

LAUDERDALE CITY COUNCIL MEETING AGENDA

TUESDAY, AUGUST 28, 2001

CITY HALL, 7:30 P.M.

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 MEETING TO ORDER AT 7:30 P. M.

2. ROLL:

Councilmembers:

Gower _____	Christensen _____
Gill-Gerbig _____	Hawkinson _____
Mayor Dains _____	

Staff:

Getschow ____ Bownik ____

3. APPROVAL OF THE AGENDA

4. APPROVAL

- A. Approval of minutes of 8/14/01 City Council Meeting
- B. Approval of claims totaling \$24,215.21

5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL ON ITEMS NOT ON THE AGENDA

Any member of the public may speak at this time on any item NOT on the agenda. In consideration of the public attending the meeting for specific items on the agenda, 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 under Additional Items 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 Council's 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.

6. **CONSENT**
7. **SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/ CITIZENS ADDRESSING THE STREET AND UTILITY IMPROVEMENTS**
8. **INFORMATIONAL PRESENTATIONS**
9. **REPORTS**
10. **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. Preliminary Plat for the Broadway Business Park
- B. Conditional Use Permit Application: Historic Stone

11. ACTION

- A. Consideration of Resolution 082801A: A Resolution Granting Preliminary Plat Approval for the Broadway Business Park
- B. Consideration of the Conditional Use Permit Application for Historic Stone
- C. Approval of the 2001-2002 City Insurance Policy
- D. Resolution 082801B: A Resolution Appointing an LMCIT Insurance Agent
- E. Resolution 082801C: A Resolution Ordering the Preparation of a Feasibility Report on the 2002 Street and Utility Improvements
- F. Approval of a Front-Yard Fence at 1836 Carl Street

12. DISCUSSION

- A. 2002 Budget Discussion

13. ITEMS REMOVED FROM THE CONSENT AGENDA

14. ADDITIONAL ITEMS

15. SET AGENDA FOR NEXT MEETING

16. ADJOURNMENT

**Lauderdale City Council
Meeting Minutes
August 14, 2001**

1. Meeting called to order at 7:35 P.M.

2. ROLL

Council present: Gower, Gill-Gerbig, Christensen, Hawkinson, and
Mayor Dains

Staff present: Getschow

3. APPROVAL OF AGENDA

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

4. APPROVAL

A. Approval of Minutes. Motion by Gower, second by Gill-Gerbig to approve the minutes of the July 24, 2001 City Council meeting. Motion carried unanimously.

B. Approval of Claims totaling \$83,597.27 . Motion by Hawkinson, second by Christensen to approve the claims totaling \$83,597.27. Motion carried unanimously.

5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS ITEMS NOT ON THE AGENDA

6. CONSENT

7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/
CITIZEN'S ADDRESSING THE STREET AND UTILITY IMPROVEMENTS

A. John Strojny, 1756 Carl, asked about how the driveway repair and apron work is undertaken on the Street and Utility Project as it relates to different addresses having different repairs and replacements.

B. 2001 Street and Utility Improvements Update. Paul Heuer, City Engineer, updated the City Council on the status of the project. In answering Strojny's inquiry, he explained how the elevations and slopes of the individual properties, especially in an unplanned community, affect the construction and reconstruction of driveways and driveway aprons.

8. INFORMATIONAL PRESENTATIONS

9. REPORTS

A. Letter Regarding the Malvern Street property. The City Administrator referred to the letter discussed at the last Council meeting regarding the condition of a vacant house at 1728 Malvern Street signed by a number of residents on Malvern Street between Larpenteur Avenue and Ione Street. Since this issue was last discussed, the property owner has passed away. A relative of the deceased property owner has indicated to City Staff that he plans on demolishing the building in the near future. City Staff will continue to monitor developments at this property.

B. Lauderdale-Roseville Joint Meeting for the Highway 280 Project. The City Administrator reported that Tuesday, August 21, 2001 at 6:30 p.m. at Lauderdale City Hall is the final and approved date for the joint work session.

10. PUBLIC HEARINGS

11. ACTION

A. Resolution 081401A: A Resolution Receiving the Proposed Assessment Roll and Providing for a Public Hearing on the 2000 Street and Utility Improvements. The City Administrator stated that at the July 24th Council meeting, the Council ordered the preparation of proposed assessment rolls for the 2000 Street and Utility Improvements. The next step in the process is for the Council to adapt a resolution indicating receipt of the assessment roll and to set a public hearing for the proposed assessments. It is recommended that the public hearing be set for September 11, 2001.

Motion by Gill-Gerbig, second by Gower to approve Resolution 081401A: A Resolution Receiving the Proposed Assessment Roll and Providing for a Public Hearing on the 2000 Street and Utility Improvements. Roll: Yes: all. Motion carried.

B. Approval of the 2000 Street and Utility Improvements Improvement Right-of-Way and Easement Agreements. The City Administrator stated that through the 2000 Street and Utility Improvements, the City approached eight (8) properties for easement agreements based upon the recommendation of the City Engineer. The reasons for obtaining the easements were delineated in the Administrator's memo as follows:

- Lake Street. Three properties (1792 Lake, 1750 Lake, and 1744 Lake) on Lake Street apparently possess property to the middle of the street on the east side. These agreements would correct that.
- Spring Street. The south side of Spring Street has the street/curb line that is the property line. This affects four properties (1796 Pleasant, 1791 Lake, 1792 Lake, and 1797 Fulham). The agreements would provide for approximately five feet of right-of-way for utilities, fire hydrants, and snow storage.
- Pleasant Street. One property (1847 Pleasant) possesses three platted lots that are affected by the project on the corner of Pleasant and Summer. The reason for an agreement in this case was for the desire to properly align the road to place it fully on public property and to request an easement for utilities currently on the corner of the private property.
- Brandy Chase sewer. Sewer was originally constructed over a portion of Brandy Chase property and a utility easement was never recorded. The reconstruction called for placement of the sewer in the same area, thus recording an easement now seemed logical.

All of the properties were approached about these agreements. It was understood that all costs and work associated with approving the agreements would be paid for by the City. All owners verbally agreed to this arrangement and expressed a willingness to execute these agreements with the City. Unfortunately, since that time two of the owners did not submit signed agreements to the City and will not be considered at this time for approval.

Council member Christensen asked for clarification on why property owners were not being compensated for these agreements. The Administrator stated that this is because the city was not expanding or altering the construction project from the design of the road that currently exists. These agreements were items to "clean-up" from past years where it is assumed that others were never compensated for similar dedications or easements. Also, the City is paying approximately \$500-\$700 per property to execute these agreements.

for the 2000 Street and Utility Improvements with the following properties: Brandy Chase, 1744 Lake, 1750 Lake, 1791 Lake, 1796 Pleasant, and 1847 Pleasant. Roll: Yes: all. Motion carried.

C. *Approval of the 2001 2nd Quarter Financial and Investment Report.* Motion by Christensen, second by Hawkinson to Approval of the 2001 2nd Quarter Financial and Investment Report. Roll: Yes: all. Motion carried.

12. DISCUSSION

A. *2002 Budget Discussion.* The City Council discussed the 2002 Budget. Specifically, discussion focused on the General Fund Budget.

13. ITEMS REMOVED FROM THE CONSENT AGENDA

14. ADDITIONAL ITEMS

15. SET AGENDA FOR NEXT MEETING

1. Hamline Auto Body Preliminary Plat
2. Historic Stone Conditional Use
3. Order Feasibility Report for the 2002 Improvements
4. 2001-2002 City Insurance Policy and Resolution Appointing Agent
5. Front-Yard Fence Consideration
6. 2002 Budget Discussion

16. ADJOURNMENT

Motion by Gill-Gerbig, second by Gower to adjourn at 8:55 P.M. Ayes: All.

CITY OF LAUDERDALE
Claims for Approval
August 28, 2001 City Council Meeting

Payroll

08/17/01 Payroll: Check # 6973 - 6977	\$5,646.90
08/17/01 Payroll: Federal Payroll Taxes EFT	\$2,385.75
08/17/01 Payroll: PERA EFT	\$870.53

Payment Claims

08/28/01 Claims: Check # 15374 - 15393	\$15,312.03
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Total Claims for Approval

\$24,215.21

CITY OF LAUDERDALE

08/17/01 9:07 AM

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Paid Register

Check Numbe	Employee Number	Employee Name	Pay Period	Pay Group Description	Check Amount	Check Date	Status
006973	000000011	BOWNIK, JAMES	17	BI-WEEKLY	\$1,025.65	8/17/01	Outstanding
006974	000000003	GETSCHOW, RICK	17	BI-WEEKLY	\$1,597.78	8/17/01	Outstanding
006975	000000030	GOYETTE, SHANNON	17	BI-WEEKLY	\$849.40	8/17/01	Outstanding
006976	000000002	HINRICHS, DAVID C	17	BI-WEEKLY	\$1,079.03	8/17/01	Outstanding
006977	000000005	HUGHES, JOSEPH A	17	BI-WEEKLY	\$1,095.04	8/17/01	Outstanding
006972		VOID	17		\$0.00	8/17/01	Void
					<hr/>		
					\$5,646.90		

FILTER: ((year='2001' and [pay period] in (17))) and [pay group] in ('01')

24 Aug 2001
Fri 3:12 PM

* Paid Check Reg
CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
AUGUST 28, 2001
CITY COUNCIL MEETING

Page 3

Check Invoice Number Number	Name	Account Code	Comments	Transaction Amount
Check Number	15387 RAMSEY COUNTY			-----
Totals Check Number	15387 RAMSEY COUNTY			760.12
Check Number	15388 RED WING SHOE STORE			
15388 7260000001	RED WING SHOE STORE	601-49000-227	PUB WKS: STEEL TOE BOOTS	306.00
Totals Check Number	15388 RED WING SHOE STORE			306.00
Check Number	15389 ROSEVILLE ROTARY			
15389 26,91,C166	ROSEVILLE ROTARY	101-41200-438	07-09 '01 MEMBER DUES	227.00
Totals Check Number	15389 ROSEVILLE ROTARY			227.00
Check Number	15390 SPRINT PCS			
15390 8/28/01	SPRINT PCS	601-49000-391	08/01 CELL: PUB WORKS	16.71
15390 8/28/01	SPRINT PCS	101-41200-391	08/01 CELL: CITY ADMIN	13.74
Totals Check Number	15390 SPRINT PCS			30.45
Check Number	15391 ST PAUL REGIONAL WATER SERVICE			
15391 8/28/01	ST PAUL REGIONAL WATER SERVICE	101-43100-382	3 QTR 01 CHALL WATER BILL	4.01
15391 8/28/01	ST PAUL REGIONAL WATER SERVICE	601-49000-382	3 QTR 01 CHALL WATER BILL	4.02
Totals Check Number	15391 ST PAUL REGIONAL WATER SERVICE			8.03
Check Number	15392 WAGERS BUSINESS SYSTEMS			
15392 1002074	WAGERS BUSINESS SYSTEMS	101-41200-401	4 QTR 01 MAINT CONTRACT	225.00
Totals Check Number	15392 WAGERS BUSINESS SYSTEMS			225.00
Check Number	15393 WASTE MANAGEMENT			
15393 8/28/01	WASTE MANAGEMENT	203-50000-389	07/01 RECYCLING	1,837.68
Totals Check Number	15393 WASTE MANAGEMENT			1,837.68
Grand Total				----- 15,312.03

24 Aug 2001
Fri 3:12 PM

* Paid Check Reg
CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
AUGUST 28, 2001
CITY COUNCIL MEETING

Page 1

Check Invoice Number	Number	Name	Account Code	Comments	Transaction Amount
Check Number	15374	ABDO ABDO EICK & MEYERS			
15374	103174	ABDO ABDO EICK & MEYERS	101-41300-301	STATE TIF REPORT	147.50
15374	103174	ABDO ABDO EICK & MEYERS	601-49000-301	STATE TIF REPORT	147.50

Totals Check Number	15374	ABDO ABDO EICK & MEYERS			295.00
Check Number	15375	BANYON DATA SYSTEM			
15375	8380	BANYON DATA SYSTEM	101-41300-307	WINPAY CONVERSION	300.00

Totals Check Number	15375	BANYON DATA SYSTEM			300.00
Check Number	15376	BIFFS, INC.			
15376	W135560	BIFFS, INC.	201-45600-377	PARK BIFFY THRU 8/7/01	64.80

Totals Check Number	15376	BIFFS, INC.			64.80
Check Number	15377	CINTAS			
15377	470379109	CINTAS	601-49000-425	PUB WORKS UNIFORMS	27.70
15377	470381600	CINTAS	601-49000-425	PUB WORKS UNIFORMS	27.70

Totals Check Number	15377	CINTAS			55.40
Check Number	15378	DISPLAY SALES			
15378	104179	DISPLAY SALES	101-43100-228	2 FLAGS FOR CITY HALL	76.68

Totals Check Number	15378	DISPLAY SALES			76.68
Check Number	15379	FIRSTAR TRUST SERVICES			
15379	780158	FIRSTAR TRUST SERVICES	410-48410-303	ADMIN FEE: '00 ST/UTIL BD	87.50

Totals Check Number	15379	FIRSTAR TRUST SERVICES			87.50
Check Number	15380	ICMA RETIREMENT TRUST - 457			
15380	8/28/01	ICMA RETIREMENT TRUST - 457	101-21705	8/17/01 PAYROLL	839.99

Totals Check Number	15380	ICMA RETIREMENT TRUST - 457			839.99
Check Number	15381	KENNEDY & GRAVEN			
15381	38978	KENNEDY & GRAVEN	101-41400-305	07/01 LEGAL SERVICES	69.00

24 Aug 2001
Fri 3:12 PM

* Paid Check Reg
CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
AUGUST 28, 2001
CITY COUNCIL MEETING

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Check Invoice Number	Number	Name	Account Code	Comments	Transaction Amount
Check Number	15381	KENNEDY & GRAVEN			
15381	38978	KENNEDY & GRAVEN	101-41400-305	07/01 HAMLINE/HWY 280	87.50

Totals Check Number	15381	KENNEDY & GRAVEN			156.50
Check Number	15382	LEAGUE MN CITIES INS TRUST			
15382	7548	LEAGUE MN CITIES INS TRUST	101-43100-362	PROP LIAB/MOBILE PROPERTY	623.00
15382	7548	LEAGUE MN CITIES INS TRUST	601-49000-362	PROP LIAB/MOBILE PROPERTY	623.00
15382	7548	LEAGUE MN CITIES INS TRUST	101-43100-363	AUTO INSURANCE	359.00
15382	7548	LEAGUE MN CITIES INS TRUST	601-49000-363	AUTO INSURANCE	359.00
15382	7548	LEAGUE MN CITIES INS TRUST	101-41100-361	GEN LIABILITY/BOND INSUR	2,981.20
15382	7548	LEAGUE MN CITIES INS TRUST	101-41200-361	GEN LIABILITY/BOND INSUR	2,608.55
15382	7548	LEAGUE MN CITIES INS TRUST	601-49000-361	GEN LIABILITY/BOND INSUR	1,863.25
15382	7549	LEAGUE MN CITIES INS TRUST	101-41100-361	OPEN MEETING LAW	162.00
15382	7549	LEAGUE MN CITIES INS TRUST	101-41200-361	OPEN MEETING LAW	141.75
15382	7549	LEAGUE MN CITIES INS TRUST	601-49000-361	OPEN MEETING LAW	101.25

Totals Check Number	15382	LEAGUE MN CITIES INS TRUST			9,822.00
Check Number	15383	MAMA			
15383	154	MAMA	101-41200-308	08/01 MAMA LUNCHEON	16.00

Totals Check Number	15383	MAMA			16.00
Check Number	15384	POSTMASTER			
15384	8/28/01	POSTMASTER	101-41200-203	STAMPS FOR CITY HALL	102.00

Totals Check Number	15384	POSTMASTER			102.00
Check Number	15385	QWEST			
15385	8/28/01	QWEST	601-49000-391	08/01 AUTODIAL: MALV LIFT	50.94

Totals Check Number	15385	QWEST			50.94
Check Number	15386	QWEST			
15386	8/28/01	QWEST	601-49000-391	08/01 AUTODIAL: WLNT LIFT	50.94

Totals Check Number	15386	QWEST			50.94
Check Number	15387	RAMSEY COUNTY			
15387	RISK000342	RAMSEY COUNTY	101-21706	08/01 EMPLOYEE BENEFITS	760.12

City Council Memorandum

To:	Mayor and City Council
From:	Rick Getschow
Council Meeting Date:	August 28, 2001
Agenda Item:	Resolution 082801A: A Resolution Granting Preliminary Plat Approval for the Broadway Business Park

Background:

At the July 10, 2001 City Council meeting, zoning requests from an applicant (Hamline Auto Body) with an option to purchase a portion of the 280 Property were considered by the City Council. These requests were tabled to another meeting as a result of not having completed information and agreement on certain outstanding issues - mainly utility concerns. This was discussed at the July 10, 2001 meeting, when it was again stated that the approval of a subdivision plat by the owner of all of the 280 property was needed prior to the above zoning considerations and other necessary approvals.

The owner and the applicant have now submitted all of the necessary materials for the preliminary plat to be considered. The preliminary plat information has been reviewed by City Staff, the City Engineer, and the City Attorney. The City Attorney has assisted in creating a preliminary plat resolution for approval that outlines all aspects of approving a final plat by addressing the utility, easement, and title work that is required. Also, in conjunction with this title work the Attorney has issued a title opinion that is included in the packet.

Following the required public hearing on this preliminary plat application and the approval of the preliminary plat resolution, a final plat could be approved at the next Council meeting. This assumes that the applicant/owner can comply with the resolution's requirements by the September 11, 2001 meeting.

One of the main requirements that still needs to be fulfilled as a part of the final plat is the execution of a development agreement. The City Attorney is currently drafting this agreement for review by all other parties. The main issue in the agreement is the payment of funds by the property owner toward utility improvements that ultimately need to be completed to serve this site.

Enclosures:

1. Draft of Plat for Broadway Business Park
2. City Attorney Plat Opinion
3. Resolution 082801A: A Resolution Granting Preliminary Plat Approval for the Broadway Business Park

Council Action Requested:

Approval of Resolution 082801A: A Resolution Granting Preliminary Plat Approval for the Broadway Business Park.

BROADWAY BUSINESS PARK

KNOW ALL PERSONS BY THESE PRESENTS, That Philip Holdings, LLC, a Minnesota limited liability company, for and on behalf of the following described property located in the County of Ramsey, State of Minnesota, to wit:

Lot 3, 4, 5 and 6, Block 4, LAUDERDALE EAST SIDE ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Ramsey County, Minnesota;

Lot 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28, all in Block 4, LAUDERDALE EAST SIDE ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Ramsey County, Minnesota;

The West Half of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 17, Township 23, Range 13, Ramsey County, Minnesota, lying easterly of the right of way line of the Minnesota Bell Line Railway and Transfer Company, EXCEPTING the acre 33.00 feet of the above described land being a part of vested Interstate Avenue;

The vested alley in Block 4, LAUDERDALE EAST SIDE ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Ramsey County, Minnesota, lying easterly of the north line of Lot 3 and 28, said Block 4, and all that part of vested Interstate Avenue lying within the limits of the Village of Lauderdale and west of the westerly right of way line of Interstate Avenue, 240 feet and easterly of the right of way line of the Minnesota Bell Line Railway and Transfer Company, and all that part of the vested street which is shown on the plat of LAUDERDALE EAST SIDE ADDITION TO MINNEAPOLIS and which bears no name on said plat, which street is located between the westerly line of the plat lot in Block 4, LAUDERDALE EAST SIDE ADDITION TO MINNEAPOLIS and the westerly line of the Village of Lauderdale, EXCEPTING therefrom that part of said vested street lying south of the north line of Lot 23, said Block 4, vested entirety, and also EXCEPTING that part of said vested street lying within the right of way of the Minnesota Bell Line Railway and Transfer Company;

Has caused the same to be surveyed and platted as BROADWAY BUSINESS PARK, and do hereby execute and deliver to the public for public use forever the same as shown on the plat for drainage and utility purposes only;

In witness whereof said Philip Holdings, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____, 2001.

Philip Holdings, LLC, a Minnesota limited liability company

COUNTY OF
STATE OF MINNESOTA

The foregoing instrument was acknowledged before me this _____ day of _____, 2001 by _____ of Philip Holdings, LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public
County, Minnesota
My Commission expires _____

I hereby certify that I have surveyed and platted the property described on this plat as BROADWAY BUSINESS PARK, that this plat is a correct representation of said survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown, that the outside boundary lines are correctly delineated on the plat; and that there are no joint lands as defined in Minnesota Statutes Section 505.04, Subdivision 1, or public highways to be designated other than as shown on this plat.

Gary R. Henth, Land Surveyor
Minnesota License No. 10943

COUNTY OF
STATE OF MINNESOTA

LAUDERDALE, MINNESOTA

This plat of BROADWAY BUSINESS PARK was approved and accepted by the City Council of Lauderdale, Minnesota, at a regular meeting held this _____ day of _____, 2001 and is in compliance with the provisions of Minnesota Statutes, Section 510.03, Subdivision 2. All monuments will be set as specified by the City Council and as shown on this plat, according to Minnesota Statutes, Section 505.02, Subdivision 1.

CITY COUNCIL OF THE CITY OF LAUDERDALE, MINNESOTA

By: _____ Mayor
By: _____ Administrator

COUNTY TREASURER, Ramsey County, Minnesota

That payable in the year 2001 for the land herein described have been paid, also there are no delinquent taxes and transfer entered the _____ day of _____, 2001.

Department of Property Taxation
By: _____ Director
By: _____ Deputy

COUNTY SURVEYOR, Ramsey County, Minnesota

Pursuant to Minnesota Statutes, Section 383A.42, this plat has been examined and is approved this _____ day of _____, 2001 and the conditions of Minnesota Statutes, Section 505.03, Subdivision 2, have been fulfilled.

David D. Cropp, R.L.S., Ramsey County Surveyor

COUNTY RECORDER, Ramsey County, Minnesota

I hereby certify that this plat of BROADWAY BUSINESS PARK was filed in the office of the County Recorder for public record on this _____ day of _____, 2001, at _____ o'clock _____ M., and was duly filed in Book _____ of Plans, Page _____ as Document Number _____.

Len Jackson, County Recorder
By: _____ Deputy

COUNTY REGISTER OF TITLES, Ramsey County, Minnesota

I hereby certify that this plat of BROADWAY BUSINESS PARK was filed in the office of the Register of Titles for public record on this _____ day of _____, 2001, at _____ o'clock _____ M., and was duly filed in Book _____ of Plans, Page _____ as Document Number _____.

Len Jackson, Register of Titles
By: _____ Deputy



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(612) 337-9310 fax
<http://www.kennedy-graven.com>

RONALD H. BATTY
Attorney at Law
Direct Dial (612) 337-9262
Email: rbatty@kennedy-graven.com

August 22, 2001

Mr. Rick Getschow
City Administrator
City of Lauderdale
1891 Walnut Street
Lauderdale, MN 55113-5137

RE: Plat for Hamline Auto Body

At your request, I have examined title to the following described property, located in Ramsey County, Minnesota:

PARCEL A (Certificate of Title No. 512178):
Lots 3, 4, 5 and 6, Block 4, Lauderdale's East Side Addition.

PARCEL B (Abstract):
Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28, Block 4, Lauderdale's East Side Addition to Minneapolis, Ramsey County, Minnesota.

PARCEL C (Abstract):
The West Half of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 17, Township 29, Range 23 West, lying Easterly of the right of way of the Minnesota Belt Line Railway and Transfer Company; excepting the North 33 feet of the above described tract being a part of vacated Roselawn Avenue, Ramsey County, Minnesota.

PARCEL 3 (Abstract):
The vacated alley in Block 4, Lauderdale's East Side Addition to Minneapolis, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Ramsey County, lying South of the North line of Lots 3 and 28; and all that part of vacated Roselawn Avenue lying within the limits of the Village of Lauderdale and West of the Westerly right of way line limits of the Village of Lauderdale and West of the Westerly right of way line of Minnesota Trunk Highway No. 280 and Easterly of the right of way line of the Minnesota Belt Line Railway and Transfer Company; and all that

part of the vacated street which is shown on the plat of Lauderdale's East Side Addition to Minneapolis but which bears no name on said plat, which street is located between the Westerly line of the platted lots in Block 4, Lauderdale's East Side Addition to Minneapolis and the Westerly limits of the Village of Lauderdale; excepting therefrom that part of said vacated street lying North of the North line of Lot 28, said Block 4, extended Westerly, and also excepting that part of said vacated street lying within the right of way of the Minnesota Belt Line Railway and Transfer Company, Ramsey County, Minnesota.

We have examined the title to the above-described property as of June 22, 2001 at 7:00 a.m., based on a commitment to issue a policy of title insurance issued by Universal Title Company. Assuming the conditions of the title commitment to be true correct and complete, I am of the opinion that said property was owned as of that date in fee simple by Philips Holdings LLC, a Minnesota limited liability company.

Such ownership of the premises is subject to the following:

1. Resolution by the Village of Lauderdale vacating certain alleys and streets, recorded June 26, 1974 in the office of the Registrar of Titles as Doc. No. 600644, and recorded June 17, 1974 in the office of the County Recorder as Doc. No. 1885268.
2. Right of way for Minnesota Trunk Highway 280, including limitations on access thereto, as contained in the Partial Final Certificate dated August 8, 1967, recorded September 27, 1967 in the office of the County Recorder as Doc. No. 1708596.
3. Easements for power line purposes in favor of Northern States Power Company, as contained in the Warranty Deed dated October 28, 1974, recorded October 31, 1974 in the office of the County Recorder as Doc. No. 1895434, and in the Release dated December 24, 1974, recorded January 2, 1975 in the office of the County Recorder as Doc. No. 1899456.
4. Easements for street, utilities, and drainage purposes in favor of the County of Ramsey, as contained in the instrumented dated May 11, 1993, recorded August 17, 1993 in the office of the County Recorder as Doc. No. 2743020.
5. Reservation by the Regents of the University of Minnesota of all minerals and mineral interests as contained in the Quit Claim Deed dated May 28, 1998, recorded June 3, 1998 in the office of the Registrar of Titles as Doc. No. 1500323, and recorded June 3, 1998 in the office of the County Recorder as Doc. No. 3062015.

6. This opinion is also subject to the statutory exceptions which appear on the Certificate of Title and matters not appearing of record but which may affect title to the Property, including:
- a. Rights, if any, of the parties in possession of the Property.
 - b. Mechanic's lien rights, if any, for recent improvements upon the Property.
 - c. Special assessments levied upon the Property. Payment in full required prior to release of the Plat.
 - d. Public zoning, building or environmental laws, ordinances and regulations.
 - e. Facts which would be shown by a survey of the premises.
 - f. All rights in public highways upon the land.

Based upon the above, the plat must be signed by:

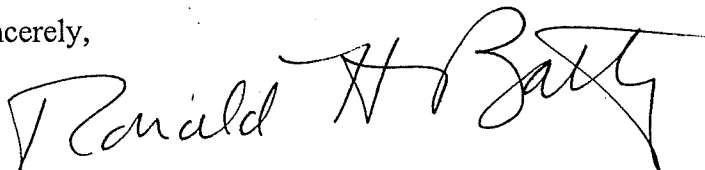
1. Philips Holdings LLC, a Minnesota limited liability company.
2. All other owners or mortgagees known to the City as having an interest in the subject property.

The plat must be executed with all the formalities of a deed of title.

This opinion is provided to the City of Lauderdale solely for the purpose of determining the required signatories to the plat. It should not be relied upon by any other person or entity for any other purpose. **This opinion is conditioned upon the issuance of a policy of title insurance to the City of Lauderdale.**

We require review of the final plat.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald H. Batty". The signature is stylized with a large, sweeping "R" and a distinct "B".

Ronald H. Batty
RHB:jms

DRAFT

Member _____ introduced the following resolution and moved its adoption:

CITY OF LAUDERDALE

RESOLUTION 082801A

**RESOLUTION GRANTING PRELIMINARY PLAT
APPROVAL FOR BROADWAY BUSINESS PARK**

WHEREAS, Philips Holdings LLC, a Minnesota limited liability company (the “Applicant”) is the fee owner of property located in Ramsey County, Minnesota and legally described on Exhibit A attached hereto (the “Property”); and

WHEREAS, the Applicant has presented a preliminary plat to subdivide the Property into two lots; and

WHEREAS, the matter was reviewed by the city council at its meeting on August 28, 2001, following notice and hearing as required by law.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Lauderdale, Minnesota, that preliminary approval is hereby granted to the Applicant for the plat of Broadway Business Park, subject to the following terms and conditions:

1. The final plat must dedicate to the public drainage and utility easements 10 feet in width along the north and south property lines of both lots as required by the city engineer;
2. The final plat must dedicate to the public a drainage and utility easement 10 feet in width along the east side of proposed Lot 2 from vacated Roselawn Avenue to the southeast corner of the lot as required by the city engineer;
3. The final plat must be in compliance with the conditions of the Minnesota department of transportation as specified in the MnDOT letter of August 14, 2001 to the city;

4. The final plat must be in compliance with the conditions of Rice Creek Watershed District as specified in report dated August 17, 2001, including but not limited to its requirement regarding ponding and flowage easements over onsite hydrologic features;
5. The final plat must contain the dedications and be executed by all parties required by the city attorney;
6. The Applicant must provide for legal access to proposed Lot 2 through proposed Lot 1 by means of an instrument satisfactory to the city which will be placed of record with Ramsey County;
7. The Applicant must pay to the city an administrative fee in an amount necessary to reimburse the city for the cost of reviewing this application;
8. The Applicant and the party purchasing proposed Lot 2 must execute a subdivision agreement with the city in a form satisfactory to the city;
9. [Planning department conditions];
10. The Applicant must submit the final plat for approval by the city council within 60 days of the date of this resolution; and
11. The final plat must be in compliance with all terms and conditions of the preliminary plat approval and of the ordinances and requirements of the city.

Dated: August 28, 2001.

Jeffrey Dains, Mayor

ATTEST:

Rick Getschow, City Administrator


The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

MEMOS BY JAMES

DATE: AUGUST 28, 2001
TO: HONORABLE MAYOR AND COUNCIL
FROM: JAMES BOWNIK, ADMINISTRATIVE ANALYST
RE: CONDITIONAL USE PERMIT APPLICATION FOR STATE TRUCK
HIGHWAY 280, WEST SUMMER STREET



BACKGROUND

PROPOSAL: Request for a Conditional Use Permit allowing for a supply yard.
The property in question is zoned I-1 Industrial.

APPLICANT: Historic Stone
1345 Summit Avenue
St. Paul, MN 55105

PROPERTY OWNER: Historic Stone
1345 Summit Avenue
St. Paul, MN 55105

PROPERTY LOCATION: State Truck Highway 280, West Summer Street
Lauderdale, MN 55113

CONDITIONAL USE PERMIT REQUEST

According to Title 10-6-2-E-6 of the Lauderdale City Code, supply yards are listed as an approved conditional use in the I-1 District.

Attached as Exhibit A is the conditional use permit application for your review.

PROPERTY INFORMATION

Historic Stone acquired the 0.47-acre tax-forfeited site earlier this year. Historic Stone proposes to use the site as a supply yard for recycled natural stone and clay. The materials would consist of granite and marble slabs for patios, sand and limestone blocks for retaining walls, decorative terra cotta used as garden highlight pieces, and brick and cobblestone pavers for driveways and walking paths. No retail sales are proposed for the site, only storage of the above mentioned materials.

Currently, the site can be accessed from the west side of Highway 280, approximately 650 feet south of Roselawn Avenue West. However, Historic Stone's application for permanent access with the Minnesota Department of Transportation (Mn/DOT) was denied. Mn/DOT denied the application for permanent access due to the pending reconstruction of Highway 280, in addition to potential safety and traffic concerns. At the time when Highway 280 is reconstructed, Mn/DOT intends to remove Historic Stone's entrance and establish access control.

While the application was denied, Historic Stone was authorized to access the property on a trial basis. However, if safety concerns arise, or the use of the site disrupts traffic flows, Mn/DOT would require Historic Stone to stop using the entrance until the problems are resolved. This may require Historic Stone to construct a right turn lane and acceleration lane.

The authority to access the property on a trial basis is further conditioned on Historic Stone meeting Mn/DOT requirements outlined in a letter to Historic Stone dated June 20, 2001. These conditions include notifying Mn/DOT when multiple loads will be hauled to or from the site, using the break in traffic due to the stoplight at Broadway Drive when exiting the site, and not depositing material onto the roadway. Mn/DOT is also not allowing hauling to or from the site from 6:00 a.m. to 9:00 a.m., and from 3:00 p.m. to 6:00 p.m. due to rush hour restrictions.

Mn/DOT also states in their letter that Historic Stone's access to the site is subject to further conditions imposed by the City of Lauderdale.

Attached as Exhibit B is a copy of Mn/DOT's letter to Historic Stone dated June 20, 2001 regarding access to the site.

In 1997, the Minnesota Pollution Control Agency investigated the soil at the site for possible contamination. The investigation found the site to be contaminated with polychlorinated biphenyls (PCBs) associated with transformer and capacitor fluid from the adjacent Lightning and Transients property. PCB contamination above MPCA standards was removed from the site. The MPCA states in a letter to Historic Stone dated July 31, 2001, that the soil at the site has been cleaned up and currently meets MPCA standards for PCBs.

Attached as Exhibit C is a copy of MPCA's letter to Historic Stone dated July 31, 2001 regarding site contamination.

REQUIREMENTS FOR APPROVAL OF A CONDITIONAL USE PERMIT

Title 10-12-4 & 10-12-5 of the City Code allows the City Council to consider the following for the approval of a conditional use permit:

- 1) Does the use conform to the I-1 District?
- 2) Will the use provide a harmonious relationship with adjacent properties?
- 3) Is the visual impression & environment of the use consistent with the district?
- 4) Does the use organize vehicular access & parking in a way that minimizes traffic congestion in the district?
- 5) Does the use promote the objectives of Title 10 of the City Code: Zoning, and the Land Use & Tax Base section of the Lauderdale Comprehensive Plan?

- 6) Does the use comply with the following performance standards?
- a. Fire Protection.
 - b. Electrical Disturbance.
 - c. Noise.
 - d. Vibrations.
 - e. Odors.
 - f. Air Pollution.
 - g. Glare.
 - h. Erosion.
 - i. Water Pollution.

STAFF FINDINGS & REVIEW

1) *Does the use conform to the I-1 District?*

The use appears to conform to the approved conditional uses in the I-1 District.

2) *Will the use provide a harmonious relationship with adjacent properties?*

The site does not seem to provide a harmonious relationship with adjacent properties due to the location and type of use, of which are explained in the series of questions to follow.

3) *Is the visual impression & environment of the use consistent with the district?*

The visual impression and environment of the use would consist of a supply yard of recycled natural stone and clay. The proposed screening consists of using existing trees as natural buffers on the south and west side of the site, and erecting a six-foot tall chain link fence on the east side of the property - running north and south directionally. The applicant stated that this fence would connect to an existing fence on the north side of the property. While fences can be used for screening purposes, a chain link fence such as the one proposed by the applicant would not properly screen the outside storage material.

Attached as Exhibit D is a visual impression that was submitted.

4) *Does the use organize vehicular access & parking in a way that minimizes traffic congestion in the district?*

Historic Stone has received authorization from Mn/DOT to access the site on a trial basis with restricted hours and other conditions. An access permit has not been granted. Traffic congestion, noise, and safety concerns could be issues. Additionally, when Highway 280 is reconstructed, Mn/DOT intends to remove Historic Stone's entrance and establish access control. It would be virtually impossible at that point for the applicant to conduct business from this site. The City Council may want to consider granting this conditional use permit on the condition that the applicant receive full-time and permanent access from Mn/DOT in order to satisfy this question.

5) Does the use promote the objectives of Title 10 of the City Code: Zoning, and the Land Use & Tax Base section of the Lauderdale Comprehensive Plan?

The use does not appear to promote the objectives of the Zoning Ordinance and the Land Use & Tax Base section of the Comprehensive Plan by encouraging development and/or redevelopment of commercial and industrial properties for the purpose of increasing tax base. No building or other improvement of value is proposed to be constructed at the site.

6) Does the use comply with the following performance standards?

- a. Fire Protection.**
- b. Electrical Disturbance.**
- c. Noise.**
- d. Vibrations.**
- e. Odors.**
- f. Air Pollution.**
- g. Glare.**
- h. Erosion.**
- i. Water Pollution.**

The use appears to comply with the performance standards mentioned above.

Attached as Exhibit E is a checklist staff is using during the review process.

SITE PLAN

Attached as Exhibit F is the Historic Stone's Site Plan and Screening Plan for your review.

PLANNING COMMISSION ACTION

The Planning Commission did not meet to discuss the conditional use permit application due to the lack of a quorum. Instead, this action item was placed directly on the council agenda per Title 2-1-10-4:K of the current Zoning Ordinance. The Planning Commission received the information packet and have been invited and encouraged to attend the council meeting in order to provide input to the Council.

PUBLIC HEARING FOR THE CONDITIONAL USE PERMIT REQUEST

A Public Notice of tonight's public hearing was published in the August 14, 2001 edition of the *Roseville Review*, and property owners within 350 feet from the perimeter of the subject property were sent notice of tonight's public hearing via direct mail.

CITY COUNCIL ACTION REQUESTED

Based on consultation with Ron Batty, City Attorney, I am requesting the following action by the City Council:

Approve Historic Stone's conditional use permit application pursuant to the following two conditions and optional third condition:

- 1) The applicant submits a driveway permit application and associated site plan to bring the current gravel driveway at the site into compliance with the City's current driveway construction standards for gravel driveways, according to Title 9-10-6-A-3 of the Lauderdale City Code.
- 2) The applicant resubmits a screening plan that complies with 10-4-2-B and 10-4-2-C of the Lauderdale City Code regarding screening of exterior storage.
- 3) The applicant first receives full-time and permanent access from Mn/DOT.

Attached as Exhibit G are the sections of the Lauderdale City Code referenced above.

Exhibit A



Historic Stone
Conditional Use
Permit Application

City of Lauderdale

1891 Walnut Street • Lauderdale • Minnesota 55113

Phone: 651.631.0300 Fax: 651.631.2066

ZONING APPLICATION

Identifying Information

Name of Applicant HISTORICAL STONE Address 1345 SUMMIT AVENUE BERGIN
City ST. PAUL State MN Zip 55105
Phone (W) 651-644-1234 Phone (H) 651-439-5766 Fax 651-644-1234 BERGIN
LANGER

Information Requested

Type of Request:

☐ Variance (\$45) ☐ Zoning Amendment ☐ PUD
☒ Conditional Use (\$165) ☐ Home Occupation (\$50) ☐ Other

Address of Property 1/4 MILE SOUTH OF BROADWAY ON HWY 200.

Description of Request (including proposed use of property)

CONDITIONAL USE PERMIT FOR SUPPLY YARD.

Frank Langer
TR Bergin
Applicant's Signature

FRANK B. LANGER CO-OWNERS
THOMAS R. BERGIN JR.
Please Print Applicant's Name

5-31-01
Date

SHADED AREA FOR OFFICE USE ONLY:

Date of Application 6-6-01 Fee Paid 165.00 Receipt No. 6028

Property I.D. (PIN) No.: _____

Recommendation of Planning Commission:

Approved _____ Denied _____ by the Planning Commission on N/A

City Council Action:

Hearing Date 6-28-01 Approved _____ Denied _____ by the Council on _____

Conditions to be met _____

C:\MSOFFICE\WINWORD\CTYFORMS\APPLIC.DOC

Application date changed to 7-31-01.

13720 North 90th Street
Stillwater, MN 55082
651-439-5766



Lauderdale City Council Members,

June 04, 2001

Historic Stone is requesting a conditional use permit for our property in Lauderdale. Our intention is to use the property as a supply yard. Our product is recycled natural stone and clay. We specialize in old stone that is reused for renovation and landscaping projects. Currently we handle the following type of inventory: granite and marble slabs for patios, sand and limestone blocks for retaining walls, decorative terra cotta used as garden highlight pieces, and brick and cobblestone pavers for driveways and walking paths.

The site would be used as a storage site. There would not be retail sales at this location. We have agreements with local landscape yards that handle our retail sales. Traffic at the site would be occasional, primarily trucks off loading material.

We are not planning on significant changes to the landscape. We did some preliminary clearing of trees and brush and had a small amount of fill brought in. We would like to grade the north portion of the lot by removing tree stumps and leveling. We are requesting permission to erect a business sign. SWMP

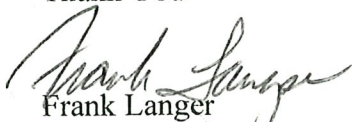
We have legal access to the property from Hwy 280 and have submitted an application to the Department of Transportation for an access use permit. See enclosed letter from our attorney.

Additionally, Minnesota Pollution Control Agency, has verbally stated this lot was cleaned along with the University of Minnesota property directly to the north. The written documentation is included in the final report for the U of M property. We have requested a separate document from MPCA to provide to the council .

The entrance to the site will be locked when not in use.

We appreciate your assistance in allowing Historic Stone to provide quality and original renovation materials to the community.

Thank You


Frank Langer
Co-owners of Historic Stone


Tom Bergin

Kelly & Fawcett, P.A.
ATTORNEYS AT LAW

2350 PIPER JAFFRAY PLAZA
444 CEDAR STREET
SAINT PAUL, MN 55101

PATRICK I. KELLY
SONGJO FAWCETT
STEPHEN KELLY
SIA LO
CHAD D. LEMMONS
KATHLEEN M. LOUCKS
ROBERT I. FOWLER

March 12, 2001

Of Counsel:
JOHN F. BANNIGAN, JR.
MCGUIGAN & HOLLY, P.L.C.

(651) 224-3781
Facsimile (651) 223-8019

E-Mail: kelfawcett@qwest.net

Mr. Frank Langer
13720 - 90th Street North
Stillwater, MN 55082

RE: Tax Parcel No: 17-29-23-32-0053

Dear Mr. Langer:

Enclosed herewith please find a copy of the Certificate of Title, as well as the Final Certificate running in favor of the State of Minnesota, filed for record as Document No. 435848. This Final Certificate deals with the condemnation of the right-of-way for State Trunk Highway 280. Parcel 14CSP6421 (280 = 280) 901 described on page 5 of the Final Certificate creates an access easement to Trunk Highway No. 280 over and across the Northerly 15 feet. This means that you have the right to construct an access road to 280 over and across the Northeasterly 15 feet of your property. Based upon the documents already of record, this is still a valid access easement.

Respectfully yours,

KELLY & FAWCETT, P.A.



Chad D. Lemmons

CDL/sjh
encl.

City of Lauderdale

1891 Walnut Street • Lauderdale • Minnesota 55113

Phone: 651.631.0300 Fax: 651.631.2066

June 19, 2001

Historic Stone
Attn: Frank Langer
13720 North 90th Street
Stillwater, MN 55082

Dear Mr. Langer:

The City of Lauderdale has reviewed the materials that were submitted as part of your conditional use permit application. We were unable to process your application at the current time because your application was considered incomplete. In order to process your application, the City would like the following information: a guarantee of access to the site from MNDOT, and documentation from the MPCA regarding site contamination.

Additionally, a storm water management plan may need to be submitted and reviewed by the City Engineer. This is due to the possible clearing of trees and brush on the site, possible fill being brought to the site, and the type of use proposed for the site.

As allowed by Minnesota State Statute 15.99, the City of Lauderdale is allowed 60 days to process this information once this information is received.

Feel free to contact me at City Hall should you have any questions or concerns.

Sincerely,



James Bownik
Administrative Analyst

Cc: Historic Stone
Attn: Thomas Bergin, Jr.
1345 Summit Avenue
St. Paul, MN 55105

Exhibit B



Mn/DOT's Letter
to Historic Stone
Dated June 20, 2001



Minnesota Pollution Control Agency

July 31, 2001

Mr. Frank Langer and Mr. Tom Bergin
Historic Stone
13720 North 90th Street
Stillwater, MN 55082

RE: Historic Stone Site
South of 2531 Summer Street and West of Highway 280, Lauderdale
MPCA Project Number 32VP14620
Retroactive No Association, No Association and No Action Determinations

Dear Mr. Langer and Mr. Bergin:

This letter is in response to the request from you for a determination under Minn. Stat. § 115B.178 that certain actions proposed to be taken by Historic Stone at the Historic Stone site, located at the address referenced above (the Site), will not constitute conduct associating Historic Stone with the release or threatened release of hazardous substances, pollutants, or contaminants at the Site for the purpose of Minn. Stat. § 115B.03, subd. 3(4) (1998).

The Minnesota Pollution Control Agency (MPCA) staff in the Voluntary Investigation and Cleanup (VIC) Unit has reviewed the documents submitted for the adjacent Lightning and Transients Site (MPCA Project Number 32VP1160) which apply to the Site (Site Documents).

The Site has been undeveloped property that may have been used for equipment storage for adjacent industrial properties. In 1997, soil at the Site was investigated for polychlorinated biphenyls (PCBs) associated with transformer and capacitor fluid as part of the investigation of the adjacent Lightning and Transients property. The soil contaminated with PCBs above MPCA residential criteria was completely excavated and removed from the Site. For the purpose of this letter, the Identified Release consists of the release of PCBs to the soil at the Site.

Retroactive No Association Determination

Based upon a review of the information provided to the MPCA VIC Program, and subject to the conditions set forth in this letter, a determination is hereby made pursuant to Minn. Stat. § 115B.178, subd. 1(b) that the past actions (Past Actions) as described in a letter from Frank Langer to Patrice Jensen of the MPCA, dated May 20, 2001 (Past/Proposed Actions Letter) and as described in the Affidavit of Thomas Bergin and Frank Langer (Affidavit) will not associate Historic Stone with the Identified Release for the purpose of

July 31, 2001

Minn. Stat. § 115B.03, subd. 3(4) (1998). This determination is being sought for Historic Stone and the determination is retroactive to January 29, 2001, the date that Historic Stone purchased the Site. This determination applies to the following Past Actions:

- Purchase of the Site.
- Past operation and maintenance of the Site associated with future use as a landscaping supply yard.

No Association Determination

This letter also addresses Historic Stone's request for a determination under Minn. Stat. § 115B.178, subd. 1(a) that certain actions proposed to be taken by Historic Stone at the Site will not constitute conduct associating Historic Stone with the release or threatened release of hazardous substances, contaminants, or pollutants at the Site for the purposes of Minn. Stat. § 115B.03, subd. 3(4) (1998).

Based upon a review of the information provided to the MPCA VIC Program, and subject to the conditions set forth in this letter, a determination is hereby made pursuant to Minn. Stat. § 115B.178, subd. 1(a) that the proposed actions (Proposed Actions) as described in the Past/Proposed Actions Letter and Affidavit will not associate Historic Stone with the Identified Release for the purpose of Minn. Stat. § 115B.03, subd. 3(4) (1998). This determination applies to the Proposed Action of operation and maintenance of a landscaping supply company.

The Retroactive No Association Determination and No Association Determination made in this letter are subject to the following conditions:

1. The representations made in the Past/Proposed Actions Letter and Affidavit are accurate and the Past Actions were carried out as described in the Past/Proposed Actions Letter and Affidavit;
2. The Proposed Actions shall be carried out as described in the Past/Proposed Action Letter and Affidavit;
3. Historic Stone shall cooperate with the MPCA, its employees, contractors, and others acting at the MPCA's direction, in the event that the MPCA takes, or directs others to take, response actions at the Site to address the Identified Release or any other as yet unidentified release or threatened release of a hazardous substance, pollutant, or contaminant, including, but not limited to, granting access to the Site so that response actions can be taken;
4. Historic Stone shall avoid actions that contribute to the Identified Release or that interfere with response actions required under any MPCA-approved response action plan to address the Identified Release; and

July 31, 2001

5. In the event that any suspected hazardous substances are encountered during Site activities (i.e., demolition, grading, redevelopment, etc.), Historic Stone shall notify the MPCA project staff immediately in order to determine appropriate handling, sampling, analysis, and disposal of such wastes.

Pursuant to Minn. Stat. § 115B.178, subd.1, when Historic Stone takes the Proposed Actions in accordance with the determinations in this letter, subject to the conditions stated herein, the Proposed Actions will not associate Historic Stone with the Identified Release for the purpose of Minn. Stat. § 115B.03, subd. 3(4) (1998).

The determination made in this letter applies to Historic Stone's successors and assigns if the successors and assigns: 1) are not otherwise responsible for the Identified Release at the Site; 2) do not engage in activities with respect to the Identified Release which are substantially different from the activities which Historic Stone proposes to take, as described herein; and 3) comply with the conditions set forth in this letter.

No Action Determination for Soil

Based on a review of the Site Documents, the MPCA staff concurs that the soils at the site have been cleaned up to MPCA residential criteria for PCBs. Therefore, the MPCA will not request Historic Stone, to conduct any further investigation or remediation of the Identified Release at the Site. Furthermore, the MPCA is issuing a determination to take no action under Minn. Stat. § 115B.01-115B.18, against Historic Stone with respect to the Identified Release. Specifically, the MPCA staff will not refer the Identified Release to the U.S. Environmental Protection Agency for inclusion on the Comprehensive Environmental Response, Compensation and Liability Information System list, to the State Site Assessment staff for preparation of a Hazard Ranking System score, or to the MPCA Commissioner for the placement of the Site on the Permanent List of Priorities.

This determination is issued to Historic Stone with respect to the Identified Release and extends to the successors and assigns of Historic Stone.

This determination is based solely on the results of the soil investigation conducted on the Site. Due to the lack of ground water information for the Site, this letter does not address any conclusions or representations regarding the future need for further investigation or response actions relating to ground water.

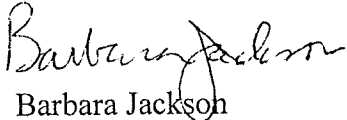
Mr. Frank Langer and Mr. Tom Bergin

Page 4

July 31, 2001

Please be advised that the determinations made in this letter are subject to the disclaimers found in Attachment A and are contingent on compliance with the terms and conditions set forth herein. If you have any questions about the contents of this letter, please contact Jerry Stahnke at (651) 297-1459, or Lynne Grigor at (651) 296-8572.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Jackson".

Barbara Jackson

Supervisor

Voluntary Investigation and Cleanup Unit

Site Remediation Section

Metro District

BJ:csa

Enclosure(s)

cc: Zack Hansen, Ramsey County
Chad Lemmons, Kelly & Fawcett, PA
Gordon Girtz, University of Minnesota

Exhibit C



**MPCA's Letter
to Historic Stone
Dated July 31, 2001**

**Minnesota Department of Transportation**

Metropolitan Division
Waters Edge
1500 West County Road B2
Roseville, MN 55113

June 20, 2001

Frank Langer
13720 North 90th Street
Stillwater, Minnesota 55082

Re: Permit M-A-01-0348 C.S. 6241 T.H. 280

For the use of the existing access on the west side of T.H. 280, approximately 650 feet south of Roselawn Avenue West, in the City of Lauderdale.

Dear Mr. Langer:

Mn/DOT has reviewed your permit application dated April 26, 2001.

The permit will not be issued because of the pending reconstruction of Trunk Highway 280 at this location. As a result of the construction, this entrance will be removed and access control will be established.

In the meantime, I am authorizing you to use the entrance to access the property to use it for storage of landscaping material. As we discussed on the phone this will be on a trial basis. If Mn/DOT determines that your use of the entrance causes safety problems or adversely affects the traffic on Trunk Highway 280, you will be required to stop using it until the issues can be resolved. This may mean that a right turn lane and an acceleration lane will need to be constructed before you can resume using the entrance. The construction would be entirely your responsibility.

The applicant or its contractor shall notify, Mr. Keith Van Wagner, MN/DOT Roadway Regulation Supervisor at 651-582-1443, and inform him when the access will be used for hauling multiple loads into or out of the property.

This permit is subject to the further recommendations of the City of Lauderdale.

When trucks are exiting the site, the drivers shall take make use of the breaks in traffic caused by the signal at Roselawn Avenue.

Page 2

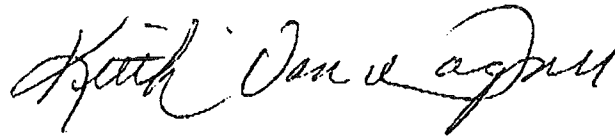
Permit M-A-01-0348 C.S. 6241 T.H. 280

Due to the Twin City rush hour restrictions, use of the access for hauling material into or out of the site, will not be allowed from 6:00 AM to 9:00 AM, or from 3:00 PM to 6:00 PM, unless authorized by the MN/DOT Permit Office at 651-582-1443.

No material shall be deposited on the traveled roadway. The applicant shall take care not to track dirt or other material onto the roadway.

Call me at 651-582-1443 if you have any questions and/or comments regarding the use of this entrance as provided above.

Sincerely,



Keith Van Wagner
Mn/DOT Metro Division Regulation Office

cc: Rick Getschow - Lauderdale City Administrator / Fax # 651-631-2066
James Kirchner - Mn/DOT Metro Right of Way
Nancy Daubenberger, P.E. - Mn/DOT Project Manager
Wayne Lemaniak - Mn/DOT Metro Traffic

Exhibit D



Photo of
Historic Stone's
Largest Type
of Inventory

SAND STONE BLOCKS USED
FOR RETAINING WALLS

LARGEST TYPE OF INVENTORY



Exhibit E



Staff Checklist
Used During the
Review Process

CHECKLIST - Conditional Use Permit

Application Number: _____

- | <u>Questions</u> | <u>Answered</u> |
|--|-----------------|
| 1. Has a pre-application meeting been held with the City Staff ? | _____ |
| 2. What is the current zoning district and in what zoning ordinance section is the conditional use permitted ? | _____ |
| 3. A site plan drawn to scale to include: | |
| a. All existing and proposed buildings, parking areas, adjacent roads, advertising signs, trees, drainage ways and buildings on adjacent properties. | _____ |
| b. All lot dimensions, lot area(s), yard dimensions and elevations. | _____ |
| c. Location of any existing and proposed parking spaces and driveways. | _____ |
| d. Storm water drainage plan, grading erosion control plan sufficient to drain and dispose of all surface water accumulation within area. | _____ |
| e. Landscape plan including the size of trees and shrubs, sidewalks, trails, walkways, proposed fences, landscaping and retaining walls. | _____ |
| f. Plans for storage areas. | _____ |
| g. Exterior finish and front elevations of buildings. | _____ |
| 4. Three full size site plans and other exhibits at no less than 100 scale are to be submitted with the application. Ten days before the Planning Commission meeting the applicant shall submit a reduced 11 by 17 inch reproducible plan and 8 1/2 by 11 inch transparency. | _____ |

5. A short narrative answering the following:

- a. The proposed use conforms to the district and conditional use provisions and all general regulations of the City Code. _____
- b. The proposed use meets all special standards which may apply to its class of conditional uses as set forth in the City Code. _____
- c. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards, below. _____
- d. The proposed use shall be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties. _____
- e. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the district in which it is located. _____
- f. The proposed use shall organize vehicular access and parking to minimize traffic congestion in the district. _____
- g. The proposed use shall promote the objectives of the City Code and shall be considered by the Council in light of the light of the Land Use Plan of the City. _____

6. The following are performance standards that need to be met before a conditional use permit is issued. _____

- a. Fire Protection: Fire prevention and fighting equipment required by the Fire Prevention and Building Code shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on. _____
- b. Electrical Disturbance: No activity associated with the use shall cause electrical disturbance adversely affecting radio or other electrical or electronic equipment in the vicinity of the use. _____

- c. Noise: Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled in accordance with generally accepted noise level standards or State established standards. Fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.
- d. Vibrations: Vibrations detectable without instruments on neighboring property in any district is prohibited.
- e. Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property. State standards on odor emissions may be used in measuring such odors.
- f. Air Pollution: Air pollution shall be subject to the standards established by the Minnesota Pollution Control Agency.
- g. Glare: Lighting devices which produce directly reflected glare on adjoining properties or thoroughfares shall not be permitted.
- h. Erosion: No offensive erosion by wind or water shall be permitted onto adjacent properties.
- i. Water Pollution: Water pollution shall be subject to the standards established by the Minnesota Pollution Control Agency.

Exhibit F



Historic Stone's Site Plan and Screening Plan

The south line of the N. 200 ft. of the S. 1977.34 R. of W 1/2 of the W 1/2 of SW 1/4 of Sec. 17-29-23

13720 North 90th Street
Stillwater, MN 55082
651-439-5766



To: City Of Lauderdale

Historic Stone Company will provide screening on our site. After reviewing the area we found that almost all of the businesses in our neighborhood have chain link fence. We would like to erect a commercial grade 6' high chain link fence running parallel to highway 280 running north to the existing fence running east west. The south and west side have heavy tree coverage. Please call to discuss any details.

Thanks

A handwritten signature in black ink, appearing to read "T. Bergin", is written below the word "Thanks". The signature is fluid and cursive.

Exhibit G



Title 9-10-6-A-3,
10-4-2-B, & 10-4-2-C
of the Lauderdale
City Code

9-10-6:

Driveway Construction Standards:

A. Surface: All driveways shall be surfaced with one of the following materials:

1. Bituminous. A plant-mixed machine-laid bituminous material conforming to Minnesota Department of Transportation (MNDOT) Specification No. 2331, Mixed Designation 41WEA5055X, which have been approved by the City Engineer. However, should it subsequently become necessary to repair or replace such bituminous surfacing in the right of way area in whole or in part, the owner of property serviced by such bituminous driveway shall pay all costs of such repairs or replacements.

2. Concrete. Concrete specifications approved by the City Engineer may also be used for such driveway surfacing. However, should it subsequently become necessary to repair or replace such concrete surfacing in the right of way area in whole or in part, the owner of property serviced by such concrete driveway shall pay all costs of such repairs or replacements.

3. Gravel. Driveways existing on the date of the adoption of this Ordinance, may also be constructed of four inches (4") of crushed Class 5 limestone gravel compacted into place after initial excavation. Prior to placing gravel, the driveway shall be excavated to result in the final gravel surface matching the grade of the adjacent yard.

existing
driveways
of and
surfor

B. Width:

1. Community Business (B-1), Neighborhood Business (B-2), and Industrial (I-1) Zones: Driveway widths, on site and at the curb cut, shall not exceed thirty-six feet (36').

2. Multiple Residential (R-3) Zones: Driveway widths, on site and at the curb cut, shall not exceed thirty feet (30').

3. Suburban Residential (R-1) And Urban Residential (R-2) Zones: Driveway widths, on site and at the curb cut, shall not exceed twenty-four feet (24').

10-4-2: SCREENING:

- A. **Adjacent To Residential Use:** Where any business or industrial use, structure, parking or storage, is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is across the street or alley from a residential zone, but not on that side of a business or industry considered to be the front.

- B. **Exterior Storage:** All exterior storage shall be screened except materials and equipment presently being used for construction on the premises.

- C. **Specifications:**

1. **Height:** The screening shall consist of a fence or wall not less than six feet (6') high, made of materials approved by the Planning Commission.

2. **Placement:** The screening shall be placed along property lines but shall not extend within fifteen feet (15') of any street or driveway from the street right of way.

3. **Vegetation:** Planting of a type approved by the Planning Commission may also be required in addition to or in lieu of fencing. (Zoning Ord. as amd.)

10-4-3: FENCING¹:

- A. **Rear And Side Yards:** Fences seven feet (7') in height or smaller shall be a permitted use in the rear and side yards of all districts.
- B. **Approval Required:** Fences higher than seven feet (7') and any fence which extends into a front yard shall be permitted only if approved by the Board of Adjustments.
- C. **Swimming Pools:** Swimming pools shall be enclosed by a fence or wall not less than six feet (6') above ground level to prevent uncontrolled access by children. Location of pools is subject to utility company approval. (Zoning Ord. as amd.)

1. See also Title 9, Chapter 7 of this Code.

City Council Memorandum

To: Mayor and City Council
From: Rick Getschow
Council Meeting Date: August 28, 2001
Agenda Item: 1. 2001-2002 Insurance Policy Renewal
2. Resolution 082801B: Appointing City Insurance Agent

BACKGROUND:

The League of Minnesota Cities Insurance Trust (LMCIT) Property/Casualty program is designed to operate through a local agent. Each jurisdiction must designate an agent as a condition of participating in the program. Engberg, Schaber and Welch have been the City's insurance agency for a number of years. Mr. Bob Welch has prepared the attached premium quotation that will be addressed at the Council meeting.

Enclosed is the premium summary for the 2001-2002 year and the resolution needed to appoint our LMCIT agent.

Property, Liability, and Automobile Policy

The premium costs for 2001-2002 increase 13.4 % from the 2000-2001 policy year. The city insurance agent states that this is mainly due to a land use claim that was initiated in 2000. Also, the property and inland marine coverage increases are due to the increased value of property and the addition of such equipment as the bobcat.

As was the case the past three years, the City Council will once again have to take official action to waive the statutory tort limits.

Worker's Compensation Policy

The 2001-2002 policy premium before LMCIT audit is \$4007. The 2000-2001 premium was \$4038.

Agent's Compensation

There are two methods of compensating the agent. One is based on a percentage of the premium and the other method is to determine a flat fee. The flat fee of \$1045.00 proposed for the 2001-2002 policy is identical to the policy fee of the past two years.

ENCLOSURES:

1. 2001-2002 Insurance Policy Summary
2. Resolution 082801B: A Resolution Appointing the City Agent for the League of Minnesota Cities Insurance Trust

COUNCIL ACTION REQUESTED:

1. Motion to adopt Resolution 082801B: A Resolution Appointing the City Agent for the League of Minnesota Cities Insurance Trust.
2. Motion to waive the monetary limits on municipal tort liability and to not purchase additional excess liability coverage for the coming year.
3. Motion to approve the 2001-2002 property, liability, automobile, and worker's compensation insurance policy.



August 15, 2001

City of Lauderdale
Rick Getschow
1891 Walnut Street
St. Paul, MN. 55113

Dear Rick:

I am faxing you a coverage and premium summary for the 2001-2002 policy term for the City of Lauderdale's insurance.

The premium is up this year due to the existing land dispute claim of 4/11/00.

Please give me a call to confirm when your meeting is as I will be glad to attend.

If you have any questions with regard to the coverage or premiums, please feel free to give me a call and I will be happy to go over this with you.

Thank you for your most desirable business.

Yours truly,

Robert C. Welch
Insurance Consultant

P.S. It is important you sign and fax back to our agency the LMCIT Liability Coverage-Waiver Form. Thank you.
Our fax is 651 776 2711

Complete Insurance Service Since 1926

973 Payne Avenue St. Paul, MN 55101 • 651-776-2706 Fax 651-776-2711
RR2 Box 135 Pine City MN 55063 • 320-629-7040



PREMIUM SUMMARY

	2000-2001	2001-2002
Property	\$1,002.00	\$1,127.00
Inland Marine	\$ 50.00	\$ 119.00
Commercial General Liability	\$6,430.00	\$7,453.00
Public Officials Liability		
Public Employees Dishonesty		
Open Meeting Law	\$ 500.00	\$ 405.00
Automobile Coverage	\$ 680.00	\$ 718.00
Total Premiums	\$8,662.00	\$9,822.00

The rates are based on the option to waive the statutory tort limits. The approximate premium credit if the limit is not waived would be 3% of the general liability premium and the excess liability premiums.

OPTIONAL COVERAGE QUOTE

Excess Liability	1,000,000 limit	
	\$1,434.00	\$1,664.00

PROPERTY	2000-2001	2001-2002
1. 1891 Walnut Office Building	\$461,366	\$474,284
2. 1891 Walnut Personal Property	\$ 47,188	\$ 48,506
3. 1917 Walnut City Garage	\$ 24,117	\$ 24,792
4. 1885 Fulham Warming House	\$ 24,117	\$ 24,792
5. Rosehill Lift Station	\$ 11,534	dismantled
6. 1886 Malvern Lift Station	\$ 11,534	\$ 11,857
7. 1975 Malvern Lift Station	\$ 11,534	\$ 11,857
8. City Park Play Equipment	\$ 36,700	\$ 36,728

INLAND MARINE

1992 John Deere Tractor	\$ 15,000	\$15,000
2001 John Deer Skidloader	\$ 20,000	\$20,000

COMMERCIAL GENERAL LIABILITY \$1,000,000

PUBLIC OFFICIALS LIABILITY \$1,000,000

PUBLIC EMPLOYEE DISHONESTY \$150,000

OPEN MEETING LAW \$20,000

AUTOMOBILE COVERAGE

1993 Chev 3/4T with plow	
1999 Ford F375 1 Ton truck	
Liability	\$1,000,000
Personal Injury Protection	BASIC
Uninsured/Underinsured Motorists	\$1,000,000
Comprehensive	\$250 deductible
Collision	\$500 deductible

LMCIT LIABILITY COVERAGE - WAIVER FORM

Cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of the coverage purchased. The decision to waive or not to waive the statutory limits has the following effects:

- *If the city does not waive the statutory tort limits*, an individual claimant would be able to recover no more than \$300,000 on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,000,000. These statutory tort limits would apply regardless of whether or not the city purchases the optional excess liability coverage.
- *If the city waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could potentially recover up to \$1,000,000 on a single occurrence. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$1,000,000., regardless of the number of claimants.
- *If the city 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 which 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.

This decision must be made by the city council. **Cities purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage.** For further information, contact LMCIT. You may also wish to discuss these issues with your city attorney.

The City of LAUDERDALE accepts liability coverage limits of \$ 1,000,000 from the League of Minnesota Cities Insurance Trust (LMCIT).

Check one:

☐ The city **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.

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

Date of city council meeting _____

Signature X _____

Position _____

Return this completed form to LMCIT, 145 University Ave. W., St. Paul, MN. 55103-2044

Group Self-Insured Workers' Compensation Plan
145 University Avenue West St. Paul, MN 55103-2044 Phone (651) 215-4173

Notice of Premium Options

The "City"
LAUDERDALE, CITY OF

1891 WALNUT STREET
 LAUDERDALE MN 55113-0000

Agreement No.: 02-000474-16
 Agreement Period:
 From: 02/01/2001
 To: 02/01/2002

Enclosed is a quotation for workers' compensation deposit premium. Deductible options are now available in return for a premium credit applied to your estimated standard premium of \$ 4007. The deductible will apply per occurrence to paid medical costs only. There is no aggregate limit.

Please indicate below the premium option you wish to select. You may choose only **one** and you cannot change options during the agreement period.

OPTIONS

NET DEPOSIT PREMIUM

1 ☒ Regular Premium Option

4007.

	<u>Deductible per Occurrence</u>	<u>Premium Credit</u>	<u>Credit Amount</u>	
2 <input type="checkbox"/>	\$250	3%	120.	3887.
3 <input type="checkbox"/>	500	4.5%	180.	3827.
4 <input type="checkbox"/>	1,000	6%	240.	3767.
5 <input type="checkbox"/>	2,500	10%	401.	3606.
6 <input type="checkbox"/>	5,000	13.5%	541.	3466.
7 <input type="checkbox"/>	10,000	18%	721.	3286.

This should be signed by an authorized representative of the city requesting coverage. **One** of the above options must be selected. Please return a signed copy of this notice to us with payment and make checks payable to the LMCIT.

 Signature

 Title

 Date

For more information on the premium options that apply to your city, refer to the enclosed brochure.

LM4501 (8/99)

TOTAL P.03

RESOLUTION NO. 082801B

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

RESOLUTION APPOINTING CITY AGENT FOR LMCIT

WHEREAS, the League of Minnesota Cities Insurance Trust requires cities to use the services of an agent in order to participate in the LMCIT property/casualty program; and

WHEREAS, Bob Welch of Engberg, Schaber and Welch has provided a quote to the City for the services listed below under the terms and conditions listed below.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Lauderdale resolves the following:

APPOINTMENT

The City of Lauderdale hereby appoints Bob Welch as its agent for the purposes of the City's participation in the League of Minnesota Cities Insurance Trust (LMCIT) property/casualty program.

TERM

This appointment shall remain effective for one year.

COMPENSATION

As compensation for services provided to the City as described below, the City will pay to the agent a fee of \$1045. The City hereby directs LMCIT not to include any allowance for an agent's fee in quoting and billing the City's premiums for property, liability and automotive coverage.

The agent will perform for the City the following services:

a) advise and assist the City in assembling and accurately reporting underwriting data, including updating property values for rating purposes.

b) advise and assist the City in evaluating and selecting among coverage alternatives such as deductibles, limits, optional coverage's, alternative coverage forms, etc.

c) review coverage documents and invoices to assure coverage has been correctly issued and billed.

d) advise the City on potential gaps or overlaps in coverages.

e) assist the City as requested in submitting claims and interpreting coverage as applied to particular claims.

f) review loss reports for correct reporting, appropriate reserves, etc.

g) assist as requested with safety and loss control activities.

h) assist the city in identifying risk exposures and developing appropriate strategies to address those exposures.

Adopted by the City Council of the City of Lauderdale, Minnesota this
28th day of August, 2001.

(ATTEST)

Jeff Dains, Mayor

(SEAL)

Rick Getschow, City Administrator

City Council Memorandum

To:	Mayor and City Council
From:	Rick Getschow
Council Meeting Date:	August 28, 2001
Agenda Item:	Resolution 082801C: A Resolution Ordering a Feasibility Report for the 2002 Improvements

BACKGROUND:

Here we go again

The resolution enclosed in the packet directs the City Engineer to prepare a feasibility report for the City Council to decide whether the street and utility reconstruction improvement is necessary and cost-effective. Preparing the feasibility report will involve preliminary surveying and providing a more detailed cost estimate than what exists in the Capital Improvements Plan. This is especially important in this phase because we are exploring the elimination of the last two sanitary sewer lift stations in Lauderdale.

The following is a brief and general outline of the local improvement process that a municipality will follow when undertaking public improvements:

- Adopt Resolution Ordering Feasibility Report
- Conduct Neighborhood Meeting
- Adopt Resolution Receiving Report and Calling a Public Hearing on the Improvement
- Conduct Public Hearing on the Improvement
- Adopt Resolution Ordering Improvement and Calling for Preparing of Plans
- Adopt Resolution Approving Plans and Calling for Bids
- Adopt Resolution Approving Bids and Adopting a Contract

This does not include the assessment process that begins following the final completion of the project, which in this case could be the Summer of 2003.

The City Engineer will be present at the meeting to discuss this item.

COUNCIL ACTION REQUESTED:

Approval of Resolution 082801C: A Resolution Ordering the Preparation of a Feasibility Report on 2002 Street and Utility Improvements.

RESOLUTION NO. 082801C

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

**RESOLUTION ORDERING PREPARATION OF A FEASIBILITY REPORT
ON THE 2002 STREET AND UTILITY IMPROVEMENTS**

WHEREAS, it is proposed to improve Walnut Street between Roselawn Avenue and Ryan Avenue, Malvern Street between Roselawn Avenue and Ryan Avenue, Eustis Street between Roselawn Avenue and Ryan Avenue, Carl Street between Roselawn Avenue and Ryan Avenue, Pleasant Street between Roselawn Avenue and Ryan Avenue, and all of Ryan Avenue by conducting street reconstruction, sanitary sewer improvements and replacement, water main replacement, storm sewer system improvements, and alley improvements and to improve property west of Walnut Street between Broadway Drive and Como Avenue by conducting sanitary sewer improvements and replacement and to assess the benefited property for a portion of the cost of the improvements, pursuant to Minnesota Statutes, Chapter 429,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAUDERDALE, MINNESOTA:

That the proposed improvement be referred to the City Engineer for study and that he is instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible and as to whether it should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

I CERTIFY THAT the above resolution was adopted by the City Council of Lauderdale this 28th day of August, 2001.


(ATTEST)

Jeff Dains, Mayor

(SEAL)

Rick Getschow, City Administrator

MEMOS BY JAMES

DATE: AUGUST 28, 2001
TO: HONORABLE MAYOR AND COUNCIL
FROM: JAMES BOWNIK, ADMINISTRATIVE ANALYST 
RE: FRONT-YARD FENCE APPROVAL: 1836 CARL STREET

BACKGROUND

Barbara DeRosier, 1836 Carl Street, is requesting City Council approval to reconstruct a fence in the front setback area at her residence. The new fence would be four-foot tall, and is described as a PVC picket fence. The applicant proposes to replace the entire fence, which existed along the side property line on the south side of the property, beginning at the front property line and ending four feet short of the rear property line. A fence permit has been issued for the portion of the fence not in the front setback area. According to Lauderdale's City Code, City Council approval is required for the portion of the fence that is proposed for the front setback area. If approved, the portion of fence in the front setback area would be an addendum to the existing fence permit.

The applicant has been informed that she needs to delineate the front property line, and that the fence cannot be constructed within the City's right-of-way between the front property line and Carl Street. The right-of-way area appears to be twelve to fifteen feet, measured from the back of the curb to the front hedges. The front hedges appear to be the approximate front property line per City documents and staff measurements. The applicant states in her letter that the fence will be approximately 8 feet from the street, but the fence appears to stop at the front hedges on the site plan. In a telephone conversation with the applicant on Wednesday, August 22, 2001, property stakes have not yet been located.

Attached as Exhibit A is Ms. DeRosier's request and site plan.

POLICIES AND PROCEDURES FOR APPROVAL

The property is zoned R-1 Suburban Residential. The following sections of City Code Title 9, Chapter 7 apply to this request:

- "No fence along or within the front setback area shall be permitted without the approval of the City Council".
- "When the property line is not clearly defined, a certificate of survey may be required by the Building Official to establish the property line".
- "Fences located within the side and rear yard setback areas beginning at the rear building line and fences located within the buildable area of a lot shall not exceed seven feet (7') in height from finished grade".

CITY COUNCIL ACTION REQUESTED

Approve the portion of fence construction that is proposed to be located in the front setback area at 1836 Carl Street per Ms. DeRosier's request, with the following condition:

- ❖ The applicant delineates the front property line along Carl Street, and does not construct any portion of the fence within the City's right-of-way between the applicant's front property line and Carl Street.

EXHIBIT A



CURRENT REQUEST
AND SITE PLAN FOR
1836 CARL ST.

August 10, 2001

City of Lauderdale
1891 Walnut Street
Lauderdale, Minnesota
55113

Lauderdale City Council:

My neighbor Corrine Blau and I plan to replace an old picket fence that ran down the property line between our houses. The old fence, which has now been removed, started approximately 8 feet from the street, or the inner edge of the boulevard, and ended at the front corner of her house. A wire fence started at that point and ran to the back of the lot.

We would like to put the new fence, which is a PVC picket fence, about the same height as the old one, in exactly the same place, instead of starting at the front corner of the house and going back from there, per the city code. This fence divided the flower gardens that are on either side of this line, and just inside the boulevard.

We are asking that the council grant us a variance so that we can put the fence back in the same place, rather than starting at the front corner of the house and going back.

We would appreciate your consideration in this matter and hope that you can give us this variance so that we can proceed with this project.

Thank you!

Barbara A. DeRosier
1836 Carl Street
Lauderdale, Minnesota
55113

Barbara A. DeRosier

651-633-2550

Enc. Rough sketch

East

White fence

Picket fence ended

Bushes

ant flower garden

All fence closed

property line

South

8 ft.

4 feet tall

driveway

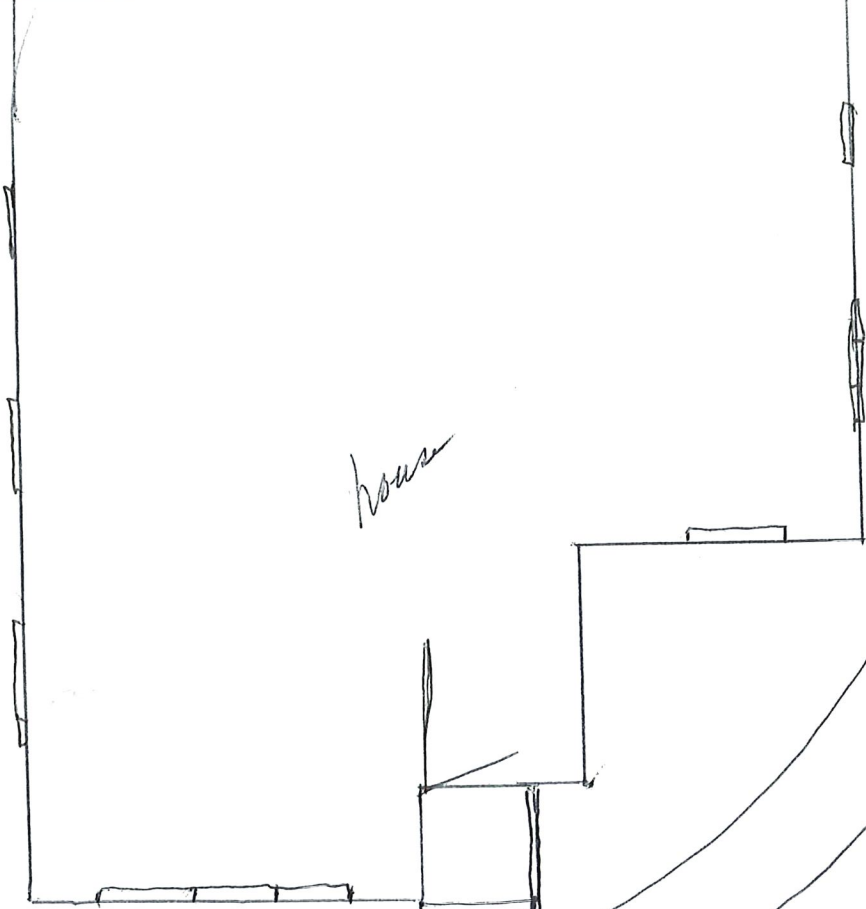
house

Hedge

Boulevard

West

Street



Hedge

City Council Memorandum

To: Mayor and City Council
From: Rick Getschow
Council Meeting Date: August 28, 2001
Agenda Item: 2002 Budget Discussion

BACKGROUND:

Enclosed under separate cover is the:

- ***2002 Other Funds (Other than the General Fund) Budget; and***
- ***2002 Other Funds (Other than the General Fund)
Notes and Narrative***

The discussion at this meeting will focus on all of the other funds (201-601) in the City Budget.

Any questions from last meeting's discussion on the general fund can also be covered here in anticipation of setting the preliminary levy at the next meeting.

