

**Lauderdale City Council
Meeting Minutes
May 13, 2003**

1. Meeting called to order at 7:00 P.M.

2. ROLL

Council present: Christensen, Giannetti, McCloskey, Gill-Gerbig and Mayor Dains

Staff present: Administrator Getschow and Assistant to the City Administrator Bownik

3. APPROVAL OF THE AGENDA

A. Approval of Agenda. Motion by Christensen, second by Gill-Gerbig to approve the agenda. Motion carried unanimously.

4. APPROVAL

A. Approval of Minutes. Motion by Giannetti, second by Gill-Gerbig to approve the minutes of the April 22, 2003 City Council meeting. Motion carried unanimously.

B. Approval of Claims totaling \$43,686.81. Motion by Christensen, second by Gill-Gerbig to approve the claims totaling \$43,686.81. Motion carried unanimously.

C. Approval of Pay Request #11 for the 2002 Street and Utility Improvements for Northdale Construction in the amount of \$18,894.39. Motion by Giannetti, second by Christensen to approve Pay Request #11 for the 2002 Street and Utility Improvements in the amount of \$18,894.39. Motion carried unanimously.

D. Approval of Pay Request #1 for the 2003 Street and Utility Improvements for S.M. Hentges and Sons in the amount of \$73,546.48. Motion by Christensen, second by McCloskey to approve Pay Request #1 for the 2002 Street and Utility Improvements in the amount of \$73,546.48. Motion carried unanimously.

5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS ITEMS NOT ON THE AGENDA
6. CONSENT
7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/
CITIZENS ADDRESSING STREET AND UTILTIY IMPROVEMENTS
8. INFORMATIONAL PRESENTATIONS
9. PUBLIC HEARINGS

A. Front-Yard and Side-Yard Setback Variance for a deck at 1771 Eustis Street. Assistant to the City Administrator Bownik stated that Calvin Coleman Jr., 1771 Eustis Street, was requesting to encroach into the front yard setback by 13 feet (from 30 feet to 17 feet) and into the side yard setback by 2 feet (from 5 feet to 3 feet) to build a front yard deck. The proposed deck or platform would replace a dilapidated structure that has since been removed and had included steps and a landing (including an overhead roof) to the front door of the house and had encroached five feet into the front yard setback.

The property currently has access from the alley as well as from Eustis Street. There is a two car attached garage in the rear yard that is accessed from the alley. However, a driveway also exists in the front yard from Eustis Street that leads to the front of the house. The deck encroachment of 13 feet into the front yard setback would result in a need to remove the driveway access from Eustis Street because it would no longer be in compliance with the driveway length requirements. The owners have stated that they would remove the concrete driveway in the front of the property with this project.

Bownik stated that the Planning Commission did not meet to discuss the variance request but did receive the information packet and have been invited and encouraged to attend the council meeting in order to provide input to the Council. Wayne Sisel, Plan Commission Chair, did provide some written input to the Council that Bownik read into the record as follows:

1. The front driveway and curb cut needs to be removed and the barrier curb restored.
2. The plan drawing of the front of the house does not appear to reflect the "notch" at the SE corner, formed by the enclosed porch being narrower than the front of the house proper.
3. I do not favor the encroachment into the north side yard. The south side yard is more generous and seems to make more sense for outdoor living space.
4. The 13-foot depth of the porch encroaching into the front yard should be reconsidered and reduced to a more reasonable 6' to 8' maximum.
5. My understanding of the two porch approach is that an air conditioning condenser unit rests in the space between the two proposed porches and the owner does not want to relocate it. Perhaps one continuous porch across the front with a "hole" for air circulation might be a better solution, visually.
6. Also if the deck had a lower silhouette (down a step or two from floor level) it might make less of an impact visually.

The Mayor opened the public hearing at 7:17 p.m.

Bownik read two letters from 1774 Eustis Street and 1775 Eustis Street, into the record that were opposed to the variance application.

Dale LaRoche, representing 1775 Eustis Street, asked about the details of the porch construction. He questioned why such a big deck was needed. He felt that it would not fit in well with the rest of the neighborhood. He also expressed concern with the condition of the overall property.

Faye LaRoche, representing 1775 Eustis Street, stated that she opposed the variance for the deck. It takes it up too much of the front yard and does not fit in with the rest of the neighborhood.

Shellenne Coleman, 1771 Eustis Street, stated that they were attempting to improve the neighborhood with this project. She stated that she has seen other front yard decks throughout the City similar to the one she is proposing that have a nice appearance and seem not to be a concern and fit in well in their respective neighborhoods. She stated that not all houses are alike and there are many different types of houses on her block.

The Mayor closed the public hearing at 7:35 p.m.

Bownik addressed the questions that were asked about the deck construction including the definition of platform in the building code.

10. ACTION

A. Consideration of a Front-Yard and Side-Yard Setback Variance for a deck at 1771 Eustis Street. Council member Giannetti clarified that the issue under Council consideration is strictly the variance application for the deck and not any other issues or concerns with the property.

Council member Gill-Gerbig stated that she does not support the variance application that is being considered. However, she does support almost every one the recommendations made by Plan Commission Chair Wayne Sisel in his submittal to the City [see notes above], which she reiterated.

Council member McCloskey also stated that he supported the changes proposed by Sisel and reiterated by Gill-Gerbig.

Council member Christensen stated that he agreed with everything that had been said thus far. He also stated that the applicant has room to build or expand their deck to the south of the property without encroaching into the setback areas.

The Mayor stated that he did not support the variance as presented, but did support the comments being made by Sisel and the Council.

Shellenne Coleman stated that they could comply with the conditions, following a clarification that steps are intended to fit into the proposed 8-foot front-yard encroachment.

Motion by Christensen, second by McCloskey to deny the variance as presented [13-foot front-yard setback and 3-foot side-yard variance] but to approve an 8-foot front-yard variance for the construction of a deck with the following conditions: (1)The front driveway and curb cut need to be removed and the barrier curb restored; (2) there be one continuous porch across the front with a "hole" for the air conditioning unit; and (3) the deck have a lower silhouette (down a step or two from floor level).

Council member Gill-Gerbig stated that she is extremely pleased that a compromise was able to be reached by all parties without a major problem. It is very heartfelt and positively affirming to be able to see everyone working together on this potentially volatile issue.

B. Resolution 051303A: A Resolution Initiating the Process for the Sale of the City's General Obligation Improvement Bonds. Bob Thistle, the city's financial and bond consultant from Springsted Incorporated, presented the Council with the recommendations for the issuance of \$990,000 in general obligation improvement bonds for the 2003 Street and Utility Improvement project. He requested that the Council approve a resolution initiating the issuance the bonds. A sale for the bonds would be set for May 27, 2003.

Motion by McCloskey, second by Giannetti to approve Resolution 051303A: A Resolution Initiating the Process for the Sale of the City's General Obligation Improvement Bonds, Series 2003A for the 2003 Street and Utility Improvements. Roll: Yes: all. Motion carried.

C. Approval of the 2003 1st Quarter Financial and Investment Report. Motion by Giannetti, second by Gill-Gerbig to approve the 2003 1st Quarter Financial and Investment Report. Roll: Yes: all. Motion carried.

11. EXECUTIVE SESSION RELATING TO ATTORNEY/CLIENT PRIVILEGE TO DISCUSS PENDING LITIGATION AGAINST THE CITY OF LAUDERDALE

The City Council went into executive session at 8:16 p.m. for the purpose of attorney-client privilege to discuss pending litigation against the City of Lauderdale regarding the Community Park property.

The Council came back into open session at 9:15 p.m.

12. ITEMS REMOVED FROM THE CONSENT AGENDA
13. ADDITIONAL ITEMS
14. SET AGENDA FOR NEXT MEETING
 1. 2000-2003 Improvements Financial Report
 2. 2003 Improvements Bond Sale
 3. 2003 Improvements Easements

A break was taken at 9:16 p.m. to transition into a work session discussion.

15. WORK SESSION DISCUSSION

The meeting resumed at 9:17 p.m. The Council discussed the 2003 Improvements and issues related to the timing of the improvements and written requests to open an alley in this phase of the improvements.

The Council then discussed the fact that the County Commissioner and county staff will be at the June 10 work session to discuss the county road turnback of Fulham Street.

16. ADJOURNMENT

Motion by Christensen, second by Gill-Gerbig to adjourn at 9:37 P.M. Ayes: All.