

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

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March 25, 2014

Mayor Dains called the City Council meeting to order at 7:32 p.m.

Councilors present: Mary Gaasch, Roxanne Grove, and Mayor Jeff Dains.

Councilors absent: Lara Mac Lean and Denise Hawkinson.

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

Mayor Dains asked for changes to the meeting agenda. Butkowski added the street sweeping contract to the agenda. Councilor Grove moved to approve the amended agenda. Councilor Gaasch seconded the motion and it passed unanimously.

Councilor Gaasch moved to approve the March 11, 2014 City Council meeting minutes. Councilor Grove seconded the motion and it passed unanimously.

Councilor Grove moved approval of the claims totaling \$21,602.65. Councilor Gaasch seconded the motion and it passed unanimously.

Councilor Gaasch moved approval of the Consent Agenda which included the purchase of Laserfische and the February 2014 Financial Report. Councilor Grove seconded the motion and it passed unanimously.

Discussion Items

Proposed Tobacco Ordinance Revisions

Butkowski stated the proposed ordinance amendments were sent to the two vendors in the City which hold tobacco licenses. Prior to adoption of the ordinance a public hearing must be held.

Mayor Dains opened the public hearing on the ordinance at 7:37 p.m.

Mark Ogren of Croix Oil, the owner of the BP station on Larpenteur, addressed the Council. Ogren said he felt the penalties in the ordinance for tobacco compliance check failures were excessive, especially the two year license revocation for a third offense. Ogren stated that some of their stores receive up to 50% of their revenues from tobacco sales. Those customers also purchase other products in the store. He said losing a license for two years would put the store out of business.

The ordinance as currently proposed includes a \$500.00 penalty for a first offense, \$750.00 penalty for a second offense; and a \$250 penalty and two year license revocation for a third offence within 24 months.

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Emily Anderson of the Association for Non-Smokers Minnesota (ANSR) addressed the Council. Anderson stated the State penalty minimums are \$75.00 for a first offense, \$200 for a second offense, and \$250.00 for a third offense with a seven day license suspension. She point out that State law allows cities to imposed higher penalties than the state minimum and the Council was within its authority to do so.

Don Vandenburg, resident of Brandy Chase condominiums, asked whether the loss of a license impacted the ability to sell tobacco or their license to operate the business.

Paul Muilenberg of Croix Oil addressed the Council. Muilenberg explained that Croix Oil is very serious about the training program which employees go through to stop minors from purchasing tobacco products. Employees are trained to question the buyers of tobacco, ask buyers for their ID, physically check the ID, and use the birthday calendar to determine if the buyer is of age to purchase tobacco products. Muilenberg stated the company has a zero tolerance policy regarding sales to minors by employees.

Katie Engman of ANSR addressed the Council. Engman stated her organization believes that three failed compliance checks "are a lot" and the owner should be penalized accordingly. Engman also stated that "99%" of Ramsey County cities have penalties higher than the state minimum.

Mayor Dains closed the public hearing at 7:51 p.m.

Mayor Dains said due to the City's size, the Council, business owners, and ANSR can reach an agreement on the issue of penalties for sales to minors. Councilor Gaasch agreed with the Mayor but shared her first experiences dealing with the negative effects smoking can have on individuals' health and families' economic condition.

Katie Engman of ANSR stated her organization provides vendor training in Ramsey County, and if a vendor fails a compliance check, the vendor can be subjected to additional checks. Engman stated the extra checks can be "educational" in which the vendor is not subject to a penalty.

Chief John Ohl of the St. Anthony Police Department stated that he was not in favor of "educational" checks as it creates situation in which businesses are sometime let "off the hook" for a failed check and at other times not.

The Council directed staff to bring information regarding penalty options to a future meeting.

Informational Presentations:

Annual Police Report by Chief John Ohl of the St. Anthony Police Department (SAPD)
Chief Ohl stressed the good relationship the SAPD has with the residents of Lauderdale.

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He stated the number of calls for service was down but essentially there was little change in the crime statistics over the past few years. Chief Ohl encouraged residents to call in any suspicious activity to the SAPD so officers can check out their concerns.

Chief Ohl reported the number of Part I and Part II crimes recorded in 2013. Part I crimes, accounting for the most serious offenses (such as murder, rape, and theft), were down by 12. The most common crime in this category was theft. Part II crimes which include drug offenses and property damage were also down in 2013.

Chief Ohl said the investigation team cleared 65% of their cases in 2013. This is an exceptional clearance rate. Chief Ohl praised Captain Cotroneo, Tim Briski, and SAPD officers for their work. He especially thanked Lauderdale residents for being engaged and assisting officers to achieve the high clearance rate.

Chief Ohl ended by reiterating the strong relationship the SAPD has built with the residents of Lauderdale. Officers will continue their patrols and be present at community events in 2014.

Additional Items

Street Sweeping Contract

Butkowski reported the City received two bids for street sweeping services in 2014. There was a \$100 difference between the two quotes. Staffs recommended contracting with Mike McPhillips Inc. as they have done quality work for the City over the years.

Councilor Gaasch moved to accept Mike McPhillips Inc.'s quote for street sweeping services in 2014. Councilor Grove seconded the motion and it passed unanimously.

Agenda items for the April 8 Council Meeting may include the annual audit presentation by Andy Berg of Abdo, Eick and Meyer and the Larpentuer Avenue sidewalk project.

Mayor Dains explained that the Council was moving into the work session. Work sessions are a continuation of the meeting but not aired on community television. Mayor Dains asked if anyone wished to address the Council. No one came forward.

Work Session:

Micro Distilleries

Butkowski said the owners of Gentleman Scholar are establishing a distillery in the City's industrial area. They plan to attend a future meeting to introduce themselves. They plan to begin distilling soon and hope to someday sell cocktails from their location. Ron Batty, Lauderdale City Attorney, said the legislature would need to change state law to allow for liquor sales from a distillery as would the City. Additionally, the owners will need to request land use amendments for business activities beyond manufacturing.

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Use of Interim Ordinances

Butkowski stated the City received a land use application from a business which would like to open a Pawn Shop in the City's industrial neighborhood as this currently isn't an allowed use. As this use had not been contemplated before, Butkowski asked the city attorney to attend to answer questions the Council may have.

Ron Batty explained the City must determine by April 4 if the land use application is complete. If it does, the City has 60 days in which to act on the application. If additional time is needed, the City can extend the review time by an additional 60 days.

Batty also stated if the City Council wanted to study the matters further, it could adopt an interim ordinance. An interim ordinance would provide time to study the issues without the pressure of responding to the land use application allowing for pawn shops in the I-1 zoning district.

Chief Ohl added that a business should not be an undue burden on a City and its taxpayers. If the City allows for a pawn shop, a transaction fee should be charged to the business to allow the City to recoup costs associated with the additional policing required.

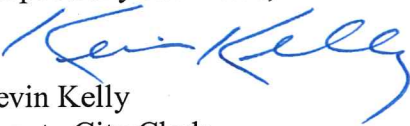
Since only three Councilors were present at the last meeting, the Council directed staff to bring the item back for discussion and draft an interim ordinance should the Council wish to proceed that way.

Community Development Update

The City will be closing on the 2430 Larpenteur property on Thursday, March 27.

There being no further business on the council agenda, Councilor Grove moved to adjourn the meeting. Councilor Mac Lean seconded the motion and it carried. The meeting adjourned at 9:12 p.m.

Respectfully submitted,


Kevin Kelly
Deputy City Clerk