

Lanesboro City Council
Regular Meeting Agenda
Tuesday, July 11, 2023 at 6:00 p.m.
Lanesboro Community Center Meeting Room and Zoom

*Zoom is provided as a way to offer more accessibility to council and committee meetings.
However, due to potential technical issues, full functionality is not guaranteed*

Join Zoom Meeting: <https://us02web.zoom.us/j/83870537278?pwd=RjJLLzBGWEZrdVBjQ25DdmJjNktPZz09>

Dial by your location: 646 876 9923 US (New York), 301 715 8592, 669 900 6833,
253 215 8782, 346 248 7799 , Meeting ID: 838 7053 7278 Passcode: 824666

Call the Regular Meeting to Order: (5 Min)

- A. Agenda: Additions or Corrections
- B. Public Comments
- C. Approval of minutes:
 - 1. Minutes of the Regular Meeting, June 5, 2023
- D. Consent Agenda:
 - 1. Accounts Payable
 - 2. Summary Ordinance 35.02
 - 3. Summary Ordinance 150.06
 - 4. Fire Relief Association Temporary Liquor License
 - 5. Sylvan Brewing, BAM Event, Temporary Liquor License

Project Reports: (9 Min)

- A. Wastewater Treatment Facility, Pay Request #30
- B. Street and Utility Improvements, Pay Request #8
- A. Hwy 250 - 2026

Department Reports: (12 min)

- A. Street
- B. Park
- C. Administration
- D. Chamber of Commerce

Continued Business: (15 Min)

- A. Little Norway Walking Bridge
- B. Beacon Street Sidewalk

New Business: (40 Min)

- A. Ambulance Replacement Fund Commitment Request - Preston Emergency Services
- B. Tobacco Ordinance
- C. Code of Ordinance Update
- D. Pay Scale and Benefit Review - David Drown & Associates
- E. Bell - Private Improvements within the Public Right of Way

Next Meeting: Monday, August 7, 2023 at 6:00 p.m.

Adjourn Regular Meeting

Request for City Council Action

Agenda Date: July 11, 2023

Prepared By: Michele Peterson

Approval of the Minutes

Documentation (Y/N)

- 1 Minutes of the June 5, 2023 Regular Meeting
Action: Approve the Minutes as presented

Y

Consent Agenda

Documentation (Y/N)

Y, A/P List

- 1 Accounts Payable
Action: Approve the Accounts Payable for July 5, 2023

- 2 Summary Ordinance 35.02
Action: Approve the summary as presented

Y

- 3 Summary Ordinance 150.06
Action: Approve the summary as presented

Y

- 4 Fire Relief Association Temporary Liquor License
Action: Approve the application as presented

Y

- 5 Sylvan Brewing - Temporary Liquor License Application
Action: Approve the application as presented

Y

Project Reports

- A Wastewater Treatment Facility Pay Request #30
Action: Approve the pay request as recommended.

Y

- B Street and Utility Improvements, Pay Request #8
Action: Approve the pay request as recommended.

Y

- C Hwy 250 - 2026
Action: Project Update only, no action to be taken

N

Department Reports

- A Street
Action: No action, department update only

N

- B Park
Action: No action, department update only

N

- C Administration
Action: No action, department update only. 2023 YTD Summary, 2023 Budget detail document is not included in the printed packet material, however can be accessed by clicking on the link.

N

- D Chamber of Commerce
Action: No action, department update only

N

Continued Business

A Beacon Street Sidewalk

Action: Consider approving installation of the sidewalk along the south side of Beacon Street at an estimated cost of \$16,492. Funds are to come out of the contingency funds for the 2022 Street and Utility Project.

B Little Norway Walking Bridge

Action: Comments from Fillmore County, Comments from City Engineer on alternative bridge replacement option - Council should consider what the goal is for this structure, is it to be removed, replaced, or updated. If the structure is to be replaced or updated, what is the end goal? Will it meet ADA requirements?

New Business

A Ambulance Replacement Fund Request - Preston Emergency Services

N

Action: Deb Ristau will present a request for the dedication of funds for the replacement of the Lanesboro Ambulance in an effort to order the vehicle. The goal would be to request a commitment from the Council to fund a portion of the truck once the truck is delivered, estimated timeframe is 2 to 2.5 years out.

A Tobacco Ordinance

Y, Ordinance

Action: Offer suggestions to the comments shared within the document. Specifically review the green highlighted areas and blue highlighted comments. To create this draft I have met with the following: Public Health Law Center, American Cancer Society, Fillmore County Public Health, Root River Saloon, Granny's Liquor, and the BP. Draft will be placed into the update of the code of ordinance update for a public hearing and vote at a later date.

B 2023 Code of Ordinance Update Draft

Y

Action: Consider calling for a hearing for the August meeting, with a final review of the update thereafter.

C Pay Scale and Benefit Review - David Drown and Associates

N

Action: Considering contracting with David Drown and Associates to review the current pay scale, as well as review how benefits compare, as recommended during the last pay study. Total cost is \$2,700 paid out of professional services, this was included in the 2023 budgeted figures.

D Bell - Private Improvements within the Public Right of Way

Y

Action: *From P&Z (06/21/23): Bell - Retaining Wall: Administrator Peterson shared that there is an existing private improvement within a public right of way. The topography in the area would make it extremely difficult to make public improvements to widen the road, as well a vacation would not necessarily benefit the public. Therefore Peterson requested a recommendation be given to the City Council to allow for the private improvements within the public right of way. Member Resseman motioned to recommend approval of the private improvements within the public right of way to the existing retaining wall with no cost or maintenance responsibility to the City. Member Seiler seconded the motion. Motion carried with all in favor. Member Resseman motioned to approve the building permit for the retaining wall contingent on the approval from the City Council for the private improvements within a public right of way. Member Seiler seconded the motion. Motion carried with all in favor. Consider approving the application as recommended by Planning & Zoning.*

Lanesboro City Council

Regular Meeting

Monday, June 5, 2023

Meeting held in the Lanesboro Community Center Meeting Room and via Zoom

Present: Jason Resseman, Mitchell Walbridge, Joe Goetzke, Chase Bakke, and Mindy Albrecht-Benson

Absent: None

Visitors: City Engineer Brian Malm, Hannah Wingert, Bonita Underbakke, Deane Benson, Attorney Joseph O’Koren, Sandy Danielson, Diane Hanson, Tara Johnson, Brenda Bonney, Ciel Allen, Colin Bakke, John Dahle, and Lester Dunn

Budget Workshop (5:00 p.m.): Council members reviewed the presentation regarding budgeting for the City and LPU, as well as YTD figures. Discussion was shared regarding budgeting for Capital Outlay, focus will be given to top priority projects for 2024 funding. Workshop was dismissed at 5:48 p.m.

Public Hearing - Ordinance 35.02 Rural Service District and 150.06 Historic Preservation (6:00 p.m.):

The following comments were made:

- Brenda Bonney: Questioned the description of a rural service district, she is looking for information that defines the district in more detail. Additionally questioned what was changing in the ordinance.

The Public Hearing was closed at 6:05 p.m. with no further comments being shared.

Regular Meeting:

Mayor Resseman called the Regular Meeting to order at 6:05 p.m.

A. Agenda: Member Bakke motioned to approve the agenda with two additional items: Fiscal Agent Request to the Consent Agenda and Sale of Fire Truck to New Business. Member Albrecht-Benson seconded the motion. Motion carried, with all in favor.

B. Public Comments:

- a. **Sandy Danielson:** Read a letter from Brynn Gerdes: The walking path suggested at last month’s meeting includes private property, could a sign noting pedestrian and bike crossing be placed on County Road 8, has the City sought out additional quotes, would the City consider a private loan?
- b. **Diane Hanson:** Shared a letter from Jim Sheeley, Administrator Peterson read the letter aloud. The letter noted the importance of the bridge, and the desire to have it repaired or replaced.

C. Approval of Minutes:

- ❖ Minutes of the Regular Meeting, May 2, 2023: Member Albrecht-Benson motioned to approve the minutes as presented. Member Walbridge seconded the motion. Motion carried, with all in favor.

D. Consent Agenda:

1. Accounts Payable
2. Resolution 2023-21 Accepting Donation
3. Street Closure Application - Lanesboro Fire Department
4. Local Option Sales Tax Agreement

5. Fiscal Agent request from Lanesboro Area Chamber of Commerce for a grant application. Member Goetzke motioned to approve the Consent Agenda items as presented. Member Albrecht-Benson seconded the motion. Motion carried with all in favor.

E. Project Reports:

a. Wastewater Treatment Facility

- Pay Request #29: City Engineer Brian Malm recommended payment in the amount of \$120,752.00 representing 97% completion of the project to Wapasha Construction. Final sitework is underway including fencing and landscaping. Member Albrecht-Benson motioned to approve as recommended. Member Bakke seconded the motion. Motion carried with all in favor.

b. Street and Utility Improvements 2022:

- Pay Request #7: City Engineer Brian Malm recommended payment in the amount of \$666,914.25 to Generation X Construction. With this request the project is 65% complete. Punch list items are still to be completed downtown, while work on Kirkwood is well underway. Member Walbridge motioned to approve the pay request as recommended. Member Albrecht-Benson seconded the motion. Motion carried with all in favor.

F. Department Reports

- a. Fire:** Member Bakke reported that there have been 7 calls this year so far: 1 fire alarm, 3 false alarms, 1 brush fire, 1 gas main leak concern, and 1 lift assist. Additionally the department completed 3 CRP burns. The open house was a great success, they estimate 250 people attended. Volunteers recently renewed their CPR certification. The new Fire Truck will be coming in June. The department would like to consider some additional capital improvement projects in future to include: extending the hard surface in the rear of the property to allow for a better turning radius as well as replace the existing blacktop.
- b. EDA:** The board is now a five member board, with two Council members serving on the board. The Lanesboro Entrepreneurial Action Network is hosting a meeting on June 14. The EDA considered an investment start up, Member Purcell will continue the research outside of the EDA. A rack card was designed for the EDA and is now available. Board members are considering what data they would like to see to utilize the Data block grants through CEDA. A winter tourism study is underway with a community meeting held at Sons of Norway. Additional community meetings will be held to share the conclusion of the study. Within this work an RFP for Marketing will be submitted for consideration. A \$15,000 loan was approved for a new business in town. EDA Director Cathy Enerson is working with three potential new businesses that would like to come to Lanesboro. Additionally a new application is being submitted to the USDA to replenish the loan fund.
- c. Library:** Director Tara Johnson noted the summer reading tomorrow with story times continuing. The seed library has had 20 participants thus far.

G. Continued Business:

- a. Walking Bridge to Little Norway Repairs:** Mayor Resseman noted that the Council had reviewed a study completed by Bolton & Menk, and had not yet requested actual bids for the project. Resseman also encouraged the neighbors to work together to consider alternatives. Member Goetzke motioned to approve Resolution 2023-20 authorizing an application to the League of MN Cities for assistance funds to contract a professional

grant writer. Member Walbridge seconded the motion. Motion carried with all in favor. Member Albrecht-Benson shared an alternative quote for a replacement bridge estimated at \$17,000 for a 48' by 4' walking bridge. It was noted that labor as well as the abutment work would be additional. Mayor Resseman will reach out to County Commissioner Duane Bakke regarding the potential pedestrian safety at the County Road 8 bridge entering Lanesboro. Member Albrecht-Benson will share the quote she received, this will be shared with the Council as well as the City Engineer. Discussion will be continued.

- b. **Ordinance 35.02 Rural Service District:** Mayor Resseman motioned to approve the amended ordinance as presented. Member Walbridge seconded the motion. Discussion was shared regarding the basis for the ordinance, as well the history of discussions leading up to the passing of the ordinance. Motion carried with all in favor.
- c. **Ordinance 150.06 Historic Preservation:** Member Goetzke motioned to approve the ordinance as amended. Member Walbridge seconded the motion. Motion carried with all in favor.
- d. **Beacon Street Sidewalk:** Administrator Peterson shared that the cement work is scheduled to be completed in late July, for this reason a decision will be made at the July meeting whether or not to move forward with the project. This will also allow additional time to ensure that there is enough room in the project budget.

H. New Business:

- a. **Private Improvements within a Public Right of Way:** Administrator Peterson shared that requests have been submitted to make private improvements within a public right of way. These improvements are existing and are in need of repair. Peterson is working with Attorney O'Koren to come up with a mechanism that would allow for the repairs to be completed, that would additionally note that the private improvements are at the expense of the adjacent property owner and not the City. Mayor Resseman motioned to table the discussion until more information is available. Member Bakke seconded the motion. Motion carried with all in favor.
- b. **Sale of Fire Truck:** Assistant Chief Bakke noted that a committee had been formed to consider the sale of the 2004 Pumper Truck which is being replaced with the new truck coming later this month. A bid amount of \$65,000 was received and approved by the department. The department considered other offers, however this was the highest amount received. Member Albrecht-Benson motioned to approve the sale. Member Bakke seconded the motion. Motion carried with all in favor. Mayor Resseman motioned to approve the purchase agreement drafted by Attorney O'Koren. Member Albrecht-Benson seconded the motion. Motion carried with all in favor.

Next Meeting: Tuesday, July 11, 2023 6:00 p.m.

ADJOURN: Mayor Resseman adjourned the meeting at 7:03 p.m.

Respectfully Submitted,

Michele Peterson
City Administrator/Clerk

CITY OF LANESBORO

07/03/23 10:34 AM

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Payments

Current Period: July 2023

Payments Batch 07052023PAY

\$32,011.51

Refer	53151	FILLMORE COUNTY			
Cash Payment	E 250-46500-210	Operating Supplies (GE	Buchheit lein release		\$46.00
Invoice					
Transaction Date	6/20/2023	OPERATIONAL ACC	10100	Total	\$46.00
Refer	53152	PETTY CASH			
Cash Payment	E 235-49900-451	BBD General Expenses	shipping tshirts		\$13.15
Invoice					
Transaction Date	6/20/2023	OPERATIONAL ACC	10100	Total	\$13.15
Refer	53153	OKOREN LAW OFFICE LLC			
Cash Payment	E 100-41500-304	Legal Fees			\$1,065.00
Invoice	1074				
Transaction Date	6/20/2023	OPERATIONAL ACC	10100	Total	\$1,065.00
Refer	53154	KEVIN LINDH			
Cash Payment	E 235-49900-496	BBD Kids Games			\$480.00
Invoice					
Transaction Date	6/20/2023	OPERATIONAL ACC	10100	Total	\$480.00
Refer	53155	GALE GROUP			
Cash Payment	E 211-45500-230	Books & Movies			\$29.24
Invoice	81349772				
Transaction Date	6/20/2023	OPERATIONAL ACC	10100	Total	\$29.24
Refer	53156	LANESBORO AREA CHAMBER OF			
Cash Payment	E 250-46500-210	Operating Supplies (GE	Winter Showcase and Winter Website		\$1,300.00
Invoice	590				
Transaction Date	6/20/2023	OPERATIONAL ACC	10100	Total	\$1,300.00
Refer	53157	CITY OF LANESBORO			
Cash Payment	E 250-46500-210	Operating Supplies (GE	Gym use Chill Inn Meeting		\$50.00
Invoice					
Transaction Date	6/20/2023	OPERATIONAL ACC	10100	Total	\$50.00
Refer	53158	MN JUA	Ck# 025443 6/21/2023		
Cash Payment	E 235-49900-451	BBD General Expenses			\$500.00
Invoice					
Transaction Date	6/21/2023	OPERATIONAL ACC	10100	Total	\$500.00
Refer	53159	NORTHLAND TRUST SERVICES IN	Ck# 025444 6/21/2023		
Cash Payment	E 307-43100-300	Professional Srvs (GEN			\$495.00
Invoice					
Transaction Date	6/21/2023	OPERATIONAL ACC	10100	Total	\$495.00
Refer	53160	DE LAGE LANDEN	Ck# 025445 6/21/2023		
Cash Payment	E 211-45500-413	Office Equipment Rental			\$68.40
Invoice	80093279				
Transaction Date	6/21/2023	OPERATIONAL ACC	10100	Total	\$68.40
Refer	53161	PRESTON AUTO PARTS			
Cash Payment	E 220-42000-404	Repairs/Maint Machiner			\$72.35
Invoice	760243				

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Payments

Current Period: July 2023

Transaction Date	6/21/2023	OPERATIONAL ACC 10100	Total	\$72.35
Refer	53162 DE LAGE LANDEN	Ck# 025446 6/21/2023		
Cash Payment	E 100-41500-413 Office Equipment Rental			\$156.75
Invoice	79249966			
Transaction Date	6/21/2023	OPERATIONAL ACC 10100	Total	\$156.75
Refer	53163 ONSITE SANITATION-ROCHESTER			
Cash Payment	E 100-45200-410 Rentals (GENERAL) Whalan			\$136.40
Invoice	1553040			
Cash Payment	E 235-49900-451 BBD General Expenses Buffalo Bill Days			\$2,869.00
Invoice	1512158			
Transaction Date	6/22/2023	OPERATIONAL ACC 10100	Total	\$3,005.40
Refer	53164 FILLMORE COUNTY JOURNAL			
Cash Payment	E 100-41500-350 Print/Binding (GENERA			\$25.32
Invoice	154021			
Transaction Date	6/22/2023	OPERATIONAL ACC 10100	Total	\$25.32
Refer	53165 BUE, ANITA			
Cash Payment	E 100-45400-210 Operating Supplies (GE Banner Swoop Flag			\$121.31
Invoice				
Transaction Date	6/22/2023	OPERATIONAL ACC 10100	Total	\$121.31
Refer	53166 CHASE CARD SERVICES			
Cash Payment	E 100-41000-319 LinkMe			\$18.98
Invoice				
Transaction Date	6/26/2023	OPERATIONAL ACC 10100	Total	\$18.98
Refer	53167 MN ENERGY RESOURCES			
Cash Payment	E 100-43100-380 Utility Services (GENER			\$25.79
Invoice				
Cash Payment	E 100-45200-380 Utility Services (GENER			\$82.79
Invoice				
Cash Payment	E 100-45170-380 Utility Services (GENER			\$28.75
Invoice				
Cash Payment	E 220-42000-380 Utility Services (GENER			\$27.17
Invoice				
Transaction Date	6/26/2023	OPERATIONAL ACC 10100	Total	\$164.50
Refer	53168 LRS OF MINNESOTA			
Cash Payment	E 100-45200-300 Professional Svcs (GEN city wide clean up			\$1,033.85
Invoice				
Transaction Date	6/26/2023	OPERATIONAL ACC 10100	Total	\$1,033.85
Refer	53169 ANN THOMPSON			
Cash Payment	E 235-49900-451 BBD General Expenses			\$477.93
Invoice				
Transaction Date	6/26/2023	OPERATIONAL ACC 10100	Total	\$477.93
Refer	53170 HILLYARD/HUTCHINSON			
Cash Payment	E 100-45200-210 Operating Supplies (GE			\$787.18
Invoice	605161446			
Transaction Date	6/26/2023	OPERATIONAL ACC 10100	Total	\$787.18

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Payments

Current Period: July 2023

Refer	53171	ROCHESTER CALEDONIA PIPE BA			\$600.00
Cash Payment	E 235-49900-499	BBD Parade			
Invoice					
Transaction Date	6/26/2023	OPERATIONAL ACC 10100	Total		\$600.00
Refer	53172	DUNN BLACKTOP			\$150.00
Cash Payment	E 100-43100-265	Asphalt			
Invoice	4400006468				
Transaction Date	6/27/2023	OPERATIONAL ACC 10100	Total		\$150.00
Refer	53173	THREADS			\$890.00
Cash Payment	E 235-49900-452	BBD T-shirts	Hats		
Invoice	5080				
Transaction Date	6/27/2023	OPERATIONAL ACC 10100	Total		\$890.00
Refer	53174	MIDWEST LUBE			\$363.44
Cash Payment	E 100-43100-404	Repairs/Maint Machiner			
Invoice	031501				
Transaction Date	6/28/2023	OPERATIONAL ACC 10100	Total		\$363.44
Refer	53175	CEDA			\$3,619.75
Cash Payment	E 250-46500-300	Professional Srvs (GEN			
Invoice					
Transaction Date	6/29/2023	OPERATIONAL ACC 10100	Total		\$3,619.75
Refer	53176	EYE PRIZE MARKETING			\$680.00
Cash Payment	E 250-46500-210	Operating Supplies (GE	E2 course		
Invoice	6-29-2023-2				
Cash Payment	R 100-45200-36230	Contributions and Do	Prairie Restor Web Page		\$200.00
Invoice	6-29-2023-3				
Transaction Date	6/29/2023	OPERATIONAL ACC 10100	Total		\$880.00
Refer	53177	FILLMORE COUNTY TREASURER			\$2,823.00
Cash Payment	E 100-41500-311	Assessor s Fees			
Invoice					
Transaction Date	6/30/2023	OPERATIONAL ACC 10100	Total		\$2,823.00
Refer	53178	STORELEE CEMENT & MASONRY			\$7,362.00
Cash Payment	E 100-45200-500	Capital Outlay (GENER	bath house cement		
Invoice					
Transaction Date	6/30/2023	OPERATIONAL ACC 10100	Total		\$7,362.00
Refer	53179	NATHAN RAATZ			\$40.00
Cash Payment	R 100-45200-34701	Camping Fees	REFUND FOR WEEK RATE		
Invoice					
Transaction Date	7/3/2023	OPERATIONAL ACC 10100	Total		\$40.00
Refer	53180	HAAKENSON ELECTRIC			\$834.61
Cash Payment	E 100-43100-401	Repairs/Maint Buildings			
Invoice	6965				
Transaction Date	7/3/2023	OPERATIONAL ACC 10100	Total		\$834.61
Refer	53181	PLUNKETTS PEST CONTROL			\$331.81
Cash Payment	E 100-45200-300	Professional Srvs (GEN			
Invoice	8090057				

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Payments

Current Period: July 2023

Transaction Date	7/3/2023	OPERATIONAL ACC 10100	Total	\$331.81
Refer	53182	KINGSLEY MERCANTILE		
Cash Payment	E 100-43100-210	Operating Supplies (GE		\$24.08
Invoice				
Transaction Date	7/3/2023	OPERATIONAL ACC 10100	Total	\$24.08
Refer	53183	LANESBORO WEB MGMT GROUP		
Cash Payment	E 100-41000-319	LinkMe		\$215.75
Invoice	070123			
Transaction Date	7/3/2023	OPERATIONAL ACC 10100	Total	\$215.75
Refer	53184	ACENTEK		
Cash Payment	E 100-45200-321	Telephone		\$40.15
Invoice				
Cash Payment	E 100-43100-321	Telephone		\$106.40
Invoice				
Cash Payment	E 100-41500-321	Telephone		\$183.14
Invoice				
Cash Payment	E 220-42000-321	Telephone		\$236.49
Invoice				
Cash Payment	E 211-45500-321	Telephone		\$85.90
Invoice				
Transaction Date	7/3/2023	OPERATIONAL ACC 10100	Total	\$652.08
Refer	53185	VISA		
Cash Payment	E 220-42000-240	Small Tools and Minor E		\$103.56
Invoice				
Cash Payment	E 100-43100-240	Small Tools and Minor E		\$159.99
Invoice				
Cash Payment	E 220-42000-240	Small Tools and Minor E		\$62.54
Invoice				
Cash Payment	E 100-43100-500	Capital Outlay (GENER computer		\$970.86
Invoice				
Cash Payment	E 100-41500-210	Operating Supplies (GE		\$7.76
Invoice				
Cash Payment	E 100-45200-210	Operating Supplies (GE		\$23.15
Invoice				
Cash Payment	R 100-45200-36230	Contributions and Do Gazebo		\$540.84
Invoice				
Cash Payment	E 220-42000-404	Repairs/Maint Machiner		\$705.27
Invoice				
Cash Payment	E 100-41500-210	Operating Supplies (GE		\$43.14
Invoice				
Cash Payment	E 220-42000-240	Small Tools and Minor E		\$43.14
Invoice				
Cash Payment	E 100-41500-300	Professional Svcs (GEN		\$172.09
Invoice				
Cash Payment	E 100-43100-300	Professional Svcs (GEN		\$16.98
Invoice				
Cash Payment	E 100-41500-300	Professional Svcs (GEN		\$99.99
Invoice				

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Payments

Current Period: July 2023

Cash Payment	E 211-45500-230 Books & Movies			\$365.32
Invoice				
Transaction Date	7/3/2023	OPERATIONAL ACC 10100	Total	\$3,314.63

Fund Summary

	10100 OPERATIONAL ACCOUNT	
100 GENERAL FUND		\$18,191.30
211 LIBRARY		\$548.86
220 FIRE FUND		\$1,250.52
235 BUFFALO BILL DAYS FUND		\$5,830.08
250 EDA OPERATING		\$5,695.75
307 2017A AUBRUN/ZENITH		\$495.00
		<u>\$32,011.51</u>

Pre-Written Checks	\$1,220.15
Checks to be Generated by the Computer	\$30,791.36
Total	<u>\$32,011.51</u>

SUMMARY OF AMENDMENT TO ORDINANCE CITY CODE CHAPTER 30
DEPARTMENTS, BOARDS AND COMMISSIONS
GENERAL PROVISIONS
35.02

AN ORDINANCE AMENDING CITY CODE 35.02, RURAL SERVICE DISTRICT

The following is a summary of the above stated ordinance, the full version of which is available for inspection by any persons during regular office hours at the office of the City Clerk at the Lanesboro City Hall, or by standard or electronic mail.

The City of Lanesboro has amended its Rural Service District Ordinance, Section 5, as follows: The approximate ratio which exists between the benefits of land within the Rural Service District compared to land of like market values situated in the Urban Service District shall be 40%.

Michele Peterson City Clerk/Administrator

SUMMARY OF AMENDMENT TO ORDINANCE CITY CODE CHAPTER 150
DEPARTMENTS, BOARDS AND COMMISSIONS
ZONING
150.06

AN ORDINANCE AMENDING CITY CODE 150.06, HISTORIC PRESERVATION

The following is a summary of the above stated ordinance, the full version of which is available for inspection by any persons during regular office hours at the office of the City Clerk at the Lanesboro City Hall, or by standard or electronic mail.

The City of Lanesboro has amended its Historic Preservation ordinance, Section 2, Paragraph (b), as follows: One member of the City of Lanesboro Historic Preservation Commission shall include, if available, a member of the Fillmore County Historical Society, as provided in Minn. Stat. 471.193 Subd. 5.

Michele Peterson, City Administrator/Clerk



Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division
445 Minnesota Street, Suite 1600, St. Paul, MN 55101
651-201-7507 TTY 651-282-6555

**APPLICATION AND PERMIT FOR A 1 DAY
TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization <u>Lanesboro Fire Fighters Relief Association</u>		Date of organization <u>1-1-1906</u>		Tax exempt number <u></u>	
Organization Address (No PO Boxes) <u>301 Sheridan St. W.</u>		City <u>Lanesboro</u>	State <u>MN</u>	Zip Code <u>55949</u>	
Name of person making application <u>Kenneth J. Groner Sec/Treasurer</u>		Business phone <u>507-467-2083</u>		Home phone <u>507-421-5200</u>	
Date(s) of event <u>8-4-2023 to 8-6-2023</u>		Type of organization <input type="checkbox"/> Microdistillery <input type="checkbox"/> Small Brewer <input type="checkbox"/> Club <input type="checkbox"/> Charitable <input type="checkbox"/> Religious <input checked="" type="checkbox"/> Other non-profit			
Organization officer's name <u>John Dollar President</u>		City <u>Lanesboro</u>	State <u>MN</u>	Zip Code <u>55949</u>	
Organization officer's name <u>Jeff Norby Vice-President</u>		City <u>Lanesboro</u>	State <u>MN</u>	Zip Code <u>55949</u>	
Organization officer's name <u>Kenneth J. Groner Sec/Treasurer</u>		City <u>Lanesboro</u>	State <u>MN</u>	Zip Code <u>55949</u>	
Location where permit will be used. If an outdoor area, describe. <u>Coffee Street from Parkway Ave N to Kenilworth Ave N.</u>					
If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.					

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

Minnesota Joint Underwriting Association

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

<u>Lanesboro</u> City or County approving the license		<u>7-11-23</u> Date Approved	
<u>25.00</u> CK # <u>5143</u> Fee Amount		<u>8-4-23 to 8-6-23</u> Permit Date	
Event in conjunction with a community festival <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<u>dtaylor@lanesboro-mn.gov</u> City or County E-mail Address	
<u>723</u> Current population of city			
<u>Michele Peterson</u> Please Print Name of City Clerk or County Official		<u></u> Signature City Clerk or County Official	

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event

No Temp Applications faxed or mailed. Only emailed.

ONE SUBMISSION PER EMAIL, APPLICATION ONLY.

PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US



Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division
445 Minnesota Street, Suite 1600, St. Paul, MN 55101
651-201-7507 TTY 651-282-6555

**APPLICATION AND PERMIT FOR A 1 DAY
TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization Sylvan Brewing		Date of organization 10/3/2019		Tax exempt number 	
Organization Address (No PO Boxes) 100 Beacon St W		City Lanesboro	State MN	Zip Code 55949	
Name of person making application Karen Heimdahl		Business phone 507-467-4677		Home phone cell 507-358-1098	
Date(s) of event 8/16/2023		Type of organization <input type="checkbox"/> Microdistillery <input checked="" type="checkbox"/> Small Brewer <input type="checkbox"/> Club <input type="checkbox"/> Charitable <input type="checkbox"/> Religious <input type="checkbox"/> Other non-profit			
Organization officer's name Karen Heimdahl, managing member		City Lanesboro	State MN	Zip Code 55949	
Organization officer's name Andrew Heimdahl, managing member		City Lanesboro	State MN	Zip Code 55949	
Organization officer's name 		City 	State MN	Zip Code 	

Location where permit will be used. If an outdoor area, describe.

Sylvan Park in Lanesboro - for Bicycle Across MN (BAM) group

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

Cincinnati Insurance - \$1 million per occurrence, \$2 million aggregate

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City or County approving the license		Date Approved	
Fee Amount		Permit Date	
Event in conjunction with a community festival <input type="checkbox"/> Yes <input type="checkbox"/> No		City or County E-mail Address	
Current population of city			

Please Print Name of City Clerk or County Official

Signature City Clerk or County Official

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event

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Real People. Real Solutions.

2900 43rd Street NW
Suite 100
Rochester, MN 55901

Ph: (507) 208-4332
Fax: (507) 208-4155
Bolton-Menk.com

VIA EMAIL

June 27, 2023

Michele Peterson
City Administrator/Clerk
City of Lanesboro
202 Parkway Ave. S.
Lanesboro, MN 55949

RE: Pay Request No. 30
Wastewater Treatment Facility Improvements
City of Lanesboro, Minnesota
Project No.: M24.117418

Dear Ms. Peterson,

Enclosed is a copy of Pay Request No. 30 from Wapasha Construction, Inc. for \$223,131.77. This request includes a two (2) percent reduction in retainage as allowed per the contract documents based on the work completed to date. I have reviewed this request and recommend payment to the contractor. This request should be included with the City's disbursement request to the Minnesota Public Facilities Authority (PFA). The work reflected in this request represents 98.0 percent of the work to be completed under the contract. Please process this request for payment.

If you have any questions, please do not hesitate to contact me.

Sincerely,

BOLTON & MENK, INC.

Jake R. Pichelmann, P.E.
Environmental Project Manager

Enclosure

cc: Brian Malm – Bolton & Menk, Inc.
Chelsea Alger – Bolton & Menk, Inc.
File

30

To (Owner): City of Lanesboro, MN	Application Period: 06/01/23 - 06/30/23	Application Date: 6/22/2023
Project: Wastewater Treatment Facility	From (Contractor): Wapasha Construction Co.	Notice to Proceed Date: 10/15/2020
	Contract: General Contract	Via (Engineer): BOLT ON & MENK, INC.
Owner's Contract No.: N/A	Contractor's Project No.: 3615	Engineer's Project No.: M24.117418

Application for Payment

Change Order Summary

Approved Change Orders		
Number	Additions	Deductions
TOTALS	\$0.00	\$0.00
NET CHANGE BY CHANGE ORDERS		\$0.00

- | | | | |
|----|---|-----------------|-----------------|
| 1. | ORIGINAL CONTRACT PRICE | | |
| 2. | Net change by Change Orders | | |
| 3. | CURRENT CONTRACT PRICE (Line 1 ± 2) | | \$ 7,920,777.00 |
| 4. | TOTAL COMPLETED AND STORED TO DATE
(Column G on Progress Estimate) | | \$ 7,920,777.00 |
| 5. | RETAINAGE: | | |
| a. | 3.0 % x | \$ 7,761,756.32 | Work Completed |
| b. | 3.0 % x | \$ - | Stored Material |
| c. | Total Retainage (Line 5a + Line 5b) | | \$ 0.00 |
| 6. | AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c) | | \$ 232,852.69 |
| 7. | LESS PREVIOUS PAYMENTS (Line 6 from prior Application) | | \$ 7,528,903.63 |
| 8. | AMOUNT DUE THIS APPLICATION | | \$ 7,305,771.86 |
| 9. | BALANCE TO FINISH, PLUS RETAINAGE
(Column G on Progress Estimate + Line 5 above) | | \$ 223,131.77 |
| | | | \$ 391,873.37 |

Contractor's Certification

The undersigned Contractor certifies that: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Payment of:

\$223,131.77

(Line 8 or other - attach explanation of other amount)

is recommended by:

(Engineer)

(Date)

06-27-2023

Payment of:

\$223,131.77

(Line 8 or other - attach explanation of other amount)

is approved by:

(Owner)

(Date)

Approved by:

Funding Agency (if applicable)

(Date)

By: <i>David E. Brown</i>	Date: 06/27/2023
---------------------------	------------------

2023 YTD Summary

<u>Department</u>	<u>Item</u>	<u>2023 Budget</u>	<u>YTD as of 06/30/2023</u>	<u>% of Budget</u>
General Fund				
	<i>Revenue</i>	\$ 869,274.61	\$ 446,190.32	51%
	Council	\$ 9,250.00	\$ -	0%
	Museum	\$ 9,889.00	\$ 9,635.00	97%
	Administration	\$ 269,703.31	\$ 142,686.44	53%
	Police	\$ 130,271.00	\$ 65,135.50	50%
	Street	\$ 360,577.71	\$ 176,567.10	49%
	Park	\$ 311,381.41	\$ 121,213.83	39%
	<i>Camping Revenue</i>	\$ 85,000.00	\$ 45,734.00	54%
Library	Expenses	\$ 119,624.53	\$ 60,477.36	51%
	<i>Revenue</i>	\$ 119,624.54	\$ 67,763.84	57%
Emergency Services	Expenses	\$ 224,766.48	\$ 128,577.38	57%
	<i>Revenue</i>	\$ 224,766.48	\$ 76,574.45	34%
EDA	Expenses	\$ 20,573.00	\$ 7,697.04	37%
	<i>Revenue</i>	\$ 20,573.00	\$ 12,080.51	59%

<u>Expense Item</u>	<u>% of Budget YTD</u>
Payroll	49%
Workers Compensation Insurance	124%
General Liability Insurance	91%
Property Insurance	110%
Automotive Insurance	106%
Bonding	194%

FW: Rolling Barge Bridge Prices

1 message

Brian Malm <Brian.Malm@bolton-menk.com>

Thu, Jun 29, 2023 at 3:39 PM

To: "Michele Peterson - City of Lanesboro (mpeterson@lanesboro-mn.gov)" <mpeterson@lanesboro-mn.gov>

FYI, see below. Biggest issues is that it isn't long enough, so the cost of the abutment could be more than what we had estimated. You'd also have to add in the cost of the decking, as that isn't included.

We'd have to look at the ADA compliance issue, if that was a goal to meet, and it really should be for a municipality. The bridge width at 4-ft would probably comply, it would just be an issue of the connections to the road and trail on either end. The railings don't meet typical standards for a municipal pedestrian bridge, as the openings are pretty big. You might be able to add some wood rails to this to cover that.

Lastly, we question the longevity of this type of structure. That's likely the biggest reason it is less costly, it's just a very light bridge. It might have some pretty good bounce to it. That might be the trade off, lower cost in exchange for stability and longevity.

All that being said, if this is something the City wants to pursue, we can certainly look into it more. It appears this company also sells the floating dock types, which is the other option we discussed and could look into more, but that would be very difficult to make ADA compliant, if that's a goal. Let me know.

Brian

Brian P. Malm, PE (MN, IA, WI)
Bolton & Menk, Inc.
Mobile: 507-381-7511

 Book time to meet with me

From: Ryan Evans <Ryan.Evans@bolton-menk.com>
Sent: Tuesday, June 6, 2023 11:18 AM
To: Brian Malm <Brian.Malm@bolton-menk.com>
Subject: RE: Rolling Barge Bridge Prices

Hey Brian, a couple quick things to note:

- The prices noted below are for the bridge pieces delivered to the site; you would still need to assemble and set the bridge.
 - If you don't set the bridge on a more appropriate abutment, it will end up in the same state as the current bridge
- The maximum span length for the medium duty bridge noted below is 48'; that matches the existing bridge out there, but part of what we observed was that the existing bridge is too short, and loss of support/bearing is occurring and the bridge needs to be longer and set on legitimate foundations (which are costly) to avoid ending up in the same situation it is currently in just bearing on existing soils at the banks. Our recommendation for the new bridge was a 75+ year design life concept, with a very commonly used weathering steel pedestrian truss to clear span the channel.
- Our report also mentions the option of a timber bridge with piers in the waterway, which would likely be cheaper but would require more work on the engineering side (design, hydraulic analysis etc) to get a decent estimate

All that said, these aluminum bridges have their place for a cheap solution for the right application. It could be a short term fix, but susceptible to the same undermining/erosion issues as the current bridge and not a long-term low maintenance solution.

Ryan R. Evans, P.E., S.E.
Principal Structural Engineer
Bolton & Menk, Inc.
c: 612-910-8846

From: Brian Malm <Brian.Malm@bolton-menk.com>
Sent: Tuesday, June 6, 2023 10:12 AM
To: Ryan Evans <Ryan.Evans@bolton-menk.com>
Subject: FW: Rolling Barge Bridge Prices

Ryan,

Can you take a look at this related to the Little Norway Bridge in Lanesboro please? A council member did some research and found this low cost bridge and I'd like to be able to respond to that. Thanks.

Brian

Brian P. Malm, PE (MN, IA, WI)
Bolton & Menk, Inc.
Mobile: 507-381-7511



Book time to meet with me



From: Michele Peterson <mpeterson@lanesboro-mn.gov>
Sent: Tuesday, June 6, 2023 7:46 AM
Subject: Fwd: Rolling Barge Bridge Prices

Good morning all - Below is the information referenced in last night's meeting regarding a bridge replacement option. Brian, please let me know what you think once you have had an opportunity to investigate. The pictures shared last night will be in a second email.

Thank you,

Michele Peterson, MCMC

City Administrator/Clerk

City of Lanesboro

From: Bret Rowe <bret@rollingbarge.com>
Date: May 30, 2023 at 4:06:51 PM CDT
To: Mindy Aluminum <mindy_albrecht@msn.com>
Subject: Rolling Barge Bridge Prices

Hi Mindy,

Thanks for reaching out to Rolling Barge for your bridge project. Please see our sizes and prices below.

4' Wide Light-Duty Bridges (Shipping Included)

Live Load Capacity: 1,500 lbs

16" Deck Supports

Length	SKU	Cash Price	PO Price	Snow Load Rating	Breaking Load	Frame Weight (lbs)
8'	LD4-0408	\$1,985	\$2,184	0 PSF	1,500 lbs	100
12'	LD4-0412	\$2,647	\$2,912	0 PSF	1,500 lbs	136
16'	LD4-0416	\$3,310	\$3,641	0 PSF	1,500 lbs	174
20'	LD4-0420	\$3,972	\$4,369	0 PSF	1,500 lbs	210
24'	LD4-0424	\$4,910	\$5,401	0 PSF	1,500 lbs	257
28'	LD4-0428	\$5,461	\$6,007	0 PSF	1,500 lbs	313
32'	LD4-0432	\$6,119	\$6,731	0 PSF	1,500 lbs	355
36'	LD4-0436	\$6,786	\$7,465	0 PSF	1,500 lbs	395
40'	LD4-0440	\$7,425	\$8,168	0 PSF	1,500 lbs	437

Shipping Included in the Continental U.S.

Liftgate Delivery \$100

Bridge Stake Kit \$200

4' Wide Medium-Duty Bridges (Shipping Included)

Live Load Capacity: 5,000 lbs

Length	SKU	Cash Price	PO Price	Breaking Load	Snow Load Rating	Frame Weight (lbs)
8'	MD4-0408	\$4,430	\$4,873	5,000 lbs	120 PSF	261
12'	MD4-0412	\$5,623	\$6,185	5,000 lbs	120 PSF	363
16'	MD4-0416	\$6,816	\$7,498	5,000 lbs	120 PSF	487
20'	MD4-0420	\$8,009	\$8,810	5,000 lbs	120 PSF	574
24'	MD4-0424	\$9,202	\$10,122	5,000 lbs	120 PSF	696
28'	MD4-0428	\$10,395	\$11,435	5,000 lbs	100 PSF	790
32'	MD4-0432	\$11,588	\$12,747	5,000 lbs	90 PSF	911
36'	MD4-0436	\$12,781	\$14,059	5,000 lbs	80 PSF	1,005
40'	MD4-0440	\$13,974	\$15,371	5,000 lbs	70 PSF	1,127
44'	MD4-0444	\$15,167	\$16,684	5,000 lbs	65 PSF	1,221
48'	MD4-0448	\$16,360	\$17,996	5,000 lbs	60 PSF	1,343

Shipping Included in the Continental U.S.

Liftgate Delivery \$100

Bridge Stake Kit \$200

Thanks,

Bret Rowe



(310) 844-4276

<https://rollingbarge.com>



Michele Peterson <mpeterson@lanesboro-mn.gov>

Re: County 8 and Little Norway

1 message

Jason Resseman <jresseman@lanesboro-mn.gov>

Tue, Jun 6, 2023 at 2:55 PM

To: "Gregg, Ronald" <rgregg@co.fillmore.mn.us>

Cc: "Hillery, Bobbie" <bhillery@co.fillmore.mn.us>, Michele Peterson <mpeterson@lanesboro-mn.gov>

Gregg I appreciate your time and concerns for safety. I will convey your thoughts at our next meeting.

Thank you all!
Jason

On Tue, Jun 6, 2023, 2:37 PM Gregg, Ronald <rgregg@co.fillmore.mn.us> wrote:

Jason: I just finished looking at the aerial view on our website and I have some concerns placing a crosswalk on the curve

of County 8 at the bottom of the hill with very little sight distance. The underpass is truly a safer way to get across County 8.

Sincerely, Ron Gregg

Fillmore County Engineer

507-765-3854

From: Jason Resseman <jresseman@lanesboro-mn.gov>

Sent: Tuesday, June 6, 2023 1:43 PM

To: Hillery, Bobbie <bhillery@co.fillmore.mn.us>

Cc: Gregg, Ronald <rgregg@co.fillmore.mn.us>; Michele Peterson <mpeterson@lanesboro-mn.gov>

Subject: Re: County 8 and Little Norway

Thank you for looking into this Bobbie.

Bobbie, you are correct that the walking path does go under the 8 bridge and connects the Bass Pond to the historic foot bridge, and maybe the county considers this adequate? However this walking path doesn't service the need for pedestrian crossing from the Bass Pond to the Ballfield. Unfortunately the only pedestrian crossing on the bridge is limited to the north side with no sidewalk beyond the bridge to the west.

Gregg, I am mainly curious as to what procedures would be necessary to start this discussion in a formal manner, and I would be happy to discuss this in greater detail at your convenience, so please feel free to respond via email, or with the phone number below.

Thank you again

**BOLTON
& MENK****CRB SIDEWALK ESTIMATE**2022 STREET & UTILITY IMPROVEMENTS
CITY OF PLAINVIEW, MN
BMI PROJECT NO.: 0H1123756

Updated: 12/29/2022

ITEM NO.	ITEM	QTY	UNIT	UNIT PRICE	TOTAL
BEACON STREET - ORIGINAL DESIGN (GRASS BLVD)					
1	4" CONCRETE WALK	1251	SF	\$9.50	\$11,884.50
				SUBTOTAL:	\$11,884.50
BEACON STREET - ADD CONCRETE BLVD					
1	4" CONCRETE WALK	485	SF	\$9.50	\$4,607.50
				SUBTOTAL:	\$4,607.50
ADD PEDESTRIAN BRIDGE TO BEACON STREET - ORIGINAL PLAN					
1	REMOVE CONCRETE C&G	50	LF	\$3.00	\$150.00
2	CONCRETE C&G	50	LF	\$27.00	\$1,350.00
3	4" CONCRETE WALK	1937	SF	\$9.50	\$18,401.50
4	6" CONCRETE WALK	50	SF	\$13.00	\$650.00
5	TRUNCATED DOMES	18	SF	\$65.00	\$1,170.00
				SUBTOTAL:	\$21,721.50



ORDINANCE NO. 112.10
AN ORDINANCE REGULATING THE SALE OF TOBACCO
AND RELATED DEVICES AND PRODUCTS WITHIN
THE CITY OF LANESBORO, MINNESOTA

THE CITY COUNCIL OF THE CITY OF LANESBORO DOES ORDAIN:

- Section 1. Findings of Fact and Purpose.
- Section 2. Definitions.
- Section 3. License.
- Section 4. Fees.
- Section 5. Basis for Denial of License.
- Section 6. Prohibited Sales.
- Section 7. Responsibility.
- Section 8. Compliance Checks and Inspections.
- Section 9. Exceptions and Defenses.
- Section 10. Violations and Penalties.
- Section 11. Severability.
- Section 12. Effective Date. 28

Section 1. Findings of Fact and Purpose.

Because the city recognizes that the sale of commercial tobacco products, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products to persons under the age of 21 violates both state and federal law; and because studies, which the city accepts and adopts, have shown that 37.9 percent of Minnesota high school students have tried a commercial tobacco product; and because nearly 90 percent of people who smoke begin smoking before they have reached the age of 18 years, and 99 percent of smokers first tried smoking before age 26; and because marketing analysis, public health research, and commercial tobacco industry documents reveal that tobacco companies have used menthol, mint, fruit, candy, and alcohol flavors as a way to target youth and young adults and that the presence of such flavors can make it more difficult to quit; and because studies show that youth and young adults are especially susceptible to commercial tobacco product availability, advertising, and price promotions at tobacco retail environments; and because commercial tobacco use has been shown to be the cause of many serious health problems which subsequently place a financial burden on all levels of government; and because tobacco control measures save Minnesota billions in healthcare and productivity costs, this ordinance is intended to regulate the sale of commercial tobacco products, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products for the purpose of enforcing and furthering existing laws to protect youth and young adults against the serious health effects associated with use and initiation, and to further the official public policy of the state to prevent young people from starting to smoke, as stated in Minn. Stat. § 144.391, as it may be amended from time to time.

In making these findings, the City Council accepts the conclusions and recommendations of: the U.S. Surgeon General reports, E-cigarette Use Among Youth and Young Adults (2016), The Health Consequences of Smoking — 50 Years of Progress (2014), and Preventing Tobacco Use Among Youth and Young Adults (2012); the Centers for Disease Control and Prevention in their studies, Tobacco Use Among Middle and High School Students — United States, 2011–2015 (2016), and Selected Cigarette Smoking Initiation and Quitting Behaviors Among High School Students, United States, 1997 (1998); and of the following scholars in these scientific journals: Chen, J., & Millar, W. J. (1998). Age of Smoking

Initiation: Implications for Quitting. Health Reports, 9(4), 39-46; D'Avanzo, B., La Vecchia, C., & Negri, E. (1994). Age at Starting Smoking and Number of Cigarettes Smoked. Annals of Epidemiology, 4(6), 455–459; Everett, S. A., Warren, C. W., Sharp, D., Kann, L., Husten, C. G., & Crossett, L. S. (1999). Initiation of Cigarette Smoking and Subsequent Smoking Behavior Among U.S. High School Students. Preventive Medicine, 29(5), 327–333; Giovino, G. A. (2002). Epidemiology of Tobacco Use in the United States. Oncogene, 21(48), 7326–7340; Khuder, S. A., Dayal, H. H., & Mutgi, A. B. (1999). Age at Smoking Onset and Its Effect on Smoking Cessation. Addictive Behaviors, 24(5), 673–677; Luke, D. A., Hammond, R. A., Combs, T., Sorg, A., Kasman, M., Mack-Crane, A., & Henriksen, L. (2017). Tobacco Town: Computational Modeling of Policy Options to Reduce Tobacco Retailer Density. American Journal of Public Health, 107(5), 740–746; Minnesota Department of Health. (2021). Data Highlights from the 2020 Minnesota Youth Tobacco Survey. St. Paul, MN; Public Health Law Center. (2006). The Verdict Is In: Findings from United States v. Philip Morris, The Hazards of Smoking. University of California San Francisco. Truth Tobacco Industry Documents, <https://www.industrydocumentslibrary.ucsf.edu/tobacco>; Xu, X., Bishop, E. E., Kennedy, S. M., Simpson, S. A., & Pechacek, T. F. (2015) Annual Healthcare Spending Attributable to Cigarette Smoking: An Update. American Journal of Preventive Medicine, 48(3), 326–333; Olson, L. T., Coats, E. M., Rogers, T., Brown, E. M., Nonnemaker, J., Ross, A. M., Delahanty, J., & Xu, X. (2022). Youth Tobacco Use Before and After Local Sales Restrictions on Flavored and Menthol Tobacco Products in Minnesota. Journal of Adolescent Health, 70(6), 978–984; Maciosek, M. V., LaFrance, A. B., St Claire, A., Xu, Z., Brown, M., & Schillo, B. A. (2020). Twenty-Year Health and Economic Impact of Reducing Cigarette Use: Minnesota 1998–2017. Tobacco Control, 29(5), 564–569, copies of which are adopted by reference.¹

Section 2. Definitions.

Except as may otherwise be provided or clearly implied by context, all terms are given their commonly accepted definitions. For the purpose of this ordinance, the following definitions apply unless the context clearly indicates or requires a different meaning:

CHILD-RESISTANT PACKAGING. Packaging that meets the definition set forth in Code of Federal Regulations, title 16, section 1700.15(b), as in effect on January 1, 2015, and was tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015.

CIGAR. Any roll of tobacco that is wrapped in tobacco leaf or in any other substance containing tobacco, with or without a tip or mouthpiece, which is not a cigarette as defined in Minn. Stat. § 297F.01, subd. 3, as it may be amended from time to time.

COMPLIANCE CHECKS. The system the city uses to investigate and ensure that those authorized to sell licensed products are following and complying with the requirements of this ordinance. COMPLIANCE CHECKS may also be conducted by the city or other units of government for educational, research, and training purposes or for investigating or enforcing Tribal, federal, state, or local laws and regulations relating to licensed products.

¹ Findings of Fact and Purpose

A Findings of Fact and Purpose section is important because it provides the evidentiary basis for the proposed commercial tobacco control policies and demonstrates the city's reasoning for adopting specific provisions. This Findings of Fact and Purpose section reflects language appropriate for all the provisions suggested. The Public Health Law Center can provide support for communities to determine which Findings of Fact and Purpose statements and references should be retained in a final ordinance, depending on which provisions from the model ordinance the city chooses to adopt.

DELIVERY SALE. The sale of any licensed product to any person for personal consumption and not for resale when the sale is conducted by any means other than an in-person, over-the-counter sales transaction in a licensed retail establishment. DELIVERY SALE includes but is not limited to the sale of any licensed product when the sale is conducted by telephone, other voice transmission, mail, the internet, or app-based service. DELIVERY SALE includes delivery by licensees or third parties by any means, including curbside pick-up.²

ELECTRONIC DELIVERY DEVICE. Any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. ELECTRONIC DELIVERY DEVICE includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. ELECTRONIC DELIVERY DEVICE includes any component part of a product, whether or not marketed or sold separately. ELECTRONIC DELIVERY DEVICE does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.

FLAVORED PRODUCT. Any licensed 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 or retailer of a licensed 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 a taste or smell of tobacco will constitute presumptive evidence that the product is a flavored product.

IMITATION TOBACCO PRODUCT. Any edible non-tobacco product designed to resemble a tobacco product, or any non-edible tobacco product designed to resemble a tobacco product and intended to be used by children as a toy. IMITATION TOBACCO PRODUCT includes, but is not limited to, candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, and shredded beef jerky in containers resembling tobacco snuff tins. IMITATION TOBACCO PRODUCT does not include electronic delivery devices or nicotine or lobelia delivery products.

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.

LICENSED PRODUCTS. The term that collectively refers to any tobacco product, tobacco related device, electronic delivery device, or nicotine or lobelia delivery product.

LOOSIES. The common term used to refer to single cigarettes, cigars, and any other licensed products that have been removed from their original retail packaging and offered for sale. LOOSIES does not include premium cigars that are hand-constructed, have a wrapper made entirely from whole tobacco leaf, and have a filler and binder made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor.³

² Prohibiting Delivery Sales

Local communities may be interested in prohibiting delivery sales as an effective means of curtailing underage access to licensed products, especially electronic delivery devices sold online. This definition supports the Delivery Sales Prohibition on page 19. For more information on online and delivery sales, see our publication *Online and Other Delivery Sales of Commercial Tobacco Products* (2022).

³ Prohibiting the Sale of Single Cigarettes and Other Products Removed From Their Original Packaging

MOVEABLE PLACE OF BUSINESS. Any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and that is not a fixed address or other permanent type of structure licensed for over-the-counter sales transactions.

NICOTINE OR LOBELIA DELIVERY PRODUCT. Any product containing or delivering nicotine or lobelia, whether natural or synthetic, intended for human consumption, or any part of such a product, that is not tobacco or an electronic delivery device as defined in this section. NICOTINE OR LOBELIA DELIVERY PRODUCT does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.

PHARMACY. A place of business at which prescription drugs are prepared, compounded, or dispensed by or under the supervision of a pharmacist and from which related clinical pharmacy services are delivered.

RETAIL ESTABLISHMENT. Any place of business where licensed products are available for sale to the general public. RETAIL ESTABLISHMENT includes, but is not limited to, grocery stores, tobacco product shops, convenience stores, liquor stores, gasoline service stations, bars, and restaurants.

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

SELF-SERVICE DISPLAY. The open display of licensed products in a retail establishment in any manner where any person has access to the licensed products without the assistance or intervention of the licensee or the licensee’s employee and where a physical exchange of the licensed product from the licensee or the licensee’s employee to the customer is not required to access the licensed products.

SMOKING. Inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. SMOKING also includes carrying or using an activated electronic delivery device.

TOBACCO PRODUCT. Any product containing, made, or derived from commercial 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, cigarettes; 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 commercial tobacco. A TOBACCO PRODUCT does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.

TOBACCO-RELATED DEVICE. Any rolling papers, wraps, pipes, or other device intentionally designed or intended to be used with tobacco products. TOBACCO-RELATED DEVICE includes components of tobacco-related devices or tobacco products which may be marketed or sold separately.

TOBACCO-RELATED DEVICES may or may not contain tobacco.

VENDING MACHINE. Any mechanical, electric or electronic, or other type of device that dispenses licensed products upon payment by any form by the person seeking to purchase the licensed product.

YOUTH-ORIENTED FACILITY. Any facility with residents, customers, visitors, or inhabitants of which 25 percent or more are regularly under the age of 21 or that primarily sells, rents, or offers services or products

Federal law and the tobacco Master Settlement Agreement prohibit the sale of single cigarettes. State and local governments can replicate and expand on the federal provisions. This definition includes and expands on the existing federal ban on the sale of single cigarettes (commonly referred to as “loosies”) to also prohibit the sale of cigars and other tobacco products (e.g., smokeless pouches and Juul pods) that have been removed from their intended packaging. This exception language removes premium cigars from the definition, and thus the sales prohibition, of loosies.

that are consumed or used primarily by persons under the age of 21. Youth oriented facility includes, but is not limited to, schools, playgrounds, recreation centers, and parks.

Section 3. License.

- (A) License required. No person shall sell or offer to sell any licensed product without first having obtained a license to do so from the city.
- (B) Application. An application for a license to sell licensed products must be made on a form provided by the city. The application must contain 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, and any additional information the city deems necessary. Upon receipt of a completed application, the City Clerk will forward the application to the City Council for action at its next regularly scheduled meeting. If the City Clerk determines that an application is incomplete, it will be returned to the applicant with notice of the information necessary to make the application complete.
- (C) Action. The City Council may approve or deny the application for a license, or it may delay action for a reasonable period of time to complete any investigation of the application or the applicant deemed necessary. If the City Council approves the application, the City Clerk will issue the license to the applicant. If the City Council denies the application, notice of the denial will be given to the applicant along with notice of the applicant's right to appeal the decision.
- (D) Term. All licenses issued are valid for one calendar year from the date of issue.
- (E) Revocation or suspension. Any license issued may be suspended or revoked following the procedures set forth in Section 10.
- (F) Transfers. All licenses issued are valid only on the premises for which the license was issued and only for the person to whom the license was issued. The transfer of any license to another location or person is prohibited.
- (G) Display. All licenses must be posted and displayed at all times in plain view of the general public in the retail establishment.
- (H) Renewals. The renewal of a license issued under this ordinance will be handled in the same manner as the original application. The request for a renewal must be made at least 30 days, but no more than 60 days, before the expiration of the current license.
- (I) Issuance is a privilege and not a right. The issuance of a license is a privilege and does not entitle the license holder to an automatic renewal of the license.
- (J) Instructional program. Licensees must complete and ensure that all employees complete a training program on the legal requirements related to the sale of licensed products and the possible consequences of license violations. Any training program must be pre-approved by the city. Licensees must maintain documentation demonstrating their compliance and must provide this documentation to the city at the time of renewal, or whenever requested to do so during the license term. ⁴ Concern for having the staffing to complete the training, however if the County could be a resource I think this provision would be beneficial.

⁴ Instructional Program
 Cities may consider developing their own instructional program that provides specific instruction for specific policy provisions adopted by the city or they may use the free instructional online program created and updated frequently by the Association for Nonsmokers Minnesota, which reflects state law requirements (stopsalestominors.org). If the jurisdiction's ordinance differs from state law, this online training should be supplemented with training specific to the local jurisdiction's requirements.

(K) Minimum clerk age. Individuals employed by a licensed retail establishment under this ordinance must be at least 16 ~~{18 or 21}~~ years of age to sell licensed products.⁵ Concern for limiting staffing, however could consider an age limit of 16.

(L) Maximum number of licenses. The maximum number of licenses issued by the city at any time is limited to [see “Licensing Cap” below]. When the maximum number of licenses has been issued, the city may place persons seeking licensure on a waiting list and allow them to apply on a first-come, first-served basis, as licenses are not renewed or are revoked. A new applicant who has purchased a business location holding a valid city license will be entitled to first priority, provided the new applicant meets all other application requirements in accordance with this ordinance.⁶ Consider a maximum of three licenses, as that is the total current number of licenses.

(M) Proximity to youth-oriented facilities. No new or renewed license will be granted to any person for a retail establishment location that is within 400 feet of a youth oriented facility, as measured by the shortest line from

⁵ Minimum Age for Clerks

Cities may be interested in establishing a minimum age for employees to sell commercial tobacco products at licensed retail establishments. The tobacco industry has acknowledged that peer pressure facing young clerks from their underage peers seeking to purchase commercial tobacco products at the counter plays a role in youth access. Establishing a minimum clerk age addresses the peer pressure and impacts youth access. If a city chooses to establish a minimum clerk age below the age of 21 (e.g., 18), clerks between the ages of 18 and 20 could legally sell licensed products within the purview of their employment but would be unable to purchase them. This sample language allows people under the minimum clerk age to work for a licensed retailer but not engage in sales of commercial tobacco products. For more information in minimum clerk age, review our publication Establishing a Minimum Clerk Age (2022).

⁶ Licensing Cap

Communities with a higher concentration of commercial tobacco retailers within their jurisdiction expose more youth and young adults to commercial tobacco industry marketing, making it easier for them to obtain licensed products. This heavier concentration of retailers also influences the brands chosen by young people and encourages their initiation of commercial tobacco use. One way to address retailer density issues is to place a limit or cap on the number of tobacco retailer licenses that may be issued by the city. The above provision would set the maximum number of licenses available.

Cities can choose how to structure a licensing cap to meet the needs of their communities. Potential options include setting the cap at the number of existing licensed retailers or limiting the number of licensed retailers based on population density. A city may also want to limit licenses to those that currently exist and reduce the number of available licenses over time, as licenses are revoked or expire and are not renewed. It is possible to craft language that would ultimately reduce the number of licenses over time to zero. Cities are encouraged to work with local public health departments, city attorneys, and the Public Health Law Center to determine the appropriate licensing cap provision for their community. For more information on retailer density, review our publication Location, Location, Location: Tobacco & E-Cig Point of Sale.

Commercial Tobacco “Endgame” Strategies

Commercial tobacco “endgame” strategies are policies that end the sale of all or certain commercial tobacco products in a jurisdiction. These endgame policies may take effect immediately or may be phased in over time. The rationale is that commercial tobacco products, if used as intended, are harmful and deadly to the consumers and the jurisdiction seeks to protect public health by ending the sale of these products. There are several methods by which jurisdictions have adopted or may consider adopting a commercial tobacco endgame policy:

- { Prohibiting the sale of all or nearly all commercial tobacco products
- { Prohibiting all or nearly all issuances of commercial tobacco licenses (typically, on a specific “effective date”)
- { Reducing density down to zero through sunseting caps on licenses (either by not allowing any new licenses/transfers or by establishing a set schedule of reduced caps until zero)
- { Increasing the minimum legal sales age (MLSA) every year or setting the MLSA at a number above the typical human lifespan (either age specific or birth year specific)

For more information, see our forthcoming fact sheet on commercial tobacco endgame strategies and our article in the Mitchell Hamline Law Review, Not For Sale: State Authority to End Cigarette Sales (2018).

the property line of the space to be occupied by the proposed licensee to the nearest property line of a youth-oriented facility.

(N) Proximity to other licensed retailers. No new license will be granted to any person for a retail establishment location that is within [2,000] feet of any other existing licensed retail establishment, as measured by the shortest line from the property line of the space to be occupied by the applicant for a license to the nearest property line of the existing licensee. ⁷ Given the size of the community I would recommend removing this provision.

(O) Pharmacies ineligible for licensure. No new or renewed license will be granted to a pharmacy or any retail establishment that operates an on-site pharmacy. ⁸

(P) Smoking prohibited. Smoking, including smoking for the purpose of the sampling of licensed products, are prohibited within the indoor area of any retail establishment licensed under this ordinance.

(Q) Samples prohibited. No person shall distribute samples of any licensed product free of charge or at a nominal cost. The distribution of licensed products as a free donation is prohibited.

9

⁷ Proximity Restrictions

Research has demonstrated that policies requiring set distances between retailers and between retailers and youth-oriented facilities help to reduce tobacco retailer density and increase prices for commercial tobacco products. These proximity buffers may have significant impact in urban,

low-income neighborhoods, which have been historically targeted by the tobacco industry with pervasive marketing and price promotions at the point-of-sale. The greatest public health impacts are seen when these policies are combined with a cap on the number of licenses issued. Jurisdictions with GIS capacity may want to consider mapping locations of commercial tobacco retailers to identify their proximity to youth-oriented facilities and other retailers. The youth-oriented facilities proximity limitation above would prohibit tobacco retailing within a certain distance of relevant businesses and facilities with no exception for existing licensed

retailers. As a result, retail licenses for locations that do not meet these proximity limitations would not be renewable after expiring. Issuing a tobacco retail license is a privilege, not a right, and jurisdictions have the authority to grant or deny tobacco retailer licenses.

The retailer proximity limitation does allow an exception for existing retailers to continue to operate by prohibiting new licenses to be issued, but allowing renewal of the license for existing licensed locations. The license could eventually be phased out through attrition if the licensee fails to renew or a license is revoked.

For more information on proximity restrictions, review our publications *Regulating the Location, Density, and Type of Tobacco Retailers* (2022) and *Location, Location, Location: Tobacco & E-Cig Point of Sale*.

Luke, D. A., Hammond, R. A., Combs, T., Sorg, A., Kasman, M., Mack-Crane, B. A., Henriksen, L. (2017). Tobacco Town: Computational Modeling of Policy Options to Reduce Tobacco Retailer Density. *American Journal of Public Health*, 107(5), 740–746; Myers, A. E., Hall, M. G., Isgett, L. F., & Ribisl, K. M. (2015). A Comparison of Three Policy Approaches for Tobacco Retailer Reduction. *Preventive Medicine*, 74, 67–7; Ribisl, K. M., Luke, D. A., Bohannon, D. L., Sorg, A. A., & Moreland-Russell, S. (2017). Reducing Disparities in Tobacco Retailer Density by Banning Tobacco Product Sales Near Schools. *Nicotine & Tobacco Research*, 19(2), 239–244.

⁸ Pharmacy Prohibitions

Several communities have adopted laws prohibiting pharmacies from selling commercial tobacco products. These laws have been shown to significantly reduce commercial tobacco retailer density when compared to communities without similar laws. Some studies have shown that pharmacy prohibitions are most effective in reducing health disparities when combined with proximity restrictions. For more information on this topic, see *Prohibiting Pharmacy Sales of Tobacco Products* (2018).

Giovenco, D. P., Spillane, T. E., Mauro, C. M., & Hernández, D. (2018). Evaluating the Impact and Equity of a Tobacco-Free Pharmacy Law on Retailer Density in New York City Neighbourhoods. *Tobacco Control*, 28(5), 548-554.

Jin, Y., Lu, B., Klein, E. G., Berman, M., Foraker, R. E., & Ferketich, A. K. (2016). Tobacco-Free Pharmacy Laws and Trends in Tobacco Retailer Density in California and Massachusetts. *American Journal of Public Health*, 106(4), 679–685.

⁹ Samples and Sampling

Section 4. Fees.

No license will be issued under this ordinance until the appropriate license fees are paid in full. The fees will be established by the city's fee schedule and may be amended from time to time.¹⁰

Section 5. Basis for Denial of License.

(A) Grounds for denying the issuance or renewal of a license include, but are not limited to, the following:

- (1) The applicant is under 21 years of age.
- (2) The applicant has been penalized within the past five years for any violation of a federal, state, or local law, ordinance provision, or other regulation relating to licensed products.
- (3) The applicant has had a license to sell licensed products suspended or revoked within the preceding 12 months of the date of application.
- (4) The applicant fails to provide any of the information required on the licensing application or provides false or misleading information.
- (5) The applicant is prohibited by Tribal, federal, state, or other local law, ordinance, or other regulation from holding a license.
- (6) The business for which the license is requested is a moveable place of business. Only fixed-location retail establishments are eligible to be licensed.
- (7) Any other suitable reason that the granting of a license to the applicant is inconsistent with public health, safety, and welfare, including the applicant's history of noncompliance with this ordinance and other laws relating to the sale of licensed products.¹¹

(B) If a license is mistakenly issued to a person or renewed, the city will revoke the license upon the discovery that the person was ineligible for the license under this ordinance. The city will provide the license holder with notice of the revocation, along with information on the right to appeal.

Section 6. Prohibited Sales.

(A) In general. No person shall sell or offer to sell any licensed product:

- (1) By means of any type of vending machine.
- (2) By means of loosies.

Tobacco manufacturers and retailers frequently distribute free or low-cost samples of their products to consumers when and where allowed by federal, state, and local laws. In addition, in many locations, lax federal and state laws allow customers to smoke or vape in tobacco retailer establishments. Tobacco stores and vape shops allow on-site sampling where customers smoke or use products and devices in the store. Both distribution of samples and on-site sampling in certain retail establishments are effective marketing strategies used by the tobacco industry to continuously attract new consumers and promote the use of their products. For more information see our publication Policy Options to Address Commercial Tobacco Product Samples and Sampling (2022).

¹⁰ Licensing Fees

Fees provide revenue for the administration and enforcement of the ordinance and for retailer and community education. Periodic review and adjustment of licensing fees will ensure that they are sufficient to cover all administration, implementation, and enforcement costs, including compliance checks. Our online Tobacco Retail Licensing Calculator and our publication, Retail License Fees (2022), provides more information about retail licensing fees and a license fee checklist.

¹¹ License is a Privilege not a Right

This broad catch-all provision allows license denial under the jurisdiction's health, safety, and general welfare authority for reasons that may not be specifically listed here. Minn. Stat. § 412.221 subd. 32. If a license is denied under this provision, the jurisdiction would want to have clear reasoning and facts to support the denial.

(5) By means of delivery sales. All sales of licensed products must be conducted in person, in a licensed retail establishment, in over-the-counter sales transactions.¹²

(B) Legal age. No person shall sell any licensed product to any person under the age of 21.

(2) Signage. Notice of the legal sales age, age verification requirement, and possible penalties for underage sales must be posted prominently and in plain view at all times at each location where licensed products are offered for sale. The required signage, which will be provided to the licensee by the city, must be posted in a manner that is clearly visible to anyone who is, or is considering, making a purchase.¹³

The traditional compliance check system with which we are familiar was designed for use in brick-and-mortar, fixed location retail establishments — and when conducted at regular intervals as required by state and local laws, this approach can be successful in weeding out bad actors among those retailers. But this means of monitoring and enforcement does not transfer well to the rapidly growing online tobacco retailer environment, where underage persons can often gain access to a tobacco retailer's website simply by clicking a prompt claiming they are of legal age to purchase and can then make purchases by taking advantage of lax age verification processes. Local communities may be interested in prohibiting delivery sales as an effective means of curtailing underage access to licensed products. This approach recognizes the challenges inherent in trying to effectively monitor online retailers and prevent underage access to the enormous numbers of e-cigarette products found online, acknowledging that age verification processes do not prevent underage persons from obtaining e-cigarettes and other licensed products online. Because online age verification systems do not prevent underage access and purchases, and (continued) because the vast scope of online marketing of e-cigarettes to youth and young adults has contributed to a huge surge in underage access to and use of e-cigarettes — reversing decades of progress in reducing initiation and use of tobacco — state and local jurisdictions are increasingly choosing to completely prohibit delivery sales of licensed products to consumers (sales conducted by any means other than in-person, over-the-counter sales transactions in a licensed retail establishment). Cities are encouraged to work with the local public health department, city attorney, and the Public Health Law Center in considering this policy. For more information on this topic, please review our publications, *Online and Other Delivery Sales of Commercial Tobacco Products (2022)*, *Online Sales of E-Cigarettes & Other Tobacco Products (2019)*, and *Online E-Cigarette Sales & Shipments to Consumers: State Laws Prohibiting Them (2019)*.

C

(C) Flavored products. No person shall sell or offer for sale any flavored products.¹⁴ A provision could be added to allow the sale of menthol products. Two locations did note that they do sell these currently, however would be amenable to a ban as well.

(D) Cigars. No person shall sell or offer to sell:

(1) Any cigar unless it is within a package containing a minimum of [five] cigars; and

(2) Any package of cigars for a sales price of less than [\$15.00] per package, after any discounts are applied and before sales taxes are imposed. This provision does not prohibit the sale of a single cigar with a sales price of at least [\$4.00], after any discounts are applied and before sales taxes are imposed.¹⁵

before age 25 can impair brain development and increase the risk of addiction. If a person has not smoked by the time they are 25, it is extremely likely they will never smoke. Raising the MLSA to 25 would allow for consumers to have true freedom of choice regarding the use of tobacco products.

As of August 1, 2020, Minnesota law requires licensed retailers to display a sign in plain view to provide public notice that selling licensed products to any person under the age of 21 is "illegal and subject to penalties." Minn. Stat. § 461.22, Sec. 10. Federal and state law requires retailers to verify age as set forth in the above provision. Id.; Pub.L. 111-31, H.R. 1256. However, local jurisdictions could require licensed retailers to verify the age of all people attempting to purchase licensed products, regardless of how old the customer appears to be.

Institute of Medicine. (2015). Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products: Health and Medicine Division. van der Eijk, Y., & Chen, J. I. (2022). Case for Raising the Minimum Legal Age of Tobacco Sale to 25. Tobacco Control, 31(3), 487-492; Oyston, J. (2017). A Fresh Approach to Tobacco Control: Raising the Minimum Legal Age for Access. Canadian Medical Association Journal, 189(8), E293-E294.

¹⁴ Sales of Flavored Products

Research demonstrates the harm that flavored tobacco products pose. These products increase initiation in all populations by masking the harsh taste of tobacco and nicotine. Flavors like menthol and clove also provide a numbing effect that leads to longer breath-holding. This makes quitting flavored licensed products more difficult. Overwhelmingly, youth who use licensed products started their commercial tobacco use by using flavored products. As of 2019, over 4.3 million middle and high school students used flavored tobacco products.

A flavored product prohibition has a strong potential to subvert youth initiation and use. Three fourths of youth who use flavored products report they would no longer use tobacco products if the products were not flavored. Prohibiting the sale of flavored licensed products would reduce youth access to, and advertisements for, these products.

Many jurisdictions in Minnesota, municipalities across the U.S., and the states of Massachusetts and California have totally ended the sale of flavored tobacco products. In addition to improving public health and advancing health equity, complete prohibitions on the sale of flavored tobacco

products are clear, easy to understand, and remove much of the guesswork and frustration associated with the tobacco industry's response to flavored tobacco sales regulations. Communities interested in enacting a complete prohibition on the sale of flavored tobacco products can review how these policies are legally defensible in our publication Regulating Flavored Tobacco Products.

Villanti, A. C., Johnson, A. L., Ambrose, B. K., Cummings, K. M., Stanton, C. A., Rose, S. W., Feirman, S. P., Tworek, C., Glasser, A. M., Pearson, J. L., Cohn, A. M., Conway, K. P., Niaura, R. S., Bansal-Travers, M., & Hyland, A. (2017). Flavored Tobacco Product Use in Youth and Adults: Findings from the First Wave of the PATH Study (2013-2014). American Journal of Preventive Medicine, 53(2), 139-151; Harrell M. B., Loukas, A., Jackson, C. D., Marti, C. N., & Perry, C. L. (2017). Flavored Tobacco Product Use among Youth and Young Adults: What if Flavors Didn't Exist?. Tobacco Regulatory Science, 3(2), 168-173; Truth Initiative. (2021). Flavored Tobacco Use Among Youth and Young Adults, <https://truthinitiative.org/research-resources/emerging-tobacco-products/flavored-tobacco-use-among-youth-and-young-adults>.

¹⁵ Individual Low-Cost Cigars

Tobacco retailers frequently sell low-cost cigars, often candy or fruit-flavored, individually or in small packages (e.g., containing two or three cigars). Inexpensive cigars are more accessible to all users but are especially appealing to price-sensitive youth who might be experimenting with different licensed products. Low price is the most common reason for smokers to purchase small packages of cigars, especially among those who purchased single cigars. Setting a minimum package size will discourage the purchase by reducing the appeal of cheaper, smaller packages. A growing number of Minnesota communities have adopted laws that increase the price of these appealing and addictive products.

(E) Imitation tobacco products. No person shall sell or offer to sell any imitation tobacco products within the city.

(F) Liquid packaging. No person shall sell or offer to sell any liquid, whether or not such liquid contains nicotine, which is intended for human consumption and use in an electronic delivery device, in child-resistant packaging. Upon request by the city, a licensee must provide a copy of the certificate of compliance or full laboratory testing report for the packaging used.

(G) Coupon and price promotion. No person shall accept or redeem any coupon, price promotion, or other instrument or mechanism, whether in paper, digital, electronic, mobile, or any other form, that provides any licensed products to a consumer at no cost or at a price that is less than the non-discounted, standard price listed by a retailer on the item or on any related shelving, posting, advertising, or display at the location where the item is sold or offered for sale, including all applicable taxes.¹⁶

The language above (1) sets the minimum price of a single individually packaged cigar at a deterrent price (e.g., \$4.00) and (2) requires that any pack of cigars contains at least five cigars, priced at a total of no less than \$15.00 (or a similarly deterrent price) per pack. Recall from Prohibiting the Sale of Single Cigarettes on page 9, this model prohibits the sale of cigars that have been removed from their original packaging, except for a premium cigar as defined by state law. Jurisdictions may choose to adopt the entirety of the provision above, one of the two above policies (e.g., minimum price for single cigars), or some combination. King, J. L., Bilic, A., & Merten, J. W. (2021). Reasons for Pack Size Purchase Among US Adults Who Purchase Cigars. *International Journal of Environmental Research and Public Health*, 18(15), 7790.

Minimum Price of Other Tobacco Products

Although Minnesota law prohibits retailers from selling cigarettes to consumers at a price that is below a retailer's cost, the law only applies to cigarettes and does not address price discounting by manufacturers or retailers. Also, some laws in other jurisdictions that restrict in-store value added promotions reference a base price that may still be manipulated. New York City closed this loophole by raising its minimum price for cigarettes and cigars and setting the first-ever price floors for other types of commercial tobacco products (i.e., smokeless tobacco, snus, shisha, and loose tobacco) as a companion to its restriction on price discounting. Minnesota local governments can go further than state law to address price discounting by setting a minimum price for all, or specific types of, tobacco products. This would prohibit tobacco retailers from selling those products below the established minimum price. The price could also be automatically increased over time by a fixed amount annually or by indexing the increase to inflation. The City of St. Paul enacted a minimum price law for cigarettes and smokeless tobacco products in 2021. A minimum price law could be combined with minimum pack size and restriction on the redemption of coupons and price discounts to ensure the industry cannot undermine the price floor. A number of localities in Minnesota have taken this combined approach with cigars. For more information, see our publication *Setting a Minimum Price and Package Size for Cigars* (2022).

¹⁶ Product Discounts

The price of tobacco products directly affects consumption levels, particularly among price sensitive consumers, such as people with lower incomes, including youth and young adults. The commercial tobacco industry devotes billions of dollars per year to these innovative pricing strategies to entice new customers to purchase their products, to discourage current users from quitting, and to reduce the effectiveness of tobacco tax increases in decreasing tobacco sales and increasing users' quit attempts. These pricing strategies include coupons or in-store price promotions that offer "buy-one-get-one" offers, cents- or dollar-off promotions, and multi-pack offers, and pairing of different tobacco products or other tobacco "freebies" which are often marketed and redeemed at the point-of-sale. Jurisdictions can prohibit the redemption of these price promotions and coupons to negate the sophisticated discount marketing strategies of the commercial tobacco industry. Approximately two-thirds of Minnesota smokers take advantage of price-minimization strategies, compared to only about half of smokers nationally, demonstrating the impact of tobacco prices on Minnesota smokers and the potential that prohibiting product discounts can have on Minnesota smoking rates. Please see our publications *Coupons and Other Price Discounting Policy Options* (2022) and *Death on a Discount: Regulating Tobacco Product Pricing*, for more information on product pricing.

Ribisl, K. M., Golden, S. D., Huang, J., & Scollo, M. (2022). Addressing Lower-Priced Cigarette Products Through Three Pronged Comprehensive Regulation on Excise Taxes, Minimum Price Policies and Restrictions on Price Promotions. *Tobacco Control*, 31(2), 229-234; Xu, X., Pesko, M. F., Tynan, M. A., Gerzoff, R. B., Malarcher, A. M., & Pechacek, T. F. (2013). Cigarette Price-Minimization Strategies by U.S. Smokers. *American Journal of Preventive Medicine*, 44(5), 472-476.

Section 7. Responsibility.

All licensees are responsible for the actions of their employees regarding the sale, offer to sell, and furnishing of licensed products on the licensed premises. The sale, offer to sell, or furnishing of any licensed product by an employee shall be considered an act of the licensee.

Section 8. Compliance Checks and Inspections. ¹⁷ Concern for staff availability, consider adding language to have Public Health complete compliance checks. Verify required number of checks per year, consider 1 if possible.

(A) All licensed premises must be open to inspection by authorized city officials or their designees during regular business hours.

(B) From time to time, but at least [twice] per year, the city will conduct compliance checks to ensure compliance with all provisions of this ordinance.

(C) In accordance with state law, the city will conduct a compliance check that involves the participation of a person at least 17 years of age, but under the age of 21 to enter the licensed premises to attempt to purchase licensed products. Prior written consent from a parent or guardian is required for any person under the age of

¹⁷ Compliance Checks

State law requires every local licensing authority to conduct at least one compliance check each year. This state-mandated compliance check "must involve persons at least 17 years of age, but under the age of 21" as of August 1, 2020. For retailer education purposes, and to identify and cite repeat offending retailers, the model language above requires at least two compliance checks per year.

Along with the state minimum requirements for underage compliance checks, the city should adopt inspection and compliance check procedures that test for retailer compliance with all provisions of the ordinance. For example, if a city has prohibited the sale of all flavored tobacco products, the city should inspect each retailer to ensure compliance with that prohibition. For more information on compliance and enforcement, see our publication *Compliance and Local Enforcement Programs* (2022).

Penalizing Underage Purchase, Use, and Possession and the Use of a False Identification

Neither state nor federal law penalizes the attempted or actual possession, use, and purchase (PUP) of licensed products by underage persons. State law prohibits the use of false ID to purchase tobacco products, but only provides non-criminal, non-monetary penalties for the use of false IDs. (Minn. Stat. § 609.85 subd. 2 and subd. 2a). This model ordinance does not include penalties for underage PUP nor penalties for the use of false IDs for the following reasons. At its core, a licensing ordinance is intended to regulate the behavior of licensees. Penalizing underage persons detracts from the focus of the licensing code and siphons enforcement resources away from the licensees to young consumers, many of whom are addicted to nicotine. A 2020 Minnesota Annual Synar Report on youth access enforcement found that underage persons were cited 4.6 times, and assessed fines 2.2 times, more often than owners and clerks (see page 7). It is important to note that retailers have the authority to ask underage persons to leave the premises if they attempt to purchase products.

There is no strong evidence to support an assertion that PUP penalties are effective in significantly reducing youth smoking. Historically, these laws were lobbied for by the commercial tobacco industry to punish youth users while the industry simultaneously targeted, and continues to target, youth to replace a dying consumer base and maintain profits in a dwindling market.

Furthermore, many advocates are concerned that PUP penalties open the door to selective enforcement against youth from certain racial, ethnic, and socio-economic groups. Evidence suggests that youth of color in Minnesota are disproportionately over-represented in similar status-level offenses, increasing their interactions with law enforcement and resulting in their introduction to the criminal justice system. Jurisdictions that currently have PUP penalties no longer aligning with state law should consider removing those penalties from their ordinance.

For further reading on the history of PUP laws and the discriminatory enforcement of laws against youth of color and Indigenous youth, please see our publication *Youth Purchase, Use, or Possession Penalties (PUP)* (2022), Minnesota Juvenile Justice Advisory Committee's report, 2016 Annual Report to Governor Mark Dayton and the Minnesota State Legislature (2016), and Wakefield, M., & Giovino, G. (2003). *Teen Penalties for Tobacco Possession, Use, and Purchase: Evidence and Issues*. *Tobacco Control*, 12(suppl 1), i6–i13.

18 to participate in a compliance check. Persons used for the purpose of compliance checks will be supervised by law enforcement or other designated personnel.

Section 9. Exceptions and Defenses.

(A) Religious, Spiritual, or Cultural Ceremonies or Practices. Nothing in this ordinance prevents the provision of tobacco or tobacco-related devices to any person as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.

(B) Reasonable Reliance. It is an affirmative defense to a violation of this ordinance for a person to have reasonably relied on proof of age as described by state law.

Section 10. Violations and Penalties.

(A) Violations.

(1) Notice. A person violating this ordinance may be issued, either personally or by mail, a citation from the city that sets forth the alleged violation and that informs the alleged violator of their right to a hearing on the matter and how and where a hearing may be requested, including a contact address and phone number.

(2) Hearings.

(a) Upon issuance of a citation, a person accused of violating this ordinance may request in writing a hearing on the matter. Hearing requests must be made within 10 business days of the issuance of the citation and delivered to the City Clerk or other designated city officer. Failure to properly request a hearing within 10 business days of the issuance of the citation will terminate the person's right to a hearing.

(b) The City Clerk or other designated city officer will set the time and place for the hearing. Written notice of the hearing time and place will be mailed or delivered to the accused violator at least 10 business days prior to the hearing.

(3) Hearing Officer. The City Council will designate a hearing officer. The hearing officer will be an impartial employee of the city or an impartial person retained by the city to conduct the hearing.

(4) Decision. A decision will be issued by the hearing officer within 10 business days of the hearing. If the hearing officer determines that a violation of this ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed, will be recorded in writing, a copy of which will be provided to the city and the accused violator by in-person delivery or mail as soon as practicable. If the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, those findings will be recorded and a copy will be provided to the city and the acquitted accused violator by in-person delivery or mail as soon as practicable. The decision of the hearing officer is final, subject to an appeal as described in section 10, paragraph (A)(6) of this section.

(5) Costs. If the citation is upheld by the hearing officer, the city's actual expenses in holding the hearing up to a maximum of [\$1,000] must be paid by the person requesting the hearing.

(6) Appeals. Appeals of any decision made by the hearing officer must be filed in Fillmore County district court within 10 business days of the date of the decision.

(7) Continued violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

(H) Administrative penalties.

(1) Licensees. Any licensee cited for violating this ordinance, or whose employee has violated this ordinance, will be charged an administrative fine of [\$300] for a

first violation; [\$600] for a second offense at the same licensed premises within a 36-month period; and [\$1,000] for a third or subsequent offense at the same location within a 36-month period from the first violation. Upon the third violation, the license will be suspended for a period of not less than [30] consecutive days and may be revoked. Upon a fourth violation within a 36-month period from the first violation, the license will be revoked.

18

(2) Employees of licensees and other individuals. Individuals 21 years of age and older who are found to be in violation of this ordinance may be charged an administrative fine of no more than [\$50] or required to attend an instructional program regarding the requirements of the tobacco retail licensing ordinance.

(3) Statutory penalties. If the administrative penalty for violations against licensed retailers under Section 10(B)(1) authorized to be imposed by Minn. Stat. § 461.12, as it may be amended from time to time, differ from that established in this section, then the higher penalty will prevail. ¹⁹

Section 11. Severability.

If any section or provision of this ordinance 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 12. Effective Date.

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time. ²⁰

¹⁸ Minimum Fine Schedule

As of August 1, 2020, state law set a minimum fine schedule for underage sales or other ordinance violations by licensed tobacco retailers at: \$300 for a first violation, \$600 for a second violation within 36 months, and \$1,000 for a third or subsequent violation within 36 months. Upon the third or subsequent violation within 36 months of the first violation, state law requires a suspension of at least seven days and allows for license revocation. (Minn. Stat. § 461.12, subd. 2). The sample language provided above includes a longer suspension period for a third violation (30 days) and requires license revocation for repeat offenders (four violations) within 36 months from the first violation. Jurisdictions may enact stronger penalties with higher fines, longer lookback periods, earlier and longer suspension periods, and earlier revocation.

¹⁹ Violations and Penalties

To be effective, public health policies need a means of enforcement, including a way to assess appropriate penalties. When penalties are effective and appropriate, compliance rates increase and reduce the need for costly enforcement actions. Penalties are effective if they curb undesired behavior and are appropriately tailored to the individual, considering social and environmental factors. For more information on violations and penalties for tobacco retail licensing, see our publication *Violations and Penalties* (2022).

²⁰ Special note about regulation of other substances: This model policy specifically addresses the licensing and regulation of commercial tobacco products. It should not be used as a substitute to regulate other products, such as legal THC edibles in Minnesota. If you need assistance with developing local regulations for other substances, please contact the Public Health Law Center and we may be able to assist you or refer you.

www.publichealthlawcenter.org Minnesota City Tobacco Retail Licensing Ordinance 29

Property Information											
Site Address 303 Elmwood St E								Date 15 JUNE 2023			
Property Owner DONALD BELL ANNA LANEY				Parcel ID 190231000				Project Valuation 7,000			
Applicant Information											
Applicant is:		<input checked="" type="checkbox"/> Property Owner			<input type="checkbox"/> Contractor			<input type="checkbox"/> Tenant		<input type="checkbox"/> Other	
Applicants Name DONALD BELL						Phone Number 507-467-2171		State License #			
Company Name						Email					
Company Address				City		State		Zip Code			
I would like my approved permit...											
<input type="checkbox"/> Emailed (if different from above):				<input type="checkbox"/> Mailed				<input checked="" type="checkbox"/> Will Pick Up in Person			
Detailed Description of Work:											
Property Type:		Construction Type:									
<input checked="" type="checkbox"/> Residential		<input type="checkbox"/> New Building		<input type="checkbox"/> Deck		<input type="checkbox"/> Windows/Door Replacement		<input type="checkbox"/> Move Building			
<input type="checkbox"/> Commercial		<input type="checkbox"/> Addition		<input type="checkbox"/> Re-Side		<input checked="" type="checkbox"/> Retaining Wall		<input type="checkbox"/> Demo Building			
		<input type="checkbox"/> Alteration/Remodel		<input type="checkbox"/> Re-Roof		<input type="checkbox"/> Accessory Building		<input type="checkbox"/> Other			
Setback Requirements											
<input checked="" type="checkbox"/> Residential					<input type="checkbox"/> Commercial						
<input type="checkbox"/> R1		<input type="checkbox"/> R2		<input type="checkbox"/> R3		<input type="checkbox"/> C1 Downton		<input type="checkbox"/> C2 Highway			
Min	Actual	Min	Actual	Min	Actual	Actual		Actual			
30'	Front Yard:	30'	Front Yard:	30'	Front Yard:	Front Yard:		Front Yard:			
6'	Side Yard:	15'	Side Yard:	15'	Side Yard:	Side Yard:		Side Yard:			
20'	Rear Yard:	30'	Rear Yard:	30'	Rear Yard:	Rear Yard:		Rear Yard:			
Applicant - Please read and sign below:											
Application is made to the Zoning Department of the City of Lanesboro, Fillmore County, Minnesota. The applicant is hereby advised that no construction shall proceed under the terms of this permit until the time and date the permit application receives the signature of the Lanesboro Zoning Administrator. The applicant is further advised that review of the permit application is made according to the terms of the Lanesboro Zoning Ordinance, a copy of which is available and may be received at the City Office.											
The applicant shall attach a single 8 1/2" X 11" page illustrating: the size and dimensions of the subject property owned by the applicant; the location and size of existing and proposed buildings, such that the Zoning Administrator can identify how far all buildings are from front, side, and rear lot lines; the location of street right-of-ways; and the names of all adjacent property owners.											
Additional information may be requested by the Zoning Administrator: location of easements, foliage, topography and waterways, existing and proposed parking, landscaping, size and location of all signs, building floor plans, building elevations. If this zoning permit is granted, the applicant states that all work which shall be done and all materials which shall be used shall comply with the plans and specifications herewith submitted, and with all City Ordinances applicable hereto. The applicant understands that he or she may be requested to explain the proposed activities to the Lanesboro City Council, Lanesboro Planning and Zoning Commission, or the Lanesboro Historic Preservation Commission. In the event the building permit is denied or modified, you may appeal the decision to the Lanesboro City Council.											
This permit shall become invalid unless the work authorized is commenced within 365 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 365 days.											
Applicants Signature: Donald Bell				Date Signed: 15 JUNE 2023		Permit Fee		50			
						Late Fee (2 times the permit fee)		0			
						Total Fee Due		50			
Office Use Only											
Comments:											
Permit Approved			Meeting Date			Zoning Administrator Signature					

6-15-23
pd
CK # 317.

City of Lanesboro

PERMIT APPLICATION

Curb Cut/Sidewalk/Street Excavation Or Water & Sanitary Sewer Service

NAME DONALD BELL and Anna Loney DATE 15 JUNE 2023

ADDRESS 308 ELMWOOD ST E PHONE 507-467-2171

ADDRESS OF PROPOSED WORK 303 ELMWOOD ST E

EXCAVATION SITE 303 ELMWOOD ST E

PURPOSE OF EXCAVATION: ☐ Install Utility Service ☐ Repair Utility Service ☒ RETAINING WALL
☐ Install Driveway ☐ Replace Driveway ☐ Install Walk ☐ Replace Walk

CURB CUT: Single ☐ Double ☐ Width of Curb Cut ☐

Expected date of work completion: NOV 2023

STREET CUT: Dimensions of excavation in street surface: Length 40' Width 2' x 3 TIERS

**The Applicant must have a GOPHER STATE ONE CALL (GSOC) ticket number assigned before work can begin. The GSOC ph. # is 1-800-252-1166. GSOC will notify any utilities in the area of the project. The GSOC call must be made at least 48 hrs. (excluding weekends, holidays, and emergencies) prior to the start of digging.*

Your Gopher One Call Ticket Number is: 231391135

Special Provisions

1. A fee in the amount of \$150 is required before work can begin.
2. The street surfacing will be cut prior to excavation.
3. The excavation will be backfilled with dry material capable of being compacted, fully tamped, for the depth and length of the trench, up to one foot of the top of the excavation.
4. Fill shall be compacted with lifts not to exceed 6-12 inches.
5. Crushed gravel will be placed and fully tamped to match the top of the existing base.
6. Surface material will be replaced to match existing material.
7. The contractor shall provide all barricades, flashers, etc, which may be required to protect the public.
8. The contractor will hold harmless the City of Lanesboro from all claims of personal injury liability, death liability, or property damage liability which might arise during the execution of the above-stated work.
9. Installation of new, or repair of existing, driveway must not change the previously established flow line of gutter.
10. Applicant must notify City Hall when work is completed and ready for inspection.

Donald Bell
Signature

15 JUNE 2023
Date

Pre-Approval: _____ Public Works Director

.....
Final Approval

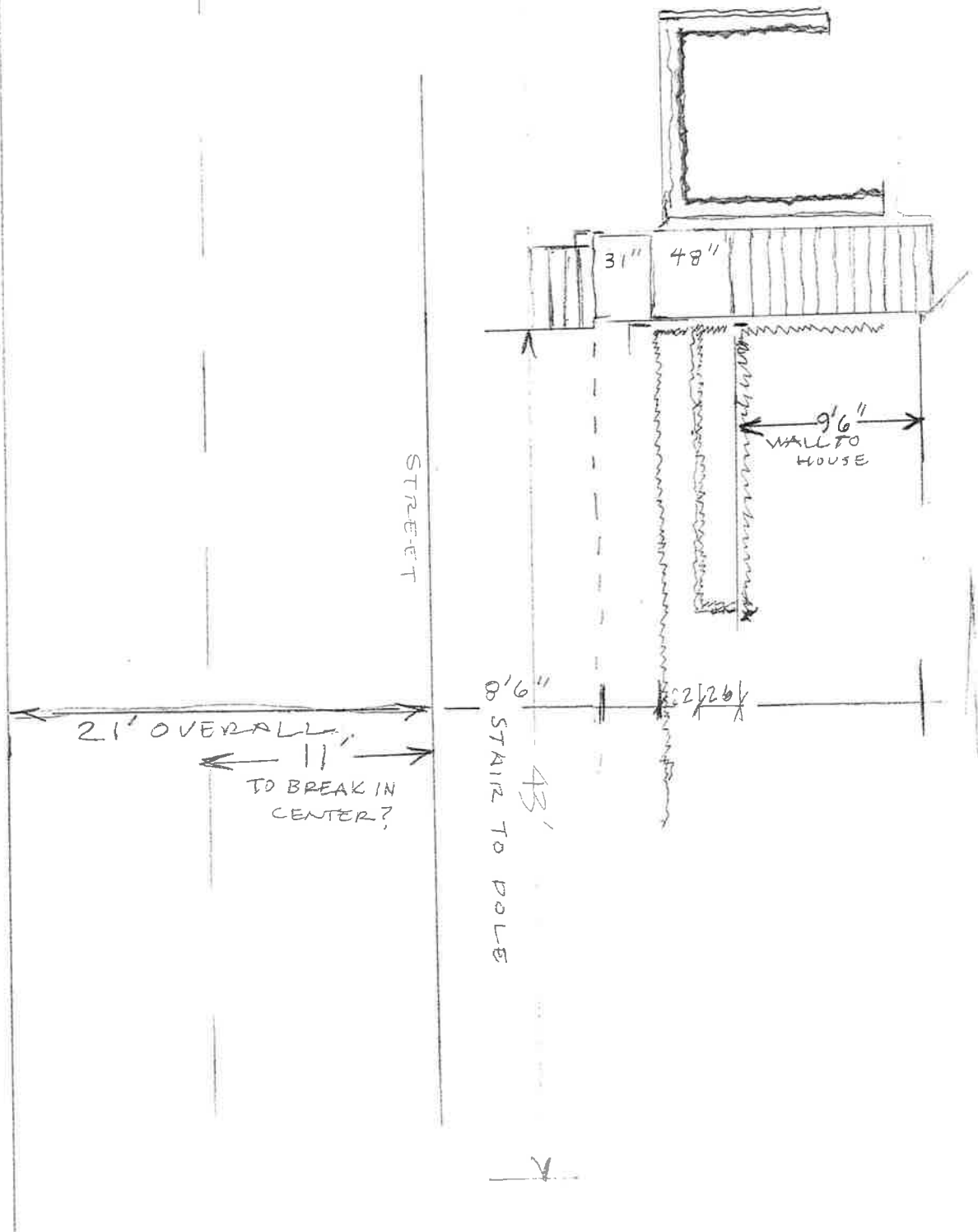
Public Works Director

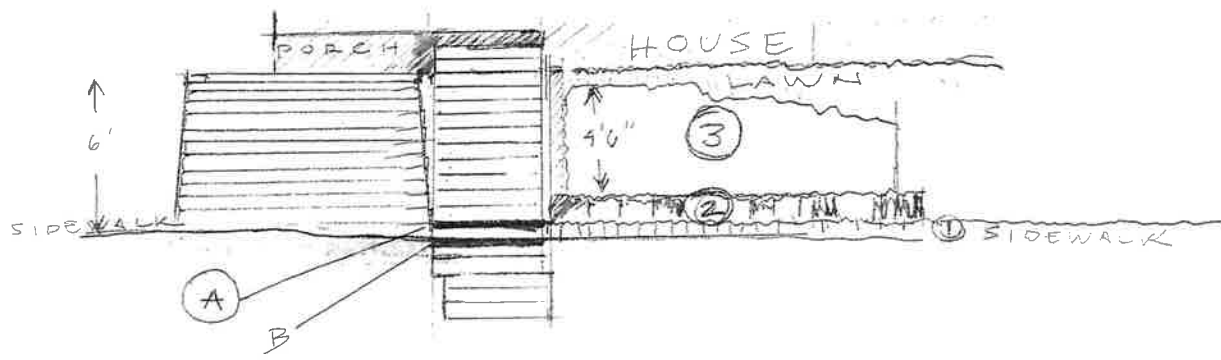
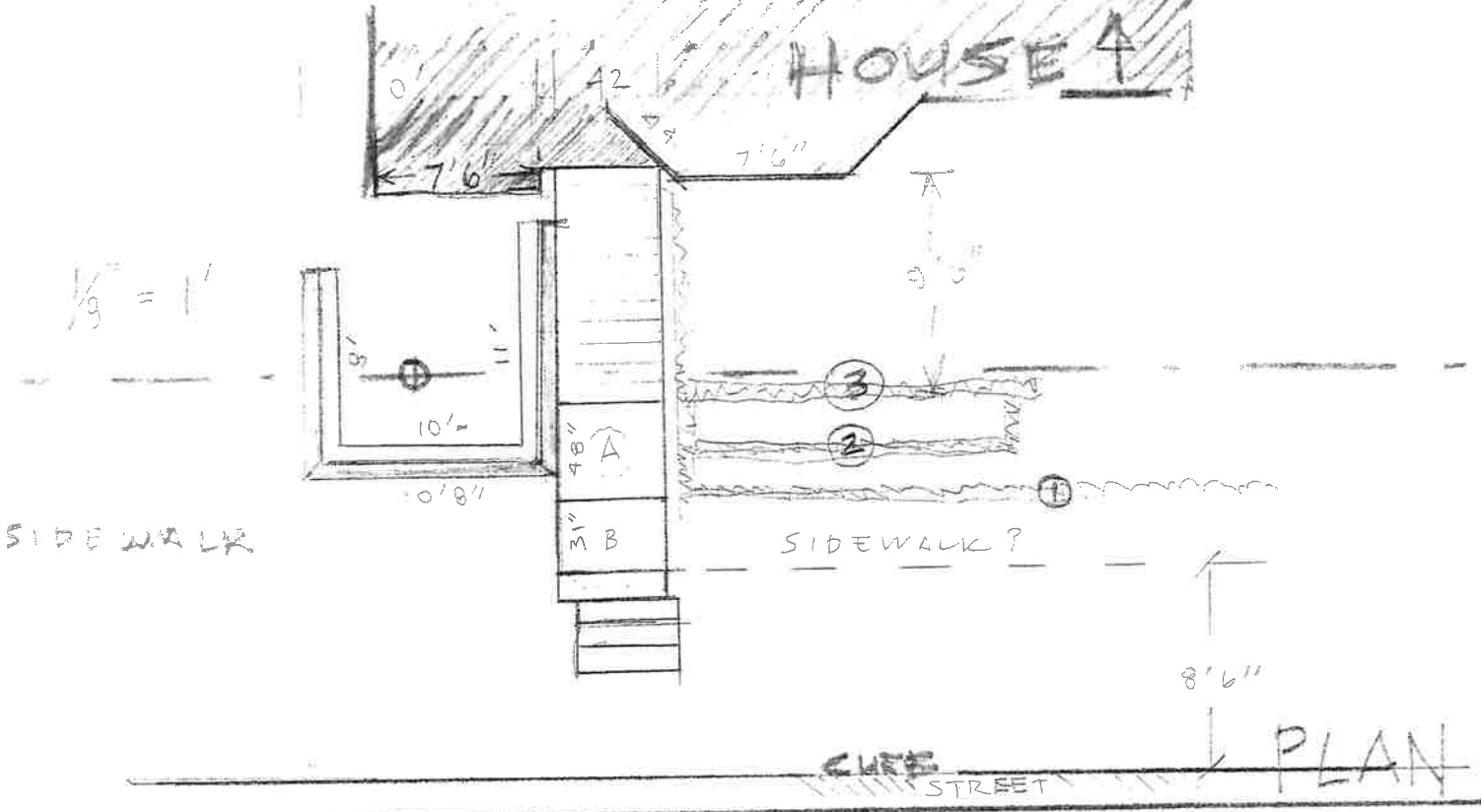
Date

City Administrator/Clerk

Date

467-2171 or email

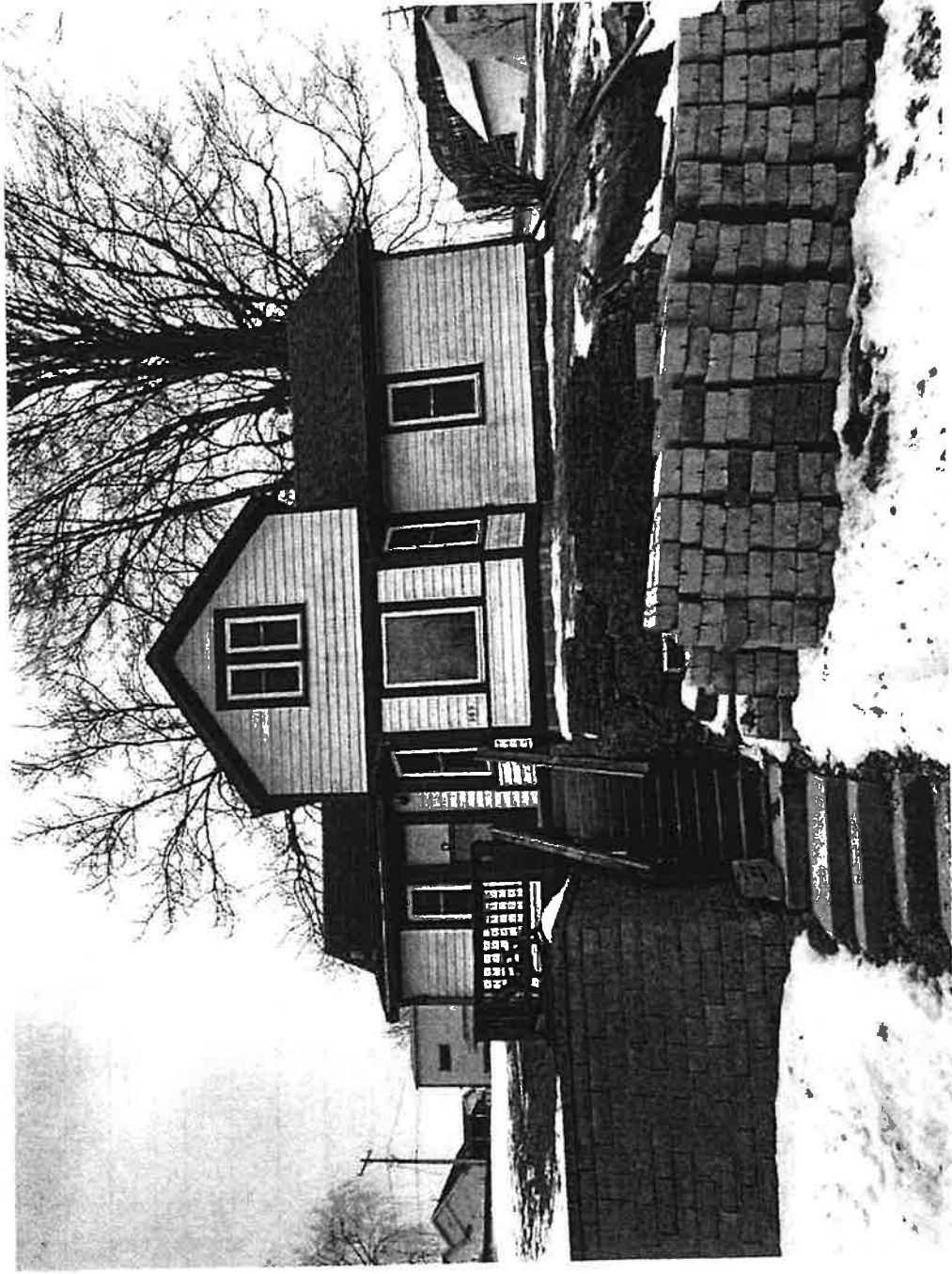






Complete Measurements

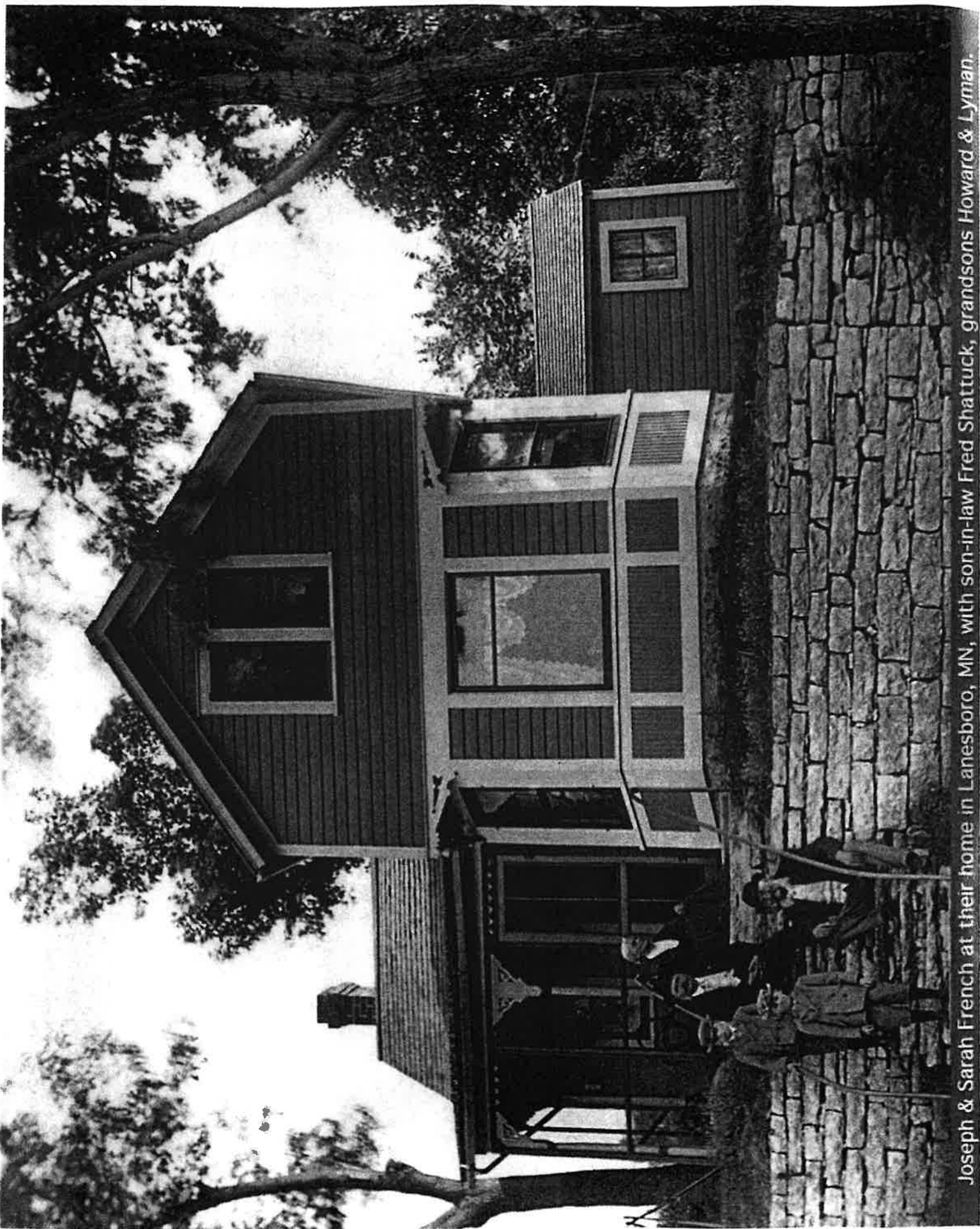
303 Elmwood Street E
LANESBORO, MN 5



VIEW 3D MODEL

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PROPERTY ID: 8
RANDYS HOUSE
17 FEB 2023



Joseph & Sarah French at their home in Lanesboro, MN, with son-in-law Fred Shattuck, grandsons Howard & Lyman.

