

LAUDERDALE CITY COUNCIL MEETING AGENDA
7:30 P.M. TUESDAY, JUNE 9, 2020

Due to the coronavirus, the city council will hold meetings remotely until the City Council rescinds the emergency declaration. The public may monitor the meeting on Lauderdale's public access channel 16 for cable subscribers or online at <https://www.ctvnorthsuburbs.org/your-city/lauderdale/>. To make public comment during the meeting, use <https://us02web.zoom.us/j/88953562593?pwd=cWJzaXZLNlg5VUlpTHQycmtmUzhuQT09> with Password: 352808 or call 1-301-715-8592 with webinar ID: 889 5356 2593.

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 TO ORDER THE LAUDERDALE CITY COUNCIL MEETING**
2. **ROLL CALL**
3. **APPROVALS**
 - a. Agenda
 - b. Minutes of the May 26, 2020 City Council Meeting
 - c. Minutes of the June 1, 2020 Emergency City Council Meeting
 - d. Claims Totaling \$15,173.49
4. **CONSENT**
5. **SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS**
6. **INFORMATIONAL PRESENTATIONS / REPORTS**
 - a. 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.

- a. Variance Request for 1767 Malvern Street
8. **DISCUSSION / ACTION ITEM**
 - a. Petition and Waiver Agreement with Como Partnership, LLLP (a.k.a. Bolger Printing) for a Special Assessment for the Como Avenue Reconstruction Project
 - b. 2020-2021 Goal Setting and Budget
 - c. Day in the Park and Community Events Planning

9. ITEMS REMOVED FROM THE CONSENT AGENDA

10. ADDITIONAL ITEMS

11. SET AGENDA FOR NEXT MEETING

- a. Quotation from Midwest Playscapes for the Purchase of Playground Equipment for Skyview Park
- b. Fire Services Agreements
- c. Petition and Waiver Agreement for 1763 Malvern Street
- d. Lot Split Application for 1763 Malvern Street

12. WORK SESSION

- a. Coronavirus Impacts Update
- b. Community Development Update
- c. 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.

13. ADJOURNMENT

LAUDERDALE CITY COUNCIL
MEETING MINUTES
HELD REMOTELY VIA TELECONFERENCE

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May 26, 2020

Call to Order

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

Roll Call

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

Councilors absent: None.

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 Dains moved and seconded by Councilor Moffatt to approve the agenda. Motion carried unanimously on a roll call vote.

Mayor Gaasch asked if there were any corrections to the minutes of the May 12, 2020 city council meeting. There being none, Councilor Dains moved and seconded by Councilor Grove to approve the minutes of the May 12, 2020 city council meeting. Motion carried unanimously on a roll call vote.

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 \$95,880.19. Motion carried unanimously on a roll call vote.

Consent

Councilor Dains moved and seconded by Councilor Moffatt to approve the Consent Agenda thereby acknowledging the April Financial Report and approving Resolution No. 052620A – A Resolution in Support of the Protecting Community Television Act and Resolution No. 052620B – A Resolution Establishing an Absentee Ballot Board for the City of Lauderdale. Motion carried unanimously on a roll call vote.

Informational Presentations/Reports

A. Update on Federal and State Tobacco Legislation by Katie Engman, Association of Non-Smokers Minnesota

In January, the Council adopted an interim ordinance to pause the issuance of new tobacco licenses. The purpose was to provide time to adapt to the changes in federal tobacco laws and any state law updates expected from the 2020 session. The state legislature updated its laws to conform with federal law right before the session ended. Katie Engman, Program Director of the Association of Non-Smokers Minnesota, presented specifics related to these legislative changes.

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Following the conversation, the Council stated that they will continue studying the ordinance, including addressing the interest of existing tobacco license holders to open tobacco shops to sell a broader selection of flavored tobacco products.

B. Fire Services Options and Contracts

The City Council has been considering contracting with the city of St. Paul for fire services. This would provide the city with a fire response from a full-time fire departments and align provisions of services since the St. Paul Fire Department already provides the city of Lauderdale's emergency medical services including ambulance services.

City attorney, Ron Batty, joined the meeting to discuss the contract negotiations with the city of St. Paul and contract termination with the city of Falcon Heights. Batty explained he just received edits from the St. Paul attorney representing the fire department but he had not yet reviewed them. He said he would and follow up as needed to move the agreement forward.

C. City Council Updates

Councilor Dolphin shared that CTV has provided a great deal of programming during the Stay-at-Home Order and has given timely updates on services that have begun to reopen. Dolphin noted that CTV has filmed the interpreter services for Governor Walz's news conferences.

Mayor Gaasch stated that she has attended a number of teleconference meetings with the Ramsey County League of Local Governments, Minnesota Mayors Association, and the Regional Council of Mayors on how to keep our communities safe while also trying to rebuild the economy in the face of Covid-19.

Discussion/Action Item

A. Planning for the Opening of City Facilities

With the Stay-at-Home order lifted, cities are gradually making plans to open facilities they are able to effectively manage. The cities in Ramsey County continue to share strategies in this area, while also taking guidance from the Governor and CDC. In Lauderdale, we need to look at plans to open City Hall and our two parks.

Administrative staff returned to City Hall on Monday, May 18 with staggered working days to avoid contact. We asked residents to make appointments so we could prepare for their visits. This has worked well as foot traffic is down. Starting June 26, we begin administering absentee voting. Staff believed we needed to continue staggering shifts as much as possible to prevent a situation where all staff had to quarantine at the same time and were unable to administer ballots.

The Council considered which park amenities to open and when to allow Social Room reservations. The Council focused on their responsibility to protect public health. While the Council decided to keep some park amenities closed, the Council encouraged residents to use all of the parks' open spaces. The Council decided to keep the Social Room closed through Labor Day to avoid additional cleaning costs.

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Mayor Gaasch opened the floor to anyone that had comments or questions for the Council on this topic.

Dave Borgman, Roseville resident, stated that by his calculations 35 people could safely be in the dog park 20 feet apart at the same time. He shared that St. Paul, Minneapolis, and Arden Hills have kept their dog parks open. Borgman said there was no evidence Covid-19 could spread from pets to humans and vice versa. Finally, he asked whether the dog park would reopen at some point this summer.

Sara Nelson, 1784 Carl Street, stated that she runs a daycare in Lauderdale. She would like to see a snow fence or yellow tape surrounding the playground to act as a barrier to help children understand that it is closed.

There being no additional parties interested in speaking, Mayor Gaasch closed the floor.

B. Skyview Park Playground Replacement Update

Staff presented a new concept plan for Skyview Park and updated stakes showing the layout. We changed the picnic shelter to a covered picnic table to save space. We are still looking at options to shrink the footprint and potentially install turf. The city engineer will send out surveyors to create a CAD file so we know the final selections will fit the space. The City received permission from MnDOT to use their space up to the fence.

Set Agenda for Next Meeting

Administrator Butkowski stated that the June 9 council meeting may include a quotation from Midwest Playscapes for the purchase of playground equipment for Skyview Park.

Work Session

A. Community Development and Coronavirus Impacts Update

Butkowski stated that alley work began on May 26 to complete the Eustis Street project.

Staff will be emailing the community about the graduating seniors in the community.

A meeting between staff and representatives of the University of Minnesota about the Seminary Pond storm water project concluded with the University stating they likely will be unable to support financially the effort.

Staff looked for guidance from the Council on the feasibility of hosting Day in the Park this year; the topic will be discussed at the next meeting.

B. Opportunity for the Public to Address the City Council

Mayor Gaasch opened the floor to anyone that had comments or questions for the Council. As there were no parties interested in speaking, Mayor Gaasch closed the floor.

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MEETING MINUTES
HELD REMOTELY VIA TELECONFERENCE

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May 26, 2020

Adjournment

Councilor Dains moved and seconded by Councilor Grove to adjourn the meeting at 10:01 p.m.
Motion carried unanimously on a roll call vote.

Respectfully submitted,



Miles Cline
Deputy City Clerk

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MEETING MINUTES
HELD REMOTELY VIA TELECONFERENCE

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June 1, 2020

Call to Order

Mayor Gaasch called the Emergency City Council meeting to order at 4:02 p.m.

Roll Call

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

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

Mayor Gaasch started by reading a statement by the St. Anthony Police Chief, Jon Mangseth, condemning the actions of the Minneapolis Police Department officers involved in the death of George Floyd.

Discussion/Action Item

A. A Resolution to Extend Period of Local Emergency and Extending Curfew

Mayor Gaasch stated that there was only one item for discussion on the agenda. Due to the continued unrest and the City's proximity to the unrest, the police department advised that the City Council should renew the emergency declaration and extend the curfew.

Councilor Moffatt made a motion to adopt Resolution 060120A – A Resolution to Extend Period of Local Emergency and Extending Curfew. This was seconded by Councilor Dains and carried unanimously on a roll call vote.

Adjournment

Councilor Dains moved and seconded by Councilor Dolphin to adjourn the meeting at 4:10 p.m. Motion carried unanimously on a roll call vote.

Respectfully submitted,



Miles Cline
Deputy City Clerk



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

Request for Council Action

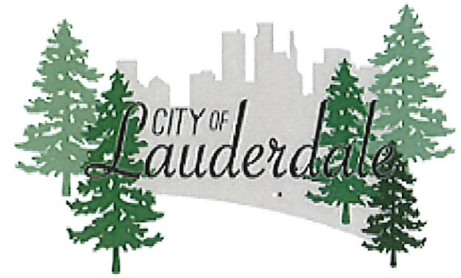
To: Mayor and City Council
From: City Administrator
Meeting Date: June 9, 2020
Subject: List of Claims

The claims totaling \$15,173.49 are provided for City Council review and approval that includes check numbers 26921 to 26930.

Accounts Payable

Checks by Date - Detail by Check Date

User: MILES.CLINE
 Printed: 6/5/2020 1:27 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
ACH	43	Public Employees Retirement Association	05/29/2020	
		PR Batch 51100.05.2020 PERA Coordinated	PR Batch 51100.05.2020 PER	1,020.45
		PR Batch 51100.05.2020 PERA Coordinated	PR Batch 51100.05.2020 PER	1,177.43
Total for this ACH Check for Vendor 43:				2,197.88
ACH	44	Minnesota Department of Revenue	05/29/2020	
		PR Batch 51100.05.2020 State Income Tax	PR Batch 51100.05.2020 Stat	654.42
Total for this ACH Check for Vendor 44:				654.42
ACH	45	ICMA Retirement Corporation	05/29/2020	
		PR Batch 51100.05.2020 Deferred Comp	PR Batch 51100.05.2020 Defe	1,658.68
Total for this ACH Check for Vendor 45:				1,658.68
ACH	46	Internal Revenue Service	05/29/2020	
		PR Batch 51100.05.2020 Medicare Employer Po	PR Batch 51100.05.2020 Med	231.63
		PR Batch 51100.05.2020 FICA Employee Portio	PR Batch 51100.05.2020 FIC.	990.43
		PR Batch 51100.05.2020 Medicare Employee Pc	PR Batch 51100.05.2020 Med	231.63
		PR Batch 51100.05.2020 Federal Income Tax	PR Batch 51100.05.2020 Fede	1,690.44
		PR Batch 51100.05.2020 FICA Employer Portio	PR Batch 51100.05.2020 FIC.	990.43
Total for this ACH Check for Vendor 46:				4,134.56
Total for 5/29/2020:				8,645.54
26921	184 062020 062020	Cintas June Uniforms June Uniforms	06/09/2020	
				11.03
				11.03
Total for Check Number 26921:				22.06
26922	36 0228981	City of Roseville June IT Services	06/09/2020	
Total for Check Number 26922:				1,488.00
26923	61 0050528	Gopher State One Call May 2020 Locates	06/09/2020	
Total for Check Number 26923:				49.95
26924	82 4611649	Home Depot Park Supplies	06/09/2020	
Total for Check Number 26924:				55.36
26925	283 8800	Midwest Playscapes Inc Engineered Wood Fiber Surfacing - CP	06/09/2020	
Total for Check Number 26925:				1,050.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 26925:	1,050.00
26926	94 062020	Minnesota Clerks & Finance Officers Assoc 2020 Dues - HB, JB, MC	06/09/2020	135.00
			Total for Check Number 26926:	135.00
26927	84 062020	North Star Bank Cardmember Services Office Supplies - Amazon	06/09/2020	98.02
			Total for Check Number 26927:	98.02
26928	10 0000929169	On Site Sanitation Inc 05/21/2020 - 06/12/2020 Park Portable Restroom	06/09/2020	193.40
			Total for Check Number 26928:	193.40
26929	4 18974 18974	The Neighborhood Recycling Company Inc May Multi-Family Recycling Unit May Single Unit Dwelling	06/09/2020	397.44 2,862.72
			Total for Check Number 26929:	3,260.16
26930	3 415469071	US National Equipment Finance Inc Copier Contract	06/09/2020	176.00
			Total for Check Number 26930:	176.00
			Total for 6/9/2020:	6,527.95
			Report Total (14 checks):	15,173.49

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

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

Meeting Date June 9, 2020
ITEM NUMBER 1767 Malvern Variance
STAFF INITIAL Jim
APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

See attached memo.

OPTIONS:

STAFF RECOMMENDATION:

MEMO

DATE: JUNE 9, 2020
TO: MAYOR AND COUNCIL
FROM: JIM BOWNIK
RE: VARIANCE APPLICATION FOR 1767 MALVERN STREET

Proposal: The applicant is requesting a two-foot side-yard setback variance for an existing deck, which is located three feet from the side property line. The variance is being requested because the applicant has another pending land use application to divide two previously consolidated lots. The property is zoned R-1.

Applicant/Owner: Keith & Grace Dyrud, 1805 Walnut Street, Lauderdale, MN 55113

POLICIES AND PROCEDURES FOR VARIANCE APPROVAL

In reviewing this variance request, the Council should consider the Zoning Ordinance requirements as well as relevant State Statutes. These requirements are outlined on the attached Variance Checklist.

Here is the general order of procedure.

- 1) Staff presentation.
 - Apply the Practical Difficulties Test
- 3) Public Hearing.
- 4) Approve or deny the variance, adding any conditions as necessary.

STAFF REVIEW

The applicant has another pending land use application to divide two previously consolidated lots, which staff will bring forth for consideration at the next meeting. The lot division will create a lot with a garage only and a lot with a house and garage. There are currently two garages on the property. There is an attached deck on the lot with the house, which after the lot division, will encroach into the side yard setback. Thus, approval of a two-foot side yard setback variance would address the issue of nonconformity with the setbacks.

PRACTICAL DIFFICULTY TEST

The municipal variance standard requires the City to apply a three-factor test for “practical difficulties” consisting of (1) reasonableness, (2) uniqueness, and (3) essential character.

A variance should be granted if strict enforcement of the municipal variance standard as applied to a particular piece of property would cause the landowner a “practical difficulty.” The landowner is generally entitled to the variance if and only if the applicant meets the statutory three-factor test for practical difficulty. If the applicant does not meet all three factors of the statutory test, then a variance should not be granted.

ESTABLISHING THE FINDINGS OF FACT (Based on Answers to Questions on the Variance Checklist)

The applicant has provided the attached narrative to answer questions #3 & #4 of the Variance Checklist.

Question #3) Describe your proposed project and why you are requesting a variance.

Question #4) See below.

- A) How does the proposal put your property to use in a reasonable manner?
- B) What are the unique circumstances to the property not created by the landowner?
- C) How will a variance, if granted, not alter the essential character of the locality?
- D) How is granting of a variance in harmony with the purposes and intent of the Zoning Ordinance?
- E) How are the terms of a variance consistent with the Comprehensive Plan?

ENCLOSURES

A) Original variance application, survey and narrative for the variance checklist and establishing the findings of fact.

PUBLIC HEARING

Adjacent property owners received notice of tonight's public hearing.

CITY COUNCIL ACTION OPTIONS

- 1) Motion to approve the variance without conditions and direct staff to prepare a resolution of approval with findings of fact for the next meeting.

- 2) Motion to approve the variance with conditions and direct staff to prepare a resolution of approval with findings of fact for the next meeting.

- 3) Motion to deny the variance and direct staff to prepare a resolution of denial with findings of fact for the next meeting. Important: If the variance is denied, rationale for the denial must be stated in the motion.

Answers to questions 3 and 4 of “City of Lauderdale Variance Checklist” for 1767 Malvern St.

Submitted by Keith P. Dyrud

3. Describe the proposed project and why you are requesting a variance.

According to the recent survey the deck at 1767 Malvern St. is 3.5 feet from the south lot line and the building code requires a setback of 5 feet. The deck was built well over 30 years ago so I am not asking to do something to the property that would require me to ask for a variance, I am asking that the City of Lauderdale grant a variance for a non-conforming deck that should have had a variance before the deck was built in the distant past.

The question came about because we are selling the property at 1767 Malvern St. as two separate 40 foot lots: one as a lot with a house, garage and deck and the other as a vacant lot with a garage on it. That vacant lot is a separate matter being dealt with separately. The variance for the non-conforming deck applies only to the lot with the house. It in no way encroaches on the vacant lot—only by 1.5 feet on the setback requirement for the lot with the house.

As background information: The two lots had been joined “for tax purposes” but remained platted as two separate 40 foot lots. That “joining” probably satisfied the City so they issued a permit for the deck in its current position. That “joining for tax purposes” does not change the platted status of the two 40 foot lots. In the mid-1980s we wanted to build a large garage on our property at 1855 Malvern St. and were told that that property (while joined for tax purposes) was platted as two 40 foot lots, therefore, we could not build the garage on the vacant lot. We would have to join the two lots and have the property replatted as a single 80 foot lot. With some expense we did just that and the current plat map identifies that lot as “Dyrud’s Addition to Lauderdale”. So by implication, the variance requested for the deck at 1767 Malvern St. applies only to the lot with the house and has no impact on registering the vacant lot making it saleable.

4.

A. How does your proposal put your property to use in a reasonable manner?

We are only recognizing an existing situation.

B. What are the unique circumstances to the property not created by the landowner?

We suspect that the previous property owner thought that joining the lots for tax purposes made it unnecessary to concern himself with the setback requirements.

C. How will a variance, if granted, not alter the essential character of the locality?

Everything will remain as it has been for at least 30 years.

Answers to questions 3 and 4 of “City of Lauderdale Variance Checklist” for 1767 Malvern St.

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We suspect that the previous property owner thought that joining the lots for tax purposes made it unnecessary to concern himself with the setback requirements.

C. How will a variance, if granted, not alter the essential character of the locality?

Everything will remain as it has been for at least 30 years.

4.

D. How is granting of a variance in harmony with the purpose and intent of the Zoning Ordinance?

It is recognizing the “reasonableness, uniqueness, and essential character” of the situation.

E. How are the terms of a variance consistent with the Comprehensive Plan?

Again: It is recognizing the “reasonableness, uniqueness, and essential character” of the situation.

City of Lauderdale

MAIN 651-792-7650

LAND USE APPLICATION

Date: 4-30-20

<u>Fee</u>	<u>Escrow</u>	<u>Type of Request</u>	<u>Description of Request</u>
\$100	\$ 0	<input type="checkbox"/> Lot Consolidation/Division	<u>1707 Malvern Acks</u>
\$150	\$ 0	<input checked="" type="checkbox"/> Variance	<u>extends within 5 ft</u>
\$200	\$ 0	<input type="checkbox"/> Conditional Use	<u>of next lot, built by</u>
\$500	\$1,000	<input type="checkbox"/> Zoning Amendment	<u>previous owner</u>
\$500	\$1,000	<input type="checkbox"/> Subdivision	<u>See survey</u>
\$500	\$1,000	<input type="checkbox"/> PUD	

Applicant Information

Name: Keith/Grace Dyrad
 Address: 1805 Walnut St
Lauderdale
 C, S, Z: Ramsey, MN 55113
 Phone: 651-645-4296
 Email: dyrad@dyrad.org
 Signature: Grace B Dyrad

Owner Information (if different)

Name: _____
 Address: _____
 C, S, Z: _____
 Phone: _____
 Email: _____
 Signature: _____

By signing above, the applicant agrees to pay the application fee and deposit an escrow fee to cover the city's consultants' costs associated with reviewing the associated request. Prior to having the request considered by the city, the applicant must deposit an escrow fee in an amount that is estimated to cover the city's consultants' costs as determined by the city administrator. If the city's consultants' costs exceed the initial escrow deposited by the applicant, an additional escrow fee will be required to cover the additional costs. The city shall use the applicant's fees to cover the city's actual consultants' costs in reviewing the request regardless of the city's action on the applicant's request. If the applicant's escrow fees exceed the city's actual consultants' costs for reviewing the request, the remaining escrow fees shall be refunded to the applicant.

Review Timeline: All applications, other than concept plans, must be complete before being formally reviewed. Minnesota Statute provides 15 days to determine the application's completeness. Completeness depends on whether or not the checklist items are fulfilled.

Checklist: Please review the checklist for the type of application you are applying for.

For Office Use Only	PIN#: _____
Date of Complete Application: _____	Amount Paid: <u>\$150</u> Receipt #: <u>14823</u>
Escrow Fee Paid: _____	Receipt # _____ Date Escrow Returned: _____
PC Recommendation: (approve/deny) Meeting Date: _____	
Public Hearing Date: _____	CC Action: (approved/denied) Meeting Date: _____
Conditions? _____	

CITY OF LAUDERDALE VARIANCE CHECKLIST

The following requirements must be met in order for your variance application to be considered complete:

- 1) Have a pre-application meeting with city staff before submitting a variance application. Please bring the completed application and all required documents to this meeting.
- 2) Submit the following:
 - A) Variance application and fee.
 - B) Site Plan:
 - Drawn to scale.
 - Delineating your property lines (by locating property stakes, submitting a Certificate of Survey, or other means).
 - Showing lot lines, street names, locations and dimensions of all existing or proposed buildings, setback distances, parking areas, lot coverage percentage (as defined by structures covered by a roof) and any other pertinent site information.
- 3) Describe your proposed project and why you are requesting a variance.
- 4) Answer the following questions:
 - A) How does the proposal put your property to use in a reasonable manner?
 - B) What are the unique circumstances to the property not created by the landowner?
 - C) How will a variance, if granted, not alter the essential character of the locality?
 - D) How is granting of a variance in harmony with the purposes and intent of the Zoning Ordinance (Lauderdale's Zoning Ordinance can be found online at www.ci.lauderdale.mn.us)?
 - E) How are the terms of a variance consistent with the Comprehensive Plan (Lauderdale's Comprehensive Plan can be found online at www.ci.lauderdale.mn.us)?

Information You Should Know

- The municipal variance standard requires the city to apply a three-factor test for "practical difficulties" consisting of (1) reasonableness, (2) uniqueness, and (3) essential character.
- Thus, the city is required to adopt findings based on the questions above.
- Conditions may be imposed on granting of variances if those conditions are directly related to and bear a rough proportionality to the impact created by the variance.

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

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

Meeting Date June 9, 2020

ITEM NUMBER 2020 Como Avenue Project

STAFF INITIAL _____

APPROVED BY ADMINISTRATOR _____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The Council has previously discussed aspects of the City of St. Paul's plans for the rehabilitation of Como Avenue and Hunting Valley Road in 2020. The City asked them to include a small sanitary sewer line replacement as part of the project. A short segment of 6 inch pipe restricts the flow between two existing 8 inch segments. This replacement would be significantly more costly to do alone as we would be responsible for all mobilization and road closures.

Lauderdale has two property owners adjacent to the project. One owner is Mn/DOT, who is exempt from paying a special assessment. The other owner is Como Partnerships, LLLP (a.k.a. Bolger Vision Beyond Print). Instead of going through the typical special assessment process, they have agreed to sign a petition and waiver agreement establishing the payback terms of the special assessment. The proposed term is over ten years at 4.15% interest, the same as the City's 2019 street assessment project.

STAFF RECOMMENDATION:

Motion to approve the Petition and Waiver Agreement with Como Partnership, LLLP as presented.

PETITION AND WAIVER AGREEMENT

THIS PETITION AND WAIVER AGREEMENT (the “Agreement”) is made this _____ day of June, 2020, by and between the city of Lauderdale, a Minnesota municipal corporation (the “City”), and Como Partnership, LLLP, a Minnesota limited liability limited partnership (the “Owner”).

WITNESSETH:

WHEREAS, the Owner is the fee owner of certain real property located in Lauderdale and legally described on Exhibit A attached hereto (the “Property”); and

WHEREAS, pursuant to a joint powers agreement under Minn. Stat., Section 471.59, the City and the city of Saint Paul are proposing to construct certain public improvements on Como Avenue from Highway 280 to 33rd Avenue SE (the “Improvement Project”) under Minn. Stat., Chapter 429; and

WHEREAS, the City and the Owner agree that the Improvement Project will benefit the Property; and

WHEREAS, the City intends to specially assess the Property for the full cost of a portion of the Improvement Project related to roadway improvements; and

WHEREAS, the City is willing to proceed with the Improvement Project without notices or hearings, provided the assurances and covenants hereinafter stated are made by the Owner to ensure that the City will have a valid and collectable special assessment as it relates to the Property to finance the costs of the Improvement Project; and

WHEREAS, were it not for the assurances and covenants hereinafter provided, the City would not construct the Improvement Project without such notices and hearings and is doing so solely at the behest, and for the benefit, of the Owner.

NOW, THEREFORE, ON THE BASIS OF THE OBLIGATIONS CONTAINED HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:

1. The Owner represents and warrants that it is the fee owner of the Property, that it has full legal power and authority to encumber the Property as herein provided, that in doing so it is not in violation of the terms or conditions of any instrument or agreement of any nature to which it is bound or which relates in any manner to the Property and that there are no other liens or encumbrances against the Property except those of record.
2. The Owner hereby petitions the City for construction of the Improvement Project at such time as the City, in its sole discretion, deems necessary. The Improvement Project consists generally of road improvements and related improvements on Como Avenue from Highway 280 to 33rd Avenue SE.
3. The Owner consents to the City levying a special assessment for the Improvement Project against the Property in accordance with Minn. Stat., Section 429.061. The principal amount of the special assessment shall not exceed \$58,266.00.
4. The Owner waives notice of hearing and hearing pursuant to Minn. Stat., Section 429.031 on the Improvement Project and notice of hearing and hearing on the special assessment levied to finance the Improvement Project pursuant to Minn. Stat., Section 429.061 and specifically requests that the Improvement Project be carried out and the special assessment be levied against the Property without notice of hearing or hearing.
5. The Owner waives the right to appeal the levy of special assessment in accordance with this Agreement pursuant to Minn. Stat., Section 429.081 and further specifically agrees with respect to such special assessment against the Property that:
 - a. All requirements of Minn. Stat., Chapter 429 with which the City does not comply are hereby waived by the Owner; and
 - b. The increase in fair market value of the Property resulting from completing the Improvement Project will be at least equal to the amount of the special assessment levied against the Property and that such increase in fair market value is a special benefit to the Property.
6. The special assessment levied against the Property shall be payable over ten years and shall bear an interest rate of 4.15% per annum. The first installment of principal and interest shall be included in the first tax rolls completed after the adoption of the resolution levying the special assessment.
7. The waivers and agreements contained in this Agreement shall bind the Owner and its successors and assigns and shall run with the Property. It is the intent of the parties hereto that this Agreement be in a form which is recordable among the land records of Ramsey County, Minnesota and the Owner and the City agree to make any changes in this Agreement which may be necessary to effect the recording and filing of this Agreement against the title of the Property.

8. Any notice required to be given under this Agreement shall be deemed given if delivered personally or sent by U.S. mail:

a) as to the Owner: Como Partnership, LLLP
3301 Como Avenue
Lauderdale, MN 55108
Attn: Charlie Bolger

b) as to the City: City of Lauderdale
1891 Walnut Street
Lauderdale, MN 55331
Attn: City Administrator

or at such other address as either party may from time to time notify the other in writing in accordance with this paragraph.

9. This Agreement shall terminate upon the final payment of all special assessment levied against the Property for the Improvement Project. The City agrees to execute and deliver such documents, in recordable form, as are necessary to extinguish its rights hereunder upon receipt of such final payment.

IN WITNESS WHEREOF, the parties have set their hands the day and year first written above.

OWNER

By: _____

Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of June, 2020, by _____, the _____ of Como Partnership, LLLP, a Minnesota limited liability limited partnership, on behalf of the limited liability limited partnership.

Notary Public
CITY OF LAUDERDALE

By: _____

Mary Gaasch, Mayor

By: _____

Heather Butkowski, City Administrator-Clerk

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this _____ day of June, 2020, by Mary Gaasch and Heather Butkowski, the Mayor and City Administrator-Clerk, respectively, of the city of Lauderdale, a municipal corporation under the laws of the state of Minnesota, on behalf of the City.

Notary Public

**EXHIBIT A TO
PETITION AND WAIVER AGREEMENT**

Legal Description

The legal description of the property is as follows:

That part of the Northwest Quarter of the Northwest Quarter of Section 20, Township 29, Range 23, according to the Government Survey thereof and situate in Ramsey County, Minnesota, and that part of the Northeast Quarter of the Northeast Quarter of Section 19, Township 29, Range 23, according to the Government Survey thereof and situate in Hennepin County, Minnesota, described as follows:

Beginning at a point distant 110.00 feet East of the West line of said Northwest Quarter of the Northwest Quarter and 207.33 feet North of the South line of said Northwest Quarter of the Northwest Quarter; thence on an assumed bearing of North 89 degrees 37 minutes 40 seconds East along a line parallel with said South line of said Northwest Quarter of the Northwest Quarter a distance of 82.39 feet; thence South 00 degrees 34 minutes 04 seconds East a distance of 12.55 feet; thence North 89 degrees 25 minutes 56 seconds East a distance of 208.05 feet to the Westerly right of way line of the Minnesota Transfer Railway Company's Belt Line; thence South 04 degrees 57 minutes 08 seconds East along said Westerly right of way line a distance of 163.01 feet to a line parallel with and 33.00 feet Northerly of the South line of said Northwest Quarter of the Northwest Quarter of Section 20; thence South 89 degrees 37 minutes 40 seconds West parallel with said South line of the Northwest Quarter of the Northwest Quarter of Section 20 a distance of 414.63 feet to the West line of said Section 20; thence South along said West line of said Section 20 a distance of 0.44 feet to a line parallel with and 33.00 feet Northerly of the South line of said Northeast Quarter of the Northeast Quarter of Section 19; thence South 88 degrees 33 minutes 30 seconds West parallel with said South line of the Northeast Quarter of the Northeast Quarter of Section 19 a distance of 25.01 feet to a line parallel with and 30.00 feet Easterly of the centerline of 33rd Avenue Southeast in Minneapolis, Minnesota; thence North, parallel with said centerline a distance of 175.25 feet to the Westerly extension of a line parallel with and 207.33 feet Northerly of South line of said Northwest Quarter of the Northwest Quarter of Section 20; thence North 89 degrees 37 minutes 40 seconds East along said parallel 207.33 feet Northerly line and extension a distance of 135.00 feet to said point of beginning.

LAUDERDALE COUNCIL ACTION FORM

Action Requested

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

Meeting Date June 9, 2020

ITEM NUMBER 2020-2021 Goal Setting

STAFF INITIAL _____

APPROVED BY ADMINISTRATOR _____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Each year we hold a goal setting session. Part of that process is reviewing the previous year's goals to determine what was accomplished, and if something wasn't accomplished, if it was still a priority. Often some goals get set aside as new issues and opportunities come up throughout a year.

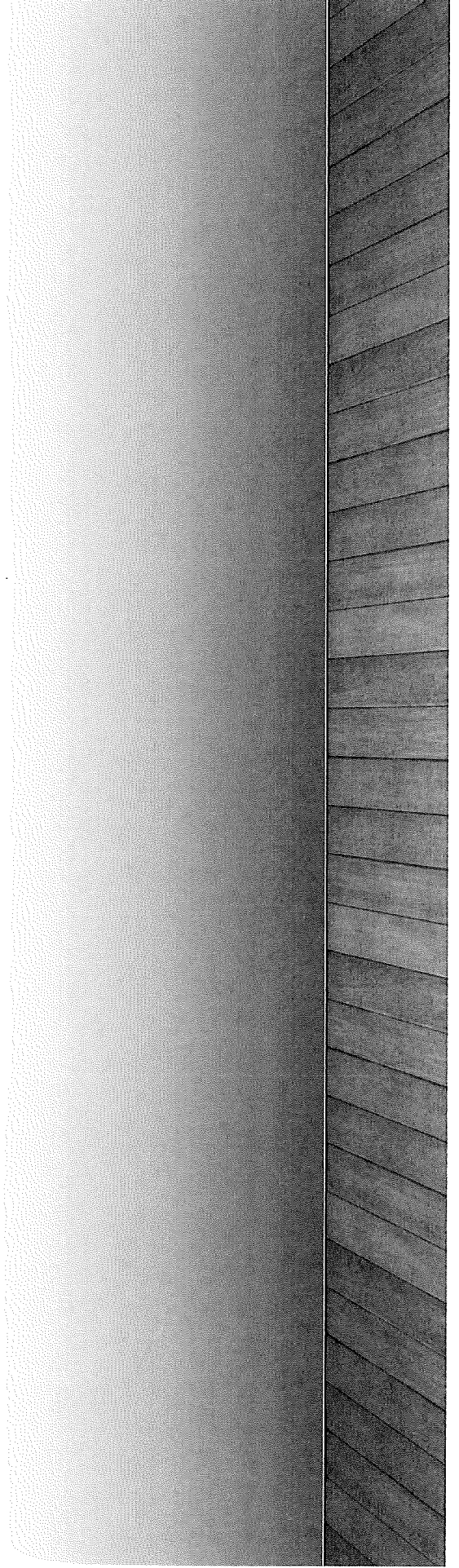
Often unmet goals are carried into the new budget cycle. The objective of this meeting is to revise the previous year's goals to make it relevant for 2020-2021. With that completed, staff will begin working on the 2021 budget.

OPTIONS:

STAFF RECOMMENDATION:

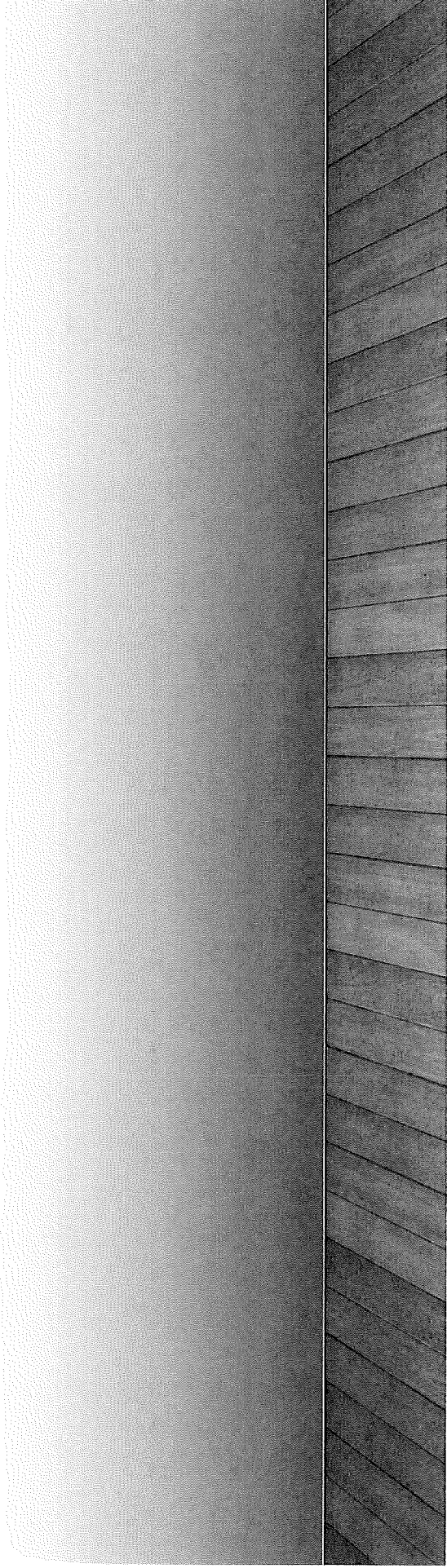
LAUDERDALE STAFF GOALS

2019 - 2020



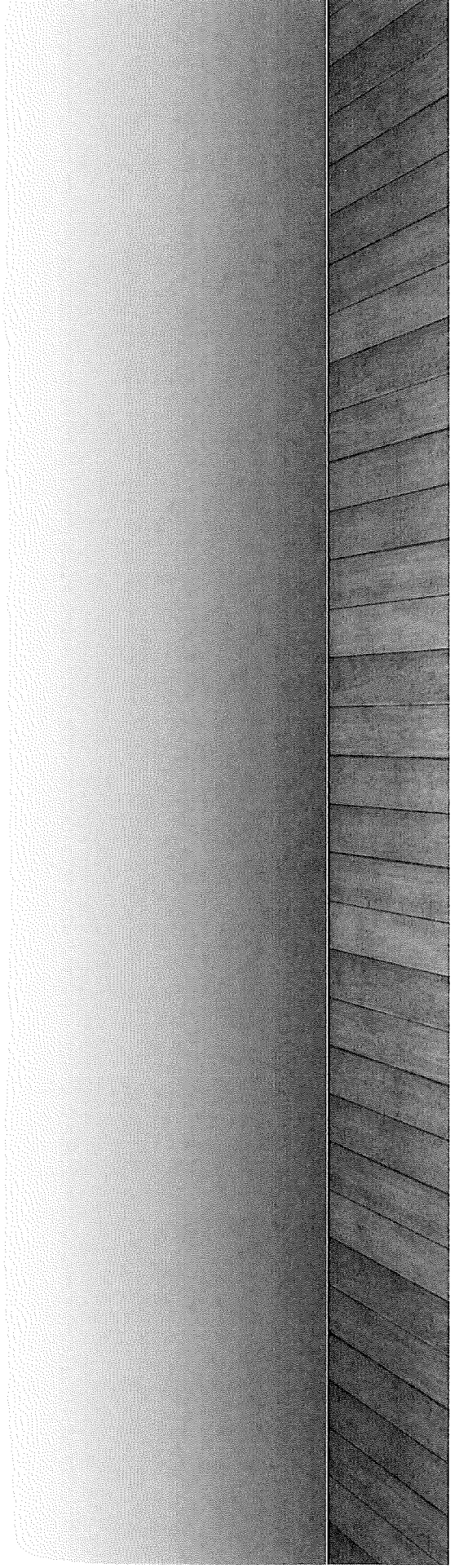
COMMUNITY ENGAGEMENT

- **Revamp city website**
- **New Resident's Guide**
- **Implementation of GARE goals and objectives**
- **Improve Skyview Park with Park Dedication Funds**



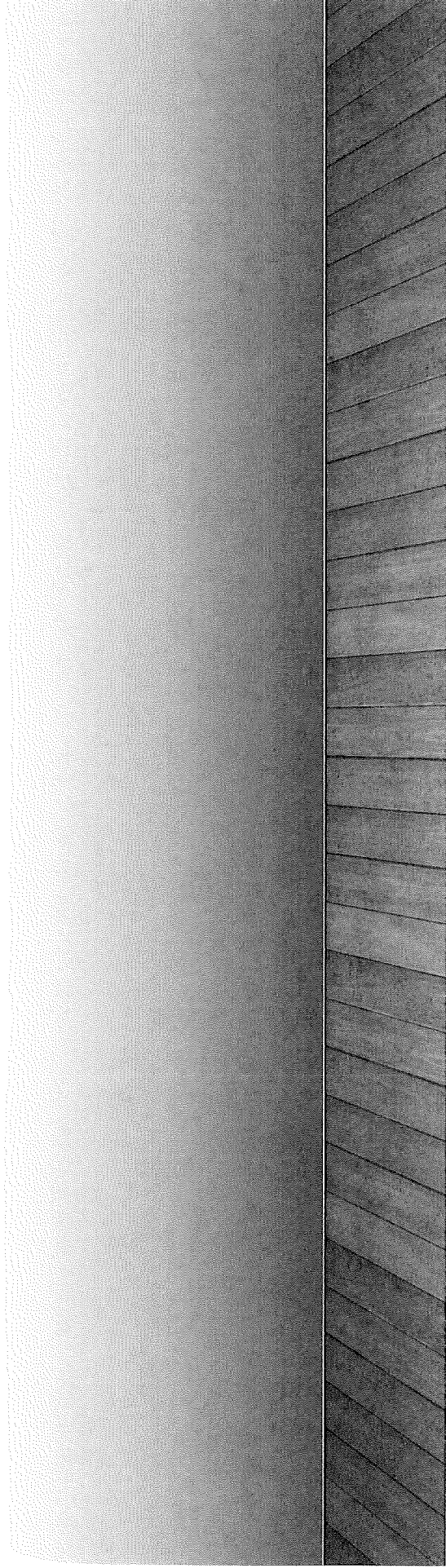
PUBLIC SAFETY

- **Contract for emergency manager**
- **Evaluate emergency fire services**
- **Work with St. Anthony PD on enhancing programs and services**



ADMINISTRATION

- **Shade, boulevard, and hazardous tree ordinances**
- **Continue to digitize city property files**
- **Public works succession planning**

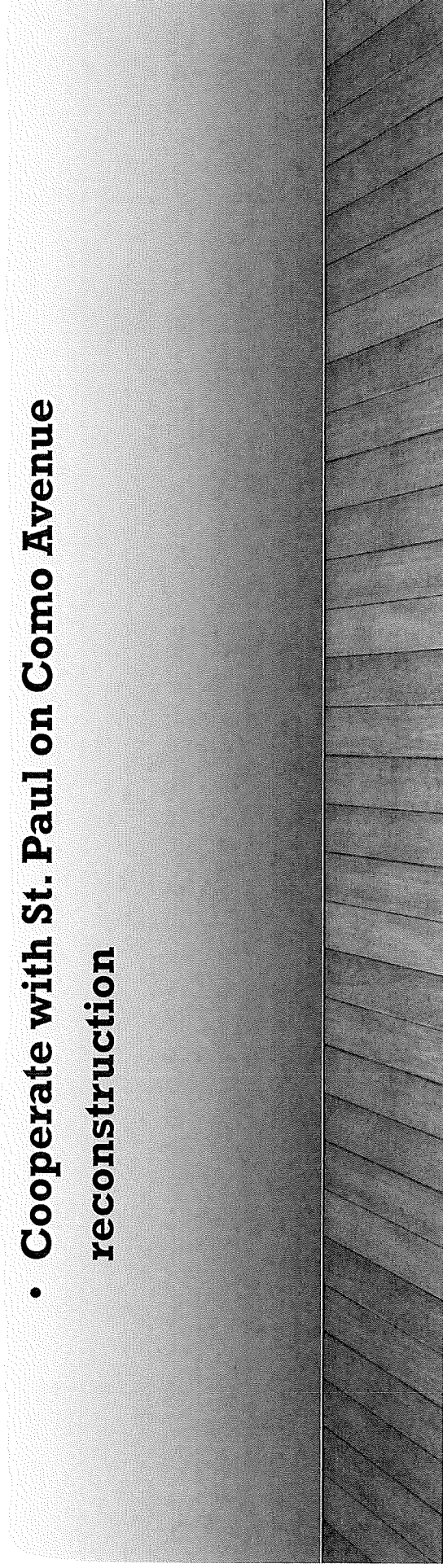


PLANNING AND REDEVELOPMENT

- **Finalize Comprehensive Plan and HDR-C zoning ordinance**
- **Complete Zoning Ordinance Update**
- **Sale and redevelopment of 1795 Eustis St**
- **Luther Seminary redevelopment planning**
- **Draft Housing Improvement Plan**

ENVIRONMENTAL STEWARDSHIP

- **Seminary Pond Phosphorus Reduction Project**
- **Continue tackling invasive species in Nature Area**
- **Explore alternative forms of solid waste collection**
- **Cooperate with St. Paul on Como Avenue reconstruction**



ACTION REQUESTED	LAUDERDALE COUNCIL
Consent _____ Special _____ Public Hearing _____ Report _____ Discussion/Action <u> X </u> Resolution _____ Work session _____	MEETING DATE <u> June 9, 2020 </u> ITEM NUMBER <u> 2020 Day in the Park </u> STAFF INITIAL <u> Jim </u> APPROVED BY ADMINISTRATOR _____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Below is the list of community events discussed at the February 11 meeting. Due to COVID-19, the City has not been able to hold any events so far this year.

<u>Event</u>	<u>Date</u>	<u>Time</u>
City-Wide Garage Sale	Saturday, May 16	CANCELLED
June Farmers Market	Thursday, June 18	CANCELLED
July Farmers Market/Day in the Park	Thursday, July 16	4-7 p.m.
MN Night to Unite	Tuesday, August 4 MOVED TO TUESDAY, OCTOBER 6	6-9 p.m.
August Farmers Market	Thursday, August 20	4-7 p.m.
September Farmers Market	Thursday, September 17	4-7 p.m.
Halloween Party	Saturday, October 31 (absentee voting at City Hall from 9 a.m. to 4 p.m.)	5-7 p.m.

Day in the Park is 5 weeks away. The governor is expected to give guidance on festivals at a news conference today (Friday) at 2:00 p.m. If he allows for them, we need to decide whether to hold the event. If we do, we would need to revise our usual activities to allow for social distancing.

OPTIONS:

- 1) Start planning for the event as scheduled.
- 2) Reschedule the event for a different date.
- 3) Cancel the event.