

LAUDERDALE CITY COUNCIL MEETING AGENDA
7:30 P.M. TUESDAY, MAY 8, 2018
LAUDERDALE CITY HALL, 1891 WALNUT STREET

The City Council is meeting as a legislative body to conduct the business of the City according to Robert's Rules of Order and the Standing Rules of Order and Business of the City Council. Unless so ordered by the Mayor, citizen participation is limited to the times indicated and always within the prescribed rules of conduct for public input at meetings.

1. **CALL THE MEETING TO ORDER**
2. **ROLL CALL**
3. **APPROVALS**
 - a. Agenda
 - b. Minutes of the April 24, 2018 City Council Meeting
 - c. Claims Totaling \$133,753.18
4. **CONSENT**
5. **SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS**
6. **INFORMATIONAL PRESENTATIONS / REPORTS**
 - a. City-Wide Garage Sale
 - b. Lauderdale School Tours
 - c. City Council Updates
7. **PUBLIC HEARINGS**

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

8. **DISCUSSION / ACTION ITEM**
 - a. Participation with Ramsey County in CDBG Funding
 - b. Insurance Renewal – Municipal Tort Liability
 - c. Resolution 050818A – Limiting Parking on Idaho Avenue
9. **ITEMS REMOVED FROM THE CONSENT AGENDA**
10. **ADDITIONAL ITEMS**
11. **SET AGENDA FOR NEXT MEETING**
 - a. Comprehensive Plan Public Hearing
 - b. Fire Department Annual Report
12. **WORK SESSION**
 - a. Opportunity for the Public to Address the City Council

Any member of the public may speak at this time on any item not on the agenda. In consideration for the public attending the meeting, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to four (4) minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue shall be continued at the end of the agenda. Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address, and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter any discussion without permission of the presiding officer.

Your participation, as prescribed by the Robert's Rules of Order and the standing rules of order and business of the City Council, is welcomed and your cooperation is greatly appreciated.

- b. George Stagg, Lead Pastor of Twin Cities Church, Regarding 2520 Larpenteur Avenue
- c. Community Development Update

13. **ADJOURNMENT**

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

Page 1 of 4

April 24, 2018

Roll Call

Mayor Gaasch called the Regular City Council meeting to order at 7:30 p.m.

Councilors present: Jeff Dains, Andi Moffatt, Kelly Dolphin, Roxanne Grove, and Mayor Mary Gaasch.

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

Approvals

Mayor Gaasch asked if there were any additions to the meeting agenda. There being none, Councilor Moffatt moved and seconded by Councilor Grove to approve the agenda. Motion carried unanimously.

Mayor Gaasch asked if there were any changes to the meeting minutes. There being none, Councilor Dains moved and seconded by Councilor Grove to approve the minutes of the April 10, 2018, city council meeting. Motion carried unanimously.

Mayor Gaasch asked if there were any questions on the claims. There being none, Councilor Grove moved and seconded by Councilor Moffatt to approve the claims totaling \$22,743.59. Motion carried unanimously.

Informational Presentations/Reports

A. City Council Updates

Mayor Gaasch stated that she was voted President of the Board of Directors for Metro Cities at their annual meeting. Mayor Gaasch also said she would be meeting with Governor Dayton regarding the organization of the Metropolitan Council on April 25. Councilor Grove attended the Ramsey County League of Local Governments meeting.

Public Hearings

A. Rental Housing Ordinance Revisions – Ordinance No. 18-01

Butkowski highlighted the changes being proposed which largely allow staff to be more efficient in running the licensing program. This ordinance has been in process for some time to craft a response to issues at some rental properties. The rental housing ordinance was reviewed by the city attorney and is ready for adoption.

Mayor Gaasch opened the floor at 7:40 p.m. to anyone in attendance that wanted to address the Council on this matter. There being no interested parties to speak, Mayor Gaasch closed the floor at 7:41 p.m.

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

Page 2 of 4

April 24, 2018

Councilor Grove moved to adopt Ordinance No. 18-01 Amending the Code of Ordinances regarding Rental Housing Provisions. The motion was seconded by Councilor Dolphin and carried unanimously.

Discussion/Action Items

A. Resolution 042418A – Authorizing Publication of Ordinance No. 18-01 by Title and Summary.

Along with the rental housing ordinance is the resolution that would allow publication by title and summary as the ordinance is 25 pages long.

Councilor Moffatt moved to adopt Resolution No. 042418A – A Resolution Authorizing Publication of Ordinance No. 18-01 by Title and Summary. The motion was seconded by Councilor Grove and carried unanimously.

B. Fee Schedule Amendments

The final item in regards to the rental housing ordinance was the proposed changes to the fee schedule to match the new ordinance.

Councilor Grove moved to adopt the rental housing fee schedule as amended. The motion was seconded by Councilor Dains and carried unanimously.

C. Award 2018 Sanitary Sewer Lining Project

The bids for the 2018 sanitary sewer lining project were opened Wednesday, April 18 at City Hall. The City received five bids. The low bidder was Instituform Technologies USA, LLC.

Once the work is completed, the City will receive an inflow and infiltration grant from the Metropolitan Council that will cover approximately 25% of the cost of the project.

Councilor Moffatt moved to award the 2018 sanitary sewer lining project to Instituform Technologies USA, LLC. The motion was seconded by Councilor Dains and carried unanimously.

Set Agenda for Next Meeting

Administrator Butkowski stated that the May 22 council meeting may include the Comprehensive Plan public hearing and the Fire Department Annual Report.

Work Session

A. Opportunity for the Public to Address the City Council

Mayor Gaasch opened the floor to anyone in attendance that wanted to address the Council.

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

Page 3 of 4

April 24, 2018

The first person to address the Council was Roseville resident John Abeler. He expressed his concerns about the dog park and how it negatively impacted his life and that of his wife Mitsumi. He mentioned that he was happy to meet the council members and wanted to continue this discussion into the future to ensure for a peaceful neighborhood.

The second person to address the council was Brooklyn Park resident Nathan Erenberg. He mentioned that he was planning to take ownership of 1772 Pleasant Street and fix the various issues with the house. He also expressed interest in regaining a rental housing license if everything could be restored to adequate shape. The Council stated that they would consult with the city attorney and get back to him with more answers.

B. Parks Planning Update

The Council budgeted \$25,000 for parks improvements in 2018. Discussed at the time were plans to improve the equipment at Skyview Park and possibly add or improve amenities at the Community Park.

Staff solicited park improvement feedback via the January newsletter and received a couple of responses. Before engaging in more conversations with the community, staff wanted to get some feedback and parameters for the improvements. Based on the feedback, staff can go in a number of directions in terms of gathering community feedback or engaging vendors in developing concepts for community consideration.

Council members suggested some items they would like to see and noted items they wanted to avoid in regards to the park. Staff will use that information to gather ideas from vendors for a park as small in size as Skyview.

C. Community Development Update

Butkowski informed the Council that a resident took ownership of on Walnut Street that he would like to have demolished. He was wondering if the City would provide the upfront funds for the demolition and allow for payment as a special assessment. The Council was receptive to the idea. Staff continues to work on the Service Station insurance claim.

Closed Session

A. Develop and Consider Offers for the Purchase of Real Property – 1825 Eustis Street
Councilor Moffatt moved to enter into closed session at 8:35 p.m. pursuant to Minnesota Statutes, Section 13D.05, subdivision 3, to develop or consider offers for the purchase of real property at 1825 Eustis Street. The motion was seconded by Councilor Grove and carried unanimously.

The Council returned from the closed session at 8:50 p.m.

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

Page 4 of 4

April 24, 2018

Adjournment

Councilor Grove moved and seconded by Councilor Dains to adjourn the meeting at 8:51 p.m.
Motion carried unanimously.

Respectfully submitted,



Heather Butkowski
City Administrator



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

Request for Council Action

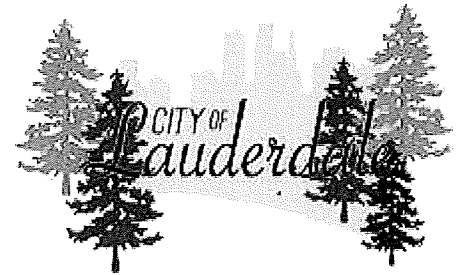
To: Mayor and City Council
From: City Administrator
Meeting Date: May 8, 2018
Subject: List of Claims

The claims totaling \$133,753.18 are provided for City Council review and approval that includes check numbers 25820 to 25839.

Accounts Payable

Checks by Date - Detail by Check Date

User: heather.butkowski
 Printed: 5/4/2018 3:37 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
ACH	43	Public Employees Retirement Association PR Batch 50900.05.2018 PERA Coordinated PR Batch 50900.05.2018 PERA Coordinated	05/04/2018 PR Batch 50900.05.2018 PER PR Batch 50900.05.2018 PER	1,103.33 956.22
Total for this ACH Check for Vendor 43:				2,059.55
ACH	44	Minnesota Department of Revenue PR Batch 50900.05.2018 State Income Tax	05/04/2018 PR Batch 50900.05.2018 Stat	682.33
Total for this ACH Check for Vendor 44:				682.33
ACH	45	ICMA Retirement Corporation PR Batch 50900.05.2018 Deferred Comp PR Batch 50900.05.2018 Deferred Comp	05/04/2018 PR Batch 50900.05.2018 Def PR Batch 50900.05.2018 Def	1,351.27 939.37
Total for this ACH Check for Vendor 45:				2,290.64
ACH	46	Internal Revenue Service PR Batch 50900.05.2018 Federal Income Tax PR Batch 50900.05.2018 FICA Employer Portio PR Batch 50900.05.2018 Medicare Employer Po PR Batch 50900.05.2018 FICA Employee Portio PR Batch 50900.05.2018 Medicare Employee Pc	05/04/2018 PR Batch 50900.05.2018 Fed PR Batch 50900.05.2018 FIC PR Batch 50900.05.2018 Mec PR Batch 50900.05.2018 FIC PR Batch 50900.05.2018 Mec	1,106.81 986.75 230.77 986.75 230.77
Total for this ACH Check for Vendor 46:				3,541.85
Total for 5/4/2018:				8,574.37
25820	13 5925	8th Day Landscaping LLC April Snow Removal	05/08/2018	645.00
Total for Check Number 25820:				645.00
25821	29 3666	City of St Anthony May Police Services	05/08/2018	57,730.67
Total for Check Number 25821:				57,730.67
25822	25 EMCOM-006875 EMCOM-006887 EMCOM-006901	County of Ramsey April Fleet Support April 911 Dispatch Services April CAD Services	05/08/2018	6.24 1,248.01 233.07
Total for Check Number 25822:				1,487.32
25823	25 PRRRV-000834	County of Ramsey Election Equipment Payment #3	05/08/2018	1,491.05
Total for Check Number 25823:				1,491.05

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
25824	25 PUBW-017000	County of Ramsey January - April Snow Removal	05/08/2018	19,840.31
Total for Check Number 25824:				19,840.31
25825	61 8040513	Gopher State One Call April Locates	05/08/2018	23.55
Total for Check Number 25825:				23.55
25826	31 142558 142558	Kennedy & Graven Chartered TIF District 1-2 March Legal Services	05/08/2018	1,893.75 3,672.00
Total for Check Number 25826:				5,565.75
25827	24 0001082954	Metropolitan Council June Waste Water	05/08/2018	10,846.48
Total for Check Number 25827:				10,846.48
25828	94 2018-19	Minnesota Clerks & Finance Officers Assoc Dues for HB, JB, MC	05/08/2018	135.00
Total for Check Number 25828:				135.00
25829	84 042018	North Star Bank Cardmember Services Int'l Property Maintenance Code Books	05/08/2018	104.15
Total for Check Number 25829:				104.15
25830	10 0000575994 0000576096	On Site Sanitation Inc School Tour Portable Restroom 4/27-5/18 Park Portable Restroom	05/08/2018	66.00 184.56
Total for Check Number 25830:				250.56
25831	47	Public Employees Insurance Program PR Batch 50900.05.2018 Health Insurance PR Batch 50900.05.2018 Dental	05/08/2018 PR Batch 50900.05.2018 Hea PR Batch 50900.05.2018 Den	2,032.62 116.10
Total for Check Number 25831:				2,148.72
25832	186 042018	Sela Roofing and Remodeling Refund Plan Review - Not Required	05/08/2018	432.09
Total for Check Number 25832:				432.09
25833	81 1Q2018 1Q2018 1Q2018	St Paul Regional Water Service 1885 Fulham St 1915 Walnut St 1891 Walnut St	05/08/2018	119.52 27.18 68.73
Total for Check Number 25833:				215.43
25834	26 1343751 1343752	Stantec Consulting Services Inc Turnback Discussions Sanitary Sewer Lining	05/08/2018	492.00 4,977.00
Total for Check Number 25834:				5,469.00
25835	91 111398	Suburban Ace Hardware Fasteners	05/08/2018	7.80

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 25835:	7.80
25836	162 611	Swanson Haskamp Consulting, LLC Comprehensive Plan Pay 10	05/08/2018	10,546.62
			Total for Check Number 25836:	10,546.62
25837	182 18-1548	The Javelin Group Inc Pre-Demo Survey, Phase I, Limited Phase II	05/08/2018	7,650.00
			Total for Check Number 25837:	7,650.00
25838	77 Stamps	United States Postal Service 5 Rolls of Stamps	05/08/2018	245.00
			Total for Check Number 25838:	245.00
25839	7 7888980-0500-4	Waste Management Inc PW Dumpster	05/08/2018	344.31
			Total for Check Number 25839:	344.31
			Total for 5/8/2018:	125,178.81
			Report Total (24 checks):	133,753.18

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

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

MEETING DATE May 8, 2018

ITEM NUMBER Ramsey County CDBG

STAFF INITIAL HB

APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The City has participated in the Ramsey County Housing and Redevelopment Authority (HRA) Community Development Block Grant (CDBG) Urban County Requalification since 1985. The agreement provides for automatic renewal unless a City provides in writing that they are opting out. Staff do not recommend that the City opt out but we wanted to bring the matter to your attention for consideration.

OPTIONS:

STAFF RECOMMENDATION:

Wednesday, May 2, 2018

Mayor Mary Gaasch
City of Lauderdale
1891 Walnut Street
Lauderdale, MN 55113

Dear Mayor Gaasch:

Ramsey County has been an Entitlement Urban County and received an annual allocation of Community Development Block Grant (CDBG) dollars through the U.S. Department of Housing and Urban Development (HUD) since 1986. This money has been used to undertake housing and community development activities primarily benefiting the low and moderate-income residents of suburban Ramsey County. Since 1992, the Home Investment Partnerships Act (HOME) program has also been a resource for the County. Ramsey County's eligibility for both programs and the actual dollar amount received are based on the total population of jurisdictions choosing to participate.

Sixteen suburban communities have chosen to participate in the agreement process over the past thirty years, ensuring a guaranteed annual allocation for the County and those suburban municipalities that desire to actively participate in the program.

Our records show that since 1985 your community has signed cooperation agreements with the County to ensure eligibility. The agreement provides for automatic renewal unless a municipality notifies the county in writing by June 15, 2018 that it wishes to opt out of the agreement.

HUD requires that all participants be notified that:

1. if a municipality chooses to remain with the urban county, it is ineligible to apply for grants under the State CDBG program (Small Cities) while part of the urban county;
2. if a municipality is part of the urban county, it is also a participant in the HOME program; and
3. if a municipality elects to "opt-out" it may not have an opportunity to participate with the urban county for the next three years.

INCLUSION IN THE COUNTY ENTITLEMENT DOES NOT REQUIRE THAT YOU ACTIVELY PARTICPATE IN THE PROGRAM. IT DOES PROVIDE THE COUNTY WITH THE NEEDED POPULATION TO QUALIFY AND INFLUENCES OUR ANNUAL ALLOCATION.

We are pleased with the active participation of our municipalities in the program. Ramsey County's suburban communities have set county-wide priorities for use of CDBG and HOME funds. These priorities have resulted in the creation/retention of nearly 500 jobs, and over 3,000 low-income, suburban homeowners receiving rehabilitation funding.

The HOME funds, which are used exclusively for affordable housing, have resulted in the addition of several large-scale rehabilitation projects, many new rental units, and expanded homeownership opportunities in suburban Ramsey County for families. HOME funds have provided down-payment assistance to over 250 first-time homebuyers.

Should you have any questions, or need assistance, please contact Mary Lou Egan at 651-266-8025 or Denise Beigbeder, at 651-266-8005.

Sincerely,



Denise Beigbeder
Ramsey County
Community and Economic Development



Mary Lou Egan

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

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

Meeting Date May 8, 2018

ITEM NUMBER Insurance Renewal

STAFF INITIAL _____

APPROVED BY ADMINISTRATOR _____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The City's insurance policy runs from August to August. Annually, the City Council must determine whether or not to waive the municipal tort liability limits established by statute. The City has not waived them in the past as it opens the City to greater financial liability and would require the purchase of additional insurance. Staff recommend the following motion whereby the City Council does not waive the tort liability limits.

Also included is information from the League of Minnesota Cities related to statutory limits. The text begins at the bottom of their page 5.

OPTIONS:

STAFF RECOMMENDATION:

1. A motion not to waive the monetary limits on municipal tort liability established by MS 466.04.



CONNECTING & INNOVATING
SINCE 1913

LIABILITY COVERAGE – WAIVER FORM

LMCIT members purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage. Please return the completed form to your underwriter or email to pstech@lmc.org

This decision must be made by the member's governing body every year. You may also wish to discuss these issues with your attorney.

League of Minnesota Cities Insurance Trust (LMCIT) members that obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits apply regardless of whether the city purchases the optional excess liability coverage.
- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could potentially recover up to \$2,000,000 for a single occurrence. (Under this option, the tort cap liability limits are waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2 million.) The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

Lauderdale
LMCIT Member Name

Check one:

The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04.

The member **WAIVES** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council/governing body meeting _____

Signature _____ Position _____

Summary of LMCIT Liability Coverage Options

Helpful background information on this chart may be found in the [LMCIT Liability Coverage Guide](#).

Coverage structure If the city:	On a liability claim to which the statutory limits apply		On a liability claim to which the statutory limits do not apply
	This is the maximum amount a single claimant could recover on an occurrence.	This is the maximum total amount that all claimants could recover on a single occurrence.	
Does not have excess coverage & Does not waive the statutory limits	\$500,000	\$1,500,000	\$2,000,000
Does not have excess coverage & Waives the statutory limits	\$2,000,000	\$2,000,000	\$2,000,000
Has \$1,000,000 of excess coverage & Does not waive the statutory limits	\$500,000	\$1,500,000	\$3,000,000
Has \$1,000,000 of excess coverage & Waives the statutory limits	\$3,000,000	\$3,000,000	\$3,000,000

RELEVANT LINKS:

See Section II.D.3,
*Purchasing higher liability
limits.*

See Section III.B, *Data
security breach and
computer-related risks.*

See Section III.J, *Land use
and special risk litigation.*

See Section III.D,
*Employees' activities in
outside organizations.*

See Section III.J, *Land use
and special risk litigation.*

Land Use Incentive
Program.

Minn. Stat. § 466.04.

Second, it's increasingly more common to see contracts require more than the statutory limit of \$1.5 million; a more common figure is \$2 million. LMCIT's higher limit meets this requirement, but if even higher limits are required, there is the option to carry LMCIT's excess liability coverage to meet the additional requirements. In some cases LMCIT, in partnership with its reinsurers, can also issue an endorsement to increase the city's coverage limit only for claims relating to a particular contract.

In addition to the LMCIT coverage limit of \$2 million per occurrence, there are annual aggregate limits (that is, limits on the total amount of coverage for the year regardless of the number of claims), for certain specific risks. Aggregate limits apply to claims arising out of the following:

- Products \$3 million annually
- Failure to supply utilities \$3 million annually
- Data security breaches \$3 million annually
- Electromagnetic fields \$3 million annually
- Limited contamination \$3 million annually
- Land use/special risk litigation \$1 million annually
- Activities in outside organizations \$100,000 annually

Failure to supply utilities applies to the failure to supply water, electricity, gas, or steam service. It also applies to damages arising out of the failure to supply phone and internet or other electronic data transmission services.

Data security breach coverage carries a \$250,000 annual aggregate/sublimit (part of and not in addition to the \$3 million data security breach aggregate) for Payment Card Industry (PCI) fines and penalties and data security breach regulatory fines and penalties resulting from a data security breach claim.

Limited contamination includes the sudden and accidental release of pollutants; herbicide and pesticide applications; sewer ruptures, overflows, and backups; lead and asbestos claims; mold claims; organic pathogen claims; hostile fire claims; and excavation and dredging claims. Excavation and dredging claims are subject to an annual \$250,000 sublimit. These limits apply to both damages and defense costs.

Land use litigation coverage is provided on a sliding scale percentage basis, which is based on participation in LMCIT's land use incentive. Coverage applies to both damages and litigation costs.

2. Statutory liability limits

The statutory municipal tort cap is limited to a maximum of \$500,000 per claimant and \$1.5 million per occurrence.

RELEVANT LINKS:

See Summary of LMCIT Liability Coverage Options and the effects of choosing the various coverage structure options.

See Section II.D.3, Purchasing higher liability limits.

See Section II.D.3, Purchasing higher liability limits.

These limits apply whether the claim is against the city, against the individual officer or employee, or against both. The LMCIT liability coverage provides a standard limit of \$2 million per occurrence.

At the city's coverage renewal each year, it must decide whether to waive or not waive the statutory limits. There is no right or wrong answer on this point. It's a discretionary question of city policy that each city council needs to decide for itself.

a. Waiving the statutory limit

Members who choose to waive the statutory limits are waiving the protection of the statutory limits, up to the amount of coverage the city has. Someone with a claim against a city that has waived the statutory limits would be able to recover up to the LMCIT standard limit of \$2 million, rather than the statutory limit of \$500,000 per claimant. Because the waiver increases the exposure, the premium is a few percentage points higher for coverage under the waiver option.

A city may choose to pay more in premium for the waiver option because the statutory liability limit only comes into play in a case where the city is in fact liable and the injured party's actual proven damages are greater than the statutory limit. Some cities as a matter of public policy may want to have more assets available to compensate their citizens for injuries caused by the city's negligence. Waiving the statutory liability limits is a way to do that.

There is no increase in risk if the city waives the statutory liability limits. In other words, there is no risk for the city to end up with liability if LMCIT doesn't cover it. The LMCIT waiver form specifically says the city is waiving the statutory tort caps only to the extent of the city's coverage. That's not to say there is no risk the city's liability could exceed its coverage limits. There are certain situations in which this could happen, but the waiver doesn't increase that risk.

In those cases where the city waives the statutory limit, but also purchases the LMCIT excess liability coverage, a claimant could potentially recover more. For example, if the city has \$1 million of excess coverage and chooses to waive the statutory tort caps, the claimants (whether it's one claimant or several) could then potentially recover up to \$2.5 million in damages in a single occurrence. If the city carries higher excess coverage limits, the potential maximum recovery per occurrence is correspondingly higher.

Carrying LMCIT's excess coverage under the waiver option is a way to address an issue that some cities find troubling, and that's: the case where many people are injured in a single occurrence caused by city negligence. An example is if a city vehicle negligently ran into a school bus full of children causing multiple serious injuries.

RELEVANT LINKS:

See Section II.D.3,
*Purchasing higher liability
limits.*

See Section II.D.3.a,
*Statutory limits may not
apply.*

Minn. Stat. § 3.736.

The statutory limit of \$1.5 million divided 50 ways may not go far in compensating those injuries. Excess coverage under the waiver option makes more funds available to compensate the victims in this kind of situation.

The cost of the excess liability coverage is about 25 percent greater if the city waives the statutory tort caps. The cost difference is proportionally greater than the cost difference at the primary level because for a city that carries excess coverage, waiving the statutory tort caps increases both the per claimant exposure and the per occurrence exposure.

b. Not waiving the statutory limit

For cities who choose not to waive the statutory limits, the city's liability is limited by the statute to no more than \$500,000 per claimant and \$1.5 million per occurrence. LMCIT's higher coverage limits would only come into play on those types of claims that aren't covered by the statutory limit.

3. Purchasing higher liability limits

LMCIT makes available the option of carrying higher coverage limits than the basic limit of \$2 million per occurrence. This coverage, called excess liability coverage, is available in \$1 million increments up to a maximum of \$5 million.

There are several different reasons why cities may consider carrying LMCIT's excess liability coverage.

a. Statutory limits may not apply

The statutory tort caps either do not or may not apply to several types of claims. Some examples include:

- *Claims under federal civil rights laws.* These include Section 1983, the Americans with Disabilities Act, and so on.
- *Claims for tort liability the city has assumed by contract.* This occurs when a city agrees in a contract to defend and indemnify a private party.
- *Claims for actions in another state.* This might occur in border cities that have mutual aid agreements with adjoining states or when a city official attends a national conference or goes to Washington to lobby.
- *Claims based on liquor sales.* This mostly affects cities with municipal liquor stores, but it could also arise in connection with beer sales at a fire relief association fundraiser, for example.
- *Claims based on a "taking" theory.* Suits challenging land use regulations frequently include an "inverse condemnation" claim, alleging the regulation amounts to a "taking" of the property.

RELEVANT LINKS:

See Section II.D, *Coverage limits*.

LMC information memos, *LMCIT Auto Coverage Guide* and *LMCIT Workers' Compensation Coverage Guide*.
See Section III.L, *Medical payments*; Section III.D, *Employees' activities in outside organizations*; and Section III.K, *Liquor liability*.

LMC information memo, *Making and Managing City Contracts*, Section IV.B.6, *Umbrella/excess insurance*.

See Section III.Q, *Separate city boards and commissions*.

b. Annual limits apply in LMCIT's coverage for specific risks

Besides LMCIT's overall coverage limit of \$2 million per occurrence, there are also annual aggregate limits for certain specific risks. If the city has a loss or claim in one of these areas, there might not be enough limits remaining to cover the city's full exposure if there is a second loss of the same sort during the year.

There are, however, a couple important restrictions on how the excess coverage applies to risks that are subject to aggregate limits. The excess coverage does not apply to the following types of risks.

- Failure to supply utilities.
- Mold.
- Lead and asbestos.
- Excavation and dredging.
- Sudden and accidental release of pollutants below ground or within or on the surface of any body of water.
- Auto no-fault claims.
- Uninsured/underinsured motorist claims.
- Workers' compensation, disability, or unemployment claims.
- Claims under the medical payments coverage.
- Claims arising from the activities of outside organizations.
- No-fault sewer backup
- Liquor liability, unless the city has specifically requested it.

c. Contracts may require higher coverage limits

Occasionally, a contract might include a requirement the city carry more than \$2 million per occurrence in coverage limits. Carrying excess coverage is a way to meet these requirements. Cities can also contact LMCIT and request an endorsement to increase the city's coverage limit only for claims relating to that particular contract. There's a small charge, and the contract and additional underwriting information may be required.

d. Multiple political subdivisions

There may be more than one political subdivision covered under the city's coverage.

A housing and redevelopment authority (HRA), economic development authority (EDA), or port authority are separate political subdivisions.

RELEVANT LINKS:

LMC information memo,
*Making and Managing City
Contracts*, Section
IV.B.1.b, *Additional
insured provisions*.

If the city EDA, for example, is named as a covered party on the city's coverage and a claim were made that involved both the city and the EDA, theoretically the claimant might be able to recover up to \$1.5 million from both the city and the EDA since there are two political subdivisions involved. Excess coverage is one way to provide enough coverage limits to address this situation. Another solution is for the HRA, EDA, or port authority to carry separate liability coverage in its own name.

The issue of multiple covered parties can also arise if the city has agreed by contract to name another entity as a covered party, or to defend and indemnify another entity.

e. Courts may overturn statutory liability limits

Cities sometimes carry higher coverage limits because of a concern the courts might overturn the statutory liability limits. However, those limits have been tested and upheld several times in Minnesota. While it's always possible a future court might decide to throw out the statutory limits, this is less of a concern.

III. Coverage details on specific liability exposures

The LMCIT liability coverage is broad, but there are a number of situations where the city needs to take additional action or be aware of special coverage terms and limits.

A. Airports

LMCIT offers optional airport liability coverage to members of the property/casualty program. Coverage is available for airports that are operated by a city, by a joint powers entity that includes at least one city, or by a special purpose district. Coverage is available for most municipal airports; however, larger airports that have scheduled service are not eligible.

1. Coverage limits

The airport liability coverage is very broad and carries a per occurrence limit of \$2 million and an annual aggregate limit of \$3 million. It is subject to the same deductibles that apply to the city's municipal liability coverage. Higher limits can be provided through LMCIT's optional excess liability coverage, although it is not available as an option for airport risks only.

See Section II.D.3,
*Purchasing higher liability
limits*.

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

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

Meeting Date May 8, 2018

ITEM NUMBER Idaho Avenue Parking

STAFF INITIAL AB

APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The managers of two multi-family buildings are requesting the Council restrict parking on a small portion of Idaho Avenue to allow garbage trucks to make the turns necessary to pick up waste from their enclosure. This change also will allow Ramsey County to better plow the street in winter. In order to do this, the Council must adopt the following resolution.

OPTIONS:

STAFF RECOMMENDATION:

Motion to adopt Resolution 050818A—A Resolution Establishing No Parking on a Portion of Idaho Avenue.

RESOLUTION 050818A

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

RESOLUTION ESTABLISHING NO PARKING ON A PORTION OF IDAHO AVENUE

WHEREAS, Idaho Avenue is a short street that runs east to west between Eustis Street and Carl Street in Lauderdale, Minnesota; and,

WHEREAS, the property manager of Lauderdale Hollows Apartments is asking the City to restrict parking on a portion of the south side of Idaho Avenue to allow trucks to collect their waste; and,

WHEREAS, the neighboring property manager at Greenway Village Apartments support the limitation of parking in this area; and,

WHEREAS, there is room within the existing apartment parking lots to absorb the loss of seven parking spaces; and,

WHEREAS, the City Council has authority to establish No Parking Zones within the City.

NOW, THEREFORE, BE IT RESOLVED, that the Lauderdale City Council prohibits the parking of motor vehicles on the south side of Idaho Avenue between the entrances to Greenway Village Apartments effective immediately and until such time as the City Council elects to eliminate the parking restrictions.

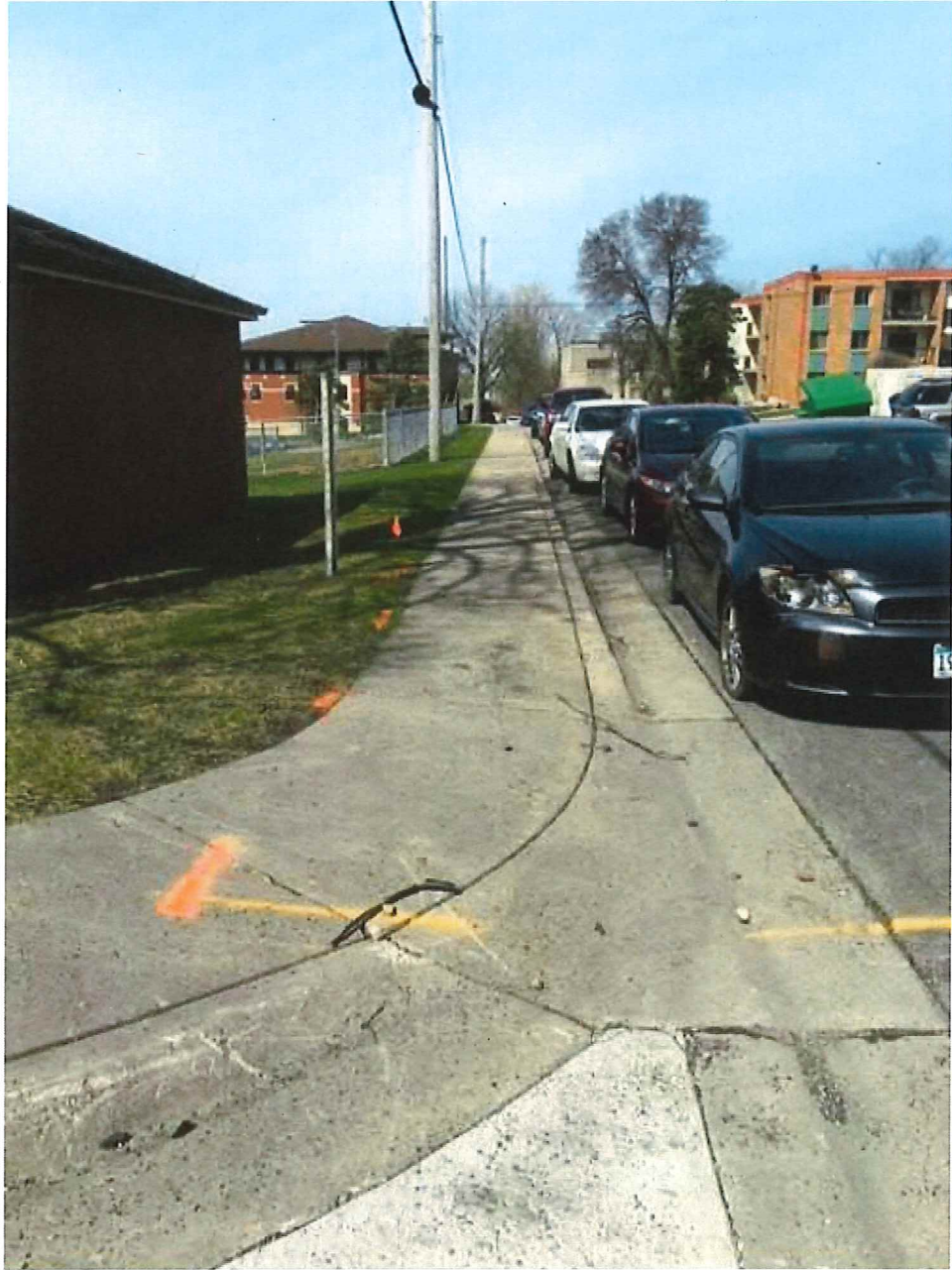
Adopted by the City Council of the City of Lauderdale, Minnesota, on May 8, 2018.

Mary Gaasch, Mayor

ATTEST:

Heather Butkowski, City Administrator





**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

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

Meeting Date May 8, 2018

ITEM NUMBER Twin Cities Church

STAFF INITIAL [Signature]

APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Staff anticipate that George Stagg of Twin Cities Church will attend the council meeting. The Church would like to purchase 2520 Larpenteur Avenue for use as a church. 2520 Larpenteur Avenue is in the I-1 (industrial) zoning district. Currently, churches are not permitted or conditionally permitted uses in that district. Attached to this memo is a copy of the current zoning districts and their allowed and conditional uses.

Twin Cities Church would need to complete three primary things before they could use the building as a church. First, the Council would need to amend the zoning ordinance to allow for churches in the I-1 district as a permitted or conditional use. Second, the building would need to be brought up to code for an assembly use. Third, they would need to secure an additional parking site due to their limited parking on site. Staff are unaware of another shared parking arrangements in town to consider as a model.

Pastor Stagg is here tonight seeking feedback on whether the Council would allow for the zoning change and shared parking arrangement. Based on the discussion, Pastor Stagg can decide whether to pursue the zoning amendment and plans to rehabilitate the building.

STAFF RECOMMENDATION:



**TWIN
CITIES
CHURCH**

May 3, 2018

Heather Butkowski
City Administrator
City of Lauderdale
1891 Walnut Street
Lauderdale, Minnesota 55113

Dear Ms. Butkowski:

Good day to you. Thank you for your ongoing help as we prepare to address the City Council with our proposal. Attached you will find a letter to the City Council members, a map of Lauderdale with the property under consideration specified, and the brochure for the sale.

Please contact me if there is other information you need.

Sincerely,

George Stagg
Lead Pastor

2375 University Ave W,
Suite 100
St. Paul, Minnesota
55114

651-644-1670 (o)
612-751-4777 (m)

george@tccmn.org

www.tccmn.org



**TWIN
CITIES
CHURCH**

May 3, 2018

City Council Members
City of Lauderdale
1891 Walnut Street
Lauderdale, Minnesota 55113

Dear City Council Members:

Good day to you. My name is George Stagg. I am Lead Pastor of Twin Cities Church. We are a ten-year old church and are considering the purchase of a permanent facility. We currently lease office space at University and Raymond and rent Murray Middle School in St. Paul for our Sunday services. We are considering the purchase of the property located at 2520 Larpenteur Ave W (see attached map and documents). It is an ideal building for us. It is centrally located. It has the office and warehouse space to accommodate our varying needs. It is not a traditional church building, which is consistent with our ministry philosophy and our desire to provide a building that can be comfortably used for a variety of purposes.

We understand that the location is not zoned for churches, and that the property does not have enough parking. We understand that the City of Lauderdale requires one parking space per four persons at capacity of the gathering area. This would mean that we would need somewhere between 50-75 spaces depending on how we build out the assembly area. The lot only has around 25-30 parking spaces.

Would the City of Lauderdale consider providing a waiver for Twin Cities Church to use this location as a church, or consider adding churches as a conditional use in an industrial zone? I have already pursued the CEO of Twin Cities Die Company, the property directly west of 2520 (see map), to create a possible arrangement where we could use their parking lots on Sunday morning. These lots are connected to 2520 by sidewalk and would be an ideal solution. If we were able to solidify this arrangement, as well as meet any additional criteria the City of Lauderdale would require, would the City of Lauderdale permit our use of this location as a church?

Additionally, we also recognize that the City of Lauderdale would not be very interested in releasing commercial property for non-profit use and lose the tax revenue from that change. Please know that we will not be filing for property tax exemption on that property if we were able to complete the purchase. We want to contribute to the city as any tax-paying entity would since we would be benefitting from city and county services.

George Stagg
Lead Pastor

2375 University Ave W,
Suite 100
St. Paul, Minnesota
55114

651-644-1670 (o)
612-751-4777 (m)

george@tccmn.org

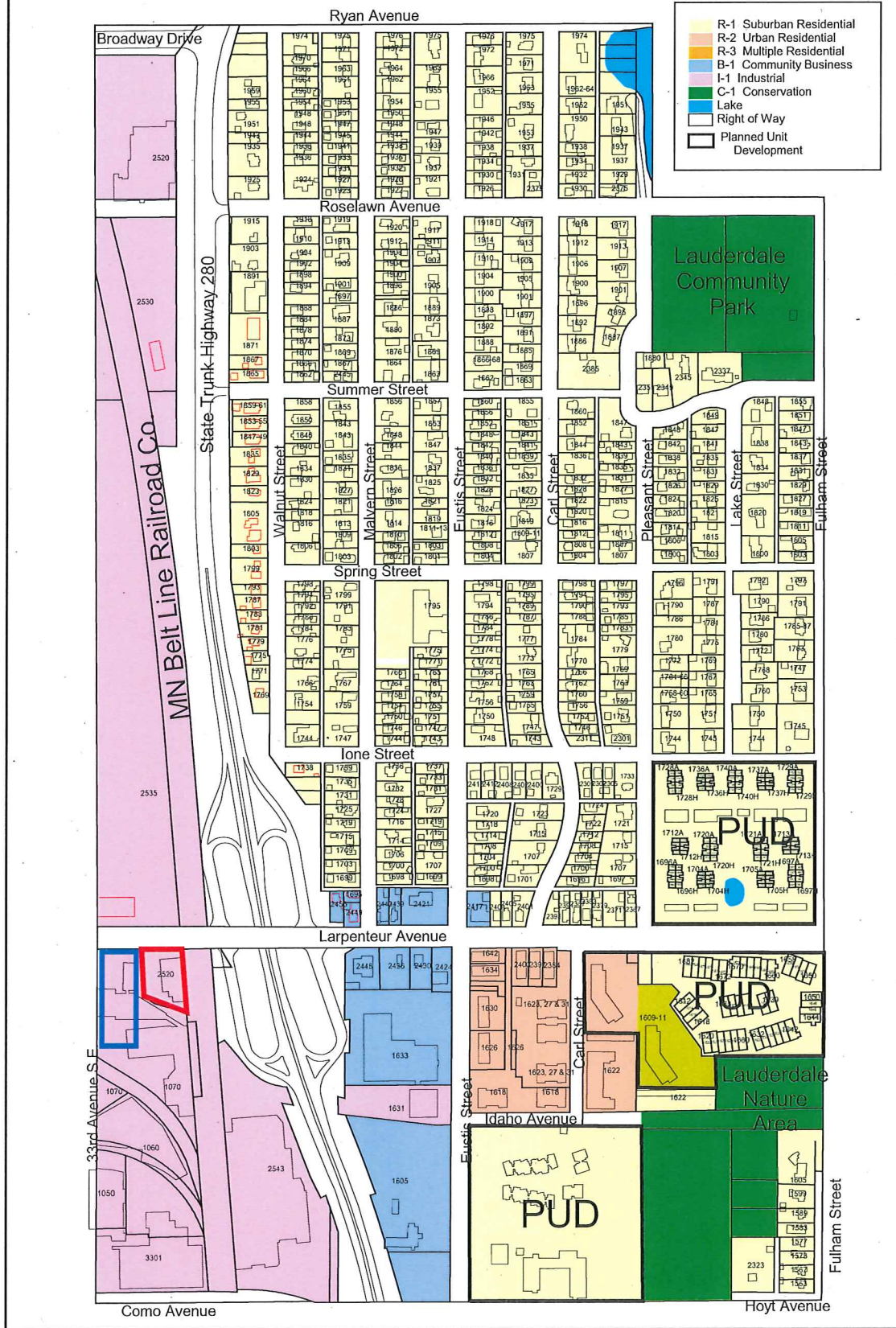
www.tccmn.org

I plan to attend the city council meeting on May 8 to formally present our request. If you have questions for me prior to that meeting, please do not hesitate to call or email me.

Sincerely,

The City of Lauderdale

1996 Zoning Map



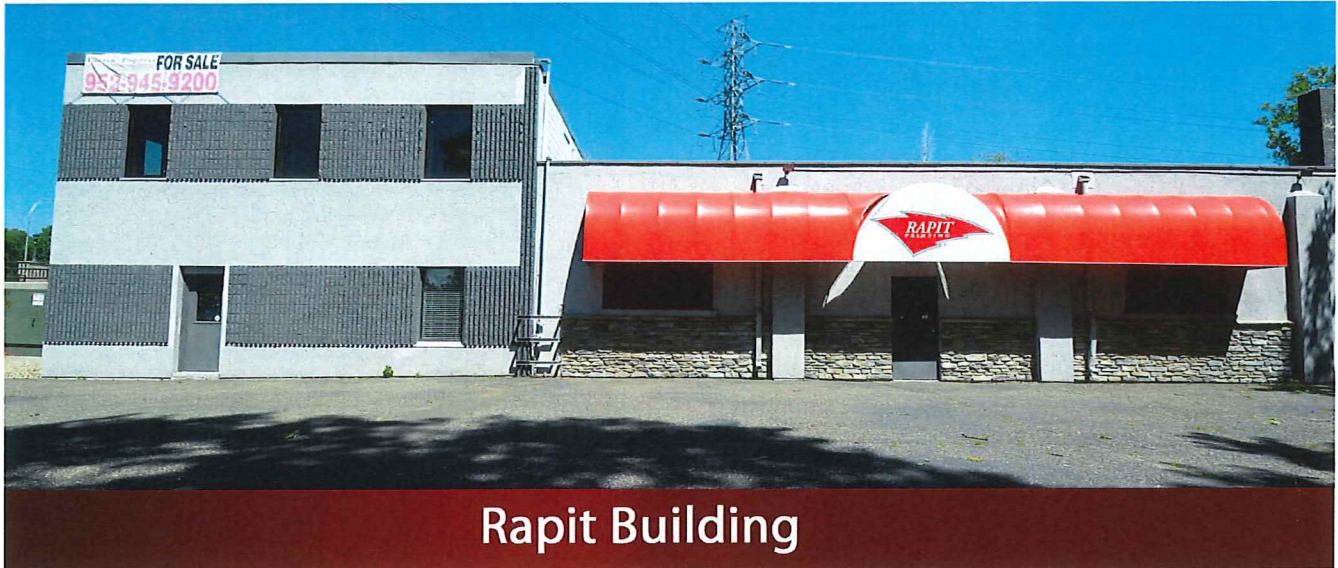
- 2520 Larpenteur Ave W
- Parking Lots at Twin Cities Die Company

350 0 350 Feet





For Lease



Rapit Building

 Rapit Building
2520 Larpenteur Ave,
Lauderdale, MN 55113

Brian Scholten
(763)567-3226
Brian@caspianrealty.com

Retail & Office for Lease

Rapit Building is a 14,335 SF multi-tenant office and warehouse property located on Highway 280 and in close proximity to Highway 36. The building offers its tenants ample power, private parking lot, excellent access, and great visibility.




www.caspianrealty.com



For Lease



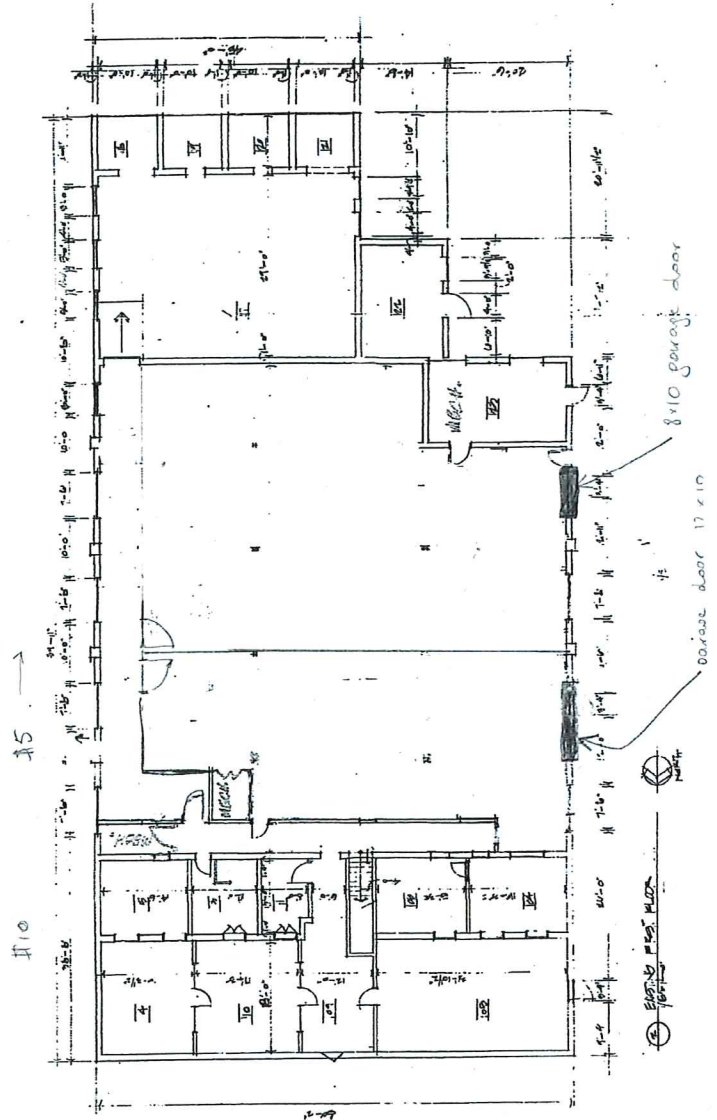
 Rapit Building
2520 Larpenteur Ave,
Lauderdale, MN 55113

Brian Scholten
(763)567-3226
Brian@caspianrealty.com



For Lease

Floor Plan



 Rapit Building
2520 Larpenteur Ave,
Lauderdale, MN 55113

Brian Scholten
(763)567-3226
Brian@caspiarealty.com



For Lease

PROPERTY ADDRESS:

Rapit Building
2520 Larpenteur Ave,
Lauderdale, MN 55113

BUILDING SQUARE FEET:

14,335 square feet

YEAR BUILT / REMODELED

N/A

Site Size:

N/A

Building Type:

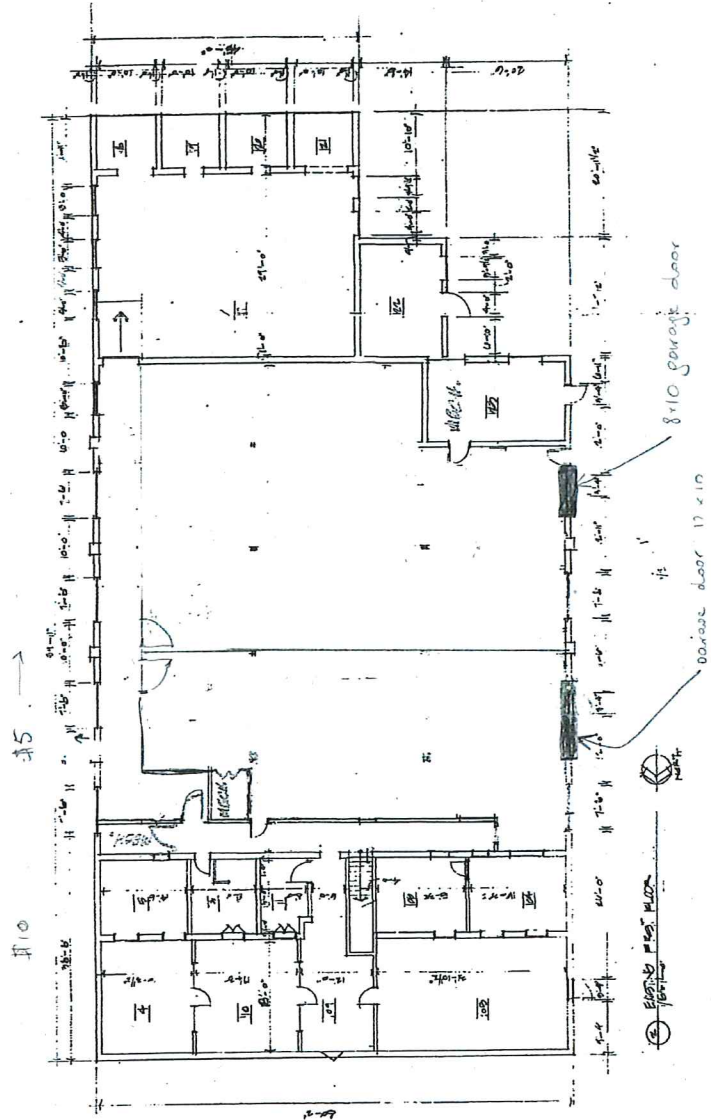
Office / Warehouse

2016 EST OPERATING EXPENSES &

TAX:

Opex

Total:



 Rapit Building
2520 Larpenteur Ave,
Lauderdale, MN 55113

Brian Scholten

(763)567-3226

Brian@caspiarealty.com

CHAPTER 6
DISTRICT USES

SECTION:

- 10-6-1: Permitted Uses
- 10-6-2: Conditional Uses
- 10-6-3: Roomers As Accessory Use

10-6-1: PERMITTED USES:

The permitted uses for each zoning district are listed below:

A. R-1, Suburban Residential:

1. Public parks and playgrounds;
2. Public schools;
3. Single family dwellings; and
4. Amateur radio antennas.

B. R-2, Urban Residential:

1. Public parks and playgrounds;
2. Public schools;
3. Single family dwellings; and
4. Two family dwellings.

C. R-3, Multiple Residential:

1. Churches;
2. Multiple family dwellings;
3. Public and parochial schools;
4. Public parks and playgrounds; and
5. Townhouses.

D. B-1, Community Business:

1. Commercial schools;
2. Eating and drinking places;
3. Motor fuel stations;
4. Offices and banks;
5. Parking lots;
6. Personal and professional services;
7. Public buildings; and
8. Retail business.

E. I-1, Industrial:

1. Light manufacturing;
2. Motor fuel stations;
3. Offices;
4. Public buildings;
5. Research laboratories;
6. Testing laboratories; and
7. Warehousing.

F. C-1, Conservation:

1. Open space recreational uses; and
2. Public parks and playgrounds. (Zoning Ord. as amd.)

10-6-2: CONDITIONAL USES:

The conditional uses listed below and others similar in nature, not detrimental to the integrity of the district, may be authorized by the Council in accordance with Chapter 12 of this Title.

A. R-1, Suburban Residential:

1. Antennas;
2. Charitable institutions;
3. Churches;
4. Day care-nursery schools;
5. Hospitals and clinics;
6. Nurseries and greenhouses;
7. Parochial schools;
8. Planned unit developments;
9. Private clubs and schools;
10. Public buildings;
11. Public utility buildings;
12. Two family dwellings; and
13. Telecommunications towers.

B. R-2, Urban Residential:

1. Antennas;
2. Charitable institutions;
3. Churches;
4. Day care-nursery schools;
5. Hospitals and clinics;
6. Multiple family dwellings;
7. Parochial schools;
8. Planned unit development;
9. Private clubs and schools;
10. Public buildings;

11. Public utility buildings;
12. Townhouses; and
13. Telecommunications towers.

C. R-3, Multiple Residential:

1. Antennas;
2. Charitable institutions;
3. Hospitals and clinics;
4. Nursing homes;
5. Planned unit development;
6. Private clubs and schools;
7. Public buildings;
8. Public utility buildings;
9. Single family dwellings;
10. Two family dwellings; and
11. Telecommunications towers.

D. B-1, Community Business:

1. Adult uses;
2. Animal clinics;
3. Antennas;
4. Auto sales, service and repair;
5. Commercial recreation;
- 5a. Day care centers (adopted 1987);
6. Funeral homes;
7. Hospitals and clinics;
8. Hotels and motels;
9. Multiple family dwellings;
10. Public utility buildings;
11. Research laboratories;

12. Wholesale business; and
13. Telecommunications towers.

E. I-1, Industrial:

1. Antennas;
2. Auto reductions and junk yards;
3. Auto sales, service, and repair;
4. Commercial recreation;
5. Manufacturing;
6. Public utility buildings;
7. Supply yards;
8. Truck terminals;
9. Wholesale business; and
10. Telecommunications towers.

F. C-1, Conservation:

1. Commercial recreation;
2. Nurseries and greenhouses;
3. Public and parochial schools;
4. Public buildings; and
5. Public utility buildings. (Zoning Ord. as amd.)
6. Antennas; and
7. Telecommunications towers

10-6-3: ROOMERS AS ACCESSORY USE:

The Board of Adjustments and Appeals may permit the accommodation of not more than two (2) nontransient roomers as an accessory use to a single family house provided that no sign is displayed.
(Zoning Ord. as amd.)