


**CITY OF LEXINGTON  
WORKSHOP AGENDA  
Thursday, September 21, 2023  
Immediately following Council meeting  
City Hall**

- 1. Call to Order:** Mayor Grote
- 2. Roll Call:** DeVries – Harris – Winge - Benson
- 3. Discussion Items:**
  - A. Discuss Charitable Gambling Ordinance 5.110 Legalized Gambling **pp. 1-7**
  - B. Discuss Restwood Avenue parking near Lexington Lofts **pp. 8-11**
  - C. Discuss Revised Draft – Cannabis Use on Public Property **pp. 12**
- 4. Staff Input**
- 5. Council Input**
- 6. Adjourn**

To: Lexington City Council  
From: Bill Petracek, City Administrator   
Date: September 13, 2023  
Re: Discuss Charitable Gambling Ordinance

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Mark Kurth, Gambling Manager, Lexington Fire Relief Association approached me about the possibility of amending our charitable gambling ordinance to coincide with regulations that exist within communities surrounding Lexington. These communities have restrictions on charitable gambling organizations that exist outside the community and their ability to operate within their jurisdiction. Kurth is asking for restrictions to be placed on outside charitable gambling organizations and their ability to operate within Lexington that mimic these other jurisdictions regulations.

Kurth provided examples of ordinance language from Lino Lakes, Chisago City, Forest Lake, and Oakdale to start the discussion. I have also included, for discussion, the existing ordinance that regulates local gambling organizations in Lexington.

## Bill Petracek

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**From:** Mark Kurth <mkurth@wintrustmortgage.com>  
**Sent:** Wednesday, August 16, 2023 3:56 PM  
**To:** Bill Petracek  
**Subject:** Here is 4 cities that have certain codes for charitable gambling. let me know if you need more

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

### Lino Lakes Ord

#### § 611.05 ORGANIZATIONS ELIGIBLE FOR LAWFUL GAMBLING.

(1) An organization shall not be considered for local consent to conduct lawful gambling in the city unless the organization meets at least one of the following conditions:

- (a) The organization has at least 15 members that are residents of the city;
- (b) The physical site for the organization headquarters or the registered business office of the organization is located within the municipality contiguous to the city for at least 2 years immediately preceding application for a license;
- (c) The organization owns real property within the city and the lawful gambling is conducted on the property owned by the organization;
- (d) The physical site where the organization regularly holds its meetings and conducts its activities, other than lawful gambling, for at least 2 years immediately preceding application for a license.

(2) Any organization that purports to meet one of the conditions set forth above shall certify in writing on its application which condition it meets.

### Forest Lake Ord

#### § 116.07 AUTHORIZED ORGANIZATIONS.

An organization shall not be eligible to conduct lawful gambling in the city unless it meets the qualifications in M.S. § 349.1

- (A) The organization has at least 30 members who are residents of the city; or
- (B) The physical site for the organization's headquarters or the registered business office of the organization is located within the municipality contiguous to the city for at least 2 years immediately preceding application for a license; or
- (C) The organization owns real property within the city and the lawful gambling is conducted on the property owned by the organization;
- (D) The physical site where the organization regularly holds its meetings and conducts its activities, other than lawful gambling, for at least 2 years immediately preceding application for a license; or
- (E) The organization is a fire relief organization that provides fire protection services to the city.

(Ord 564, passed 5-21-2007)

### Chisago City



Section 207.01 Lawful gambling permitted.

1. Lawful gambling, as defined in Minnesota Statutes, Section 349.12 is permitted in the City of Chisago City if the organization conducting such gambling meets the following criteria:
  - A. Is licensed by the Minnesota Gambling control Board, and is in compliance with Minnesota Statute Section 349.
  - B. Is a tax exempt organization pursuant to Section 501(c) of the Internal Revenue Code or has a Section 501(c) application pending with the Internal Revenue Service;
  - C. Maintains a primary place of business within the City or trade area and conducts more than 50% of its activities within the City;
  - D. Has been in existence as a non-profit corporation or as a Section 501(c) tax exempt organization for at least three (3) consecutive years prior to the date it begins its gambling operation; and complies with all of the provisions of this Ordinance.

Oakdale

**Sec. 10-29. Charitable Gambling Regulations.** The sale of pull-tabs, tipboards and paddlewheels shall be conducted only by qualified and state licensed charitable organizations. In addition to satisfying the qualifications set forth in Minnesota Statutes, Chapter 349, the following regulations and qualifications must be complied with by all such charitable organizations:

1. Must file financial reports monthly with the City Clerk;
2. Shall pay to the city 10% of the net profits, after prizes, taxes and lawful expenses, from selling of pull-tabs, tipboards and paddlewheels; and
3. Must be a charitable organization that can demonstrate reasonable benefit through service or financial contribution to organizations serving in the Trade Area of the City of Oakdale. The City Council shall determine, on a case-by-case basis, if an organization has demonstrated that sufficient contribution has been provided to meet the definition of reasonable.



MARK KURTH – Sales Excellence Specialist



START THE PROCESS

ACCOUNT LOG-IN

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F. Pursuant to Minnesota State Statute 340A.504 HOURS AND DAYS OF SALE.

**Subd. 4. License Restrictions.**

- A. No license shall be granted for any premises not zoned commercial.
- B. No license shall be granted for any premises within 400 feet of any church or school.
- C. No license shall be granted to any club which has members who are minors.
- D. No license shall be granted to a person who is a manufacturer or wholesaler of beer or liquor or who has an interest in any place where beer or liquor is manufactured or sold.

**SECTIONS 5.81 THROUGH 5.109, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.**

**SECTION 5.110. LEGALIZED GAMBLING.**

**Subd. 1. Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **“Gambling”** - means any activity or device prohibited by Minn. Stat. §§ 609.75, 609.755 and 609.76, and shall further include any activity, event, or contrivance that simulates any such activity or device when in or on any commercial establishment or property, except as otherwise allowed pursuant to City ordinances or state statutes, or rules adopted pursuant to authority contained therein. Prohibited gambling and gambling simulations include, but are not limited to, sports bookmaking, poker, blackjack, slot machines, and other similar activities, events and contrivances normally associated with gambling and gambling locations.

The terms used in this article which are defined in Minn. Stat. §§ 349.11--349.60, inclusive, and are defined in rules adopted pursuant to the authority contained in such statutes shall have the meanings set forth in such statutes and rules.

**SECTION 5.111. LAWFUL GAMBLING.** It is unlawful for any licensee to keep, possess, or operate, or permit the keeping, possession, or operation licensed premises of dice or any other gambling device, or permit raffles to be conducted, except such as are authorized by Statute or the City Code. There shall be no gambling in the City of Lexington except bingo, raffle games, and pull-tabs, duly licensed or otherwise allowed pursuant to the provision of this article, Minn. Stat. §§ 349.11--349.60, inclusive, and

rules adopted pursuant to the authority contained in said statutes, and the state lottery authorized pursuant to Minn. Stat. Ch. 349A, inclusive.

- A. No permit shall be required for the conduct of gambling exempt from licensing under Minn. Stat. § 349.166.
- B. Nothing in this Section of the Lexington Code shall be deemed to be an automatic approval of a premises permit or bingo license applied for with the gambling control board. A licensed organization may not conduct lawful gambling in the City of Lexington unless a premises permit or bingo license is approved by City Council resolution. A premises permit shall be valid for a period of two years, unless revoked pursuant to this article or state statute.

**SECTION 5.112. ADDITIONAL REGULATIONS.** In addition to the requirements of Minn. Stat. §§ 349.11--349.60, inclusive, and rules adopted pursuant to the authority contained in the said statutes, lawful gambling shall be subject to the regulations set forth in the following paragraphs:

- A. It is unlawful to make side bets or other wagers in connection with the conduct of lawful gambling.
- B. A duly licensed pull-tab distribution, bingo or raffle game must be under the supervision of a gambling manager licensed under Minn. Stat. § 349.167. In order to qualify as a gambling manager, an individual must have been a member of the organization for at least two years.
- C. No person who is under the age of 21 years shall operate or assist in operating a pull-tab distribution or bingo or raffle game in Lexington.
- D. No organization may maintain more than four lawful gambling locations in the City at one time.
- E. No premises permit or bingo hall license will be approved for:
  - 1) Any organization to conduct lawful gambling on any premises other than a church, the premises of a fraternal, veterans or other nonprofit organization, or the premises of an on-sale liquor licensee licensed pursuant to the applicable sections of the Lexington Code.
  - 2) Any organization or local subdivision thereof unless all of the following requirements are met:
    - (a) The activities of the organization or its local subdivision directly or primarily benefit citizens of Lexington.

- (b) The organization or the local subdivision must have had a principal business or operations location in Anoka County for a continuous period of at least two years immediately preceding the permit request and maintain such a location as long as the organization operates lawful gambling activities in the City. The organization must have been in continuous existence holding meetings for at least two years prior to the approval of the license.
  - (c) The organization or the local subdivision may be granted a waiver of operational requirement if the Council determines the organization has significant community involvement and such a waiver would have to be granted per location up to the four-location limit.
- 3) The simultaneous conducting of lawful gambling by more than one organization on authorized premises.
- F. It is unlawful to sell, give or otherwise transfer in the City of Lexington, any raffle ticket, paddle ticket or any other opportunity to participate in any gambling event not approved by the City of Lexington pursuant to the provisions of the Minnesota Statutes and rules adopted by reference herein.
- G. Copies of the reports, which must be filed with the gambling control board, as required by Minn. Stat. § 349.19, shall be filed simultaneously with the City.
- H. A licensed organization conducting lawful gambling within the City shall contribute ten percent of its net profits derived from lawful gambling to a fund administered and regulated by the City without cost to the fund, for disbursement by the City of the receipts for lawful purposes as defined in Minn. Stat. § 349.12. For the purposes of this requirement, "net profits" are defined as gross profit less sums actually expended for allowable expenses as reported to the Minnesota Department of Revenue. Such contributions shall be made to the City within 30 days of the end of each calendar quarter. This subsection shall be effective after adoption and upon issuance of a new license or renewed license for any licensed organization.
- I. A premises permit or bingo hall license approved by the City may be suspended or revoked for violations of this chapter, or Minn. Stat. Ch. 349, or for failure to meet the qualifications set out in this chapter, or Minn. Stat. Ch. 349, or for the failure to comply, for any reason, with any provision, guaranty or claim made in the applicant's original license application to either the City or the State of Minnesota.
- J. No license or permit approved by the City, including any bingo hall license, grants the licensee a property right or entitlement to a license or permit. The City may refuse to issue, renew or may revoke the license or permit for any reason and will not incur liability for any damages including, but not limited to, direct,



consequential or incidental damages, deprivation of property, loss of income, loss of profits, or loss of livelihood.

**SECTION 5.113. ADOPTION OF STATE LAW BY REFERENCE.** Except where supersede by this Section, Minn. Stat. Ch. 349, inclusive, and rules adopted pursuant to the authority contained therein are hereby adopted by reference and are incorporated in this article as completely as if set forth in full.

**SECTIONS 5.114 THROUGH 5.199, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.**

**SECTION 5.200. RESTRICTIONS ON PURCHASE AND CONSUMPTION OF LIQUOR.** No person shall mix or prepare liquor for consumption in any public place of business unless it has a license to sell on-sale, or a permit from the Commissioner of Public Safety under the provisions of M.S. § 340A.414, as it may be amended from time to time, which has been approved by the Council, and no person shall consume liquor in any such place.

**SECTION 5.201. ADOPTION OF STATE LAW BY REFERENCE.** The provisions of M.S. § 340A, as they may be amended from time to time, with reference to the definition of the term, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2 percent malt liquor are hereby adopted by reference and are made a part of this Ordinance as if set out in full. It is in the intention of the City Council that future amendments to M.S. Ch. § 340A are hereby adopted by reference or referenced as if they had been in existence at the time this Ordinance is adopted.

**SECTION 5.202. CITY MAY BE MORE RESTRICTIVE THAN STATE LAW.** The Council is authorized by the provisions of M.S. § 340A.509, as it may be amended from time to time, to impose, and has imposed in this ordinance, additional restrictions on the sale and possession of alcoholic beverages within its limits beyond those contained in M.S. Ch. § 340A, as it may be amended from time to time.

**SECTION 5.203. DEFINITIONS.** In addition to the definitions contained in M.S. § 340A.101, as it may be amended from time to time, the following terms are defined for purposes of this Section:

- A. **“RESTAURANT”** – an eating facility, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served to the general public, where full waitress/waiter table service is provided, where a customer orders food from printed menus and where the main food course is served and consumed while seated at a single location. To be a restaurant as defined by this section, an establishment shall have a license from the state as required by M.S. § 157.16, as it may be amended from time to time, and have a minimum



To: Lexington City Council  
From: Bill Petracek, City Administrator  
Date: September 13, 2023  
Re: Discuss Restwood Ave. Parking

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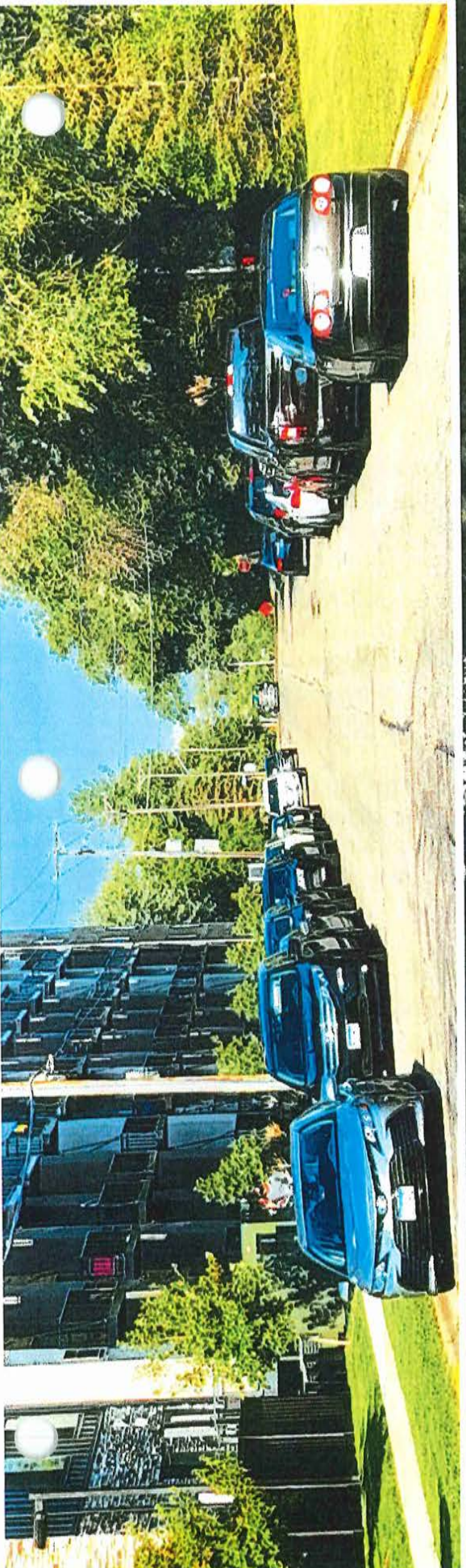
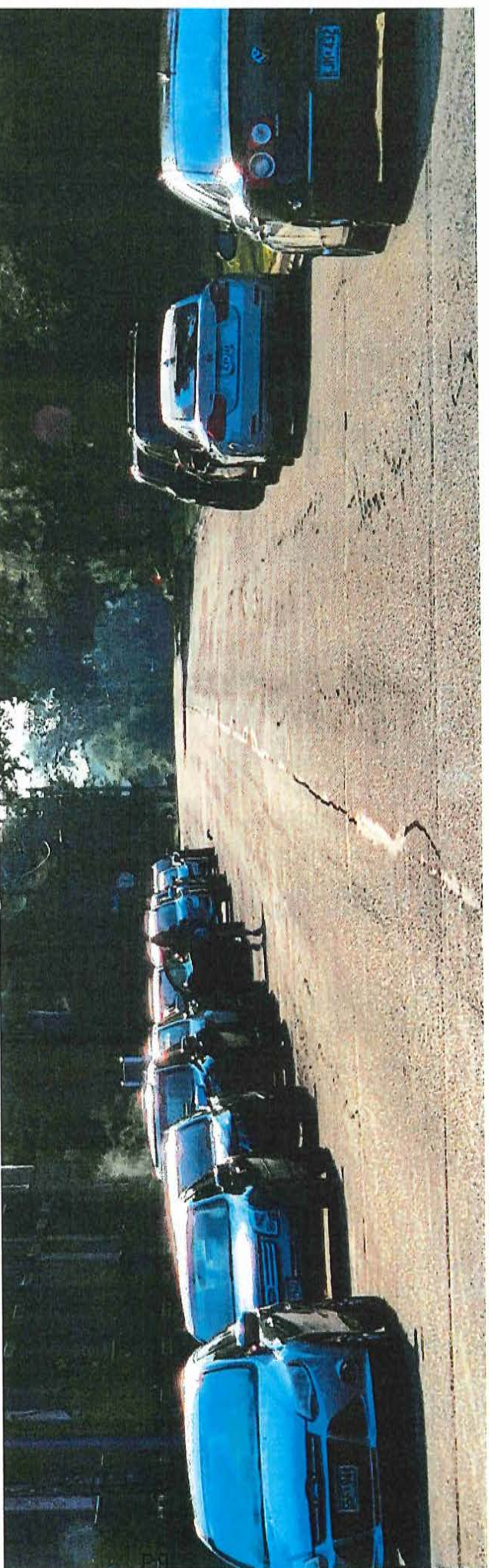


City Hall is getting complaints about Restwood Ave. on-street parking issues that have been created by residents of Lexington Lofts. If you recall, we had to place parking restrictions on Dunlap Ave. near Landings of Lexington due to apartment residents that were parking on the street as opposed to parking in parking lots provided on the property.

Lexington Lofts has more than enough off-street parking available to residents. There should not be a need for on-street parking. They also have a conditional use permit that regulates on-street parking – the city attorney can provide more details on the CUP.

I included a picture of the current parking conditions on Restwood Ave. near Lexington Lofts. I also included a copy of the Resolution the Council adopted July 2, 2020 to restrict parking surrounding Landings of Lexington. This will provide some history on parking regulations that were adopted to control on-street parking around our new apartments.







**CITY OF LEXINGTON  
COUNTY OF ANOKA  
STATE OF MINNESOTA**

**RESOLUTION NO. 20-15**

**A RESOLUTION APPROVING THE INSTALLATION OF “NO PARKING  
ON THIS SIDE OF THE STREET” SIGNS ON NORTH DUNLAP AVENUE  
BETWEEN LAKE DRIVE AND EDGEWOOD ROAD IN THE CITY OF  
LEXINGTON**

**WHEREAS**, the opening of Landings of Lexington has created parking and traffic issues on Dunlap Ave. that has impeded the flow of traffic and potential problems with passage of emergency apparatus through vehicles parked on both sides of the street; and,

**WHEREAS**, Ordinance Section 7.04 (Subdiv. 1) requires Council Action: No devices, sign or signal shall be erected or maintained for traffic or parking control unless the Council shall first have approved and directed the same, except as otherwise provided in this Section; provided, that when traffic and parking control is marked or sign-posted, such marking or sign-posting shall attest to Council action thereon; and,

**WHEREAS**, city staff has determined that “No Parking On This Side Of The Street” signs installed on the eastside of North Dunlap Ave and “No overnight parking from 12:00 midnight to 6:00 a.m.” on the west side of the street between Lake Drive and Edgewood Road would alleviate the bottleneck that occurs when there are cars parked on both sides of the street; and,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL  
OF THE CITY OF LEXINGTON, ANOKA COUNTY, STATE OF  
MINNESOTA**, that city staff shall install these approved signs as shown on the enclosed map.

**PASSED** and adopted by the Lexington City Council this 2<sup>nd</sup> day of July, 2020.



Mike Murphy, Mayor

ATTEST:



Bill Petracek, City Administrator





THE CITY OF LEXINGTON  
ANOKA COUNTY, MINNESOTA

ORDINANCE NO. 23-03

AN ORDINANCE TO REVISE CHAPTER 10 – CANNIBIS USE  
PROHIBITED IN PUBLIC PARKS

The City Council of the City of Lexington hereby ordains:

Section 1. **That Chapter 10 shall be amended, as follows:**

***SECTION 10.37. RULES AND REGUALTIONS GOVERNING PUBLIC PARKS  
AND GROUNDS.***

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**Subd. 4. Alcoholic Beverages.**

- A. Prohibition. No person shall possess, display, consume, ~~or use,~~ or be under the influence of any intoxicating liquor alcoholic beverage or any other intoxicating chemical or substance on any public park or public grounds. No person shall possess, display, consume or use non-intoxicating malt liquor or 3.2% beer in any public park or public grounds except in designated picnic areas and after being issued an official permit by the City.
- B. It is unlawful to use cannabis flower, cannabis products, lower-potency hemp edibles and hemp-derived consumer products, as defined in Minn. Stat. Section 342.01, in public park or public grounds.
- ~~B. Intoxication. No person shall enter or be upon any public park or public grounds while under the influence of any intoxicating liquor or 3.2% beer or malt liquor.~~

Section 2. **Effective Date.** This ordinance takes effect upon its adoption and publication. ADOPTED after a first reading, without a second reading, by a unanimous vote of the City Council of the City of Lexington, Minnesota, this on the \_\_\_\_ day of September 2023.

\_\_\_\_\_  
Gary Grote, Mayor

ATTEST:

\_\_\_\_\_  
Bill Petracek, City Administrator