at any one location.

Minnesota Food Code, from Minnesota Rules Chapter 4626

The Minnesota Food Code contains the minimum design, installation, construction, operation and maintenance requirements for all food establishments in Minnesota. These rules are the standards with which food establishments must comply in the handling, storing, preparation and service of food to the retail food consumer. Chapter

4626 defines a “food establishment” as including an operation that is conducted in a “mobile, stationary, temporary, or permanent facility, location, or cart, regardless of whether consumption is on or off the premises.”

MN Food Code Chapter 4626 provides very specific regulation of mobile food establishments, as described in *Section 4626.1860 Mobile Food Establishments; Seasonal Temporary Food Stands; Seasonal Permanent Food Stands*. This section of State code regulates different aspects of food truck operation, including mechanical systems, water supply and disposal, washing and sanitation facilities, waste disposal, food preparation and cooking areas, and food preservation/refrigeration. A complete list of state standards can be found in Section 4626.1860.

Minnesota Department of Health

As indicated earlier, the Minnesota Department of Health (MDH) is the agency responsible for plan review and licensing for mobile food units in Wright County. The MDH enforces regulations provided for Mobile Food Units (MFUs) in MN Statutes Chapter 157 and MN Food Code Chapter 4626. The MDH requires individuals or groups interested in operating an MFU to submit a “Temporary/Seasonal Plan Review Application” and required fees at least 30 days prior to beginning new construction or remodeling of an MFU.

A plan review submission must include the following:

- A completed plan review application with the required fees.
- Intended menu.
- Description of how food will be prepared.
- Easily readable floor plan layout indicating the location of all equipment (e.g., cooking equipment, hood, refrigerators, food prep counters, hand washing sink(s), three-compartment sink, and food prep sink).
- Finish schedule for floors, walls and ceilings.
- Manufacturer’s equipment specifications sheets for all equipment, including sinks.
- Size of water heater, and fresh water and wastewater holding tanks.
- Finishes for counters and cabinetry.
- Commissary agreement, if required.
- List of intended, scheduled events or areas of operation if known.

Once plans are approved by the Minnesota Department of Health (MDH) and construction or renovation of the mobile food unit is completed, applicants need to follow additional steps to get licensed, including submitting a license application, having the mobile food unit inspected, and posting the permit during operations. The MDH license is valid for one calendar year (January 1 through December 31), and must be renewed annually.

The MHD publication “Mobile Food Unit and Seasonal Temporary Food Stand Construction Guide” provides specific information on equipment and operations

regulations for MFUs, which are in line with requirements as provided in MN Food Code Chapter 4626, described earlier in the report.

Local Regulation of Mobile Food Units. The City of Delano does not currently define food trucks or provide licensing and regulation of the use. However, City Code Section 408.01 “Peddlers, Transient Merchants, and Solicitors,” provides a definition for transient merchants as follows:

“Transient merchant” includes any person, firm, individual, corporation, limited liability company, and corporation, both as principal and agent, who engage in, do, or transact any temporary and transient selling and delivering of goods, wares and merchandise within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad car, boat, public room in hotels, lodging houses, apartments, shops, or any street, alley or other place within the City, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition does not include any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples or the purpose of securing orders for future delivery only.

Mobile food unit vendors engage in temporary and transient selling of goods and hence fall within the purview of this transient merchant definition. Section 408.01 requires transient merchants to attain a permit for operating in the City. General requirements for this permit address noise issues, signage, and the use of streets, and approval of the permit requires applicants to furnish background information and details pertaining to the proposed sales activity (including proposed time or duration of sales).

The existing Ordinance addresses the transient or temporary nature of operations in a general way. For example, the temporary sale of Christmas trees at a permanent location year after year can be lumped in with retail food sales from a mobile food truck found throughout the community. The State regulates mobile food units in a specific way, with special attention to managing the health and sanitation aspects of the use in line with how a restaurant would be regulated. It would be difficult for Delano to incorporate detailed food regulations in the licensure for transient merchants because not all transient merchants have food operations. However, the City Ordinance can be updated to define and identify mobile food units as a separate transient use requiring licensure from the City. The City may wish to group other food related transient uses (e.g. food carts, ice cream trucks) in with the mobile food unit transient use license as well. This will allow the City to provide additional regulations specific to these uses in the Ordinance. In addition, once mobile food units have been clearly defined as a transient use in the Ordinance, the requirement for State licensure and regulation can be directly referenced in the City’s licensure requirements.

Mobile Food Unit Land Use Considerations. Several land use concerns should be addressed in considering an amendment to Section 408.01 of City Code for mobile food unit (MFU) licensure. They include:

License Limitations. A mobile food unit (MFU) ordinance should require that applicants verify MFU licensure through the MN Health Department. As described, the State license requires a detailed plan review process to verify that food sanitation and safety conditions have been met. In addition, a City issued MFU license should require City Council approval, to permit the City the opportunity to review potential land use impacts from MFUs based on what MFU location and operations are being proposed.

The State permits licensed mobile food units (MFUs) to operate up to 21 days at any one place, but doesn't otherwise limit the extent of MFU operations over the course of the annual permit. The City may consider further limiting MFU operations by identifying the number of locations at which an MFU may operate over the course of an annual license and the number of MFUs that a private property may host over the course of an annual license. Appropriate limitations are open for discussion, but the attached draft ordinance provides the following potential limitations:

- 1) An annual city granted MFU license will allow vendors to operate at four locations during the course of an annual permit, for a total of 84 days during the year, and no more than 21 days at a time.
- 2) A private property may host no more than four MFUs over the course of the year, non-consecutively and for no more than 21 days at a time.

These additional limitations are intended to manage land use impacts from MFUs, and decrease potential impacts to established food businesses within the City at any one location.

Competition with Established Restaurants. Delano has several existing independent restaurant and coffee shop establishments that have the potential to be impacted by mobile food unit (MFU) competition. These establishments are limited to one location and have financial obligations for their business location, such as paying property taxes or rent. Mobile food units, which require an initial vehicle and equipment investment but have no ongoing local tax responsibilities, have a financial advantage over established restaurant and coffee shop businesses. For this reason the City should consider, first, whether it is appropriate to permit MFUs given this concern, and second, if the City decides to permit MFUs, where to allow them. Planning staff recommends implementing a setback requirement from existing restaurants and coffee shops. A minimum distance of 200 feet may reduce proximity competition between MFUs and other establishments, which will result in a more level playing field for the two business types despite the tax disparity described.

Location in Community. As with other restaurants, mobile food units (MFUs) should be limited to commercial or industrial zoning districts. An exception may be made for MFUs serving festivals or events at parks or churches, two land uses which can be found in residential districts. If the City decides on implementing a mobile food unit (MFU) ordinance zoning districts within which MFUs may operate should be identified in Section 408.01 licensing regulations for MFUs.

Ice cream trucks, which are considered an MFU, serve pre-packaged food products as opposed to prepared food, and are typically drawn to residential neighborhoods to sell their products to families with children. Therefore the City may consider an exception to allow ice cream trucks within residential zoning districts, subject to certain additional conditions meant to mitigate issues specific to ice cream truck operations. For example, because ice cream trucks serve children, a background check for truck operators may be useful.

The actual location of mobile food units (MFUs) within commercial and industrial zoning districts should be limited to private properties, so as not to create obstacles within public areas or right of ways. Further, on private properties MFUs should be required to stay clear of pedestrian ways, should maintain traffic circulation, and may not reduce required parking. Permission from private property owners must be required for approval of an MFU license. However, ice cream trucks operating in residential districts will need to be permitted to temporarily rest in public right of ways in order to operate, but are not expected to linger at any one location for extended periods of time.

Hours of Operation. The existing transient merchant ordinance does not specify hours of operations. The City may consider specifying specific hours of operations for mobile food units (MFUs), which should be flexible enough to permit the sale of food around meal hours but restrictive enough to prevent mobile vendors from operating too early in the morning or too late into the evening. Exceptions could be considered for MFUs serving special events or festivals operating during atypical business hours. The draft ordinance prohibits mobile food unit operations between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M.

Setup and Maintenance of Mobile Food Unit Sites. The City should consider establishing guidelines for appropriate setup and maintenance of mobile food unit (MFU) sites. In the attached draft Ordinance several items address this issue, including:

- Requiring that trash and recycling collection and clean-up be provided to prevent food trash from littering surrounding property.
- Requiring that MFUs provide an independent power supply, screened from view, to avoid burdening private property owners with energy needs. Generators should be permitted in this regards.
- Noise and visual interference associated with MFUs should be managed to avoid impacts to surrounding businesses. Mobile food units should not maintain or use outside sound amplifying equipment, televisions or other similar visual entertainment devices, noisemakers such as bells, horns or whistles. However, ice cream trucks traveling through residential districts may have outdoor music or noise making devices to announce their presence.
- Mobile food units (MFUs) should be required to be located on paved hard surfaced areas to provide for easier clean-up and maintenance of the MFU site.

- Mobile food units (MFUs) must close down during adverse weather conditions, unless additional shelter has been provided for patrons.

RECOMMENDATION

Planning staff is not making a specific recommendation on the question of whether to permit mobile food units (MFUs) in the community or not. Other communities have permitted MFUs, but have required them to attain a license and have limited their location and operations according to additional MFU regulations. It is recommended that the City of Delano require the same steps if it is determined that MFUs should be permitted in the City. The potential competition of MFUs with established, tax paying restaurant and coffee shop businesses is a significant area of concern in deciding whether to permit MFUs in the community. If the City determines that MFUs and established food service businesses can co-exist in the community, additional regulations should be required of MFUs as pertains to their location relative to established businesses.

An ordinance amendment to permit mobile food units to operate in the community needs to include an amendment to Delano City Code Section 408.01 "Peddlers, Transient Merchants, and Solicitors" to provide a definition for mobile food units (under Subd. 2 Definitions), and to establish specific regulations for mobile food units applying for a transient merchant license (under Subd. 7 Restrictions). Mobile food units should also adhere to all general transient merchant regulations provided in Section 408.01. These draft ordinance amendments are attached to this report for consideration by the Planning Commission.

c: Marlene Kittock
Paula Bauman
Mark Johnson
Scott Dornfeld

**CITY OF DELANO
COUNTY OF WRIGHT
STATE OF MINNESOTA**

ORDINANCE NO. 0-15 - ____

AN ORDINANCE AMENDING DELANO CITY CODE CHAPTER 4 (PUBLIC PROTECTION AND GENERAL LICENSING), SECTION 408.01 (PEDDLERS, TRANSIENT MERCHANTS AND SOLICITORS) AND DELANO ZONING ORDINANCE SECTION 51.01 (TITLE / APPLICATION / RULES / DEFINITIONS) SUBD. B (RULES AND DEFINITIONS), RELATING TO MOBILE FOOD UNIT (FOOD TRUCK) REGULATIONS

THE CITY COUNCIL OF THE CITY OF DELANO ORDAINS:

Section 1. Subd. 2 (Definitions) of Section 408.01 (Peddlers, Transient Merchants and Solicitors) of Chapter 4 (Public Protection and General Licensing) is hereby amended as follows:

- A. “Mobile Food Unit” means a food and beverage service establishment that is a vehicle mounted unit, such as:
1. Motorized or trailered, operating no more than twenty-one (21) days annually at any one place, or operating more than twenty-one (21) days annually at any one place with the approval of the regulatory authority as defined in Minnesota Rules, part 4626.0020, subpart 70; and a self-contained unit, in which food is stored, cooked, and prepared for direct sale to the consumer.
 2. Operated in conjunction with a permanent business licensed under Chapter 157 or Chapter 128A of the Minnesota State Statutes at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location; and a self-contained unit, in which food is stored, cooked, and prepared for direct sale to the consumer.
 3. Food Cart: A food and beverage service establishment that is a non-motorized vehicle self-propelled by the operator.
 4. Ice Cream Truck: A motor vehicle utilized as the point of retail sales of pre - wrapped or prepackaged ice cream, frozen yogurt, frozen custard, flavored frozen water or similar frozen dessert products.
- A. B. “Peddler” means any person, whether a resident of the City or not, who goes from house to house, from place to place, or from street to street, conveying or transporting goods,

wares or merchandise or offering or exposing the same for sale, or making sales where payment is received immediately for future delivery to purchasers. It does not include vendors of milk, bakery products or groceries who distribute their products to regular customers on established routes.

~~B.C.~~ “Peddling” means the act of being a peddler.

~~C.D.~~ “Solicitor” means any person, whether a resident of the City or not, who goes from house to house, from place to place, or from street to street with the intention of taking immediate orders for services or goods for future delivery and payment. All solicitors dealing with merchandise of any kind to be delivered to customers directly from points outside the State shall be exempt from payment of the license fee.

~~D.E.~~ “Transient merchant” includes any person, firm, individual, corporation, limited liability company, and corporation, both as principal and agent, who engage in, do, or transact any temporary and transient selling and delivering of goods, wares and merchandise within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad car, boat, public room in hotels, lodging houses, apartments, shops, or any street, alley or other place within the City, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition does not include any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples or the purpose of securing orders for future delivery only.

Section 2. Subd. 7 (Restrictions) of Section 408.01 (Peddlers, Transient Merchants and Solicitors) of Chapter 4 (Public Protection and General Licensing) is hereby amended as follows:

E. Mobile Food Units (MFUs). Mobile food units (MFUs) are required to meet the additional following standards:

1.

1. MFU licenses issued by the City require approval from the City Council. Licenses are issued on an annual basis, and permit MFUs to operate at up to four locations in the community during the course of the year, not to exceed 21 days per location.

2. MFUs must be licensed by the Minnesota Health Department, and must adhere to State regulations for food trucks as provided in Food Code Chapter 4626.1860 Mobile Food Establishments; Seasonal Temporary Food Stands; Seasonal Permanent Food Stands. Evidence of the State license must be provided to the City as part of the local license application.

3. With the exception of MFUs serving special events for public or institutional uses in residential districts, MFUs operations are limited to the business and industrial districts. Ice cream truck vendors may operate in all zoning districts.
4. MFUs must be located on private property, and the applicant must provide written consent from the property owner. However, MFUs may be located in a public park with approval from the City, and ice cream trucks are allowed to operate within the public right-of-way in residential districts.
5. Private properties may host no more than four MFUs over the course of the year, non-consecutively, and for no more than 21 days at a time.
6. MFU sites shall be kept in a neat and orderly manner, and shall adhere to the following site and operational requirements:
 - a. Trash and/or recycling collection and cleanup must be provided.
 - b. MFUs must provide independent power supply which is screened from view. Generators are permitted.
 - c. MFUs may not maintain or use outside sound amplifying equipment, televisions or other similar visual entertainment devices, or noisemakers such as bells, horns or whistles. Ice cream trucks traveling through a residential district may have outdoor music or noise-making devices to announce their presence.
 - d. MFUs cannot obstruct the movement of pedestrians or vehicles or pose a hazard to public safety.
 - e. MFUs shall be located on an asphalt or concrete surface.
 - f. MFUs may not be located within 200 feet of existing restaurants or coffee shops, as measured from the MFU to the food service building.
 - g. MFUs must close during adverse weather conditions when shelter is not provided.
 - h. MFUs are not permitted to operate between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M.
7. Ice cream truck vendors are required to undergo a criminal background check prior to operating in the community, at the cost of the applicant.
8. If MFU sites are found to be in non-compliance with any conditions as provided in Section 408.01 of the Ordinance, the City reserves the right to revoke the MFU transient merchant license.

Section 3. This ordinance shall be effective immediately upon its passage and publication according to law.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DELANO,
MINNESOTA THIS ____ DAY OF _____ 2015.

Dale Graunke, Mayor

ATTEST:

Marlene E. Kittock, Clerk/Treasurer

Goodview, MN Code of Ordinances

CHAPTER 116: FOOD TRUCKS

Section

- 116.01 Purpose
- 116.02 Definition
- 116.03 License required
- 116.04 License issuance fee and display
- 116.05 Indemnification
- 116.06 Restrictions
- 116.07 Forfeiture and revocation

- 116.99 Penalty

§ 116.01 PURPOSE.

The purpose of this chapter is to regulate the operations of food trucks within the city.

(Ord. 2016-01B, passed 9-12-2016)

§ 116.02 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

FOOD TRUCK. A self-contained mobile vehicle or trailer food vending operation used for the purpose of selling and serving prepared food and/or non-alcoholic drink to be consumed while parked and operating anywhere within the city limits. It shall be self-powered, i.e. no electrical cord(s) shall be laid across any city street or sidewalk. The vehicle shall not be left on city property after the daily hours of operation.

(Ord. 2016-01B, passed 9-12-2016)

§ 116.03 LICENSE REQUIRED.

It is unlawful for any person to operate a food truck without a license from the city. A license is valid for only one food truck. Each separate food truck needs to have its own separate license. Operations meeting the definition of a food truck and operating under a valid food truck license do not need a solicitor's permit under Ch. 113 of the city code.

(Ord. 2016-01B, passed 9-12-2016)

§ 116.04 LICENSE ISSUANCE FEE AND DISPLAY.

License(s), including number and dates for which issued, shall be plainly visible on the outside of the food truck, a copy of which must be kept with the food truck at all times. Licenses may be issued on an annual or per event basis. An application on the form prescribed by the city shall be completed by the applicant and shall be accompanied by a fee as established by the City Council in the master fee schedule. Such fee shall not be refundable if the permit is denied or the applicant withdraws or otherwise ceases operation or use of the permit.

(Ord. 2016-01B, passed 9-12-2016)

§ 116.05 INDEMNIFICATION.

Before a food truck license is issued by the city, the licensee shall execute and deliver to the City Administrator or his/her designee, on a form prescribed by the city, an indemnification agreement holding the city harmless for any personal injury or property damage resulting from operation of the food truck. The licensee shall also provide the city with a copy of the licensee's current requisite vehicle insurance that covers said food truck.

(Ord. 2016-01B, passed 9-12-2016)

§ 116.06 RESTRICTIONS.

(A) With the permit application, the applicant shall provide written proof that the applicant is the current holder of all license(s) required by the State of Minnesota and/or Winona County, as applicable, with respect to a food truck in which food is prepared and served in a vehicle or trailer, and the vendor shall maintain such license(s) in good standing for the duration of the permit. If the applicable license(s) expires or is revoked during the term of the city's food truck license, the licensee agrees to cease operation immediately and not resume operation until such time as a valid food handling license is obtained and proof thereof provided to the city.

(B) The vendor shall comply with all other applicable provisions of the city code including, but not limited to, those regulations regarding parking, signing, lighting, noise, and noxious fumes/odors (i.e.; from a generator).

(C) Radios and other audio devices shall be permitted only inside the food truck. No amplification device shall be permitted on the exterior of any food truck.

(D) No food shall be sold except directly from the food truck.

(E) Food trucks shall be allowed only at approved locations within the city, and shall not travel from point to point around the city, unless specifically authorized to do so by Council action.

(F) At the time of application the city will provide the applicant with a listing of permitted public locations (subject to change) a food truck may operate, and it shall be a violation of this chapter for any vendor to engage in vending operations in any location in the city other than the approved locations, unless the City Administrator or his/her designee gives express written permission to deviate from the pre-approved locations.

(G) The vendor must provide and remove trash and recycling receptacles for customer use and keep the site in a neat and orderly fashion. The permitted location(s) must be kept free from litter, refuse, debris, junk or other waste which results in offensive odors or unsightly conditions. The vendor shall be responsible for all litter and garbage left by customers.

(H) The food truck may not block sidewalks or driveways, impede pedestrian or vehicular traffic, or interfere with public safety. The food truck also may not be parked within 50 feet of an intersection of two or more public streets, or within 20 feet of a driveway entering a public street.

(I) Food truck sales shall be permitted only between the hours of 8:00 a.m. and 10:00 p.m. (subject to change), unless the City Council gives express permission to deviate from these hours.

(J) All food trucks shall be kept in good repair and order and shall have a neat appearance.

(K) There shall be no drainage of liquids allowed from the food truck onto public property.

(L) A person operating a food truck may apply for and receive an annual license for different sites in the city at various times throughout the license period, provided that the food truck is only operated in one site at a time.

(M) No food truck may be located within 200 feet at its closest point to the main entrance of a public eating establishment or any outdoor dining area with the exception of other food trucks and except with the written consent of the proprietor of the establishment or dining area. No person shall either pay or accept payment for such written consent. With the permit application, the applicant shall provide written permission from the proprietor when applicable.

(N) No food truck may be located within 300 feet at its closest point to a school while the school is in session unless written permission from the school principal is obtained. With the permit application, the applicant shall provide written permission from the principal when applicable.

(Ord. 2016-01B, passed 9-12-2016)

§ 116.07 FORFEITURE AND REVOCATION.

A food truck license may be immediately revoked or forfeited for violation of any of the provisions of this chapter or any other violation of the city code or other applicable laws and regulations. Food truck licenses are not transferable.

(Ord. 2016-01B, passed 9-12-2016)

§ 116.99 PENALTY.

Any person convicted of violating any provision of this chapter is guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case.

(Ord. 2016-01B, passed 9-12-2016)



Executive Summary

City Council Work Session: May 22, 2018

AGENDA ITEM: Comprehensive Plan	AGENDA SECTION: Update
PREPARED BY: Clarissa Hadler, City Administrator	AGENDA NO. 4.B.
ATTACHMENTS: Draft Survey, Advisory Group Packet	APPROVED BY: cgh
RECOMMENDED ACTION: Update.	

SUMMARY

Bolton & Menk staff's work on the Comprehensive Plan continues. We hosted 12 people for the Comprehensive Plan Advisory Group on Wednesday, May 16. Bolton & Menk staff provided a number of different sets of statistics regarding population, housing, zoning, and facilities. The first draft of the Comp. Plan survey was provided to the group with a request for feedback. I have attached that survey here so that Council may provide feedback, as well. B&M is looking for feedback in the next week, so that we can finalize the survey by the end of May. Judith Jordan believes that we can insert the survey into the economic development mailer she will be sending out in June. We will also be providing an online survey option and promoting it via electronic means and on utility bills.

Please send any survey suggestions to me as soon as possible.



Demographic Information

1. What is your age?

- Younger than 18
- 18 to 30
- 31 to 45
- 46 to 64
- 65 and older

2. How long have you lived in the City?

- 0-3 years
- 4-7 years
- 8-14 years
- Over 15 Years
- I do not live in the City of Plainview

3. Do you have any children under 18 years old living in your household?

- Yes, If yes, how many? _____
- No

4. What is the highest level of education you have completed?

- Some high school, no diploma
- High school graduate, or equivalent
- Associate degree
- Bachelor's degree
- Master's degree
- Professional degree

Livability

5. How would you define the character of Plainview as a place to live and/or work?

6. Why would you recommend Plainview as a place to live? (Select up to 3)

- Quality schools
- Welcoming and friendly residents
- Active service groups and organizations
- Housing affordability
- Small town character
- Proximity to Rochester
- Work or entrepreneurial opportunities
- Outdoor recreational opportunities in and around City
- Easy access to parks and trails
- Health Care
- Community stability
- Great place to raise a family
- Other, Please specify _____

7. What are the most significant challenges facing Plainview in the future? (Select up to 3)

Lack of local citizen support for local businesses and entrepreneurs
High housing costs
Lack of housing options
Lack of sufficient senior services or opportunities
Lack of alternative transportation options
Distance from Rochester
Aging infrastructure
Unreliable or slow internet service
Poor or expensive essential utilities
Lack of diversity in community
Other – Please specify

Housing

8. Is there a need for more affordable housing in Plainview?

Yes
No

9. What types of housing is needed to fill gaps in the market over the next 20 years? Select all that apply.

Apartments
Townhomes & Condominiums
Starter Single Family Homes
Move-Up Single Family Homes
Senior or Assisted Living
Other (please specify) _____

Business / Economic Development

10. What type(s) of specific businesses or services would you like to see added or improved in Plainview?

1. _____
2. _____
3. _____

11. Please rank your priorities for the future growth in the City. Select the 3 most important to you.

Residential growth
Commercial/retail/service/office growth
Industrial growth
Park development
Walking and/or biking trail development
No growth
Affordable Senior Housing
Alternative transportation options
Increase community connection & involvement
Other: _____

Parks & Recreational Activities

12. I would walk or bike more if (check all that apply):

- Sidewalks were improved
- There were more sidewalks or trails
- Easier access to trails/parks
- There were more bike lanes
- There was a map of walk/bike routes
- Other: _____

13. What activities do you use a park for? Select all that apply.

- Personal exercise
- Family events
- Sporting events
- Playground equipment
- Other: _____

City Services

14. How would you rate the dependability and quality of the following City initiatives?

	Excellent	Very Good	Good	Fair	Poor	No Opinion
Sewer						
Storm Sewer						
Telecommunications (internet, etc.)						
Water						
Fire Protection						
Emergency Medical Services						
Police Protection						
Recreational Opportunities / Facilities						
Ice & Snow Control						
Parks Maintenance						
Roads/Transportation Infrastructure						

If "Fair" or "Poor", please describe your concern in detail.

15. Please provide your comments on a future vision for the City and any other specific initiatives that should be undertaken in the next 20 years:

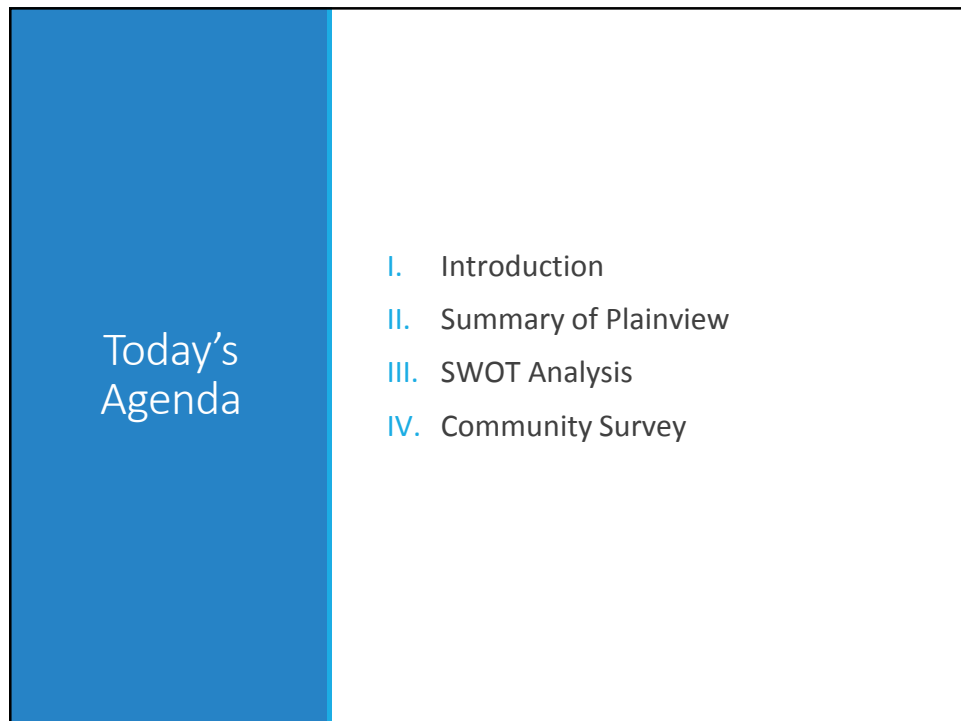


Plainview Advisory Group

May 16, 2018

Meeting Agenda

- I. Introduction
- II. Summary of Plainview Characteristics
- III. SWOT Analysis
- IV. Community Survey



Why Plan?

What is a Comprehensive Plan?

- It's a framework and vision for a community's future
- It covers all properties within the City and surrounding serviceable areas
- Identifies goals & policies for *physical* development of the City
- It plans for 20-30 years into the future

Why do we need to update the Comprehensive Plan?

The current Plan was adopted in 2003 – 15 years ago

We can reprioritize what your goals and policies should be for the next twenty to thirty years



Part I – Summary of Plainview's Physical Characteristics

- Location and Land Area
- Population
- Housing
- Education
- Economic Development
- Zoning/Land Use
- Parks & Trails
- Community Facilities
- Utilities – Infrastructure
- Transportation

Location and Land Area

Plainview's total land area is approximately

1,382 acres or
2.16 square miles

Wabasha County's land area is approximately

351,373 acres or
549 square miles



Population

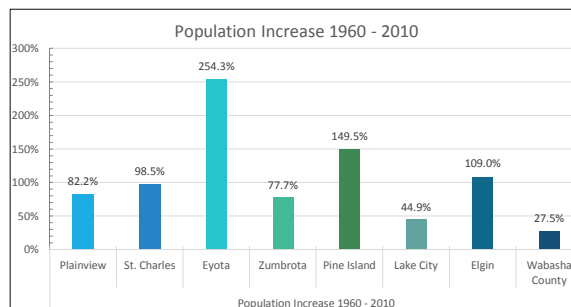
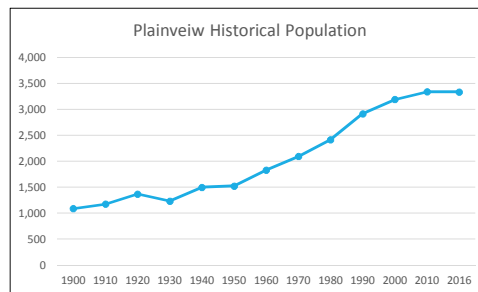
City of Plainview –

Plainview has grown steadily, seeing larger rates of growth in the 1950s and 1980s

Between 2000 and 2016, the pace of growth has declined (growing less than 1% annually)

Regional Growth –

Plainview has seen less population growth than many neighboring cities but has larger population and accounts for an increasing portion of the County



2010 Pop Rank:

3 2 6 5 4 1 7

Population Projections

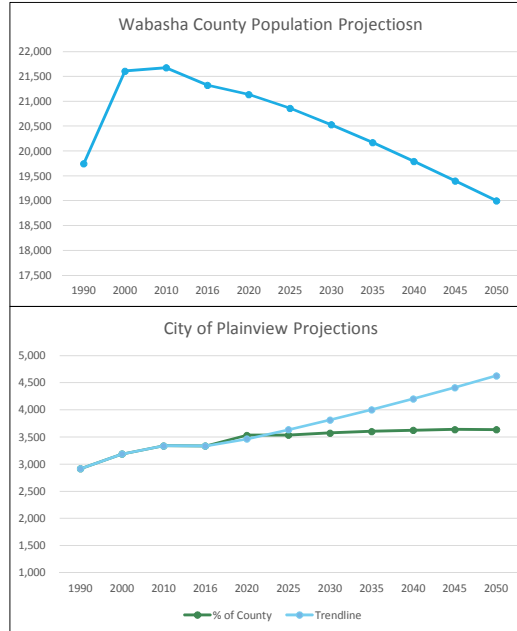
Based on data from the MN Demographic Office -

Wabasha County is expected to decline in population by roughly 2% every 5 years.

City of Plainview

If the City continues current trends (% of total county) –

By 2050, Plainview could expect approximately 3,640 residents or a total growth of 300 residents. (19% total county pop)



Age of Residents

For both males and females, the smallest group is 80-84.

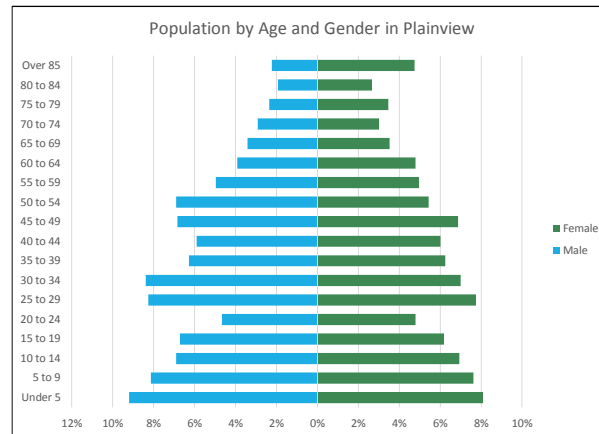
The under 5 years is largest age group.

About 15% of the total population is over 65; 30% is under 20

Estimates for 2016 similar, with largest age group being 5 to 9 (aging up)

Median Age Comparisons:

Minnesota	37.4
Wabasha County	42.8
City of Plainview	34.8



Data: Census 2010

Housing Types

	Plainview	State	County
Detached homes	71%	67.2%	77.8%
Attached homes	2.4% ↑	7.5%	2.7%
2-4 units	4.2% ↑	4.4%	4.1%
5-9 units	3.4%	2.2%	2.8%
10+ units	9.4%	14.8%	3.5%
Mobile Home	9.2% ↓	3.4%	8.5%
Boat/RV	0%	0.03%	0%

2016 estimates show more townhomes and duplexes, fewer mobile homes

Data: ACS 2010

Home Ownership & Value

	Plainview	Wabasha Co.	State of Minnesota
Median home value	\$120,500	\$157,300	\$206,200
Owner Occupied	81.5%	81.6%	73%
Renter Occupied	18.5%	18.4%	27%
Housing Vacancy Rate	5.7%	11.8%	11.1%

Estimates for 2016 similar;
Median Value in City about \$140,000
(slightly higher than inflation)

Data: Census 2010

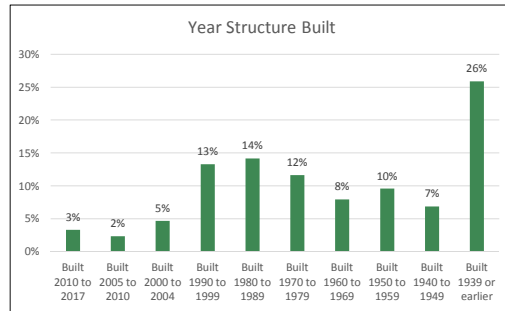
Age of Homes

44 % of home stock is 49 years or older

20% of homes are 29-48 years old

28% of homes are 10-28 years old

10% are younger than 20 years



Data: ACS 2010 and Building Permit Records



Education

Plainview – Elgin - Millville School District

◦ Preschool-3 th Grade	462 students
◦ 4-6 th Grade	338 students
◦ Junior High	235 students
◦ High School	<u>445 students</u>
Total	1,480 (Fall 2017 estimates)

Private School

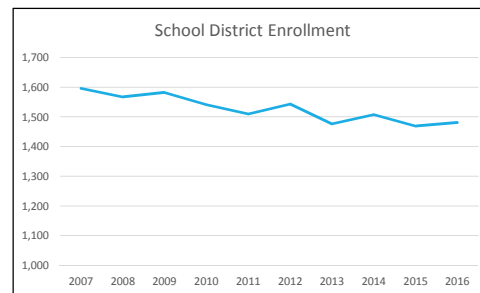
◦ Immanuel Lutheran	90 students (2016 estimates)
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School Enrollment Trends

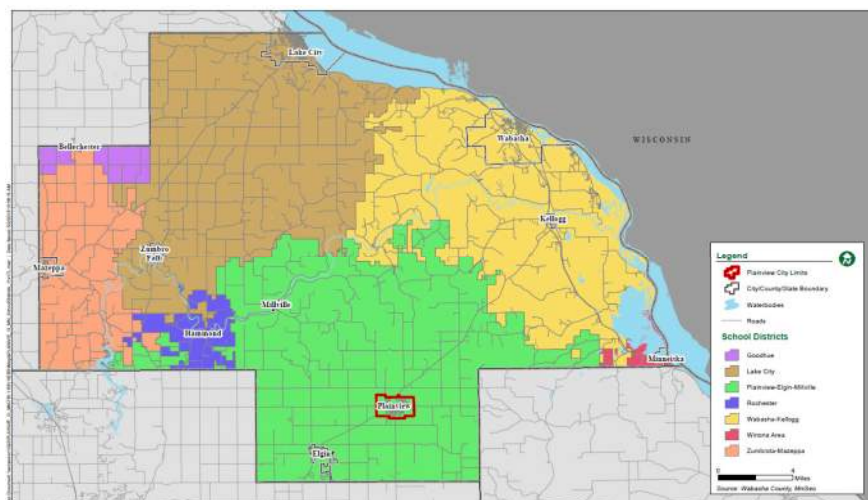
The year 2007 was the highest enrollment of about 1,597 students.

Between 2007 and 2017, the overall enrollment is down by 116 students or 7%.

In comparison, PEM and Lake City Districts saw 4% decline since 2010; Wabasha-Kellogg saw 10% decline



School District Boundary

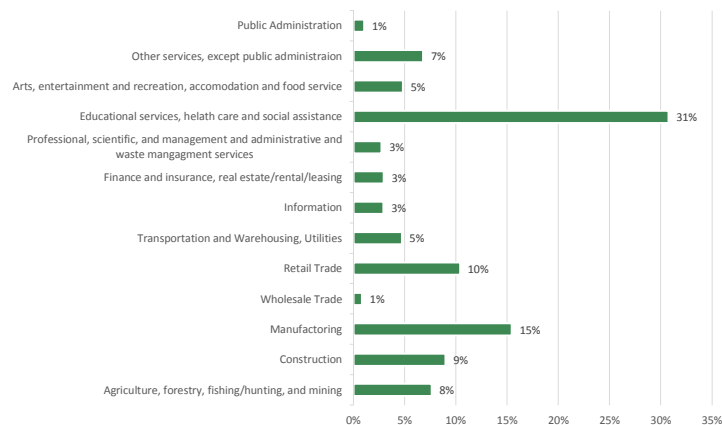


Educational Attainment

Educational Attainment - 25 Years and over			
	Plainview	Wabasha Co.	State of Minnesota
High School or Equivalent	37.3%	37.1%	25.7%
Some college, no degree	23.6%	23.6%	21.7%
Associate degree completed	14.5%	11.2%	11%
Bachelor degree completed	15.7%	14.6%	22.8%
Graduate/professional degree completed	5%	6.6%	11.5%

Data: American Community Survey, 2016

Distribution of Jobs



Data: American Community Survey 2012 -16

Employment Inflow-Outflow

About 29% of Plainview residents also work in the City



Zoning

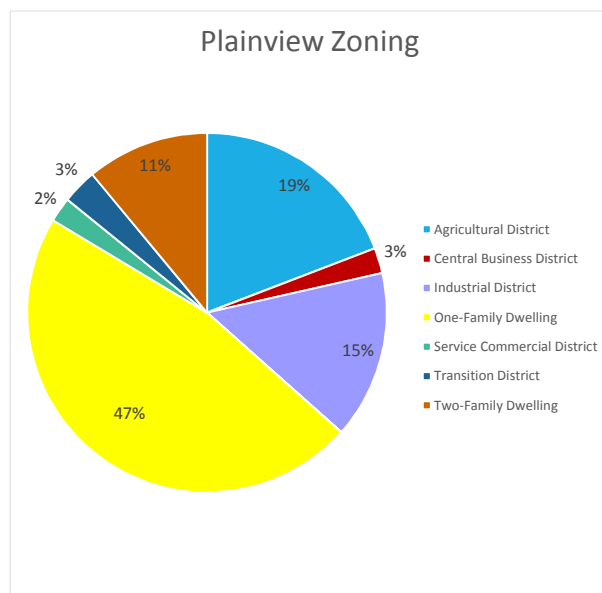
Plainview has developed land in 7 different zones or land use types.

58% = Housing

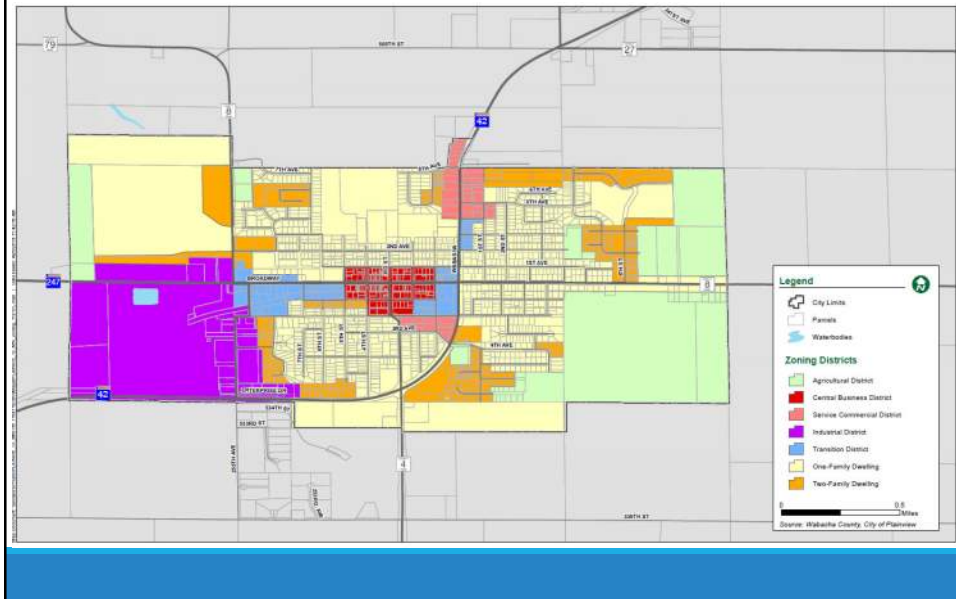
4.5% = Commercial Zones

15% = Industrial

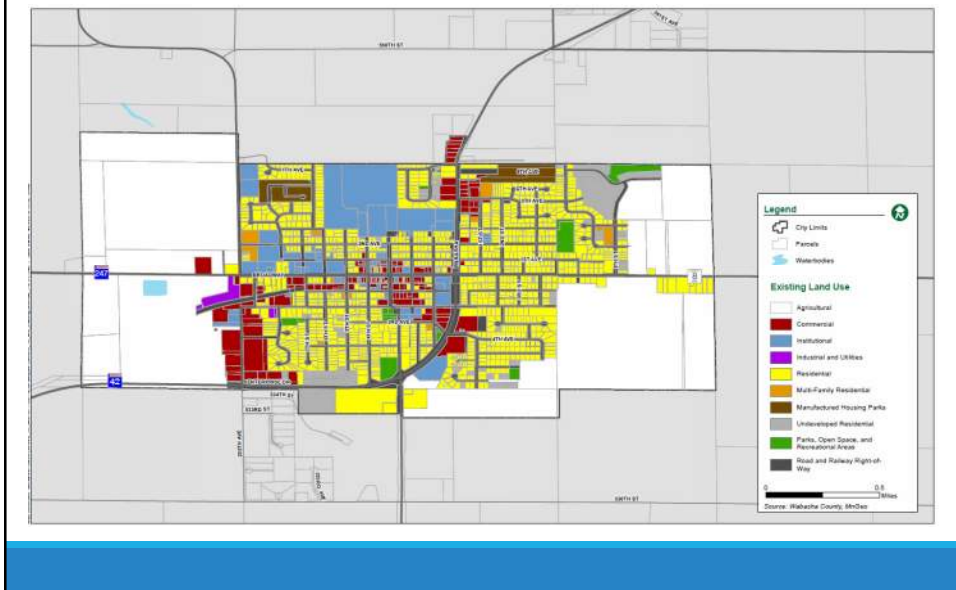
3% = Transition/Flexible Uses



Zoning Map

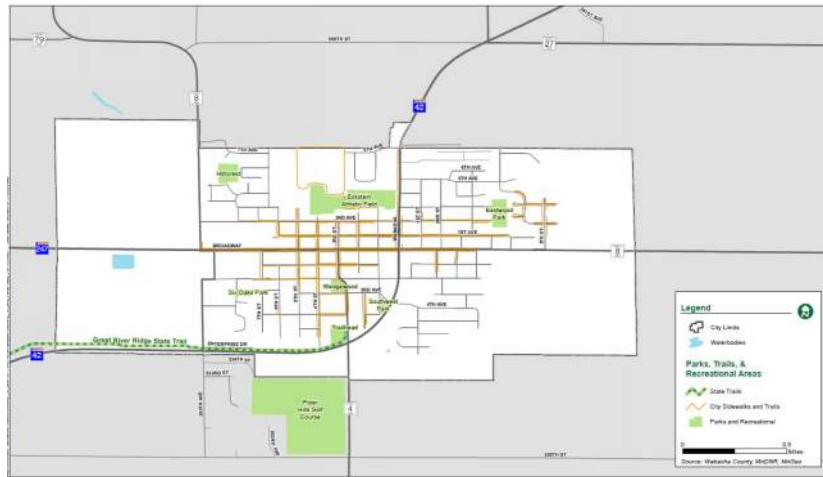


Existing Land Use

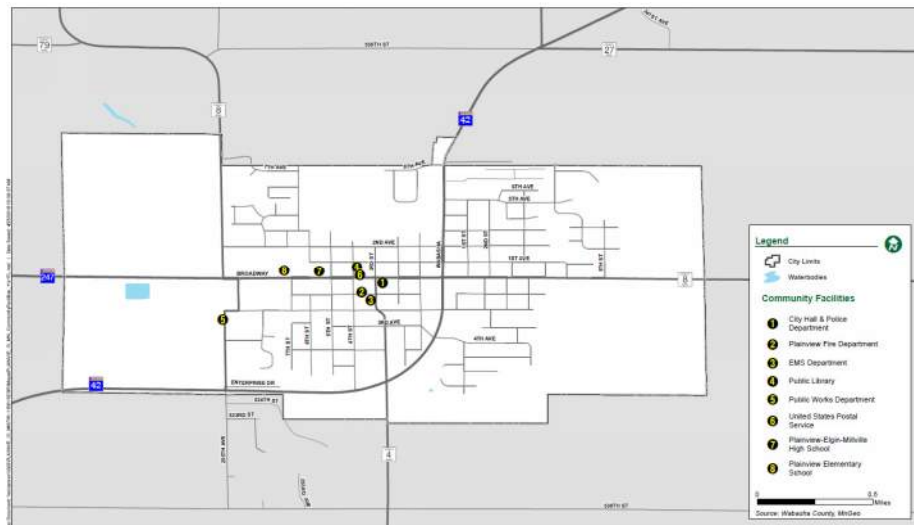


Parks & Trails

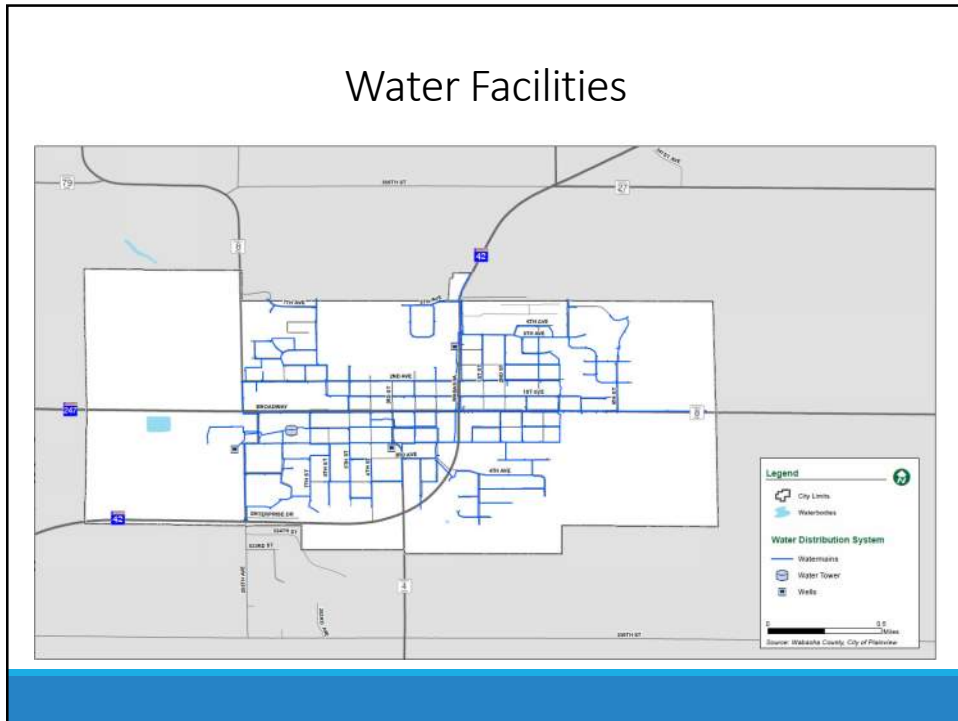
- 7 Parks
- 1 Golf Course
- 1 State Trail



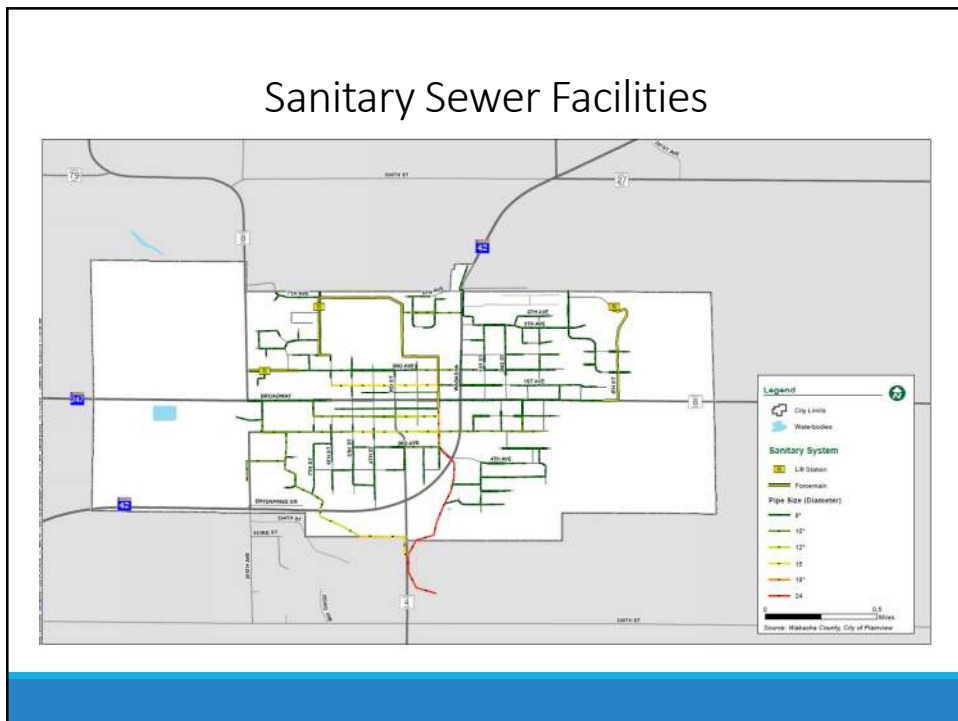
Community Facilities



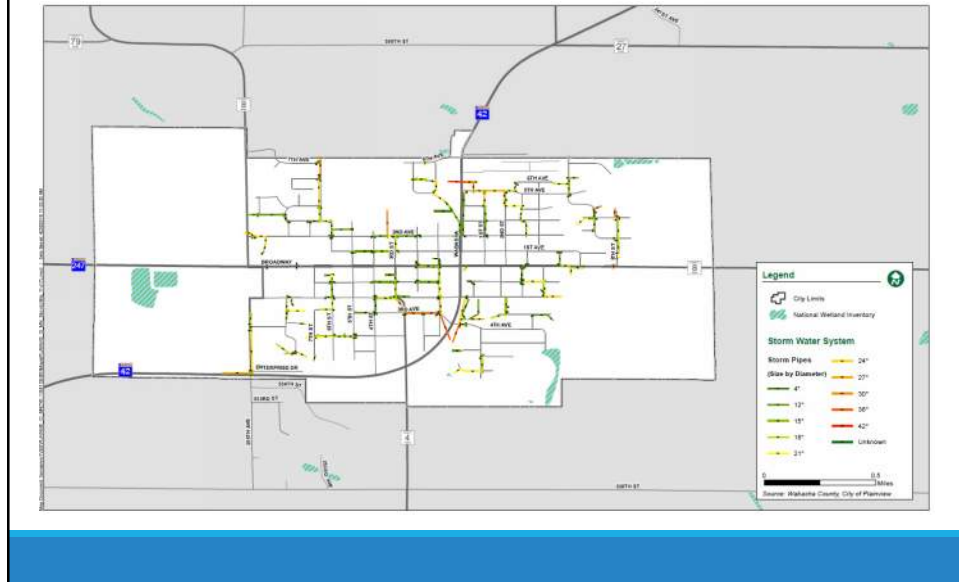
Water Facilities



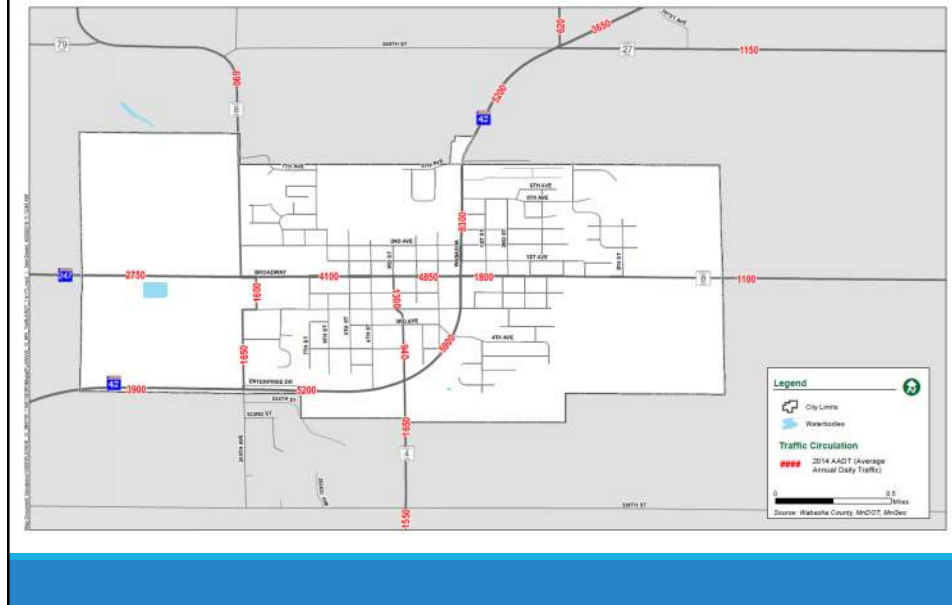
Sanitary Sewer Facilities



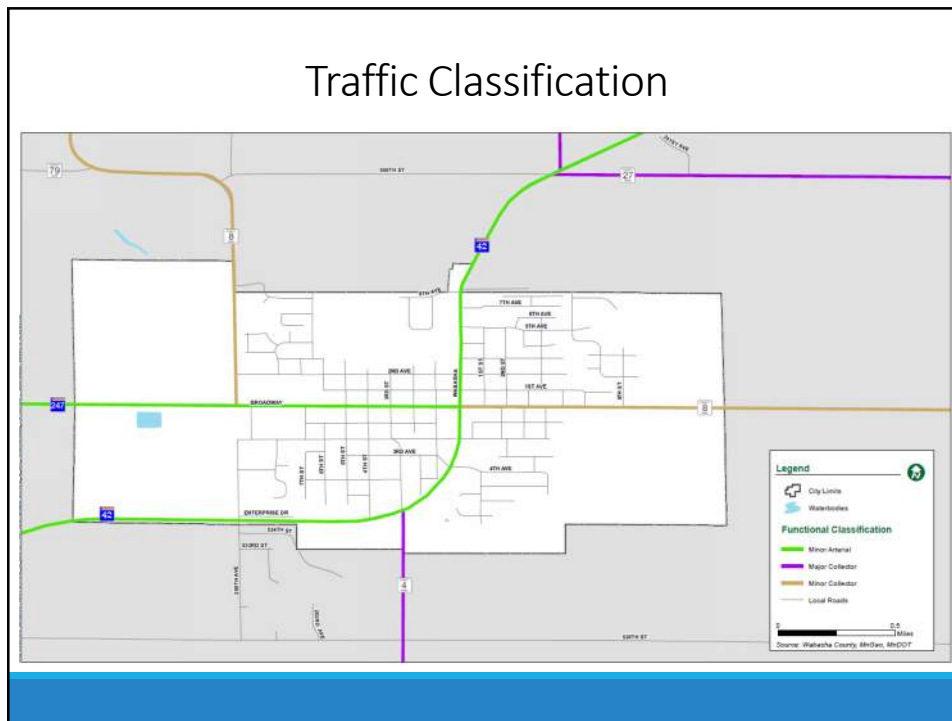
Storm Sewer Facilities



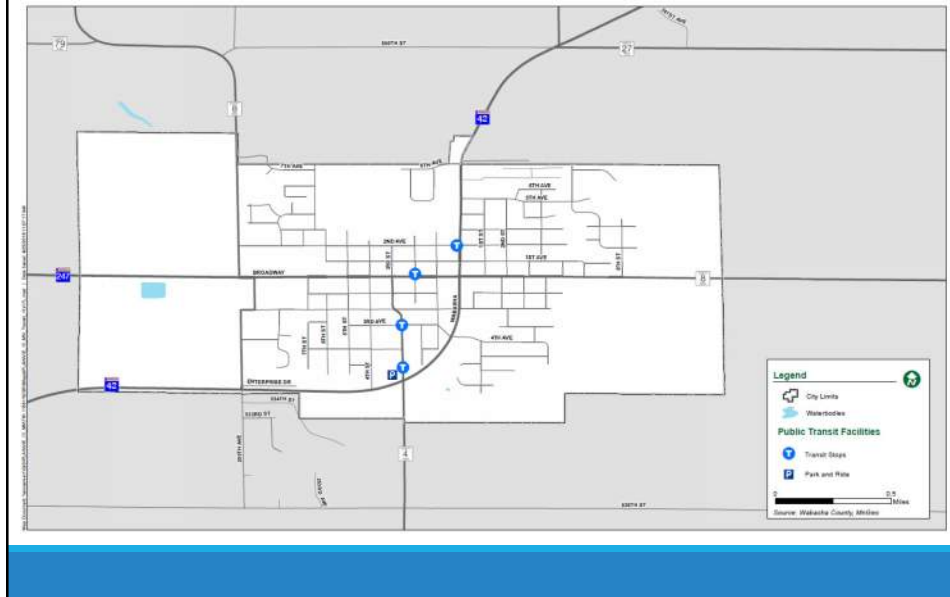
Traffic Circulation



Traffic Classification



Public Transit



Part 2- "Where do we want to go?"

Discuss S.W.O.T.

Strengths
Weaknesses
Opportunities
Threats

Part 2- “Where do we want to go?”

Discuss Community Survey

Thank you!

Questions / Comments?

Kristi Clark, AICP, PMP

- kristicl@bolton-menk.com
- 507-993-8206

Sarah Strain

- sarahst@bolton-menk.com
- 952-890-0509



Demographic Information

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Business / Economic Development

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Alternative transportation options
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Parks & Recreational Activities

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Fire Protection						
Emergency Medical Services						
Police Protection						
Recreational Opportunities / Facilities						
Ice & Snow Control						
Parks Maintenance						
Roads/Transportation Infrastructure						

If "Fair" or "Poor", please describe your concern in detail.

15. Please provide your comments on a future vision for the City and any other specific initiatives that should be undertaken in the next 20 years:



Executive Summary

City Council Work Session: May 22, 2018

AGENDA ITEM: Audit / Financial Reporting	AGENDA SECTION: Update
PREPARED BY: Vicki Axley, Finance Director	AGENDA NO. 4.C.
ATTACHMENTS:	APPROVED BY: cgh
RECOMMENDED ACTION: Update.	

SUMMARY

Vicki will provide a brief verbal update on the audit and financial reporting issues.



Executive Summary

City Council Work Session: May 22, 2018

AGENDA ITEM: Final Website Design	AGENDA SECTION: Update
PREPARED BY: Clarissa Hadler, City Administrator	AGENDA NO. 4.D.
ATTACHMENTS: Design Printouts.	APPROVED BY: cgh
RECOMMENDED ACTION: Update.	

SUMMARY

This is the last chance to give feedback on the design of the website. I will be giving approval to the designer on May 23 if I don't hear back from anyone.

The attached printouts show the layout and color scheme of the site. If you would like to view these online, you may do so at:

<http://previews.cmsdev.avenet.net/previews/PlainviewMN/FINAL/>

<http://previews.cmsdev.avenet.net/previews/PlainviewMN/INTERIOR/>

The next step is the hard part... CONTENT! I'm hoping to get the City's existing pages launched with the new design in early June, and add pages regularly after that.

PLAINVIEW *Minnesota*

HOME

GOVERNMENT ▾

COMMUNITY ▾

SERVICES & FORMS ▾

ECONOMIC DEVELOPMENT ▾

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City Code



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FAQ



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Permits & Forms



Report a Concern



Calendar



Cemetery

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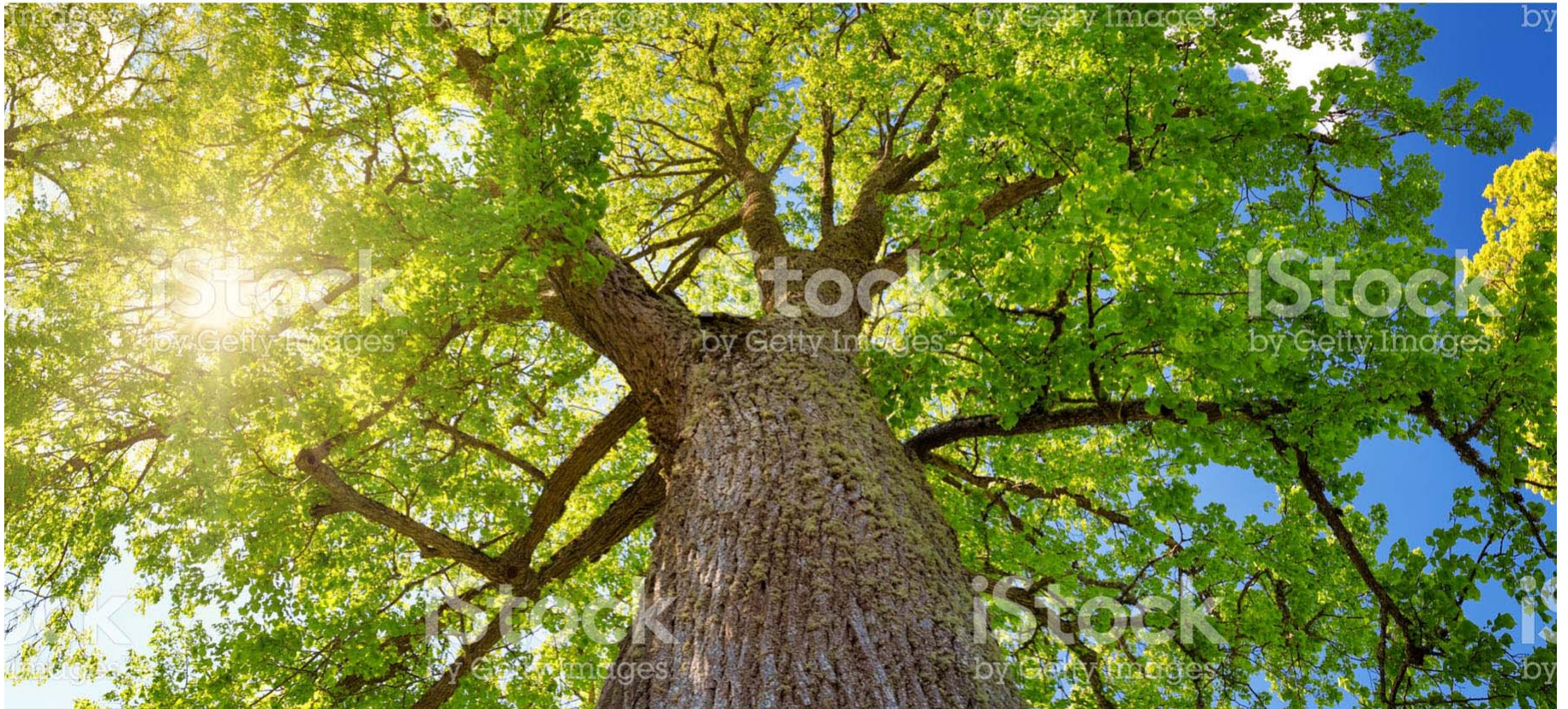
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News & Announcements

Lorem Ipsum

Sunday, April 22, 2018 at 12:10 PM

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Headline News

Thursday, April 27, 2016 at 8:00 PM

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Headline News

Tuesday, May 1, 2018 at 4:00 PM

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Calendar of Events

April 2018						
S	M	T	W	Th	F	S
25	26	27	28	29	30	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

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