

FILE

**LAUDERDALE CITY COUNCIL MEETING AGENDA
WEDNESDAY, NOVEMBER 12, 2003
CITY HALL, 8:00 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 8:00 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 10/28/03 City Council Meeting
- B. Approval of claims totaling \$15,903.65
- C. Approval of Pay Request #7 for the 2003 Street and Utility Improvements for S.M. Hentges and Sons in the amount of \$5,133.99

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

8. INFORMATIONAL PRESENTATIONS

- A. City Prosecution 101
(Lauderdale Prosecutor Martin Costello, Hughes and Costello)

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 111203A: Resolution Certifying the Election Returns of the November 4, 2003 General Municipal Election
- B. Consideration of a revision to the Lauderdale City Code Title 6 (Motor Vehicles), Chapter 1 (Parking Restrictions)

12. DISCUSSION

- A. Consideration of a revision to the Lauderdale City Code Title 3 (Business Regulations), Chapter 2 (Liquor Control)

13. ITEMS REMOVED FROM THE CONSENT AGENDA

14. ADDITIONAL ITEMS

15. SET AGENDA FOR NEXT MEETING

16. ADJOURNMENT

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

1. Meeting called to order at 7:00 P.M.

2. ROLL

Council present: Christensen, McCloskey, Gill-Gerbig, Giannetti 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 with the addition of item 8 (A) Halloween party announcement and 11 (E) City representation on a sub-watershed committee. Motion carried unanimously.

4. APPROVAL

A. Approval of Minutes. Motion by Gill-Gerbig, second by McCloskey to approve the minutes of the October 14, 2003 City Council meeting. Motion carried unanimously.

B. Approval of Claims totaling \$51,204.02. Motion by Christensen, second by McCloskey to approve the claims totaling \$51,204.02. 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

A. Halloween Party. Council member and Park and Community Involvement Committee (PCIC) liaison Giannetti reminded everyone about Halloween party at City Hall on Friday, October 31st from 5:00-7:00 p.m. There will be candy, hot dogs, mini-donuts, the maze, kid's movies, and a special appearance by magician "Giannetti the Magnificent".

8. INFORMATIONAL PRESENTATIONS

A. Housing Resource Center. Jennifer Bergman, of the Greater Metropolitan Housing Coalition, gave presentation to the Council on the many housing programs and initiatives provided by her organization. She focused on a program called the Housing Resource Center that provides housing services for many of the Ramsey County suburbs. She presented a short video that promotes the Housing Resource Center as a clearinghouse of information and assistance for homeowners and potential homeowners.

9. REPORTS

10. PUBLIC HEARINGS

11. ACTION

A. Resolution 102803A: A Resolution Proclaiming Saturday, November 15, 2003 as Ramsey County Library Foundation Day in the City of Lauderdale. The City Administrator stated that the City received a request from the Ramsey County Library Foundation that the City by resolution proclaim November 15, 2003 as Ramsey County Library Foundation Day. The County library system plans on prominently displaying all suburban Ramsey County city proclamations within their libraries as part of a major fundraising event.

Motion by Christensen, second by McCloskey to approve Resolution 102803A: A Resolution Proclaiming Saturday, November 15, 2003 as Ramsey County Library Foundation Day in The City Of Lauderdale. Roll: Yes: all. Motion carried.

B. Resolution 102803B: A Resolution Accepting 2004 SCORE Funding from Ramsey County for the Lauderdale Recycling program. The City Administrator provided a brief overview of the programs that SCORE grant funding provides. He also stated that the Council would be discussing the Recycling Fund and the 2004 recycling rates at a November Council meeting.

Motion by McCloskey, second by Gill-Gerbig to approve Resolution 102803B: A Resolution Accepting 2004 SCORE Funding from Ramsey County for the Lauderdale Recycling program. Roll: Yes: all. Motion carried.

C. 3rd Quarter Financial and Investment Report. The Administrator provided a brief overview of the current financial picture of the City through a report prepared by the Assistant to the City Administrator.

Motion by Giannetti, second by Gill-Gerbig to approve the 3rd Quarter Financial and Investment Report. Roll: Yes: all. Motion carried.

D. Consideration of a revision to the Lauderdale City Code Title 3 (Business Regulations), Chapter 2 (Liquor Control)- civil penalty schedule for liquor licensees. The City Administrator presented a draft of a revision to the City Code as it relates to civil penalties for violations of the liquor control ordinance. The revision was modeled from the City of Saint Anthony and the City of Falcon Heights ordinances of which are both enforced by our Police Department.

The City Council requested further clarification on a few of the penalties. They also requested more options in terms of fines and suspensions for a seller of liquor who violates the ordinance. The Administrator stated that the ordinance would then come back for further review at the next Council meeting.

E. City representation on a sub-watershed committee. Council member Gill-Gerbig brought forward a request she had received for the city to have representation on a master planning committee for the Bridal Veil Creek sub-watershed of the Mississippi Watershed Management Organization covering parts of Minneapolis, Lauderdale, and St. Paul. The consensus was that Gill-Gerbig should serve on this committee as a result of her qualifications and her representation on the Mississippi Watershed Management Organization (MWMO). An appointment by the City Council to the committee will be made once an official request comes forward.

12. ITEMS REMOVED FROM THE CONSENT AGENDA

13. ADDITIONAL ITEMS

14. SET AGENDA FOR NEXT MEETING

1. Canvassing 2003 Municipal Election Results
2. City Prosecutor Presentation
3. City Code revision- Liquor Control- civil penalty schedule

15. ADJOURNMENT

Motion by McCloskey, second by Gill-Gerbig to adjourn at 8:00 P.M. Ayes: All.

CITY OF LAUDERDALE

Claims for Approval

November 12, 2003 City Council Meeting

<u>Payroll</u>		
11/7/03 Payroll:	Check # 7450-7461	\$6,822.42
11/7/03 Payroll:	EFT: Federal Withholding Taxes/FICA	\$2,484.60
11/7/03 Payroll:	EFT: PERA	\$1,035.37
11/7/03 Payroll:	EFT: ICMA Retirement Fund	\$1,280.43
<u>Vendor Claims</u>		
11/12/03 Claims:	Check # 16604-16619, 16621-16623	\$4,280.83

Subtotal of Claims From Above **\$15,903.65**

SM Hentges & Sons Check # 16620 **\$5,133.99**

Total Claims for Approval	\$21,037.64
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CITY OF LAUDERDALE

Paid Register

Check Number	Employee Number	Employee Name	Pay Period	Pay Group Description	Check Amount	Check Date	Status
007450	000000042	BARLOW, EVELYN	23	BI-WEEKLY	\$70.00	11/7/03	Outstanding
007451	000000011	BOWNIK, JAMES	23	BI-WEEKLY	\$1,000.43	11/7/03	Outstanding
007452	000000003	GETSCHOW, RICK	23	BI-WEEKLY	\$1,874.79	11/7/03	Outstanding
007453	000000039	GORDEN, ELEANOR	23	BI-WEEKLY	\$70.00	11/7/03	Outstanding
007454	000000041	HAWKINSON, DENISE	23	BI-WEEKLY	\$70.00	11/7/03	Outstanding
007455	000000002	HINRICHS, DAVID C	23	BI-WEEKLY	\$1,377.14	11/7/03	Outstanding
007456	000000005	HUGHES, JOSEPH A	23	BI-WEEKLY	\$1,004.86	11/7/03	Outstanding
007457	000000052	JAMES, VIRGINIA	23	BI-WEEKLY	\$105.00	11/7/03	Outstanding
007458	000000048	LAWRENCE, DONNA	23	BI-WEEKLY	\$136.00	11/7/03	Outstanding
007459	000000021	MATHENY, VIRGINIA	23	BI-WEEKLY	\$114.42	11/7/03	Outstanding
007460	000000033	SCHMIDT, MAE	23	BI-WEEKLY	\$120.35	11/7/03	Outstanding
007461	000000037	WALSH, KEVIN	23	BI-WEEKLY	\$879.43	11/7/03	Outstanding
007449		VOID	23		\$0.00	11/7/03	Void
					\$6,822.42		

CITY OF LAUDERDALE
Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
Search Name CARE AIR CONDITIONING/HEATING				
016604	11/12/03	111203claims 1478	\$173.00	repair social room furnace
<i>Search Name CARE AIR CONDITIONING/HEATING</i>			<u>\$173.00</u>	
Search Name CINTAS				
016605	11/12/03	111203claims 11/12/03	\$74.46	10/30, 11/6 pw uniforms
<i>Search Name CINTAS</i>			<u>\$74.46</u>	
Search Name CITY OF FALCON HEIGHTS				
016606	11/12/03	111203claims 11/12/03	\$359.00	09/03 fire calls
<i>Search Name CITY OF FALCON HEIGHTS</i>			<u>\$359.00</u>	
Search Name EAST HENNEPIN AUTO SERVICE INC				
016607	11/12/03	111203claims 11/12/03	\$9.00	10/03 truck fuel
016607	11/12/03	111203claims 11/12/03	\$9.00	10/03 truck fuel
<i>Search Name EAST HENNEPIN AUTO SERVICE INC</i>			<u>\$18.00</u>	
Search Name ELDER-JONES BUILDING PERMIT				
016608	11/12/03	111203claims 11/12/03	\$301.75	refund building permit fees
<i>Search Name ELDER-JONES BUILDING PERMIT</i>			<u>\$301.75</u>	
Search Name GLENWOOD INGLEWOOD				
016609	11/12/03	111203claims 11/12/03	\$53.68	10/03 water delivery
<i>Search Name GLENWOOD INGLEWOOD</i>			<u>\$53.68</u>	
Search Name HOME DEPOT CRC				
016610	11/12/03	111203claims 4100962	\$19.86	garage maintenance supplies
016610	11/12/03	111203claims 4100962	\$76.75	charcoal grill
016610	11/12/03	111203claims 4100962	\$11.61	warming house repairs
<i>Search Name HOME DEPOT CRC</i>			<u>\$108.22</u>	
Search Name HUGHES & COSTELLO				
016611	11/12/03	111203claims 11/12/03	\$35.25	11/03 print/process
016611	11/12/03	111203claims 11/12/03	\$850.00	11/03 legal retainer
<i>Search Name HUGHES & COSTELLO</i>			<u>\$885.25</u>	
Search Name KENNEDY & GRAVEN				
016612	11/12/03	111203claims 58687	\$737.50	09/03 legal fees
<i>Search Name KENNEDY & GRAVEN</i>			<u>\$737.50</u>	
Search Name NELSON CHEESE AND DELI				
016613	11/12/03	111203claims 5625	\$55.56	lunches election judges
<i>Search Name NELSON CHEESE AND DELI</i>			<u>\$55.56</u>	
Search Name NORTH STAR BANK, PETTY				
016614	11/12/03	111203claims 11/12/03	\$49.68	jb mileage
016614	11/12/03	111203claims 11/12/03	\$7.00	rg parking
016614	11/12/03	111203claims 11/12/03	\$6.00	rv rec d jennrich
016614	11/12/03	111203claims 11/12/03	\$21.00	pizza election judges
016614	11/12/03	111203claims 11/12/03	\$11.24	furnace supplies
016614	11/12/03	111203claims 11/12/03	\$21.00	pizza pcic
016614	11/12/03	111203claims 11/12/03	\$20.00	reimb barlow - ice

CITY OF LAUDERDALE

Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
<i>Search Name NORTH STAR BANK, PETTY</i>			\$135.92	
Search Name OFFICE MAX				
016615	11/12/03	111203claims 7083j293	\$49.49	general office supplies
016615	11/12/03	111203claims 5j275	\$70.98	general office supplies
<i>Search Name OFFICE MAX</i>			\$120.47	
Search Name PARK HARDWARE HANK				
016616	11/12/03	111203claims 11/12/03	\$58.95	warming house repairs
<i>Search Name PARK HARDWARE HANK</i>			\$58.95	
Search Name PARK SERVICE				
016617	11/12/03	111203claims 11/12/03	\$78.53	10/03 truck fuel
016617	11/12/03	111203claims 11/12/03	\$242.35	truck repairs
016617	11/12/03	111203claims 11/12/03	\$78.52	10/03 truck fuel
<i>Search Name PARK SERVICE</i>			\$399.40	
Search Name RAPIT PRINTING				
016618	11/12/03	111203claims 103668	\$38.39	building permit aps
016618	11/12/03	111203claims 103668	\$167.30	print 4q03 newsletter
<i>Search Name RAPIT PRINTING</i>			\$205.69	
Search Name ROTARY CLUB OF ROSEVILLE, MN				
016619	11/12/03	111203claims 11/12/03	\$219.00	4q03 membership dues
<i>Search Name ROTARY CLUB OF ROSEVILLE, MN</i>			\$219.00	
Search Name SM HENTGES & SONS				
016620	11/12/03	111203claims pay req 7	\$5,133.99	03 street/utility improvements
<i>Search Name SM HENTGES & SONS</i>			\$5,133.99	
Search Name ST PAUL REGIONAL WATER SERVICE				
016621	11/12/03	111203claims 11/12/03	\$70.15	3q03 city hall and garage water bill
016621	11/12/03	111203claims 11/12/03	\$19.89	3q03 city hall and garage water bill
<i>Search Name ST PAUL REGIONAL WATER SERVICE</i>			\$90.04	
Search Name VICTORSEN, CATHERINE				
016622	11/12/03	111203claims 11/12/03	\$24.00	rv rec reimb 2x12
<i>Search Name VICTORSEN, CATHERINE</i>			\$24.00	
Search Name XCEL ENERGY				
016623	11/12/03	111203claims 11/12/03	\$19.63	10/03 park utilities
016623	11/12/03	111203claims 11/12/03	\$48.04	10/03 city hall utilities
016623	11/12/03	111203claims 11/12/03	\$16.01	10/03 city hall utilities
016623	11/12/03	111203claims 11/12/03	\$94.35	10/03 city hall utilities
016623	11/12/03	111203claims 11/12/03	\$31.45	10/03 city hall utilities
016623	11/12/03	111203claims 11/12/03	\$14.74	10/03 garage utilities
016623	11/12/03	111203claims 11/12/03	\$14.75	10/03 garage utilities
016623	11/12/03	111203claims 11/12/03	\$6.83	10/03 garage utilities
016623	11/12/03	111203claims 11/12/03	\$8.32	10/03 park utilities
016623	11/12/03	111203claims 11/12/03	\$6.82	10/03 garage utilities
<i>Search Name XCEL ENERGY</i>			\$260.94	

CITY OF LAUDERDALE
Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
Grand Total			\$9,414.82	



Owner: City of Lauderdale, 1891 Walnut St., Lauderdale, MN 55113	Date: November 3, 2003
For Period: 10/8/2003 to 11/3/2003	Request No: 7
Contractor: S. M. Hentges and Sons Inc., 650 Quaker Ave. Ste. 200, Jordan, MN 55352	

CONTRACTOR'S REQUEST FOR PAYMENT
2003 UTILITY AND STREET IMPROVEMENTS
BRA FILE NO. 532-02-103

SUMMARY

1	Original Contract Amount		\$	<u>1,696,724.39</u>
2	Change Order - Addition	\$	<u>0.00</u>	
3	Change Order - Deduction	\$	<u>0.00</u>	
4	Revised Contract Amount		\$	<u>1,696,724.39</u>
5	Value Completed to Date		\$	<u>1,486,798.43</u>
6	Material on Hand		\$	<u>0.00</u>
7	Amount Earned		\$	<u>1,486,798.43</u>
8	Less Retainage 5%		\$	<u>74,339.92</u>
9	Subtotal		\$	<u>1,412,458.51</u>
10	Less Amount Paid Previously		\$	<u>1,407,324.52</u>
11	Liquidated damages -		\$	<u>0.00</u>
12	AMOUNT DUE THIS REQUEST FOR PAYMENT NO. <u>7</u>		\$	<u><u>5,133.99</u></u>

Recommended for Approval by:
BONESTROO, ROSENE, ANDERLIK & ASSOCIATES, INC.

Approved by Contractor:
S M HENTGES AND SONS INC

Approved by Owner:
CITY OF LAUDERDALE

Specified Contract Completion Date:
October 31, 2003

Date:

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
PART 1 - STREETS:							
1	MOBILIZATION	LS	1	69081.09		0.9	\$62,172.98
2	TRAFFIC CONTROL	LS	1	7000.00		0.9	\$6,300.00
3	SILT FENCE, REGULAR	LF	400	1.50		53	\$79.50
4	WOOD FIBER BLANKET	SY	400	3.10	866	866	\$2,684.60
5	HAY BALES	EA	10	8.00			\$0.00
6	SEEDING	AC	0.3	3780.00	0.11	0.11	\$415.80
7	RECLAIM BITUMINOUS PAVEMENT	SY	2200	0.75		21370	\$16,027.50
8	REMOVE BITUMINOUS PAVEMENT	SY	1900	3.50		1068	\$3,738.00
9	REMOVE CONCRETE SIDEWALK	SF	3450	0.40		1875	\$750.00
10	REMOVE CONCRETE CURB AND GUTTER	LF	30	3.00		154	\$462.00
11	REMOVE CONCRETE PAVEMENT	SF	5400	0.50		5867	\$2,933.50
12	REMOVE FENCE	LF	550	2.00		679	\$1,358.00
13	REMOVE CONCRETE STEP	EA	60	50.00		25	\$1,250.00
14	CLEAR AND GRUB	TREE	22	200.00		20	\$4,000.00
15	ADJUST MANHOLE CASTING	EA	2	200.00			\$0.00
16	ADJUST VALVE BOX	EA	2	125.00			\$0.00
17	COMMON EXCAVATION (P)	CY	20875	8.19		20875	\$170,966.25
18	EXCAVATION - TRAIL	LF	130	12.00			\$0.00
19	SELECT GRANULAR BORROW (CV)	CY	8500	11.65		8311	\$96,823.15
20	SUBGRADE EXCAVATION (EV)	CY	1000	7.25		46	\$333.50
21	GEOTEXTILE FABRIC, TYPE IV	SY	26500	1.00		24805	\$24,805.00
22	4" PERFORATED POLYETHYLENE PIPE	LF	1600	3.75		1680	\$6,300.00
23	CONNECT DRAIN TILE TO STRUCTURE	EA	32	50.00		34	\$1,700.00
24	AGGREGATE BASE, CLASS 5 (CV)	CY	6400	18.00		5563	\$100,134.00
25	AGGREGATE BASE, CLASS 5 - TRAIL (CV)	CY	45	21.25			\$0.00
26	BITUMINOUS MATERIAL FOR TACK COAT	GAL	1250	1.50		400	\$600.00
27	BITUMINOUS BASE COURSE TYPE 31	TN	2800	32.50		2579	\$83,817.50
28	BITUMINOUS WEAR COURSE TYPE 41	TN	2100	35.50			\$0.00
29	BITUMINOUS WEAR COURSE TYPE 41A - TRAIL	TN	20	62.00			\$0.00
30	BITUMINOUS PATCHING	SY	740	44.75			\$0.00
31	BITUMINOUS DRIVEWAY PATCHING	SY	770	21.50		593.3	\$12,755.95
32	B618 CONCRETE CURB AND GUTTER	LF	13125	7.60		12329	\$93,700.40
33	CONCRETE STREET PATCHING	SF	150	11.80		150	\$1,770.00
34	7" CONCRETE DRIVEWAY PAVEMENT	SF	9400	5.20		15982	\$83,106.40
35	CONCRETE STEP	EA	60	170.00		79	\$13,430.00
36	4" CONCRETE SIDEWALK	SF	3450	3.25		3844	\$12,493.00
37	PEDESTRIAN CURB RAMP	EA	3	200.00		4	\$800.00
38	SODDING, LAWN TYPE	SY	15000	1.80	51	17693	\$31,847.40
39	STREET NAME SIGN (2 BLADES), INCL POST AND HARDWARE	EA	8	230.00	8	8	\$1,840.00
40	DITCHING	LF	360	10.00			\$0.00
	Total PART 1 - STREETS:						\$839,394.43
	PART 1 - STREETS: - Bid Amount Total - \$967,850.09						
PART 2 - ALLEY IMPROVEMENTS:							
41	REMOVE BITUMINOUS PAVEMENT	SY	40	5.00		71	\$355.00
42	REMOVE CONCRETE PAVEMENT	SF	30	0.75		464	\$348.00
43	CLEAR AND GRUB	LS	1	1000.00		1	\$1,000.00
44	COMMON EXCAVATION (EV)	CY	1500	10.00		1690	\$16,900.00
45	MOTOR GRADER WITH OPERATOR	HR	50	100.00		7	\$700.00
46	FRONT END LOADER WITH OPERATOR	HR	20	105.00		3	\$315.00
47	SKIDSTEER (BOBCAT) WITH OPERATOR	HR	85	82.00		57	\$4,674.00
48	AGGREGATE BASE, CLASS 5	TN	1500	10.50		2028	\$21,294.00
49	BITUMINOUS MATERIAL FOR TACK COAT	GAL	280	1.50		330	\$495.00
50	BITUMINOUS BASE COURSE TYPE 31	TN	700	36.00		848	\$30,528.00
51	BITUMINOUS WEAR COURSE TYPE 41	TN	530	38.50		877	\$33,764.50
	Total PART 2 - ALLEY IMPROVEMENTS:						\$110,373.50
	PART 2 - ALLEY IMPROVEMENTS: - Bid Amount Total - \$92,067.50						
PART 3 - STORM SEWER:							
52	REMOVE MANHOLE	EA	13	150.00		13	\$1,950.00
53	REMOVE CATCH BASIN	EA	6	150.00		8	\$1,200.00
54	REMOVE REINFORCED CONCRETE PIPE (RCF	LF	1100	7.00		1416	\$9,912.00

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
55	REMOVE CORRUGATED METAL PIPE (CMP) AND HDPE PIPE	LF	2200	6.00		711	\$4,266.00
56	BULKHEAD EXISTING STORM SEWER	EA	2	75.00		5	\$375.00
57	SALVAGE AND REINSTALL CONCRETE PIPE	LF	14	22.00			\$0.00
58	CLEAR AND GRUB	LS	1	1100.00		1	\$1,100.00
59	IMPROVED PIPE FOUNDATION, PER 6" INCREMENT	LF	1000	0.01			\$0.00
60	RESTRICTED TRENCH	LF	282	10.00			\$0.00
61	12" RCP STORM SEWER, CLASS 5	LF	1200	23.00		1309	\$30,107.00
62	15" RCP STORM SEWER, CLASS 5	LF	560	24.00		451	\$10,824.00
63	18" RCP STORM SEWER, CLASS 5	LF	1430	26.00		1420	\$36,920.00
64	21" RCP STORM SEWER, CLASS 5	LF	535	30.00		530	\$15,900.00
65	30" RCP STORM SEWER, CLASS 4	LF	300	47.80		294	\$14,053.20
66	12" RCP FLARED END SECTION, INCL TRASH GUARD	EA	1	752.00		1	\$752.00
67	18" RCP FLARED END SECTION, INCL TRASH GUARD	EA	1	1025.00		1	\$1,025.00
68	CLASS III RANDOM RIPRAP	CY	12	75.00		12	\$900.00
69	2' X 3' CATCH BASIN	EA	9	1112.00		9	\$10,008.00
70	SHALLOW CATCH BASIN	EA	3	1024.00		4	\$4,096.00
71	6' DIA STORM SEWER CBMH, INC 2' SUMP, R- 4342 CSTG	EA	1	3825.00		1	\$3,825.00
72	5' DIA STORM SEWER MH, INCL R-1642-B CSTG AND CONC ADJ RINGS	EA	1	2769.00		1	\$2,769.00
73	5' DIA STORM SEWER CBMH, INC R-3067-V, CSTG AND CONC ADJ RINGS	EA	1	2629.00		1	\$2,629.00
74	4' DIA STORM SEWER MH, INC 2' SUMP, R- 1642-B CSTG	EA	1	1928.00		1	\$1,928.00
75	4' DIA STORM SEWER MH, INCL R-1642-B CSTG	EA	3	1788.00		3	\$5,364.00
76	4' DIA STORM SEWER CBMH, INC R-3067-V, CSTG AND CONC ADJ RINGS	EA	27	1788.00		28	\$50,064.00
77	4' DIAMETER STRUCTURE OVERDEPTH	LF	2	79.00		2.7	\$213.30
78	CONSTRUCT MH OVER EXISTING PIPE	EA	2	750.00		2	\$1,500.00
79	CONNECT TO EXISTING STORM SEWER SERVICE	EA	3	500.00		1	\$500.00
80	CONNECT TO EXISTING CBMH	EA	1	600.00			\$0.00
	Total PART 3 - STORM SEWER:						\$212,180.50
	PART 3 - STORM SEWER: - Bid Amount Total - \$221,054.00						
PART 4 - SANITARY SEWER:							
81	BYPASS PUMPING	LS	1	3500.00		1	\$3,500.00
82	REMOVE MANHOLE	EA	13	150.00		13	\$1,950.00
83	REMOVE LIFT STATION	LS	1	5000.00		1	\$5,000.00
84	REMOVE SANITARY SEWER PIPE	LF	3510	0.01		3510	\$35.10
85	REMOVE FORCEMAIN PIPE	LF	2880	6.00		1692	\$10,152.00
86	REMOVE SANITARY SEWER SERVICE PIPE	LF	4050	1.00		2353	\$2,353.00
87	BULKHEAD EXISTING SANITARY SEWER	EA	1	75.00			\$0.00
88	ABANDON MANHOLE	EA	1	175.00			\$0.00
89	CLEAR AND GRUB	LS	1	1100.00			\$0.00
90	IMPROVED PIPE FOUNDATION, PER 6" INCREMENT	LF	1500	0.01		20	\$0.20
91	4' DIAMETER SANITARY MANHOLES (10' DEEP	EA	12	1859.00		10	\$18,590.00
92	4' DIAMETER SANITARY MANHOLE OVERDEPTH	LF	17.8	78.00		28.5	\$2,223.00
93	8" PVC SANITARY SEWER, SDR 35, 0'-10' DEEP	LF	437	20.50		437	\$8,958.50
94	8" PVC SANITARY SEWER, SDR 35, 10'-12' DEEP	LF	849	22.50		849	\$19,102.50
95	8" PVC SANITARY SEWER, SDR 35, 12'-14' DEEP	LF	1192	24.50		1192	\$29,204.00
96	8" PVC SANITARY SEWER, SDR 35, 14'-16' DEEP	LF	585	26.50		585	\$15,502.50
97	8" PVC SANITARY SEWER, SDR 35, 16'-18' DEEP	LF	420	32.50		420	\$13,650.00

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
98	8" PVC SANITARY SEWER, SDR 35, 18'-20' DEEP	LF	235	42.50		235	\$9,987.50
99	CORE DRILL CONNECTION TO EXISTING MANHOLE	EA	2	900.00		2	\$1,800.00
100	CONNECT TO EXISTING SANITARY SEWER 8" VCP PIPE	EA	3	430.00		4	\$1,720.00
101	CONSTRUCT MANHOLE OVER EXISTING PIPE	EA	3	2169.00		2	\$4,338.00
102	8" DIP OUTSIDE DROP INLET PIPE	LF	8.9	378.00		7.9	\$2,986.20
103	8" DIP SANITARY SEWER	LF	40	24.00		119	\$2,856.00
104	CLOSED CIRCUIT TV INSPECTION	LF	3758	0.70			\$0.00
105	8" X 4" PVC WYE, SDR 26	EA	123	39.00		106	\$4,134.00
106	8" X 6" PVC WYE, SDR 26	EA	4	51.00		4	\$204.00
107	8" X 8" PVC WYE, SDR 26	EA	1	105.00		1	\$105.00
108	RECONSTRUCT INVERT	EA	2	300.00		2	\$600.00
109	4" PVC, SDR 26 SERVICE PIPE	LF	4000	12.00		2291	\$27,492.00
110	6" PVC, SDR 26 SERVICE PIPE	LF	70	13.00		82	\$1,066.00
111	4" PVC, SDR 26 RISER PIPE	LF	150	12.00		353	\$4,236.00
112	6" PVC, SDR 26 RISER PIPE	LF	10	13.00		5	\$65.00
113	CONNECT TO EXISTING SEWER SERVICE	EA	125	155.00		99	\$15,345.00
114	INSULATION, 3" THICK	SY	7	13.50		4	\$54.00
	Total PART 4 - SANITARY SEWER:						\$207,209.50
	PART 4 - SANITARY SEWER: - Bid Amount Total - \$245,848.80						
	PART 5 - WATER MAIN:						
115	REMOVE HYDRANT	EA	7	275.00		8	\$2,200.00
116	REMOVE GATE VALVE AND BOX	EA	7	100.00		8	\$800.00
117	REMOVE WATER MAIN	LF	6000	5.00		3455	\$17,275.00
118	WATER MAIN TRENCH	LF	5575	8.00		5130	\$41,040.00
119	WATER SERVICE TRENCH	LF	4450	10.00		1403	\$14,030.00
120	MECHANICAL TRENCH COMPACTION	LF	10025	1.00		6533	\$6,533.00
121	PIPE BEDDING	LF	5575	2.00		6533	\$13,066.00
122	IMPROVED PIPE FOUNDATION, PER 6" INCREMENT	LF	2500	0.01			\$0.00
123	BACK HOE WITH OPERATOR	HR	10	150.00			\$0.00
124	INSULATION, 3" THICK	SY	7	4.50		7	\$31.50
	Total PART 5 - WATER MAIN:						\$94,975.50
	PART 5 - WATER MAIN: - Bid Amount Total - \$144,456.50						
	PART 6 - WARMING HOUSE DRIVE AND PARKING AREA:						
125	MOBILIZATION	LS	1	500.00		1	\$500.00
126	SEEDING	AC	0.1	5100.00			\$0.00
127	COMMON EXCAVATION (EV)	CY	25	15.00			\$0.00
128	15" RCP CULVERT, CLASS 5	LF	40	26.00			\$0.00
129	15" RCP FLARED END SECTION, INCL TRASH GUARD	EA	2	621.00			\$0.00
130	AGGREGATE BASE, CLASS 5	TN	80	11.00			\$0.00
131	BITUMINOUS MATERIAL FOR TACK COAT	GAL	20	1.50		20	\$30.00
132	BITUMINOUS BASE COURSE TYPE 31	TN	45	36.00		73.5	\$2,646.00
133	BITUMINOUS WEAR COURSE TYPE 41	TN	33	38.50		65	\$2,502.50
	Total PART 6 - WARMING HOUSE DRIVE AND PARKING AREA:						\$5,678.50
	PART 6 - WARMING HOUSE DRIVE AND PARKING AREA: - Bid Amount Total - \$7,467.50						
	ALTERNATE NO. 1 - NATURE AREA DRAINAGE IMPROVEMENTS:						
134	MOBILIZATION	LS	1	2000.00		1	\$2,000.00
135	CLEAR AND GRUB	TREE	15	200.00		9	\$1,800.00
136	WOOD FIBER BLANKET	SY	400	3.10	120	475	\$1,472.50
137	REMOVE STORM SEWER PIPE	LF	60	10.00		68	\$680.00
138	REMOVE CONCRETE SLAB AND HEADWALL	LS	1	700.00			\$0.00
139	REMOVE AND REPLACE FENCE	LF	50	7.00		90	\$630.00
140	COMMON EXCAVATION	LS	1	1000.00		1	\$1,000.00
141	COMMON BORROW (LV)	CY	30	3.00			\$0.00
142	TOPSOIL BORROW (LV)	CY	16	15.00			\$0.00
143	IMPROVED PIPE FOUNDATION, PER 6" INCREMENT	LF	71	4.00			\$0.00
144	RESTRICTED TRENCH	LF	71	15.00		71	\$1,065.00
145	CONNECT TO EXISTING STORM MANHOLE	EA	1	750.00		1	\$750.00

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
146	18" HDPE STORM SEWER	LF	53	33.00		69	\$2,277.00
147	18" RCP STORM SEWER, CLASS 5	LF	8	40.00		18	\$720.00
148	18" RCP FLARED END SECTION, INCL TRASH GUARD	EA	1	1064.00		1	\$1,064.00
149	CLASS III GROUTED RIPRAP	CY	18	90.00		18	\$1,620.00
150	4' DIA STORM SEWER MH. INCL R-1642-B CSTG AND CONC ADJ RINGS	EA	1	1908.00		1	\$1,908.00
Total ALTERNATE NO. 1 - NATURE AREA DRAINAGE IMPROVEMENTS:							<u>\$16,986.50</u>
ALTERNATE NO. 1 - NATURE AREA DRAINAGE IMPROVEMENTS: - Bid Amount Total - \$17,980.00							

Total PART 1 - STREETS:	\$839,394.43
Total PART 2 - ALLEY IMPROVEMENTS:	\$110,373.50
Total PART 3 - STORM SEWER:	\$212,180.50
Total PART 4 - SANITARY SEWER:	\$207,209.50
Total PART 5 - WATER MAIN:	\$94,975.50
Total PART 6 - WARMING HOUSE DRIVE AND PARKING AREA:	\$5,678.50
Total ALTERNATE NO. 1 - NATURE AREA DRAINAGE IMPROVEMENTS:	<u>\$16,986.50</u>
Total Work Completed To Date	<u>\$1,486,798.43</u>

PROJECT PAYMENT STATUS

OWNER CITY OF LAUDERDALE

BRA FILE NO. 532-02-103

CONTRACTOR S M HENTGES AND SONS INC

CHANGE ORDERS

No.	Date	Description	Amount
Total Change Orders			

PAYMENT SUMMARY

No.	From	To	Payment	Retainage	Completed
1	04/01/2003	05/02/03	73,546.48	3,870.87	77,417.35
2	05/03/2003	06/04/03	228,495.02	15,896.92	317,938.42
3	06/05/2003	06/30/03	418,279.15	37,911.61	758,232.26
4	07/01/2003	08/04/03	403,763.50	59,162.32	1,183,246.47
5	08/05/2003	09/04/03	232,683.70	71,408.83	1,428,176.68
6	09/05/2003	10/07/03	50,556.67	74,069.71	1,481,394.23
7	10/08/2003	11/03/03	5,133.99	74,339.92	1,486,798.43

Material on Hand

Total Payment to Date		\$1,412,458.51	Original Contract	\$1,696,724.39
Retainage Pay No.	7	74,339.92	Change Orders	
Total Amount Earned		\$1,486,798.43	Revised Contract	\$1,696,724.39

Lauderdale City Council Memorandum


Council Meeting Date: November 12, 2003
To: Mayor and City Council
From: Rick Getschow, City Administrator
Agenda Item: City Prosecutor 101 Presentation

BACKGROUND:

City Prosecutor Martin Costello will be present at the meeting to provide the City Council with a Power Point presentation on city prosecution.

Mr. Costello will also answer any questions or address any concerns that the Council may have. One such question may involve his opinion or analysis on the potential closure of a Ramsey County suburban court.

MEMOS BY JAMES

DATE: NOVEMBER 12, 2003
TO: HONORABLE MAYOR AND COUNCIL
FROM: JAMES BOWNIK, A2CA 
RE: RESOLUTION TO CANVASS ELECTION RESULTS

BACKGROUND

Attached is a preliminary resolution for the results of the General Municipal Election on November 4, 2003.

However, we have received a written request for a recount of the results for the Office of City Council.

The recount will take place before the Council meeting on Wednesday, November 12th at 5:00 p.m. at Lauderdale City Hall.

After the recount is complete, I will be able to provide the Council with an updated resolution that will include the results of the recount.

The original results and the recount results are included in one resolution.

RESOLUTION NO. 111203A

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

**RESOLUTION CERTIFYING THE ELECTION RETURNS
OF THE NOVEMBER 4, 2003 GENERAL MUNICIPAL ELECTION
AND THE NOVEMBER 12, 2003 RECOUNT RESULTS
FOR THE OFFICE OF CITY COUNCIL**

WHEREAS, the City of Lauderdale election judges have tabulated the votes of the General Municipal Election of November 4, 2003 in Precinct I for Mayor for a term of two years and two Council members for a term of four years effective January 1, 2004, with the following results:

MAYOR	VOTES
Jeffrey E. Dains	321
COUNCIL MEMBERS	VOTES
Moose Giannetti	219
Karen A. Gill-Gerbig	194
Leanne Lemire	193
Ryan Mach	153

AND WHEREAS, the City of Lauderdale election judges have tabulated the votes of the November 12, 2003 recount for the Office of City Council with the following results:

Karen A. Gill-Gerbig	___ (votes)
Leanne Lemire	___ (votes)

NOW THEREFORE, BE IT RESOLVED by the Canvassing Board that Jeffrey E. Dains is duly declared elected to the Office of Mayor for a term of two years beginning January 1, 2004, and that Moose Giannetti and _____ (name) are duly declared elected to the Office of City Council for a term of four years beginning January 1, 2004.

BE IT ALSO RESOLVED, that the City Clerk be directed to certify such election returns to the Ramsey County Auditor.

I CERTIFY THAT the above resolution was adopted by the City Council of
Lauderdale on this 12th day of November, 2003.

(ATTEST)

Jeffrey E. Dains, Mayor

(SEAL)

Richard B. Getschow, City Administrator

Lauderdale City Council Memorandum

Council Meeting Date: November 12, 2003
To: Mayor and City Council
From: Rick Getschow, City Administrator
Agenda Item: Consideration of a revision to the Lauderdale City Code
Title 6 (Motor Vehicles), Chapter 1 (Parking Restrictions)

BACKGROUND:

At the October 14, 2003 City Council work session, the Council discussed the parking ordinance as it relates to the street parking of large recreational vehicles. As you know, the current parking ordinance states that a “house trailer, mobile home, vacation trailer, vacation bus, boat trailer, or similar recreation vehicle more than 20 feet in length” may not be parked on the city street for more than 3 consecutive days or 30 calendar days in a year.

There is a draft of an ordinance revision in the packet that strikes the “more than 20 feet in length” language. This shall mean that all house trailers, mobile homes, vacation trailers, vacation buses, boat trailers, or similar recreation vehicles may not be parked on the city street for more than 3 consecutive days or 30 calendar days in a year.

The proposed revision has been placed on the city website as an information piece to residents. There have not been any comments on the proposal.

If approved, the parking ordinance revision would become effective following publication in the Roseville Review.

ENCLOSURES:

1. Draft revision to Lauderdale City Code Title 6 (Motor Vehicles), Chapter 1 (Parking Restrictions).

COUNCIL ACTION REQUESTED:

Motion to approve revision to the Lauderdale City Code Title 6 (Motor Vehicles), Chapter 1 (Parking Restrictions).

CHAPTER 1

PARKING RESTRICTIONS¹

SECTION:

- 6-1-1: Purpose
- 6-1-2: Definitions
- 6-1-3: Powers Of City Council
- 6-1-4: General Parking Restrictions
- 6-1-5: Special Parking Allowances
- 6-1-6: Seasonal Parking Restrictions
- 6-1-7: Penalty

6-1-1: PURPOSE:

A. To help establish the most efficient, equitable and safe use of the City's roadways, highways, and parking.

B. To enable the City Council to achieve the above. (Ord. 16, 4-27-1993)

6-1-2: DEFINITIONS:

Any term used in this Chapter and defined in Minnesota Statutes section 169.01 has the meaning given to it by that section. The following words shall have the meanings ascribed to them in this Section:

BOULEVARD: The property owned by the City which is between the edge of the roadway and the homeowner's property line.

DRIVEWAY: A private roadway providing access for vehicles to a parking space in the side or rear yard of the property, garage, dwelling or other structure in the side or rear of the property. (Ord. 16, 4-27-1993)

1. M.S.A. § 412.211, subd. 6.

6-1-3: POWERS OF CITY COUNCIL:

The City Council may designate, by resolution, no parking or limited parking zones within the City for the purpose of facilitating snow removal or street maintenance, aiding emergency vehicle access or the unimpeded flow of traffic, or promoting any other public purpose. The City Council shall cause signs to be posted at the zones which indicate the applicable limitations on parking. The City Council may include the entire City within a zone, may limit application of the zone regulations to specific times of the year or climatic conditions, and shall provide for placing appropriate signs generally throughout a zone. (Ord. 48, 11-24-1986)

In addition, the City Council may, by resolution, designate certain streets or portions of streets as no parking or as zones for parking by physically handicapped persons and may limit the hours and dates in which the restrictions apply. The City shall mark by appropriate signs each zone so designated. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except as permitted by State law. (Ord. 16, 4-27-1993; 1996 Code)

6-1-4: GENERAL PARKING RESTRICTIONS:

A. Obstruct Pickup And Delivery Of Mail: No person shall park a vehicle upon any street or highway so as to obstruct the pickup and delivery of mail by postal employees.

B. Prohibited Parking: No person shall park a vehicle upon any street or highway at times when, and in locations where, such parking is prohibited.

C. Time Limitations For Trucks: No truck with a capacity of over two (2) tons shall be parked on any street for more than ninety (90) minutes, or for the time necessary to load or unload such truck.

D. Three Day/Thirty Day Maximum: No vehicles hereinafter described may be parked upon any public street within the City for three (3) consecutive days or a total of more than thirty (30) days during any calendar year.

1. House Trailer, Mobile Home, Or Recreational Vehicles: House trailer, mobile home, vacation trailer, vacation bus, boat trailer, or similar recreational vehicle. ~~more than twenty feet (20') in length.~~

2. Construction Equipment And Machinery: Construction equipment or machinery except when such construction equipment or machinery is necessarily located at such place to make road or utility repairs.

E. Permitted Exterior Parking:

1. Front Yards: Exterior parking in front yards shall be limited to the driveway, thereon only currently licensed and operable vehicles twenty feet (20') or under, with a passenger capacity of nine (9) or less, and trucks not exceeding three-quarter ($3/4$) ton, may be parked.

2. Side And Back Yards: Exterior parking for vehicles over twenty feet (20') may only occur in the side and back yards and only if currently licensed and operable.

F. Parking On Boulevards: No vehicle shall be parked on any boulevard adjacent to a public street.

6-1-5: SPECIAL PARKING ALLOWANCES:

A. Handicapped Parking: No person shall park, obstruct or occupy with a motor vehicle any parking space, on public or private property, designed and posted as parking space for handicapped persons pursuant to the State Building Code, or Rules and Regulations of the State Fire Marshall, or pursuant to Minnesota Statutes section 169.346 unless such vehicle has prominently displayed upon it an insignia or certificate issued by the Division of Vehicles in the State Department of Public Safety pursuant to Minnesota Statutes section 169.345 subdivision (3).

B. Fire Lanes:

1. Authority To Establish: The Fire Chief or his designate is hereby authorized to order the establishment of fire lanes on public or private property as may be necessary in order that the travel of fire equipment may not be interfered with, and that access to fire hydrants or buildings may not be obstructed.

2. Erection Of Signs: When a fire lane has been established, it shall be marked with a sign or signs bearing the words "No Parking - Fire Lane" or similar message.

a. Public Property: When the fire lane is on public property or public right of way, the sign or signs shall be erected by the City.

b. Private Property: When on private property, the signs shall be erected by the owner at his own expense within thirty (30) days after he has been notified of the order. Failure to erect the sign or signs within such period is a misdemeanor. (Ord. 16, 4-27-1993)

3. Obstruction Prohibited: After a sign or signs have been erected in accordance with subsection B2 of this Section, no person shall park a vehicle or otherwise obstruct the fire lane.

4. Fire Hydrant Or Fire Appliance: No person shall keep posts, fences, growth, or other material nor park any vehicle near any fire hydrant or fire appliance that would prevent such hydrant or appliance from being immediately discernible or in any other manner deter or hinder the Fire Department from being able to gain immediate access to a fire hydrant or fire appliance. (Ord. 68, 3-15-1978)

6-1-6: SEASONAL PARKING RESTRICTIONS:

A. Odd/Even Winter Parking: Parking on City streets north of Larpenteur Avenue, with the exception of Fulham Street, shall be subject to the following alternate side regulations from December 1 through March 15 of the following year.

1. Even-Numbered Years: Motor vehicles may be parked only on the even side of the street during any winter parking season in which the start of the winter parking season falls on an even number year (east side of north-south streets, south side of east-west streets).

2. Odd-Numbered Years: Motor vehicles may be parked only on the odd side of the street during any winter parking season in which the start of the winter parking season falls on an odd number year (west side of north-south streets, north side of east-west streets).

3. Beginning Of Season: Each winter parking season shall be deemed to begin at nine o'clock (9:00) A.M. on December 1. (Ord. 16, 4-27-1993)

4. Parking Amnesty Zone:

a. Created: The City hereby creates a parking amnesty zone along both sides of Walnut from Ione to the end of the Peace Lutheran Church property as it currently exists and along both sides of Ione west of Malvern.

b. Hours Of Amnesty: Cars parked within the parking amnesty zone shall not be ticketed due to odd/even parking restrictions on Sunday morning between nine o'clock (9:00) A.M. and one o'clock (1:00) P.M. (Ord. 16, 4-27-1993; amd. 1-9-1996)

5. Handicapped Parking Exempted: The City hereby exempts from odd/even winter parking restrictions any vehicle parked at a handicapped parking space; provided, that the vehicle displays the proper handicapped insignia. (Ord. 16, 4-27-1993; amd. 1-9-1996)

B. Restrictions After Two-Inch Snowfall: No person shall park any vehicle on any street for a period of forty eight (48) hours, commencing immediately after two inches (2") or more of continuous snowfall, or until snow removal has been completed on that street, whichever occurs first. (Ord. 16, 4-27-1993)

6-1-7: PENALTY:

A. Fine: Any person convicted of violating any provision of this Chapter, not otherwise stated, is guilty of a petty misdemeanor and shall be subject to penalty as provided in Section 1-4-1 of this Code.

B. Impoundment: If a vehicle is parked or left standing on a street in violation of any resolution adopted by the City Council pursuant to this Chapter or any part of this Chapter not otherwise specified, the vehicle may be removed and impounded by or at the direction of the City and the expense thereof may be charged by the City against the owner of the vehicle. The cost of removing and storing the vehicle, in addition to any fine imposed for violation of this Chapter, shall be paid before the vehicle is restored to the owner. (Ord. 16, 4-27-1993; 1996 Code)

C. Additional Remedies: Removal of a vehicle by or under the direction of the City pursuant to this Chapter shall not prevent prosecution of the owner thereof for violation of this or any other ordinance.

D. Violation; Penalty: Any person violating any provision of this Chapter shall be guilty of a misdemeanor. Each day a violation continues shall constitute a separate offense. (Ord. 48, 11-24-1986)

MEMOS BY JAMES

DATE: NOVEMBER 12, 2003
TO: HONORABLE MAYOR AND COUNCIL
FROM: JAMES BOWNIK, A2CA
RE: RESOLUTION TO CANVASS ELECTION RESULTS

BACKGROUND

The recount of the results of the November 4, 2003 General Municipal Election for the Office of City Council was completed today.

The following are the results of today's recount:

<u>Candidate</u>	<u>Votes</u>
Karen A. Gill-Gerbig	194
Leanne Lemire	193

The recounted ballots were hand-counted. Today's results are the same results as the machine-counted ballots from November 4. I have updated the resolution canvassing the election results to reflect these figures. The original results and the recount results are included in one resolution.

Note: Voter turnout on Election Day was 24.73%. This is based on 395 ballots cast by 1597 eligible voters.

COUNCIL ACTION REQUESTED

Approve Resolution No. 111203A certifying the election returns of the November 4, 2003 General Municipal Election and the November 12, 2003 recount results for the Office of City Council.

November 12, 2003
Recount of the November 4, 2003
Lauderdale General Election
For the Office of City Council

I certify the following recount results:

<u>Candidate</u>	<u>Votes</u>
Karen A. Gill-Gerbig	<u>194</u>
Leanne Lemire	<u>193</u>
Number of Challenged Ballots	<u>0</u>

Denise James
Election Judge

Donna M. Lawrence
Election Judge

RESOLUTION NO. 111203A

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

**RESOLUTION CERTIFYING THE ELECTION RETURNS
OF THE NOVEMBER 4, 2003 GENERAL MUNICIPAL ELECTION
AND THE NOVEMBER 12, 2003 RECOUNT RESULTS
FOR THE OFFICE OF CITY COUNCIL**

WHEREAS, the City of Lauderdale election judges have tabulated the votes of the General Municipal Election of November 4, 2003 in Precinct I for Mayor for a term of two years and two Council members for a term of four years effective January 1, 2004, with the following results:

MAYOR	VOTES
Jeffrey E. Dains	321
COUNCIL MEMBERS	VOTES
Moose Giannetti	219
Karen A. Gill-Gerbig	194
Leanne Lemire	193
Ryan Mach	153

AND WHEREAS, the City of Lauderdale election judges have tabulated the votes of the November 12, 2003 recount for the Office of City Council with the following results:

Karen A. Gill-Gerbig	194 (votes)
Leanne Lemire	193 (votes)

NOW THEREFORE, BE IT RESOLVED by the Canvassing Board that Jeffrey E. Dains is duly declared elected to the Office of Mayor for a term of two years beginning January 1, 2004, and that Moose Giannetti and Karen A. Gill-Gerbig are duly declared elected to the Office of City Council for a term of four years beginning January 1, 2004.

BE IT ALSO RESOLVED, that the City Clerk be directed to certify such election returns to the Ramsey County Auditor.

I CERTIFY THAT the above resolution was adopted by the City Council of
Lauderdale on this 12th day of November, 2003.

(ATTEST)

Jeffrey E. Dains, Mayor

(SEAL)

Richard B. Getschow, City Administrator

CITY OF LAUDERDALE

MEMORANDUM

TO: Mayor and Council Members
FROM: Kevin Walsh, Deputy Clerk
SUBJECT: Civil Penalties for Violation of Liquor Ordinance
DATE: November 12, 2003

BACKGROUND

As you requested, I have made changes to the addition to Title 3, Chapter 2 of the City Code in reference to liquor violations. This addition specifically relates to presumptive civil penalties. 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.

Violation number 7 in the civil penalties, "failure to take reasonable steps to stop person from leaving premises with alcohol," refers to the business taking appropriate measures to keep alcohol away from the entrance of the building making it easy to steal. This rule was explained to me in terms comparable to the cigarette machines that have been in public places. The law was changed because vendors were putting machines where anyone of any age could purchase cigarettes. The "reasonable steps" language is similar reasoning.

The length of the penalty in relation to the ownership is really up in the air at this point. The Council will have to decide how often the violations are exonerated from the licensee/business owner. The Cities of St. Anthony is considering three-year periods where the violations are exonerated and the licensee starts fresh with zero violations—I compare it to a speeding ticket that goes off your driving record every five years. A simple paragraph would be added to the ordinance that states the length of time a licensee has before violations are exonerated from their file.

Keep in mind that in most instances the business is criminally charged as well. In regards to violating civil penalty number 3, "selling alcohol to minors," the criminal result is considered a gross misdemeanor. The penalty for a gross misdemeanor is up to one year in jail and a \$3000.00 fine. Normally, the first

offense results in the defendant paying administrative court costs with no time served. And something to keep in mind, if Lauderdale ever has a bar or restaurant in the city, a 6 day suspension of a liquor license for selling alcohol to a minor could result in loss of business upwards of \$20,000. The ordinance needs to be equal with both the intoxicating and nonintoxicating (3.2) liquor.

Please discuss changes and direct staff on how to proceed. A draft of the revision could be made available at the next Council meeting.

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.

These violations are carried over a three year time period and will exonerate after this time unless specified otherwise by the Council.

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	\$500-1000 +6 days	18 days	30 days	Revocation
4. After hours sale of alcoholic beverages	\$500-1000 +6 days	18 days	30 days	Revocation
5. After hours display or consumption of alcoholic beverages	\$500-1000 +6 days	18 days	30 days	Revocation

6. Refusal to allow	\$500-1000	30 days	Revocation
city officials to	+18 days		
inspect premises			

7. Failure to take	\$500-1000	18 days	30 days	Revocation
reasonable steps	+6 days			
to stop person				
from leaving premises				
with alcohol beverages				

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)