

LAUDERDALE CITY COUNCIL MEETING AGENDA
7:30 P.M. TUESDAY, JANUARY 10, 2017
LAUDERDALE CITY HALL, 1891 WALNUT STREET

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 THE MEETING TO ORDER**
 2. **ROLL CALL**
 3. **APPROVALS**
 - a. Agenda
 - b. Minutes of the December 13, 2016 City Council Meeting
 - c. Minutes of the January 3, 2017 Special City Council Meeting
 - d. Claims Totaling \$88,110.73
 4. **CONSENT**
 - a. Designate *Roseville Review* as Official Newspaper
 - b. Designate Depositories for City Funds – Resolution 011017A
 - c. Approve 2017 Tobacco Licenses – Resolution 011017B
 - d. November Financial Report
 5. **SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS**
 - a. Twin Cities Chinese Christian Church – Resolution 011017C
 6. **INFORMATIONAL PRESENTATIONS / REPORTS**
 7. **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.
8. **DISCUSSION / ACTION ITEMS**
 - a. Eustis Street Parking – Resolution 011017D
 - b. Alcohol License Violation Penalties
 - c. Carpet Installation Estimate and Independent Contractors Agreement
 9. **ITEMS REMOVED FROM THE CONSENT AGENDA**
 10. **ADDITIONAL ITEMS**
 11. **SET AGENDA FOR NEXT MEETING**
 - a. League of Women Voters Presentation by Gwen Williams
 - b. December Financial Report
 - c. Year End Investment Report

- d. 2017 Alcohol Licenses
- e. Elect Mayor Pro Tem
- f. Appointments and Committee Assignments
- g. New Council Workshop

12. WORK SESSION

- a. Opportunity for the Public to Address the City Council

Any member of the public may speak at this time on any item not on the agenda. In consideration for the public attending the meeting, 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 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 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.

- b. Community Development Update

13. ADJOURNMENT

LAUDERDALE CITY COUNCIL
MEETING MINUTES
Lauderdale City Hall
1891 Walnut Street
Lauderdale, MN 55113

Page 1 of 5

December 13, 2016

Roll Call

Mayor Dains called the Regular City Council meeting to order at 7:54 p.m.

Councilors present: Mary Gaasch, Roxanne Grove, Denise Hawkinson, Lara Mac Lean, and Mayor Jeffrey Dains.

Staff present: Heather Butkowski, City Administrator; Jim Bownik, Assistant to the City Administrator; and Miles Cline, Deputy City Clerk.

Special Order of Business/Recognitions/Proclamations

A. Recognize Council Member Denise Hawkinson – Resolution 121316B

Councilor Gaasch moved to commend Councilor Hawkinson for her service to the City of Lauderdale. Consent granted unanimously.

B. Recognize Council Member Lara Mac Lean – Resolution 121316C

Councilor Gaasch moved to commend Councilor Mac Lean for her service to the City of Lauderdale. Consent granted unanimously.

C. Recognize Mayor Jeffrey Dains – Resolution 121316D

Councilor Gaasch moved to commend Mayor Jeffrey Dains for his service to the City of Lauderdale. Consent granted unanimously.

Approvals

Mayor Dains asked if there were any changes to the meeting agenda. Councilor Hawkinson added the Dog Park light and the Mayor added staff appreciation days. Councilor Grove moved and Councilor Mac Lean seconded the motion to approve the agenda as amended. Motion carried unanimously.

Councilor Hawkinson moved to approve the minutes of November 22, 2016. Councilor Grove seconded the motion and it carried unanimously.

Councilor Mac Lean moved and seconded by Councilor Grove to approve the claims totaling \$84,733.88. Motion carried unanimously.

Consent

Councilor Hawkinson moved and seconded by Councilor Mac Lean to approve the Consent Agenda thereby approving the October Financial Report, the Third Quarter Investment Report, Accounts Payable Authorization for Year-End, Adoption of 2017 Fee Schedule - Resolution 121316A, Deputy Clerk-Treasurer Step Increase, and Rink/Warming House Attendants.

LAUDERDALE CITY COUNCIL
MEETING MINUTES
Lauderdale City Hall
1891 Walnut Street
Lauderdale, MN 55113

Page 2 of 5

December 13, 2016

Public Hearings

A. Truth in Taxation Hearing Regarding the 2017 Budget and Levy

Butkowski provided a summary of the key elements affecting the 2017 budget and levy as well as identifying for the audience how the tax dollars will be spent in 2017.

Mayor Dains opened the public hearing at 8:15 p.m. As no one addressed the Council, Mayor Dains closed the public hearing at 8:16 p.m.

Councilor Hawkinson moved and seconded by Councilor Grove to adopt Resolution 121316E - A Resolution Adopting the 2017 Final Property Tax Levy. Motion carried unanimously.

Councilor Hawkinson moved and seconded by Councilor Gaasch to adopt Resolution 121316F - A Resolution Adopting the 2017 Final Budget and Establishing Fund Appropriations. Motion carried unanimously.

B. Ordinance No. 16-03 Amending Title 9, Chapter 1 Regarding the Building Code

Butkowski explained that the Building Code ordinance needed to be amended to reflect the recently adopted building code and codification changes made by the state legislature. The new ordinance doesn't change how the city enforces the building code.

Mayor Dains opened the public hearing on the topic at 8:18 p.m. As no one addressed the Council, Mayor Dains closed the public hearing at 8:19 p.m.

Councilor Gaasch moved and seconded by Councilor Mac Lean to adopt Ordinance No. 16-03, An Ordinance Amending Title 9, Chapter 1 of the Code of Ordinances Regarding the Building Code. Motion carried unanimously.

C. Ordinance No. 16-04 Adopting an Interim Ordinance Regarding the Regulation of Signs and Billboards and Resolution 121316G Authorizing Publication by Title and Summary

Mayor Dains opened the public hearing at 8:21 p.m.

Dan Murphy, 1938 Carl Street, approached the Council to ask if the sign ordinance applied to the Dog Park as well. The Council asked the City Attorney who stated that he would get back to staff regarding the manner.

Mayor Dains closed the public hearing at 8:23 p.m.

LAUDERDALE CITY COUNCIL
MEETING MINUTES
Lauderdale City Hall
1891 Walnut Street
Lauderdale, MN 55113

Page 3 of 5

December 13, 2016

Councilor Gaasch moved and seconded by Councilor Mac Lean to adopt Ordinance No. 16-04, An Interim Ordinance Regarding the Regulation of Signs and Billboards within the City of Lauderdale Adopted Pursuant to Minn. Stat. § 462.355, Subd. 4. Motion carried unanimously.

Councilor Gaasch moved and seconded by Councilor Hawkinson to adopt Resolution 121316G Authorizing Publication of Ordinance No. 16-04 by Title and Summary. Motion carried unanimously.

Discussion/Action Items

A. Donation from the Chinese Christian Church – Resolution 121316H

The City received a donation from the Twin Cities Chinese Christian Church and has the option of adopting the resolution and thus accepting the donation, or declining the donation and returning it to the owner.

Councilor Hawkinson moved and seconded by Councilor Grove to adopt Resolution 121316H Accepting the Donation from the Twin Cities Chinese Christian Church. Motion carried unanimously.

B. 2017 City Council Meeting Schedule

The City Council has traditionally held meetings on the second and fourth Tuesdays of the month. The Council has the option of maintaining that schedule or proposing a new schedule altogether.

Council Grove moved and seconded by Councilor Gaasch to adopt the City Council meeting schedule for 2017 as presented including a special meeting to be held on January 3. Motion carried unanimously.

C. Online Publication of City Documents in 2017

One of staff's goals for 2017 was to publish agendas, minutes, council packets, and historical information on the City's website via Laserfiche. Staff is working with Roseville IT to accomplish this goal with the information being published this way starting in January.

D. Appointment to St. Paul Regional Water Services Board of Commissioners

It is the City of Lauderdale's turn to appoint a representative to the St. Paul Regional Water Service Board of Commissioners. This seat may be filled by a council member, resident, or whomever the Council deems fit for the position. Mayor Dains said he would be willing to be appointed to the seat.

LAUDERDALE CITY COUNCIL
MEETING MINUTES
Lauderdale City Hall
1891 Walnut Street
Lauderdale, MN 55113

Page 4 of 5

December 13, 2016

After discussion among council members, Councilor Gaasch moved and seconded by Councilor Mac Lean to appoint Mayor Dains as the representative for this seat with Councilor Gaasch as the alternate. Motion carried unanimously.

E. Auditor Engagement Letter

Abdo, Eick, and Meyers submitted a three-year engagement letter for Council consideration. The Council has the option of continuing with annual agreements, or approving the three-year engagement laid forth by the firm.

Councilor Hawkinson moved and seconded by Councilor Gaasch to approve a one-year engagement with Abdo, Eick, and Meyers. Motion carried unanimously.

Additional Items

A. Light at the Dog Park

Councilor Hawkinson noted that the new light at the Dog Park was bright, much brighter than a typical street light. She wondered about options for correcting that.

Mayor Dains opened the floor to those interested in speaking about the light at the Dog Park. Dan Murphy, 1938 Carl Street, approached the Council. He stated that he wanted to work something out regarding the strength/direction of the light so that it is not bothersome to neighbors. He also believes the light diminishes crime in the area.

Mark Hawkinson, 1855 Fulham Street, approached the Council. He stated that he supports the Dog Park, but the light is the brightest thing he can see at night. He would like to find a better solution for light in the area.

Staff will discuss options with Xcel Energy for improving the lighting in the area.

B. Appreciation Days for Employees

Mayor Dains voiced his appreciation for the Lauderdale City Staff for their hard work through the challenging times of 2016. In recognition of this, he proposed that the staff be granted two personal days that must be used by the end of February.

Council Mac Lean moved and seconded by Councilor Grove to grant two personal days to Lauderdale staff members to be used by the end of February. Motion carried unanimously.

Set Agenda for Next Meeting

Administrator Butkowski stated the next meeting will include the November Financial Report, the Year-End Investment Report, the 2017 Investment Policy, Designating Official Depository and Investment Institutions, Tobacco and Alcohol Licenses, and Committee Appointments and Assignments.

LAUDERDALE CITY COUNCIL
MEETING MINUTES
Lauderdale City Hall
1891 Walnut Street
Lauderdale, MN 55113

Page 5 of 5

December 13, 2016

Work Session

A. Opportunity for the Public to Address the City Council.

Mayor Dains opened the floor for any member of the public to speak about any item not on the agenda. There being no interested parties, Mayor Dains closed the floor.

B. Engineer's Report on Eustis Street Options

The engineering report put the recommendations of the most recent community discussion of Eustis Street through an engineering lense to provide guidance on how the ideas would work in the existing right-of-way as well as with storm water requirements. Ramsey County engineers told city staff they would like to discuss the level of improvement required for the Council to accept a turnback. Butkowski mentioned that the Council can control the parking situation and asked if the Council wanted to move ahead with one-sided parking. That would provide some indication of whether the parking lane on one side with a walking lane on the other met the goal of making the street more walkable.

After some discussion, the Council decided that they would like to try a temporary one-sided parking rule valid until April 30, 2017, at which point they will revisit the topic. Councilor Grove moved and seconded by Councilor Mac Lean to approve the motion. Motion carried unanimously.

C. Community Development Update

Administrator Butkowski informed the Council that the Chinese Christian Church lowered their price to \$1.575 million dollars and had quite a bit of interest. She also noted that the League of Minnesota Cities mailed dividend checks, Lauderdale's totaled \$5,300. Finally, the City received its I/I Grant reimbursement totaling \$29,000.

Adjournment

There being no further items on the agenda, Councilor Hawkinson moved and seconded by Councilor Mac Lean to adjourn the meeting at 10:00 p.m. Motion carried unanimously.

Respectfully submitted,



Heather Butkowski
City Administrator

LAUDERDALE CITY COUNCIL
MEETING MINUTES
Lauderdale City Hall
1891 Walnut Street
Lauderdale, MN 55113

Page 1 of 2

January 3, 2017

Prior to the meeting was the swearing in of Councilors Jeffrey Dains and Kelly Dolphin and Mayor Mary Gaasch.

Roll Call

Mayor Gaasch called the special city council meeting to order at 7:35 p.m.

Councilors present: Jeffrey Dains, Kelly Dolphin, Roxanne Grove, and Mayor Mary Gaasch.

Staff present: Heather Butkowski, City Administrator and Jim Bownik, Assistant to the City Administrator.

Approvals

Mayor Gaasch asked if there were any changes to the meeting agenda. There being none, Councilor Grove moved and Councilor Dains seconded the motion to approve the agenda. Motion carried unanimously.

Councilor Grove moved and seconded by Councilor Dolphin to approve the claims totaling \$31,898.89. Motion carried unanimously.

Discussion/Action Items

A. Declaring a City Council Vacancy and Establishing Appointment Process

Butkowski explained that the remainder of Mayor Gaasch's council seat could be filled by council appointment. There is no law that requires this be handled in a certain way. Typically, cities have an application and interview process. She presented the materials staff had prepared and asked the Council how they would like to proceed.

The Council refined the interview questions and established January 17 starting at 5:30 p.m. as the date of the interviews. Staff will post notice of the interviews as a special meeting. The Council may make the appointment that evening or at their next council meeting.

Councilor Dains moved and seconded by Councilor Grove to adopt Resolution 010317A – A Resolution Declaring a Vacancy on the City Council. Motion carried unanimously

The Council took a break at 7:47 p.m. and returned at 8:00 p.m.

Closed Session

A. Discussion of Pending Litigation (Rocket Outdoor Advertising, LLC v. City of Lauderdale)

Councilor Dolphin moved and seconded by Councilor Grove to go into closed session, as authorized under the attorney-client privilege pursuant to Minnesota Statutes Section 13D.03,

LAUDERDALE CITY COUNCIL
MEETING MINUTES
Lauderdale City Hall
1891 Walnut Street
Lauderdale, MN 55113

Page 2 of 2

January 3, 2017

subdivision 3(b), to discuss with our counsel the pending litigation of *Rocket Outdoor Advertising, LLC against the City of Lauderdale*, which has been filed in United States District Court for the District of Minnesota. Motion carried unanimously.

Councilor Grove moved and seconded by Councilor Dolphin to end the closed session at 9:00 p.m. Motion carried unanimously.

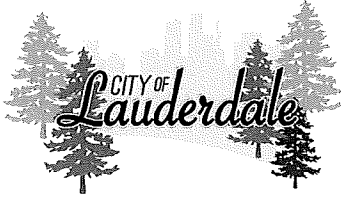
Adjournment

There being no further items on the agenda, Councilor Grove moved and seconded by Councilor Dolphin to adjourn the meeting at 9:02 p.m. Motion carried unanimously.

Respectfully submitted,



Heather Butkowski
City Administrator



CITY OF LAUDERDALE
LAUDERDALE CITY HALL
1891 WALNUT STREET
LAUDERDALE, MN 55113
651-792-7650
651-631-2066 FAX

Request for Council Action

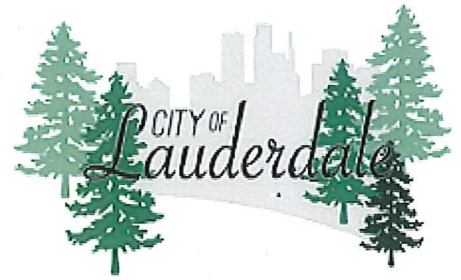
To: Mayor and City Council
From: City Administrator
Meeting Date: January 10, 2017
Subject: List of Claims

The claims totaling \$88,110.73 are provided for City Council review and approval which includes check numbers 25189 to 25203 .

Accounts Payable

Checks by Date - Detail by Check Date

User: heather.butkowski
 Printed: 1/6/2017 4:25 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
25189	13 4765	8th Day Landscaping LLC 12/16 LA Snow Removal	01/10/2017	645.00
Total for Check Number 25189:				645.00
25190	148 69361	Cartridge World Roseville Printer Cartridge	01/10/2017	38.55
Total for Check Number 25190:				38.55
25191	33 12-16 2016FunRun	City of Falcon Heights 12/16 Fire Calls 2016 5K Run Reimbursement	01/10/2017	915.38 92.12
Total for Check Number 25191:				1,007.50
25192	29 3481	City of St Anthony January Police	01/10/2017	56,049.16
Total for Check Number 25192:				56,049.16
25193	25 EMCOM-005716 EMCOM-005731 EMCOM-005778	County of Ramsey CAD Services - December 911 Dispatch Services - December Fleet Support Fee - December	01/10/2017	254.03 1,177.13 6.24
Total for Check Number 25193:				1,437.40
25194	38 456858 456858 456858	Croix Oil Company December Fuel December Fuel December Fuel	01/10/2017	34.64 34.65 161.69
Total for Check Number 25194:				230.98
25195	147 1622802	Floors by Beckers, Inc City Hall Carpet	01/10/2017	4,502.00
Total for Check Number 25195:				4,502.00
25196	61 6120505	Gopher State One Call December Locates	01/10/2017	10.80
Total for Check Number 25196:				10.80
25197	99 2291 60	Metropolitan Area Management Association 2017 MAMA Dues Police & Community Relations Luncheon	01/10/2017	45.00 20.00
Total for Check Number 25197:				65.00
25198	24	Metropolitan Council	01/10/2017	

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	0001061888	1/17 Waste Water Services		11,427.59
	0001062787	2/17 Waste Water Services		11,427.59
Total for Check Number 25198:				22,855.18
25199	79 DECEM1230252016	Minnesota Department of Labor & Industry 4Q2016 Surcharge	01/10/2017	410.22
Total for Check Number 25199:				410.22
25200	84	North Star Bank Cardmember Services DOJ Meeting Parking Office Supplies Certificate Frames Council Reception Warming House Phone Council Reception Council Chambers Clock Council Chamber Name Plates Certificate Frame	01/10/2017	10.50 88.34 46.04 31.98 33.14 21.77 26.77 178.03 26.78
Total for Check Number 25200:				463.35
25201	5 619861-12-16	Premium Waters Inc 12/16 Water Delivery	01/10/2017	38.65
Total for Check Number 25201:				38.65
25202	47 532857	Public Employees Insurance Program Pay Difference between 2016 and 2017 rates	01/10/2017	75.35
Total for Check Number 25202:				75.35
25203	7 7543215-0500-2	Waste Management Inc Refuse	01/10/2017	281.59
Total for Check Number 25203:				281.59
Total for 1/10/2017:				88,110.73
Report Total (15 checks):				88,110.73

LAUDERDALE COUNCIL ACTION FORM

Action Requested

Consent X
Public Hearing
Discussion
Action
Resolution
Work Session

Meeting Date January 12, 2016

ITEM NUMBER Designate Official Newspaper

STAFF INITIAL 

APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The City Council must designate an official newspaper at the first council meeting in January. For many years, the City Council has designated the *Roseville Review* and published all legal notices there. The *Review* sent a letter to the City indicating their desire to continue the relationship and the rates for 2017.

OPTIONS:

1. Designate the *Roseville Review* as the City's official newspaper.
2. Do not designate the *Roseville Review* as the City's official newspaper and provide staff with alternative suggestions.

STAFF RECOMMENDATION:

By approving the consent agenda, the City Council designates the *Roseville Review* as the City's official newspaper for 2017.

COUNCIL ACTION:

Lillie Suburban Newspapers, Inc.

2515 E. Seventh Avenue
North St. Paul, MN 55109
(651) 777-8800

December 20, 2016

Heather Butkowski
City Administrator
City of Lauderdale
1891 Walnut Street
Lauderdale, MN 55113

Dear Ms. Butkowski:

Thank you for the opportunity to bid on public notice publication services for the City of Lauderdale. Lillie Suburban Newspapers has been serving the needs of the Lauderdale area for 42 years, and is pleased to provide ongoing coverage of city government and school issues and community events.

Lillie Suburban Newspapers is the oldest weekly newspaper company in the St. Paul area. It was founded in 1938 by the late T. R. Lillie. His grandsons, Jeffery Enright and Ted H. Lillie, are continuing the family tradition of publishing award-winning community newspapers in the St. Paul suburbs.

It is our sincere desire to provide the best possible local news coverage in the Lauderdale area. Our experienced news staff provides readers with a well-balanced, lively and informative product each week. We realize that Lauderdale area residents look to the *Roseville Review* as one of their primary sources of information about city activities and meetings, and we will continue to publish the city's press releases and photos.

The *Roseville Review* is the official legal designation for Little Canada, Maplewood and the Roseville Area School District.

3 P.M. Thursday is the deadline each week for submitting public notices to our office. Public notices should be directed to Kitty Sundberg, Lillie Suburban Newspapers, 2515 E. Seventh Ave., North St. Paul, MN 55109. Our fax number is 651/777-8288. Notices may also be sent via e-mail to:

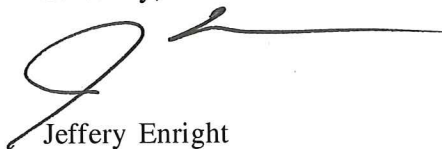
legals@lillienews.com

Legal publication rates for minutes, advertisements for bids and other notices are as follows:

\$14.50 per column inch for a one-time publication
\$13.00 per column inch for each additional publication

Thank you for considering the *Roseville Review* as the official legal newspaper for the City of Lauderdale for 2017. If you have any further questions, don't hesitate to call us.

Sincerely,



Jeffery Enright
Publisher



Ramsey County Review • Maplewood Review • Oakdale-Lake Elmo Review • Review Perspectives
New Brighton Bulletin • Shoreview Bulletin • St. Anthony Bulletin • South-West Review
Roseville-Little Canada Review • Woodbury-South Maplewood Review • East Side Review

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

Consent X
Public Hearing
Discussion
Action
Resolution X
Work Session

Meeting Date January 10, 2017

ITEM NUMBER Designating Official Depository and Investment Institutions/Brokers for 2017

STAFF INITIAL HB

APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Annually, the City designates the official depository and investment institutions/brokers.

North Star Bank is recommended to continue as the official depository.

Investment institutions/brokers includes Morgan Stanley, Northland Securities, RBC Capital Markets, LLC and the 4M Fund/PFA Financial Network, Inc.

OPTIONS:

1. To approve Resolution 011017A.
2. To remove the item from the consent agenda for further consideration.

STAFF RECOMMENDATION:

By approving the Consent Agenda, the Council adopts Resolution 011017A Designating Official Depository and Investment Institutions.

COUNCIL ACTION:

RESOLUTION 011017A

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

**RESOLUTION DESIGNATING
OFFICIAL DEPOSITORY & INVESTMENT INSTITUTIONS**

BE IT HEREBY RESOLVED, that North Star Bank is designated as a depository for the funds of the City of Lauderdale.

BE IT FURTHER RESOLVED, that before any deposits are made that exceed the amount that is guaranteed by the Federal Deposit Insurance Corporation (FDIC), the depository must supply to the city a corporate surety bond in the amount of at least ten percent more than the amount on the deposit plus accrued interest at the close of the business day. The bond is subject to the approval of the city council.

BE IT FURTHER RESOLVED, that in lieu of the above bond, the depository may furnish collateral in the manner and to the extent permitted by law. All such collateral must be approved by the council and accompanied by a written assignment providing that, upon default, the financial institution shall release to the city on demand, free exchange or any other charges, the collateral pledged.

BE IT FURTHER RESOLVED, all collateral must be placed in safekeeping in a restricted account at either a Federal Reserve Bank or in an account at a trust department of a commercial bank or other financial institution that is not owned or controlled by the financial institution that is furnishing the collateral. In case of default upon the part of the depository, the council of the city shall have full power and authority to sell such collateral or as much as may be necessary to realize the full amount due the city over such federal guarantee.

BE IT FURTHER RESOLVED, Morgan Stanley, Northland Securities, RBC Capital Markets, LLC, and the 4M Fund/PFA Financial Network, Inc. are the city's investment institutions and brokers for 2017.

Adopted this 10th day of January 2017.

Mary Gaasch, Mayor

Heather Butkowski, City Administrator

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

Consent X
Public Hearing
Discussion
Action
Resolution X
Work Session

Meeting Date January 10, 2017

ITEM NUMBER 2017 Tobacco Licenses

STAFF INITIAL MJC

APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The City has received applications for renewal of tobacco licenses. The licenses would be valid January 1, 2017— December 31, 2017.

Larpenteur SuperUSA - 2424 Larpenteur Avenue W
Croix Oil (BP Station) - 2421 Larpenteur Avenue W

OPTIONS:

1. To approve Resolution 011017B.
2. To remove the item from the consent agenda for further consideration.

STAFF RECOMMENDATION:

Approve Resolution 011017B Approving 2017 Tobacco Licenses.

COUNCIL ACTION:

RESOLUTION 011017B

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

APPROVING 2017 TOBACCO LICENSES

WHEREAS, the following applicants:

Larpenteur SuperUSA	2424 Larpenteur Avenue W
Croix Oil	2421 Larpenteur Avenue W

have presented to the City of Lauderdale complete applications for renewal of current tobacco licenses; and

WHEREAS, the establishments listed above have provided the proper fee and the Certification of Workers Compensation form and insurance certificate.

NOW, THEREFORE BE IT RESOLVED, that the Lauderdale City Council authorizes that the establishments listed above, be granted tobacco licenses with the City of Lauderdale for the term of January 1, 2017 through December 31, 2017.

Adopted by the City of Lauderdale this 10th day of January, 2017.

Mary Gaasch, Mayor

ATTEST:

Heather Butkowski, City Administrator

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

Consent X
Public Hearing
Discussion
Action
Resolution
Work Session

Meeting Date January 10, 2017

ITEM NUMBER November Financial Report

STAFF INITIAL *AB*

APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Every month I provide the Council with an updated copy of the city's finances. Following are the revenue, expense, and cash balance reports for November 2016.

OPTIONS:

STAFF RECOMMENDATION:

By approving the consent agenda, the Council acknowledges the city's financial report for November 2016.

COUNCIL ACTION:

General Ledger

Cash Balances



User: heather.butkowski
 Printed: 1/5/2017 3:28:13 PM
 Period 11 - 11
 Fiscal Year 2016

Description	Account	Beg Bal	MTD Debit	MTD Credit	Current Balance
Cash	101-00000-000-10100	-2,145,674.68	199,804.01	106,099.73	-2,051,970.40
Change Fund	101-00000-000-10300	100.00	0.00	0.00	100.00
Cash	226-00000-000-10100	5,708.82	6.70	583.21	5,132.31
Cash	227-00000-000-10100	91,712.76	18,587.23	1,573.26	108,726.73
Cash	401-00000-000-10100	52,965.34	69.24	0.00	53,034.58
Cash	403-00000-000-10100	413,736.09	540.86	0.00	414,276.95
Cash	404-00000-000-10100	278,428.28	363.98	0.00	278,792.26
Cash	405-00000-000-10100	48,931.63	63.97	0.00	48,995.60
Cash	414-00000-000-10100	142,403.88	186.16	0.00	142,590.04
Cash	415-00000-000-10100	0.00	0.00	0.00	0.00
Cash	602-00000-000-10100	914,443.64	12,230.74	15,675.98	910,998.40
Cash	603-00000-000-10100	326,158.49	6,483.24	3,999.46	328,642.27
Current Assets		128,914.25	238,336.13	127,931.64	239,318.74
Petty Cash	101-00000-000-10200	300.00	0.00	0.00	300.00
Petty Cash		300.00	0.00	0.00	300.00
Investments - At Cost	101-00000-000-10400	0.00	0.00	0.00	0.00
Investments - Fair Value	101-00000-000-10410	2,627,053.29	3,746.99	0.00	2,630,800.28
Adj					
Investments		2,627,053.29	3,746.99	0.00	2,630,800.28
Grand Total		<u>2,756,267.54</u>	<u>242,083.12</u>	<u>127,931.64</u>	<u>2,870,419.02</u>

General Ledger

Revenue vs Expense



User: heather.butkowski
 Printed: 1/5/2017 3:34:27 PM
 Period: 11 - 11
 Fiscal Year 2016

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
101	General Fund					
	Revenue					
	Taxes	676,561.00	177,380.95	526,502.40	150,058.60	77.82
	Licenses and Permits	26,100.00	7,411.55	41,404.65	-15,304.65	158.64
	Intergovernmental Revenues	538,700.00	0.00	269,350.00	269,350.00	50.00
	Charges for Services	12,750.00	1,955.80	14,230.05	-1,480.05	111.61
	Fines and Forfeits	45,000.00	1,232.67	32,209.09	12,790.91	71.58
	Miscellaneous Revenue	6,100.00	2,466.47	15,063.49	-8,963.49	246.94
	Other Financing Sources	0.00	0.00	0.00	0.00	0.00
	Revenue	1,305,211.00	190,447.44	898,759.68	406,451.32	68.86
	Expense					
	Personal Services	355,713.00	26,417.66	325,659.08	30,053.92	91.55
	Supplies	17,250.00	205.69	16,255.48	994.52	94.23
	Other Services and Charges	883,973.00	62,292.89	768,114.40	115,858.60	86.89
	Capital Outlay	0.00	0.00	0.00	0.00	0.00
	Other Uses	48,000.00	0.00	0.00	48,000.00	0.00
	Expense	1,304,936.00	88,916.24	1,110,028.96	194,907.04	85.06
101	General Fund	275.00	101,531.20	-211,269.28	211,544.28	-76,825.19

General Ledger Revenue vs Expense



User: heather.butkowski
 Printed: 1/5/2017 3:34:27 PM
 Period 11 - 11
 Fiscal Year 2016

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
226	Communications					
	Revenue					
	Taxes	20,000.00	0.00	16,024.80	3,975.20	80.12
	Miscellaneous Revenue	<u>25.00</u>	<u>6.70</u>	<u>19.84</u>	<u>5.16</u>	<u>79.36</u>
	Revenue	20,025.00	6.70	16,044.64	3,980.36	80.12
	Expense					
	Personal Services	8,197.00	583.21	7,317.17	879.83	89.27
	Supplies	550.00	0.00	0.00	550.00	0.00
	Other Services and Charges	3,000.00	0.00	3,547.00	-547.00	118.23
	Capital Outlay	<u>5,000.00</u>	<u>0.00</u>	<u>4,565.94</u>	<u>434.06</u>	<u>91.32</u>
	Expense	16,747.00	583.21	15,430.11	1,316.89	92.14
226	Communications	3,278.00	-576.51	614.53	2,663.47	18.75

General Ledger Revenue vs Expense



User: heather.butkowski
 Printed: 1/5/2017 3:34:27 PM
 Period 11 - 11
 Fiscal Year 2016

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
227	Recycling Revenue					
	Intergovernmental Revenues	5,977.00	18,404.14	24,381.14	-18,404.14	407.92
	Miscellaneous Revenue	<u>35,400.00</u>	<u>183.09</u>	<u>21,059.41</u>	<u>14,340.59</u>	<u>59.49</u>
	Revenue	41,377.00	18,587.23	45,440.55	-4,063.55	109.82
	Expense					
	Personal Services	20,991.00	1,573.26	18,687.48	2,303.52	89.03
	Supplies	350.00	0.00	0.00	350.00	0.00
	Other Services and Charges	30,000.00	0.00	23,283.80	6,716.20	77.61
	Capital Outlay	<u>0.00</u>	<u>0.00</u>	<u>331.00</u>	<u>-331.00</u>	<u>0.00</u>
	Expense	51,341.00	1,573.26	42,302.28	9,038.72	82.39
227	Recycling	-9,964.00	17,013.97	3,138.27	-13,102.27	-31.50

General Ledger Revenue vs Expense



User: heather.butkowski
 Printed: 1/5/2017 3:34:27 PM
 Period 11 - 11
 Fiscal Year 2016

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
401	General Capital Projects					
	Revenue					
	Intergovernmental Revenues	0.00	0.00	0.00	0.00	0.00
	Miscellaneous Revenue	0.00	69.24	518.79	-518.79	0.00
	Other Financing Sources	0.00	0.00	0.00	0.00	0.00
	Revenue	0.00	69.24	518.79	-518.79	0.00
	Expense					
	Other Services and Charges	0.00	0.00	5,760.00	-5,760.00	0.00
	Capital Outlay	48,000.00	0.00	27,326.24	20,673.76	56.93
	Other Uses	0.00	0.00	0.00	0.00	0.00
	Expense	48,000.00	0.00	33,086.24	14,913.76	68.93
401	General Capital Projects	-48,000.00	69.24	-32,567.45	-15,432.55	67.85

General Ledger

Revenue vs Expense



User: heather.butkowski
 Printed: 1/5/2017 3:34:27 PM
 Period 11 - 11
 Fiscal Year 2016

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
403	Street Capital Projects					
	Revenue					
	Intergovernmental Revenues	0.00	0.00	0.00	0.00	0.00
	Miscellaneous Revenue	2,000.00	540.86	4,546.98	-2,546.98	227.35
	Other Financing Sources	0.00	0.00	0.00	0.00	0.00
	Revenue	2,000.00	540.86	4,546.98	-2,546.98	227.35
	Expense					
	Capital Outlay	150,000.00	0.00	179,814.61	-29,814.61	119.88
	Other Uses	0.00	0.00	0.00	0.00	0.00
	Expense	150,000.00	0.00	179,814.61	-29,814.61	119.88
403	Street Capital Projects	-148,000.00	540.86	-175,267.63	27,267.63	118.42

General Ledger

Revenue vs Expense



User: heather.butkowski
 Printed: 1/5/2017 3:34:27 PM
 Period 11 - 11
 Fiscal Year 2016

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
404	Park Capital Projects					
	Revenue					
	Miscellaneous Revenue	1,000.00	363.98	2,440.62	-1,440.62	244.06
	Other Financing Sources	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	Revenue	1,000.00	363.98	2,440.62	-1,440.62	244.06
	Expense					
	Supplies	0.00	0.00	0.00	0.00	0.00
	Capital Outlay	0.00	0.00	0.00	0.00	0.00
	Other Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	Expense	0.00	0.00	0.00	0.00	0.00
404	Park Capital Projects	1,000.00	363.98	2,440.62	-1,440.62	244.06

General Ledger

Revenue vs Expense

User: heather.butkowski
 Printed: 1/5/2017 3:34:27 PM
 Period 11 - 11
 Fiscal Year 2016



Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
405	Rosehill Tax Increment					
	Revenue					
	Miscellaneous Revenue	0.00	63.97	244.80	-244.80	0.00
	Other Financing Sources	0.00	0.00	0.00	0.00	0.00
	Revenue	0.00	63.97	244.80	-244.80	0.00
	Expense					
	Other Services and Charges	0.00	0.00	991.20	-991.20	0.00
	Expense	0.00	0.00	991.20	-991.20	0.00
405	Rosehill Tax Increment	0.00	63.97	-746.40	746.40	0.00

General Ledger Revenue vs Expense



User: heather.butkowski
 Printed: 1/5/2017 3:34:27 PM
 Period 11 - 11
 Fiscal Year 2016

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
414	Development					
	Revenue					
	Miscellaneous Revenue	0.00	186.16	105,660.51	-105,660.51	0.00
	Other Financing Sources	<u>38,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>38,000.00</u>	<u>0.00</u>
	Revenue	38,000.00	186.16	105,660.51	-67,660.51	278.05
	Expense					
	Other Services and Charges	0.00	0.00	15,300.00	-15,300.00	0.00
	Other Uses	<u>0.00</u>	<u>0.00</u>	<u>89,306.93</u>	<u>-89,306.93</u>	<u>0.00</u>
	Expense	0.00	0.00	104,606.93	-104,606.93	0.00
414	Development	38,000.00	186.16	1,053.58	36,946.42	2.77

General Ledger

Revenue vs Expense



User: heather.butkowski
 Printed: 1/5/2017 3:34:27 PM
 Period 11 - 11
 Fiscal Year 2016

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
415	Housing Redevelopment					
	Revenue					
	Miscellaneous Revenue	0.00	0.00	0.00	0.00	0.00
	Other Financing Sources	0.00	0.00	89,306.93	-89,306.93	0.00
	Revenue	0.00	0.00	89,306.93	-89,306.93	0.00
415	Expense					
	Other Services and Charges	0.00	0.00	1,770.00	-1,770.00	0.00
	Capital Outlay	0.00	0.00	87,536.93	-87,536.93	0.00
	Expense	0.00	0.00	89,306.93	-89,306.93	0.00
415	Housing Redevelopment	0.00	0.00	0.00	0.00	0.00

General Ledger Revenue vs Expense



User: heather.butkowski
 Printed: 1/5/2017 3:34:27 PM
 Period 11 - 11
 Fiscal Year 2016

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
602	Sanitary Sewer Revenue					
	Intergovernmental Revenues	0.00	0.00	0.00	0.00	0.00
	Charges for Services	261,282.00	11,135.57	236,026.55	25,255.45	90.33
	Miscellaneous Revenue	3,300.00	1,189.37	8,510.67	-5,210.67	257.90
	Other Financing Sources	0.00	0.00	0.00	0.00	0.00
	Revenue	264,582.00	12,324.94	244,537.22	20,044.78	92.42
	Expense					
	Personal Services	75,783.00	3,973.57	51,801.84	23,981.16	68.36
	Supplies	800.00	13.53	330.98	469.02	41.37
	Other Services and Charges	210,228.00	11,783.08	172,634.43	37,593.57	82.12
	Capital Outlay	250,000.00	0.00	97,965.77	152,034.23	39.19
	Other Uses	0.00	0.00	0.00	0.00	0.00
	Expense	536,811.00	15,770.18	322,733.02	214,077.98	60.12
602	Sanitary Sewer	-272,229.00	-3,445.24	-78,195.80	-194,033.20	28.72

General Ledger

Revenue vs Expense



User: heather.butkowski
 Printed: 1/5/2017 3:34:27 PM
 Period 11 - 11
 Fiscal Year 2016

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
603	Storm Water					
	Revenue					
	Intergovernmental Revenues	0.00	0.00	0.00	0.00	0.00
	Charges for Services	80,000.00	6,070.80	84,723.79	-4,723.79	105.90
	Miscellaneous Revenue	400.00	429.06	2,813.08	-2,413.08	703.27
	Other Financing Sources	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	Revenue	80,400.00	6,499.86	87,536.87	-7,136.87	108.88
	Expense					
	Personal Services	59,384.00	3,923.01	43,606.32	15,777.68	73.43
	Supplies	700.00	13.53	330.96	369.04	47.28
	Other Services and Charges	18,500.00	79.54	11,748.06	6,751.94	63.50
	Capital Outlay	0.00	0.00	0.00	0.00	0.00
	Other Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	Expense	78,584.00	4,016.08	55,685.34	22,898.66	70.86
603	Storm Water	1,816.00	2,483.78	31,851.53	-30,035.53	1,753.94

General Ledger Revenue vs Expense



User: heather.butkowski
 Printed: 1/5/2017 3:34:27 PM
 Period 11 - 11
 Fiscal Year 2016

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
Revenue Total		1,752,595.00	229,090.38	1,495,037.59	257,557.41	0.853
Expense Total		2,186,419.00	110,858.97	1,953,985.62	232,433.38	0.8937
Grand Total		-433,824.00	118,231.41	-458,948.03	25,124.03	1.0579

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

Consent _____
Public Hearing _____
Discussion _____
Action _____
Resolution _____ X _____
Work Session _____

Meeting Date January 10, 2017

ITEM NUMBER TC Chinese Christian Church

STAFF INITIAL HTB

APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

As directed by the Council, staff invited members of the Chinese Christian Church to attend the City Council meeting. Church elder, Lewis Ng, was available for this week's meeting. Staff prepared the following resolution for the Council to read and act upon. A framed copy of the resolution will be ready to present to Lewis.

OPTIONS:

STAFF RECOMMENDATION:

Motion to adopt Resolution 011017C—A Resolution of Appreciation for the Twin City Chinese Christian Church.

RESOLUTION NO. 011017C

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

**RESOLUTION OF APPRECIATION FOR THE
TWIN CITY CHINESE CHRISTIAN CHURCH**

WHEREAS, on July 8, 1975 the Chinese Christian Church purchase the former Lauderdale School at 1795 Eustis Street and held their first service there on August 10, 1975; and

WHEREAS, the City has benefited greatly from the forty-one-year relationship with the Church as its members have given of their time and talents at city events; and

WHEREAS, Church members have charitably donated time and talent to members of the community through their participation in Love, Inc.; and

WHEREAS, the Church has generously contributed financially to the City; and

WHEREAS, from the first seventy members that purchased the former school in 1975 until today the church has grown to a membership that has outgrown its space; and

WHEREAS, this past weekend the Twin City Chinese Christian Church celebrated its last service in the City of Lauderdale.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Lauderdale, on behalf of its residents, says thank you and best of luck in your new location to the Twin City Chinese Christian Church.

Adopted by the City Council of the City of Lauderdale, Minnesota this 10th day of January, 2017.

(ATTEST)

Mary Gaasch, Mayor Pro Tem

Heather Butkowski, City Administrator

(SEAL)

LAUDERDALE COUNCIL ACTION FORM

Action Requested

Consent	_____
Public Hearing	_____
Discussion	<u> X </u>
Action	<u> X </u>
Resolution	<u> X </u>
Work Session	_____

Meeting Date January 10, 2017

ITEM NUMBER Eustis Street Discussion

STAFF INITIAL 

APPROVED BY ADMINISTRATOR _____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

At the last meeting, the Council discussed options for Eustis Street based on the city engineer's report and new information from Ramsey County's engineering staff. The outcome of the discussion was a vote to move parking to the east side of Eustis Street until April 30. Staff will bring the topic back for discussion in early March to get feedback on how the parking charges are going and whether the Council would like to extend the one sided parking after April 30.

In speaking with the County, they are asking for this request in the form of a resolution. After they receive it, they will put out the signs.

OPTIONS:

STAFF RECOMMENDATION:

Motion to adopt Resolution 011017D—A Resolution Establishing No Parking on Eustis Street.

RESOLUTION 011017D

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

RESOLUTION ESTABLISHING NO PARKING ON EUSTIS STREET

WHEREAS, Ramsey County Road 127, Eustis Street, runs north/south from Ryan Avenue to the southern city limits in Lauderdale, Minnesota; and,

WHEREAS, the width of the paved portion of Eustis Street from Larpenteur Avenue to Roselawn Avenue does not accommodate regulation size parking lanes in addition to the driving lanes although this has been its historical alignment; and,

WHEREAS, the feedback the City Council has received from community members includes making the City more walkable, especially along Eustis Street; and,

WHEREAS, staff have been exploring options with Ramsey County Public Works Staff to address safety and parking concerns and the condition of the road in anticipation of rehabilitation in the years ahead; and,

WHEREAS, the City Council has discussed moving parking to one side of Eustis Street on a trial basis to see if the change results in safer driving conditions for motorists and better conditions for pedestrians; and,

WHEREAS, the City Council decided to limit parking to the east side of Eustis Street to maximize the parking available as the fire hydrants are located on the west side; and,

WHEREAS, the City Council has authority to establish No Parking Zones within the City.

NOW, THEREFORE, BE IT RESOLVED, that the Lauderdale City Council bans the parking of motor vehicles on the west side of Eustis Street from Larpenteur Avenue to Roselawn Avenue effective immediately and until April 30, 2017 or such time as the City Council elects to shorten or extend the parking ban.

Adopted by the City Council of the City of Lauderdale, Minnesota, on January 10, 2017.

Mary Gaasch, Mayor

ATTEST:

Heather Butkowski, City Administrator

LAUDERDALE COUNCIL ACTION FORM

Action Requested

Consent _____
Public Hearing _____
Discussion X
Action X
Resolution _____
Work Session _____

Meeting Date January 10, 2017

ITEM NUMBER Liquor Law Violation

STAFF INITIAL HB

APPROVED BY ADMINISTRATOR _____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Following is the notice received from the St. Anthony Police Department after their most recent alcohol compliance check. Unfortunately, SuperUSA failed the check. City code does not provide clear guidance on a penalty in this situation. I spoke with the city attorney and he said state law allows for a fine of up to \$2,000 or revocation or suspension of a license. A copy of state law is attached.

Staff is looking for guidance from the City Council on how you would like to handle the matter. There is no precedent as the City only issues the one 3.2 liquor license to SuperUSA and staff can't remember them failing in the past decade or possibly ever. The city attorney said he has seen fines of \$500 for a first time offense for actual liquor stores, where that is their only line of business. That isn't the case in this instance.

Staff notified the owner that the Council would be having this discussion.

OPTIONS:

Decide whether to impose a penalty, and if so, what that would be. Any penalty that includes a revocation or suspension must include an administrative hearing that would be scheduled for a future date.

STAFF RECOMMENDATION:



St. Anthony Police Department

Jon Mangseth • Chief of Police

December 14, 2016

Heather Butkowski
City Administrator
City of Lauderdale
1891 Walnut Street
Lauderdale, MN 55113

Dear Ms. Butkowski

On December 9, 2016, the St. Anthony Police Department conducted alcohol compliance checks at the Super USA, located at 2424 W. Larpentour Avenue in the City of Lauderdale. Unfortunately, this business failed the compliance check. The employee involved in the sale of the alcoholic beverage to the underage buyer will face criminal charges. An advisory and informational letter was sent to the owner/manager of Super USA.

If you need police reports for your administrative process, please let me know and I have them forwarded to you. Also feel free to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Spiess'.

Jeff Spiess
Captain
St. Anthony Police Department

340A.415 LICENSE REVOCATION OR SUSPENSION; CIVIL PENALTY.

On a finding that the license or permit holder has (1) sold alcoholic beverages to another retail licensee for the purpose of resale, (2) purchased alcoholic beverages from another retail licensee for the purpose of resale, (3) conducted or permitted the conduct of gambling on the licensed premises in violation of the law, (4) failed to remove or dispose of alcoholic beverages when ordered by the commissioner to do so under section 340A.508, subdivision 3, or (5) failed to comply with an applicable statute, rule, or ordinance relating to alcoholic beverages or the operation of the licensed establishment, or failed to comply with a lawful license condition duly imposed by the authority issuing the license or permit or agreed to by the license or permit holder, the commissioner or the authority issuing a retail license or permit under this chapter may revoke the license or permit, suspend the license or permit for up to 60 days, impose a civil penalty of up to \$2,000 for each violation, or impose any combination of these sanctions. No suspension or revocation takes effect until the license or permit holder has been given an opportunity for a hearing under sections 14.57 to 14.69 of the Administrative Procedure Act. This section does not require a political subdivision to conduct the hearing before an employee of the Office of Administrative Hearings. Imposition of a penalty or suspension by either the issuing authority or the commissioner does not preclude imposition of an additional penalty or suspension by the other so long as the total penalty or suspension does not exceed the stated maximum. Nothing in this section shall be construed to limit the applicability of section 340A.509, except that a local authority may not charge a penalty greater than that allowed in this section.

History: 1985 c 248 s 70; 1985 c 305 art 6 s 15; 1985 c 309 s 11; 1Sp1985 c 16 art 2 s 3 subd 1; 1Sp1986 c 3 art 1 s 42; 1987 c 152 art 1 s 1; 1987 c 310 s 12; 1988 c 534 s 2; 1991 c 249 s 19; 1993 c 350 s 11; 1994 c 611 s 23; 2014 c 240 s 17



**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

Consent _____
Public Hearing _____
Discussion _____ X _____
Action _____ X _____
Resolution _____
Work Session _____

Meeting Date January 10, 2017

ITEM NUMBER Carpet Installation

STAFF INITIAL *ABZ*

APPROVED BY ADMINISTRATOR _____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The new carpeting was scheduled to be installed between Christmas and New Year's. The installers found asbestos and said they were not comfortable laying the flooring until it was abated. Due to the high financial cost (speculating about \$20,000) and the impact it would have of city operations, staff looked for a contractor that could work around the asbestos.

Premium Carpet Installations Inc. has replaced carpeting over intact asbestos tile before. They said they are currently doing a large job for the University of Minnesota. Their estimate for the work is \$5,500. Staff has been doing prep work and the City will be disposing of the old material in our dumpster, all of which will reduce the final bill.

For your information, the original contractor's estimate for floor prep and labor was \$3,553. But, obviously, this number did not reflect the work that needs to be performed.

OPTIONS:

Approve hiring Premium Carpet Installations Inc. or provide staff with feedback on alternatives.

STAFF RECOMMENDATION:

Motion to approve hiring Premium Carpet Installations Inc. and approve the Independent Contractor Agreement as presented.

Premium Carpet Installations Inc.

1740 Terrace Drive
Roseville, MN 55113

Estimate

DATE	ESTIMATE NO.
1/4/2017	4194

NAME / ADDRESS
CITY OF LAUDERDALE 1891 WALNUT STREET LAUDERDALE, MN 55113

PROJECT

DESCRIPTION	QTY	COST	TOTAL
LAUDERDALE CITY HALL REGULAR WORKING HOURS LABOR LISTED TAKE UP & DISPOSE 210 SQ YDS ENHANCER-BACK BROADLOOM INSTALL 210 SQ YDS MILLIKEN CARPET TILES 440 LIN FT VINYL BASE INSTALL ONLY 440 LIN FT DEMO VINYL BASE 24 LIN FT TRANSITIONS INSTALL ONLY 8 FEET STAIR NOSE INSTALL ONLY 6 HOURS ESTIMATED FLOOR PREP REMOVE & REPLACE FURNITURE FLOOR PREP IS ESTIMATED THIS BID INCLUDES 6 HOURS FLOOR PREP PREP COULD BE MORE AFTER DEMO IS COMPLETE	1	5,500.00	5,500.00
		TOTAL	\$5,500.00

Contract between the City of Lauderdale and Premium Carpet Installation Inc.

This contract (the "Agreement") is made and entered into this 10th day of January, 2017, between the City of Lauderdale, Minnesota (the "City"), and Premium Carpet Installations Inc., (the "Contractor"), (collectively, the "Parties").

1. Scope of Services. The Contractor agrees to perform the following services: carpet removal, floor preparation, furniture moving and carpet installation in the council chambers, back entry, hallway, two small offices, two closets and main office at Lauderdale City Hall.
2. Compensation. The City agrees to pay the Contractor a price not to exceed \$5,500.00. The final price will reflect the cost saving measures discussed such as disposing of the carpeting in the City's dumpster and Lauderdale staff performing preparatory work. The City shall not withhold monies for the payment of any federal or state income taxes, social security benefits, or other taxes.
3. Term. The initial maintenance shall be performed in January and February 2017. Subsequent maintenance shall be performed at the City's request.
4. Independent Contractor Relationship. It is expressly understood that the Contractor is an "independent contractor" and not an employee of the City. The Contractor shall have control over the manner in which the services are performed under this Agreement. The Contractor shall supply, at its own expense, all materials, supplies, equipment and tools required to accomplish the work contemplated by this Agreement. The Contractor shall not be entitled to any benefits from the City, including, without limitation, insurance benefits, sick and vacation leave, workers' compensation benefits, unemployment compensation, disability, severance pay, or retirement benefits.
5. Insurance Requirements.
 - A. Liability. The Contractor agrees to maintain commercial general liability insurance in a minimum amount of \$1,000,000 per occurrence. The policy shall cover liability arising from premises, operations, products-completed operations, personal injury, advertising injury, and contractually assumed liability. The City shall be named as an additional insured.
 - B. Automobile Liability. If the Contractor operates a motor vehicle in performing the services under this Agreement, the Contractor shall maintain automobile liability insurance, including owned, hired, and non-owned automobiles, with a minimum liability limit of \$1,000,000, combined single limit. The City shall be named as an additional insured.
 - C. Workers' Compensation. The Contractor agrees to comply with all applicable workers' compensation laws in Minnesota.
 - D. Certificate of Insurance. The Contractor shall, prior to commencing services, deliver to the City a Certificate of Insurance as evidence that the above coverages are in full force and effect.

6. Indemnification. The Contractor agrees to defend and indemnify the City, and its employees, officials, volunteers and agents from and against all claims, actions, damages, losses and expenses arising out of the Contractor's performance or failure to perform its duties under this Agreement.

7. General Provisions.

- A. Entire Agreement. This Agreement supersedes any prior or contemporaneous representations or agreements, whether written or oral, between the Parties and contains the entire agreement.
- B. Assignment. The Contractor may not assign this Agreement to any other person unless written consent is obtained from the City.
- C. Amendments. Any modification or amendment to this Agreement shall require a written agreement signed by both Parties.
- D. Governing Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Minnesota.
- E. Savings Clause. If any court finds any portion of this Agreement to be contrary to law or invalid, the remainder of the Agreement will remain in full force and effect.
- F. Waivers. The waiver by either party of any breach or failure to comply with any provision of this Agreement by the other party shall not be construed as, or constitute a continuing waiver of such provision or a waiver of any other breach of or failure to comply with any other provision of this Agreement.
- G. No Waiver by City. By entering into this agreement, the City does not waive its entitlement to any immunity under statute or common law.
- H. Termination. Either party may terminate this agreement at any time for any reason. If the contract is terminated early, the City will pay a pro rated fee for services performed to date.

IN WITNESS WHEREOF, the Parties, have caused this Agreement to be approved on the date above.

City of Lauderdale, Minnesota

By: _____
Its Mayor

And: _____
Its Clerk

Premium Carpet Installations Inc.

By: _____
Contractor