

**LAUDERDALE CITY COUNCIL MEETING AGENDA**  
**7:30 P.M. TUESDAY, JULY 11, 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 June 27, 2017 City Council Meeting
  - c. Claims Totaling \$77,858.55
4. **CONSENT**
5. **SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS**
6. **INFORMATIONAL PRESENTATIONS / REPORTS**
  - a. City Council Updates
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.

- a. Ordinance No. 17-03 Amending the Liquor Control and City Parks Ordinances
- 
8. **DISCUSSION / ACTION ITEM**
    - a. Resolution 071117A – A Resolution to Support and Stand with All Members of the Community of the City of Lauderdale
    - b. Resolution 071117B—A Resolution Expressing the Commitment of the Lauderdale City Council to Protect the Children and Grandchildren of this Community from the Risks of Climate Destruction
  9. **ITEMS REMOVED FROM THE CONSENT AGENDA**
  10. **ADDITIONAL ITEMS**
  11. **SET AGENDA FOR NEXT MEETING**
    - a. Goal Setting Session Starting at 5:30 p.m.
    - b. Hazardous Structure at 1925 Walnut Street
    - c. Resolution Calling for a Public Hearing for Catholic Eldercare Bonds
    - d. Annual Storm Water Report

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

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June 27, 2017

**Roll Call**

Mayor Pro Tem Moffatt called the Regular City Council meeting to order at 7:31 p.m.

Councilors present: Kelly Dolphin, Roxanne Grove, and Mayor Pro Tem Andi Moffatt.  
Councilors absent: Jeff Dains and Mayor Mary Gaasch.

Staff present: Jim Bownik, Assistant City Administrator and Miles Cline, Deputy City Clerk.

**Approvals**

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

Councilor Grove moved to approve the minutes of the June 13, 2017 City Council meeting. Councilor Dolphin seconded the motion and it carried unanimously.

Councilor Grove moved and seconded by Councilor Dolphin to approve the claims totaling \$22,194.94. Motion carried unanimously.

**Consent**

Councilor Grove stated that she would like to remove Resolution 062717A – Approving 2017 Tobacco License from the consent agenda for further discussion. Councilor Grove moved and seconded by Councilor Dolphin to approve the remainder of the Consent Agenda thereby approving Resolution 062717B approving 2017 3.2 Malt Liquor License, Resolution 062717C granting 1821 Lake Street variance, and revising J. Hughes' PRO Agreement. Motion carried unanimously and acknowledging the May Financial Report.

**Informational Presentations / Reports**

A. League of Women Voters Housing Report

Rebecca Borman briefed the Council on the League of Women Voters' study over the past year regarding affordable housing options and how it can be incorporated into area cities' comprehensive plans. She finished by providing a list of seven recommendations drawn from their work.

Mindy Greiling was next to speak from the League of Women Voters. She mentioned some additional findings from the study and stated desired goals specifically relating to the City of Lauderdale. The Council thanked Borman and Riley for their work and said they would share with the Comprehensive Plan Steering Committee.

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

Page 2 of 2

June 27, 2017

**Discussion/Action Item**

A. Setting Time and Date of Goal Setting Session

The Council determined that the best date and time for the Goal Setting Session would be immediately preceding the council meeting on July 25. The Council plans to start the session at 5:30 p.m.

**Items Removed from the Consent Agenda**

Councilor Grove removed the tobacco license item for further discussion. Council Grove noted she would like to discuss the tobacco ordinance during the Goal Setting Session as some cities are changing the age for tobacco sales. The Council proceeded with approving the tobacco license for the new SuperUSA owner.

Councilor Dolphin moved and seconded by Councilor Grove to approve Resolution 062717A – Approving 2017 Tobacco License. Motion carried unanimously.

**Set Agenda for Next Meeting**

Bownik stated the next meeting may include a resolution on climate change, a resolution on inclusivity, revisions to the Liquor Control Ordinance, and an update from Cor Wilson of the North Suburban Cable Commission.

**Work Session**

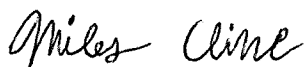
A. Opportunity for the Public to Address the City Council

Mayor Pro Tem Moffatt opened the floor to anyone in attendance that would like to address the Council. There being none, the floor was closed at 7:52 p.m.

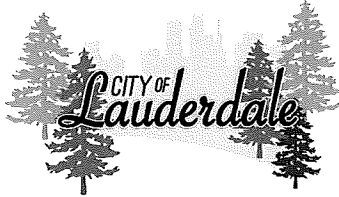
**Adjournment**

There being no other items on the agenda, Councilor Grove moved and seconded by Councilor Dolphin to adjourn the meeting at 7:53 p.m. Motion carried unanimously.

Respectfully submitted,



Miles Cline  
Deputy City Clerk



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:** July 11, 2017  
**Subject:** List of Claims

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The claims totaling \$77,858.55 are provided for City Council review and approval that includes check numbers 25410 to 25424.

# Accounts Payable

## Checks by Date - Detail by Check Date

User: miles.cline  
 Printed: 7/7/2017 3:17 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
ACH	43	Public Employees Retirement Association PR Batch 51300.06.2017 PERA Coordinated PR Batch 51300.06.2017 PERA Coordinated	06/30/2017 PR Batch 51300.06.2017 PER PR Batch 51300.06.2017 PER	906.08 1,045.48
Total for this ACH Check for Vendor 43:				1,951.56
ACH	44	Minnesota Department of Revenue PR Batch 51300.06.2017 State Income Tax	06/30/2017 PR Batch 51300.06.2017 Statu	612.95
Total for this ACH Check for Vendor 44:				612.95
ACH	45	ICMA Retirement Corporation PR Batch 51300.06.2017 Deferred Comp	06/30/2017 PR Batch 51300.06.2017 Def	1,036.99
Total for this ACH Check for Vendor 45:				1,036.99
ACH	46	Internal Revenue Service PR Batch 51300.06.2017 FICA Employer Portio PR Batch 51300.06.2017 FICA Employee Portio PR Batch 51300.06.2017 Medicare Employer Po PR Batch 51300.06.2017 Federal Income Tax PR Batch 51300.06.2017 Medicare Employee Pc	06/30/2017 PR Batch 51300.06.2017 FIC. PR Batch 51300.06.2017 FIC. PR Batch 51300.06.2017 Mec PR Batch 51300.06.2017 Fed PR Batch 51300.06.2017 Mec	922.34 922.34 215.70 1,348.02 215.70
Total for this ACH Check for Vendor 46:				3,624.10
Total for 6/30/2017:				7,225.60
25410	57 2Q2017	Heather Butkowski HB Mileage	07/11/2017	181.69
Total for Check Number 25410:				181.69
25411	29 3548	City of St Anthony July Police Services	07/11/2017	56,049.17
Total for Check Number 25411:				56,049.17
25412	133 2Q2017	Miles Cline Mileage Reimbursement	07/11/2017	140.57
Total for Check Number 25412:				140.57
25413	25 EMCOM-006200 EMCOM-006214 EMCOM-006229	County of Ramsey June Fleet Support June 911 Dispatch Services June CAD Services	07/11/2017	6.24 1,280.65 258.44
Total for Check Number 25413:				1,545.33
25414	38	Croix Oil Company Inc.	07/11/2017	

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	465090	June Fuel		24.36
	465090	June Fuel		24.36
	465090	June Fuel		113.68
Total for Check Number 25414:				162.40
25415	9 778506	Genuine Parts Company Inc Antifreeze	07/11/2017	13.99
Total for Check Number 25415:				13.99
25416	61 7060506	Gopher State One Call June Locates	07/11/2017	41.85
Total for Check Number 25416:				41.85
25417	82 7041206	Home Depot Materials for Safety Shower	07/11/2017	36.92
Total for Check Number 25417:				36.92
25418	23 INV829354	Metro Sales Inc 2Q 2017 Copier Fees	07/11/2017	159.49
Total for Check Number 25418:				159.49
25419	24 0001070393	Metropolitan Council August Wastewater Treatment	07/11/2017	11,427.59
Total for Check Number 25419:				11,427.59
25420	79 JUNE1230252017	Minnesota Department of Labor & Industry 2Q2017 Surcharge Report	07/11/2017	225.66
Total for Check Number 25420:				225.66
25421	80 006562	Sam's Club Oil and Washer Fluid	07/11/2017	68.56
Total for Check Number 25421:				68.56
25422	91 108985 108987 109182	Suburban Ace Hardware Rubbing Alcohol Mortor Mix Wheelbarrow Tire	07/11/2017	2.99 5.49 19.99
Total for Check Number 25422:				28.47
25423	7 7656146-0500-2	Waste Management Inc July Public Works	07/11/2017	280.77
Total for Check Number 25423:				280.77
25424	74 552175340 552175340 552225212 552266204 552266204 552280526	Xcel Energy 1891 Walnut Street 1891 Walnut Street Larpenteur Bridge Lights 1821 Eustis Street 1821 Eustis Street 2430 Larpenteur Avenue W	07/11/2017	172.72 29.04 31.36 9.64 15.15 12.58
Total for Check Number 25424:				270.49

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for 7/11/2017:	70,632.95
			Report Total (19 checks):	77,858.55



**LAUDERDALE COUNCIL  
ACTION FORM**

**Action Requested**

Consent \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Discussion   X    
Action   X    
Resolution   X    
Work Session \_\_\_\_\_

Meeting Date   July 11, 2017  

ITEM NUMBER   Resolution of Inclusion  

STAFF INITIAL   AB  

APPROVED BY ADMINISTRATOR \_\_\_\_\_

**DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:**

Council members discussed adopting a resolution that affirms the City's goal to be welcoming and inclusive to all. Based on the feedback, Council Member Dolphin drafted the following resolution for Council consideration.

**OPTIONS:**

**STAFF RECOMMENDATION:**

Motion to adopt Resolution 071117A—A Resolution to Support and Stand with All Members of the Community of the City of Lauderdale.

**RESOLUTION 071117A**

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

**RESOLUTION TO SUPPORT AND STAND WITH ALL MEMBERS OF THE  
COMMUNITY OF THE CITY OF LAUDERDALE**

**WHEREAS**, the City of Lauderdale is home to an increasingly diverse population; and,

**WHEREAS**, the it is in the best interest of our community to promote and protect equal access to the rights, freedoms, and interests that make our community safe, vibrant, and inclusive; and,

**WHEREAS**, the City hereby affirms that it does not operate its programs and services with the intent or for the purpose of enforcing federal immigration laws; and, that the City does not require the disclosure of immigration status of our residents to participate in programs or receive services; and,

**WHEREAS**, the City declares that equal protection under the law shall not be limited or denied by the City of Lauderdale on the basis of race, color, creed, religion, national origin, immigration status, sex, marital status, disability, status with regard to public assistance, sexual orientation, gender identity, or age.

**NOW, THEREFORE, BE IT RESOLVED**, that the Lauderdale City Council adopts this resolution to stand with and support all members of our community, and to continue to welcome change, growth, and diversity in the years to come.

Adopted by the City Council of the City of Lauderdale, Minnesota, on July 11, 2017.

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Mary Gaasch, Mayor

ATTEST:

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Heather Butkowski, City Administrator

# LAUDERDALE COUNCIL ACTION FORM

### Action Requested

Consent \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Discussion \_\_\_\_\_ X  
Action \_\_\_\_\_ X  
Resolution \_\_\_\_\_ X  
Work Session \_\_\_\_\_

Meeting Date July 11, 2017

ITEM NUMBER Resolution on Climate

STAFF INITIAL AB

APPROVED BY ADMINISTRATOR

### DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Council members discussed adopting a resolution that affirms the City's commitment to doing its part to avert a climate crisis. Based on the feedback, staff drafted the following resolution for Council consideration. Let us know if there is more you would like to add.

### OPTIONS:

### STAFF RECOMMENDATION:

Motion to adopt Resolution 071117B—A Resolution Expressing the Commitment of the Lauderdale City Council to Protect the Children and Grandchildren of this Community from the Risks of Climate Destruction.

**RESOLUTION 071117B**

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

**RESOLUTION EXPRESSING THE COMMITMENT OF THE LAUDERDALE CITY  
COUNCIL TO PROTECT THE CHILDREN AND GRANDCHILDREN OF THIS  
COMMUNITY FROM THE RISKS OF CLIMATE DESTRUCTION**

**WHEREAS**, 195 countries, including the United States and every country that is a member of the United Nations, reached an agreement in Paris, France on December 12, 2015 that recognized the risk to our children's and grandchildren's future from climate change;

**WHEREAS**, the greatest burden resulting from an inadequate response to the climate crisis will be carried by the youngest generation, and all who follow;

**WHEREAS**, the risks from an inadequate response are potentially devastating, and include economic and environmental disruptions, many of which are already being felt such as more severe storms, longer and hotter heat waves, worsening flood and drought cycles, growing invasive species and insect problems, accelerated species extinction rates, rising sea levels, increased wildfires, and a dramatic increase in refugees from climate impacted lands;

**WHEREAS**, leading climate scientists have indicated that further delay in significantly reducing greenhouse gas emissions will rapidly push humanity past the point where disastrous consequences can be avoided;

**WHEREAS**, numerous governmental and non-governmental bodies across the nation and the world have adopted climate action plans to immediately and rapidly reduce greenhouse gas emissions while also stopping them entirely within 25 years;

**WHEREAS**, the Lauderdale City Council supports such things as expanded federal and state funding to transform our transportation system to clean and low carbon, including funding for expanding transit and electrifying mobility for people and goods through strategies that prioritize equitable outcomes;

**WHEREAS**, the City of Lauderdale is committed to doing its share to mitigate the climate crisis as evidence through the actions its taken as a GreenStep City; and

**WHEREAS**, the City is using the Comprehensive Plan as a tool to integrate further climate saving measures into the community and the function of its government.

**NOW, THEREFORE BE IT RESOLVED**, that the Lauderdale City Council commits to working constructively, using ingenuity, innovation, and courageous determination to protect

all members of our community from the risk of climate destruction.

Adopted by the City Council of the City of Lauderdale, Minnesota, on July 11, 2017.

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Mary Gaasch, Mayor

ATTEST:

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Heather Butkowski, City Administrator

# LAUDERDALE COUNCIL ACTION FORM

### Action Requested

Consent \_\_\_\_\_  
Public Hearing   X    
Discussion   X    
Action   X    
Resolution \_\_\_\_\_  
Work Session \_\_\_\_\_

Meeting Date July 11, 2017

ITEM NUMBER Alcohol at City Events

STAFF INITIAL AB

APPROVED BY ADMINISTRATOR

### DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Staff worked with the city attorney to draft Ordinance No. 17-03 to amend the Liquor Control and City Parks ordinances. Following is the draft ordinance along with complete copies of the existing ordinances so you can compare the proposed language to the existing language. The changes allow for the issuance of temporary, on-sale intoxicating liquor licenses for organized activities sponsored by the City.

As previously discussed, staff have a brewery interested in partnering with us for Day in the Park so we look forward to this new feature at our event!

### OPTIONS:

A public hearing must be held prior to the adoption of the ordinance.

### STAFF RECOMMENDATION:

Motion to adopt Ordinance No. 17-03 Amending Title 3, Chapter 2 of the Code of Ordinances Regarding Liquor Control and Title 7, Chapter 1 of the Code of Ordinances Regarding City Parks.

CITY OF LAUDERDALE  
ORDINANCE NO. 17-03

An Ordinance Amending Title 3, Chapter 2 of the Code of Ordinances Regarding Liquor Control and Title 7, Chapter 1 of the Code of Ordinances Regarding City Parks

The city council of the city of Lauderdale ordains as follows:

SECTION 1. Section 3-2-2 of the Lauderdale City Code is amended by deleting the ~~stricken~~ material and inserting the double-underlined material as follows:

3-2-2: LICENSE REQUIRED:

A. General Requirement: It shall be unlawful to sell intoxicating liquors, including 3.2 percent malt liquors, at retail, except when licensed as hereinafter provided.

B. Types Of Licenses For 3.2 Percent Malt Liquor Sales: There shall be two (2) types of licenses issued for the sale of 3.2 percent malt liquors as hereinafter set out:

1. On-Sale Licenses: On-sale licenses shall permit the licensee to sell 3.2 percent malt liquor for consumption on the premises.

2. Off-Sale Licenses: Off-sale licenses shall permit the licensee to sell 3.2 percent malt liquor in original packages for consumption off the premises only. (Ord. 6, 7-25-1989)

C. Types of Licenses For Intoxicating Liquors. The City may issue temporary on-sale licenses pursuant to Minn. Stat. 340A.404, subd. 10.

SECTION 2. Section 3-2-3 of the Lauderdale City Code is amended by deleting the ~~stricken material~~ and inserting the double underlined material as follows:

3-2-3: APPLICATION: Any person desiring either any of the licenses hereinbefore described shall first make an application therefore 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 3.2 percent malt liquor or intoxicating 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 as soon thereafter as reasonably possible ~~at its next regular meeting~~. (Ord. 6, 7-25-1989; 1996 Code)

SECTION 3. Section 3-2-4 of the Lauderdale City Code is amended by deleting the ~~stricken material~~ and inserting the double underlined material as follows:

3-2-4: LICENSE FEE:

A. Fee: At the time of filing an application for either any 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 or ordinance from time to time.

~~B. Receipt: The City Administrator shall thereupon deliver to such applicant duplicate receipts therefore 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~~ B. Proration: For a period shorter than one year, the license fees shall be the full amount. Regardless of when a license is obtained, the license fee shall be for the full amount, and no license shall be prorated. (Ord. 6, 7-25-1989; 1996 Code)

SECTION 4. Section 3-2-5 of the Lauderdale City Code is amended by deleting the ~~stricken material~~ and inserting the double underlined material as follows:

3-2-5: LIMITED TEMPORARY ON-SALE LICENSE:

A. License Required: A limited temporary on-sale license may be issued ~~to any person, bona fide club or organization, or for~~ pursuant to Minnesota Statutes, Chapter 340A.404, subd. 10 which is associated with 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 temporary on-sale license shall be in the amount established by the City Council by resolution or ordinance from time to time.

C. Term Of License: ~~The license~~ A temporary on-sale license for the sale of intoxicating liquors permits sale of ~~3.2 percent malt intoxicating liquors, including 3.2 percent 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)

D. Limit on Issuance: No organization may be issued more than two (2) temporary on-sale liquor licenses pursuant to this Section within any calendar year.

SECTION 5. Section 7-1-6 of the Lauderdale City Code is amended by deleting the ~~stricken material~~ and inserting the double underlined material as follows:

7-1-6: ALCOHOLIC BEVERAGES:

A. Liquor Licenses: The City will not issue licenses for the sale of 3.2 percent malt liquor or intoxicating liquor in City parks, except for Organized Activities sponsored by the City.



B. Alcoholic Beverages in City Parks: 3.2 percent malt liquor and intoxicating liquor may be present and consumed when it is in the possession of the individuals ~~that~~ who brought the beverages into the park and consumed by them.

SECTION 6. This ordinance shall be effective upon its adoption and publication.

Adopted by the Lauderdale City Council this 11<sup>th</sup> day of July, 2017.

\_\_\_\_\_  
Mary Gaasch, Mayor

ATTEST:

\_\_\_\_\_  
Heather Butkowski, City Administrator-Clerk

Published in the Roseville Review this 18<sup>th</sup> day of July, 2017.

## 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: Presumptive Civil Penalties
- 3-2-16: 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:

**ALCOHOLIC BEVERAGES:** any beverage containing more than one-half of one percent alcohol by volume. (Amd. 12-9-2003)

**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.

**3.2 PERCENT 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 3.2 percent 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)

### 3-2-2: LICENSE REQUIRED:

A. General Requirement: It shall be unlawful to sell 3.2 percent 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 3.2 percent liquors as hereinafter set out:

1. On Sale Licenses: On sale licenses shall permit the licensee to sell 3.2 percent malt liquor for consumption on the premises.

2. Off Sale Licenses: Off sale licenses shall permit the licensee to sell 3.2 percent 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 therefore 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 3.2 percent 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 therefore 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 3.2 percent 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: INVESTIGATION<sup>1</sup>:

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 3.2 percent 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 3.2 percent 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)

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

## 3-2-9: PROHIBITED ACTS:

A. Sale To Minors: It shall be unlawful to sell such 3.2 percent 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 3.2 percent 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 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 there from 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 3.2 percent 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 3.2 percent 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 a liquor license for the violation of any federal, state, or local law regulating alcoholic beverages, including but not limited to: (Amd. 12-9-2003)

1. False or 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 alcoholic beverages.
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.
5. Any willful violation which, under state law, is grounds for mandatory revocation.

## 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 five year time period and will exonerate after this time or in the case of new ownership unless specified otherwise by the Council.

The minimum penalties for convictions or violations shall be determined from time to time by resolution of the City Council.

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 14.69. 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. (Amd. 12-9-2003)

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)

CHAPTER 1

CITY PARKS

SECTION:

- 7-1-1: Purpose
- 7-1-2: Definitions
- 7-1-3: Permit Required
- 7-1-4: Application
- 7-1-5: Revocation
- 7-1-6: Alcoholic Beverages
- 7-1-7: Scheduling Activities
- 7-1-8: Time Limits
- 7-1-9: Penalty

7-1-1: PURPOSE:

This Chapter is enacted to regulate the use of City park property for organized activities thereby ensuring the maximum utilization of such property by all citizens and providing for the general welfare, health and safety of the citizens of the City. (Ord. 61, 9-13-1973)

7-1-2: DEFINITIONS:

For the purposes of this Chapter, the terms defined in this Section have the meanings given them:

3.2 PERCENT MALT LIQUOR: Has the meaning given to it by Minnesota Statutes, section 340A.101, subd. 19.

ADMINISTRATOR: The City Administrator or his or her duly authorized representative.

INTOXICATING LIQUOR: Has the meaning given it by Minnesota Statutes, section 340A.101, subd. 14.

ORGANIZED ACTIVITY: Any activity at which there are or will be assembled 50 or more persons. The term does not include athletic or recreational events regularly scheduled by the City as part of its recreation program.

OVERNIGHT PARKING: Parking in a park parking lot between the hours of 10:00 p.m. and 8:00 a.m.

PARK: The City's park at Roselawn and Fulham and any other area of the City established by the City as a public park.

RESPONSIBLE PERSON: A person authorized by an organization to manage and exercise direct control of the organized activity. The



term includes an individual conducting or organizing the activity. (Ord. 61, 9-13-1973; 1996 Code)

7-1-3: PERMIT REQUIRED:

It is unlawful for any person to conduct an organized activity in a City park without first having obtained a permit therefor. Individuals and groups of less than 50 may submit a permit application if they would like to reserve park facilities.

7-1-4: APPLICATION:

A. Time For Application; Forms:

1. Form: Application for the permit required by Section 7-1-3 shall be made to the Administrator by the responsible person on forms provided by the Administrator.

2. Time For Filing: The application shall be made at least 15 days prior to the organized activity.

3. Waiver Of Time: The Council may waive the above time limitations in appropriate cases, but in no event will a permit be issued unless all information required in the application is presented to the Council prior to the date of the organized activity.

B. Required Information: The application shall contain or be accompanied by a written statement containing the following regarding the organized activity:

1. The date or dates of the activity;
2. The name, address and telephone number and headquarters of the organization or person conducting the activity;
3. The name of the responsible person;
4. The park or portion thereof to be used;
5. An estimate of anticipated attendance;
6. The beginning and closing hours of the activity;
7. A statement that the activity is not to be held for the purpose of advertising any product, goods or services, and is not held for private profit;
8. A statement that adequate provisions for cleaning up the park area after the activity have been made; and
9. Such other information as the Administrator deems necessary.

C. Fee: No fee for the permit is required of residents of the City of Lauderdale. The Council may elect to charge non-residents for use of park facilities. Such fees will be adopted as part of the City's fee schedule as it may be amended from time to time.

D. Criteria For Issuance:

1. Required Conditions: The Administrator shall present the applications for organized activities to the Council which shall grant the permit if it finds:

a. The proposed organized activity will not unreasonably interfere with the general public use of the park;

b. The organized activity will not substantially interrupt the safe and orderly movement of traffic;

c. The conduct of the organized activity is not reasonably likely to cause injury to persons or property or diminish the level of police protection elsewhere in the City; and

d. The organized activity will not unreasonably interfere with or detract from the promotion of the public health, safety, recreation or welfare.

2. Additional Conditions: The Council may attach such conditions to the permit as it deems necessary to insure conduct of the organized activity in compliance with this Chapter including a security deposit for costs of cleanup. (Ord. 61, 9-13-1973)

7-1-5: REVOCATION:

The Council may revoke the permit prior to the activity or direct the termination of the activity if it finds that any information contained in the application is untrue, that any term or condition of the permit or provision of this Chapter has been violated, or that the organized activity presents a threat to public health or safety.

7-1-6: ALCOHOLIC BEVERAGES:

A. Liquor Licenses: The City will not issue licenses for the sale of 3.2 percent malt liquor or intoxicating liquor in City parks.

B. Alcoholic Beverages in City Parks: 3.2 percent malt liquor and intoxicating liquor may be present and consumed when it is in the possession of the individuals that brought the beverages into the park and consumed by them.

7-1-7: SCHEDULING ACTIVITIES:

A. Administrator's Duties: The Administrator or their duly authorized representative is responsible for the scheduling of organized activities and athletic or recreational events in the park. Events will be scheduled on a first come, first served basis.

7-1-8: TIME LIMITS:

A. General Hours: City parks are open to the public between the hours of eight o'clock (8:00) A.M. and ten o'clock (10:00) P.M. of each day. An organized activity may be conducted whenever the park is open. No overnight camping is permitted.

B. Parking; Exception: Overnight parking in a parking lot at a City park is prohibited. An exception is made for the parking lot off of Roselawn Avenue at Community Park when the seasonal parking restrictions defined in Section 6-1-6 are in effect. The prohibition on overnight parking goes back into effect twelve hours after the roads have been plowed curb to curb.

7-1-9: PENALTY:

Any person violating the provisions of this Chapter is guilty of a misdemeanor. Each day that a violation continues shall be deemed a separate punishable offense.

Adopted by the City Council of the City of Lauderdale the 14th day of January, 2014. Published by summary in the Roseville Review the 21<sup>st</sup> day of January, 2014.