

LAUDERDALE CITY COUNCIL MEETING AGENDA
7:30 P.M. TUESDAY, JULY 14, 2015
LAUDERDALE CITY HALL, 1891 WALNUT STREET

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

1. **CALL THE MEETING TO ORDER**
 2. **ROLL CALL**
 3. **APPROVALS**
 - a. Agenda
 - b. Minutes of the June 30, 2015 City Council Meeting
 - c. Claims Totaling \$96,099.34
 4. **CONSENT**
 5. **SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS**
 6. **INFORMATIONAL PRESENTATIONS / REPORTS**
 - a. Presentation by Superintendent John Thein
 7. **PUBLIC HEARINGS**
 - a. Application for an Amended and Restated Development Plan – Greenway Holdings
- Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings all affected residents will be given an opportunity to speak pursuant to the Robert's Rules of Order and the standing rules of order and business of the City Council.
8. **DISCUSSION / ACTION ITEMS**
 - a. Application for an Amended and Restated Development Plan – Greenway Holdings
 9. **ITEMS REMOVED FROM THE CONSENT AGENDA**
 10. **ADDITIONAL ITEMS**
 11. **SET AGENDA FOR NEXT MEETING**
 - a. Amendment to Rental Housing Ordinance
 - b. Metropolitan Council Board Member Marie McCarthy
 12. **WORK SESSION**
 - a. Opportunity for the Public to Address the City Council

Any member of the public may speak at this time on any item not on the agenda. In consideration for the public attending the meeting, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to four (4) minutes or

less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue shall be continued at the end of the agenda. Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address, and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter any discussion without permission of the presiding officer.

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

b. Community Development Update

13. **ADJOURNMENT**

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1891 Walnut Street
Lauderdale, MN 55113

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June 30, 2015

Mayor Dains called the Regular City Council meeting to order at 7:37 p.m.

Councilors present: Mayor Dains, Mary Gaasch, Roxanne Grove, Denise Hawkinson, and Lara Mac Lean.

Councilors absent: None.

Staff present: Heather Butkowski, City Administrator; Jim Bownik, Assistant City Administrator; and Terry Berg, Deputy City Clerk.

Approvals

Mayor Dains asked for changes to the meeting agenda. Motion was made by Councilor Grove to approve the agenda with the addition of the League of Minnesota Cities Annual Conference Report under Additional Items, seconded by Councilor Mac Lean and carried unanimously.

Councilor Hawkinson moved to approve the City Council meeting minutes of June 9, 2015. Councilor Gaasch seconded the motion and carried unanimously.

Councilor Gaasch moved and seconded by Councilor Mac Lean to approve the claims totaling \$29,635.07. Motion carried unanimously.

Consent

Mayor Dains asked if any Councilors wished to remove items from the Consent Agenda. There being none, Councilor Hawkinson moved and seconded by Councilor Mac Lean to approve the Consent Agenda acknowledging the May Financial Report, Sale of City Goods, Revised Data Practices Policy, and Ensuring the Security of Not Public Data Policy. Motion carried unanimously.

Informational Presentations / Reports

A. Farmer's Markets in the Park

Assistant City Administrator Jim Bownik reviewed the dates of the five Farmer's Markets scheduled for 2015. The first was held on June 10 with ten vendors participating, a food truck and music was present.

Bownik noted that the Day in the Park is scheduled for August 15.

Public Hearings

A. Annual Storm Water Presentation and Public Comment Opportunity

City Administrator Butkowski reported that 2014 was a transition year with Stantec handling the MS4 permit renewal. Two ordinances were adopted earlier in 2015 as part of the regulatory obligations the City has. Going forward the requirements include education and public outreach.

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Administrator Butkowski recapped City activities which include articles in the City newsletter, annual presentation with opportunity for public comment, partnering with other organizations on education programs, and the City financially supports the Minnesota Waters: Let's Keep It Clean program.

Mayor Dains opened the public hearing for comment at 7:45 p.m.

There being no public comment, the hearing was closed at 7:46 p.m.

B. Ordinance Amendment 15-03 Relating to Weeds

Administrator Butkowski recapped the lengthy process for addressing problem properties with weeds and rank growth. The proposed ordinance amendment streamlines the process and shortens the timeframe by two weeks. Notices no longer need to be mailed certified which is costly.

The proposed nuisance abatement is for 1701 Carl Street, which was a problem address in 2014 and again in 2015. The property owners have been mailed three notices at two different addresses with all mail being returned to City Hall.

Mayor Dains opened the public hearing for comment at 7:49 p.m.

There being no public comment, the hearing was closed at 7:50 p.m.

Discussion / Action Items

A. Ordinance Amendment 15-03 Relating to Weeds

There being no further discussion, motion was made by Councilor Gaasch and seconded by Councilor Hawkinson to adopt Ordinance No. 15-03, An Ordinance Amending Chapter 6 of the Code of Ordinances Regarding Weeds. Motion carried unanimously on a roll call vote.

B. Nuisance Abatement at 1701 Carl Street

City Administrator reviewed the two quotes for one time clean up with 8th Day Landscaping being the recommendation.

Motion was made by Councilor Gaasch and seconded by Hawkinson to approve the Destruction Order directing staff to abate the rank vegetation and noxious weed nuisances at 1701 Carl Street as provided by Title 4, Chapter 6 of the Lauderdale City Code. Motion carried unanimous on a roll call vote.

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C. Tort Liability Waiver – Workers Compensation Renewal

Administrator Butkowski reminded Council that the City has not waived the municipal tort liability in the past with staff recommendation to continue that practice. The quotes for workers compensation were reviewed.

Motion was made by Councilor Mac Lean and seconded by Councilor Grove to not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04 and purchase workers' compensation insurance from the League of Minnesota Cities Insurance Trust per the quote based on a \$2,500.00 deductible. Motion carried unanimously on a roll call vote.

D. No Fault Sewer Back Up Coverage – Resolution 063015A

Administrator Butkowski reviewed the City's past practice to opt for the No Fault Coverage to assist homeowners when sewer mains back up when it is not due to negligence by the City. The League of Minnesota Cities Insurance Trust has changed the program due to the number of claims in 2014 due to large rainfalls and inflow/infiltration problems. The changes in the coverage will not impact the City.

Motion was made by Councilor Mac Lean and seconded by Councilor Gaasch to purchase the No Fault Sewer Backup Coverage and adopt Resolution 063015A Establishing Limited Clean Up and Property Damage Protection for Sewer Backups and Water Main Breaks for Water and Sewer Customers. Motion carried unanimously on a roll call vote.

E. Revised Purchasing Policy

The City's purchasing policy is outdated with Administrator Butkowski noting several reasons such as the threshold for sealed bids has been increased to \$100,000 per Minnesota Statutes and spending levels for administrative staff are too low for today's standards. The policy provides for staff to handle routine maintenance items such as tree trimming without Council approval. The purchasing policy has conflicted copies on file so approving a revised policy will address this outstanding issue.

Motion was made by Councilor Mac Lean and seconded by Councilor Grove to approve the Purchasing and Contracting Policy as presented. On a roll call vote, the motion carried unanimously.

F. Park and Alley Paving Quotes

There are two alleys that need repair and the Council had previously discussed expanding the parking lots at the Community Park. The budget was \$40,000.00 for this work with all three quotes less.

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Councilor Hawkinson questioned the parking lot expansion and noted the number of cars parking in the grass around the park. Lengthy discussion ensued as to the dimensions of the expanded parking and whether signage, striping or metal cable barrier would be a good solution to contain parking. Consensus was to price the cable barrier option.

Councilor Hawkinson questioned if the bids were comparable since one bid provided more information on the materials, quantity and disposal. Staff assured that the bids were comparable and did not include striping the parking lot.

Motion was made by Councilor Hawkinson and seconded by Council Mac Lean to contract with T.A. Schifsky for the parking lot and alley improvements. On a roll call vote, the motion carried unanimously.

G. Set Time and Date of Annual Goal Setting Session

Mayor Dains suggested the Council conduct a goal setting session to assist with preparation of the 2016 budget, community development projects, and other items. In the past, there has been food prior to the session beginning at 5:30 p.m. on a regular council meeting date. July 28 was selected as tentative.

Additional Items

A. League of Minnesota Cities Annual Conference

Mayor Dains noted that he and Councilors Gaasch and Hawkinson attended the conference last week. During the conference, the City received its award for attaining Step 1 of the Green Step City Program that has three steps. Overall, the conference was good and provided an excellent opportunity to network.

City Administrator noted the next meeting may include the Superintendent John Thein, Amendment to Rental Housing Ordinance, and the PUD Agreement with Greenway Holdings. Additionally, Metropolitan Council Board Member Marie McCarthy will address the council at their July 28 meeting.

Work Session

A. Public Comment

None.

B. Greenway Holdings Planned Unit Development Revisions

Thor Nelson, COO of Greenway Holdings, reviewed plans to convert the one level office building to a fitness center. At first, it was their intent to provide the fitness center as an amenity to residents but have decided to expand to the broader neighborhood/community.

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The project will convert the 4,250 square feet facility by adding another building of 3,610 square feet. Mr. Nelson provided schematics for Council review. Council comments included the availability of bike racks, rain gardens and market study. Mr. Nelson thanked the Council for their comments and noted that the facility will be staffed and high quality.

Administrator noted that the PUD Agreement would be on the July 14 agenda and notice has been published.

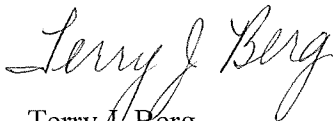
C. Community Development Update

Administrator Butkowski gave a tour of the Larpenteur Avenue service station but the interested party declined.

1828 Eustis Street was sold for \$85,000 plus 5% commission to a professional home rehabilitator (flipper). Discussion ensued as to rental housing and group home management within the community.

There being no further business on the council agenda, motion was made by Councilor Hawkinson and seconded by Councilor Grove, carried unanimously, to adjourn the meeting at 9:11 p.m.

Respectfully submitted,



Terry J. Berg
Deputy City Clerk



CITY OF LAUDERDALE

CLAIMS FOR APPROVAL

July 14, 2015 City Council Meeting

Payroll

7/1/15 Payroll: Direct Deposit # 502043-502048 \$9,439.73

7/1/15 Payroll: Payroll Liabilities, e-payments 1011E-1013E \$7,611.95

Vendor Claims

7/14/15 Claims: Check #'s 22851-22874 \$79,047.66

SUBTOTAL \$96,099.34

Total Claims for Approval

\$96,099.34

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Paid Register

Check Numbe	Employee Number	Employee Name	Pay Period	Pay Group Description	Check Amount	Check Date	Status
502047	000000002	HINRICHS, DAVID C	14	BI-WEEKLY	\$1,778.16	7/3/2015	Outstanding
502048	000000005	HUGHES, JOSEPH A	14	BI-WEEKLY	\$1,116.66	7/3/2015	Outstanding
502045	000000011	BOWNIK, JAMES	14	BI-WEEKLY	\$1,653.94	7/3/2015	Outstanding
502046	000000007	BUTKOWSKI-HINRICHS, HE	14	BI-WEEKLY	\$2,340.25	7/3/2015	Outstanding
502043	000000029	BECK, GORDON	14	BI-WEEKLY	\$1,252.91	7/3/2015	Outstanding
502044	000000036	BERG, TERRY	14	BI-WEEKLY	\$1,297.81	7/3/2015	Outstanding
					<hr/>		
					\$9,439.73		

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Payments

Current Period: JULY 2015

Batch Name 070315 PR
 Payment Computer Dollar Amt \$7,611.95 Posted

Refer	4775 ICMA RETIREMENT TRUST - 457	Ck# 001011E 7/3/2015			
Cash Payment	G 101-21705 ICMA RETIREMENT	July 3 2015 Payroll			\$1,926.84
Invoice	7/3/2015				
Transaction Date	7/3/2015	Due 0	NORTH STAR CHE	10100	Total \$1,926.84
Refer	4776 NORTH STAR BANK, CHECKING S	Ck# 001012E 7/3/2015			
Cash Payment	G 101-21701 FEDERAL TAXES	July 3 2015 Payroll			\$1,494.29
Invoice	7/3/2015				
Cash Payment	G 101-21703 FICA WITHHOLDING.	July 3 2015 Payroll			\$2,386.52
Invoice	7/3/2015				
Transaction Date	7/3/2015	Due 0	NORTH STAR CHE	10100	Total \$3,880.81
Refer	4777 PERA	Ck# 001013E 7/3/2015			
Cash Payment	G 101-21704 PERA	July 3 2015 Payroll			\$1,804.30
Invoice	7/3/2015				
Transaction Date	7/3/2015	Due 0	NORTH STAR CHE	10100	Total \$1,804.30

Fund Summary

	10100 NORTH STAR CHECKING	
101 GENERAL		\$7,611.95
		<u>\$7,611.95</u>

Pre-Written Check	\$7,611.95
Checks to be Generated by the Computer	\$0.00
Total	<u>\$7,611.95</u>

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***Check Detail Register©**

JULY 2015

Check Amt Invoice Comment

10100 NORTH STAR CHECKING

Paid Chk#	Date	Vendor	Check Amt	Invoice	Comment
Paid Chk# 022851	7/14/2015	CITY OF ROSEVILLE			
E 101-41200-306		CONSULTING FEES	\$486.75	0220349	July IT Services
E 101-41200-391		TELEPHONE/PAGERS	\$104.45	0220391	July Telephone Services
Total CITY OF ROSEVILLE			\$591.20		

Paid Chk#	Date	Vendor	Check Amt	Invoice	Comment
Paid Chk# 022852	7/14/2015	CITY OF ST ANTHONY			
E 101-42100-319		POLICE CONTRACT	\$52,865.50	3270	July Police Contract
Total CITY OF ST ANTHONY			\$52,865.50		

Paid Chk#	Date	Vendor	Check Amt	Invoice	Comment
Paid Chk# 022853	7/14/2015	COURT SURFACES & REPAIR			
E 404-48404-527		GENERAL PARK IMPROVEMEN	\$5,800.00	879	Park Courts Resurfacing
Total COURT SURFACES & REPAIR			\$5,800.00		

Paid Chk#	Date	Vendor	Check Amt	Invoice	Comment
Paid Chk# 022854	7/14/2015	CROIX OIL			
E 601-49000-212		MOTOR FUELS	\$37.54	430471	June Fuel
E 101-43000-212		MOTOR FUELS	\$175.14	430471	June Fuel
E 602-49100-212		MOTOR FUELS	\$37.54	430471	June Fuel
E 602-49100-212		MOTOR FUELS	\$54.63	430856	June Fuel
E 601-49000-212		MOTOR FUELS	\$54.62	430856	June Fuel
E 101-43000-212		MOTOR FUELS	\$254.91	430856	June Fuel
Total CROIX OIL			\$614.38		

Paid Chk#	Date	Vendor	Check Amt	Invoice	Comment
Paid Chk# 022855	7/14/2015	G & K SERVICES			
E 602-49100-425		CLOTHING	\$46.76	2277524-6	June Uniforms
E 601-49000-425		CLOTHING	\$46.76	2277524-6	June Uniforms
Total G & K SERVICES			\$93.52		

Paid Chk#	Date	Vendor	Check Amt	Invoice	Comment
Paid Chk# 022856	7/14/2015	GLTC PREMIUM PAYMENTS			
G 101-21706		HEALTH INSURANCE	\$102.70	1557739	Long Term Care Insurance
Total GLTC PREMIUM PAYMENTS			\$102.70		

Paid Chk#	Date	Vendor	Check Amt	Invoice	Comment
Paid Chk# 022857	7/14/2015	GOPHER STATE ONE-CALL			
E 101-43400-386		GOPHER STATE ONE CALL	\$49.30	137387	June Locates
Total GOPHER STATE ONE-CALL			\$49.30		

Paid Chk#	Date	Vendor	Check Amt	Invoice	Comment
Paid Chk# 022858	7/14/2015	HOME DEPOT CRC			
E 101-43000-227		TOOLS & EQUIPMENT	\$121.60	026605	Sump Pump for Garage Basement
Total HOME DEPOT CRC			\$121.60		

Paid Chk#	Date	Vendor	Check Amt	Invoice	Comment
Paid Chk# 022859	7/14/2015	HUGHES AND JOSEPH			
E 101-41500-300		LEGAL FEES - PROSECUTING	\$850.00	0042	June
Total HUGHES AND JOSEPH			\$850.00		

Paid Chk#	Date	Vendor	Check Amt	Invoice	Comment
Paid Chk# 022860	7/14/2015	KENNEDY & GRAVEN			
E 101-41500-305		LEGAL FEES - CIVIL	\$1,197.65	126473	Land Use, Auction, PUD File
Total KENNEDY & GRAVEN			\$1,197.65		

Paid Chk#	Date	Vendor	Check Amt	Invoice	Comment
Paid Chk# 022861	7/14/2015	LILLIE SUBURBAN NEWS			

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JULY 2015

			Check Amt	Invoice	Comment
E 101-41100-352	PUBLIC INFO NOTICES		\$54.00		Public Hearing - PUD Amendment
	Total LILLIE SUBURBAN NEWS		\$54.00		
<hr/>					
Paid Chk#	022862	7/14/2015	MET COUNCIL ENVIRONMENTAL SERV		
E 601-49000-387	WATER TREATMENT SERVICE		\$11,019.42	0001046158	July Wastewater Treatment
	Total MET COUNCIL ENVIRONMENTAL SERV		\$11,019.42		
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Paid Chk#	022863	7/14/2015	MINNESOTA OCCUPATIONAL HEALTH		
E 101-41200-442	MISC		\$160.00	227852	Testing - G Beck
	Total MINNESOTA OCCUPATIONAL HEALTH		\$160.00		
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Paid Chk#	022864	7/14/2015	MN DEPT OF LABOR AND INDUSTRY		
E 101-43400-443	SURCHARGE REPORT		\$184.88	22658123025	2Q2015 Surcharge Report
	Total MN DEPT OF LABOR AND INDUSTRY		\$184.88		
<hr/>					
Paid Chk#	022865	7/14/2015	MUNICIPAL/COMMERCIAL SEWER		
E 601-49000-327	OTHER SERV- SEWER/NPDES I		\$1,145.00	6717	Emergency Sewer Jetting at Eustis and Idaho
	Total MUNICIPAL/COMMERCIAL SEWER		\$1,145.00		
<hr/>					
Paid Chk#	022866	7/14/2015	NORTH STAR BANK, PETTY CASH		
E 101-41200-201	GENERAL SUPPLIES		\$6.43	July	Keys
E 101-41200-201	GENERAL SUPPLIES		\$9.69	July	Coffee
R 101-34101	CITY HALL/PARK RENTAL		\$20.00	July	Cancelled Park Reservation - Sohrabpour
E 101-43400-203	POSTAGE		\$6.74	July	USPS - Certified Mail
G 101-21710	SALES & USE TAX		\$1.43	July	Cancelled Park Reservation - Sohrabpour
E 101-43400-203	POSTAGE		\$13.48	July	USPS - Certified Mail 1701 Carl Street
	Total NORTH STAR BANK, PETTY CASH		\$57.77		
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Paid Chk#	022867	7/14/2015	PREMIUM WATERS, INC		
E 101-41200-208	WATER DELIVERY		\$30.69	619861-06-15	June
	Total PREMIUM WATERS, INC		\$30.69		
<hr/>					
Paid Chk#	022868	7/14/2015	PUBLIC EMPLOYEES INS PROGRAM		
G 101-21706	HEALTH INSURANCE		\$1,712.79	347437	August Insurance Premiums
	Total PUBLIC EMPLOYEES INS PROGRAM		\$1,712.79		
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Paid Chk#	022869	7/14/2015	RAMSEY COUNTY, PROP REC & REV		
E 101-42100-442	MISC		\$6.24	EMCOM-0043	June Fleet Support
E 101-42100-318	911 Dispatch		\$1,116.41	EMCOM-0043	June 911 Dispatch
E 101-42100-318	911 Dispatch		\$228.72	EMCOM-0043	June 911 Dispatch - CAD
G 101-21706	HEALTH INSURANCE		\$400.39	RISK-001733	July Health Insurance
E 101-41200-355	MISC PRINTING/PROCESS SER		\$20.00	RISK-001733	July Health Insurance Administration
	Total RAMSEY COUNTY, PROP REC & REV		\$1,771.76		
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Paid Chk#	022870	7/14/2015	US BANK EQUIPMENT FINANCE		
E 101-41200-401	COPIER CONTRACT		\$149.00	282260587	Copier Contract
	Total US BANK EQUIPMENT FINANCE		\$149.00		
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Paid Chk#	022871	7/14/2015	WASTE MANAGEMENT		

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			Check Amt	Invoice	Comment
E 101-43000-384	REFUSE DISPOSAL		\$229.08	7152747-0500-	July - Public Works
	Total WASTE MANAGEMENT		\$229.08		
<hr/>					
Paid Chk# 022872	7/14/2015	XCEL ENERGY, 2430 LARPEN TEUR			
E 101-43000-381	ELECTRIC		\$22.25	462407864	2430 Larpenteur
	Total XCEL ENERGY, 2430 LARPEN TEUR		\$22.25		
<hr/>					
Paid Chk# 022873	7/14/2015	XCEL ENERGY, CITY HALL			
E 101-43000-381	ELECTRIC		\$159.68	462337939	City Hall
E 101-43000-383	GAS UTILITIES		\$30.22	462337939	City Hall
	Total XCEL ENERGY, CITY HALL		\$189.90		
<hr/>					
Paid Chk# 022874	7/14/2015	XCEL ENERGY, STREET LIGHTING			
E 101-43000-380	STREET LIGHT UTILITY		\$35.27	462394040	Lauderdale Bridge Lights
	Total XCEL ENERGY, STREET LIGHTING		\$35.27		
	10100 NORTH STAR CHECKING		\$79,047.66		

Fund Summary

10100 NORTH STAR CHECKING	
101 GENERAL	\$60,805.39
404 PARK IMPROVEMENT	\$5,800.00
601 SEWER UTILITIES	\$12,303.34
602 STORM SEWER ENTERPRISE FUND	\$138.93
	<hr/>
	\$79,047.66

LAUDERDALE COUNCIL ACTION FORM

Action Requested

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

Meeting Date June 30, 2015

ITEM NUMBER Greenway Fitness PUD

STAFF INITIAL 

APPROVED BY ADMINISTRATOR _____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Based upon the Council's discussion with Thor Nelson, COO of Greenway Holdings, at the previous meeting, the language for an Amended and Restated Development Plan was finalized. The agreement does a couple of things. First, it allows Greenway Holdings to continue with their plans to open a fitness center on the property. It also replaces any PUD agreements that the City entered into with previous owners (as they are no where to be found).

Prior to voting, the Council will need to hold a public hearing on the matter. Notice of the public hearing was published in the Roseville Review and provided to property owners within 300 feet of the subject area. If the agreement is approved, staff will record the documents at Ramsey County.

OPTIONS:

Motion to approve or deny the application.

STAFF RECOMMENDATION:

Motion to approve the Amended and Restated Development Plan with Greenway Holdings as presented.

COUNCIL ACTION:

**AMENDED AND RESTATED
DEVELOPMENT PLAN**

**(Luther-Northwestern Theological Seminary
Planned Unit Development)**

THIS AMENDED AND RESTATED DEVELOPMENT PLAN (the “**Development Plan**”) is made and entered into as of _____, 2015 (the “**Effective Date**”), by and between the city of Lauderdale, a Minnesota municipal corporation (the “**City**”) and Greenway Village Apartments, LLC, a Minnesota limited liability company (the “**Developer**”). Hereinafter the City and the Developer may each be referred to individually as a “**Party**” and together as the “**Parties**”.

RECITALS

A. By Resolution 111280 A and Resolution 111280 B dated November 17, 1980, and Resolution 21081 C, dated February 10, 1981 (collectively, the “**Resolutions**”), the City approved the Final Development Plan (the “**Original Development Plan**”) for the Luther-Northwestern Theological Seminary Planned Unit Development (the “**PUD**”).

B. On or about November 12, 2014, the Developer purchased the real property in the PUD, legally described on Exhibit A attached hereto (the “**Developer Property**”), from Luther Seminary.

C. The Developer has requested that the City amend the Original Development Plan to modify the uses permitted within the PUD and to allow the Developer to modify and expand one of the buildings located within the PUD.

D. Neither the City nor the Developer has been able to locate documentation that comprehensively memorializes the uses and improvements within the PUD that were approved with the Original Development Plan.

E. The Parties are executing this Development Plan to memorialize the elements of the PUD that exist today and the modifications the City is authorizing the Developer to make within the PUD at this time.

AGREEMENT

NOW THEREFORE, for good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree and covenant as follows:

1. **Recitals.** The above Recitals are incorporated by reference and are made a part of this Development Plan.

2. **Permitted Uses.** In addition to the uses generally associated with the general land use category shown for the Developer Property in the City's Comprehensive Plan, the following shall be permitted uses in the PUD: (i) multi-family dwellings; (ii) daycare centers; (iii) offices; and (iv) fitness clubs and health clubs, all to the extent such uses exist as of the Effective Date or are approved by this Development Plan. Notwithstanding the foregoing, the City agrees that, in addition to being used as a health and fitness club, the Health Club Building (as hereinafter defined) may also be used for office purposes.

3. **Plat.** The Developer Property is legally described on Exhibit A attached hereto. The Developer Property shall not be further subdivided without a further amendment of the Development Plan and such other land use approvals as may be required by the City.

4. **Site Plan.** The City has approved previously the development of the Developer Property for the construction of five (5) multi-family dwellings, a single commercial building, a garage, and related improvements (including driveways, entrances, curb cuts, parking stalls, access aisles, open spaces, and other site alterations and improvements), all as depicted on the survey that is attached as Exhibit B hereto. The City hereby approves, subject to the City's issuance of building and other related construction permits, Developer's remodeling and expansion of the commercial building located in the southwest quadrant of the Developer Property into a single-story, 7,860 square foot building (the "Health Club Building"), as depicted generally on the site plan attached as Exhibit C hereto, for purposes of constructing and operating a health and fitness club.

5. **Development Regulations.** Future use and development of the Developer Property shall be regulated by this Development Plan and the City's Planned Unit development ordinance (the "PUD Ordinance"), sections 10-7-1 through 10-7-11 of the City code of ordinances. To the extent that development standards pertaining to the Developer Property are not specified in this Development Plan or the PUD Ordinance, the development standards of the City's R-1 zoning district shall apply to any future use or development of the Developer Property that differs from the manner in which the Developer Property is used and developed as of the Effective Date.

6. **Entire Agreement; Modifications.** This Development Plan constitutes the complete agreement between the Parties relating to the PUD and supersedes any prior oral or written agreements between the Parties regarding the PUD, including but not limited to the Original Development Plan. This Development Plan specifies the principal uses permitted in the PUD and their size, height, layout and relationship to one another as of the Effective Date as depicted on Exhibit B or as approved herein. This Development Plan may be amended only in accordance with the requirements of section 10-7-11 of the PUD Ordinance.

7. **Binding Effect.** This Development Plan, and each and every covenant, agreement and other provision hereof shall be binding upon the Parties and their successors and assigns, including, without limitation, each and every from time to time record owner of the Developer Property and any other person having an interest therein, shall run with the land and shall inure to the benefit of the Developer and its successors and assigns.

IN WITNESS WHEREOF, the City and the Developer have caused this Amended and Restated Development Plan to be duly executed in their respective name and behalf, all as of the date and year first written above.

CITY OF LAUDERDALE, MINNESOTA

By _____
 Jeffrey Dains
 Its: Mayor

By _____
 Heather Butkowski
 Its: City Administrator-Clerk

STATE OF MINNESOTA)
) ss.
 COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Jeffrey Dains, the Mayor of the city of Lauderdale, Minnesota, on behalf of the City.

 Notary Public

STATE OF MINNESOTA)
) ss.
 COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Heather Butkowski, the City Administrator-Clerk of the city of Lauderdale, Minnesota, on behalf of the City.

 Notary Public

GREENWAY VILLAGE APARTMENTS, LLC

By: _____

Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____, the _____ of Greenway Village Apartments, LLC, a Minnesota limited liability company, on behalf of the Developer.

Notary Public

EXHIBIT A

Legal Description for Developer Property

Lot 1, Block 1, Luther Seminary Addition,
according to the recorded plat thereof, Ramsey County, Minnesota

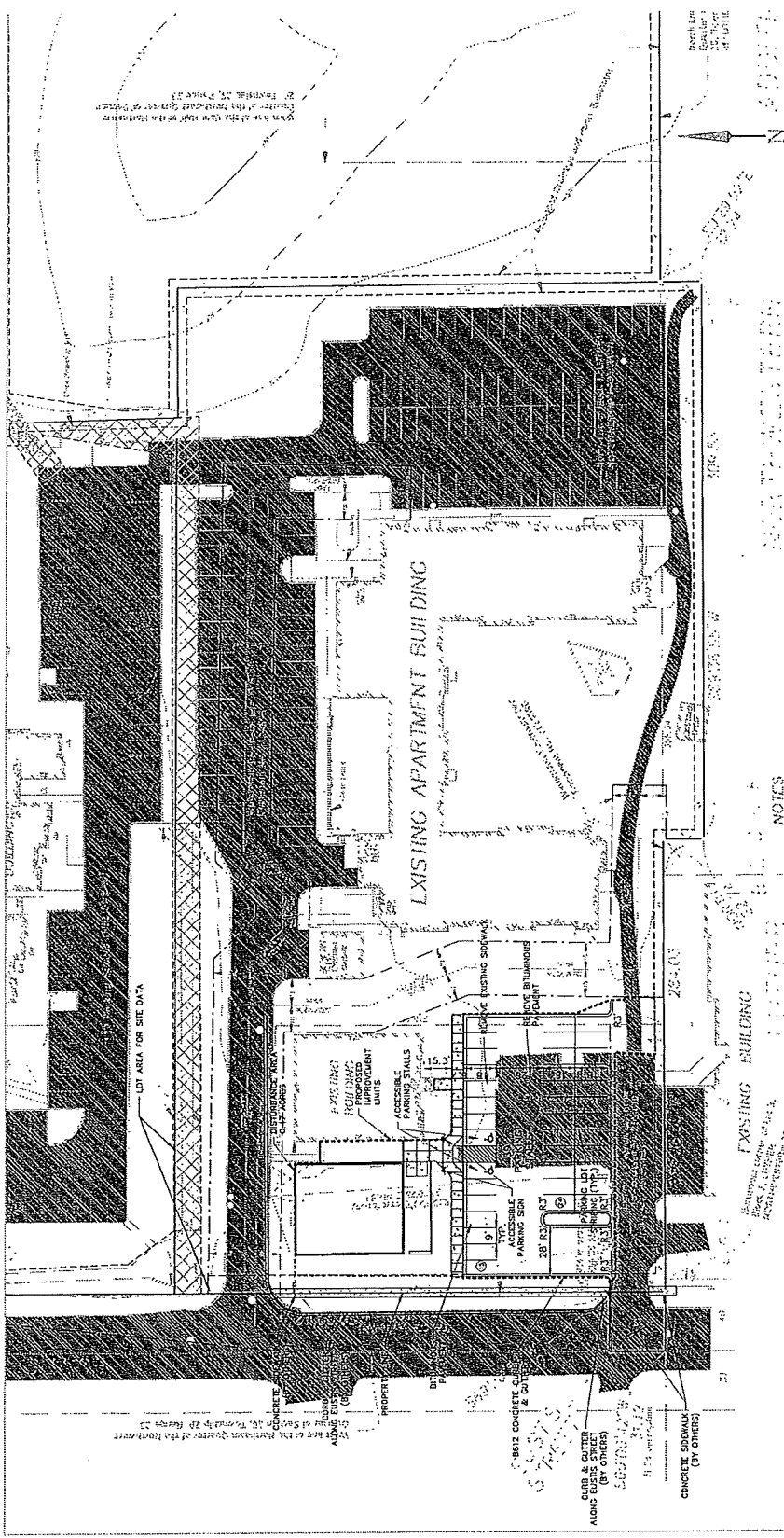
EXHIBIT B

Survey of Developer Property

EXHIBIT C

Site Plan for Remodeling and Expansion of Commercial Building

DATE	12/15/2015
DRAWN BY	CHW
CHECKED BY	CHW
DATE	01/23/2016
DRAWN BY	CHW
CHECKED BY	CHW
DATE	02/11/2016
DRAWN BY	CHW
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CHECKED BY	CHW



GENERAL NOTES:

1. AS CONDITIONS CHANGE, THE CONTRACTOR SHALL BE RESPONSIBLE TO MAKE SURE THAT ALL REQUIRED PERMITS OR APPROVALS FROM THE CITY OF MINNEAPOLIS ARE OBTAINED PRIOR TO THE START OF CONSTRUCTION. ALL PERMITS AND APPROVALS SHALL BE OBTAINED BY THE CONTRACTOR AND MAINTAINED ON THE PROJECT SITE THROUGHOUT THE CONSTRUCTION PERIOD.
2. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL CITY AND STATE REQUIREMENTS AND ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MINNEAPOLIS AND THE STATE OF MINNESOTA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MINNEAPOLIS AND THE STATE OF MINNESOTA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MINNEAPOLIS AND THE STATE OF MINNESOTA.
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5. ALL DIMENSIONS SHOWN ARE TO FACE OF CURB, EXCEPT AS NOTED OTHERWISE.
6. CONCRETE SIDEWALK ADJACENT TO BUILDING SHALL BE 4'-0" WIDE BY A 1/4" SLOPED JOINT.

SITE PLAN NOTES:

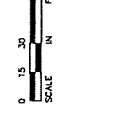
1. ALL CURB AND GUTTER TO BE CONCRETE BRIS CURB UNLESS NOTED OTHERWISE.
2. CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITY LINES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MINNEAPOLIS AND THE STATE OF MINNESOTA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MINNEAPOLIS AND THE STATE OF MINNESOTA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MINNEAPOLIS AND THE STATE OF MINNESOTA.
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SITE DATA:

TOTAL LOT AREA - 14,848 SQ FT / 3.4 AC.
EXISTING IMPAVED AREA - 87,358 SQ FT / 2.0 AC. = 5.9
PROPOSED IMPAVED AREA - 103,779 SQ FT / 2.3 AC. = 6.9
TOTAL IMPAVED AREA - 191,137 SQ FT / 4.3 AC. = 7.8
EXISTING PARKING - 117 STALLS
PROPOSED PARKING - 62 STALLS
TOTAL PROPOSED PARKING - 179 STALLS

SITE LEGEND:

- BRIS CURB AND GUTTER
- LIMITS OF CONSTRUCTION
- LOT LINE
- DISTINGUISH



NOT FOR CONSTRUCTION
PRELIMINARY
FOR REVIEW ONLY