

**LAUDERDALE CITY COUNCIL MEETING AGENDA
TUESDAY, OCTOBER 28, 2003
CITY HALL, 7:00 P.M.**

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 7:00 P. M.**

2. **ROLL:**

Councilmembers:

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

Staff: Getschow _____

3. **APPROVAL OF THE AGENDA**

4. **APPROVAL**

- A. Approval of minutes of 10/14/03 City Council Meeting
- B. Approval of claims totaling \$51,204.02

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.

FILE

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

8. **INFORMATIONAL PRESENTATIONS**

- A. Housing Resource Center – Program Director Jennifer Bergman

9. **REPORTS**

10. **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.

11. **ACTION**

- A. Resolution 102803A: A Resolution Proclaiming Saturday, November 15, 2003 as Ramsey County Library Foundation Day in the City of Lauderdale
 - B. Resolution 102803B: A Resolution Accepting 2004 SCORE Funding From Ramsey County for the Lauderdale Recycling Program
 - C. Consideration of the 3rd Quarter Financial and Investment Report
 - D. Consideration of a revision to the Lauderdale City Code Title 3 (Business Regulations), Chapter 2 (Liquor Control) – civil penalty schedule for liquor licensees

12. **ITEMS REMOVED FROM THE CONSENT AGENDA**

13. **ADDITIONAL ITEMS**

14. **SET AGENDA FOR NEXT MEETING**

15. **ADJOURNMENT**

**Lauderdale City Council
Meeting Minutes
October 14, 2003**

1. Meeting called to order at 7:00 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 McCloskey, second by Christensen to approve the agenda. Motion carried unanimously.

4. APPROVAL

A. Approval of Minutes. Motion by Gill-Gerbig, second by McCloskey to approve the minutes of the September 23, 2003 City Council meeting. Motion carried unanimously.

B. Approval of Claims totaling \$59,250.61. Motion by Gill-Gerbig, second by McCloskey to approve the claims totaling \$59,250.61. Motion carried unanimously.

C. Approval of Pay Request #6 for the 2003 Street and Utility Improvements for S.M. Hentges and Sons in the amount of \$50,556.67. Motion by Gill-Gerbig, second by McCloskey to approve Pay Request #6 for the 2003 Street and Utility Improvements in the amount of \$50,556.67. Motion carried unanimously.

5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS ITEMS NOT ON THE AGENDA
6. CONSENT
7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/
CITIZENS ADDRESSING STREET AND UTILITY IMPROVEMENTS
8. INFORMATIONAL PRESENTATIONS
9. PUBLIC HEARINGS
10. REPORTS

A. Karkoc Ramsey County Petition regarding a parcel adjacent to Walsh Lake. The City Administrator reported that within the last week the City and four Pleasant Street property owners north of Roselawn Avenue were served with a court petition from the Karkoc's regarding Pleasant Street road access. It is the City Attorney's preliminary opinion that the Karkoc's are possibly attempting to prove that there is an established street serving their property. The City Attorney is still conducting research on this issue and awaiting the delivery of documents by the County, but it appears that the Karkoc's are attempting to persuade the Title Examiner to recognize that Pleasant Street serves his and the other four properties based on survey work that they have done. The Administrator stated that from all indications, it is clear that Pleasant Street does serve the other properties but city maps and records indicate that Pleasant Street never touched nor served the Karkoc parcel. A hearing for this issue was scheduled for Wednesday, October 15, but it has been continued until Wednesday, October 29 as a result of concerns brought by both the City and the adjacent property owners.

The Administrator stated there are other issues related to the development of this lot that involves zoning and shoreline setback regulations. The shoreline setback regulations of the City will be discussed in work session.

The Mayor stated that he had read through the background on this issue and had concerns with the Rice Creek Watershed District's handling of this issue. The past record on this lot, which dates back more than a decade, has indicated that the City does not view this parcel as a buildable lot under its current conditions. The District granting a permit, even with conditions, appears to put the City and the District at odds.

The approved 1997 Lauderdale Comprehensive Plan, which was developed by a resident task force, has the objective of eventually acquiring this parcel for park or open space purposes.

The City Administrator stated the Watershed District takes the position that they only address water quality issues with permit applications. The other issues are city or state concerns. It was then stated that an update would be brought to the Council once the hearing is conducted and more information is known. .

11. ACTION

A. Consideration of Quotations for the Sale of the Lift Station Generators. The City Administrator stated that due to the removal of the final two lift stations; the City has excess equipment (generators) to sell. The City placed an advertisement for two generators and pumps for sale in various trade magazines and the League of MN Cities Bulletin.

The City of Ashby quoted the City \$6,100 for one of the generators (6 cylinder). A second quotation that the City received requested the two generators and pumps for a total of \$6,000 – they would not separate the items. A third bid was submitted for the two for \$2,500 (6 cylinder) and \$2,200 (4 cylinder).

The city staff recommendation is to accept the highest quotation from the City of Ashby in the amount of \$6,100.00 for the 6-cylinder generator and to reject the other quotations that were received. The City can re-advertise for the sale of the remaining generator.

Motion by Giannetti, second by Christensen to accept the quotation from the City of Ashby in the amount of \$6,100.00 for the 6-cylinder generator and to reject the other quotations. Roll: Yes: all. Motion carried.

B. Reschedule the November 11, 2003 City Council meeting as a result of Veteran's Day Holiday. The City Administrator stated that the preferred date for the meeting would be Wednesday, November 12, 2003. The Mayor requested that the start time be moved ahead one hour to 8:00 p.m.

Motion by Christensen, second by McCloskey to approve the City Council regular meeting date change from November 11, 2003 to November 12, 2003 and to place the start time of the meeting at 8:00 p.m. Roll: Yes: all. Motion carried.

12. ITEMS REMOVED FROM THE CONSENT AGENDA
13. ADDITIONAL ITEMS
14. SET AGENDA FOR NEXT MEETING
 1. SCORE Resolution
 2. 3rd Quarter Financial and Investment Report

A break was taken at 7:31 p.m. to transition into a work session discussion.

15. WORK SESSION DISCUSSION

The meeting resumed at 7:33 p.m.

A. Storm Water Management Ordinance- "DNR Management of Shorelines" setbacks regulations. The Council discussed the storm water management ordinance, which adopts DNR setbacks from shorelines. The Council then discussed placing this DNR setback within the City Zoning Ordinance. Two residents from Pleasant Street north of Roselawn discussed this issue with the City Council, along with their concerns about the development of the vacant Karkoc lot.

B. Parking Ordinance. The City Council reviewed the parking ordinance section that relates to the parking of recreation vehicles, boats, etc. on the street that are over 20 feet in length. There was a discussion on whether this section should apply to the parking of recreation vehicles, boats, etc. of all lengths on the street.

C. Social Room/Window Replacement. The Council discussed the replacement of the social room windows and the improvement of the lighting that is preliminarily planned for 2004.

D. Liquor Control Ordinance. The City Council discussed amending the liquor control ordinance to include a specific and detailed schedule of violation penalties. This would be consistent with the Saint Anthony and Falcon Heights liquor control ordinances and the Lauderdale tobacco ordinance.

E. Suburban HRA Levy and the Housing Resource Center. The City Council discussed the county levy for suburban cities that was proposed for housing initiatives. The Housing Resource Center will be asked to provide a presentation to the City Council about their services to which some of these future levy dollars could be applied to.

16. ADJOURNMENT

Motion by Christensen, second by Gill-Gerbig to adjourn at 9:05 P.M. Ayes: All.

CITY OF LAUDERDALE
Claims for Approval
October 28, 2003 City Council Meeting

Payroll

10/24/03 Payroll:	Check # 7444-7448	\$6,081.80
10/24/03 Payroll:	EFT: Federal Withholding Taxes/FICA	\$2,451.02
10/24/03 Payroll:	EFT: PERA	\$1,026.01
10/24/03 Payroll:	EFT: ICMA Retirement Fund	\$1,280.43
Oct 03 Payroll:	EFT: State Withholding Taxes	\$857.70

Vendor Claims

10/28/03 Claims:	Check # 16589-16602	\$39,507.06
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Subtotal of Claims From Above **\$51,204.02**

Total Claims for Approval	\$51,204.02
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CITY OF LAUDERDALE

Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
Search Name AFSCME				
016589	10/28/03	102803claims 10/28/03	\$76.24	10/03 union dues
<i>Search Name AFSCME</i>			<u>\$76.24</u>	
Search Name AMERICAN ENGINEERING TESTING				
016590	10/28/03	102803claims 24194	\$420.00	2003 st/util concrete/bitum testing
<i>Search Name AMERICAN ENGINEERING TESTING</i>			<u>\$420.00</u>	
Search Name BONESTROO, ROSENE, ANDERLIK				
016591	10/28/03	102803claims 102400	\$302.49	09/03 2002 st/util improvements
016591	10/28/03	102803claims 102401	\$8,347.13	09/03 2003 st/util improvements
016591	10/28/03	102803claims 102399	\$50.00	09/03 general engineering
<i>Search Name BONESTROO, ROSENE, ANDERLIK</i>			<u>\$8,699.62</u>	
Search Name CINTAS				
016592	10/28/03	102803claims 10/28/03	\$74.46	10/16, 10/23 pw uniforms
<i>Search Name CINTAS</i>			<u>\$74.46</u>	
Search Name CITY OF ST ANTHONY				
016593	10/28/03	102803claims 10/28/03	\$56.38	reimburse animal control fees
016593	10/28/03	102803claims 772	\$19,266.66	11/03 police services
<i>Search Name CITY OF ST ANTHONY</i>			<u>\$19,323.04</u>	
Search Name ESCHELON TELECOM, INC				
016594	10/28/03	102803claims 516358	\$232.39	10/03 city hall phone
<i>Search Name ESCHELON TELECOM, INC</i>			<u>\$232.39</u>	
Search Name GOODIN COMPANY				
016595	10/28/03	102803claims 2380572	\$8.80	sewer supplies 2003 st/util improve
<i>Search Name GOODIN COMPANY</i>			<u>\$8.80</u>	
Search Name LILLIE SUBURBAN NEWS				
016596	10/28/03	102803claims 10/28/03	\$722.50	09/03 roseville review delivery
<i>Search Name LILLIE SUBURBAN NEWS</i>			<u>\$722.50</u>	
Search Name MET-COUNCIL ENVIRONMENTAL SER.				
016597	10/28/03	102803claims 763382	\$6,638.67	11/03 wastewater services
<i>Search Name MET-COUNCIL ENVIRONMENTAL SER.</i>			<u>\$6,638.67</u>	
Search Name MN STATE TREASUER				
016598	10/28/03	102803claims	\$160.62	3q03 permit surcharges
<i>Search Name MN STATE TREASUER</i>			<u>\$160.62</u>	
Search Name RAMSEY COUNTY, PROP REC & REV				
016599	10/28/03	102803claims risk624	\$936.97	10/03 employee benefits
016599	10/28/03	102803claims prrv326	\$288.00	2003 recycling fees
016599	10/28/03	102803claims prrv311	\$525.00	2003 assessment charges
<i>Search Name RAMSEY COUNTY, PROP REC & REV</i>			<u>\$1,749.97</u>	
Search Name SELBY ORNAMENTAL IRON				
016600	10/28/03	102803claims 10/28/03	\$1,298.00	railings for '02 st/util project
<i>Search Name SELBY ORNAMENTAL IRON</i>			<u>\$1,298.00</u>	
Search Name ST PAUL PIONEER PRESS				

The approved 1997 Lauderdale Comprehensive Plan, which was developed by a resident task force, has the objective of eventually acquiring this parcel for park or open space purposes.

The City Administrator stated the Watershed District takes the position that they only address water quality issues with permit applications. The other issues are city or state concerns. It was then stated that an update would be brought to the Council once the hearing is conducted and more information is known. .

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Motion by Christensen, second by McCloskey to approve the City Council regular meeting date change from November 11, 2003 to November 12, 2003 and to place the start time of the meeting at 8:00 p.m. Roll: Yes: all. Motion carried.

CITY OF LAUDERDALE

Paid Register

Check Number	Employee Number	Employee Name	Pay Period	Pay Group Description	Check Amount	Check Date	Status
007443		VOID	22		\$0.00	10/24/03	Void
007444	000000011	BOWNIK, JAMES	22	BI-WEEKLY	\$1,000.43	10/24/03	Outstanding
007445	000000003	GETSCHOW, RICK	22	BI-WEEKLY	\$1,874.79	10/24/03	Outstanding
007446	000000002	HINRICHS, DAVID C	22	BI-WEEKLY	\$1,214.96	10/24/03	Outstanding
007447	000000005	HUGHES, JOSEPH A	22	BI-WEEKLY	\$1,148.15	10/24/03	Outstanding
007448	000000037	WALSH, KEVIN	22	BI-WEEKLY	\$843.47	10/24/03	Outstanding
					\$6,081.80		

CITY OF LAUDERDALE
Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
016601	10/28/03	102803claims 10/28/03	\$24.90	paid thru 2/3/04
<i>Search Name ST PAUL PIONEER PRESS</i>			\$24.90	
Search Name WALTER'S RUBBISH				
016602	10/28/03	102803claims 240338	\$38.92	10/03 garbage service
016602	10/28/03	102803claims 240338	\$38.93	10/03 garbage service
<i>Search Name WALTER'S RUBBISH</i>			\$77.85	
Grand Total			\$39,507.06	

CITY OF LAUDERDALE

MEMORANDUM

TO: Mayor and Council Members

FROM: Kevin Walsh, Deputy Clerk

SUBJECT: Housing Resource Center

DATE: October 28, 2003

BACKGROUND

Jennifer Bergman, Program Director for the Housing Resource Center will be showing a short 8 minute video and answering questions by the Council.

As you know, the Resource Center helps residents with housing information and loan assistance. The GHMC was created in 1970 with the primary purpose to improve the availability and quality of affordable housing for low and moderate-income families and individuals. Some of the communities currently using the GHMC assistance include Arden Hills, Mounds View, North St. Paul, Roseville, Shoreview, and St. Anthony Village.

COSTS

The cost to the City of Lauderdale is based on the number and age of houses in the community. According to the GHMC the total cost would be \$3000/year.

Lauderdale City Council Memorandum

Council Meeting Date: October 28, 2003
To: Mayor and City Council
From: Rick Getschow, City Administrator
Agenda Item: Resolution 102803A: A Resolution Proclaiming Ramsey
County Library Foundation Day

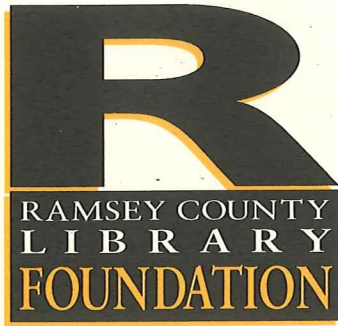
BACKGROUND:

The City received a letter from the Ramsey County Library Foundation requesting that the City by resolution proclaim November 15, 2003 as Ramsey County Library Foundation Day. The Foundation is planning a major fundraising event on this date. Also, the library system plans on prominently displaying all suburban Ramsey County city proclamations within their libraries.

The letter and the resolution are included in the packet.

COUNCIL ACTION REQUESTED:

Motion to approve Resolution 102803A: A Resolution Proclaiming Saturday, November 15, 2003 as Ramsey County Library Foundation Day in The City Of Lauderdale.



October 16, 2003

Mr. Jeffrey Dains
City of Lauderdale
Lauderdale, MN 55113

Dear Mr. Dains:

On behalf of the Ramsey County Library Foundation, I would like to invite the City of Lauderdale to join us in recognizing the value of the Ramsey County Library System by adopting the enclosed proclamation at your next City Council meeting. We are urging all the communities that benefit from the Ramsey County Libraries to proclaim November 15, 2003 as Ramsey County Library Foundation Day.

On the evening of November 15th, the Foundation will once again be hosting its annual Gala event to raise funds for the Ramsey County Library System. The theme for the evening is *A Taste for Books* and will consist of sampling of food from local restaurants, a silent auction and wonderful caberet style entertainment. The event will be held at the Roseville Branch Library (corner of Hamline Ave. and County Road B) from 7:00 – 10:00 p.m. I want to personally invite you and any Council Members to attend and join us for a fabulous evening. For more information regarding tickets, please contact 612-781-2218.

It is our hope that the Lauderdale City Council will support our efforts by adopting this proclamation. We would be happy to send a Foundation Board member to the next City Council meeting if schedules permit. A staff member from the Foundation will be in touch with your office to discuss dates and details. It is our hope to display prominently the proclamation at your local library after Council approval.

As you may already know, The Ramsey County Library Foundation was established in 1998 as an independent non-profit organization to raise money for library projects sought by patrons but beyond the scope of traditional government funding. It is by the support of generous local individuals and organization that we able to strive for improved library services in an increasingly tight fiscal environment. We would appreciate your support. Please contact me if you have any questions or concerns.

Sincerely,

Sharon Klumpp

3rd Annual Gala Chairperson

cc: Rick Getschow
enclosure: Proclamation

RESOLUTION NO. 102803A

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

**A RESOLUTION PROCLAIMING SATURDAY, NOVEMBER 15, 2003 AS RAMSEY
COUNTY LIBRARY FOUNDATION DAY IN THE CITY OF LAUDERDALE**

WHEREAS, the Ramsey County Library system serves over 220,000 residents living in suburban Ramsey County by providing them with a wide range of information and community resources; and

WHEREAS, six suburban libraries located in the cities of Arden Hills, Maplewood, Mounds View, Roseville, Shoreview, and White Bear Lake are part of the Ramsey County Library system; and

WHEREAS, plans are under way to explore restoring library services to the City of North Saint Paul and to make library improvements that respond to increasing community demands and ever changing technologies; and

WHEREAS, the Ramsey County Library system continues to grow with an 18 percent increase in circulation and over 1.6 million people using the libraries in 2002, and;

WHEREAS, Booker, the cuddly canine mascot of the Ramsey County Library system, can be seen throughout Ramsey County communities spreading the joy of reading to people of all ages at community and school events and encouraging residents to support local libraries; and

WHEREAS, the Ramsey County Library Foundation, which supports the Ramsey County Library system by cultivating donations and financial grants, is sponsoring the fourth annual Taste of Books on November 15, 2003 at the Roseville Library from 7:00-10:00 p.m. to highlight the efforts of Ramsey County Library employees, volunteers, and donors to enrich our local libraries;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Lauderdale, Minnesota that Saturday, November 15, 2003 be proclaimed:

RAMSEY COUNTY LIBRARY FOUNDATION DAY in the CITY OF LAUDERDALE

And urge all citizens of Lauderdale to join the Ramsey County Library Foundation in recognition of the Ramsey County Library system and its employees, volunteers, and donors who have contributed to the vital and important role that libraries play in our community life.

Adopted by the City Council of the City of Lauderdale, Minnesota this 28th day of October, 2003.


(ATTEST)

Jeffrey E. Dains, Mayor

(SEAL)

Rick Getschow, City Administrator

M E M O S B Y J A M E S

DATE: October 28, 2003
TO: Honorable Mayor and Council
FROM: James Bownik, A2CA 
2004 SCORE Funding Grant Application

Background

SCORE funding grants are provided to municipalities in Ramsey County on an annual basis. The grant helps cover expenses related to the City's recycling program such as administration, promotion, equipment, or collection and helps keep down the overall cost to the residents. The amount of the grant available for Lauderdale in 2004 is \$4,525.

A resolution is required as part of the grant application

Council Action Requested

Approve Resolution No. 102803B requesting a SCORE grant from Ramsey County for recycling.

RESOLUTION NO. 102803B

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

**RESOLUTION ACCEPTING 2004 SCORE FUNDING FROM RAMSEY
COUNTY FOR THE LAUDERDALE RECYCLING PROGRAM**

WHEREAS, SCORE Funding Grants are available to municipalities in Ramsey County for reimbursement of expenses related to administration, promotion, and collection of, recycling materials; and,

WHEREAS, the City of Lauderdale has a comprehensive curbside residential recycling program currently in use; and,

WHEREAS, these funds will provide Lauderdale with a method of paying for some incurred costs related to the administration of this program, thus aiding in keeping the cost to the residents low;

NOW THEREFORE, BE IT RESOLVED that the Lauderdale City Council does hereby authorize staff to submit an application to the St. Paul - Ramsey County Department of Public Health - Environmental Health Section for allocation of 2004 SCORE Funding Grant Monies in the amount of \$4,525.00.

I CERTIFY THAT the above resolution was adopted by the City Council of the City of Lauderdale on this 28th day of October, 2003.

(ATTEST)

Jeffrey Dains, Mayor

(SEAL)

Rick Getschow, City Administrator

M E M O S B Y J A M E S

DATE: October 28, 2003
TO: Honorable Mayor and Council
FROM: James Bownik, A2CA



3rd Quarter 2003 Financial and Investment Report

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

Combined Funds 101 – 601

	2002 1/1 - 9/30 Actual	2002 Budget	% of Budget	2003 1/1 - 9/30 Actual	2003 Budget	% of Budget
Revenues	\$2,141,874	\$1,734,227	124%	\$2,223,744	\$1,645,849	135%
Expenditures	\$1,999,112	\$1,840,718	109%	\$2,923,417	\$1,958,767	149%

The above table gives an overall picture of the City's finances compared to last year. At this point, revenues and expenditures are both above budget due to the 2003 street and utility improvement project (Fund 413). As you are aware, the 2003 street and utility project had not been ordered until after the budget had been approved. Thus, the actual revenues and expenditures so far this year for Funds 101-601 include about \$979,000 in revenues and about \$1,659,000 in expenditures from Fund 413, which the 2003 budget does not reflect.

General Fund 101 Revenues

	2002 1/1 - 9/30 Actual	2002 Budget	% of Budget	2003 1/1 - 9/30 Actual	2003 Budget	% of Budget
Property Tax	157,026	366,898	43%	207,284	396,971	52%
Licenses & Permits	17,270	8,480	204%	20,288	8,280	245%
Intergovernmental	219,403	423,687	52%	182,161	422,213	43%
Public Safety	29,767	32,468	92%	29,906	33,100	90%
Charges for Services	19,746	810	2438%	16,887	310	5447%
Interest	7,527	12,000	63%	4,004	12,000	33%
Miscellaneous	5,280	0	+	6,254	0	+
Transfers	0	0	0%	0	0	0%
Total	\$456,019	\$844,343	54%	\$466,784	\$872,874	53%

Property taxes are mostly received in June and December. License and permit fees are slightly ahead of last year's pace. Intergovernmental revenue mostly consists of local government aid and fiscal disparities received from the State in July and December. Public Safety revenue includes court fines (\$27,707) and false fire alarm invoice fees (\$2,199). Charges for services included the third of four annual bond fee payments (\$15,030) from the Children's Home Society and City Hall rental (\$1575). Miscellaneous revenues include reimbursement from Falcon Heights for street lighting improvements on Fulham Street (\$3,502) and a workers' comp audit refund (\$608). A \$1000 donation from the Lion's Club was received this quarter for new tables for the social room and events.

General Fund 101 Expenditures

	2002 1/1 - 9/30 Actual	2002 Budget	% of Budget	2003 1/1 - 9/30 Actual	2003 Budget	% of Budget
General Government	134,345	189,713	71%	127,317	191,234	67%
Public Safety	216,541	277,272	78%	227,497	286,948	79%
Public Works	68,667	100,363	68%	64,972	97,319	67%
Park & Recreation	38,628	53,804	72%	40,407	54,857	74%
Contingency	0	10,000	0%	0	10,000	0%
Transfers	0	185,000	0%	0	185,000	0%
Total	\$458,181	\$816,152	56%	\$460,193	\$825,358	56%

General fund expenditures are pretty much on par with the 3rd quarter of last year. Police services are expected to be 28% of this year's total general fund expenditures.

Special Revenue Funds 201 - 204

<i>Revenues</i>	2002 1/1 - 9/30 Actual	2002 Budget	% of Budget	2003 1/1 - 9/30 Actual	2003 Budget	% of Budget
201 Community Events	1,646	2,275	72%	1,635	2,075	79%
202 Cable T.V.	12,882	10,100	128%	11,346	12,100	94%
203 Recycling	18,847	33,667	56%	19,573	35,048	56%
Total	\$33,375	\$46,042	72%	\$32,554	\$49,223	66%

<i>Expenditures</i>	2002 1/1 - 9/30 Actual	2002 Budget	% of Budget	2003 1/1 - 9/30 Actual	2003 Budget	% of Budget
201 Community Events	1,754	1,850	95%	1,621	2,050	79%
202 Cable T.V.	9,721	14,380	68%	11,430	15,703	73%
203 Recycling	26,967	37,600	72%	25,738	39,109	66%
Total	\$38,442	\$53,830	71%	\$38,789	\$56,862	68%

201 Community Events: Snow*Commotion revenues and expenses are \$179/\$639, while Day in the Park revenues and expenses are \$1,332/\$710.

202 Cable TV: The revenue is mostly from franchise fees (\$11,069). An annual contribution to the North Suburban Cable Commission of \$3,797 was made, as well as payment for technical services and website hosting (\$2,749).

203 Recycling: The revenue is mostly from a Ramsey County SCORE Grant (\$4,079). BFI has been paid \$24,093 through the 3rd quarter.

TIF Debt Service Fund 301

	2002 1/1 - 9/30 Actual	2002 Budget	% of Budget	2003 1/1 - 9/30 Actual	2003 Budget	% of Budget
Revenues	\$64,103	\$172,500	37%	\$64,252	\$155,000	41%
Expenditures	\$143,960	\$204,460	70%	\$141,755	\$141,755	100%

The City made it's second to last TIF Bond principal and interest payment in January. The revenue will come with the tax settlement twice per year.

'00 Debt Service Fund 302

	2002 1/1 - 9/30 Actual	2002 Budget	% of Budget	2003 1/1 - 9/30 Actual	2003 Budget	% of Budget
Revenues	\$50,111	\$112,224	45%	\$38,465	\$77,224	50%
Expenditures	\$51,495	\$51,495	100%	\$124,466	\$124,665	100%

Revenue is from assessment payments for the 2000 street project via property taxes and investment interest. The expenditure is from general obligation bond principal and interest payments.

'02 Debt Service Fund 303

	2002 1/1 - 9/30 Actual	2002 Budget	% of Budget	2003 1/1 - 9/30 Actual	2003 Budget	% of Budget
Revenues	\$32,823	\$0	+	\$13,213	\$25,000	53%
Expenditures	\$517	\$0	+	\$56,512	\$57,175	99%

Revenue is from assessment payments for the 2002 street project via property taxes and investment interest. The City made interest payments on the 2002 street/utility bonds in January and July.

Capital Improvement Funds 401 – 413

<i>Revenues</i>	2002 1/1 - 9/30 Actual	2002 Budget	% of Budget	2003 1/1 - 9/30 Actual	2003 Budget	% of Budget
401 Street Improve	5,724	75,000	8%	48,848	75,000	65%
402 General Improve	552	56,000	1%	482	1,000	48%
403 Storm Water Imp	31,124	99,218	31%	37,329	94,500	40%
404 Park Imp	1,101	22,000	5%	1,031	2,000	52%
405 TIF Project	0	60,000	0%	0	0	0%
407 Sanitary Sewer	2,272	16,500	14%	1,105	16,500	7%
409 Water Imp Fund	5,087	7,700	66%	19,608	7,700	255%
410 '00 St/Util Imp Fund	1,730	0	+	0	0	0%
411 '01 St/Util Imp Fund	155,766	0	+	0	0	0%
412 '02 St/Util Imp Fund	1,156,779	0	+	352,768	38,000	928%
413 '03 St/Util Imp Fund	0	0	0%	978,970	0	+
Total	\$1,360,135	\$336,418	404%	\$1,440,141	\$234,700	614%

<i>Expenditures</i>	2002 1/1 - 9/30 Actual	2002 Budget	% of Budget	2003 1/1 - 9/30 Actual	2003 Budget	% of Budget
401 Street Improve	0	60,000	0%	35,103	60,000	59%
402 General Improve	4,230	31,000	14%	0	1,000	0%
403 Storm Water Imp	21,919	61,139	36%	26,729	72,514	37%
404 Park Imp	3,461	0	+	1,464	0	+
405 TIF Project	6,579	70,045	9%	7,016	8,449	83%
407 Sanitary Sewer	0	10,000	0%	0	10,000	0%
409 Water Imp Fund	0	0	0%	18,334	0	+
410 '00 St/Util Imp Fund	2,496	0	+	0	0	0%
411 '01 St/Util Imp Fund	112,208	256,000	44%	0	0	0%
412 '02 St/Util Imp Fund	993,294	0	+	231,238	370,000	62%
413 '03 St/Util Imp Fund	0	0	0%	1,659,145	0	+
Total	\$1,144,187	\$488,184	234%	\$1,979,029	\$521,963	379%

Revenue for funds 401-409 is from storm sewer fees, water surcharge fees, the 2001 street assessments and reimbursements. Expenses for funds 401-409 are mostly attributed to a final bill for Larpenteur Avenue reconstruction (\$31,516 engineering and \$18,334 water main) and the new storm water permit requirements (\$10,590).

Revenue for Fund 412 is mostly from grant monies and reimbursement from St. Paul Regional Water for water main improvements. Revenue for Fund 413 is mostly from bond proceeds. Fund 412 expenditures are \$189,670 for street repair and \$41,568 for engineering. Fund 413 expenditures were mostly for street repair (\$1,356,768) and engineering (\$295,247).

Sewer Utility Fund 601

	2002 1/1 - 9/30 Actual	2002 Budget	% of Budget	2003 1/1 - 9/30 Actual	2003 Budget	% of Budget
Revenue	\$145,308	\$222,700	65%	\$168,335	\$231,828	73%
Expenditures	\$162,847	\$226,597	72%	\$122,673	\$230,989	53%

Fund 601 expenditures are about 19% less than last year at this point. This is mostly due to lower wastewater treatment costs by Metropolitan Council Environmental Services.

INVESTMENTS

The following is a comparison of the amount of funds the City has invested for the past 3 years:

September '01: \$2,341,603 September '02: \$2,691,776 September '03: \$1,742,494

The City's investments as of September 30, 2003 are attached for your review.

CITY COUNCIL ACTION REQUESTED

Motion to approve the 3rd Quarter 2003 Financial & Investment Report.

City of Lauderdale

Investments through September 30, 2003

Maturity Date	Purchase Date	Purchasing Agent	Depository Name	Investment Type	Interest Rate	Days Held	Amount Invested	Estimated Interest	Monthly Interest Received	Interest Dates
6/16/03	6/14/02	MJSK	Eagle Bank	12 mo cd	2.950	367				matured at 100,000 (97,119 + 2881)
6/17/03	6/17/02	MJSK	Pennsylvania Business Bank	12 mo cd	2.950	365				matured at 100,000 (97,134 + 2866)
12/15/03	6/17/03	MJSK	INDYMAC BANK/PASADENA	6 mo cd	1.500	180	\$99,261.66	\$738.34		maturity
12/15/03	6/16/03	MJSK	COMMERCE BANK/PENNSYLVANIA	6 mo cd	1.450	180	\$99,282.18	\$717.82		maturity
12/15/03	6/16/03	MJSK	NBANK/COMMERCE, GA	6 mo cd	1.550	180	\$99,233.06	\$766.94		maturity
12/15/03	6/16/03	MJSK	COMMUNITY BANK/PASADENA	6 mo cd	1.350	180	\$99,331.36	\$668.64		maturity
4/23/04	9/24/03	MJSK	COLONIAL BANK	7 mo cd	1.600	212	\$99,079.25	\$920.75		maturity
3/23/04	9/24/03	Northland	ADVANTAGE BANK	6 mo cd	1.286	174	\$99,364.48	\$635.52		maturity
3/19/04	9/24/03	Northland	BANK HYDRO	6 mo cd	1.336	174	\$99,354.61	\$645.39		maturity
3/19/04	9/24/03	Northland	FIRST BANK MIAMI	6 mo cd	1.386	174	\$99,330.68	\$669.32		maturity
3/18/04	9/24/03	Northland	SELECT BANK	6 mo cd	1.286	174	\$99,382.06	\$617.94		maturity
		Northland	Pershing LLC	Money Market			\$13.09			
		Wells Fargo	Wells Fargo Prime Investment MM Fund	Money Market			\$37,781.58		\$16.67	monthly
		Insight Inv	League of MN Cities 4M Fund	Money Market			\$209,974.97		\$127.61	monthly
		Insight Inv	League of MN Cities 4M Plus	Money Market			\$601,105.08		\$743.38	monthly
					1.463		\$1,742,494.06		\$887.66	
					Average Rate		Total Investments		Monthly Interest Received	

Purchasing Agent	Amount	Percentage
Smith Barney	\$0.00	0%
US Bank	\$0.00	0%
Dain Rauscher	\$0.00	0%
Wells Fargo	\$37,781.58	2%
Northland	\$397,444.92	23%
MJSK	\$496,187.51	28%
League of MN Cities	\$811,080.05	47%
Total	\$1,742,494.06	100%

Agency	Amount	Percentage
Fed Agency	\$0.00	0%
Commercial Paper	\$0.00	0%
Treas & 100% Agency	\$0.00	0%
Certified Deposit	\$893,619.34	51%
Money Market	\$848,874.72	49%
Total	\$1,742,494.06	100%

Term	Amount	Percentage
Up to 1 year	\$893,619.34	51%
2 to 3 years	\$0.00	0%
3 years & over	\$0.00	0%
No time limit	\$848,874.72	49%
Total	\$1,742,494.06	100%

City of Lauderdale

Current Investments 2003

Maturity Date	Purchase Date	Purchasing Agent	Depository Name	Investment Type	Interest Rate	Days Held	Amount Invested	Estimated Interest	Monthly Interest Received	Interest Dates
3/14/03	6/14/02	MJSK	Nbank	9 mo CD	2.900	273			\$2,127.36	matured at 100,000 (97,877+ 2123+4.36)
6/16/03	6/14/02	MJSK	Eagle Bank	12 mo CD	2.950	367			\$2,881.00	matured at 100,000 (97,119 + 2881)
6/17/03	6/17/02	MJSK	Pennsylvania Business Bank	12 mo CD	2.950	365			\$2,866.00	matured at 100,000 (97,134 + 2866)
12/15/03	6/17/03	MJSK	INDYMAC BANK/PASADENA	6 MO CD	1.500	180	\$99,261.66	\$738.34		maturity
12/15/03	6/16/03	MJSK	COMMERC BANK/PENNSYLVANIA	6 MO CD	1.450	180	\$99,282.18	\$717.82		maturity
12/15/03	6/16/03	MJSK	NBANK/COMMERCE, GA	6 MO CD	1.550	180	\$99,233.06	\$766.94		maturity
12/15/03	6/16/03	MJSK	COMMUNITY BANK/PASADENA	6 MO CD	1.350	180	\$99,331.36	\$668.64		maturity
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3/19/04	9/24/03	Northland	SELECT BANK	6 mo cd	1.286	174	\$99,382.06	\$617.94		maturity
		Northland	Pershing LLC	Money Market			\$13.09			
		Wells Fargo	Wells Fargo Prime Investment MM Fund	Money Market			\$37,781.58		\$195.80	monthly
		Insight Investment Mgmt	League of MN Cities 4M Fund	Money Market			\$209,974.97		\$1,084.75	monthly
		Insight Investment Mgmt	League of MN Cities 4M Plus	Money Market			\$601,105.08		\$11,106.72	monthly
					1.463		\$1,742,494.06		\$20,261.63	
					Average Rate		Total		Yearly Interest Received	

Purchasing Agent	Amount	Percentage
Smith Barney	\$0.00	0%
US Bank	\$0.00	0%
Dain Rauscher	\$0.00	0%
Wells Fargo	\$37,781.58	2%
Northland	\$397,444.92	23%
MJSK	\$496,187.51	28%
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3 years & over	\$0.00	0%
No time limit	\$848,874.72	49%
Total	\$1,742,494.06	100%

CITY OF LAUDERDALE

MEMORANDUM

TO: Mayor and Council Members
FROM: Kevin Walsh, Deputy Clerk
SUBJECT: Civil Penalties for Violation of Liquor Ordinance
DATE: October 28, 2003

BACKGROUND

As directed by the City Council, I have drafted an addition to Title 3, Chapter 2 of the City Code in reference to liquor violations. This addition specifically relates to presumptive civil penalties. Currently, the City Code gives the Council sufficient cause to revoke a license issued for any violation. This supplementary addition (3-2-15) will create minimum objective penalties for those persons who violate the laws of selling alcoholic beverages without changing any language in the current code.

Along with the list of civil penalties is a paragraph that reiterates Section 3-2-14—"The conviction of the licensee, agent, employee, etc. shall be sufficient cause for the City Council to revoke any license issued. This addition asserts that it will not limit the authority of the City Council.

Enclosed is the draft ordinance.

COUNCIL ACTION REQUESTED

Consider revising City Code Title 3 (Business Regulations), Chapter 2 (Liquor Control) following final review by the City Attorney.

CHAPTER 2

LIQUOR CONTROL

SECTION:

- 3-2--1: Definitions
- 3-2--2: License Required
- 3-2--3: Application
- 3-2--4: License Fee
- 3-2--5: Limited On Sale License
- 3-2--6: Investigation
- 3-2--7: Term Of License
- 3-2--8: Hours Of Sale Restricted
- 3-2--9: Prohibited Acts
- 3-2-10: Music, Hours Restricted
- 3-2-11: Licensee Liability
- 3-2-12: Taverns Prohibited
- 3-2-13: Sale And Delivery In Original Package
- 3-2-14: Revocation Of License
- 3-2-15: Violation

3-2-1: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

!DEF! INTOXICATING LIQUOR: Ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing more than three and two-tenths percent (3.2%) of alcohol by weight.

NONINTOXICATING MALT LIQUOR: Malt liquor containing not less than one-half of one percent (0.5%) alcohol by volume nor more than three and two-tenths percent (3.2%) alcohol by weight.

TAVERN: Every place used, maintained, advertised or held out to be a place where nonintoxicating liquor is sold for consumption on or off such premises and in addition to such sale of nonintoxicating liquor also provides dancing, singing or vaudeville performance or entertainment for its guests or provides for them the privilege of dancing. (Ord. 6, 7-25-1989; 1996 Code) !DEFEND!

3-2-2: LICENSE REQUIRED:

A. General Requirement: It shall be unlawful to sell nonintoxicating malt liquors at retail, except when licensed as hereinafter provided.

B. Types Of Licenses: There shall be two (2) types of licenses issued for the sale of nonintoxicating liquors as hereinafter set out:

1. On Sale Licenses: On sale licenses shall permit the licensee

to sell nonintoxicating malt liquor for consumption on the premises.

2. Off Sale Licenses: Off sale licenses shall permit the licensee to sell nonintoxicating malt liquor in original packages for consumption off the premises only. (Ord. 6, 7-25-1989)

3-2-3: APPLICATION:

Any person desiring either of the licenses hereinbefore described shall first make an application therefor to the City Council by filing with the City Administrator, for presentation by him to the Council, an application in writing which shall set forth with reasonable accuracy the name and place of residence of the applicant, the exact location of the place at which the applicant proposes to carry on the business of selling nonintoxicating malt liquor, and whether or not the applicant has, at any time previous to the date thereof, been engaged in such business and, if so, when and where. Such application shall be signed by the applicant or by an officer of the corporation seeking the license and, when received, shall be placed on file and shall be presented to the Council at its next regular meeting. (Ord. 6, 7-25-1989; 1996 Code)

3-2-4: LICENSE FEE:

A. Fee: At the time of filing an application for either of the licenses hereinbefore provided for, the applicant shall deposit with the City Administrator a fee in the amount established by the City Council by resolution from time to time.

B. Receipt: The City Administrator shall thereupon deliver to such applicant duplicate receipts therefor containing a statement of the purpose for which said deposit was made. One of such receipts shall be attached to and filed with such application.

C. Proration: For a period shorter than one year, the license fees shall be the full amount. (Ord. 6, 7-25-1989; 1996 Code)

3-2-5: LIMITED ON SALE LICENSE:

A. License Required: A limited on sale license may be issued to any person, bona fide club or organization, or for the conduct of an organized activity in a public park as provided in Title 7, Chapter 1 of this Code, upon application to the Administrator and compliance with Sections 3-2-3 and 3-2-4 of this Chapter.

B. License Fee: The fee for a limited on sale license shall be in the amount established by the City Council by resolution from time to time.

C. Term Of License: The license permits sale of nonintoxicating malt liquor for a period of no more than twelve (12) consecutive

hours during one day of any license year. (Ord. 6, 7-25-1989; 1996 Code)

3-2-6: INVESTIGATION¹:

The Council shall direct such investigation of said application as it may deem necessary and the applicant shall permit the representatives of any City department to inspect and examine the place of business described in the application together with all the appliances and instruments used or to be used in the transaction of the business for which the license is sought, and upon receipt of such report the Council shall thereafter consider the application and grant or deny the same. (Ord. 6, 7-25-1989)

3-2-7: TERM OF LICENSE:

Licenses herein provided for shall expire on July 1 following the date of issuance. (Ord. 6, 7-25-1989)

3-2-8: HOURS OF SALE RESTRICTED:

No nonintoxicating malt liquor shall be sold either on sale or off sale between the hours of one o'clock (1:00) A.M. and eight o'clock (8:00) A.M. on the days of Monday through Saturday nor between the hours of one o'clock (1:00) A.M. and twelve (12:00) noon on Sundays. No on sale licensee shall permit any such nonintoxicating malt liquor to be consumed on his or her premises during the hours when the sale thereof is prohibited by this Chapter. (Ord. 6, 7-25-1989)

3-2-9: PROHIBITED ACTS:

A. Sale To Minors: It shall be unlawful to sell such nonintoxicating malt liquor to any person under twenty one (21) years of age.

B. Dancing; Entertainment: Dancing wherein the public participates, and dancing, singing and other vaudeville exhibition for entertainment are hereby and at all times prohibited on the premises of any on sale licensee.

C. Intoxicating Liquor:

1. It shall be unlawful for any person duly licensed to sell nonintoxicating malt liquor but not duly licensed to sell intoxicating liquor, or for any of his agents, servants or employees, to have in their possession on said licensed premises intoxicating liquor for the purpose of consumption by anyone.

2. It shall be unlawful for such licensee, his agents, servants

1. See also subsection 2-4-2B2 of this Code.

or employees to permit the consumption of intoxicating liquor upon said premises. (Ord. 6, 7-25-1989)

3-2-10: MUSIC, HOURS RESTRICTED:

All music, by whatever means provided, is hereby prohibited upon the premises of any on sale licensee between the hours of nine o'clock (9:00) P.M. of any one day and nine o'clock (9:00) A.M. of the following day, provided that an on sale licensee is hereby permitted to operate a radio or similar device and obtain music therefrom between said hours of nine o'clock (9:00) P.M. and nine o'clock (9:00) A.M.; provided further, that the tone of such radio is modulated so as not to annoy the occupants of nearby premises. The failure of any on sale licensee using a radio or similar device between said hours to keep the same from becoming a nuisance to occupants of nearby premises shall be deemed sufficient cause in the discretion of the Council to revoke his or her license to sell, such nonintoxicating malt liquors. (Ord. 6, 7-25-1989; 1996 Code)

3-2-11: LICENSEE LIABILITY:

Any act of any clerk, barkeeper, agent, servant or employee in violation hereof shall be deemed the act of the employer and licensee of such place as well as that of said clerk, barkeeper, agent, servant or employee, and every such employer and licensee shall be liable to all the penalties provided herein for the violation of same equally with the sales clerk, barkeeper, agent, servant or employee. (Ord. 6, 7-25-1989)

3-2-12: TAVERNS PROHIBITED:

It shall be unlawful for any person to keep or operate a tavern within the limits of the City. (Ord. 6, 7-25-1989)

3-2-13: SALE AND DELIVERY IN ORIGINAL PACKAGE:

Nothing herein contained shall be construed to prohibit the sale and delivery in original packages direct to the consumer by the manufacturer or distributor of nonintoxicating malt liquors. (Ord. 6, 7-25-1989)

3-2-14: REVOCATION OF LICENSE:

The conviction of the licensee or of any clerk, barkeeper, agent, servant or employee of said licensee on the violation of this Chapter shall be sufficient cause for the City Council to revoke any license issued to such licensee. (Ord. 6, 7-25-1989) The Council may suspend or revoke the license for any of the following reasons:

1. False of misleading statements made on a license application or failure to abide by the commitments, promises or representations of the City Council

2. Violation of any Federal, State, or local law regulating the sale of nonintoxicating liquor.

3. Creation of a nuisance on the premises.

4. Expiration or cancellation of any required insurance, or failure to notify the City within a reasonable time of changes in the term of the insurance of the carriers.

3-2-15: PRESUMPTIVE CIVIL PENALTIES:

These penalties are presumed to be appropriate for every case, however, the Council may deviate in an individual case where the Council finds that there exist substantial reasons making it more appropriate to deviate.

The minimum penalties for convictions or violations must be presumed as follows (unless specified, numbers below indicate consecutive days' suspension):

Type of Violation	1 st	2 nd	3 rd	4 th
1. Commission of a felony related to the licensed activity	Revocation	N/A	N/A	N/A
2. Sale of alcoholic beverages while license is under suspension	Revocation	N/A	N/A	N/A
3. Sale of alcoholic beverages to under-age persons	\$500	6 days	18 days	Revocation
4. After hours sale of alcoholic beverages	\$500	6 days	18 days	Revocation
5. After hours display or consumption of alcoholic beverages	\$500	6 days	18 days	Revocation
6. Refusal to allow city officials to inspect premises	\$500	15 days	Revocation	

7. Failure to take steps to stop person from leaving premises with alcohol beverages \$500 6 days 18 days Revocation

The City Council may impose a 3 day suspension for failure to pay the required fine on the first appearance. Nothing in the Section shall restrict or limit the authority of the City Council to suspend up to 60 days, revoke the license, or impose a civil fine not to exceed \$2,000 for each violation, to impose conditions, or impose any combination of the foregoing sanctions, or take any other action in accordance with the law; provided, the license holder has been afforded the opportunity for a hearing in accordance with Minnesota Statutes Section 14.57 to 14.70. The hearing notice shall be given at least ten days prior to the hearing, including notice of the time and place of the hearing, and state of the nature of the charges against the licensee.

3-2-16: VIOLATION:

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor. (Ord. 6, 7-25-1989)

