

LAUDERDALE CITY COUNCIL MEETING AGENDA
7:30 P.M. TUESDAY, OCTOBER 9, 2018
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 September 25, 2018 City Council Meetings
 - c. Claims Totaling \$94,026.90
4. **CONSENT**
 - a. Insituform Sanitary Sewer Lining Pay Request #1
 - b. Temporary Fence Permit for 1743 Eustis Street
5. **SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS**
6. **INFORMATIONAL PRESENTATIONS / REPORTS**
 - a. County Commissioner Mary Jo McGuire
 - b. 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 Amending Title 3, Chapter 6 of the Code of Ordinances Regarding Tobacco
8. **DISCUSSION / ACTION ITEM**
 - a. Jurisdictional Transfer of Eustis Street and Roselawn Avenue Draft Agreement
9. **ITEMS REMOVED FROM THE CONSENT AGENDA**
10. **ADDITIONAL ITEMS**
11. **SET AGENDA FOR NEXT MEETING**
 - a. Public Comment Opportunity Regarding Jurisdictional Transfer of Eustis Street and Roselawn Avenue
 - b. Update on Plans to Demolish 1821 and 1825 Eustis Street
 - c. 2019 Draft Fund Budgets
 - d. Canvassing Election Results – November 13
 - e. Ramsey County Sheriff Update – November 13
 - f. Truth in Taxation Pubic Hearing – November 27

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 3

September 25, 2018

Roll Call

Mayor Gaasch called the Regular City Council meeting to order at 7:30 p.m.

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

Councilors absent: None.

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

Approvals

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

Mayor Gaasch asked if there were any corrections to the meeting minutes. There being none, Councilor Moffatt moved and seconded by Councilor Dains to approve the minutes of the September 11, 2018, city council meeting. Motion carried unanimously.

Mayor Gaasch asked if there were any questions on the claims. There being none, Councilor Dolphin moved and seconded by Councilor Dains to approve the claims totaling \$36,768.45. Motion carried unanimously.

Consent

Councilor Grove moved and seconded by Councilor Moffatt to approve the Consent Agenda thereby acknowledging the August Financial Report, assigning a house number to 1749 Fulham Street – Resolution 092518A, assigning a house number to 1931 Eustis Street – Resolution 092518B, designating polling places for the 2019 elections – Resolution 092518C, and the salvage agreement for 1825 Eustis Street.

Informational Presentations/Reports

A. City Council Updates

Councilor Dains stated that he, Councilor Moffatt, and Administrator Butkowski attended the Luther Seminary Open House on September 19. Dains mentioned that there were some inaccuracies in the discussion regarding the City's land use and zoning changes for the property.

Mayor Gaasch shared that she attended the League of Minnesota Cities Board of Directors retreat.

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

Page 2 of 3

September 25, 2018

Discussion/Action Items

A. Proposed Tobacco Ordinance Revision Discussion

In July, the City Council began researching and discussing what other cities were doing in regards to tobacco regulations. The Council directed staff to continue looking into the matter and work with the Public Health Law Center to draft ordinance revisions for discussion at a future meeting.

Staff notified the two tobacco license holders in Lauderdale of this meeting where draft tobacco ordinance text would be reviewed. Edisson Siouffy, owner of Super USA, was first to approach the Council to discuss the matter. He stated that he is in support of raising the purchasing age to 21, as well as restricting the sale of flavored tobacco other than menthol cigarettes. He noted that menthol sales account for about 30% of his tobacco sales and he does not see it as an issue amongst kids.

Bethlehem Yewhalawork of the Association for Nonsmokers-Minnesota was next to approach the Council. She helped clarify exactly which surrounding cities increased the purchasing age to 21, which have restricted the sales of flavored tobacco, and which have done both.

The Council thanked both parties for their input and stated that the official public hearing on the tobacco ordinance will be held at the next meeting on October 9.

B. 2019 Preliminary Budget and Levy – Resolution 092518D

Butkowski explained the proposed budget balances at \$1,437,074 for 2019, an increase of 3.6% (\$50,650) over 2018. The balanced budget requires a levy increase of 5.8% or \$44,590. The impact of the city's levy increase is approximately \$39 on a median valued home (\$206,300) as residential property values in Lauderdale are up 9.1% over last year.

In addition to adopting the resolution establishing the preliminary levy at this meeting, the Council must also establish the date and time of the public hearing prior to adopting the final budget and levy later in the year.

Councilor Moffatt made a motion to adopt Resolution 092518D – A Resolution Adopting the 2019 Preliminary Tax Levy and Establishing the Public Hearing Date of Tuesday, November 27, 2018. This was seconded by Councilor Dains and carried unanimously.

Set Agenda for Next Meeting

Administrator Butkowski stated that the October 9 council meeting may include a discussion with County Commissioner Mary Jo McGuire.

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

Page 3 of 3

September 25, 2018

Work Session

A. Opportunity for the Public to Address the City Council

Mayor Gaasch opened the floor to anyone in attendance that wanted to address the Council.

Rod Borg, owner of 1866 Eustis Street, approached the Council. He wanted to discuss the late fee waiver request that was denied at the previous council meeting. He stated that he has been a longtime landlord, and prior to this, has always been in good standing with his rental property. The Council reiterated their reasons for upholding his fine, and thanked him for coming.

B. Update on 1795 Eustis Street, Stacie Kvilvang, Ehlers and Associates

Stacie Kvilvang from Ehlers and Associates addressed the Council. She discussed perspective developers she has been in contact with regarding 1795 Eustis Street. Based on previous council discussions, she has been talking to developers that build senior housing. After discussing option, the Council and Kvilvang agreed the most important thing was to have a developer build a quality product and has a reputation for good property management.

C. Butkowski explained that Fakhri Alaghash had approached the Council about buying 2430 Larpenteur Avenue at the previous meeting. Staff intended to prepare a list of submittals as a next step but that list changed based on whether the building was repurposed. After some discussion, all members of the Council stated that they would like to see plans for a new building instead of improvements to the existing structure. The discussion also brought to light possible traffic issues as that parcel is the only one on that block that is right in, right out only.

Moving forward staff will comprise a list for Mr. Alaghash based on this discussion that he will need to submit for further consideration on purchasing the property.

D. Community Development Update

Butkowski informed the Council that adjustors for the tree damage to City Hall would be visiting this week, Luther Seminary has valued their wooded parcel at 2.85 million dollars, and St. Anthony's Nativity Lutheran Church is currently using goats to clean up invasive species.

Adjournment

Councilor Moffatt moved and seconded by Councilor Dains to adjourn the meeting at 9:00 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

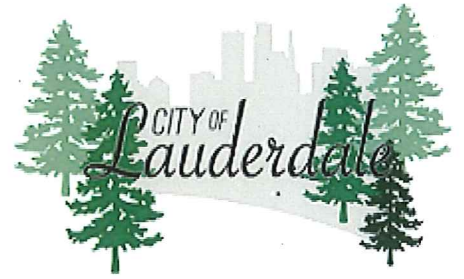
To: Mayor and City Council
From: City Administrator
Meeting Date: October 9, 2018
Subject: List of Claims

The claims totaling \$94,026.90 are provided for City Council review and approval that includes check numbers 26057 to 26078.

Accounts Payable

Checks by Date - Detail by Check Date

User: miles.cline
 Printed: 10/5/2018 3:06 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
ACH	43	Public Employees Retirement Association PR Batch 52000.10.2018 PERA Coordinated PR Batch 52000.10.2018 PERA Coordinated	10/05/2018 PR Batch 52000.10.2018 PER PR Batch 52000.10.2018 PER	1,094.65 948.69
Total for this ACH Check for Vendor 43:				2,043.34
ACH	44	Minnesota Department of Revenue PR Batch 52000.10.2018 State Income Tax	10/05/2018 PR Batch 52000.10.2018 Stat	588.82
Total for this ACH Check for Vendor 44:				588.82
ACH	45	ICMA Retirement Corporation PR Batch 52000.10.2018 Deferred Comp PR Batch 52000.10.2018 Deferred Comp	10/05/2018 PR Batch 52000.10.2018 Def PR Batch 52000.10.2018 Def	1,352.31 938.33
Total for this ACH Check for Vendor 45:				2,290.64
ACH	46	Internal Revenue Service PR Batch 52000.10.2018 Federal Income Tax PR Batch 52000.10.2018 FICA Employer Portio PR Batch 52000.10.2018 Medicare Employee Pc PR Batch 52000.10.2018 FICA Employee Portio PR Batch 52000.10.2018 Medicare Employer Po	10/05/2018 PR Batch 52000.10.2018 Fed PR Batch 52000.10.2018 FIC. PR Batch 52000.10.2018 Mec PR Batch 52000.10.2018 FIC. PR Batch 52000.10.2018 Mec	1,079.21 979.50 229.08 979.50 229.08
Total for this ACH Check for Vendor 46:				3,496.37
Total for 10/5/2018:				8,419.17
26057	56 3Q2018	James Bownik Mileage Reimbursement	10/09/2018	26.71
Total for Check Number 26057:				26.71
26058	33 102018	City of Falcon Heights August Fire Calls	10/09/2018	457.68
Total for Check Number 26058:				457.68
26059	36 0224954 0225000	City of Roseville September IT Services September Phone Services	10/09/2018	1,118.00 82.43
Total for Check Number 26059:				1,200.43
26060	29 102018	City of St Anthony October Police Services	10/09/2018	57,730.67
Total for Check Number 26060:				57,730.67
26061	133	Miles Cline	10/09/2018	

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	3Q2018	Mileage Reimbursement		63.25
Total for Check Number 26061:				63.25
26062	25 EMCOM-007200 EMCOM-007214 EMCOM-007231	County of Ramsey September Fleet Support September 911 Dispatch Services September CAD Services	10/09/2018	6.24 1,248.01 233.07
Total for Check Number 26062:				1,487.32
26063	25 102018	County of Ramsey Halloween - Food License	10/09/2018	80.00
Total for Check Number 26063:				80.00
26064	223 10260833614	Dell Marketing LP PW - Computer	10/09/2018	565.00
Total for Check Number 26064:				565.00
26065	61 8090516	Gopher State One Call September Locates	10/09/2018	36.45
Total for Check Number 26065:				36.45
26066	82 102018	Home Depot General Supplies	10/09/2018	303.44
Total for Check Number 26066:				303.44
26067	134 0081	Katrina Joseph September Legal Services	10/09/2018	925.00
Total for Check Number 26067:				925.00
26068	31 144565 144565	Kennedy & Graven Chartered August Legal Services TIF District 1-2	10/09/2018	731.00 62.50
Total for Check Number 26068:				793.50
26069	73 277392 277392 277392	League of Minnesota Cities HB - Regional Meetings HB - Preconference MAMA Luncheon MG - Regional Meetings	10/09/2018	45.00 30.00 45.00
Total for Check Number 26069:				120.00
26070	225 102018	Lindsey Hinck Construction LLC City Hall Roof Repairs	10/09/2018	770.00
Total for Check Number 26070:				770.00
26071	24 0001087903	Metropolitan Council November Waste Water	10/09/2018	10,846.48
Total for Check Number 26071:				10,846.48
26072	227 Refund	Sean Mullen Fence Permit Refund	10/09/2018	50.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 26072:	50.00
26073	75	Petty Cash	10/09/2018	
	102018	Office Depot - Election Materials		34.37
	102018	USPS - Certified Letter		6.70
	102018	Office Depot - Mailing Envelopes		55.33
	102018	Office Depot - Mailing Envelopes		64.48
	102018	Park Service Inc - Truck Repair		10.00
	102018	BP - Election Supplies		5.99
	102018	Pizza Hut - CIC Meeting		25.00
	102018	Pizza Hut - CIC Meeting		20.00
	102018	USPS - Certified Letter		6.70
	102018	Cub Foods - Election Food		19.85
	102018	USPS - Certified Letter		3.17
	102018	USPS - Certified Letter		6.70
	102018	Target - DIP Supplies		14.03
	102018	USPS - Certified Letter		6.70
			Total for Check Number 26073:	279.02
26074	5 619861-09-18	Premium Waters Inc September Water Bottles	10/09/2018	
				27.18
			Total for Check Number 26074:	27.18
26075	47	Public Employees Insurance Program	10/09/2018	
		PR Batch 52000.10.2018 Health Insurance	PR Batch 52000.10.2018 Hea	2,032.62
		PR Batch 52000.10.2018 Dental	PR Batch 52000.10.2018 Den	116.10
			Total for Check Number 26075:	2,148.72
26076	26 1410268 1410273	Stantec Consulting Services Inc Invasive Species Study 2018 Sanitary Sewer Lining Project	10/09/2018	
				806.25
				6,423.35
			Total for Check Number 26076:	7,229.60
26077	7 8044287-0500-3	Waste Management Inc October Public Works	10/09/2018	
				399.05
			Total for Check Number 26077:	399.05
26078	74 609411667 609426547 609464457	Xcel Energy Larpenteur Bridge Lights 2430 Larpenteur Avenue W 1825 Eustis Street	10/09/2018	
				37.65
				20.90
				9.68
			Total for Check Number 26078:	68.23
			Total for 10/9/2018:	85,607.73
			Report Total (26 checks):	94,026.90

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

Consent X
Public Hearing
Discussion
Action
Resolution
Work Session

Meeting Date October 9, 2018

ITEM NUMBER Sewer Lining Payment

STAFF INITIAL 

APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Insituform Technologies has submitted their first pay request for the sewer lining project. The request is for a payment of \$86,370.39. The lining has been completed and some grouting of services remains to be completed.

STAFF RECOMMENDATION:

By approving the Consent Agenda, the Council approves the first pay request for the 2018 Sanitary Sewer Lining Project in the amount of \$86,370.39.



Owner: City of Lauderdale, 1891 Walnut St., Lauderdale, MN 55113	Date: October 3, 2018
For Period: 8/1/2018 to 10/3/2018	Request No: 1
Contractor: Insituform Technologies USA, LLC, 17988 Edison Ave., Chesterfield, MO 63005	

CONTRACTOR'S REQUEST FOR PAYMENT

LAUDERDALE 2018 SANITARY SEWER LINING PROJECT.
STANTEC PROJECT NO. 193804224

SUMMARY

1	Original Contract Amount		\$ 110,592.60
2	Change Order - Addition	\$ 0.00	
3	Change Order - Deduction	\$ 0.00	
4	Revised Contract Amount		\$ 110,592.60
5	Value Completed to Date		\$ 90,916.20
6	Material on Hand		\$ 0.00
7	Amount Earned		\$ 90,916.20
8	Less Retainage 5%		\$ 4,545.81
9	Subtotal		\$ 86,370.39
10	Less Amount Paid Previously		\$ 0.00
11	Liquidated damages -		\$ 0.00
12	AMOUNT DUE THIS REQUEST FOR PAYMENT NO. <u>1</u>		\$ <u>86,370.39</u>

Recommended for Approval by:
STANTEC

Approved by Contractor:
INSITUFORM TECHNOLOGIES USA, LLC

Approved by Owner:
CITY OF LAUDERDALE

Specified Contract Completion Date:

Date:

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
BASE BID							
1	MOBILIZATION	LS	1	1057.80	1	1	\$1,057.80
2	TRAFFIC CONTROL	LS	1	528.90	1	1	\$528.90
3	SEWER REHABILITATION WITH CIPP, 8"	LF	3250	26.30	2891	2891	\$76,033.30
4	REMOVE PROTRUDING SEWER SERVICE	EA	4	264.50	4	4	\$1,058.00
5	SERVICE LATERAL REPAIR BY CHEMICAL GROUT	EA	39	343.80	14	14	\$4,813.20
	TOTAL BASE BID						<u>\$83,491.20</u>
ALTERNATE NO. 1: BACKYARD PIPE SEGMENT							
6	SEWER REHABILITATION WITH CIPP, 8"	LF	225	33.00	225	225	\$7,425.00
7	REMOVE PROTRUDING SEWER SERVICE	EA	1	264.50			\$0.00
8	SERVICE LATERAL REPAIR BY CHEMICAL GROUT	EA	4	343.80			\$0.00
	TOTAL ALTERNATE NO. 1: BACKYARD PIPE SEGMENT						<u>\$7,425.00</u>
	TOTAL BASE BID						\$83,491.20
	TOTAL ALTERNATE NO. 1: BACKYARD PIPE SEGMENT						\$7,425.00
	WORK COMPLETED TO DATE:						<u>\$90,916.20</u>

PROJECT PAYMENT STATUS

OWNER CITY OF LAUDERDALE
STANTEC PROJECT NO. 193804224
CONTRACTOR INSITUFORM TECHNOLOGIES USA, LLC

CHANGE ORDERS

No.	Date	Description	Amount
Total Change Orders			

PAYMENT SUMMARY

No.	From	To	Payment	Retainage	Completed
1	08/01/2018	10/03/2018	86,370.39	4,545.81	90,916.20

Material on Hand

Total Payment to Date		\$86,370.39	Original Contract	\$110,592.60
Retainage Pay No.	1	4,545.81	Change Orders	
Total Amount Earned		\$90,916.20	Revised Contract	\$110,592.60

LAUDERDALE COUNCIL ACTION FORM

Action Requested

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

Meeting Date October 9, 2018

ITEM NUMBER Fence Permit Temporary

STAFF INITIAL Jim

APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The Council previously discussed Joe Taylor's fence as it was constructed without a permit, was located in the right-of-way, and was made from prohibited materials. Staff was directed to work with Mr. Taylor on a temporary fence solution that would remain until his pets passed away.

Attached is the fence permit application for Joe Taylor, 1743 Eustis Street.

Material: Described as a black Euro fence panel. While this fencing is not an approved boundary fence material, it is not a prohibited material. This fencing will allow Taylor to build something that's temporary and easily removed.

Height: 4 feet

Placement on boulevard: The site plan shows 12 feet of boulevard along Ione Street, of which the fence is proposed to extend no more than eight feet into the boulevard. These numbers are an approximation because the site plan does not indicate a delineation of property lines.

Duration: This would be a temporary fence permit that expires on December 31, 2020 or within 30 days of the death of his last dog, whichever comes first.

Staff recommends approval as we believe this plan addresses the concerns of the Council. If it does not, please remove the item from the Consent Agenda for further discussion.

OPTIONS:

STAFF RECOMMENDATION:

By approving the Consent Agenda, the Council approve a temporary fence permit for Joe Taylor, 1743 Eustis Street, based on the attached plans which will expire on the earlier of December 31, 2020 or 30 days after his last dog passes away.

City of Lauderdale

1891 Walnut Street, Lauderdale, Minnesota 55113

Telephone: (651) 792-7650 Fax: (651) 631-2066

DRIVEWAY, PARKING PAD, FENCE, SIDEWALK & RETAINING WALL

PERMIT APPLICATION \$50.00

Property Owner: Joe Taylor

Address: 1743 Eustis St., Lauderdale, MN 55113
Street City State Zip code

Home Telephone: 651-330-3070 Work Telephone: 651-330-3070

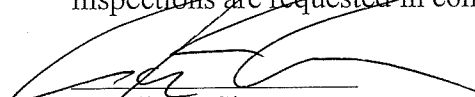
Contractor Name: _____

Address: _____
Street City State Zip code

Business Telephone: _____ Fax: _____

Type of Construction	Please check appropriate box below	Attach Description of Request (attach site drawing, including location of property lines)
Driveway	<input type="checkbox"/>	
Parking Pad	<input type="checkbox"/>	
Fence (6' height & under)*	<input type="checkbox"/>	
Sidewalk in public right-of-way	<input type="checkbox"/>	
Retaining Wall (4' height & under)	<input type="checkbox"/>	

I understand and hereby agree that the work for which the permit is issued shall be performed according to the following: 1) The conditions of the permit; 2) The approved plans and specifications; 3) The application City approvals, ordinances, and codes; 4) The State Building Code. I also understand that I am responsible for ensuring that all required inspections are requested in conformance with the State Building Code.


Applicant Signature Joe Taylor Print Applicant Name 10/4/18 Date

Date of Permit: _____ Permit No. _____ Receipt No. _____

Approvals Needed:

Ramsey County Permit Needed for Driveway? _____

City Council Approval Required for Fence? _____ If so, date of approval _____

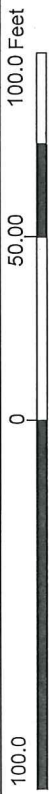
Variance Necessary? _____ If so, date of City Council approval _____

Inspection Types:

Final Date: _____ Time: _____ Comments: _____ Initials: _____

Other Date: _____ Time: _____ Comments: _____ Initials: _____









* Deadline for Fence Permits needing City Council approval is ten (10) days before the next regular City Council meeting



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

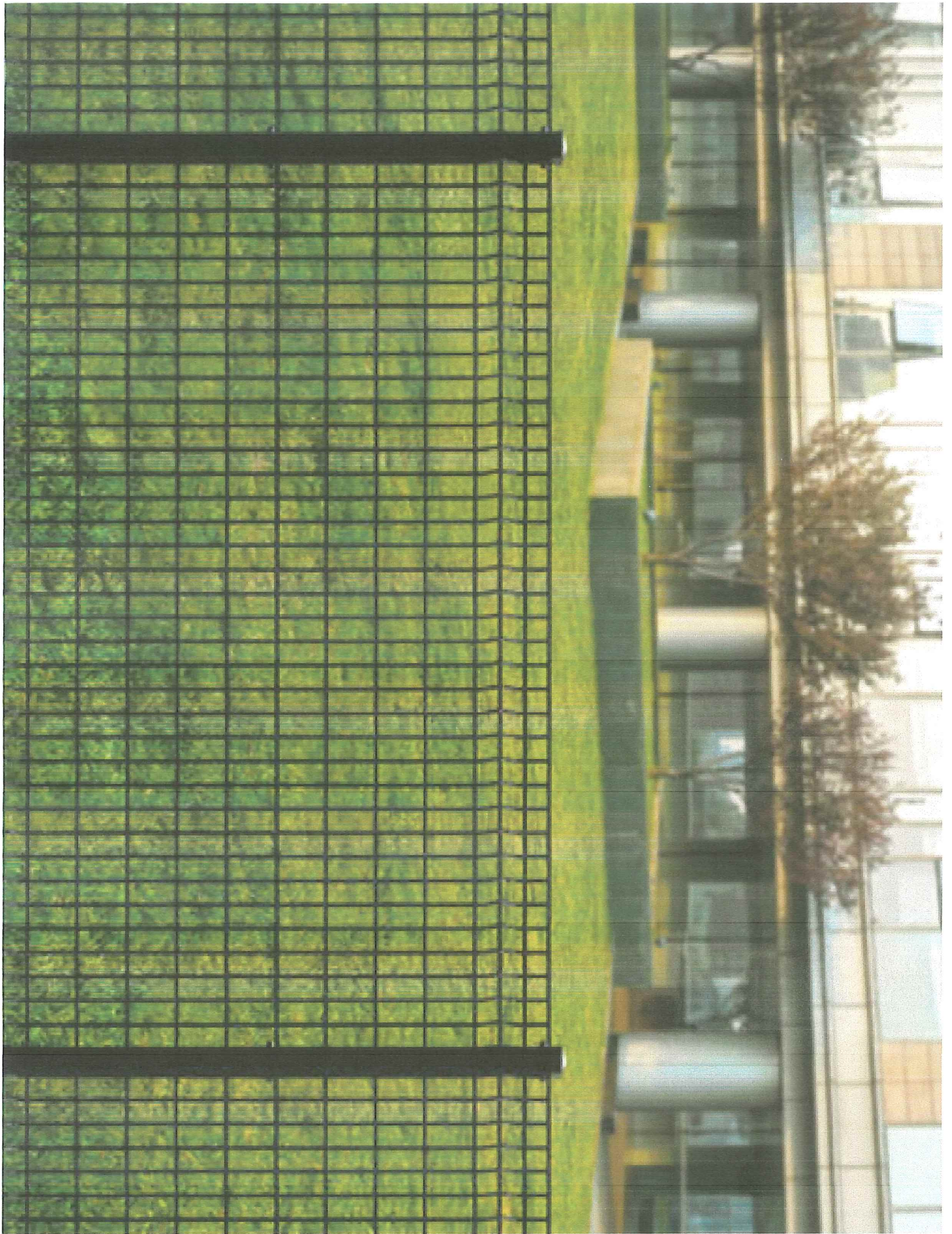
Legend

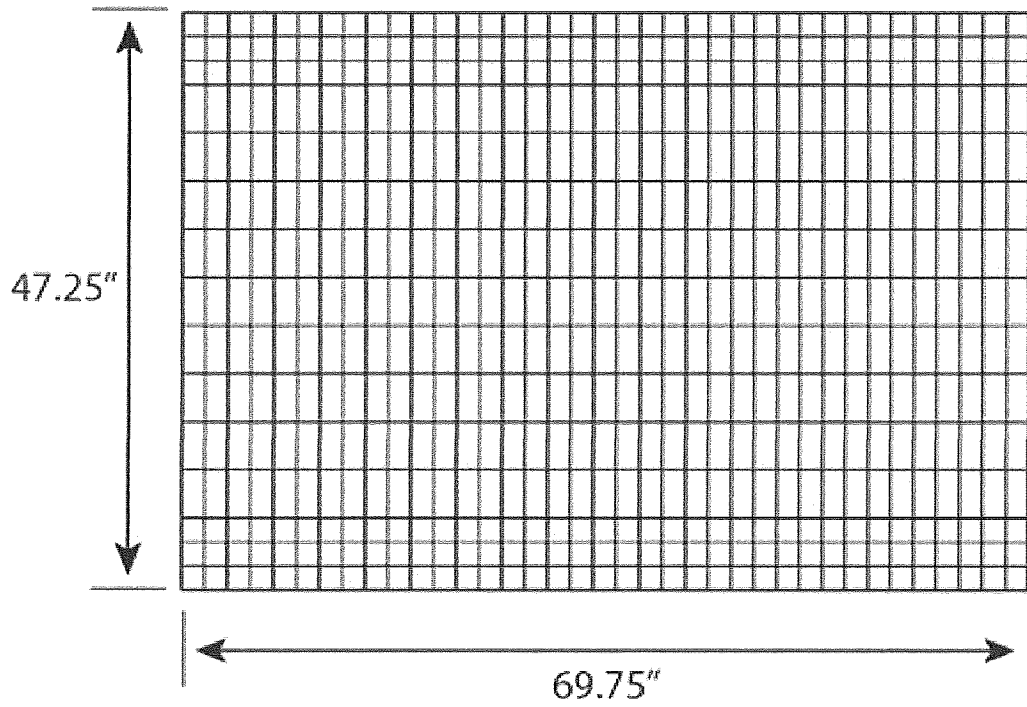


-  City Halls
-  Schools
-  Hospitals
-  Fire Stations
-  Police Stations
-  Recreational Centers
-  Parcel Points
-  Parcel Boundaries

Notes

Enter Map Description







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MAPLEWOOD, MN
Open until 10:00 PM

Home / Building Materials / Fencing / Metal Fencing

4' x 6' Black Euro Fence Panel

Model Number: 1714020 | Menards® SKU: 1714020

\$29⁹⁷ each

VOLUME PRICING

Get Volume Pricing of \$27.99 each when you buy 16 units or more today!

30 People have purchased this product in the past 30 days

Description | Accessories | Specifications

Add to Compare

Click image for a larger view.
Hover to zoom in.



1

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Get it as soon as 10/10/2018

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Delivery

Available
[View Shipping Options](#)

[View Return Policy](#)

Optional Accessories



4' x 4' Black Euro Steel Fence Gate Panel

\$59.99



50" Black Euro Steel Fence Post with Hardware

\$14.98



74" Black Euro Steel Fence Post with Hardware

\$15.98

Description & Documents

The 4 ft. x 6ft. Euro black fence panel is an attractive alternative to chain link fencing. The classic yet sleek style is both elegant and practical for use as a stand-alone fence. The grid pattern is also ideal for use with climbing plants to create a living fence. Combine individual fence panels with posts and gates (sold separately) to match your design needs. Please refer to Euro fence line for matching posts and accessories needed for installation.

- Steel panel features a smooth powder-coated finish, a more durable finish than paint, to help prevent chipping, rust, and stand the test of time and weather
- Euro design provides an attractive alternative to chain link fencing
- Panels come preassembled and includes installation hardware for convenience and easy installation
- Panels join easily together using Euro fence posts
- Panels can be cut-down to size using a saw
- Posts, gates, and additional panels are sold separately. Refer to Euro fencing line for matching accessories and parts needed for installation
- 10 -Year limited warranty

Dimensions: 47.4" H x 69.9"W
Shipping Dimensions: 70.17 H x 47.8 W x 1.77 D
Shipping Weight: 16.8 lbs

Brand Name: Origin Point

[Installation Instructions](#)

To read PDF files, you need the Adobe Acrobat Reader 6.0 or higher. If you don't have it, [click here](#) and download it for free from Adobe's site.




**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

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

Meeting Date October 9, 2018

ITEM NUMBER Comm. Mary Jo McGuire

STAFF INITIAL 

APPROVED BY ADMINISTRATOR _____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

County Commissioner Mary Jo McGuire will be at the meeting for her annual update. When her staff asked what may be discussion topics, city staff said the Eustis Street and Roselawn Avenue turnbacks.

OPTIONS:

STAFF RECOMMENDATION:

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

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

Meeting Date October 10, 2018

ITEM NUMBER Tobacco Ordinance

STAFF INITIAL 

APPROVED BY ADMINISTRATOR _____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

In July, the City Council began researching and discussing what other cities were doing in regards to tobacco regulations. Based upon that information and feedback received from residents, outside entities, and tobacco license holders, the City Council has been evaluating whether to implement an ordinance that would raise the sales age of tobacco to 21 and / or restrict flavored tobacco.

Since the last meeting, staff have been in touch with the current license holders, Edison Siouffy from SuperUSA and Jess Weber from Lauderdale BP. Edison reiterated that it wouldn't take long to adapt to the new age restriction as they sell 3.2 liquor and this would mean the age for both would be 21. He said some of their product moves slowly and suggested an implementation period of one year for flavored tobacco. As of when this went to print, staff had not received a response from Jess regarding their concerns. Other cities had ordinances go into effect within anywhere from 60 days (Falcon Heights) to one year (Minneapolis and St. Paul).

The community was notified by email of tonight's public hearing and a letter was sent to the license holders. At this meeting, the Council will hold the public hearing on the proposed language. Based on the feedback from this meeting and the public hearing, staff will continue to work on the draft text until such time as the Council decides to take a vote on the matter.

Comments received on the matter are included in the packet. A few more were received since the last meeting.

OPTIONS:

STAFF RECOMMENDATION:

Heather Butkowski

From: b@b.com
Sent: Thursday, August 09, 2018 8:26 AM
To: *LAUCouncil
Subject: Concern Over Pending Tobacco Ordinance

Hello,

As a resident of Lauderdale, I'm writing to respectfully express my concern for the tobacco purchasing age increase, tobacco flavor ban under consideration.

These restrictions will cause more harm than good in our community in multiple ways, including:

- Driving business to surrounding communities that do not have the same tobacco restrictions.
- Providing surrounding businesses an unfair competitive advantage by banning my business from selling legal tobacco products to legal age consumers.
- Forcing police departments to regulate a new tobacco ordinance while issues with opioid abuse and homicide continue to plague the U.S.
- Opening up an opportunity for criminals to sell tobacco products illegally on the black market, which can result in an increase in crime, violence and youth access to tobacco products.

Additionally, these ordinances limit the freedoms and choices of legal adults who can get married, serve our country and vote for leaders, such as yourself.

While I understand the concern for public health, please rest assured we only sell legal tobacco products to legal age adults. In fact, our staff goes through extensive training to keep tobacco products away from underage individuals.

We are doing our part to be responsible members of the local business community by responsibly selling legal tobacco products to adults. I am in favor of any laws that will benefit the public health, but I can't support an ordinance that doesn't support my livelihood.

For the sake of Lauderdale community and local businesses, please vote "no" on the tobacco purchasing age increase, tobacco flavor ban under consideration.

Please contact me if you have any questions.

Thank you, b

Heather Butkowski

From: Melissa Walker <melissasuewalker@gmail.com>
Sent: Monday, September 10, 2018 6:39 PM
To: *LAUCouncil; Mary Gaasch; Jeff Dains; Kelly Dolphin; Roxanne Grove; andi.moffat@lauderdalemn.org
Subject: Tobacco ordinances

Dear City Council Members,

I'm so encouraged to hear that Lauderdale is considering updated ordinances to restrict the sale of flavored tobacco products as well as all tobacco to those under age 21.

My oldest child just started middle school last week at RAMS (she just turned twelve this summer) and she reported on the very first day that she saw vaporizers on the bus and in school. I can't imagine the next generation of smokers getting hooked IN SCHOOL at age 12 :(

My husband is a smoker (regretfully) and we both support any regulations that can help keep tobacco out of the hands of this next generation. Thank you all for taking a stand for our collective public health interests!

Many Thanks,
Melissa Walker & Jesse O'Neill-Oine,
Parents of Jane, Liam & Margaret
1895 Pleasant Street

Heather Butkowski

From: Jessica Winkelaar <jwinkelaar@gmail.com>
Sent: Monday, September 17, 2018 5:22 PM
To: Heather Butkowski
Subject: Tobacco 21 Ordinance

Hello, Heather,

My name is Jess Winkelaar and I live at 1747 Malvern Street. I support the proposed city ordinance that raises the age of tobacco purchase to 21 and restricts the sale of menthol and flavored tobacco products.

Thank you,
Jess

Alice Hausman
State Representative



Minnesota House of Representatives

September 14, 2018

Lauderdale City Council
1891 Walnut St.
Lauderdale, MN, 55113

Dear Mayor Gaasch and Members of the City Council:

I strongly support your efforts in working on an ordinance to increase the tobacco sales age to 21, as well as restricting the sale of flavored tobacco products including menthol to adult only tobacco shops.

According to the 2017 Minnesota youth tobacco survey, tobacco use among high school students has increased for the first time in seventeen years. Now more than ever, we need local governments to stand up and work to put policies in place that protect the health of our community and reduce disparities. Eleven Minnesota cities, including Roseville and Falcon Heights have passed ordinances that increase the tobacco sales age from 18 to 21. As a State Representative, I've advocated for and supported many tobacco prevention policies. A bill to increase the tobacco sales age to 21 was introduced last session, but we were unable to have a hearing at the State level. It's pressing to have local governments take on the leadership role by passing these lifesaving policies.

Restricting the sales of flavored tobacco products and increasing the age gap between young people and those who can legally buy tobacco will reduce youth access to tobacco, remove these products from our high schools and ensure Lauderdale youth don't suffer from a lifetime of tobacco addiction. By adopting this ordinance, Lauderdale will be taking the rights steps in creating a tobacco free generation. Thank you for putting the health of your community first.

Sincerely,

A handwritten signature in cursive script that reads "Alice Hausman".

Alice Hausman



September 11, 2018

Lauderdale City Hall
1891 Walnut St.
Lauderdale, MN 55113

Dear Mayor Gaasch and members of the Lauderdale City Council,

The Saint Paul - Ramsey County Public Health Department supports the City of Lauderdale's proposed ordinance to raise the tobacco sales age to 21 and restrict the sale of all flavored tobacco to adult-only tobacco stores. Attached is a copy of the Ramsey County Board resolution supporting this action.

Despite great progress, smoking claims the lives of more than 6,300 Minnesotans each year and costs our state more than \$7 billion every year in excess health care costs and lost productivity. To reduce tobacco's negative impact and improve the health of our communities, it is critical that we prevent youth tobacco initiation. The National Academy of Medicine reports that there would be a 25 percent reduction in smoking initiation among 15- to 17-year-olds if the tobacco sales age was raised to 21.

Results from the 2017 Minnesota Youth Tobacco Survey show that for the first time in 17 years, youth tobacco use has increased. This is mainly due to electronic cigarette (e-cigs) use. One in five Minnesota high school students currently uses e-cigs, which constitutes nearly a 50 percent increase since 2014. E-cigs often contain high levels of nicotine, which is addictive and known to harm adolescent brain development. These products come in many flavors which appeals to youth, such as cotton candy, mango, and fruit punch. E-cigs also threaten to reverse the trajectory of our historic public health success in youth tobacco prevention. Therefore, it is imperative that e-cigarettes be included in local tobacco 21 ordinances.

We are particularly pleased to see that you are including menthol in your flavor restrictions. Mint and menthol flavored tobacco products mask the harshness of tobacco and cools the throat, which makes it easier for young people to start smoking. Menthol also makes it harder for people to quit.

Removing fruit, candy and mint flavored tobacco products from stores where youth shop and getting them out of the high school environment are proven strategies to reduce youth tobacco use.

Lauderdale's action to raise the tobacco sales age and restrict fruit, candy and mint flavored tobacco will prevent future generations from a lifelong addiction to tobacco. Thank you for your leadership on this significant public health issue and for making Ramsey County a healthier place to live.

Sincerely,



Kathy Hedin, Interim Director
Encl.

90 Plato Blvd. West, Suite 200
Saint Paul, MN 55107
Phone: (651) 266-2400
Fax: (651) 266-2593
TTY: (651) 266-2594
www.co.ramsey.mn.us



August 28, 2018

Dear Mayor Gaasch and the Lauderdale City Council Members,

The American Heart Association is the nation's oldest and largest voluntary organization dedicated to building healthier lives free from heart disease and stroke – two of the leading causes of death in the United States. Our non-profit and non-partisan organization includes more than 30 million volunteers and supporters across the country and in Minnesota. Today, one-out-of-three Americans suffer from one or more forms of cardiovascular disease (CVD). We are writing to you today on their behalf and on behalf of the millions of other constituents with, or at risk of developing CVD.

We are asking you to stop the start in Lauderdale and support raising the minimum sale age for tobacco products from 18 to 21, as well as restricting menthol cigarettes to adult only tobacco stores. Every day, the 1,200 Americans who die from tobacco-related diseases are replaced by two smokers under the age of 26. Menthol cigarettes are one of many products peddled to our nation's youth with the intent of addicting a new generation. Menthol cigarettes are one product that lures young people into a deadly habit and sets them on the road to early hardening of the arteries and coronary artery disease in adulthood.

The National Academy of Medicine reports that there would be a 25 percent reduction in smoking initiation among 15-to-17-year-olds if the age to purchase tobacco was raised to 21. Preventing youth from starting to smoke is essential to reducing smoking prevalence, considering that almost 95 percent of addicted adult smokers started before age 21. Increasing the age gap between kids and those who can legally buy tobacco will help remove access to tobacco products from the high-school environment and stop the start.

Several states and local governments throughout the country have already passed this life-saving policy to protect youth. Hawaii and California were the first states to raise the age to purchase tobacco to 21 and Maine, Oregon, New Jersey and Massachusetts recently joined them. More than 330 municipalities in the United States have raised the age to purchase tobacco to 21 including the city of Chicago.

In Minnesota, the cities of Edina, St. Louis Park, Bloomington, Plymouth, North Mankato, Shoreview, Falcon Heights, Roseville, Richfield, St. Peter and Minneapolis have also raised the minimum age to purchase tobacco from 18 to 21 and many cities statewide are considering adopting this policy. In 2005, Needham, MA increased the tobacco purchase age to 21 and saw the smoking rates among high school students fell by nearly half.

*"Building healthier lives,
free of cardiovascular
diseases and stroke."*

life is why™ es por la vida™ 全为生命™

Please remember the American Heart Association in your will.



That is why we urge you to protect our youth and pass this life-saving policy in Lauderdale. Let's keep the momentum going in Minnesota and have Lauderdale be the next city to stop the start!

Sarah Sanchez

Community Advocacy Director

American Heart Association - 2750 Blue Water Road – Suite 250 - Eagan, MN 55121

952-278-7908

sarah.sanchez@heart.org



September 20, 2018

The Honorable Mary Gaasch and Members of the Lauderdale City Council
Lauderdale City Hall
1891 Walnut Street
Lauderdale, MN 55113

Dear Mayor Gaasch and Council Members:

I am the Chief Executive Officer of ClearWay Minnesota, an independent nonprofit organization that works to reduce tobacco's harm in our state. I am writing to urge you to support raising Lauderdale's tobacco age to 21 and restricting the sale of flavored tobacco products to adult-only tobacco stores.

The devastating harms of tobacco addiction are well documented. For elected leaders such as yourselves, the question is not "What does smoking do?" but "What can *we* do to stop it?" Tobacco 21 and restricting the sale of flavored tobacco products both address that question in the best possible way: by preventing kids from starting.

The vast majority of addicted smokers start at very young ages. About 95 percent of adult smokers begin before age 21. That means everything possible should be done to stop young people from smoking before they reach that age.

Immediate action is needed because, for the first time in 17 years, youth tobacco use has risen in Minnesota. The 2017 Minnesota Youth Tobacco Survey found that more than 26 percent of high-school students report using tobacco products, up 7 percent since 2014. This frightening trend is driven largely by a sharp rise in e-cigarette use and the popularity of flavored tobacco products among youth.

Nicotine harms the developing adolescent brain, whether in a cigarette, e-cigarette, flavored cigar or other product. In a new health [advisory](#), the Minnesota Department of Health called youth nicotine addiction a "major health concern" and the FDA [recently said youth e-cigarette use is an "epidemic."](#) Communities can – and must – do more to keep young people from getting hooked on commercial tobacco products in all forms.

Tobacco 21 prevents youth smoking by creating barriers to getting tobacco products from social sources. Most kids get cigarettes from older friends. Raising the tobacco sale age to 21 will help get cigarettes out of high schools, where there are plenty of 18-year-olds but no 21-year-olds. Restricting the sale of flavored tobacco products to adult-only stores takes this effort a step further, by removing flavored tobacco products from places youth frequent.

The tobacco industry uses kid-friendly flavors to target the next generation of smokers. Cheap cigars and e-cigarettes are commonly sold in flavors like bubble gum and cotton candy. It's not surprising then that we're seeing the following:

- 80 percent of youth tobacco users use flavored tobacco;
- Cheap cigars are commonly sold in sweet flavors, and nationally, high-school students are nearly twice as likely as adults to report smoking cigars;

- Nearly 40 percent of Minnesota high-school students have tried e-cigarettes, which come in kid-friendly flavors like gummy bear and cotton candy;
- A nearly 50 percent surge in Minnesota high-school students using e-cigarettes – from 13 percent in 2014, to 19 percent in 2017.

Flavored products mask the harshness of tobacco, but they are just as addictive and dangerous as other tobacco products. Restricting the sale of flavored tobacco products prevents a lifetime of tobacco addiction and will help create a healthier future for our kids.

We all bear the costs of tobacco use, which is the leading cause of preventable death and disease in Minnesota. Tobacco costs our state an estimated \$7 billion in health and lost productivity, and takes the lives of more than 6,300 Minnesota residents each year. Preventing youth from ever starting tobacco will help reduce this tremendous burden on our state.

Momentum is growing to reduce youth tobacco use through common-sense policy. Six U.S. states and more than 330 municipalities across the country, including 12 in Minnesota, have already raised the tobacco sales age to 21. Already there are studies showing youth smoking reductions from Tobacco 21, and Minnesota research projects [huge declines](#) in youth smoking if these policies are adopted statewide. In addition, several local governments in Minnesota have taken action to restrict the sale of flavored tobacco products to protect youth. Four cities have restricted the sales of flavored tobacco products, excluding menthol products, to adult-only stores. Four more Minnesota cities have restricted the sales of **all** flavored tobacco products – including menthol – to adult-only stores.

Combining tobacco flavor restrictions with Tobacco 21 will make a huge difference in reducing tobacco use in Lauderdale. These two policies complement each other by addressing different parts of the tobacco market and tobacco-related disparities. Combined, they will yield significant health improvements for the city, especially for youth.

With those goals in mind, it bears repeating that increasing the tobacco age should not be about punishing our kids. Rather, it should be about protecting them from a lifetime of addiction. As you continue to discuss increasing the tobacco age in Lauderdale, please move forward with an ordinance that does not include penalties related to purchasing, using and possessing tobacco products (often called PUP penalties).

Stopping youth smoking doesn't just prevent future disease and death, it also reduces excess medical costs, which are an enormous burden on individuals, families and taxpayers. I hope Lauderdale will consider and pass these life-saving policies. Thank you.

Sincerely,



David J. Willoughby, M.A.
Chief Executive Officer
ClearWay MinnesotaSM

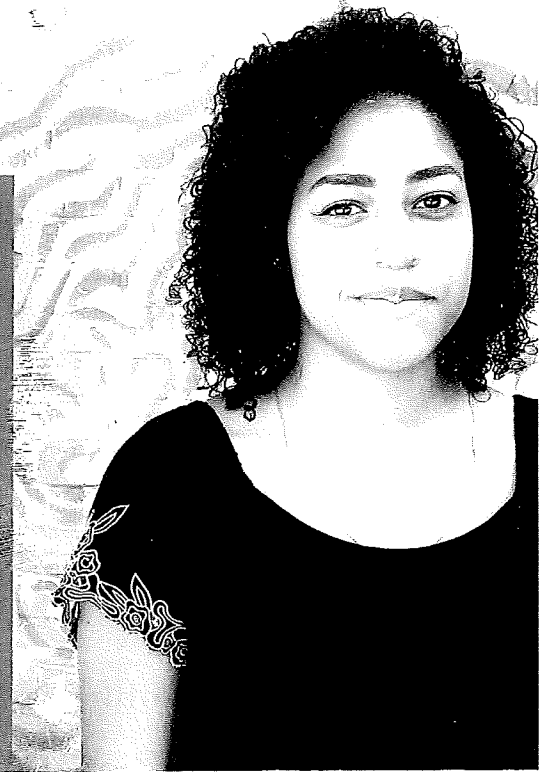
**BEAUTIFUL LIE
UGLY TRUTH**

ABOUT MENTHOL TOBACCO

**“I don’t believe
the lie the tobacco
companies try to
sell me.”**

**The truth is: 44 percent
of Minnesota high school
students who smoke use
menthol.**

www.BeautifulLieUglyTruth.org



21

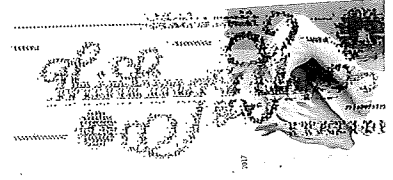
Approximately 44 percent of adult smokers
started before they were 21. If youth don't smoke
by the time they are 21, they likely never will.

Dear Mayor & City Council Members
The tobacco industry targets our communities and our youth with menthol tobacco. Menthol cools and numbs the throat, disguising the harshness of the smoke. Menthol tobacco is easy to start and even harder to quit. By regulating the sale of menthol tobacco, you can help prevent addiction and tobacco-related disease. Please act now to protect our community and our youth.

Sincerely,
Paul Vaege
Address 1631 Can St
City Lauderdale Zip 55113

BEAUTIFUL LIE
UGLY TRUTH
ABOUT MENTHOL TOBACCO

www.BeautifulLieUglyTruth.org



City of Lauderdale
1891 Walnut St.
Lauderdale, MN 55113

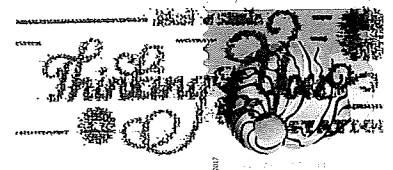
Dear Lauderdale City Council
Tobacco use is still the number one cause of preventable death and disease in Minnesota. Increasing the age gap between young people and those who can legally buy tobacco will reduce youth access to tobacco and ensure our youth don't suffer from a lifetime of tobacco addiction.

By increasing the tobacco sale age to 21, you can help prevent addiction and tobacco-related diseases. Please act now to protect our community and our youth.

Sincerely,
Denise Kurbman
Address 1855 Fulham St
Lauderdale MN
City _____ Zip 55113



www.ansr.org



City of Lauderdale
1891 Walnut St.
Lauderdale, MN 55113

Heather Butkowski

From: Heather Butkowski
Sent: Monday, October 01, 2018 11:02 AM
To: 'Grant Adams'
Subject: RE: Proposed Tobacco Ordinance

Grant,

Good question. The fine to the seller is \$50.00. It is not a criminal matter.

Take care,
Heather

From: Grant Adams <graadams@gmail.com>
Sent: Monday, October 01, 2018 10:24 AM
To: Heather Butkowski <Heather.Butkowski@lauderdalemn.org>
Subject: Re: Proposed Tobacco Ordinance

Heather,

Thanks for sending this along. It's always interesting to know what the council has been working on. Could you help me understand one thing with this proposed ordinance?

Is it possible that a gas station could sell a pack of cigarettes to a 20 year old and the cashier or owner get charged with a misdemeanor?

If so, I don't think that is appropriate.

It's fine if the city wants to use its resources regulating tobacco sales to 18-20 year olds with minor fines and license suspensions, but it goes too far if people are being charged with a crime for something that is legal in many other places throughout the state. It's also an ineffective use of the criminal justice system's time and resources.

Thanks in advance for helping me understand this.

Grant Adams

On Thu, Sep 27, 2018 at 4:01 PM Heather Butkowski <Heather.Butkowski@lauderdalemn.org> wrote:

Good afternoon,



Protecting, Maintaining and Improving the Health of All Minnesotans

October 3, 2018

Ms. Mary Gaasch, Mayor
City of Lauderdale
1891 Walnut Street
Falcon Heights, MN 55113-5594

Dear Mayor Gaash and Councilmembers:

As Commissioner of Health, I strongly support Lauderdale's proposal to increase the minimum tobacco sales age to 21 and limit the sale of menthol and other flavored tobacco products. These measures are powerful deterrents of youth initiation, will reduce youth tobacco use, and protect youth from a lifetime of addiction.

I am very concerned about the dramatic increases in youth use of e-cigarettes and other tobacco products. As shown by the Minnesota Youth Tobacco Survey, tobacco use among high-school students spiked to 26% in 2017; the first increase in 17 years. This dramatic increase is driven in part by a surge in e-cigarette use. Among high school students, e-cigarette use increased by 50% since 2014, nearly 1 in 5 high school students reporting use. This is likely the result of wide availability and proliferation of e-cigarette and flavored tobacco products that are designed to attract and addict youth.

Young smokers report choosing flavored tobacco products because they taste better and seem to be safer. This is quite alarming as nearly all e-cigarettes contain nicotine, which we know is highly addictive. Research shows youth who use e-cigarettes are two times more likely to start smoking combustible cigarettes.

In September 2018, the Minnesota Department of Health issued a health advisory on nicotine and the escalating risk of addiction for youth. No amount is safe for youth as there are negative implications for learning, memory, attention, and future addiction. Teens are especially susceptible to nicotine addiction and the harmful effects it has on the brain as teens grow. Raising the minimum tobacco sales age to 21 would limit youth access to tobacco until the portion of the brain responsible for rational decision-making is more fully developed.

I applaud Lauderdale for considering these bold actions to protect youth from a lifetime of addiction.

For more information, contact Laura Oliven, Tobacco Prevention Control Program Manager, at 651-201-5442.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jan K. Malcolm'.

Jan K. Malcolm
Commissioner
P.O. Box 64975
St. Paul, MN 55164-0975
www.health.state.mn.us

An equal opportunity employer.

Senator

Senate

John Marty

State of Minnesota

October 5, 2018

Lauderdale City Council
1891 Walnut St.
Lauderdale, MN, 55113

Dear Mayor Gaasch and Members of the City Council:

I fully support the City of Lauderdale's proposed ordinance to increase the tobacco sales age to 21 and restrict the sale of all flavored tobacco to adult only tobacco shops. Tobacco use remains one of the leading causes of preventable death in the US. These policy changes can make a significant change in the lives of youth in your community, for many generations to come.

In my tenure in the Minnesota Senate I have championed many bills designed to reduce tobacco's harm. In my experience, any laws of this nature at the state usually pass after cities have taken the lead. When I can stand before the Senate and say that the cities in my district want these policy changes and the proof is that they have passed them, it is a powerful message.

Lauderdale will be a leader in preventing adolescents and young adults from becoming lifelong tobacco users by voting to increase the tobacco sales age to 21 and restricting all flavored tobacco to adult only tobacco shops. Thank you for considering these lifesaving policy changes and for putting the health of your community above the tobacco industry and thank you for helping me make the argument at the state level.

Sincerely,



John Marty

CITY OF LAUDERDALE
ORDINANCE NO. 18-02

An Ordinance Amending Title 3, Chapter 6 of the Code of Ordinances
Regarding Tobacco, Tobacco Products, Tobacco-Related Devices,
Nicotine or Lobelia Delivery Devices, and Electronic Delivery Devices

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

SECTION 1. Title 3, Chapter 6 of the Lauderdale City Code is amended by deleting the ~~stricken material~~ and inserting the double-underlined material as follows:

CHAPTER 6

TOBACCO, TOBACCO PRODUCTS, TOBACCO-RELATED DEVICES, NICOTINE OR
LOBELIA DELIVERY DEVICES, AND ELECTRONIC DELIVERY DEVICES

SECTION:

- 3-6-1: Purpose
- 3-6-2: Definitions
- 3-6-3: License Required
- 3-6-4: Basis for Denial of License
- 3-6-5: Prohibited Sales
- 3-6-6: Self-Service Sales
- 3-6-7: Responsibility
- 3-6-8: Compliance Checks and Inspections
- 3-6-9: Exceptions and Defenses
- 3-6-10: Violations and Penalties
- 3-6-11: Severability

3-6-1: PURPOSE:

The City recognizes that marketing and public health research and tobacco industry documents reveal that tobacco companies have used fruit, candy, and alcohol flavors as a way to target youth and young adults and that the presence of flavors in tobacco products can make it more difficult for youth, young adult, and adult tobacco users to quit. The City further recognizes that young people are particularly susceptible to the addictive properties of tobacco products, and are particularly likely to become lifelong users. National data show that roughly 95 percent of adult smokers begin smoking before they turn 21 years of age. The ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular, daily use. Tobacco use has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government.

The purpose of this ordinance is to regulate the sale, possession, and use of tobacco, tobacco products, tobacco-related devices, nicotine or lobelia delivery devices, and electronic delivery

devices for the purpose of enforcing and furthering existing laws, to protect ~~minors~~ adolescents against the serious effects associated with the ~~illegal~~ use of tobacco, tobacco products, tobacco-related devices, nicotine or lobelia delivery devices, and electronic delivery devices, and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minnesota Statutes, section 144.391.

3-6-2: DEFINITIONS:

The following words and phrases, as used in this Chapter, shall have the meanings ascribed to them.

CHILD-RESISTANT PACKAGING: Packaging that meets the effectiveness specifications set forth in Code of Federal Regulations, title 16, section 1700.15(b) and that was tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20.

COMPLIANCE CHECKS: The system the City uses to investigate and ensure that those authorized to sell ~~tobacco, tobacco products, tobacco-related devices, and electronic delivery devices~~ regulated products are following and complying with the requirements of this ordinance. Compliance checks shall involve the use of ~~minors~~ persons under the age of 21, which may include minors, as authorized by this ordinance.

ELECTRONIC DELIVERY DEVICES: Any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device shall include any component part of such a product whether or not sold separately. Electronic delivery device shall not include any product that has been approved or otherwise certified for legal sale by the United States Food and Drug Administration for tobacco use cessation, harm reduction, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

FLAVORED PRODUCT: Any regulated product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during the consumption of the product, including, but not limited to, any taste or smell relating to chocolate, cocoa, menthol, mint, wintergreen, vanilla, honey, fruit, or any candy, dessert, alcoholic beverage, herb, or spice. A public statement or claim, whether express or implied, made or disseminated by the manufacturer of a regulated product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such products, that a product has or produces a taste or smell other than tobacco will constitute presumptive evidence that the product is a flavored product.

INDIVIDUALLY PACKAGED: The practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include but not be limited to single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this definition shall not be considered individually packaged.

INDOOR AREA: All space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

LOOSIES: The common term used to refer to a single cigarette or any other tobacco product that has been removed from its packaging and sold individually.

MINOR: Any natural person who has not reached the age of 18 years.

MOVABLE PLACES OF BUSINESS: Any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

NICOTINE OR LOBELIA DELIVERY DEVICE: Any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco as defined in this section, not including any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.

REGULATED PRODUCTS: The term that collectively refers to any tobacco, tobacco-related device, nicotine or lobelia delivery device, or electronic delivery device.

RETAIL ESTABLISHMENT: Any place of business where ~~tobacco, tobacco products, tobacco-related devices, or electronic delivery devices~~ regulated products are available for sale to the general public.

SALE: Any transfer of goods for money, trade, barter, or other consideration.

SMOKING: Inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product, or inhaling or exhaling vapor from any electronic delivery device. Smoking shall include carrying a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation.

TOBACCO or TOBACCO PRODUCTS: Tobacco and tobacco products includes cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including, but not limited to; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

TOBACCO-RELATED DEVICES. Tobacco-related devices includes any tobacco product as well as a pipe, rolling papers, ashtray, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, ~~or smoking~~ or vaping of tobacco or tobacco products. Tobacco-related devices shall include components of tobacco-related devices, which may be marketed or sold separately.

VENDING MACHINE. Any electric or electronic mechanical device which dispenses ~~tobacco~~; ~~tobacco products~~ ~~tobacco-related devices~~ ~~or electronic delivery devices~~ regulated products upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the ~~tobacco~~, ~~tobacco product~~ ~~or tobacco-related device~~ regulated products.

3-6-3: LICENSE REQUIRED:

A. TOBACCO RETAILER LICENSE REQUIRED: No person shall sell or offer to sell any ~~tobacco~~, ~~tobacco products~~, ~~tobacco-related devices~~, ~~or electronic delivery devices~~ regulated products without first having obtained a license to do so from the City.

B. LICENSE FEE: The annual license fee shall be as established from time to time by resolution of the City Council. No license shall be issued until the appropriate license fee is paid in full. For periods shorter than one year the license fee shall be the full amount.)

C. APPLICATION: Every person or business desiring to obtain a license to sell ~~tobacco~~, ~~tobacco products~~, ~~tobacco-related devices~~, ~~or electronic delivery devices~~ regulated products shall file an application in writing with the City Clerk. The application must state the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, whether such business is that of an individual, sole proprietor, firm, partnership, or corporation and the address where the business is to be conducted. If the City Clerk determines that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete. Upon receipt of a completed application and the annual license fee, the City Clerk shall forward the application to the City Council.

D. INVESTIGATION; ISSUANCE: The City Clerk shall present the application to the City Council and the City Council shall order such investigation as it deems necessary. After the investigation, the City Council shall grant or deny the application. In the event of the application being granted, the City Clerk shall issue the license. If the City Council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the City Council's decision as provided in 3-6-10.

E. TERM OF LICENSE: The license shall expire on December 31 following its issuance.

F. SEPARATE LICENSE REQUIRED: A license shall permit the licensee to sell ~~tobacco~~; ~~tobacco-related products~~, ~~tobacco devices~~, ~~or electronic delivery devices~~ regulated products at the one location specified in said license. A separate license shall be required for each location.

G: TRANSFERS: All licenses issued under this section shall be valid only on the premises for which the license was issued and only for the person or business to whom the license was issued. No transfer of any license to another location or person shall be valid without prior approval of the City Council.

H: MOVABLE PLACE OF BUSINESS: No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this section.

I: DISPLAY OF LICENSE: The license shall be displayed by the licensee in a prominent and conspicuous place at the licensed location.

J: REVOCATION OR SUSPENSION: Any license issued under this section may be revoked or suspended as provided in 3-6-10.

K: ISSUANCE AS PRIVILEGE AND NOT A RIGHT: The issuance of a license under this section shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

L: SMOKING PROHIBITED IN TOBACCO RETAIL ESTABLISHMENTS: Smoking shall not be permitted and no person shall smoke within the indoor area of any establishment with a tobacco retailer license. Smoking for the purposes of sampling ~~tobacco, tobacco products, tobacco-related devices, or electronic delivery devices~~ regulated products is prohibited.

3-6-4: BASIS FOR DENIAL OF LICENSE:

A. Grounds for denying the issuance or renewal of a license under this chapter include but are not limited to the following:

- i. The applicant is under the age of ~~18~~ 21 years.
- ii. The applicant has been convicted within the past five years of any violation of federal, state, or local laws, ordinance provisions, or other regulation relating to ~~tobacco, tobacco products, tobacco-related devices, or electronic delivery devices~~ regulated products.
- iii. The applicant has had a license to sell ~~tobacco, tobacco products, tobacco-related devices, or electronic delivery devices~~ regulated products suspended or revoked by any issuing authority within the preceding 12 months of the date of the application.
- iv. The applicant fails to provide any information required on the application, or provides false or misleading information.
- v. The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license.

B. Except as may otherwise be provided by law, the existence of any particular ground for denial

does not mean that the City must deny the license.

C. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this chapter.

3-6-5: PROHIBITED SALES:

A. It shall be a violation of this chapter for any person to sell or offer to sell any ~~tobacco, tobacco products, tobacco-related devices, or electronic delivery device~~ regulated products as follows:

- a.i. To any person under the age of ~~18~~ 21 years.
- b.ii. By means of any type of vending machine.
- e.iii. By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed ~~premise~~ retail establishment in order to receive ~~tobacco, tobacco products, tobacco-related devices, or electronic delivery devices~~ regulated products and whereby there is not a physical exchange of the ~~tobacco, tobacco products, tobacco-related devices, or electronic delivery devices~~ regulated products between the licensee, or the licensee's employee, and the customer.
- d.iv. By means of loosies.
- e.v. Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intention of this provision to ban the sale of lawfully manufactured cigarettes or other tobacco products.

B. In every transaction involving the sale of regulated products, the seller, whether the licensee or its employee or agent, must verify the buyer's age as at least 21 years by means of a government-issued photographic identification. Said verification is not required for a person over 30 years of age. However, that the buyer appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection. Notice of the age verification requirement and legal sales age shall be posted conspicuously at each licensed retail establishment.

C. It shall be a violation of this chapter for any person to sell or offer to sell any liquid which is intended for human consumption and use in an electronic delivery device, whether or not such liquid contains nicotine, in packaging that is not child-resistant. Upon request, a licensee shall provide the City with a copy of a certificate of compliance or a full laboratory testing report to verify compliance with this paragraph.

D. It shall be a violation of this chapter for any person to sell or offer to sell any flavored products. This prohibition shall not apply to licensed establishments that:

- i. Prohibit persons under 21 from entering at all times;
- ii. Derive at least 90 percent of their revenues from the sale of regulated products; and
- iii. Adhere to all of the following building or structural criteria:
 - (1) Share no wall with and have no part of their structure adjoined to any other business or retailer unless the wall is permanent, completely opaque, and without doors, windows, and pass-throughs to the other business or retailer;
 - (2) Share no walls with and have no part of their structure directly adjoined to another licensed tobacco retailer; and
 - (3) Are only accessible by the public through an exterior door.

Any licensee that sells flavored products shall, upon request by the City, provide the City with financial records that document annual sales and blueprints of the licensed retail establishment that provide for its structural layout.

3-6-6: SELF-SERVICE SALES: All ~~tobacco, tobacco products, tobacco-related devices, or electronic delivery devices~~ regulated products shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. This subsection shall not apply to licensed establishments that otherwise meet the standards set forth in subsection 3-6-5(D)(i)-(iii).

3-6-7: RESPONSIBILITY: All licensees under this chapter shall be responsible for the actions of their employees in regard to the sale of ~~tobacco, tobacco products, tobacco-related devices, or electronic delivery devices~~ regulated products on the licensed premises, and the sale of an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the City from also subjecting ~~the clerk~~ employees to whatever penalties are appropriate under this chapter, state, or federal law, or other applicable law or regulation.

3-6-8: COMPLIANCE CHECKS AND INSPECTIONS: All licensed ~~premises~~ retail establishments shall be open to inspection by the City's contracted police department or other authorized city official during regular business hours. From time to time, the City's contracted police department shall coordinate compliance checks by engaging ~~minors~~ persons over the age of 15 years but less than ~~18~~ 21 years to enter the licensed ~~premise~~ retail establishment to attempt to purchase ~~tobacco, tobacco products, tobacco-related devices, or electronic delivery devices~~ regulated products. Minors used for the purpose of compliance checks shall be supervised by city designated law enforcement officers or other designated city personnel.

~~Minors~~ Persons under the age of 21 used for compliance checks shall not be guilty of unlawful possession of ~~tobacco, tobacco products, tobacco-related devices, or electronic delivery devices~~ regulated products when those items are obtained as part of the compliance check. No ~~minor~~ person used in compliance checks shall attempt to use a false identification misrepresenting the ~~minor's~~ person's age, and all ~~minors~~ persons lawfully engaged in a compliance check shall truthfully

answer all questions about the ~~minor's~~ person's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked.

3-6-9: EXCEPTIONS AND DEFENSES: Nothing in this chapter shall prevent the providing of ~~tobacco, tobacco products, tobacco-related devices, or electronic delivery devices~~ regulated products to a ~~minor~~ any person as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this chapter for a person to have reasonably relied on proof of age as described by state law.

3-6-10: VIOLATIONS AND PENALTIES:

Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor under Minnesota Statutes, Section 609.03 as it may be amended from time to time by the Minnesota Legislature. The cost of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

A. GENERALLY. The license holder shall be responsible for the conduct of its agents or employees while on the licensed premises. Any violation of this article shall be considered an act of the license holder for purposes of imposing a civil penalty, license suspension, or license revocation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense

B. NOTICE OF VIOLATION. Upon the occurrence of a violation, the police department shall inform the city administrator of the violation. The city administrator shall then send to the license holder a written notice of the civil violation. The notice shall advise the license holder of the penalty and the license holder's right to request a hearing regarding the violation of this article.

C. ADMINISTRATIVE CIVIL PENALTIES; LICENSEE: Each license issued hereunder shall be subject to suspension or revocation for violation of any provisions of this chapter or the laws of the State of Minnesota as follows:

- (i) First violation: The first violation of this chapter shall be punishable by a civil penalty of \$200.00.
- (ii) Second violation: A second violation of this chapter within any twenty-four-month period shall be punishable by a civil penalty of \$400.00 and a three-day suspension of the license.
- (iii) Subsequent violation: A third or subsequent violation of this chapter within any twenty-four-month period shall be punishable by revocation of the license for one year plus a civil penalty of \$800.00.

D. ADMINISTRATIVE CIVIL PENALTIES; INDIVIDUALS: An individual who sells a regulated product to a person under the age of 21 years shall be charged an administrative penalty of \$50.

DE. HEARING: Following receipt of a notice of a violation and penalty issued under this section, the license holder or individual may pay the penalty or request a hearing before the City Council. A request for a hearing shall be made by the individual or license holder in writing and filed with the city administrator or designee within ten days of the mailing of the notice of the alleged violation. Following receipt of a written request for hearing, the individual or license holder shall be afforded an opportunity for a hearing before the council.

EE. FINDINGS: If after the hearing the license holder or individual is found in violation of this chapter, the council shall impose a penalty. Based upon the findings, the penalty may be adjusted at the discretion of the council. The decision that a violation has occurred must be in writing.

EG. DEFAULT: If the individual or license holder has been provided written notice of the violation and if no request for a hearing is filed within the ten-day period, then the civil penalty, suspension or revocation imposed in this chapter shall take immediate effect by default. The city administrator or designee shall mail notice of the fine, suspension, or revocation to the individual or license holder.

3-6-11: SEVERABILITY

If any section or provision of this chapter is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

SECTION 2. This ordinance shall be effective _____.

Adopted by the Lauderdale City Council this ____ day of _____, 2018.

Mary Gaasch, Mayor

ATTEST:

Heather Butkowski, City Administrator-Clerk

Published in the Roseville Review this ____ day of _____, 2018.

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

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

Meeting Date October 9, 2018

ITEM NUMBER Eustis / Roselawn

STAFF INITIAL ABS

APPROVED BY ADMINISTRATOR _____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The Council last discussed Eustis Street and Roselawn Avenue turnback options in June. Since then, staff has worked with Ramsey County engineers on a draft turnback agreement which the city attorney has reviewed. The agreement has helped focus the conversation and identify a process for what the turnback would look like. The draft agreement follows.

The newsletter will be hitting mailboxes shortly with an update on the turnback discussions on the front cover. We hope this grabs residents' attention. The article highlights the terms of the agreement and the issues the Council has been discussing. The next step is to take feedback from the community at the October 23 council meeting. The city engineer plans to attend. If everything seems to be a go after that, staff will work on an agreement with Roseville for maintenance of their sliver of Roselawn Avenue. The agreements would need to be finalized before the end of 2018 so that the city engineer can begin preparing for a construction project in 2019.

OPTIONS:

STAFF RECOMMENDATION:

**RAMSEY COUNTY
COOPERATIVE AGREEMENT
WITH THE CITY OF LAUDERDALE**

Jurisdictional Transfer of:

- 1) County Road 127 (Eustis Street) between the north right-of-way line of County State Aid Highway 30 (Larpenteur Avenue) and the south right-of-way line of County State Aid Highway 26 (Roselawn Avenue), and,**
- 2) County State Aid Highway 26 (Roselawn Avenue) between the west right-of-way line of State Highway 280 and the east City limit (Fulham Street).**

This Agreement ("Agreement") is between the city of Lauderdale, a Minnesota municipal corporation ("City") and Ramsey County, a political subdivision of the State of Minnesota ("County") for transfer of jurisdiction from the County to the City of: 1) County Road 127 (Eustis Street) between the north right-of-way line of County State Aid Highway 30 (Larpenteur Avenue) and the south right-of-way line of County State Aid Highway 26 (Roselawn Avenue), and, 2) County State Aid Highway 26 (Roselawn Avenue) between the west right-of-way line of Minnesota State Highway 280 and the east City limit (Fulham Street).

RECITALS

1. A project to improve Eustis Street is identified in Ramsey County's 2017 – 2021 Transportation Improvement Program ("TIP"). The TIP also identifies bituminous resurfacing projects which, in part, include Roselawn Avenue.
2. The above described roads are located within the City. A portion of Roselawn Avenue, however, is also located in the city of Roseville. It is acknowledged that a separate jurisdictional transfer agreement between the County and the city of Roseville is necessary to implement part of this Agreement.
3. The parties wish to mutually transfer the jurisdiction of the above-described roads from the County to the City in accordance with the terms and conditions of this Agreement.

AGREEMENTS

1. The parties agree that Eustis Street, as described above, shall become the jurisdiction of the City upon execution of this Agreement by both parties.
2. The parties agree that Roselawn Avenue, as described above and located within the city limits of the City shall become the jurisdiction of the City upon both of the following conditions having been met:
 - a) Execution of this Agreement by both parties; and

- b) Execution of a similar jurisdictional transfer agreement between the County and the city of Roseville regarding Roselawn Avenue.
3. Upon the transfer of jurisdiction in accordance with sections (1) and (2) of this Agreement, the City will become responsible for all maintenance, repair, future construction, operating expenses, overall planning, management and ownership of the roadway, appurtenances, and associated right-of-way.
4. In the event that jurisdiction is transferred to the City pursuant to this Agreement between October 30 and April 1, the County will continue with all maintenance through April 1.
5. The County agrees to deed any acquired street right-of-way to the City, and prepare and execute any other necessary and appropriate documents, in order to convey its interest in Eustis Street and Roselawn Avenue to the City and effectuate the transfer of jurisdiction contemplated in sections 1 and 2 of this Agreement.
6. The County shall, upon request, provide the City with the following information and records that are applicable to the transferred portions of Eustis Street and Roselawn Avenue:
 - a) A list of any active maintenance agreements with other governmental agencies or companies that will be cancelled.
 - b) Utility, drainage, access driveway, sign advertising and limited use permits.
 - c) As-built construction plans and records.
 - d) Inspection reports and ratings.
 - e) Photo logs, aerial photos, right-of-way maps and parcel files.
 - f) Inventory data.
 - g) Pavement condition ratings.
 - h) A history of the most recent betterment.
 - i) Accident reports and statistics, subject to privacy requirements.
 - j) Any alignment ties, horizontal and vertical control monuments, and relative data.
 - k) All partially completed and completed plans for construction projects.
 - l) Road opening authority documentation and/or right-of-way authority documentation.
7. Notwithstanding any of the provisions contained herein, the County shall retain jurisdiction of the full width of the existing Larpenteur Avenue right-of-way through the intersection of Larpenteur Avenue and Eustis Street, assumed to be one hundred (100) feet, which includes and is defined by the intersection storm sewer catch basins, pedestrian ramps and cross walks, signs, and, traffic signal and appurtenances.
8. Following the transfer of jurisdiction, the County shall remove all County route signs and corresponding sign posts that exist within the Eustis Street and Roselawn Avenue rights-of-way. The "no parking" signage that exists therein shall remain in the present location and, upon execution of this Agreement by both parties, shall immediately become the property of the City.

9. The County agrees to pay the City a lump sum of:
 - a) \$516,341.00 in consideration of the transfer of jurisdiction of Eustis Street. This includes funds to construct a cul-de-sac at the west end of Roselawn Avenue, should the City choose to construct it; and
 - b) \$320,000.00 in consideration of the transfer of jurisdiction of Roselawn Avenue. This includes funding for the portion of Roselawn Avenue within the city of Roseville and shall be shared accordingly through a separate cooperative construction agreement with the city of Roseville.

10. The funds paid to the City originate from transportation funds source. The City agrees to apply these funds only to transportation expenditures.

11. Payment Schedule: Full payment will be made for Eustis Street within 30 days of execution of this Agreement. Full payment for Roselawn Avenue will be made within 30 days following both the execution of this agreement and the execution of a jurisdiction transfer agreement between Ramsey County and the city of Roseville regarding the portion of Roselawn Avenue within Roseville.

12. Upon the execution of this agreement by both parties and at no cost to the City, the County grants the City a license to enter onto the portion of County right-of-way within the limits of the roadway being transferred herein for all purposes necessary for the City to exercise its right-of-way authority contemplated herein. The license shall expire upon the County's full adherence to section 5 of this Agreement.

13. The City and County shall indemnify, defend, and hold each other harmless against any and all liability, losses, costs, damages, expenses, claims, or actions, including attorney's fees, which the indemnified party, its officials, agents, or employees may hereafter sustain, incur, or be required to pay, arising out of or by reason of any act or omission of the indemnifying party, its officials, agents, or employees, in the execution, performance, or failure to adequately perform the indemnifying party's obligation pursuant to this Agreement. Nothing in this Agreement shall constitute a waiver by the County or the City of any statutory or common law immunities, limits, or exceptions on liability.

14. This Agreement shall remain in full force and effect until terminated or amended by mutual agreement of the parties, which may only be done in writing.

CITY OF LAUDERDALE, MINNESOTA

By: _____
 Mary Gaasch, Mayor

Date: _____

By: _____
 Heather Butkowski, City Clerk-Administrator

Date: _____

RAMSEY COUNTY, MINNESOTA

Ryan O'Connor, County Manager

Date: _____

Approval recommended:

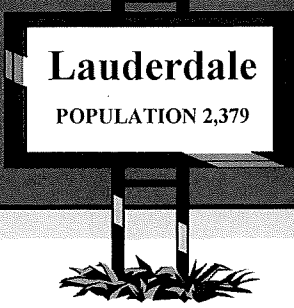
Ted Schoenecker, Director
Public Works Department

Date: _____

Approved as to form:

Assistant County Attorney

Date: _____



Lauderdale Crier

City of Lauderdale, MN October-December 2018

Message from the Mayor

Dear Residents,

The City Council and staff continue to negotiate the terms of an agreement with Ramsey County for the jurisdictional transfer of Eustis Street north of Larpenteur Avenue and Roselawn Avenue. I want to thank all of you for being engaged on this topic. We continue to reflect on the feedback we have received via emails, conversations, responses to surveys, the comprehensive planning process, and so on.

The following is the analysis the City Council is going through to determine whether to take ownership of these roads. A final decision on the matter will happen in late November. In the interim, we continue to look for your feedback.

Summary of the Terms: Ramsey County is offering the City \$320,000 to take ownership of Roselawn Avenue from the sound wall to Fulham Street and \$516,341 to take ownership of Eustis Street from Larpenteur Avenue to Roselawn Avenue. The money must be used for transportation expenditures. The County will provide maintenance of the roads through April 1, 2019 and all non-County branded signage will remain upon transfer.

Roselawn Avenue: When Roselawn Avenue was improved in the 1980s, Ramsey County reconstructed the road which means that the County laid a road base that is considered permanent. Maintenance requires laying a new wear surface every 5-7 years which is known as chip sealing, and grinding off the top layer and resurfacing every 20-25 years which is known as milling and overlaying. The County did not chip seal the road over the years and the last mill and overlay was 31 years ago which is why the road condition has deteriorated. However, the road base is solid so the \$320,000 would cover the cost of a mill and overlay.

Eustis Street: Ramsey County milled and overlaid Eustis Street in 1990 but the road base was not addressed. The County's offer of \$516,341 goes a long way toward rehabilitating the road but does not cover a full reconstruction with the creation of a permanent road base and concrete curbs. The water mains break on a regular basis due to their age. The sanitary sewer infrastructure was rehabilitated by the City in 2013 and will not need to be replaced.

Financial Considerations: Ramsey County considers \$836,341 their final offer. That is enough to finance the mill and overlays of each road which is their typical maintenance plan. To install concrete curbs, new storm water drainage infrastructure, creating positive drainage in some yards, and build a road base that cuts down on future maintenance costs requires additional funding. If a deal happens, St. Paul Regional Water Service has agreed to replace the water mains and share in some of the cost of building up the road base. Special assessments on par with what owners of the city streets reconstructed between 2000 and 2003 would cover some of the improvements. The City Council anticipates financing any additional costs with money earned from conduit debt projects so that the cost would not be supported by the General Fund through the levy.

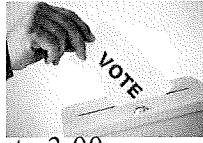
(Continued on Page 3)

CITY UPDATES

2018 General Election Calendar

Now until October 16

Pre-registration for the General Election



Saturday, November 3

Absentee voting at City Hall from 10:00 a.m. to 3:00 p.m.

Tuesday, November 6

General Election Day, vote from 7:00 a.m. to 8:00 p.m. at City Hall

Ramsey County added early voting locations where all Ramsey County residents can vote. It is not necessary to vote at Lauderdale City Hall if you find one of the early voting sites more convenient. For a complete listing of all available sites, please visit the Ramsey County Elections website.

2019 Budget and Levy

The City Council adopted the preliminary levy during the September 25 city council meeting. The budget balanced at \$1,437,074. This is an increase of \$50,650 or 3.6% over 2018. Among the cost drivers are increases in public safety and updating the zoning code upon adoption of the Comprehensive Plan. The resulting local levy increase is 5.8% as fiscal disparities revenue increased slightly in 2019.

On average, households will see a moderate increase in their city property tax bills. The anticipated property tax increase is approximately \$39 on a median value home.

Lauderdale's median home value for 2019 is \$206,300 or 9.1% higher than the previous year. Due to the sizable increase in home values compared to the rest of Ramsey County, homeowners may see increases in the school district and county portions of their tax bills.

In the coming weeks, the City Council will assess other costs to run the City in 2018 and establish storm sewer, sanitary sewer, and recycling rates.

Residents will receive a statement of their proposed property taxes from Ramsey County before the end of November. A public hearing and presentation on the 2018 city budget and levy will be held at the November 27, 2018 City Council meeting starting at 7:30 p.m. All residents and business owners are welcome to attend. Adoption of the budget and levy will be during the December 11, 2018 city council meeting.

Staff answer budget questions at City Hall during the day; please stop by or set up an appointment.

Absentee Voting

Election season is upon us. Absentee voting for the November election began on September 21. Visit www.mnvotes.org to learn how to register to vote or apply for an absentee ballot.

You may also vote at City Hall during our regular office hours.

(Message from the Mayor continued from Page 1)

Community Considerations: The City Council is considering taking ownership of the roads to be able to proactively manage the streets. Ramsey County has a limited road reconstruction budget and focuses on higher traffic volume roads. They do not follow the same roadway maintenance philosophy and their low volume roads see sporadic improvements followed by years of decline. These years of decline bring about the myriads of concerns we hear continually from residents about danger to pedestrians and bikers, damage to vehicles from the potholes, and the overall lack of curb appeal in our main residential thoroughfare. The road we design would look and operate like the other residential streets. Decisions over traffic control, signage, parking, road striping, and boulevard tree maintenance, would rest locally with the City Council. The costs are real but so are the benefits of controlling these two important stretches of roadway.

Next Steps: The City Council is looking for input on what residents think this will mean to the community. Based on that feedback, we will continue to evaluate the terms of the deal and decide whether to approve it. Please send your written comments to council@lauderdalemn.org. Additionally, we will take your feedback at our October 23 city council meeting. The meeting begins at 7:30 p.m. at Lauderdale City Hall.

Sincerely,

Mayor Mary Gaasch