

**LAUDERDALE CITY COUNCIL MEETING AGENDA
TUESDAY, FEBRUARY 11, 2003
CITY HALL, 7:30 P.M.**

FILE

The City Council is meeting as a legislative body to conduct the business of the City according to ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL. Unless so ordered by the Mayor, citizen participation is limited to the times indicated and always within the prescribed rules of conduct for public input at meetings.

1. CALL MEETING TO ORDER AT 7:30 P. M.

2. ROLL:

Councilmembers:

McCloskey _____ Christensen _____
Gill-Gerbig _____ Giannetti _____
Mayor Dains _____

Staff: Administrator Getschow _____

3. APPROVAL OF THE AGENDA

4. APPROVAL

- A. Approval of minutes of 1/28/03 City Council Meeting
- B. Approval of claims totaling \$23,776.71.

5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL ON ITEMS NOT ON THE AGENDA

Any member of the public may speak at this time on any item NOT on the agenda. In consideration of the public attending the meeting for specific items on the agenda, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to four (4) minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue shall be continued under Additional Items at the end of the agenda. Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter any discussion without permission of the presiding officer. Your participation, as prescribed by the Council's ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL, is welcomed and your cooperation is greatly appreciated.

6. CONSENT

7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/ CITIZENS ADDRESSING STREET AND UTILITY IMPROVEMENTS

- A. Snow*Commotion Wrap-Up *(no memorandum)*

8. INFORMATIONAL PRESENTATIONS

9. PUBLIC HEARINGS

Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings, all affected residents will be given an opportunity to speak pursuant to the ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL.

10. ACTION

- A. Resolution 021103A: A Resolution Approving Plans and Specifications and Ordering an Advertisement of Bids for the 2003 Improvements
B. Approval of the 2002 Financial and Investment Report

11. REPORTS

12. ITEMS REMOVED FROM THE CONSENT AGENDA

13. ADDITIONAL ITEMS

14. SET AGENDA FOR NEXT MEETING

15. WORK SESSION DISCUSSION

- A. Council Meeting Time
B. Driveway Ordinance
C. Alternative City Revenue Sources

16. ADJOURNMENT

**Lauderdale City Council
Meeting Minutes
January 28, 2003**

1. Meeting called to order at 7:30 P.M.

2. ROLL

Council present: Christensen, Giannetti, McCloskey, Gill-Gerbig and Mayor Dains

Staff present: Administrator Getschow

3. APPROVAL OF THE AGENDA

A. Approval of Agenda. Motion by Gill-Gerbig, second by Giannetti to approve the agenda. Motion carried unanimously.

4. APPROVAL

A. Approval of Minutes. Motion by Christensen, second by McCloskey to approve the minutes of the January 14, 2003 City Council meeting. Motion carried unanimously.

B. Approval of Claims totaling \$104,794.78. Motion by McCloskey, second by Gill-Gerbig to approve the claims totaling \$104,794.78. Motion carried unanimously.

C. Approval of Pay Request #9 for the 2002 Street and Utility Improvements in the amount of \$73,706.24. The City Administrator stated that this pay request is equal to the amount of retainage currently held by the City. The contractor has provided a bond of \$80,000 on the City's behalf to be used in lieu of the retainage dollars that are requested for release.

Motion by Christensen, second by McCloskey to approve Pay Request #9 for the 2002 Street and Utility Improvements in the amount of \$73,706.24. Motion carried unanimously.

5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS ITEMS NOT ON THE AGENDA
6. CONSENT
7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS

A. Snow Commotion. Council member Giannetti stated that Snow Commotion is scheduled for Saturday, February 1 from 3:00 p.m. to 6:00 p.m. There will be food such as hot dogs and nachos, and beverages such as hot chocolate along with the regular activities such as the medallion hunt, the "shoot-the-puck" game, and the bonfire. Also, the successful horse drawn hayride will once again return to the event this year.

8. INFORMATIONAL PRESENTATIONS

A. 2003 Lauderdale Budget. The City Administrator gave an overview of the 2003 Budget, the 2003 property tax levy, and the impacts of potential state aid cuts on the City.

9. PUBLIC HEARINGS

A. Public Hearing on the 2003 Street and Utility Improvements. The City Engineer provided the City Council and those present with an overview of the 2003 Street and Utility Improvements.

The City Administrator then briefly discussed some of the construction issues and stated that residents are encouraged to present any questions or concerns to the city staff and the project inspector. Also, the project inspector will be available to residents throughout the project's duration.

The Mayor opened the public hearing at 8:05 p.m.

No one wished to address the City Council.

The Mayor closed the public hearing at 8:05 p.m.

10. ACTION

A. Resolution 012803A: Resolution Ordering the 2003 Street and Utility Improvements and Ordering the Preparation of Plans. Motion by Giannetti, second by Gill-Gerbig to approve Resolution 012803A: Resolution Ordering the 2003 Street and Utility Improvements and Ordering the Preparation of Plans. Roll: Yes: all. Motion carried.

A break was taken at 8:10 p.m.

The meeting resumed at 8:30 p.m.

B. 2003 Licenses. The Administrator stated that two of the three remaining refuse haulers that did not receive license approval at the January 14 meeting have submitted all of the appropriate paperwork to be approved for a refuse hauling license at this time.

Motion by Christensen, second by McCloskey to approve the 2003 refuse hauling licenses for Waste Management and Browning-Ferris, Inc. (BFI). Roll: Yes: all. Motion carried.

C. Approval of the 2003 Goals. The Mayor summarized the goals that were initially discussed at the January 14 meeting. Motion by Gill-Gerbig, second by Giannetti to approve the 2003 Goals. Roll: Yes: all. Motion carried.

D. 2003 Pay Equity Implementation Report. The Administrator stated that approximately every three years, all cities and counties are required to file a report that verifies compliance with the Local Government Pay Equity Act. The Pay Equity Act was adopted to eliminate gender based wage disparities among job classes of comparable job value. The City last submitted a report to the Department of Employee Relations in 1999, and was found to be in compliance after a second report was submitted in the fall of that year.

Motion by Christensen, second by McCloskey to approve the attached Pay Equity Implementation Report. Roll: Yes: all. Motion carried.

11. REPORTS

12. DISCUSSION

13. ITEMS REMOVED FROM THE CONSENT AGENDA

14. ADDITIONAL ITEMS

15. SET AGENDA FOR NEXT MEETING

1. Approve Plans and Specifications for the 2003 Street and Utility Improvements and Call for Bids
2. Work Session: Council meeting start time and a discussion on generating alternative sources of revenue

16. ADJOURNMENT

Motion by Gill-Gerbig, second by Giannetti to adjourn at 8:50 P.M. Ayes: All.

CITY OF LAUDERDALE

Claims for Approval

February 11, 2003 City Council Meeting

Payroll

01/31/03 Payroll: Check # 7312-7318	\$5,950.87
01/31/03 Payroll: EFT: Federal Withholding Taxes/FICA	\$2,335.15
01/31/03 Payroll: EFT: PERA	\$899.47
01/31/03 Payroll: EFT: ICMA Retirement Fund	\$856.18
Jan '03 Payroll: EFT: State Withholding Taxes	\$1,247.45
2002 State Sales & Use Tax: EFT	\$45.00

Vendor Claims

02/11/03 Claims: Check # 16180-16198	\$12,442.59
--------------------------------------	-------------

Subtotal of Claims From Above **\$23,776.71**

Total Claims for Approval **\$23,776.71**

CITY OF LAUDERDALE

Paid Register

Check Number	Employee Number	Employee Name	Pay Period	Pay Group Description	Check Amount	Check Date	Status
007312	000000101	DUBORD, ANDREW	3	BI-WEEKLY	\$276.37	1/31/03	Outstanding
007313	000000011	BOWNIK, JAMES	3	BI-WEEKLY	\$1,008.56	1/31/03	Outstanding
007314	000000003	GETSCHOW, RICK	3	BI-WEEKLY	\$1,809.78	1/31/03	Outstanding
007315	000000002	HINRICHS, DAVID C	3	BI-WEEKLY	\$986.10	1/31/03	Outstanding
007316	000000005	HUGHES, JOSEPH A	3	BI-WEEKLY	\$1,441.18	1/31/03	Outstanding
007317	000000055	HAWKINSON, LUKE	3	BI-WEEKLY	\$164.84	1/31/03	Outstanding
007318	000000056	HINRICHS, RICHARD	3	BI-WEEKLY	\$264.04	1/31/03	Outstanding
007311		VOID	3		\$0.00	1/31/03	Void
					<u>\$5,950.87</u>		

CITY OF LAUDERDALE

02/06/03 2:37 PM

Page 1

Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
Search Name AMERIPRIDE				
016180	2/11/03	021103claims m093115	\$135.67	paper towels, tp for city hall
<i>Search Name AMERIPRIDE</i>			<u>\$135.67</u>	
Search Name BONESTROO, ROSENE, ANDERLIK				
016181	2/11/03	021103claims 94811	\$5,835.42	12/02 '03 st/util imp
016181	2/11/03	021103claims 94813	\$1,020.41	12/02 '02 st/util imp
016181	2/11/03	021103claims 94812	\$235.46	12/02 '01 st/util imp
016181	2/11/03	021103claims 94811	\$143.00	12/02 general engineering
<i>Search Name BONESTROO, ROSENE, ANDERLIK</i>			<u>\$7,234.29</u>	
Search Name CINTAS				
016182	2/11/03	021103claims 2/11/03	\$74.46	1/27, 2/3 pw uniforms
<i>Search Name CINTAS</i>			<u>\$74.46</u>	
Search Name CROTEAU, MARY				
016183	2/11/03	021103claims 2/11/03	\$9.72	mileage
016183	2/11/03	021103claims 2/11/03	\$16.83	snowcommotion supplies
<i>Search Name CROTEAU, MARY</i>			<u>\$26.55</u>	
Search Name GRACE, DUANE				
016184	2/11/03	021103claims 1489	\$330.31	updated manuals for dave
<i>Search Name GRACE, DUANE</i>			<u>\$330.31</u>	
Search Name HOME DEPOT CRC				
016185	2/11/03	021103claims 8140985	\$31.54	warming house repair/maintenance
<i>Search Name HOME DEPOT CRC</i>			<u>\$31.54</u>	
Search Name HUGHES & COSTELLO				
016186	2/11/03	021103claims 2/11/03	\$850.00	02/03 legal retainer fee
016186	2/11/03	021103claims 2/11/03	\$68.45	02/03 print/process
<i>Search Name HUGHES & COSTELLO</i>			<u>\$918.45</u>	
Search Name INFRASTRUCTURE TECHNOLOGIES				
016187	2/11/03	021103claims 022564	\$990.00	'03 st/util televise sewer
<i>Search Name INFRASTRUCTURE TECHNOLOGIES</i>			<u>\$990.00</u>	
Search Name KENNEDY & GRAVEN				
016188	2/11/03	021103claims 54808	\$52.00	12/02 legal fees
016188	2/11/03	021103claims 54808	\$2.00	12/02 print/process
<i>Search Name KENNEDY & GRAVEN</i>			<u>\$54.00</u>	
Search Name LEAGUE OF MINNESOTA CITIES				
016189	2/11/03	021103claims 1-12288	\$65.00	legislative conference rick
<i>Search Name LEAGUE OF MINNESOTA CITIES</i>			<u>\$65.00</u>	
Search Name MINNESOTA AFSCME				
016190	2/11/03	021103claims 2/11/03	\$105.28	01/03 union dues
<i>Search Name MINNESOTA AFSCME</i>			<u>\$105.28</u>	
Search Name NORTH STAR BANK, PETTY				
016191	2/11/03	021103claims 2/11/03	\$9.00	mileage james
016191	2/11/03	021103claims 2/11/03	\$6.00	parking rick

CITY OF LAUDERDALE

Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
016191	2/11/03	021103claims 2/11/03	\$24.65	mileage rick
016191	2/11/03	021103claims 2/11/03	\$30.00	pizza, goal setting
016191	2/11/03	021103claims 2/11/03	\$4.46	pop, goal setting
016191	2/11/03	021103claims 2/11/03	\$5.50	snowcommotion supplies
016191	2/11/03	021103claims 2/11/03	\$6.00	nonresi reimb rv rec s wilberts
016191	2/11/03	021103claims 2/11/03	\$9.34	snowcommotion supplies
016191	2/11/03	021103claims 2/11/03	\$36.72	mileage joe
016191	2/11/03	021103claims 2/11/03	\$10.95	certified mail
<i>Search Name NORTH STAR BANK, PETTY</i>			<u>\$142.62</u>	
Search Name PARK HARDWARE HANK				
016192	2/11/03	021103claims 18465	\$1.28	nuts and bolts
<i>Search Name PARK HARDWARE HANK</i>			<u>\$1.28</u>	
Search Name PARK SERVICE				
016193	2/11/03	021103claims 2/11/03	\$61.30	01/03 truck fuel
016193	2/11/03	021103claims 2/11/03	\$61.30	01/03 truck fuel
<i>Search Name PARK SERVICE</i>			<u>\$122.60</u>	
Search Name QWEST				
016194	2/11/03	021103claims 2/11/03	\$226.59	02/03 city hall phone
<i>Search Name QWEST</i>			<u>\$226.59</u>	
Search Name RAHN, LISA				
016195	2/11/03	021103claims 2/11/03	\$6.00	nonresi reimb: rv rec
<i>Search Name RAHN, LISA</i>			<u>\$6.00</u>	
Search Name ROTARY CLUB OF ROSEVILLE, MN				
016196	2/11/03	021103claims	\$213.00	1q03 dues/expenses
<i>Search Name ROTARY CLUB OF ROSEVILLE, MN</i>			<u>\$213.00</u>	
Search Name XCEL ENERGY				
016197	2/11/03	021103claims 2/11/03	\$132.87	01/03 city hall gas
016197	2/11/03	021103claims 2/11/03	\$398.62	01/03 city hall gas
016197	2/11/03	021103claims 2/11/03	\$116.29	01/03 city hall electric
016197	2/11/03	021103claims 2/11/03	\$38.76	01/03 city hall electric
016197	2/11/03	021103claims 2/11/03	\$84.68	01/03 garage gas
016197	2/11/03	021103claims 2/11/03	\$84.68	01/03 garage gas
016197	2/11/03	021103claims 2/11/03	\$9.91	01/03 garage electric
016197	2/11/03	021103claims 2/11/03	\$9.91	01/03 garage electric
016197	2/11/03	021103claims 2/11/03	\$222.30	01/03 park gas
016197	2/11/03	021103claims 2/11/03	\$138.05	01/03 park electric
016197	2/11/03	021103claims 2/11/03	\$425.81	01/03 street lighting
<i>Search Name XCEL ENERGY</i>			<u>\$1,661.88</u>	
Search Name XCEL ENERGY, LIFT STATIONS				
016198	2/11/03	021103claims 2/11/03	\$14.91	01/03 malvern lift station gas
016198	2/11/03	021103claims 2/11/03	\$88.16	01/03 malvern lift station gas
<i>Search Name XCEL ENERGY, LIFT STATIONS</i>			<u>\$103.07</u>	

CITY OF LAUDERDALE
Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
<i>Grand Total</i>			\$12,442.59	

Lauderdale City Council Memorandum

Council Meeting Date: February 11, 2003
To: Mayor and City Council
From: Rick Getschow, City Administrator
Agenda Item: 2003 Improvements: Approve Plans and Specifications and Order an Advertisement for Bids

BACKGROUND:

Tom Kellogg will once again be at the meeting to address the plans and specifications for the 2003 Improvements.

One main item of discussion regarding the 2003 Improvements is the potential closing or altering of Summer Street between Highway 280 and Walnut Street that has been briefly discussed at the last two Council meetings. I have received preliminary feedback from the two impacted property owners (1865 and 1861 Walnut) on the issue. They have indicated that they are in favor of the closure of Summer Street and support an improvement that creates an alley that leads to their driveways as opposed to the full construction of the roadway.

Following a discussion of the project plans and the Summer Street issue, the Council is requested to adopt a resolution that approves the plans and specifications and orders an advertisement for bids. The bid opening would occur on March 18, 2003 with Council consideration scheduled for the Council meeting of March 25, 2003.

ENCLOSURES:

1. 2003 Street and Utility Improvement Plans
(under in a separate cover in another envelope)
2. Resolution 021103A: A Resolution Approving Plans and Specifications and Ordering an Advertisement for Bids
3. Schedule of the 2003 Street and Utility Improvement process

COUNCIL ACTION REQUESTED:

Motion to adopt Resolution 021103A: A Resolution Approving Plans and Specifications for the 2003 Street and Utility Improvements and Ordering an Advertisement for Bids.

RESOLUTION NO. 021103A

**THE CITY OF LAUDERDALE
COUNTY OF RAMSEY
STATE OF MINNESOTA**

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING AN
ADVERTISEMENT OF BIDS FOR THE 2003 IMPROVEMENTS**

WHEREAS, pursuant to a resolution passed by the City Council of Lauderdale on the 28th day of January, 2003, the City Consulting Engineer has prepared plans and specifications for the improvement of: Walnut Street between Roselawn Avenue and Larpenteur Avenue, Malvern Street between Roselawn Avenue and Larpenteur Avenue, Summer Street between State Trunk Highway 280 and Eustis Street, Spring Street between State Trunk Highway 280 and Eustis Street, and Ione Street between State Trunk Highway 280 and Eustis Street by conducting street reconstruction, sanitary sewer improvements and replacement, water main replacement, storm sewer system improvements, and alley improvements; and has presented such plans and specifications to the Council for approval;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAUDERDALE, MINNESOTA:

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. The City Administrator shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for at least 21 days, shall specify the work to be done, shall state that bids will be received by the City Administrator until 11:00 a.m. on March 18, 2003, at which time they will be publicly opened in the Council Chambers of the City Hall by the City Administrator and Engineer, will then be tabulated, and will be considered by the City Council at 7:30 p.m. on March 25, 2003, in the Council Chambers. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the Council on the issue of responsibility. No bids will be considered unless sealed and filed with the City Administrator and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the City Administrator for 5 percent of the amount of such bid.

I CERTIFY THAT the above resolution was adopted by the City Council of Lauderdale this 11th day of February, 2003.

(ATTEST)

Jeff Dains, Mayor

(SEAL)

Rick Getschow, City Administrator

**LAUDERDALE 2003 STREET AND UTILITY IMPROVEMENTS
PROJECT SCHEDULE**

Order Feasibility Report	September 10, 2002
Present Outline of Neighborhood Meeting to Council	November 12, 2002
Conduct Neighborhood Meeting	November 21, 2002
Present Feasibility Report and Call Public Hearing	December 10, 2002
Hold Public Hearing and Order Plans and Specs	January 28, 2003
Approve Plans and Specs and Call for Bids	February 11, 2003
Receive Bids	March 18, 2003
Award Bids	March 25, 2003
Start Construction	April-May 2003

MEMOS BY JAMES

DATE: February 11, 2003
TO: Honorable Mayor and Council
FROM: James Bownik, A2CA



4th Quarter 2002 Financial and Investment Report

There have been no unusual expenditures or revenues for this year. This quarterly report reflects an accurate financial picture of the City's expenditures and revenues.

Combined Funds 101 – 601

	2001 1/1 - 12/31 Actual	2001 Budget	% of Budget	2002 1/1 - 12/31 Actual	2002 Budget	% of Budget
Revenues	\$3,402,242	\$1,527,506	223%	\$3,802,725	\$1,734,227	219%
Expenditures	\$4,151,114	\$1,571,194	264%	\$3,829,749	\$1,840,718	208%

The above table gives an overall picture of the City's finances compared to last year. Expenditures were expected to outpace revenues for all funds this year by over \$106,000. However, this margin was actually only \$27,000. While revenues and expenditures both seem to be over budget, this is due to the 2002 street and utility improvement project (Fund 412). As you are aware, the 2002 street and utility project had not been ordered until after the budget had been approved. Thus, the actual revenues and expenditures for Funds 101-601 include over \$1,800,000 in revenues and over \$1,700,000 in expenditures from Fund 412, which the 2002 budget does not reflect.

General Fund 101 Revenues

	2001 1/1 - 12/31 Actual	2001 Budget	% of Budget	2002 1/1 - 12/31 Actual	2002 Budget	% of Budget
Property Tax	451,267	439,032	103%	339,875	366,898	93%
Licenses & Permits	48,776	8,480	575%	35,312	8,480	416%
Intergovernmental	223,600	223,601	100%	485,618	423,687	115%
Public Safety	34,280	32,468	106%	42,085	32,468	130%
Charges for Services	25,985	250	10394%	20,558	810	2538%
Interest	29,552	12,000	246%	9,621	12,000	80%
Miscellaneous	8,843	0	+	14,724	0	+
Transfers	0	0	NA	0	0	NA
Total	\$822,303	\$715,831	115%	\$947,793	\$844,343	112%

License and permit fees increased from \$17,270 in the third quarter to \$35,312 for the year due to the Boyer Truck facility. Intergovernmental revenues are mostly local government aid and fiscal disparities from the State. Public Safety revenue increased \$12,318 this quarter due to court fines received. Besides an annual bond fee payment of \$15,000 from the Children's Home Society in the first quarter, Charges for Services includes a year total of \$2,950 for rental of the Social Room. Miscellaneous revenues include Fulham street lighting prepayments of \$3502, donations of \$2000 from the Twin City Chinese Christian Church and \$1000 from the Lion's Club, reimbursement of \$1,845 from Ramsey County for 1986 to 2001 waste management fees, and a property/casualty insurance dividend of \$3,829.

General Fund 101 Expenditures

	2001 1/1 - 12/31 Actual	2001 Budget	% of Budget	2002 1/1 - 12/31 Actual	2002 Budget	% of Budget
General Government	153,386	169,724	90%	169,860	189,713	90%
Public Safety	232,675	268,734	87%	263,030	277,272	95%
Public Works	71,667	101,733	70%	95,197	100,363	95%
Park & Recreation	46,556	48,696	96%	50,858	53,804	95%
Contingency	0	10,000	0%	0	10,000	0%
Transfers	110,000	110,000	100%	185,000	185,000	100%
Total	\$614,284	\$708,887	87%	\$763,945	\$816,152	94%

General fund expenditures were 6% under budget for 2002. Police protection services of \$221,053 accounted for 29% of the general fund expenditures.

Special Revenue Funds 201 - 204

<i>Revenues</i>	2001 1/1 - 12/31 Actual	2001 Budget	% of Budget	2002 1/1 - 12/31 Actual	2002 Budget	% of Budget
201 Community Events	3,174	4,225	75%	2,484	2,275	109%
202 Cable T.V.	17,440	10,050	174%	16,654	10,100	165%
203 Recycling	29,571	28,282	105%	40,028	33,667	119%
Total	\$50,185	\$42,557	118%	\$59,166	\$46,042	129%

<i>Expenditures</i>	2001 1/1 - 12/31 Actual	2001 Budget	% of Budget	2002 1/1 - 12/31 Actual	2002 Budget	% of Budget
201 Community Events	3,922	3,450	114%	2,131	1,850	115%
202 Cable T.V.	10,560	15,589	68%	11,640	14,380	81%
203 Recycling	27,285	30,555	89%	38,562	37,600	103%
Total	\$41,767	\$49,594	84%	\$52,333	\$53,830	97%

201 Community Events: Revenues/expenditures are mostly from Snow*Commotion (\$136/\$663), the City-Wide Garage Sale (\$101/\$52), Day in the Park (\$1231/\$782), and Halloween (\$823/\$370).

202 Cable TV: Revenue is mostly from franchise fees (\$16,228). An annual contribution of \$3,501 was made to the North Suburban Cable Commission in June.

203 Recycling: About \$34,000 was received from recycling assessments, as well as two Ramsey County SCORE Grant payments (\$4,627). BFI was paid \$29,608 this year.

TIF Debt Service Fund 301

	2001 1/1 - 12/31 Actual	2001 Budget	% of Budget	2002 1/1 - 12/31 Actual	2002 Budget	% of Budget
Revenues	\$197,781	\$212,500	93%	\$180,895	\$172,500	105%
Expenditures	\$210,565	\$211,065	100%	\$143,960	\$204,460	70%

Revenues are received through tax monies twice per year. The City made an annual TIF Bond payment - \$125,000 (principal) & two interest payments (\$18,960) this year.

'00 Debt Service Fund 302

	2001 1/1 - 12/31 Actual	2001 Budget	% of Budget	2002 1/1 - 12/31 Actual	2002 Budget	% of Budget
Revenues	\$156,989	\$70,000	224%	\$58,733	\$112,224	52%
Expenditures	\$55,597	\$55,697	100%	\$51,495	\$51,495	100%

Over \$58,000 was received from assessment payments for the 2000 street project via property taxes. The expenditure is from a general obligation bond interest payment in the first quarter.

'02 Debt Service Fund 303

	2001 1/1 - 12/31 Actual	2001 Budget	% of Budget	2002 1/1 - 12/31 Actual	2002 Budget	% of Budget
Revenues	\$0	\$0	NA	\$52,937	\$0	+
Expenditures	\$0	\$0	NA	\$517	\$0	+

The revenue is capitalized interest from the 2002 street and utility bond proceeds (\$32,000) and an operating transfer of \$20,000 from Fund 101. Expenditures are administrative fees.

Capital Improvement Funds 401 – 412

<i>Revenues</i>	2001 1/1 - 12/31 Actual	2001 Budget	% of Budget	2002 1/1 - 12/31 Actual	2002 Budget	% of Budget
401 Street Improve	104,382	65,000	161%	67,284	75,000	90%
402 General Improve	21,705	21,000	103%	692	56,000	1%
403 Storm Water Imp	107,426	91,718	117%	90,724	99,218	91%
404 Park Improve	9,504	2,000	475%	1,405	22,000	6%
405 TIF Project	70,000	70,000	100%	0	60,000	0%
407 Sanitary Sewer	66,652	11,500	580%	12,815	16,500	78%
409 Water Imp Fund	11,145	7,700	145%	8,934	7,700	116%
410 '00 St/Util Imp Fund	249,018	0	+	2,186	0	+
411 '01 St/Util Imp Fund	1,300,000	0	+	274,696	0	+
412 '02 St/Util Imp Fund	0	0	NA	1,801,779	0	+
Total	\$1,939,832	\$268,918	721%	\$2,260,515	\$336,418	672%

<i>Expenditures</i>	2001 1/1 - 12/31 Actual	2001 Budget	% of Budget	2002 1/1 - 12/31 Actual	2002 Budget	% of Budget
401 Street Improve	760,000	50,000	1520%	210,000	60,000	350%
402 General Improve	20,694	26,000	80%	4,240	31,000	14%
403 Storm Water Imp	318,474	55,213	577%	166,791	61,139	273%
404 Park Improve	34	0	+	3,461	0	+
405 TIF Project	377,984	79,422	476%	168,402	70,045	240%
407 Sanitary Sewer	100,000	5,000	2000%	85,000	10,000	850%
409 Water Imp Fund	0	0	NA	0	0	NA
410 '00 St/Util Imp Fund	213,677	108,134	198%	2,496	0	+
411 '01 St/Util Imp Fund	1,196,335	0	+	214,941	256,000	84%
412 '02 St/Util Imp Fund	0	0	NA	1,737,274	0	+
Total	\$2,987,198	\$323,769	923%	\$2,592,605	\$488,184	531%

In most cases, revenue for these funds is from operating transfers from Fund 101 or investment interest. Funds 403 and 409 had additional revenue from storm sewer fees (\$51,718) and water surcharge fees (\$7,700). Fund 411 had revenues from a DNR flood mitigation grant (\$85,666), assessment payments for the 2001 street project of \$123,584, and reimbursement from St. Paul Regional Water Services for water main improvements (\$63,058). Fund 412 had revenue of \$1,153,840 from general obligation bonds that were used to pay expenses incurred by the 2002 street and utility improvement project, an operating transfer of \$595,000 from other Capital Improvement Funds, and \$50,000 from the Mississippi Watershed Mgmt. Organization.

Expenses for Funds 401-409 were mostly the operating transfers of \$595,000 to Fund 412. Other expenses for these funds besides wages and benefits include \$4,207 for a snow blower, \$5,000 for the NPDES Phase 2 Guide Plan, and \$3,461 for park land acquisition. Fund 410 expenditures were \$2,199 for street repair and \$297 for engineering. Fund 411 expenditures were mostly street improvements of \$198,012 and \$16,298 for engineering. Fund 412 expenditures were mostly street improvements of \$1,407,709 and \$305,825 for engineering.

Sewer Utility Fund 601

	2001 1/1 - 12/31 Actual	2001 Budget	% of Budget	2002 1/1 - 12/31 Actual	2002 Budget	% of Budget
Revenue	\$235,152	\$217,700	108%	\$242,686	\$222,700	109%
Expenditures	\$241,703	\$222,182	109%	\$224,894	\$226,597	99%

Fund 601 revenues outpaced expenditures by almost \$18,000 in 2002.

INVESTMENTS

The following is a comparison of the amount of funds the City has invested for the past 3 years and the total amount of interest gained on those investments, which is included in the totals:

December '00: \$3,168,663	December '01: \$2,472,521	December '02: \$2,199,238
2000 Interest: \$ 171,362	2001 Interest: \$ 136,119	2002 Interest: \$ 37,067

Bonding for the 2000 and 2002 street and utility improvements helped keep the balances at or above \$2,000,000. However, the interest rates on the investments have declined dramatically due to market conditions.

The City's investments as of December 31, 2002 are attached for your review.

CITY COUNCIL ACTION REQUESTED

Motion to approve the 4th Quarter 2002 Financial & Investment Report.

City of Lauderdale

Investments through December 31, 2002

Maturity Date	Purchase Date	Purchasing Agent	Depository Name	Investment Type	Interest Rate	Days Held	Amount Invested	Estimated Interest	Monthly Interest Received	Interest Dates
12/26/02	6/25/02	Juran & Moody (MJSK)	Millenium Bank	6 mo CD	2.350	181			\$1,170.80	matured at \$100,000 on 12/26/02
3/14/03	6/14/02	Juran & Moody (MJSK)	Nbank	9 mo CD	2.900	273	\$97,877.00	\$2,123.00		maturity
6/16/03	6/14/02	Juran & Moody (MJSK)	Eagle Bank	12 mo CD	2.950	367	\$97,119.00	\$2,881.00		maturity
6/17/03	6/17/02	Juran & Moody (MJSK)	Pennsylvania Business Bank	12 mo CD	2.950	365	\$97,134.00	\$2,866.00		maturity
<p>Wells Fargo Insight Investment Mgmt Insight Investment Mgmt</p>										
			Wells Fargo Prime Investment MM Fun	Money Market			\$37,585.78		\$30.09	monthly
			League of MN Cities 4M Fund	Money Market			\$127,522.65		\$111.05	monthly
			League of MN Cities 4M Plus	Money Market			\$1,741,999.58		\$1,678.54	monthly
					2.788		\$2,199,238.01		\$2,990.48	
					Average Rate		Total		Monthly Interest Received	

Investments as of 12/31/02		
Purchasing Agent	Amount	Percentage
Smith Barney	\$0.00	0%
Wells Fargo	\$37,585.78	2%
US Bank	\$0.00	0%
Dain Rauscher	\$0.00	0%
Juran & Moody (MJSK)	\$292,130.00	13%
League of MN Cities	\$1,689,522.23	85%
Total	\$2,199,238.01	100%

Investments as of 12/31/02		
Fed Agency	\$0.00	0%
Commercial Paper	\$0.00	0%
Treas & 100% Agency	\$0.00	0%
Certified Deposit	\$292,130.00	13%
Money Market	\$1,907,108.01	87%
Total	\$2,199,238.01	100%

Investments as of 12/31/02		
Up to 1 year	\$292,130.00	13%
2 to 3 years	\$0.00	0%
3 years & over	\$0.00	0%
No time limit	\$1,907,108.01	87%
Total	\$2,199,238.01	100%

City of Lauderdale

Current Investments 2002

Maturity Date	Purchase Date	Purchasing Agent	Depository Name	Investment Type	Interest Rate	Days Held	Amount Invested	Estimated Interest	Monthly Interest Received	Interest Dates
8/20/02	2/20/02	Juran & Moody (MJJK)	American Investment Bank, (Salt Lk City, UT)	6 mo CD		181			\$1,224.54	\$100,000 matured 8/20/02
8/20/02	2/20/02	Juran & Moody (MJJK)	Capital Crossing Bank, (Boston, MA)	6 mo CD		181			\$1,054.91	\$100,000 matured 8/20/02
8/20/02	2/20/02	Juran & Moody (MJJK)	Commerce Bank, (Philadelphia, PA)	6 mo CD		181			\$1,297.06	\$100,000 matured 8/20/02
8/20/02	2/20/02	Juran & Moody (MJJK)	Community Bank, (Pasadena, CA)	6 mo CD		181			\$1,127.68	\$100,000 matured 8/20/02
8/20/02	2/20/02	Juran & Moody (MJJK)	First Credit Bank, (Los Angeles, CA)	6 mo CD		181			\$1,054.91	\$100,000 matured 8/20/02
8/20/02	2/20/02	Juran & Moody (MJJK)	Metlife Bank, (Kingston, NJ)	6 mo CD		181			\$1,127.68	\$100,000 matured 8/20/02
12/26/02	6/25/02	Juran & Moody (MJJK)	Treasury Bank (Alexandria, VA)	6 mo CD	2.350	181	\$97,877.00	\$2,123.00	\$1,170.80	\$100,000 matured 12/26/02
3/14/03	6/14/02	Juran & Moody (MJJK)	Millenium Bank	9 mo CD	2.900	273	\$97,119.00	\$2,881.00		maturity
6/16/03	6/14/02	Juran & Moody (MJJK)	Eagle Bank	12 mo CD	2.950	367	\$97,119.00	\$2,881.00		maturity
6/17/03	6/17/02	Juran & Moody (MJJK)	Pennsylvania Business Bank	12 mo CD	2.950	365	\$97,134.00	\$2,866.00		maturity
		Juran & Moody	Juran & Moody Sweep Account	Money Market			\$0.00		\$274.50	monthly
		Wells Fargo	Wells Fargo Prime Investment MM Fund	Money Market			\$37,585.78		\$481.93	monthly
		Insight Investment Mgmt	League of MN Cities 4M Fund	Money Market			\$127,522.65		\$3,734.33	monthly
		Insight Investment Mgmt	League of MN Cities 4M Plus	Money Market			\$1,741,999.58		\$23,439.77	monthly
					2.788		\$2,199,238.01		\$37,067.29	Yearly Interest Received
					Average Rate		Total Investments			

Purchasing Agent	Amount	Percentage
Smith Barney	\$0.00	0%
Wells Fargo	\$37,585.78	2%
US Bank	\$0.00	0%
Dain Rauscher	\$0.00	0%
Juran & Moody (MJJK)	\$292,130.00	13%
League of MN Cities	\$1,869,522.23	85%
Total	\$2,199,238.01	100%

Fed Agency	\$0.00	0%
Commercial Paper	\$0.00	0%
Treas & 100% Agency	\$0.00	0%
Certified Deposit	\$292,130.00	13%
Money Market	\$1,907,108.01	87%
Total	\$2,199,238.01	100%

Up to 1 year	\$292,130.00	13%
2 to 3 years	\$0.00	0%
3 years & over	\$0.00	0%
No time limit	\$1,907,108.01	87%
Total	\$2,199,238.01	100%

Lauderdale City Council Memorandum

Council Meeting Date: February 11, 2003
To: Mayor and City Council
From: Rick Getschow, City Administrator
Agenda Item: Work Session Discussion Items

BACKGROUND:

The following are the items for discussion at the work session that follows the regular meeting:

- 1. Council Meeting Time.** The Council can discuss changing the meeting time to start at an earlier time. If there is consensus for a change, a minor ordinance revision can be placed on a subsequent Council agenda for action.
- 2. Driveway Ordinance.** I would like to briefly discuss our enforcement of the driveway ordinance, especially as it relates to the next phase of the improvements. There are more concerns and issues with driveways in this phase than in previous improvement phases.
- 3. Lawful Gambling.** I will provide an update from the goal session on the discussion of lawful gambling (pull tabs) as a revenue source. As a starting point, I have included the relevant State Statutes that I have received from the LMC.

ENCLOSURES:

1. City Code Title 9, Chapter 10: Driveways
2. Minnesota Statutes 349.16 (Organization Requirements to Obtain a License)
3. Minnesota Rules 7861.0020 (Information Related to the License Application)

CHAPTER 10

DRIVEWAY REQUIREMENTS

SECTION:

- 9-10-1: Purpose
 - 9-10-2: Scope
 - 9-10-3: Driveway Permit Required
 - 9-10-4: Application and Site Plan for Driveway Permit
 - 9-10-5: Driveway Permit Fees
 - 9-10-6: Driveway Construction Standards
 - 9-10-7: Revocation of Permit
 - 9-10-8: Enforcement
-
- 9-10-1: **Purpose:** The purpose of these requirements is to control the location and construction of driveways and curb cuts in order that traffic hazards be reduced and that adequate street drainage be maintained.
 - 9-10-2: **Scope:** These requirements shall apply to all new driveway construction and to repairs and changes to existing driveways.
 - 9-10-3: **Driveway Permit Required:** No driveway shall be constructed or re-constructed in any location without first obtaining a Driveway Permit.
 - 9-10-4: **Application and Site Plan for Driveway Permit:** Any person desiring a Driveway Permit shall present a written application to the City Building Official describing the improvements to be made. This application shall be accompanied by a site plan drawn to scale showing the location of the driveway with respect to property lines, the width of the driveway, type of construction material used, driveway angle, distance between adjacent driveways, and, if applicable, the driveway's distance from a street intersection.
 - 9-10-5: **Driveway Permit Fees:** The Driveway Permit fee shall be prescribed, from time to time, by City Council resolution on file with the City Administrator.

9-10-6: **Driveway Construction Standards:**

A. Surface: All driveways shall be surfaced with one of the following materials:

1. Bituminous. A plant-mixed machine-laid bituminous material conforming to Minnesota Department of Transportation (MNDOT) Specification No. 2331, Mixed Designation 41WEA5055X, which have been approved by the City Engineer. However, should it subsequently become necessary to repair or replace such bituminous surfacing in the right of way area in whole or in part, the owner of property serviced by such bituminous driveway shall pay all costs of such repairs or replacements.

2. Concrete. Concrete specifications approved by the City Engineer may also be used for such driveway surfacing. However, should it subsequently become necessary to repair or replace such concrete surfacing in the right of way area in whole or in part, the owner of property serviced by such concrete driveway shall pay all costs of such repairs or replacements.

3. Gravel. Driveways existing on the date of the adoption of this Ordinance, may also be constructed of four inches (4") of crushed Class 5 limestone gravel compacted into place after initial excavation. Prior to placing gravel, the driveway shall be excavated to result in the final gravel surface matching the grade of the adjacent yard.

B. Width:

1. Community Business (B-1), Neighborhood Business (B-2), and Industrial (I-1) Zones: Driveway widths, on site and at the curb cut, shall not exceed thirty-six feet (36').

2. Multiple Residential (R-3) Zones: Driveway widths, on site and at the curb cut, shall not exceed thirty feet (30').

3. Suburban Residential (R-1) And Urban Residential (R-2) Zones: Driveway widths, on site and at the curb cut, shall not exceed twenty-four feet (24').

C. Driveway Length: All street-accessed driveways shall provide access for vehicles to a parking space, carport, garage, dwelling or other structure in the side or rear of the property. Driveways existing on the date of the adoption of this Ordinance need not be directed to the side or rear of the property, but parking shall not be allowed in the public right of way.

D. Distance Between Driveways: The minimum distance between curbs of driveways shall be ten feet (10') in any R-2 and R-3 district, and twenty feet (20') in any B-1, B-2, and I-1 district.

E. Distance From Intersection: No driveway or curb cut shall be less than twenty feet (20') from any street intersection, except that in Industrial (I-1) Zones, the minimum distance shall be fifty feet (50').

F. Driveway Angle: The minimum driveway angle from a two (2) way access shall be ninety (90) degrees. The minimum driveway angle from a one-way street shall be thirty (30) degrees.

G. Setback: Driveways in any R-2, R-3, B-1, B-2, and I-1 district, except driveways which are shared by two (2) or more adjacent property owners, shall not be located within five feet (5') of any side or rear lot line. In the R-1 district, there is no setback requirement for driveways from the side yard lot line, but no part of the driveway may encroach onto neighboring properties.

H. Control Of Traffic: Where commercial land uses are adjacent to residential districts, driveways shall be located, whenever feasible, to reduce the amount of traffic entering residential areas.

I. Street Access: For properties having frontage on two streets, access shall be provided via the street with the least traffic wherever feasible in order to reduce the number of curb cuts on more heavily traveled streets.

J. State And County Highway Requirements: If the proposed driveway is to be constructed so that it opens onto any street designated as a State or County highway or street, all additional specifications of the appropriate highway departments will apply. The applicant must also obtain approval from these other applicable jurisdictions.

K. Shared Driveways: If two (2) or more driveways are shared, the portion of the driveway on each property shall comply with maximum driveway width requirements.

L. Licensed Contractor: All work done within the right of way of the street shall be done by a regularly licensed contractor under the supervision of the proper City employee.

9-10-7: **Revocation of Permit:** The permit issued may be revoked at any time after its issuance for failure to comply with the conditions of this section or the directions of the City relative to the work covered by the permit.

9-10-8: **Enforcement:** The enforcement of this ordinance will occur as the City progresses with its planned street and utility improvements and provides curb cuts throughout the City. These improvements are scheduled to begin in 2000.

Minnesota Statutes 2002, Table of ChaptersTable of contents for Chapter 349**349.16 Organization licenses.**

Subdivision 1. **License required.** An organization may conduct lawful gambling if it has a license to conduct lawful gambling and complies with this chapter.

Subd. 1a. Repealed by amendment, 1990 c 590 art 1 s 17

Subd. 2. **Issuance of gambling licenses.** (a) Licenses authorizing organizations to conduct lawful gambling may be issued by the board to organizations meeting the qualifications in paragraphs (b) to (h) if the board determines that the license is consistent with the purpose of sections 349.11 to 349.22.

(b) The organization must have been in existence for the most recent three years preceding the license application as a registered Minnesota nonprofit corporation or as an organization designated as exempt from the payment of income taxes by the Internal Revenue Code.

(c) The organization at the time of licensing must have at least 15 active members.

(d) The organization must not be in existence solely for the purpose of conducting gambling.

(e) The organization has identified in its license application the lawful purposes on which it proposes to expend net profits from lawful gambling.

(f) The organization has identified on its license application a gambling manager and certifies that the manager is qualified under this chapter.

(g) The organization must not, in the opinion of the board after consultation with the commissioner of revenue, be seeking licensing primarily for the purpose of evading or reducing the tax imposed by section 297E.02, subdivision 6.

Subd. 3. **Term of license.** Licenses issued under this section are valid for two years.

Subd. 4. Repealed, 1994 c 633 art 5 s 99

Subd. 5. Repealed, 1994 c 633 art 5 s 99

Subd. 6. **License classifications.** The board may issue four classes of organization licenses: a class A license authorizing all forms of lawful gambling; a class B license authorizing all forms of lawful gambling except bingo; a class C license authorizing bingo only, or bingo and pull-tabs if the gross receipts for any combination of bingo and pull-tabs does not exceed \$50,000 per year; and a class D license authorizing

raffles only. The board shall not charge a fee for an organization license.

Subd. 7. **Purchase of gambling equipment.** An organization may purchase gambling equipment only from a person licensed as a distributor.

Subd. 8. **Local investigation fee.** A statutory or home rule charter city or county notified under section 349.213, subdivision 2, may assess an investigation fee on organizations or bingo halls applying for or renewing a premises permit or a bingo hall license. An investigation fee may not exceed the following limits:

- (1) for cities of the first class, \$500;
- (2) for cities of the second class, \$250;
- (3) for all other cities, \$100; and
- (4) for counties, \$375.

Subd. 9. **License renewals; notice.** The board may not deny or delay the renewal of a license under this section, a premises permit, or a gambling manager's license under section 349.167 because of the licensee's failure to submit a complete application by a specified date before the expiration of the license or permit, unless the board has first (1) sent the applicant by registered mail a written notice of the incomplete application, and (2) given the applicant at least five business days from the date of receipt of the notice to submit a complete application, or the information necessary to complete the application.

Subd. 10. **License renewal to merged fire relief associations.** A new relief association formed from the merger of the relief associations of two separate city fire departments, mandated under Laws 1995, chapter 262, article 11, may apply for a license renewal under this section. The board shall consider the application as a license renewal of one of the relief associations that is a licensed organization and was merged to form the new relief association.

HIST: 1976 c 261 s 6; 1984 c 502 art 12 s 8; 1986 c 467 s 10,11; 1989 c 334 art 2 s 20,21; 1Sp1989 c 1 art 13 s 8; 1990 c 590 art 1 s 17; 1991 c 336 art 2 s 17; 1994 c 633 art 2 s 19; art 5 s 37-41; 1997 c 155 s 6

Copyright 2002 by the Office of Revisor of Statutes, State of Minnesota.

Minnesota Rules, Table of ChaptersTable of contents for Chapter 7861**7861.0020 LICENSED ORGANIZATION.**

Subpart 1. **License required.** No person shall engage in the conduct of lawful gambling without having obtained a license under this part. An organization shall make application to the board to be licensed to conduct lawful gambling. An application shall be considered by the director pursuant to the provisions of this part.

Subp. 2. **Licensing qualifications.** In addition to the qualifications contained in Minnesota Statutes, section 349.16, subdivision 2, the director shall not issue a license to:

A. an organization that has not been licensed to conduct lawful gambling within the preceding 12 months if its current chief executive officer and individual who will be its gambling manager have not completed a gambling manager seminar;

B. an organization which has not established a permanent location in Minnesota where the gambling records required to be maintained by this chapter will be kept and which has not established a gambling bank account within Minnesota;

C. an organization which has as an officer or member of its governing body who (i) within the last five years has been convicted in federal or state court of a felony or gross misdemeanor, (ii) has ever been convicted of a crime involving gambling, or (iii) has had a license issued by the board revoked for a violation of law or rule;

D. an organization whose conduct of lawful gambling is or would be inconsistent with Minnesota Statutes, sections 349.11 to 349.23, as indicated by (i) lack of financial responsibility, (ii) demonstrated lack of control of lawful gambling, or (iii) consent order requirements that have not been completed;

E. an organization that does not have a gambling manager who will be licensed by the board at the time the organization obtains its license; or

F. an organization that will not obtain at least one premises permit at the time the organization obtains its license.

Subp. 3. **Contents of organization application.** The application must contain the following information with respect to the applicant:

A. the official legal name of the organization and any other names used;

B. the business address and telephone number of the organization;

- C. a Minnesota tax identification number, if any;
- D. the full names, titles, dates of birth, and business telephone numbers of the organization's chief executive officer, treasurer, and other members of the organization's governing body;
- E. the home address of the organization's chief executive officer;
- F. a designation of whether the organization is a fraternal, veterans, religious, or other nonprofit organization and the number of years the organization has been in existence;
- G. the name and home or business address of the gambling manager;
- H. the class of license for which application is made;
- I. the number of active members in the organization;
- J. the current status of the organization's license, if any;
- K. a list of lawful purpose expenditures for which the organization proposes to expend net gambling funds;
- L. a list of the organization's other sources of income and income activities;
- M. the day and time of the regular meetings of the organization;
- N. an acknowledgment that a membership list of the organization will be available within seven days after it is requested by the board;
- O. an acknowledgment that the organization will file an appropriate license termination plan in the event the organization terminates lawful gambling; and
- P. such additional information as is necessary to properly identify the applicant and to ensure compliance with Minnesota Statutes, sections 349.11 to 349.23.

Subp. 4. **Attachments to application.** The applicant must attach the following to the application:

- A. a copy of its internal control system on a form provided by the board;
- B. proof of Minnesota or Internal Revenue Service income tax exempt status or a current certificate of nonprofit status from the secretary of state;
- C. a copy of a charter of the parent organization, if chartered;
- D. a compensation schedule identifying duties and

rate of compensation for each duty in the conduct of lawful gambling on a form provided by the board;

E. a registration form and current photograph for each employee receiving compensation for the conduct of lawful gambling;

F. a statement listing the permanent location within Minnesota of the organization's gambling records and the bank in Minnesota where the organization will maintain a separate gambling account; and

G. a signed, notarized affidavit of the chief executive officer, treasurer, and members of the governing body of the organization on a form provided by the board.

Subp. 5. **Changes in application information.** If any information submitted in the application changes, the organization must notify the board within ten days of the change.

Subp. 6. **Fees.** There is no application fee for an organization license.

Subp. 7. **Issuance and denial.** The following items apply to the issuance and denial of licenses:

A. The director shall issue a license to an organization which submits the information required by subparts 3 and 4 and is eligible to receive a license pursuant to subpart 2 and Minnesota Statutes, section 349.16. The license must be issued at the same time as any premises permits being renewed or applied for at the time the organization is applying for a license. Licenses issued by the director pursuant to this part are effective on the first day of a month.

B. The director shall deny the application of an organization ineligible to hold a license pursuant to subpart 2 or Minnesota Statutes, section 349.16.

C. An organization that has never been licensed to conduct lawful gambling or an organization whose application for renewal of its license was submitted after the expiration of its license may appeal the denial of a license application by notifying the board within 15 days of the date it receives notice that its application has been denied. The appeal must be made in writing and must contain a complete copy of the application and a statement describing the reasons the license should not be denied. The appeal is not a contested case under Minnesota Statutes, chapter 14.

The board shall refer the appeal to the executive committee which shall review the appeal within ten days of receipt. The executive committee shall issue a written decision within ten days of its consideration of the appeal. If the committee reverses the director's decision, it shall instruct the director to issue a license to the organization effective the first day of the month following the committee's written decision. The executive committee's decision is a final agency decision.

Subp. 8. **Renewals.** The following items apply to license

renewals:

A. To renew a license at the end of a term, an organization must submit to the board a complete renewal application on a form prescribed by the board at least 60 days before the expiration of the organization's existing license. A renewal application is not complete until it contains the information required by subparts 3 and 4.

Complete applications received by the board less than 60 days before the expiration of the applicant's existing license will be considered pursuant to this part but, if the applicant is entitled to a renewed license, the license will not be renewed by the director until the first day of the month following the expiration of 30 days after the board has received the complete application. An organization shall not continue gambling after the expiration of its license unless and until it receives a renewed license.

B. An application for renewal of a license must be denied if:

(1) the applicant is ineligible for a license pursuant to subpart 2 or Minnesota Statutes, section 349.16, subdivision 2;

(2) the applicant has expended a greater portion of its gross profits from lawful gambling on allowable expenses than is permitted by Minnesota Statutes, section 349.15;

(3) the director determines that the organization applying for renewal is:

(a) not in compliance with a law or rule governing lawful gambling; or

(b) delinquent in filing tax returns or paying taxes required by Minnesota Statutes, chapter 349; or

(4) it remains incomplete for more than 90 days after its initial submission.

C. An organization that has had its application denied pursuant to item B may reapply for renewal of its license once it has remedied that portion of its renewal application which resulted in the denial. In the case of a renewal application that has been denied because the organization has expended a greater portion of its gross profits from gambling on allowable expenses than is permitted by Minnesota Statutes, section 349.15, the organization may remedy the problem by transferring sufficient nongambling funds into its gambling account to bring it into compliance with Minnesota Statutes, section 349.15. Nothing in this subpart prevents the board from pursuing disciplinary action against a licensee for violations of law or rule which warranted the denial of a renewal application but were subsequently remedied in a sufficient manner to allow renewal of the organization's license.

D. The board may not delay the renewal of an organization license under Minnesota Statutes, section 349.16,

because of the licensee's failure to submit a complete application by a specified date before the expiration of the license, unless the board has first:

(1) sent the applicant by registered mail a written notice of the incomplete application; and

(2) given the applicant at least five business days from the date of receipt of the notice to submit a complete application or the information necessary to complete the application.

E. An organization that the director determines has failed to submit a complete renewal application at least 60 days before the expiration of its existing license may appeal that determination by filing a written request for a contested case hearing with the board before the expiration of the organization's existing license. The director shall schedule a contested case hearing before an administrative law judge pursuant to Minnesota Statutes, chapter 14. The hearing must be held less than 30 days after the service of a Notice and Order for Hearing if allowed by the chief administrative law judge pursuant to part 1400.5600, subpart 3. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under Minnesota Statutes, section 14.61. The sole issue at the hearing is whether the applicant submitted a complete application at least 60 days before the expiration of the applicant's existing license.

An organization whose renewal application has been denied may appeal that denial by requesting a contested case hearing pursuant to Minnesota Statutes, chapter 14. The request must be made in writing and received by the board no later than ten days after the organization receives the denial of its renewal application. Upon receipt of the request, the director shall schedule a contested case hearing before an administrative law judge pursuant to Minnesota Statutes, chapter 14. The hearing must be held less than 30 days after the service of Notice and Order for Hearing if allowed by the chief administrative law judge pursuant to part 1400.5600, subpart 3. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under Minnesota Statutes, section 14.61.

Subp. 9. **License termination.** If an organization voluntarily or involuntarily terminates all of its gambling activities, it shall submit a license termination plan to the board for approval on a form provided by the board. The plan must be submitted within 15 days of the termination date of all gambling activities. The plan must provide for the disposal of all registered gambling equipment in the organization's possession and for the distribution of profit carryover in its general gambling bank account. The board shall require the organization to revise the plan if it does not meet with board approval. Board approval must be based on the following criteria:

A. documentation accounting for the lawful expenditure of all remaining funds in the gambling account; and

B. documentation of the return or disposal of all unused registered gambling equipment in the possession of the organization.

STAT AUTH: MS s 349.151

HIST: 16 SR 2116; 18 SR 1189; 22 SR 291
Current as of 01/24/00