

LAUDERDALE CITY COUNCIL MEETING AGENDA
7:00 P.M. TUESDAY, JULY 25, 2023
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 TO ORDER THE LAUDERDALE CITY COUNCIL MEETING**
2. **ROLL CALL**
3. **APPROVALS**
 - a. Agenda
 - b. Minutes of the July 11, 2023 City Council Meetings
 - c. Claims Totaling \$23,923.83
4. **CONSENT**
5. **SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS**
6. **INFORMATIONAL PRESENTATIONS / REPORTS**
 - a. City Council Updates
7. **PUBLIC HEARINGS**

Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings all affected residents will be given an opportunity to speak pursuant to the Robert's Rules of Order and the standing rules of order and business of the City Council.

 - a. Side Yard Setbacks Variance Request by Owners of 1897 Malvern Street
 - b. Ordinance No. 23-02 – Prohibiting the Sale of Edible Cannabinoid Products Pursuant to Minnesota Statutes, Section 151.72
 - c. Annual Stormwater Pollution Prevention Plan Public Hearing
8. **DISCUSSION / ACTION ITEM**
 - a. Resolution No. 072523A – Authorizing Publication of Ordinance No. 23-02 by Title and Summary
 - b. Agreement Between Ramsey County and the City of Lauderdale for Election Services
9. **ITEMS REMOVED FROM THE CONSENT AGENDA**
10. **ADDITIONAL ITEMS**
11. **SET AGENDA FOR NEXT MEETING**
 - a. Electronic Funds Transfer Policy
 - b. June Financial Report
 - c. Quarterly Investment Report
 - d. Long-Term Planning Session with Victoria Holthaus of AEM Financial Solutions (October 10)

12. WORK SESSION

- a. Community Development Update
- b. 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 three (3) 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.

13. ADJOURNMENT

To provide public comments, join us via Zoom.

You are invited to a Zoom webinar.

When: Jul 25, 2023 07:00 PM Central Time (US and Canada)

Topic: July 25, 2023 Lauderdale City Council Webinar

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86799025856?pwd=a0JmQWpKQS9pU09BaGRvU01rQU1BUT09>

Passcode: 886252

Or One tap mobile :

+16465588656,,86799025856# US (New York)

+16469313860,,86799025856# US

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

833 548 0276 US Toll Free

833 548 0282 US Toll Free

877 853 5247 US Toll Free

888 788 0099 US Toll Free

Webinar ID: 867 9902 5856

International numbers available: <https://us02web.zoom.us/j/86799025856>

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

Page 1 of 3

July 11, 2023

Call to Order

Mayor Gaasch called the Regular City Council meeting to order at 7:01 p.m.

Roll Call

Councilors present: Jeff Dains, Sharon Kelly, Duane Pulford, Evan Sayre, 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 Pulford moved and seconded by Councilor Dains to approve the agenda. Motion carried unanimously.

Mayor Gaasch asked if there were corrections to the minutes of the June 27, 2023 city council meeting. There being none, Councilor Kelly moved and seconded by Councilor Sayre to approve the minutes of the June 27, 2023 city council meeting. Motion carried unanimously.

Mayor Gaasch asked if there were any questions on the claims. There being none, Councilor Pulford moved and seconded by Councilor Kelly to approve the claims totaling \$141,719.86. Motion carried unanimously.

Informational Presentations/Reports

A. Day in the Park Update

Assistant to the City Administrator Bownik gave an update on the food, games, music, and events that will take place at Lauderdale's annual Day in the Park event. The event will take place on Thursday, July 13 from 5:00 – 8:00 p.m. at Lauderdale Community Park.

B. City Council Updates

Councilor Kelly stated that she attended a Braver Angels presentation. Mayor Gaasch shared that she is part of the Minnesota Rural Urban Exchange, which has a similar mission to the Braver Angels. Councilor Pulford shared water line insurance information he received in the mail.

Public Hearings

A. Ordinance No. 23-01 – Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Operation of Cannabis Businesses

Ron Batty, the City's attorney, joined the meeting virtually to discuss the new cannabis legislation. Batty provided a memo, draft interim ordinance, and draft publication resolution.

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

Page 2 of 3

July 11, 2023

He said the state was going to play the lead on regulating cannabis businesses with cities having a more limited role. Parts of the statute go into effect on July 1 and August 1 but it is going to be a while before much happens. The new state department needs to be established and rules need to be implemented. It is likely that no licenses will be issued by the state for six months or more. In the meantime, cities need to determine if and how they want to get into the game. The statute allows cities to adopt an interim ordinance, which may prohibit a business from opening in the City. The ordinance may be in effect until January 1, 2025, longer than the 12 months usually allowed for interim ordinances. Since it will be difficult for cities to figure out how they want to participate until the state rules are in place, he recommended adopting a moratorium to buy some time to figure that out.

The Council discussed adopting the interim ordinance until the state finished its rulemaking process and provided cities guidance on next steps.

Mayor Gaasch opened the floor at 7:38 p.m. to those in attendance interested in addressing the Council on this topic. There being nobody interested in speaking, Mayor Gaasch closed the floor at 7:42 p.m.

Councilor Kelly made a motion to adopt Ordinance No. 23-01— Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Operation of Cannabis Businesses. This was seconded by Councilor Dains and carried unanimously.

B. Resolution No. 071123A – Authorizing Publication of Ordinance No. 23-01 by Title and Summary

As the ordinance was too long to publish cost-effectively, the city attorney recommended publication by title and summary.

Councilor Pulford made a motion to adopt Resolution No. 071123A – Authorizing Publication of Ordinance No. 23-01 by Title and Summary. This was seconded by Councilor Sayre and carried unanimously.

The council took a recess at 8:34 p.m. and returned at 8:36 p.m.

Discussion/Action Item

A. 2022 Moratorium on the Sale of Hemp Derived THC Products

Batty prepared a memo regarding last year's legalization of hemp-derived edibles. The City Council adopted a moratorium that's set to expire on July 30. Batty addressed whether the Council felt the need to regulate the hemp-derived edibles going forward.

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

Page 3 of 3

July 11, 2023

Batty also addressed whether the Council was considering addressing the smoking of cannabis and tobacco in public places. Many cities ban smoking around their public buildings and in their parks and open spaces. The Council said they were interested in addressing the issue because they anticipate complaints. Staff will work with the attorney on the issue.

The Council discussed the options presented by the city attorney regarding the hemp-derived edibles: do nothing and let the moratorium lapse; initiate a licensing program; or continue the ban on edibles until the state completes their rulemaking process and establishes the Office of Cannabis Management.

Councilor Dains made a motion to have the city attorney prepare an ordinance to regulate hemp-derived edibles. This was seconded by Councilor Kelly and carried unanimously.

B. 2023-2024 Goal Setting Session

Butkowski said staff prepared a list of staff goals and projects as well as some policy goals of the Council. The Council added some items to the list for future discussion and consideration.

Set Agenda for Next Meeting

Butkowski stated that the July 25 council meeting might include an electronic funds transfer policy, the June financial report, the quarterly investment report, a variance request by the owners of 1897 Malvern Street, and the annual storm water report.

Work Session

A. Community Development Update

Butkowski shared that Rum River recently sent out code enforcement letters addressing property maintenance violations.

B. Opportunity for the Public to Address the City Council

Mayor Gaasch opened the floor to those in attendance interested in addressing the Council. There being nobody interested in speaking, Mayor Gaasch closed the floor.

Adjournment

Councilor Kelly moved and seconded by Councilor Pulford to adjourn the meeting at 9:12 p.m. Motion carried unanimously.

Respectfully submitted,

Miles Cline

Miles Cline
Deputy City Clerk



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

Request for Council Action

To: Mayor and City Council
From: City Administrator
Meeting Date: July 25, 2023
Subject: List of Claims

The claims totaling \$23,923.83 are provided for City Council review and approval that includes check numbers 28514 to 28533.

Accounts Payable

Checks by Date - Detail by Check Date

User: miles.cline
 Printed: 7/21/2023 3:23 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
ACH	34	AFSCME MN Council 5 PR Batch 51500.07.2023 Union Dues	07/21/2023 PR Batch 51500.07.2023 Uni	228.24
Total for this ACH Check for Vendor 34:				228.24
ACH	389	Blue Cross Blue Shield of Minnesota PR Batch 51500.07.2023 Vision Insurance	07/21/2023 PR Batch 51500.07.2023 Visi	12.82
Total for this ACH Check for Vendor 389:				12.82
ACH	43	Public Employees Retirement Association PR Batch 51500.07.2023 PERA Coordinated PR Batch 51500.07.2023 PERA Coordinated	07/21/2023 PR Batch 51500.07.2023 PER PR Batch 51500.07.2023 PER	1,247.19 1,080.90
Total for this ACH Check for Vendor 43:				2,328.09
ACH	44	Minnesota Department of Revenue PR Batch 51500.07.2023 State Income Tax	07/21/2023 PR Batch 51500.07.2023 Statu	704.16
Total for this ACH Check for Vendor 44:				704.16
ACH	45	ICMA Retirement Corporation PR Batch 51500.07.2023 Deferred Comp PR Batch 51500.07.2023 Deferred Comp	07/21/2023 PR Batch 51500.07.2023 Def PR Batch 51500.07.2023 Def	1,083.41 1,656.15
Total for this ACH Check for Vendor 45:				2,739.56
ACH	46	Internal Revenue Service PR Batch 51500.07.2023 Federal Income Tax PR Batch 51500.07.2023 Medicare Employee Pc PR Batch 51500.07.2023 FICA Employee Portio PR Batch 51500.07.2023 FICA Employer Portio PR Batch 51500.07.2023 Medicare Employer Po	07/21/2023 PR Batch 51500.07.2023 Fed PR Batch 51500.07.2023 Mec PR Batch 51500.07.2023 FIC. PR Batch 51500.07.2023 FIC. PR Batch 51500.07.2023 Mec	1,609.40 279.00 1,192.82 1,192.82 279.00
Total for this ACH Check for Vendor 46:				4,553.04
Total for 7/21/2023:				10,565.91
28514	65 19686962	Allstream Inc. Fax Line	07/25/2023	72.97
Total for Check Number 28514:				72.97
28515	373 6290149838 6290149838 6290152300 6290152300	ARAMARK Uniform & Career Apparel Gr July Uniforms July Uniforms July Uniforms July Uniforms	07/25/2023	19.45 19.44 19.21 19.22

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 28515:	77.32
28516	56 072023	James Bownik 2Q23 Mileage Reimbursement	07/25/2023	78.40
			Total for Check Number 28516:	78.40
28517	192 177112274	Comcast Holdings Corporation July Internet	07/25/2023	413.00
			Total for Check Number 28517:	413.00
28518	25 EMCOM-010949 EMCOM-010964 EMCOM-010980	County of Ramsey June Fleet Support June CAD Services June 911 Dispatch Services	07/25/2023	6.24 75.17 462.60
			Total for Check Number 28518:	544.01
28519	25 RISK-002248	County of Ramsey PR Batch 51500.07.2023 Short Term Disability PR Batch 51500.07.2023 Long Term Disability PR Batch 51500.07.2023 Life Insurance July Insurance Processing Fee	07/25/2023 PR Batch 51500.07.2023 Sho PR Batch 51500.07.2023 Lon PR Batch 51500.07.2023 Life	96.71 104.75 229.43 25.00
			Total for Check Number 28519:	455.89
28520	31 175526	Kennedy & Graven Chartered June Legal Services	07/25/2023	1,900.00
			Total for Check Number 28520:	1,900.00
28521	185 072023 072023 072023	Lauderdale Certified Auto Repair Inc June Fuel June Fuel June Fuel	07/25/2023	45.85 9.83 9.83
			Total for Check Number 28521:	65.51
28522	401 7132023	Kathy McCurdy DIP - Dance Entertainment	07/25/2023	50.00
			Total for Check Number 28522:	50.00
28523	24 1743MAL	Metropolitan Council SAC - 1743 Malvern Street	07/25/2023	2,460.15
			Total for Check Number 28523:	2,460.15
28524	79 JUNE1230252023	Minnesota Department of Labor & Industry 2Q2023 Surcharge Report	07/25/2023	516.33
			Total for Check Number 28524:	516.33
28525	18 R46180	Minnesota Equipment Inc Tractor Repairs	07/25/2023	2,893.60
			Total for Check Number 28525:	2,893.60
28526	402 072023	Jeff Olsen DIP - Music	07/25/2023	100.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 28526:	100.00
28527	10 0001565566	On Site Sanitation Inc 07/08/2023 - 08/04/2023 Park Portable Restroom	07/25/2023	218.00
			Total for Check Number 28527:	218.00
28528	398 072023	O'Reilly Automotive Inc Truck Repairs	07/25/2023	72.24
			Total for Check Number 28528:	72.24
28529	388 0043426	PeopleService Inc August Wastewater	07/25/2023	600.00
			Total for Check Number 28529:	600.00
28530	5 619861-06-23	Premium Waters Inc June Water Bottles	07/25/2023	18.90
			Total for Check Number 28530:	18.90
28531	155 72029	Seven Corners Printing 3Q2023 Newsletter	07/25/2023	1,673.50
			Total for Check Number 28531:	1,673.50
28532	90 9938535718 9938535718 9938535718	Verizon Wireless June Cell Phone June Cell Phone June Cell Phone	07/25/2023	90.04 45.03 45.02
			Total for Check Number 28532:	180.09
28533	74 834840577 834878979 834965703 835045099 835045099 835239247 835239247 835239247 835239247 835239247 835293788	Xcel Energy June Street Lighting 2430 Larpenteur Avenue W Larpenteur Bridge Lights 1891 Walnut Street 1891 Walnut Street 1917 Walnut Street 1885 Fulham Street 1885 Fulham Street 1917 Walnut Street Larpenteur Avenue	07/25/2023	501.71 16.55 31.69 32.46 235.42 28.49 28.49 37.83 22.60 32.77
			Total for Check Number 28533:	968.01
			Total for 7/25/2023:	13,357.92
			Report Total (26 checks):	23,923.83

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

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

Meeting Date July 25, 2023

ITEM NUMBE 1897 Malvern Variance Requests

STAFF INITIAL Jim _____

APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

See attached memo.

OPTIONS:

STAFF RECOMMENDATION:

MEMO

DATE: JULY 25, 2023
TO: MAYOR AND COUNCIL
FROM: JIM BOWNIK
RE: VARIANCE APPLICATION FOR 1897 MALVERN STREET

Subject Property: 1897 Malvern St, Lauderdale, MN 55113
Owner/Applicant: Aric & Wieke Dahl

Proposal: To demolish the current 12' x 20' garage located in the southwest corner of the lot and replace it with a 20' x 30' garage located three feet from the southern property line. Zoning regulations require a five-foot side yard setback. The applicant is requesting a two-foot variance to the side yard setback requirements. Zoning regulations also limit lot coverage to 30%. The calculated lot coverage for the new larger garage is 30.51%, which is over by 29.5 feet. Thus, a .51% lot coverage variance is also requested.

POLICIES AND PROCEDURES FOR VARIANCE APPROVAL

In reviewing this variance request, the Council should consider the Zoning Ordinance requirements as well as relevant State Statutes. These requirements are outlined on the attached Variance Checklist.

Here is the general order of procedure.

- 1) Staff presentation.
 - Apply the Practical Difficulties Test
- 3) Public Hearing.
- 4) Approve or deny the variance, adding any conditions as necessary.

PRACTICAL DIFFICULTY TEST

The municipal variance standard requires the City to apply a three-factor test for "practical difficulties" consisting of (1) reasonableness, (2) uniqueness, and (3) essential character.

A variance should be granted if strict enforcement of the municipal variance standard as applied to a particular piece of property would cause the landowner a "practical difficulty." The landowner is generally entitled to the variance if and only if the applicant meets the statutory three-factor test for practical difficulty. If the applicant does not meet all three factors of the statutory test, then a variance should not be granted.

ESTABLISHING THE FINDINGS OF FACT (Based on Answers to Questions on the Variance Checklist)

The applicant's answers to the questions in the Variance Checklist describes the proposed project and why a variance is requested:

- A) How does the proposal put your property to use in a reasonable manner?
- B) What are the unique circumstances to the property not created by the landowner?
- C) How will a variance, if granted, not alter the essential character of the locality?

D) How is granting of a variance in harmony with the purposes and intent of the Zoning Ordinance?

E) How are the terms of a variance consistent with the Comprehensive Plan?

STAFF REVIEW

The proposed project involves a newly constructed, larger garage, located within the south side yard setback and increasing lot coverage.

Previously, the City Council has denied side yard setback variances for new construction. The reason is due to concerns about storm water drainage impacting a neighboring property. The overhang creates run off closer to a neighboring property than three feet.

Residents often come in with plans to locate new structures closer to property lines than is allowed. When staff explain that the Council has denied similar variance requests in the past due to drainage concerns, they generally change their plans to comply with setbacks versus going through the variance process. If the Council approves this variance to the side yard setback, staff expect more residents will apply for side yard setback variances. The Council must articulate the uniqueness of this situation so that it doesn't become precedent setting unless the Council wants to change the side yard setback requirements through the zoning rewrite process.

The City Council has generally granted lot coverage increases in certain cases, such as for enclosed porches. This project is not for an enclosed porch, but for a new, larger garage. However, the proposed increase to lot coverage is only slightly over the requirement and not unreasonable.

The City Council may grant both variance requests or grant one variance request and deny the other.

ENCLOSURES

A) Variance application, site plan, and variance checklist.

PUBLIC HEARING

Adjacent property owners received notice of tonight's public hearing.

OPTIONS

- 1) Motion to direct staff to prepare a resolution of approval for the two-foot side yard setback and .51% lot coverage variance requests at 1897 Malvern Street for the next meeting. The Council's reason for the approvals will be included in the resolution.
- 2) Motion to direct staff to prepare a resolution of denial for the two-foot side yard setback and .51% lot coverage variance requests at 1897 Malvern Street for the next meeting. The Council's reason for the denials will be included in the resolution.

- 3) Motion to direct staff to prepare a resolution of denial for one of the variance requests and approval of the other. The Council's reason for the denial/approval will be included in the resolution.



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

LAND USE APPLICATION

Date: 07 July 2023

<u>Fee</u>	<u>Escrow</u>	<u>Type of Request</u>	<u>Summary of Request</u>
\$100	\$0	<input type="checkbox"/> Home Occupation	We intend to remove the existing garage and replace it with a newly constructed garage located on the southwest corner of the lot with the entrance on the west side to enter from the alley. The new garage will be 3 feet from the south property line. The new garage will be slightly larger than the garage being replaced (proposed 20' x 30'). As part of this project, a portion of the existing concrete driveway will be removed and converted into lawn and garden.
\$150	\$0	<input checked="" type="checkbox"/> Variance	
\$150	\$500	<input type="checkbox"/> Lot Consolidation/Division	
\$200	\$0	<input type="checkbox"/> Sign Permit	
\$200	\$500	<input type="checkbox"/> Conditional Use	
\$200	\$1,000	<input type="checkbox"/> Lot Line Rearrangement	
\$500	\$1,500	<input type="checkbox"/> Zoning Amendment*	
\$500	\$1,500	<input type="checkbox"/> Subdivision*	
\$500	\$5,000	<input type="checkbox"/> PUD*	

Document Recording Fee: Recording cost plus Administrative fee

Applicant Information

Name: Aric Daul & Wieke Daul-van Baalen
 Address: 1897 Malvern St
 C, S, Z: Lauderdale MN 55113
 Phone: 734-330-0182
 Email: adaul456@hotmail.com

Owner Information (if different)

Name: _____
 Address: _____
 C, S, Z: _____
 Phone: _____
 Email: _____

Signature: 

Signature: _____

**By signing above, the applicant agrees to pay the application fee and deposit an escrow fee to cover the city's consultants' costs associated with reviewing the associated request. Prior to having the request considered by the city, the applicant must deposit an escrow fee in an amount that is estimated to cover the city's consultants' costs as determined by the city administrator. If the city's consultants' costs exceed the initial escrow deposited by the applicant, an additional escrow fee will be required to cover the additional costs. The city shall use the applicant's fees to cover the city's actual consultants' costs in reviewing the request regardless of the city's action on the applicant's request. If the applicant's escrow fees exceed the city's actual consultants' costs for reviewing the request, the remaining escrow fees shall be refunded to the applicant.*

Review Timeline: All applications, other than concept plans, must be complete before being formally reviewed. Minnesota Statute provides 15 days to determine the application's completeness. Completeness depends on whether or not the checklist items are fulfilled.

Checklist: Please review the checklist for the type of application you are applying for.

For Office Use Only	PIN#:
Date of Complete Application: <u>7/7/23</u>	Amount Paid: <u>150-</u> Receipt #: <u>16044</u>
Escrow Fee Paid: <u>—</u>	Receipt # _____ Date Escrow Returned: _____
PC Recommendation: (approve/deny) _____	Meeting Date: _____
Public Hearing Date: _____	CC Action: (approved/denied) Meeting Date: _____
Conditions? _____	

CITY OF LAUDERDALE VARIANCE CHECKLIST

The following requirements must be met in order for your variance application to be considered complete:

1) Have a pre-application meeting with city staff before submitting a variance application. Please bring the completed application and all required documents to this meeting.

2) Submit the following:

A) Variance application and fee.

B) Site Plan:

- Drawn to scale.
- Delineating your property lines (by locating property stakes, submitting a Certificate of Survey, or other means).
- Showing lot lines, street names, locations and dimensions of all existing or proposed buildings, setback distances, parking areas, lot coverage percentage (as defined by structures covered by a roof) and any other pertinent site information.

3) Describe your proposed project and why you are requesting a variance.

4) Answer the following questions:

A) How does the proposal put your property to use in a reasonable manner?

B) What are the unique circumstances to the property not created by the landowner?

C) How will a variance, if granted, not alter the essential character of the locality?

D) How is granting of a variance in harmony with the purposes and intent of the Zoning Ordinance (Lauderdale's Zoning Ordinance can be found online at www.ci.lauderdale.mn.us)?

E) How are the terms of a variance consistent with the Comprehensive Plan (Lauderdale's Comprehensive Plan can be found online at www.ci.lauderdale.mn.us)?

Information You Should Know

- The municipal variance standard requires the city to apply a three-factor test for "practical difficulties" consisting of (1) reasonableness, (2) uniqueness, and (3) essential character.
- Thus, the city is required to adopt findings based on the questions above.
- Conditions may be imposed on granting of variances if those conditions are directly related to and bear a rough proportionality to the impact created by the variance.

DAUL, Aric & Wieke
1897 Malvern St, Lauderdale, MN

Request for a variance in construction of a new garage

Item 3

The garage located on the southwest corner of our lot located at 1897 Malvern St, Lauderdale, is small and becoming structurally unsound. The foundation and concrete floor have significant cracking in several places and the garage shifts throughout the year as the pieces of the concrete slab shift. This makes it difficult to raise and lower the door of the garage when the door frame is out of square. The current garage is small and provides essentially no overhead storage space due to the design of the roof. We intend to remove the existing garage and replace it with a newly constructed garage located on the southwest corner of the lot. We intend to build the entrance of the garage on the west side and enter the garage from the alley. The new garage will be slightly larger than the garage being replaced (proposed 20' x 30'). As part of this project, a portion of the existing concrete driveway will be removed and converted into lawn and garden. The new garage will be designed in a style similar to neighboring garage structures while maintaining some similarity to our house. The new garage will provide storage overhead and additional floorspace, allowing us to keep bicycles, lawn furniture, etc., in the garage and out of sight when not in use.

Item 4

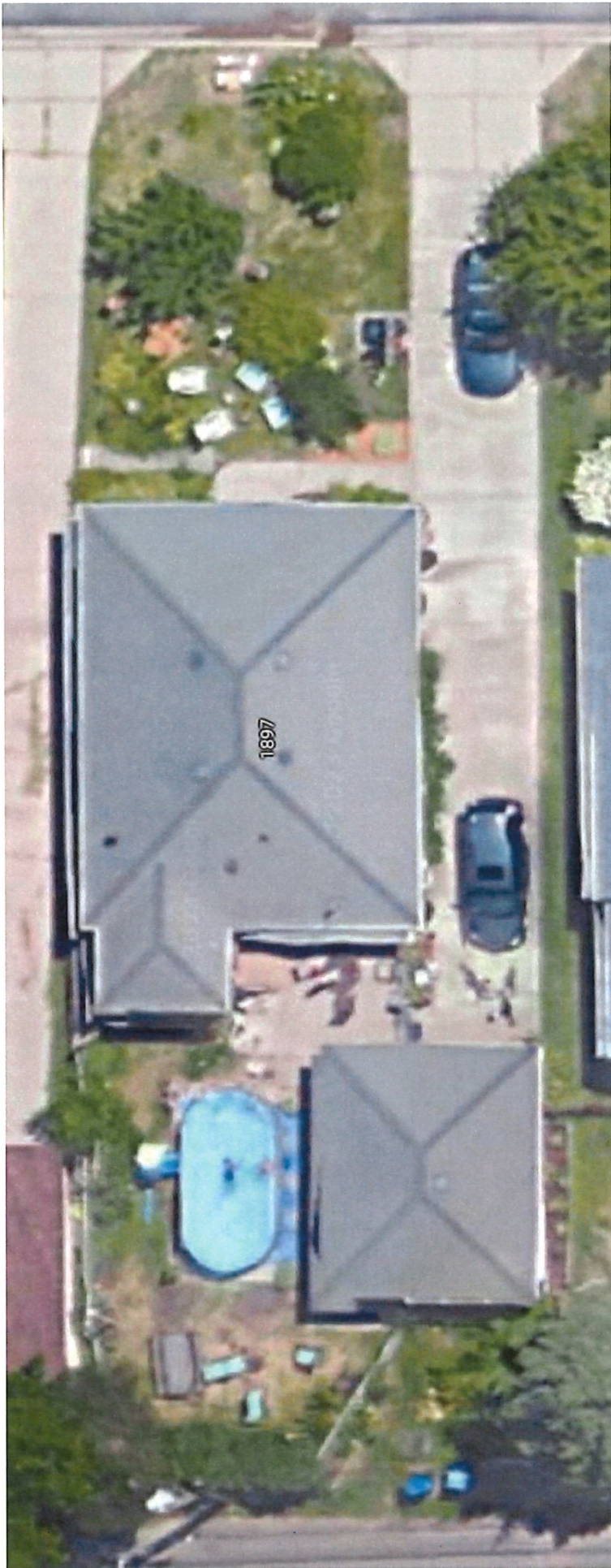
A. The new garage will be slightly larger than the existing garage. An improved floor plan and roofline will allow more storage within the garage itself while maintaining an appearance similar to neighboring garages and complimentary to our house. The color scheme of the garage will be used on the house following completion of the garage construction. The current garage is set back close to the alley, but enters from the street via a long, narrow driveway. This creates a fragmented layout across our lot, with the backyard separated from a small gravel-filled space behind the garage (used by the previous owner for off-street parking and currently used for raised-bed gardens and compost). The proposed garage structure will be slightly larger than the garage being replaced, but positioned closer to the alley in the southwest corner of the lot and entrance from the alley will create more usable lawn space in our lot. The proposed structure will be aligned with the neighboring garage (1901 Malvern) along the north-south axis. This position will create more usable lawn and garden space on our lot between our house, the house on property to the south (1887 Malvern), and the newly constructed garage. One aim of this project is to provide us with more storage space in the new garage. This will be accomplished by a slightly higher roof line than the current garage. The height of the proposed design will be consistent with the garage on the neighboring property to the north. The roofline of the proposed structure will be significantly lower than that of other recently constructed garages on our block and neighbor blocks.

B. We are requesting a variance to position the new garage three feet from the property line along the south edge of our property. The long and narrow shape of the lot presents a significant hardship to new construction on the lot while maintaining the setbacks

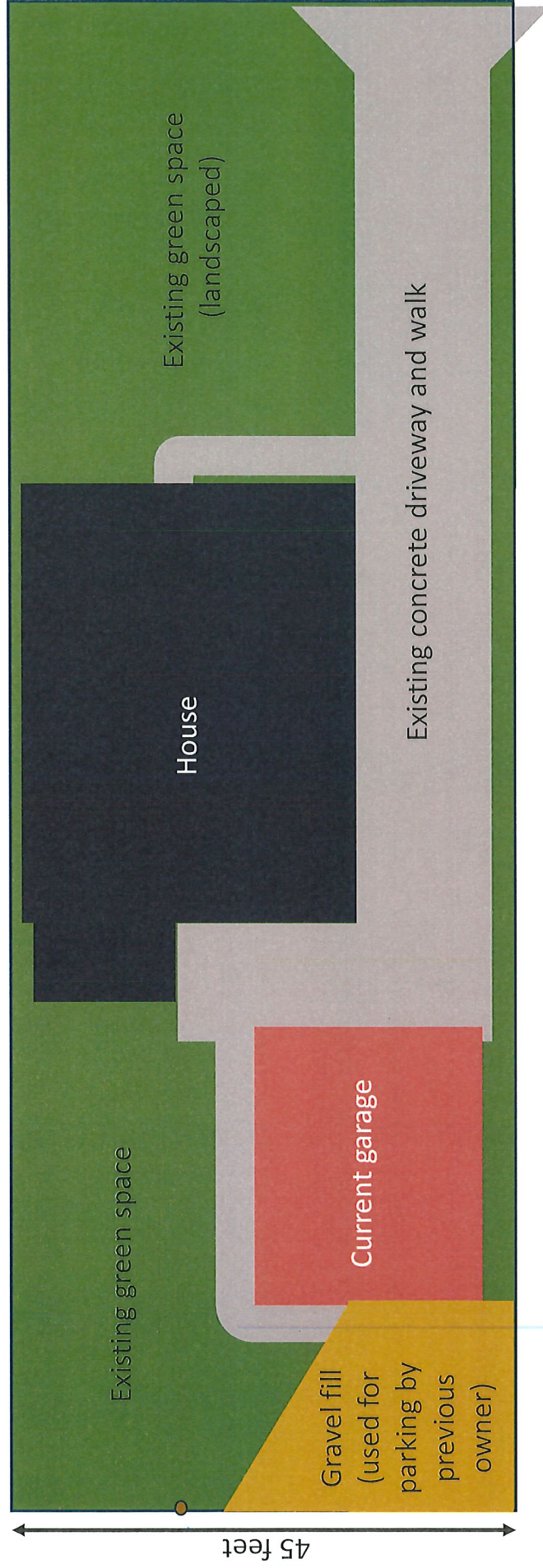
required by current city code. Following the required setbacks would position the new structure in the middle of the lot, leaving us with essentially no usable lawn space on either side. Additionally, a utility pole located on the west edge of our property is positioned near the middle of the lot. We have been in contact with Xcel and have submitted a request asking them to move the utility pole to one of the corners of our lot, but it is unknown if or when that might take place. Positioning the new garage three feet from the south property line will provide enough relief for us to access the new garage from the alley even if the request to move the utility pole is denied. The proposed position of the new garage closer to the alley will provide more usable green space for us in our backyard and a much more aesthetically-pleasing layout within our lot that would be better integrated with surrounding properties. Entering the new garage from the alley will allow us to remove a significant portion of the long narrow driveway that would no longer be needed to access the garage. We intend to retain approx. 30 feet of the existing driveway from the east property line (easement along Malvern St.) to the small concrete walkway near the front of our house. This portion of the driveway would provide temporary off-street parking for guests, for example, in winter when on-street parking is prohibited for snow removal. This arrangement is similar to other houses in the neighborhood that have a parking pad in the front in addition to a garage in the back of those properties.

- C. The proposed position of the new garage will create more open space on our lot. The proposed position would align our new garage with the neighboring garage to the north. The proposed design will have a slightly higher roof line than the current garage, but is similar to that of our house and the garage on the neighboring property. The roofline of the proposed structure will be significantly lower than that of the neighboring house to the south and other nearby garages. We do not anticipate the new garage to negatively impact sun exposure or sightlines of neighbors, and in fact, should slightly improve sightlines of the neighboring houses to both the north and south of our property. The siding, roof, and trim of the new garage will be similar in color and pattern to what we intend to use in subsequent improvements made to our house.
- D. The construction of the new garage will not affect the housing density or other aspects of this property as a single-family residence. Construction of a new garage will include a separate electric service, providing space and charging capability for electric vehicles. The south-facing roof deck with uninterrupted sun exposure will be amenable to installation of solar panels in the future, whether by us or future homeowners.
- E. Relocating the garage to the southwest corner of the property will create a larger uninterrupted green space within the property. As part of this project, we will be landscaping space presently occupied by the existing garage and the portion of the driveway between our house and the neighboring house (1887 Malvern). Landscaping plans will include grassy areas and a rain garden to collect and allow infiltration of runoff water from precipitation and snow melt. Landscaping will prioritize pollinator-friendly and eco-friendly native plants.

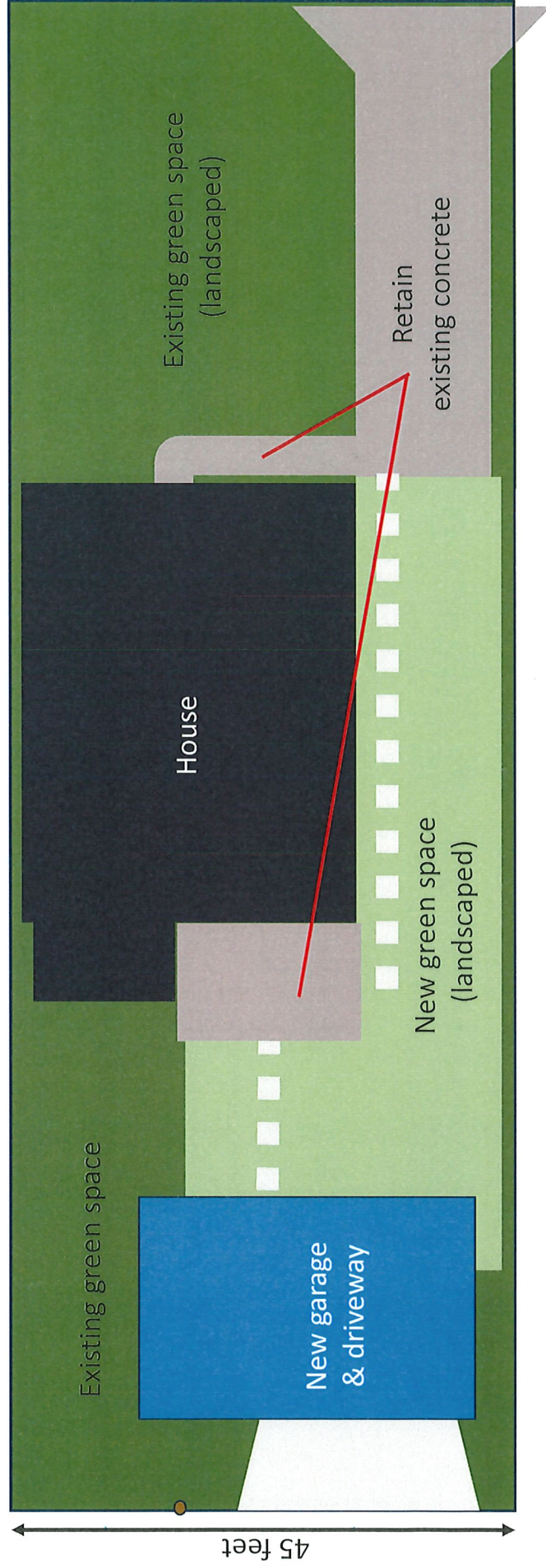
Aerial Photo



Current Lot Design



Proposed Lot Design



Plot Plan

Job # **3-404**



654 Transfer Road STE 16B
Saint Paul, MN 55114
Phone: 651.645.0331

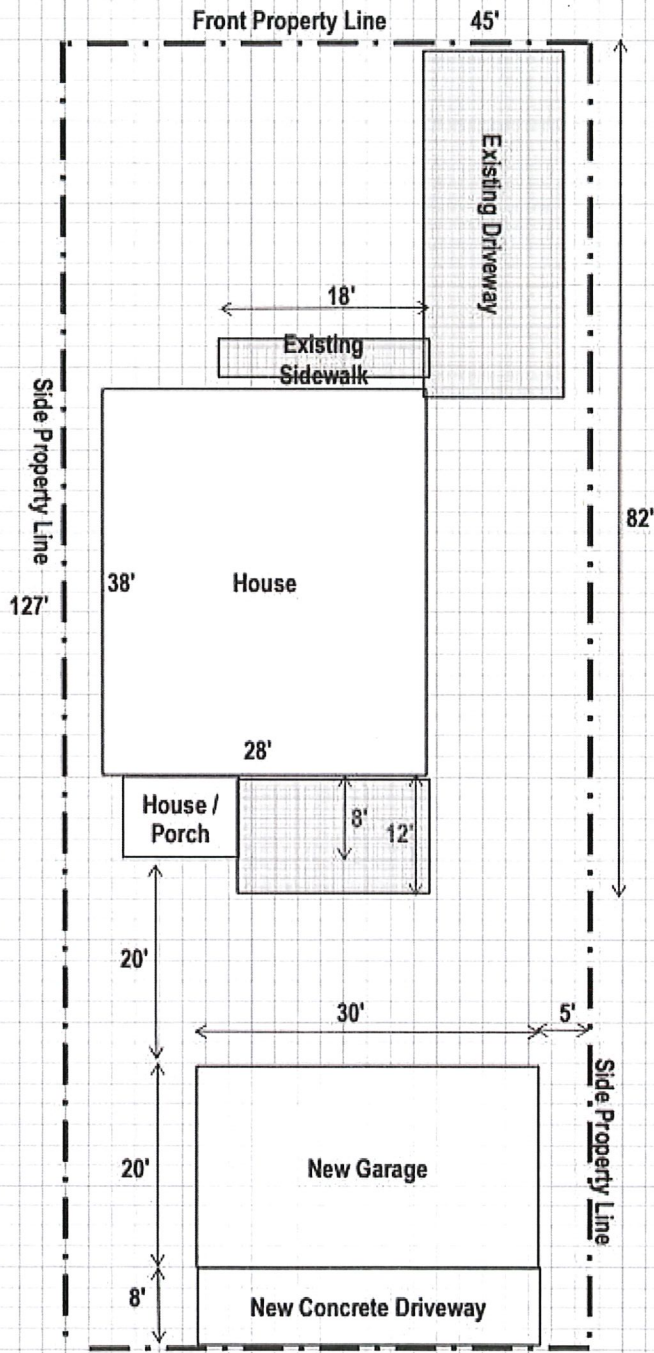
Customer: **Aric & Wieke Daul**
Job Address: **1897 Malvern St**
City/ST/Zip: **Lauderdale, MN 55113**
Home # _____ Work # _____
Cell # **651-324-5927**
E-Mail: **aric.daul@gmail.com**

Project Manager: **Jon Slupe**

Job Description: **30'-0" x 20'-0" Detached Gable Storage Trusses 5/12 Pitch**

Owner's Signature: *[Handwritten Signature]*

Concrete driveway 1200 sq ft Concrete Sidewalk 54 sq ft
House and porch 1144 sq ft
New Garage 600 sq ft New Garage Apron 160 sq ft
Lot Sq ft 5,715 sq ft



Removal Work Order

Job # **3-404**



654 Transfer Road STE 16B
Saint Paul, MN 55114
Phone: 651.645.0331

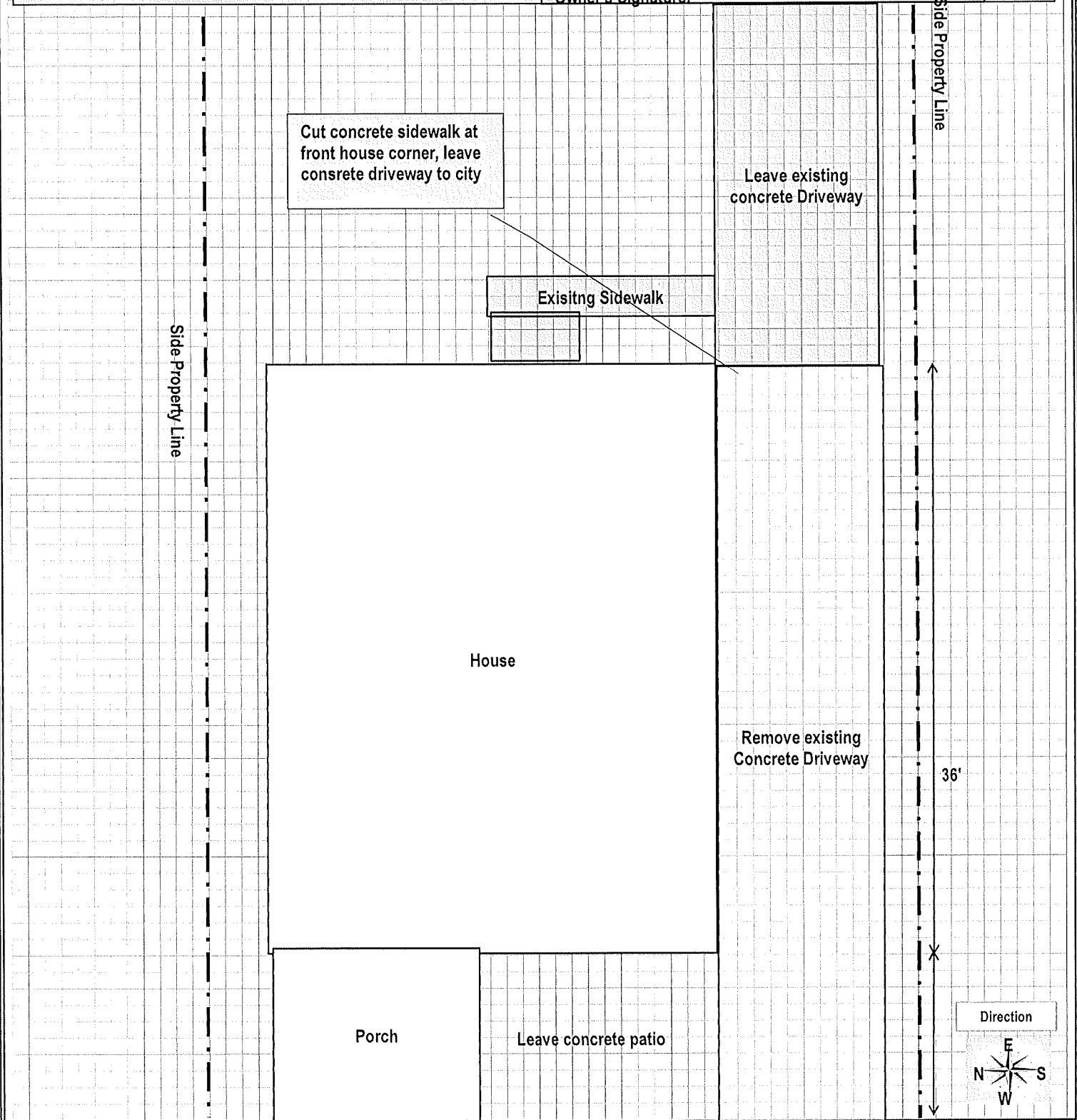
Customer: **Aric Daul & Wieke Daul-Van Baalen**
Job Address: **1897 Malvern St**
City/St/Zip: **Lauderdale, MN 55113**
Home # _____ Work # _____
Cell # **651-324-5927**
E-Mail **aric.daul@gmail.com**

Project Manager: **Jon Slupe**

Job Description: **Garage Removal - 12'x20' Garage & Slab (Double Wall,Ceiling,Stucco)**

Additional Removal Items: **Concrete Driveway, Concrete Sidewalk, Fence, Lilacs, Sod Removal**

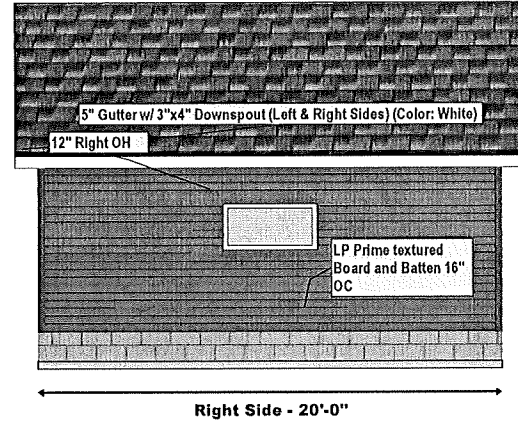
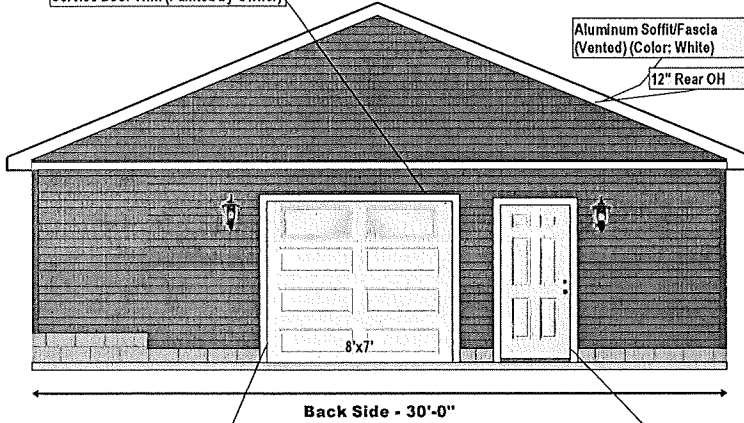
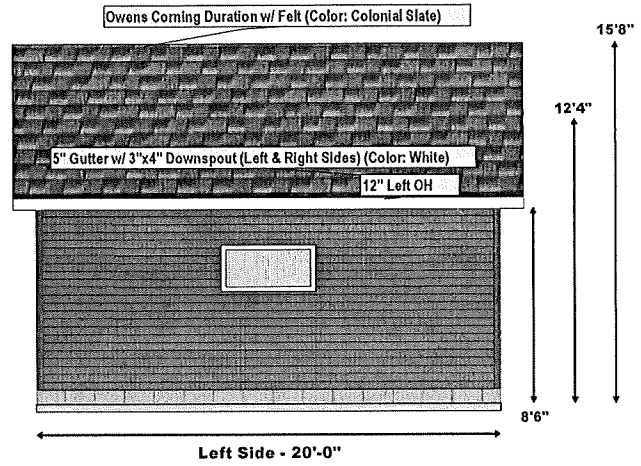
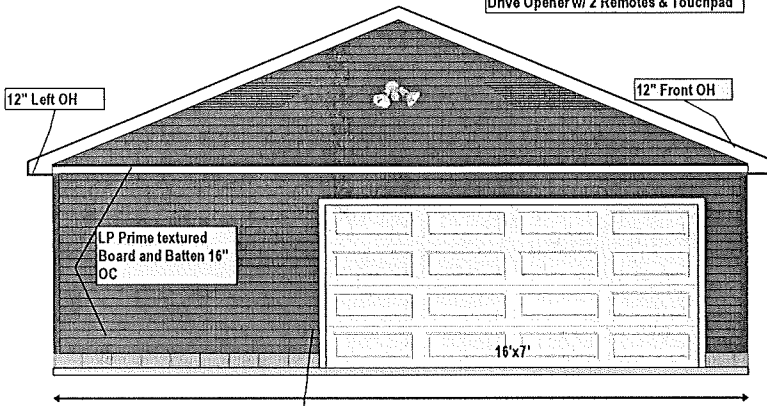
Owner's Signature: _____



Purchaser: **Aric Daul & Wieke Daul-Van Baalen**
 Job Address: **1897 Malvern St**
 City/ST/Zip: **Lauderdale, MN 55113**

Roof Style: **30'-0" x 20'-0" Detached Gable Storage Trusses 5/12 Pitch**
 Ceiling/Walls: **8'-9" Ceiling Height (2x4 Walls Framed 16" O.C. w/ 7/16" OSB)**
 Overhangs: Front: **12"** Left: **12"** Back: **12"** Right: **12"**

(1) 16'x7' Better Raised Long Panel R6.3 Insulated Steel Overhead Door w/o Glass (Color: White) w/ Liftmaster 8365W Chain Drive Opener w/ 2 Remotes & Touchpad



(1) 8'x7' Better Raised Long Panel R6.3 Insulated Steel Overhead Door w/ Plain Windows (Color: White) w/ Liftmaster 8365W Chain Drive Opener w/ 2 Remotes & Touchpad

Primed SmartSide 4" Overhead and Service Door Trim (Painted by Owner)

Please Note: These images are not part of the contract and are for illustrative purposes only. The colors, textures, and manufactured products displayed are digital representations only and cannot be relied upon to accurately portray the items to be installed. Please make all product selections by viewing manufacturer samples and brochures. Any required painting to be completed by purchaser.

LAUDERDALE COUNCIL ACTION FORM

Action Requested

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

Meeting Date July 25, 2023

ITEM NUMBER Hemp Derived THC Edibles

STAFF INITIAL *JB*

APPROVED BY ADMINISTRATOR _____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Ron Batty, the city attorney, will join the meeting remotely to this follow up discussion on THC edibles. At the last meeting, the Council provided Batty with direction to draft an ordinance that would ban the sale of edibles until the State begins licensing them and provides clarity to cities on regulatory matters regarding cannabis and edibles.

I attached the memo drafted by Batty that was in the previous packet, draft ordinance, and draft resolution to publish by summary and title. The public hearing notice went out on July 13, 2023. I also included a comment received from a resident.

If the Council decides to adopt the ordinance, then the Council should also adopt the resolution to publish by title and summary later in the meeting.

OPTIONS:

STAFF RECOMMENDATION:

Motion to adopt Ordinance No. 23-02— Prohibiting the Sale of Edible Cannabinoid Products Pursuant to Minnesota Statutes, Section 151.72.

Motion to adopt Resolution No. 072523A – Authorizing Publication of Ordinance No. 23-02 by Title and Summary.



Ronald H. Batty
Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis, MN 55402

(612) 337-9262 telephone
(612) 337-9310 fax
rbatty@kennedy-graven.com

MEMORANDUM

TO: Heather Butkowski, City Administrator

FROM: Ron Batty, city attorney
Jason Hill, attorney

DATE: May 31, 2023

RE: Summary of immediately effective changes to Minnesota Statutes, section 151.72
(2022 legalized edible cannabinoid products)

I. Introduction

The purpose of this memorandum is to provide guidance on the impact of the recently enacted cannabis legalization bill (the “Act”) to Minnesota Statutes, section 151.72, which you will recall was amended in 2022 and resulted in the expanded sales of hemp-derived THC products in Minnesota. Governor Walz signed the Act on May 30, 2023. Unlike the majority of the provisions in the Act, which take effect on July 1, 2023, the provisions amending section 151.72 are effective immediately. In addition to amending section 151.72, the Act also amends Minnesota Statutes, section 340A.412 to allow edible cannabinoid products to be sold at exclusive liquor stores.

On July 26, 2022, the Lauderdale city council adopted a one-year moratorium on the sale of edible cannabinoid products, meaning that no business, person, or entity may sell these products in the city while the moratorium is in effect. The purpose of the moratorium was to provide time to study the issues related to regulating edible cannabinoid products.

II. Regulation for Sales

The Act clarifies what types of products are considered under the two categories of products created in 2022: 1) nonintoxicating cannabinoids; and 2) edible cannabinoid products.

A. Nonintoxicating Cannabinoids

Previous guidance from the Minnesota Board of Pharmacy provided that nonintoxicating cannabinoids could include a wide range of products that could be ingested by humans and animals in many ways. The Act limits nonintoxicating cannabinoid products to products that are meant for external application only, but which do not produce an intoxicating effect when consumed by any

route of administration. The new language explicitly prohibits the sale of nonintoxicating nonedible products meant for vaping or inhaling of smoke, chewing, drinking, swallowing, injection, or by application to the mucus membrane.

B. Edible Cannabinoid Products

The definition of edible cannabinoid products remains the same – a product that is intended to be eaten or consumed as a beverage by humans, contains cannabinoids in combination with food ingredients, and is not a drug – but a number of minor changes contained in the Act impact the sale edible cannabinoid products.

1. Likeness

Previous requirements provided that edible cannabinoid products not bear resemblance to a real or fictional person, animal, or fruit that appeals to children, be modeled after a brand of products primarily consumed or marketed to children, or be made by applying an extracted or concentrated hemp-derived cannabinoid to a commercially available candy or food snack item. The Act now also provides that they must not be substantially similar to a meat food product, poultry food product, or dairy product. (The latter two have statutory definitions elsewhere in law.)

2. Beverage Serving Size

Edible cannabinoid products that are meant to be consumed as a beverage may contain no more than two servings (5 mg per serving means a beverage may contain no more than 10 mg per package). The limits for edible cannabinoid products that are *not* intended to be consumed as a beverage remain the same – 50 mg of any THC total per package and each serving must be differentiated by wrapping, scoring or other indicator, and must not contain more than 5 mg of any THC.

3. Type of THC Allowed

The Act adds new definitions for “artificially derived cannabinoid” and “synthetically derived cannabinoids.” Artificially derived cannabinoids are cannabinoids derived from hemp that are changed after extraction. Synthetically derived cannabinoids are substances with a similar chemical structure and have a similar impact to a cannabinoid but which are not extracted or derived from hemp plants or parts. The Act clarifies that an edible cannabinoid product may contain delta-8 or delta-9 cannabinoids that is extracted or derived from the hemp plant or is an artificially derived cannabinoid but edible cannabinoid products cannot contain a synthetically derived cannabinoid (not derived or extracted from hemp).

4. Display and Storage

The Act requires that all edible cannabinoid products available for retail sale must be displayed in a locked case or behind the checkout counter where the public is not permitted. This display and storage requirement does not apply to edible cannabinoid products meant to be consumed as beverages.

The Act adds additional and specific age verification requirements. Retailers must verify that a customer is over the age of 21 before completing a sale. Proof of age can be established only via passport, driver's license, Tribal ID, state ID, or instructional permit. Retailers may seize IDs if they believe them to be falsified or used in violation of the law but must then deliver the same to law enforcement within 24 hours of seizure.

5. Exclusive Liquor Store Sales Authorized

In addition to amending Minnesota Statutes, section 151.72, the Act amends Minnesota Statutes, section 340A.412 to specifically allow exclusive liquor stores to sell edible cannabinoid products.

C. On-Site Consumption – Edible Cannabinoid Products and Nonintoxicating Cannabinoids

Products may be sold for on-site consumption if the retailer has an on-sale liquor license under Minnesota Statutes, section 340A. Additionally, products must be served in their original packaging and cannot be sold to patrons who a retailer knows or should reasonably know is intoxicated. Retailers cannot permit the products to be mixed with alcohol, and products that are removed from packaging must be consumed on-site. This change allows the on-site consumption of both nonintoxicating cannabinoid products and edible cannabinoid products, including both traditional edibles and products meant to be consumed as beverages.

D. Regulations for Testing

The Act adds a definition for “batch.” A batch is a specified amount of product that must meet certain manufacturing requirements, a portion of which is then submitted to the testing facility. Each batch must be tested and each label must identify the batch. The Act also requires additional testing and disclosure requirements.

Manufacturers must submit a sample of each batch of product for testing to an accredited, independent laboratory before July 2, 2023. The manufacturer must further disclose to the lab all known information regarding pesticides, fertilizers, solvents, and other foreign materials applied or added to the hemp during manufacturing. The commissioner of health is entitled to review test results at any time.

E. Regulations for Registration

The Act also transitions the state level enforcement of aspects of Minnesota Statutes, section 151.72 to the Minnesota Department of Health. All individuals selling edible cannabinoid products must register with the Minnesota Department of Health on or before October 1, 2023. Selling without registration after that date is prohibited.

F. Penalties for Violations

The new legislation makes violating or falsifying records to comply with Minnesota Statutes, section 151.72 a gross misdemeanor punishable by a \$3,000 fine, up to one year imprisonment, or both.

III. Termination of Minnesota Statutes, section 151.72

Under the Act, Minnesota Statutes, section 151.72 will be automatically repealed on March 1, 2025. The Act also contains regulations for products defined as “lower-potency hemp edibles” which are defined similarly (but not the same) as edible cannabinoid products. It is still unclear how the transition between Minnesota Statutes, section 151.72, i.e., edible cannabinoid products, to lower-potency hemp edibles will occur between now and March 1, 2025.

IV. Conclusions; Next Steps

The amendments to Minnesota Statutes, section 151.72 make clarifications to the types of products that may be sold as edible cannabinoid products, increase testing and labeling requirements, and provide for additional criteria and requirements related to sales. In addition, changes to Minnesota Statutes, section 340A.412 allows edible cannabinoid products to be sold in exclusive liquor stores.

Because Lauderdale’s moratorium is still in place, the city council will need to decide between now and July 30, 2023 how it wishes to regulate edible cannabinoid products through March 1, 2025 when section 151.72 is repealed. Given the expansion of cannabis legalization in the Act that goes well beyond product allowed via section 151.72, there is still some confusion and uncertainty about what the city’s options might be. That said, my office will continue to work with staff as it relates to the ongoing study regarding edible cannabinoid products and provide the city with a summary of options in the future.

ORDINANCE NO. 23-02

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

**AN ORDINANCE PROHIBITING THE SALE OF EDIBLE CANNABINOID
PRODUCTS PURSUANT TO MINNESOTA STATUTES, SECTION 151.72**

WHEREAS, Minnesota Statutes, section 151.72 allows the retail sale of edible cannabinoid products, as that term is defined therein; and

WHEREAS, on July 26, 2022, the city of Lauderdale (the “City”) adopted an interim ordinance establishing a one-year moratorium on the sale of edible cannabinoid products in the City and authorizing a study to determine how the City should regulate such products; and

WHEREAS, in May of 2023, the Minnesota Legislature enacted, and Governor Walz signed, 2023 Minnesota Session Laws, Chapter 63 – H.F. No. 100 (the “Act”), which is comprehensive legislation relating to cannabis including, but not limited to, the establishment of the Minnesota Office of Cannabis Management (“OCM”), legalizing and limiting the sale, possession and use of cannabis and certain hemp products, providing for statewide licensing and regulation of cannabis and hemp businesses by OCM, taxing the sale of cannabis flower, cannabis products, and certain hemp products, establishing grant and loan programs, amending criminal penalties, providing for expungement of certain convictions, and, by way of an amendment to section 151.72, providing certain temporary regulations relating to the unlicensed retail sale of edible cannabinoid products; and

WHEREAS, the Act provides that OCM, upon its formation and eventual operation, will regulate and license cannabis and hemp retail establishments that sell the various products regulated under the Act, including, but not limited to, edible cannabinoid products that presently may be sold under section 151.72 without OCM licensure; and

WHEREAS, the sale of edible cannabinoid products under section 151.72 prior to the commencement of a comprehensive statewide regulatory scheme and licensing program administered by OCM could have negative effects on Lauderdale due to the lack of regulatory oversight, including on those who use the products as well as those who are affected by the actions of such users; and

WHEREAS, section 151.72 does not expressly prohibit or limit local regulations of edible cannabinoid products that are authorized for retail sale and the temporary regulations established in section 151.72 clearly do not constitute the Legislature having occupied the field of regulation regarding the sale of edible cannabinoid products; and

WHEREAS, to provide for the general welfare, the City is empowered under Minnesota Statutes, section 412.221, subd. 32 “to provide for the general welfare and is authorized to provide for the government and good order of the city, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of residence, trade, and commerce, and the promotion of health, safety, order, convenience, and the general welfare”; and

WHEREAS, based on the recitals contained herein, which are hereby adopted as factual findings of the city council, it is determined to be in the best interests of the City and its residents that a prohibition on the sale of edible cannabinoid products under section 151.72 be implemented to ensure that such products are not sold in the City unless and until they are regulated via OCM licensure and otherwise operate in accordance with all applicable state and local regulations, as contemplated under the Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAUDERDALE, MINNESOTA DOES HEREBY ORDAIN:

SECTION 1. Title 3 of the Lauderdale City Code is hereby amended by adding a new chapter 11 as follows:

CHAPTER 11: EDIBLE CANNABINOID PRODUCTS

3-11-1: Sales Prohibited

3-11-2: Violations

3-11-1: Sales Prohibited. The retail sale of edible cannabinoid products, to the extent authorized under Minnesota Statutes, section 151.72, is hereby prohibited in the City. Nothing contained in this section shall be interpreted or construed to prohibit the sale of any product pursuant to Minnesota Statutes, chapter 342, including, but not limited to, lower-potency hemp edibles, provided that such sales are made in compliance with chapter 342 and any other applicable state or local law.

3-11-2: Violations. Any violation of this section shall be considered a misdemeanor, and the City may also enforce this section by mandamus, injunction, or other appropriate civil remedy, in law or equity, in any court of competent jurisdiction. A violation of this section may further result in the City reporting such violation to the Minnesota Office of Cannabis Management (“OCM”), if deemed relevant to OCM licensing.

SECTION 2. Upon the effective date of this ordinance, City Ordinance No. 22-06, An Interim Ordinance Authorizing Studies and Imposing a Moratorium on the Sale of Cannabis Products shall be repealed in its entirety.

SECTION 3. This ordinance shall take effect following its adoption and publication in accordance with law.

Passed by the city council of the city of Lauderdale on this 25th day of July, 2023.

ATTEST:

Duane Pulford, Acting Mayor

Heather Butkowski, City Clerk-Administrator

Member _____ introduced the following resolution and moved its adoption.

CITY OF LAUDERDALE

RESOLUTION NO. 072523A

RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 23-02 BY TITLE AND SUMMARY

WHEREAS, the city council of the city of Lauderdale has adopted Ordinance No. 23-02, an ordinance prohibiting the sale of edible cannabinoid products within the city; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the ordinance is two pages in length; and

WHEREAS, the city council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Lauderdale that the city administrator shall cause the following summary of Ordinance No. 23-02 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

On July 25, 2023, the city council of the city of Lauderdale adopted Ordinance No. 23-02, an ordinance amending the business regulations portion of city code. The Minnesota legislature legalized the sale of certain edible cannabinoid products in 2022 but failed to provide meaningful guidance regarding regulation of such sales. The expected clarification of that legislation did not occur in 2023 but the sale of those products will be licensed by the state by early 2025 through the newly established Minnesota Office of Cannabis Management (OMC). The ordinance prohibits the sale of products which are the subject of Minnesota Statutes, section 151.72 until licensing is taken over by OMC. This notice is intended only to summarize the ordinance. The full text of the ordinance is available for inspection at Lauderdale city hall during regular business hours and has been posted to the city's website.

BE IT FURTHER RESOLVED by the city council of the city of Lauderdale that the city administrator keep a copy of the ordinance in her office at city hall for public inspection and that she post a full copy of the ordinance in a public place within the city.

Dated: July 25, 2023.

Duane Pulford, Acting Mayor

ATTEST:

Heather Butkowski, City Administrator

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof:

And the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

Heather Butkowski

From: Josh Keller [REDACTED]
Sent: Sunday, July 16, 2023 12:18 PM
To: *LAUCouncil
Subject: Fwd: Notice of Public Hearing

Caution: This email originated outside our organization; please use caution.

Hello Council Members and Mayor -- I listened in on the Council meeting last week and am confused by this particular action you took, and am hoping for an explanation. My understanding is you placed a moratorium on THC edibles that were legalized by the state in 2020, but that stores in our city are not following that rule. I understand that is frustrating for you, but I would like to know if there have been any issues brought to you in relation to this happening? Have people been harmed? Have there been an uptick in issues at those stores? (There really aren't many options, so I'm assuming I know where this is, but honestly have not looked for or seen these products being sold in our city so it's possible I've missed a whole series of events.)

If there haven't been issues, is it possible that the law that apparently is being ignored isn't helpful or needed? It seemed in listening to your conversation that you were mostly concerned with enforcing your authority? If that is the case, I don't believe that is a good public policy grounds. Maybe your initial moratorium wasn't needed or wanted? If something isn't harming anyone, why are you going out of your way to double down on this issue? If it is harming people, or causing issues in our city via these stores, that would make sense, but I don't believe I heard any specific issues in the meeting and imagine issues would have been brought up if they existed.

I also wonder if there has been input from residents/voters on this issue? In general I just worry that this (ongoing) issue and future decisions about the most recent law are being handled not based on facts or what is actually happening in our city but more on outdated opinions and fear of change, and hope that isn't the case as I think that could make our city look bad and be bad/unhelpful public policy. I welcome any clarification or updates.

Best -- Josh

----- Forwarded message -----

From: Lauderdale, MN <cmsmailer@civicplus.com>
Date: Thu, Jul 13, 2023 at 3:24 PM
Subject: Notice of Public Hearing
To: <Joshdkeller@gmail.com>

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that the City Council of the City of Lauderdale will meet on Tuesday, July 25, 2023 at 7:00 p. m. in the council chambers in city hall, 1891 Walnut Street, Lauderdale, MN, to conduct a public hearing on the adoption of an ordinance amending the business regulations portion of city code. The ordinance will prohibit the sale of edible cannabinoid products which were legalized in 2022 by Minnesota Statutes, section 151.72. Such sales will be prohibited until state licensing is taken over by the newly established Minnesota Office of Cannabis Management.

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

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

Meeting Date July 25, 2023

ITEM NUMBER Annual Storm Water Report

STAFF INITIAL JB

APPROVED BY ADMINISTRATOR _____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Annually, the City Council must hold a public hearing to allow the public to comment on the City's storm water program. This meets one of the requirements of our Municipal Separate Storm Sewer System (MS4) permit. Typically, staff attach the most recent annual report to the Minnesota Pollution Control Agency (MPCA). This year, we did not have to complete one by the end of June. We will have to make up for it when the MPCA's new reporting software comes online next year.

Staff will provide some brief comments before the Council opens the public hearing on the matter.

STAFF RECOMMENDATION:

LAUDERDALE COUNCIL ACTION FORM

Action Requested

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

Meeting Date July 25, 2023

ITEM NUMBER Elections Administration

STAFF INITIAL AB

APPROVED BY ADMINISTRATOR _____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

During the goal setting portion of the last meeting, staff began discussing the impact of the election law changes on the City and staff and whether contracting with Ramsey County was something to consider. Ramsey County sent over a draft contract with the expectation that the contract be settled ahead of their busy election season coming up. Staff have enjoyed running the elections, and aside from Maplewood, we are the last Ramsey County city to consider contracting with them. Falcon Heights and Roseville were the first cities starting about 15 years ago.

The election law changes this year to make elections more accessible come with a significant financial and personal cost to a staff our size. The biggest change is that we can no longer offer absentee voting via envelopes in the final 18 days before an election. That allowed us to offer voting without all of the time investment in equipment set up and testing each day. It also allowed us to bring ballots to Ramsey County every other day in the final weeks instead of every day. With the new early voting laws, staff would need to setup the equipment each morning by 8:00 a.m. and take it down each night after 4:30 p.m. before transporting the sealed ballots to the county election office on Plato Boulevard. That requires two hours of overtime each day for the deputy clerk in addition to the extra evening and weekend hours required by the new law. A rough estimate of overtime costs for the deputy clerk at \$40/hour paid at time and one-half for two elections (primary and general) is \$10,500. That does not count mileage costs or the other costs to run the election such as election judges (~\$5,500), required publishing of notices in the Pioneer Press (~\$500), and day of supplies (~\$500). This assumes that Ramsey County will cover the costs for the Presidential Primary in March 2024.

County staff also informed us of the new requirement to translate materials and have translation services available. For Ramsey County precincts, this would be for the Hmong language. The City would need to hire a support service to achieve this. Ramsey County meets the requirements by hiring election judges that speak English and Hmong.

A contract with Ramsey County does not change election day voting at Lauderdale City Hall. What changes are options for in-person voting before election day. Ramsey County has voting available the 46-days before elections at their office on Plato Boulevard and the Roseville Library. They will have other sites available in the weeks before the elections.

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The law also expanded vote-by-mail options that residents can take advantage of. We can use the City's website and newsletter to draw attention to the new voting laws and options to make up for the inconvenience of not being able to absentee vote at Lauderdale City Hall.

STAFF RECOMMENDATION:

Motion to approve the Agreement Between Ramsey County and the City of Lauderdale for Election Services.

Heather Butkowski

From: Tvedten, Christina <Christina.Tvedten@CO.RAMSEY.MN.US>
Sent: Thursday, July 20, 2023 8:59 AM
To: Heather Butkowski
Cc: Triplett, David
Subject: Lauderdale Contract
Attachments: Election_Services_Contract_LD_2023.docx

Caution: This email originated outside our organization; please use caution.

Per your city's request for a contract with Ramsey County for election services please see the draft agreement below for your city's review. If approvable, please reply with your intent to enter into an agreement no later than 8/7/2023 .

Please consider the following items:

- All jurisdictions share the same contract terms. The terms and conditions of the contract are non-negotiable.
- The term of your contract will begin once it is fully executed and will end on December 31, 2026. A two-year extension is provided within the contract.
- The city will execute the agreement first, followed by the County. At that point the contract will be fully executed. This must occur no later than 8/1/23.
- The City will initially be invoiced for the first, second, and third quarters of the 2023 budget year, then will be billed quarterly thereafter per the contract terms.

The cost for your municipality to contract with Ramsey County for election services, for the first term of 2023-2024, will be \$21,240.00. You will be invoiced in quarterly payments of \$4,248.00 for the first term. Ramsey County will provide you an initial cost estimate for the second term, 2025-2026 calendar years, no later than April 1, 2024. Do not hesitate to contact me with questions.

Sincerely,


Christina Tvedten

Manager Election Services

Property Tax, Records & Election Services | *Information and Public Records*

651-266-2011

90 West Plato Boulevard, St. Paul, MN 55107

 **RAMSEY COUNTY**

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**Agreement Between Ramsey County
And The City of Lauderdale for Election Services**

This is an agreement between the County of Ramsey, through the Ramsey County Elections Office, 90 West Plato Boulevard, St. Paul, MN ("County"), and The City of Lauderdale, 1891 Walnut Street, Lauderdale, MN ("City"), for the provision of election services by the County ("Agreement").

1. Term

This Agreement will be in effect for the period from September 1, 2023, through December 31, 2026 ("Initial Term"), unless earlier terminated pursuant to the provisions of this Agreement.

2. Renewal and Termination

This Agreement may be renewed for one additional two-year period by written agreement of the parties, in the form of an amendment to this Agreement. An amendment for renewal of this Agreement must be executed by all parties no later than June 1, 2026.

This Agreement may be terminated by any party by written notice to the other parties no later than June 1 of any year, effective on January 1 of the following year. Upon termination of this Agreement, the City-owned voting equipment and materials previously owned by the City related to elections will be returned to the City.

3. General Agreements

- a) This Agreement only applies to precincts located solely within Ramsey County.
- b) This Agreement only applies to regularly scheduled elections.
- c) The County will conduct all special elections required by law during the term of this Agreement on behalf of City. The costs of all special elections that are not held concurrently with a regularly scheduled State, County or City election will be billed to the city for the actual cost realized to conduct a special election. The city will also pay all costs applicable to any state special elections that are not conducted on the date of a regularly scheduled City or state election.
- d) If a city primary is required, the City will pay all costs applicable to the primary. The County shall invoice the City separately for the costs of the primary.
- e) The costs for Recounts for City elections will be billed separately from this Agreement for the actual costs realized.
- f) The costs for Ranked Voting Reallocation for the City will be billed separately from this Agreement for the actual costs realized.

4. County Responsibilities

Except as otherwise provided in this Agreement, the County will provide all services, equipment, and supplies as required to perform on behalf of the city and all election-related duties of the City specified in this Agreement. These duties will include:

- a) Promote and advance the strategic priorities and values of Ramsey County: People, Integrity, Community, Equity and Leadership.
- b) Recruit, train, and supervise staff to carry out the duties specified in this Agreement.
- c) Conduct annual inspection of the polling places established by the City according to Minnesota Statutes section 204B.16 in order to verify compliance with all state and federal accessibility requirements; make suggestions about polling locations to City based on feedback from voters, election judges, the polling location's administration, and annual surveys.
- d) Pay all rental costs for the Election Day, absentee, and early voting polling places.
- e) Recruit, train, assign, and pay election judges. Compensation to election judges will be in an amount as determined by the Ramsey County Board of Commissioners.
- f) Select and administer an election judge management system.
- g) Procure and provide interpreter services to be available at absentee, early voting, and Election Day locations in accordance with Section 203 of the federal Voting Rights Act.
- h) Carry out the duties of the city clerk described in Minnesota Election Law regarding the administration of the voting system and the requirements set-forth in the Joint Powers Agreement between the County and the municipalities in Ramsey County to administer the County's voting systems.
- i) Program, layout, approve, and print the ballots for all City elections.
- j) Prepare and transport all election materials to and from each Election Day, absentee, and early voting polling place. Provide election signs, forms, supplies, voting equipment, and other related materials for each Election Day polling place.
- k) Provide on-street parking and metered parking for early voting, absentee, and Election Day polling places.
- l) Compile, audit, and report election results and election statistics for dissemination to the appropriate canvassing boards, the public, and the media. Provide copy of election abstract to be used by City for their canvass.
- m) Provide election-related information on the County web site relating to City elections.

- n) Conduct recounts for City offices and ballot questions.
- o) Prepare, post, and publish notices of filing and election as required by Minnesota Statutes sections 205.13 and 205.16. Publish, post, and provide the sample ballots as required by Minnesota Statutes section 205.16.
- p) Administer all aspects of absentee voting carried out by the Municipal Clerk in Minnesota Chapter 203B, including all in-person absentee voting activities at absentee voting locations determined by the Ramsey County Auditor.
- q) Administer campaign finance reporting and economic disclosure activities designated to the City clerk in accordance with Minnesota Election Law.
- r) Perform all duties of the candidate filing officer, including the acceptance of affidavits of candidacy and petitions.
- s) Maintain a database and prepare maps of election districts and precinct boundaries. Provide maps in digital and print formats, available to the public.
- t) Retain all election records in accordance with Minnesota Election Law and data retention requirements.
- u) Conduct civic engagement events regarding voter registration, absentee voting, election judge recruitment, and election related civics.
- v) Recruit student elections judges and teacher liaisons as part of Ramsey County's Student Election Judge Program.

5. City Responsibilities

The City will perform the following election-related responsibilities:

- a) Provide the County with an inventory list of voting equipment and election related materials, owned by City, to be returned by the County upon termination of Agreement.
- b) Conduct the canvass of election results following every City election.
- c) Issue Certificates of Election in accordance with Minnesota Statutes sections 205.185 & 211A.05.
- d) Attend annual pre-election meetings held by the County and complete trainings required for state election officials as determined by the Minnesota Secretary of State.
- e) Send required mailed notice of levy referendum in accordance with Minnesota Statutes section 126C.17, subd. 9(b).

- f) Provide recruitment information about serving as an election judge within City and on the City's website.
- g) Provide the title and text of City questions to be placed on the ballot in accordance with Minnesota Statutes section 205.16 subd.4 or section 205A.05, subd.3
- h) As needed, identify new locations the City would prefer to use as precinct polling places on Election Day. Annually approve polling places in accordance with Minnesota Statutes section 204B.16. Provide resolution of approved polling locations to the County by the December 31 deadline set forth in section 204B.16.
- i) Draft, schedule, and approve all resolutions required of the City in Minnesota Election Law to administer elections.
- j) Designate a person who will be the principal contact for the County.

6. Office Space and Equipment Storage

The County will provide suitable office and warehouse space to conduct all election-related activities and for storage of election equipment and supplies.

7. Costs and Payment

Payments to cover the costs incurred by the County in the performance of the provisions of this Agreement for regularly scheduled elections will be made by the City in eight equal quarterly amounts for a two-year budget period, for a total of 12 quarterly payments during the Initial Term of the Agreement. Payments will be due on March 31, June 30, September 30 and December 31 of each year.

The cost of election services for Regular Elections for the 2023-2024 calendar years will be \$21,240.00. The County will provide an initial cost estimate for the 2025-2026 calendar years to the City no later than April 1, 2024. Such initial cost estimates will become final if the County does not provide an updated cost estimate by July 1 of the year the cost estimates are provided. Costs will be adjusted as necessary by the County to account for the following factors: 1) estimated voter turnout; 2) labor contracts and agreements for non-represented employees approved by the Ramsey County Board of Commissioners; 3) changes in the Consumer Price Index for the Minneapolis-Saint Paul metropolitan area, as determined by the U.S. Bureau of Labor Statistics for the previous two-year period; 4) changes in state, federal, County, or City legal requirements, as applicable; and 5) other factors having a significant impact on election costs.

The County will notify the City of additional costs that it will incur as a result of changes to applicable election laws. The County will include and separately identify in any invoice for a regular election or a special election the cost that was incurred as a result of the enactment of new election laws.

8. Voting Systems

The cost of the operation and maintenance of the voting system is not included in this Agreement and is the subject of a separate agreement.

9. Insurance

Each party shall maintain such insurance as will protect such party from claims which may arise out of, or result from, the party's actions under this Agreement. During the term of this Agreement, the County and City will maintain, through commercially available insurance or on a self-insurance basis, property insurance coverage on the voting equipment each owns, for the repair or replacement of the voting equipment if damaged or stolen. Each party shall be responsible for any deductible under its respective policy. Each party hereby waives and releases the other parties, their employees, agents, officials, and officers from all claims, liability, and causes of action for loss, damage to or destruction of the waiving party's property resulting from fire or other perils covered in the standard property insurance coverage maintained by the parties. Furthermore, each party agrees that it will look to its own property insurance for reimbursement for any loss and shall have no rights of subrogation against the other parties.

10. Indemnification

Each party to this Agreement will be responsible for its own acts and omissions, and the acts and omissions of its officials, employees, and agents, and the results thereof, to the extent authorized by law and shall not be responsible for the acts of the other party, its officials, employees, and agents, and the results thereof. Liability shall be governed by applicable law. Without limiting the foregoing, liability of the parties shall be governed by the provisions of Minnesota Statutes Chapter 466 (Tort Liability, Political Subdivisions) or other applicable law. This provision shall not be construed nor operate as a waiver of any applicable limits of or exceptions to liability set by law. This provision will survive the termination of this Agreement.

11. Data Practices

All data created, collected, received, maintained, or disseminated for any purpose in the course of this Agreement is governed by the Minnesota Government Data Practices Act, any other applicable statute, or any rules adopted to implement the Act or statute, as well as federal statutes and regulations on data privacy.

12. Alteration

Any alteration, variation, modification, or waiver of the provisions of this Agreement shall be valid only after it has been reduced to writing and duly signed by all parties. Any amendment must be approved no later than June 1 of any year for implementation on January 1 of the following year.

13. Dispute Resolution

The Agreement shall be interpreted and construed according to the laws of the State of Minnesota. All litigation regarding this Agreement shall be venued in the appropriate State or Federal District Court in Ramsey County, Minnesota.

14. Severability

The provisions of this Agreement are severable. If any part of this Agreement is rendered void, invalid or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Agreement.

15. Legal Representation

The Ramsey County Attorney's office will advise and represent the County in all election-related matters.

16. Independent Contractor

It is agreed that nothing in this contract is intended or should be construed as creating the relationship of agents, partners, joint ventures, or associates between the parties hereto or as constituting the County as the employee of the City for any purpose or in any manner whatsoever. The County is an independent contractor and neither it, its employees, agents, nor its representatives are employees of the City.

17. Entire Agreement

This Agreement shall constitute the entire agreement between the parties and shall supersede all prior oral and written negotiations.

IN WITNESS THEREOF, the parties have subscribed their names as of the last date written below.

RAMSEY COUNTY

CITY OF LAUDERDALE, MINNESOTA

By: _____
Chair
Ramsey County Board of Commissioners
Date: _____

By: _____
Name: _____
Its: _____
Date: _____

By: _____
Chief Clerk
Ramsey County Board of Commissioners
Date: _____

By: _____
Name: _____
Its: _____
Date: _____

Approval recommended:
By: _____
Elections Manager

Approved as to form:
By: _____
Assistant County Attorney