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Posted: February 7, 2014

**CRYSTAL CITY COUNCIL  
WORK SESSION AGENDA**

**Thursday, February 13, 2014  
7:00 p.m.  
Conference Room A**

Pursuant to due call and notice given in the manner prescribed by Section 3.01 of the City Charter, the work session of the Crystal City Council was held at \_\_\_\_\_ p.m. on Thursday, February 13, 2014 in Conference Room A located at 4141 Douglas Drive, Crystal, Minnesota.

**I. Attendance**

<u>Council members</u>	<u>Staff</u>
___ Peak	___ Norris
___ Selton	___ Therres
___ Adams	___ Revering
___ Budziszewski	___ Mathisen
___ Deshler	___ Gaulke
___ Hoffmann	___ Norton
___ Libby	___ Serres

**II. Agenda**

The purpose of the work session is to discuss the following agenda items:

- Review of Police Department programming, department functions
- Snow removal on sidewalks
- Tobacco violation civil penalties
- Request for campaign reports on website
- Guns on city property

**III. Adjournment**

The work session adjourned at \_\_\_\_\_ p.m.

*Auxiliary aids are available upon request to individuals with disabilities by calling the City Clerk at (763) 531-1145 at least 96 hours in advance. TTY users may call Minnesota Relay at 711 or 1-800-627-3529.*



**CRYSTAL POLICE DEPARTMENT**

*"Service with Compassion and Integrity"*

TO: Anne Norris, City Manager  
FROM: Stephanie K. Revering  
DATE: February 6, 2014  
SUBJECT: **COUNCIL WORK SESSION: 2/13/14**

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**MEMORANDUM**

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At the work session being held on Thursday, February 13, 2014, I will be discussing the police department's mission, goals, and general operations for 2014. Appropriate handouts will be provided at the meeting.

Thank you.



## Memorandum

DATE: February 3, 2014

TO: Mayor and City Council

FROM: Tom Mathisen, Public Works Director  
Mark Gaulke, Streets Superintendent  
Kim Therres, Assistant City Manager  
Anne Norris, City Manager

SUBJECT: Snow Removal – Sidewalks and Trails

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### BACKGROUND

During last year's budget work sessions, there was discussion about whether the City should continue its policy of snow removal from sidewalks. It was agreed this discussion would occur well in advance of the 2014-15 snow removal season.

By way of background, when the Council considered its sidewalk plan in 1995, the following factors were considered:

- Location of sidewalks and connections to schools, parks or other community gathering spots;
- Cost for construction of sidewalks; and
- Maintenance of sidewalks.

Since 1997, sidewalks have been constructed on certain State Aid streets as part of the Street Reconstruction program. The sidewalk program that the Council approved in 2004 includes trails, consistent with the guidance provided in the City's Comprehensive Plan. Sidewalks provide safe pedestrian routes and are intended to be located on collector streets and major thoroughfares to link schools, parks, and community gathering places. Sidewalks are also located along certain streets to provide links through neighborhoods. Trail systems are also provided in City parks.

There are currently 33.4 miles of sidewalks in Crystal. Of these, 15.3 miles are on County Roads which the City maintains, both in terms of repairs and snow removal.

The rest are local City sidewalks, of which 6.6 miles are traditional "up in the boulevard" sidewalks that were built as part of certain initial housing developments, or in rare instances, by petition from adjoining property owners. These sidewalks are not currently plowed by City crews. And the balance of 11.5 miles is along State Aid streets

that have been rebuilt as part of the Street Reconstruction Program, are plowed by City crews. The two types combined total 18.1 miles of City sidewalks.

The City Council initially approved the installation of the State Aid Street sidewalks for the following reasons: 1) to provide safe pedestrian access on busy streets; 2) provide a network throughout the City neighborhoods so it would not be necessary to walk more than a few blocks to get to a sidewalk; 3) the cost of the sidewalks was and continues to be an eligible for State Aid Funds expense, meaning residents do not have to pay for the construction. As an added incentive for residents, it was agreed the City would maintain the sidewalks both in terms of repairs and snow removal. And, to minimize impact to residential properties and efficiently remove snow, the State Aid sidewalks have and continue to be constructed immediately behind the street curb rather than in the boulevard.

Besides the 33.4 miles of sidewalks, there are also 11.6 miles of trails throughout the City that are maintained and plowed as time allows. The attached map shows the locations, types, and lengths of all the various kinds of trails and sidewalks.

### WINTER MAINTENANCE

The Crystal winter maintenance policy is to plow sidewalks and trails as soon as time allows after a snow event. For an average four inch snow event, sidewalk maintenance begins the day after the local streets have been plowed. This is for two reasons, one being staff limitations, and the second being an attempt to minimize having to make duplicate passes as County and City streets may be plowed more than once following a snow event. City policy does not include the application of salt or other types of ice control chemicals or materials.

It takes approximately 16 plow machine hours to plow all 26.8 miles of County and City state aid sidewalks at a labor cost of approximately \$736, plus a fuel cost of about \$215. This totals to \$951 per plowing event. On the average there are 10 sidewalk plowing events per year for a total of \$9,510. Looking at the totals on the attached map, and assuming at a minimum the County Roads, 36<sup>th</sup> Avenue, Douglas-Sherburne, and Corvallis between Broadway and 81sidewalks would be plowed, this adds up to 19.0 miles and 71% of the total snow management annual cost equaling \$6,745.

Potentially \$2,755 might be saved annually in labor and fuel if all the remaining State Aid sidewalks received no snow maintenance. But many of these sidewalks connect neighborhoods to bus routes and other public and commercial amenities. It might be difficult to select which ones would receive no maintenance.

### EQUIPMENT

The city has two "Trackless" sidewalk plows. These machines are versatile in that they have other uses in the summer. They are the most popular machine for sidewalk maintenance as they can be used with either a blower or a rotating broom. There is \$125,000 budgeted in the 2014 PIR to replace a 1994 Trackless machine. As of October 17, 2013 the low quote for a replacement machine in 2014 was \$110,436, including the value of trading in the 1994 machine. The other Trackless is 10 years old.

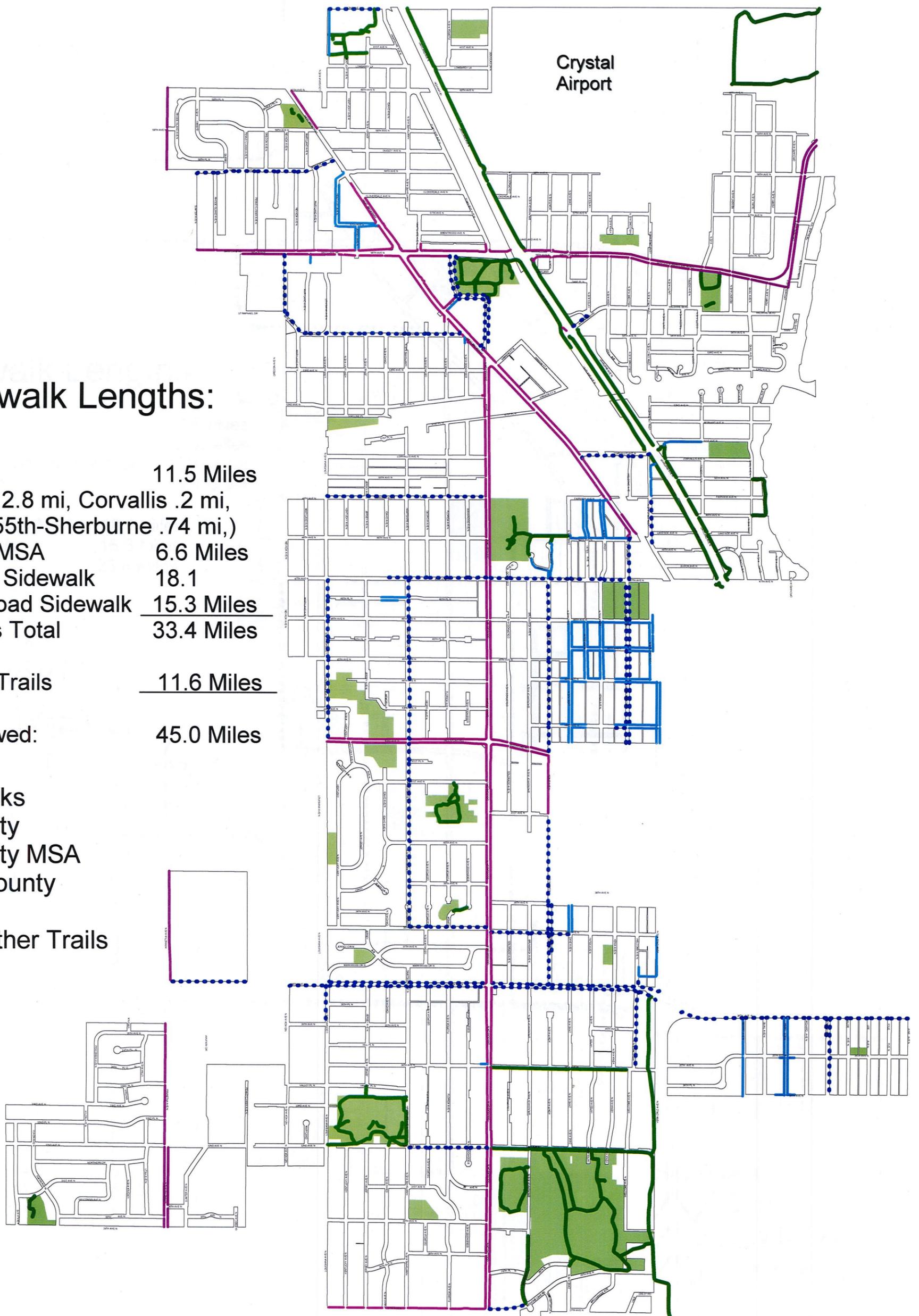
Removing snow on miles of sidewalk is hard on these machines due to the nature of the work. Heaved sidewalk, metal debris from the road, and other obstacles are often hard to avoid. If the City is to continue plowing even just the County and mainline state aid sidewalks, it is important to replace the 1994 machine as soon as possible. It recently had another breakdown costing \$800 in parts plus internal labor.

### RECOMMENDATION

Sidewalk and trail snow maintenance is an important function of the City Streets and Parks Departments. The cost and staff time is a very small percentage of the annual operating budgets and workloads. While it may be true that depending on the weather of a given winter, miles of sidewalk remain snow and ice covered, it has been the experience based on the number of phone calls when walks are not plowed, that it would not be cost effective to try to formulate a process by which some walks would receive no winter maintenance.

When Public Works staff has completed street plowing, and ice rink clearing and flooding after a snow event, there are many other ongoing winter time priority functions that must be done. Sidewalk and trail maintenance are some of these functions.

# Crystal Trails, Sidewalks and Parks



## Sidewalk Lengths:

City MSA 11.5 Miles  
(36th ave 2.8 mi, Corvallis .2 mi,  
Douglas-55th-Sherburne .74 mi,)

City Non-MSA 6.6 Miles

Total City Sidewalk 18.1

County Road Sidewalk 15.3 Miles

Sidewalks Total 33.4 Miles

All Other Trails 11.6 Miles

Total Plowed: 45.0 Miles

### Sidewalks

-  City
-  City MSA
-  County

 Other Trails



0 0.25 0.5 Miles





## Memorandum

DATE: January 14, 2014

TO: Mayor and City Council

FROM: Anne Norris, City Manager  
Chrissy Serres, City Clerk

SUBJECT: Tobacco Violations – Civil Penalties

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Last year, the Council had extensive discussion on the imposition of civil penalties for violations of the sale of tobacco to underaged buyers in the context of pending enforcement matters and in a work session to discuss the issues in depth. There was discussion about whether the suspension portion of the penalty is too harsh even though Section 1137.11 of the City Code does provide the Council discretion in imposing penalties. It was clear there is no agreement among the Council on whether any changes are necessary to the civil penalties.

Since there are outstanding tobacco violations that will be coming before the City Council later this year for civil penalties, it would be helpful if the Council could consider modest revisions to the current language in Section 1137, to minimize the discussion of policy matters while also trying to arrive at a decision on a pending enforcement matter.

Current language in Section 1137.11 of the City Code:

Subd. 3. Administrative civil penalties; licensee. If a licensee or an employee of a licensee is found to have sold tobacco to a person under the age of 18 years, or committed a violation of Minnesota Statutes Chapter 297F, as amended, the city council may impose an administrative penalty as follows: (Amended, Ord. No. 2012-01, Sec. 2)

First violation: a civil fine in the amount of \$500 and license suspension for a period of ten days.

Second violation within 24 months after the first violation: a civil fine in the amount of \$750 and suspension of license for a period of 20 days.

Third violation within 36 months after the second violation: a civil fine in the amount of \$1,000 and suspension of license for a period of 30 days.

Fourth violation within 36 months after the third violation: revocation of license. (Amended, Ord.No. 2001-07, Sec. 2; Ord. No. 2002-09, Sec. 1)

Subd. 6 of Section 1137.11 goes on to give the Council discretion in imposing penalties: "The city council may impose lesser penalties under subdivisions 2 and 3 when in the judgment of the council it is appropriate to do so, provided that in no event

will the amount of any fine or period of suspension be less than the amounts and periods specified in Minnesota Statutes, section 461.12, subdivisions 2 and 3, as amended.”

Possible changes to Section 1137.11 are:

Subd. 3. Administrative civil penalties; licensee. If a licensee or an employee of a licensee is found to have sold tobacco to a person under the age of 18 years, or committed a violation of Minnesota Statutes Chapter 297F, as amended, the city council may impose an administrative penalty as follows: (Amended, Ord. No. 2012-01, Sec. 2)

First violation: a civil fine in the amount of up to \$500 and license suspension for a period of ~~ten~~ up to one days.

Second violation within 24 months after the first violation: a civil fine in the amount of up to \$750 and suspension of license for a period of ~~20~~ up to 3 days.

Third violation within 36 months after the second violation: a civil fine in the amount of up to \$1,000 and suspension of license for a period of ~~30~~ up to 10 days.

Fourth violation within 36 months after the third violation: a civil fine in the amount of up to \$2,000 and suspension of license for a period of up to 20 days ~~revocation of license.~~

Fifth violation within 48 months after the fourth violation: revocation of license.

In addition, if the council intends to use discretion in imposing penalties, the Council should consider discussing guidelines to include criteria and circumstances which reasonably justify departing from the presumptive penalties.

Attached is a survey of alcohol and tobacco compliance failure penalties completed in late 2013 to show how Crystal's civil penalties compare with those in other metro area cities.

The City Clerk, City Attorney and I will be at the February 13 work session to discuss possible refinements or changes to the City Code regarding tobacco civil penalties.

Attach:

**ALCOHOL & TOBACCO COMPLIANCE FAILURE PENALTIES  
SURVEY OF SURROUNDING CITIES  
NOVEMBER/DECEMBER 2013**

CITY	ALCOHOL PENALTY	TOBACCO PENALTY	MISC INFO
Brooklyn Center	May suspend or revoke license & impose a civil penalty not to exceed \$2,000	<p>1<sup>st</sup> violation: \$100</p> <p>2<sup>nd</sup> violation: (same location within 24 mos): \$200</p> <p>3<sup>rd</sup> violation: (within 24 mos of 1<sup>st</sup> violation): \$250 + suspension for not less than 7 days</p> <p>Individuals selling to an underage person are charged an admin penalty of \$50.</p>	Case-by-case basis based on circumstances, number and type of violation. City may impose additional penalties based on circumstances of violation and history.
Brooklyn Park	<p>1<sup>st</sup> violation: \$500</p> <p>2<sup>nd</sup> violation (same location within 24 mos): \$750</p> <p>3<sup>rd</sup> violation (same location within 24 mos): \$1,000 + 7 days suspension</p> <p>4<sup>th</sup> violation (same location within 24 mos): \$1,250 + 30 days suspension</p> <p>5<sup>th</sup> violation (same location within 24 mos): \$1,500 + revocation</p>	<p>1<sup>st</sup> violation: \$75</p> <p>2<sup>nd</sup> violation (same location within 24 mos): \$200</p> <p>3<sup>rd</sup> violation (same location within 24 mos): \$250 + 7 days suspension</p> <p>4<sup>th</sup> violation (same location within 24 mos): \$300 + 30 days suspension</p> <p>5<sup>th</sup> violation (same location within 24 mos): \$350 + revocation</p>	<u>Tobacco &amp; Alcohol:</u> Other individuals, other than minors, in violation are charged an administrative fee of \$50.
Crystal	<p>1<sup>st</sup> violation: \$750 + 1-day suspension</p> <p>2<sup>nd</sup> violation (within 24 mos of 1<sup>st</sup> violation): \$1,500 + 3 days suspension</p> <p>3<sup>rd</sup> violation (within 36 mos of after 2<sup>nd</sup> violation): \$2,000 + 10 days suspension</p> <p>4<sup>th</sup> violation (within 36 mos after 3<sup>rd</sup> violation): Revocation</p>	<p>1<sup>st</sup> violation: \$500 + 10 days suspension</p> <p>2<sup>nd</sup> violation (within 24 mos of 1<sup>st</sup> violation): \$750 + 20 days suspension</p> <p>3<sup>rd</sup> violation (within 36 mos of after 2<sup>nd</sup> violation): \$1,000 + 30 days suspension</p> <p>4<sup>th</sup> violation (within 36 mos after 3<sup>rd</sup> violation): Revocation</p>	Presumptions regarding administrative penalties: In the event of any license suspension imposed under subdivision 3, the city council may select which days a suspension will be served. Notwithstanding the provisions of subdivision 3, a license may be revoked for any violation of this section when in the judgment of the council it is appropriate to do so. The city council may impose lesser penalties under subdivisions 2 and 3 when in the judgment of the council it is appropriate to do so.
Fridley	<p><u>Admin Civil Penalties on Licensee:</u></p> <p>1<sup>st</sup> violation: \$500 (if the license is not paid within 20 days, may suspend up to 10 days)</p> <p>2<sup>nd</sup> violation: (within 12 mos of 1<sup>st</sup> violation): \$1000 (if the license is not paid within 20 days, may suspend up to 30 days)</p> <p>3<sup>rd</sup> violation: May permanently revoke the license</p>	<p><u>Admin Civil Penalties on Licensee:</u></p> <p>1<sup>st</sup> violation: \$500 (if the license is not paid within 20 days, may suspend up to 10 days)</p> <p>2<sup>nd</sup> violation: (within 12 mos of 1<sup>st</sup> violation): \$1000 (if the license is not paid within 20 days, may suspend up to 30 days)</p> <p>3<sup>rd</sup> violation: May permanently revoke the license</p>	<p><u>Tobacco and Alcohol - Admin Civil Penalties on Individuals:</u></p> <p>1<sup>st</sup> violation: \$250</p> <p>2<sup>nd</sup> violation: (within 12 mos of 1<sup>st</sup> violation): \$500</p> <p>3<sup>rd</sup> violation: (within 12 mos of after 2<sup>nd</sup> violation): \$750</p>

**ALCOHOL & TOBACCO COMPLIANCE FAILURE PENALTIES  
SURVEY OF SURROUNDING CITIES  
NOVEMBER/DECEMBER 2013**

CITY	ALCOHOL PENALTY	TOBACCO PENALTY	MISC INFO
Golden Valley	<p><u>1<sup>st</sup> violation:</u></p> <ul style="list-style-type: none"> <li>• On-sale liquor: \$500 + 1-day suspension</li> <li>• Off sale liquor: \$750</li> <li>• On sale wine/3.2 beer: \$350 + 1-day suspension</li> <li>• Off sale 3.2 beer \$250 + 1-day suspension</li> </ul> <p><u>2<sup>nd</sup> violation:</u></p> <ul style="list-style-type: none"> <li>• On-sale liquor: \$1,000 + 3 days suspension</li> <li>• Off sale liquor: \$1,500 + 1-day suspension</li> <li>• On sale wine/3.2 beer: \$700 + 3 days suspension</li> <li>• Off sale 3.2 beer: \$500 plus 3 days suspension</li> </ul> <p><u>3<sup>rd</sup> Violation:</u></p> <ul style="list-style-type: none"> <li>• On-sale liquor: \$2,000 plus 10 days suspension</li> <li>• Off sale liquor: \$2,000 plus 6 days suspension</li> <li>• On sale wine/3.2 beer: \$1,500 plus 10 days suspension</li> <li>• Off sale 3.2 beer: \$1,000 plus 10 days suspension</li> </ul> <p><u>4<sup>th</sup> violation:</u> Revocation</p>	<p><u>Admin Civil Penalties on Licensees:</u></p> <p><u>1<sup>st</sup> violation:</u> \$500 + 5 consecutive days suspension</p> <p><u>2<sup>nd</sup> violation</u> (within 24 mos): \$750 + 15 consecutive days suspension</p> <p><u>3<sup>rd</sup> violation</u> (within 24 mos): \$1,000 + 30 consecutive days suspension</p> <p><u>4<sup>th</sup> violation</u> (within 24 mos): Revocation for at least 1 year</p> <p><u>Admin Civil Penalties on Individuals:</u></p> <p><u>1<sup>st</sup> violation:</u> \$50</p> <p><u>2<sup>nd</sup> violation</u> (within 12 mos): \$100</p> <p><u>3<sup>rd</sup> violation</u> (within 12 mos): \$150</p>	<p>Alcohol: Violations are counted over a period of (3) years. In lieu of the civil penalties and license suspensions, the licensee may choose to surrender the license to sell alcohol for a minimum of 12 mos. Period from the date of license surrender.</p>

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NOVEMBER/DECEMBER 2013**

CITY	ALCOHOL PENALTY	TOBACCO PENALTY	MISC INFO
Maple Grove	<p><u>1<sup>st</sup> violation</u> (within 3 yrs): On-sale: suspended for at least 2 consecutive days Off-sale: may be suspended at discretion of council for up to 2 consecutive days</p> <p><u>2<sup>nd</sup> violation</u> (within 3 yrs): On-sale: suspended for at least 5 consecutive days Off-sale: may be suspended at discretion of council for up to 5 consecutive days</p> <p><u>3<sup>rd</sup> violation</u> (within 3 yrs): On-sale: suspended for at least 10 consecutive days Off-sale: may be suspended at discretion of council for up to 10 consecutive days</p> <p><u>4<sup>th</sup> violation</u> (within 3 yrs): On &amp; Off sale: Revocation</p>	Penalties in Code for tobacco are not specific and refer to Minn. Stat. 461.12 as the minimum administrative penalties to be imposed.	Alcohol: In addition to suspension, Council includes a \$2,000 penalty. City Council selects the day(s) of suspension.
New Brighton	<p><u>1<sup>st</sup> violation</u>: \$1,000</p> <p><u>2<sup>nd</sup> violation</u> (within 24 mos of violation): \$1,500</p> <p><u>3<sup>rd</sup> violation</u> (within 24 mos of after 2<sup>nd</sup> violation): \$2,000</p>	<p><u>1<sup>st</sup> violation</u>: \$100</p> <p><u>2<sup>nd</sup> violation</u> (within 24 mos of violation): \$200</p> <p><u>3<sup>rd</sup> violation</u> (within 24 mos of after 2<sup>nd</sup> violation): \$300</p>	Suspension and revocation of licenses is considered on a case-by-case basis based on circumstances, number and type of violation. The City Council may suspend or revoke a liquor or tobacco license for violation of any provision or condition of the applicable chapters of the City Code or of any State or Federal law regulating the sale of liquor or tobacco.
New Hope	<p>Alcohol &amp; Tobacco (same):</p> <p><u>1<sup>st</sup> violation</u>: \$250 + 3 days suspension (may elect training in lieu of suspension)</p> <p><u>2<sup>nd</sup> violation</u> (within 24 mos): \$750 + 15 days suspension (may elect training in lieu of 10 of the 15-day suspension)</p> <p><u>3<sup>rd</sup> violation</u> (within 24 mos): \$1,000 + 30-day suspension</p> <p><u>4<sup>th</sup> violation</u> (within 24 mos): Revocation</p>	Licensee must pay for training in advance of the training and the license suspension will be imposed if the licensee fails to make payment. The fee for the city-conducted identification training is \$100.	

**ALCOHOL & TOBACCO COMPLIANCE FAILURE PENALTIES  
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NOVEMBER/DECEMBER 2013**

CITY	ALCOHOL PENALTY	TOBACCO PENALTY	MISC INFO
Plymouth	<p>Presumptive Penalty:  <u>1<sup>st</sup> violation:</u></p> <ul style="list-style-type: none"> <li>• On-sale liquor: \$500 + 5 days stayed suspension</li> <li>• Off sale liquor: \$500 + 3-days stayed suspension</li> <li>• On sale beer and wine: \$500 + 5 days stayed suspension</li> <li>• Off sale 3.2 beer: \$1,000 + 10 days stayed suspension</li> </ul> <p><u>2<sup>nd</sup> violation (within 36 mos):</u></p> <ul style="list-style-type: none"> <li>• On-sale liquor: \$1,000 + 5 days suspension</li> <li>• Off sale liquor: \$1,000 + 3 days suspension</li> <li>• On sale wine/3.2 beer: \$1,000 + 5 days suspension</li> <li>• Off sale 3.2 beer: \$1,500 + 10 days suspension</li> </ul> <p><u>3<sup>rd</sup> violation (within 36 mos):</u></p> <ul style="list-style-type: none"> <li>• On-sale liquor: \$2,000 + 10 days suspension</li> <li>• Off sale liquor: \$2,000 + 7 days suspension</li> <li>• On sale wine/3.2 beer: \$2,000 + 10 days suspension</li> <li>• Off sale 3.2 beer: \$2,000 + 20 days suspension</li> </ul> <p><u>4<sup>th</sup> violation (within 36 mos):</u></p> <ul style="list-style-type: none"> <li>• Revocation</li> </ul>	<p>Presumptive Penalty:  <u>1<sup>st</sup> violation:</u> \$500 + 5 days suspension  <u>2<sup>nd</sup> violation (within 24 mos):</u> \$750 + 5 days suspension  <u>3<sup>rd</sup> violation (within 24 mos):</u> \$1,000 + 10 days suspension  <u>4<sup>th</sup> violation within 24 mos):</u> Revocation</p> <p>Individuals who sell to minors charge a \$50 administrative penalty.</p>	<p>Alcohol: 1<sup>st</sup> violations are handled by an administrative hearing with the Police Chief with the presumptive penalty given to license holders.</p> <p>Presumptive Penalty (Alcohol):  These penalties are presumed to be appropriate for every case; however, the Council may deviate based on circumstances, number and type of violation(s). Maximum fine of \$2,000 + 60-day suspension. Multiple violations are computed by checking the time period of the 3 years immediately prior to the date of the most recent violation.</p>

**ALCOHOL & TOBACCO COMPLIANCE FAILURE PENALTIES**  
**SURVEY OF SURROUNDING CITIES**  
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CITY	ALCOHOL PENALTY	TOBACCO PENALTY	MISC INFO
Richfield	<p><u>1<sup>st</sup> violation:</u> \$1,000 + 5 days suspension</p> <p><u>2<sup>nd</sup> violation:</u> (within 1 yr): \$1,750 + 7 days suspension</p> <p><u>3<sup>rd</sup> violation:</u> (within 2 yrs of 2<sup>nd</sup> violation): \$2,000 + 12 days suspension</p> <p><u>4<sup>th</sup> violation:</u> (within 2 yrs of 3<sup>rd</sup> violation): \$2,000 + *revocation hearing before council (if violation occurs outside of 2 yrs of 3<sup>rd</sup> violation, it's considered a 3<sup>rd</sup> violation)</p> <p><u>5<sup>th</sup> violation:</u> (within 2 yrs of 4<sup>th</sup> violation): \$2,000 + revocation for remainder of license year (ineligible for a license for 5 yrs from date of revocation)</p>	<p><u>1<sup>st</sup> violation:</u> \$200</p> <p><u>2<sup>nd</sup> violation:</u> (within 24 mos): \$500 + 2 days suspension (if outside of 24 mos of 1<sup>st</sup> violation, it's considered a 1<sup>st</sup> violation)</p> <p><u>3<sup>rd</sup> violation:</u> (within 24 mos of 2<sup>nd</sup> violation): \$700 + 7 days suspension (if outside of 24 mos of 2<sup>nd</sup> violation, it's considered a 2<sup>nd</sup> violation)</p> <p><u>4<sup>th</sup> violation:</u> (within 24 mos of 3<sup>rd</sup> violation): \$1,000 + suspension of up to 60 days, with option to revoke license (if outside of 24 mos of 3<sup>rd</sup> violation, it's considered a 3<sup>rd</sup> violation). If license is revoked, the establishment is ineligible to reapply for tobacco license for 1 year from date of revocation.</p> <p>Licensee must appear before the council after 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup> violations. Upon such appearance, the council will reduce the applicable fine by \$100. If a licensee fails to comply with a suspension or revocation notice, the council may increase the suspension or the fine, or both, at its discretion.</p> <p>Other individuals found to be in violation shall be charged an admin fee of \$100.</p>	<p>*Revocation hearing at 4<sup>th</sup> violation: hearing before council to discuss alternatives available that can be agreed upon by council and owner to prevent need to revoke license. Alternatives determined on case-by-case basis. If no alternatives exist, license is revoked. If feasible alternatives exist, conditions placed on licensee by council. Fine is assessed either way.</p> <p>“Step Back Option” – Each time an establishment successfully passes a minimum of 2 consecutive compliance checks, a licensee can step back a failure level.</p>

**ALCOHOL & TOBACCO COMPLIANCE FAILURE PENALTIES  
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CITY	ALCOHOL PENALTY	TOBACCO PENALTY	MISC INFO
Robbinsdale	<p>Penalties in Code for alcohol are not specific. Council may suspend or revoke a license or impose a civil fine for a violation of city code or any state or federal law regulating or relating to retail sale of alcohol and must revoke the license for willful violation. Suspension cannot exceed 60 days.</p> <p>As an alternative to suspending or revoking, council may impose a civil fine, the amount of which is established by resolution by the council..</p>	<p><u>Admin Civil Penalties on Individuals:</u>  <u>1<sup>st</sup> violation:</u> council may impose civil fine between \$50-\$500  <u>2<sup>nd</sup> violation</u> (within 12 mos): council may impose civil fine between \$50-\$750  <u>3<sup>rd</sup> violation</u> (within 12 mos): council may impose civil fine between \$50-\$1,000  <u>Admin Civil Penalties on Licensee:</u>  <u>1<sup>st</sup> violation:</u> council shall impose civil fine between \$75-\$500. May suspend license for up to 10 days.  <u>2<sup>nd</sup> violation</u> (within 24 mos): council shall impose civil fine between \$200-\$750 + up to 20 days suspension.  <u>3<sup>rd</sup> violation</u> (within 24 mos): council shall impose civil fine between \$250-\$1,000 + 7-30 days suspension.</p> <p>Council may revoke or suspend a license for violation after notice and hearing.</p>	
St. Louis Park	<p><u>1<sup>st</sup> violation:</u> \$2,000  <u>2<sup>nd</sup> violation:</u> (within 3 yrs): \$2,000 + 1-day suspension  <u>3<sup>rd</sup> violation:</u> (within 3 yrs): \$2,000 + 3 days suspension (consecutive business days)  <u>4<sup>th</sup> violation:</u> (within 3 yrs): Revocation</p>	<p><u>1<sup>st</sup> violation:</u> \$250  <u>2<sup>nd</sup> violation:</u> (within 36 mos): \$750 + 1-day suspension  <u>3<sup>rd</sup> violation:</u> (within 36 mos): \$2,000 + 3 days suspension (consecutive business days)  <u>4<sup>th</sup> violation:</u> (within 36 mos): Revocation            (The above penalties also apply for failure to attend mandatory education training.)</p>	<p>At the council's discretion, the occurrence of multiple violations is grounds for deviation from these presumed penalties.</p> <p>Council may suspend a license for up to 60 days, revoke a license, impose a civil fee not to exceed \$2,000.</p> <p>In addition to civil penalties, every licensee violator must enter into and complete an education training program approved by the PD.</p>

**Kennedy**

&

**Graven**

CHARTERED

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Minneapolis MN 55402

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**MEMORANDUM**

**TO:** City Manager Anne Norris and City Clerk Chrissy Serres  
**FROM:** Michael T. Norton, City Attorney  
**DATE:** January 23, 2014  
**RE:** Posting of Campaign Reports

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You advise that a citizen has requested that campaign finance reports filed with the City Clerk be posted on the City's website.

I have researched Crystal City Code ("CCC") § 215.17, subd. 4. This ordinance in part requires the City Clerk to post campaign finance reports filed by candidates or political committees by Minnesota Election Law, specifically Minn. Stat. § 211A.02. The reports must be made to the "filing officer", which in our case is the City Clerk. The reports are maintained for five years. Typically, campaign finance matters and conduct of campaigns and candidates arising out of political campaign activity are handled by the Campaign Finance and Public Disclosure Board, and the City would not be involved directly with these activities.

However, Minn. Stat. § 211A.02, subd. 3, allows charter cities to enact *additional* provisions concerning the filing of campaign finance reports. Crystal City Charter Chapter 4, § 4.01 provides that the Council adopts Minnesota Election Law, but also authorizes the Council to adopt "suitable and necessary regulations for the conduct of elections." CCC § 215.17, subd. 4 provides as follows in pertinent part:

"...the Clerk must, if so directed by the City Council, make the reports, or a summary of the reports (the campaign finance reports), available on the City's website."

As a result, in order for campaign finance reports filed with the City Clerk as required by law to be posted to the City's website, the Council must take a formal action to provide such direction. In that direction, the Council should determine the scope of the posting, i.e., with what year should the posting commence, and the target date for on-line posting.

## Anne Norris

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**From:** Jeff Kolb [jpkolb@gmail.com]  
**Sent:** Tuesday, January 14, 2014 5:31 PM  
**To:** Jim Adams; Laura Libby; Anne Norris  
**Cc:** Chrissy Serres  
**Subject:** Campaign Finance Reports

Hi all,

I recently met with Chrissy to review campaign finance reports and have a few concerns with the process that is in place. I ran into Laura last night at the Planning meeting and we discussed this issue in depth. I am still doing some research on a few of the issues I see, but one thing that could be done right away to alleviate concerns would be to make the reports available online.

Section 215 of the city code contains this passage:

*Subd. 4. Availability; publication*

*The clerk must maintain the reports filed pursuant to this section in such a manner so as to make them easily accessible to members of the public. The clerk must, if so directed by the city council, make the reports, or a summary of the reports, available on the city's website. (Added, Ord. 2004-14, Sec. 4)*

According to Chrissy, this request has never been made by the council.

I would like to request that the council considers directing Chrissy to make campaign finance reports available on the city's website, as provided for in the city's code. Nothing fancy, just scan the paper files, turn them into PDFs, and post them online.

Can you please let me know if there's something else I need to do to make this request "officially?"

Thanks,  
Jeff Kolb

**Kennedy**

**&**

**Graven**

**CHARTERED**

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**MEMORANDUM**

**TO:** Crystal City Council  
**FROM:** Michael T. Norton, Attorney  
**DATE:** February 6, 2014  
**RE:** Civil Disorder Ordinance/Dangerous Weapons

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The Council will recall that in 2013 Police Chief Revering and I collaborated on review and revision of Section 945-Use of Firearms in the Crystal Code. At the direction of the Council, we revised Section 945 to comply with state law regarding regulation of the use of firearms in the City. Unfortunately, we overlooked Ordinance Section 940 dealing with the banning of dangerous weapons in City Hall. This ordinance is in a separate Chapter and it was overlooked during our review. As a result, we need direction from the Council as to how the Council wishes to proceed with this ordinance.

As we discussed in the past, based on the changes in state law dealing with conceal/carry, any city's prohibition on the possession of firearms in public buildings would likely be unenforceable under the state statute. Since Crystal is a charter city, we could argue that our Charter authority allows us to enforce this ordinance, if the Council directed enforcement. Again, as we discussed, enforcement of Section 940 under the Charter would also face a significant obstacle based on the conceal/carry law. It is also possible to consider the weapons ban to be a rule of decorum with respect to public meetings, but we would face the same issues regarding enforcement.

The Council should direct whether the City continues to keep Section 940 banning possession of firearms on City property in the Code, or be deleted.