

**LAUDERDALE CITY COUNCIL MEETING AGENDA**  
**7:30 P.M. TUESDAY, OCTOBER 14, 2014**  
**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 September 23, 2014 City Council Meeting
  - c. Claims Totaling \$111,191.49
4. **CONSENT**
  - a. Pay Request for Sanitary Sewer Lining Project – Visu-Sewer, Inc.
  - b. Pay Request for Larpenteur Avenue Sidewalk Project – Concrete Ideas, Inc.
  - c. Ramsey County Public Entity Innovation Grant
5. **SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS**
6. **INFORMATIONAL PRESENTATIONS / REPORTS**
  - a. Halloween Event – October 31, 2014, 5-7 p.m.
  - b. Tri-City Electronics Recycling Event – November 1, 2014, 9 a.m. to 1 p.m.
7. **PUBLIC HEARINGS**

Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings all affected residents will be given an opportunity to speak pursuant to the Robert's Rules of Order and the standing rules of order and business of the City Council.
8. **DISCUSSION / ACTION ITEMS**
  - a. Storm Sewer Manhole Repairs at Pleasant Street and Larpenteur Avenue
9. **ITEMS REMOVED FROM THE CONSENT AGENDA**
10. **ADDITIONAL ITEMS**
11. **SET AGENDA FOR NEXT MEETING**
  - a. Certification of 2014 Municipal Election Results
  - b. Sanitary Sewer, Storm Sewer, and Recycling Rates
  - c. 2015 Fund Budgets

## 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 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 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. Administrative Penalties – City Attorney Katrina Joseph
- c. Larpenteur Avenue Snow Removal
- d. Community Development Update

## 13. **ADJOURNMENT**

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

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September 23, 2014

Mayor Dains called the City Council meeting to order at 7:33 p.m.

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

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

**Mayor Dains asked for changes to the meeting agenda. Councilor Grove added Midland Hills Golf Course to the agenda. Councilor Grove moved to approve the agenda as amended. Councilor Hawkinson seconded the motion and it passed unanimously.**

**Councilor Gaasch moved to approve the September 9, 2014 City Council meeting minutes. Councilor Mac Lean seconded the motion and it passed unanimously.**

**Councilor Hawkinson moved approval of the claims totaling \$45,919.45. Councilor Gaasch seconded the motion and it passed unanimously.**

**Mayor Dains asked if any Councilors wished to remove items from the Consent Agenda; none did. Councilor Mac Lean moved to approve the Consent Agenda thereby recognizing the July Finances. Councilor Gaasch seconded the motion and it passed unanimously.**

*Informational Presentations:*

*Students from the University of Minnesota Sustainability Program*

Madeline Hoover and Sara Powers, University of Minnesota (U of M) Sustainability Studies program students, addressed the Council. Hoover and Powers and other U of M students will work on analyzing the sustainability of the cities of Lauderdale, Falcon Heights, and St. Anthony. The specific areas Hoover and Powers are in are energy efficiency and water management and conservation. Hoover and Powers, along with the other students in the sustainability program, will present their findings at the Sustainability Fair being held on November 20 at Silverwood Park in St. Anthony. All residents are welcome to attend.

*Discussion Items:*

*Luther Seminary Plat*

City Attorney Ron Batty addressed the Council. Batty stated that the plat was essentially completed and the Council could vote on the Final Plat. The outstanding issues were detailed in the resolution and will be addressed before the Mylars are signed by the Mayor and City Administrator. Batty did suggest modifying the resolution to add a condition about granting the County an easement for a sidewalk.

LAUDERDALE CITY COUNCIL  
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Lauderdale City Hall  
1891 Walnut Street  
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September 23, 2014

**Councilor Hawkinson moved to adopt Resolution 092314B as modified for final plat approval. Councilor Mac Lean seconded the motion and it passed unanimously.**

*2015 Preliminary Levy and Budget*

Butkowski presented information to the Council at the last meeting and the Council discussed not raising the local tax levy for 2015. The total tax levy will increase by 1.3% but that will be paid by fiscal disparities and local government aid increases. The remaining increases in the projected operating costs for 2015 will be paid for by the fee the City will receive for providing Catholic Eldercare its ability to issue bank qualified debt for 2014. Butkowski stated there will be no debt levy for payment of bonds in 2015. The Truth in Taxation Public Hearing will be held at the December 9 meeting.

**Councilor Mac Lean moved to adopt Resolution 092314A-A Resolution Levying Taxes for 2014 Payable for 2015 in the Amount of \$624,357 and establishing December 9 as the date of the Truth in Taxation Hearing. Councilor Hawkinson seconded the motion and it passed unanimously.**

*Eureka Recycling Contract*

Bownik provided an overview on the most recent changes to the draft recycling contract with Eureka Recycling. Those changes included establishing pick-up location for city facilities and a plan to roll out recycling carts in the spring.

**Councilor Grove moved to approve the amended and restated agreement for recycling services with Eureka Recycling. Councilor Gaasch seconded the motion and it passed unanimously.**

*Change of Meeting Date*

Bownik addressed the Council regarding upcoming council meetings conflicting with Halloween set up and Veterans Day on November 11. The Council discussed different dates and agreed to cancel the October 28 council meeting and hold the November 11 meeting on November 10. The Council decided to not hold the October 28<sup>th</sup> meeting but to authorize staff to process the City's claims for payment in the time between the October 14 Council and the November 10 rescheduled Council Meeting

**Councilor Mac Lean moved to cancel the October 28 council meeting, reschedule the November 11 meeting for November 10, and authorized City staff to process a claims batch between October 14 and the end of October. Councilor Hawkinson seconded the motion and it passed unanimously.**

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

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September 23, 2014

*Additional Items:*

*Midland Hills Golf Course*

Councilor Grove added this item to the agenda. Paul Syverson, 1975 Carl Street, addressed the Council regarding the golf balls from Midland Hills Country Club landing on his property. Syverson stated he is concerned about his and his children's safety. Syverson said he was hit by a golf ball while standing in his garage. He spoke with staff at Midland Hills who informed him they sent a letter to members regarding the situation which appears to have had no effect. Mayor Dains stated he is meeting with Mayor Roe of the City of Roseville and will bring up the situation with him.

Agenda items for the next council meeting may include the August Finances and the Quarterly Investment Report.

*Work Session:*

Mayor Dains explained that the Council was moving into the Work Session. Work Sessions are a continuation of the meeting but not aired on community television.

Mayor Dains asked if anyone wished to address the Council. No one came forward.

*Community Development Update*

*Larpenteur Avenue Project*

Butkowski stated the Larpenteur Avenue Project is being completed currently. Council Members stated that the work is moving quickly and is looking very nice.

**There being no further business on the council agenda, Councilor Hawkinson moved to adjourn the meeting. Councilor Gaasch seconded the motion and it carried. The meeting adjourned at 8:35 p.m.**

Respectfully submitted,



Kevin Kelly  
Deputy City Clerk

**CITY OF LAUDERDALE**

**CLAIMS FOR APPROVAL**

**October 14, 2014 City Council Meeting**

Payroll

09/26/14 Payroll:	Direct Deposit # 501868-501877	\$8,889.74
09/26/14 Payroll:	Payroll Liabilities, e-payments 923E-926E	\$9,088.93
10/14/14 Payroll:	Direct Deposit # 501878-501882	\$7,667.14
10/14/14 Payroll:	Payroll Liabilities, e-payments 927E-929E	\$7,620.95

Vendor Claims

10/14/14 Claims:	Check #'s 22452-22478	\$77,924.73
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**SUBTOTAL \$111,191.49**

**Total Claims for Approval**

**\$111,191.49**

CITY OF LAUDERDALE

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\*Claim Register©

092614pyrll

SEPTEMBER 2014

Claim Type	Direct					
Claim#	4214	NORTH STAR BANK, CHECKING ST	Ck# 000923E	9/26/2014		
Cash Payment	G 101-21701	FEDERAL TAXES		9/26/14	Payroll	\$1,270.87
	Invoice					
Cash Payment	G 101-21703	FICA WITHHOLDING.		9/26/14	Payroll	\$2,365.42
	Invoice					
Transaction Date	9/26/2014	Due 0	NORTH STAR CHE	10100	<b>Total</b>	<b>\$3,636.29</b>
Claim#	4215	ICMA RETIREMENT TRUST - 457	Ck# 000924E	9/26/2014		
Cash Payment	G 101-21705	ICMA RETIREMENT		9/26/14	Payroll	\$2,513.63
	Invoice					
Transaction Date	9/26/2014	Due 0	NORTH STAR CHE	10100	<b>Total</b>	<b>\$2,513.63</b>
Claim#	4216	PERA	Ck# 000925E	9/26/2014		
Cash Payment	G 101-21702	STATE WITHHOLDING		9/26/14	Payroll	\$1,756.27
	Invoice					
Transaction Date	9/26/2014	Due 0	NORTH STAR CHE	10100	<b>Total</b>	<b>\$1,756.27</b>
Claim#	4217	MN DEPARTMENT OF REVENUE	Ck# 000926E	9/26/2014		
Cash Payment	G 101-21702	STATE WITHHOLDING		9/26/2014	Payroll	\$1,182.74
	Invoice					
Transaction Date	9/26/2014	Due 0	NORTH STAR CHE	10100	<b>Total</b>	<b>\$1,182.74</b>
	<b>Claim Type</b>	<b>Direct</b>			<b>Tota</b>	<b>\$9,088.93</b>

Pre-Written Check	\$9,088.93
Checks to be Generated by the Compute	\$0.00
<b>Total</b>	<b>\$9,088.93</b>

CITY OF LAUDERDALE

Paid Register

Check Number	Employee Number	Employee Name	Pay Period	Pay Group Description	Check Amount	Check Date	Status
501880	000000002	HINRICHS, DAVID C	21	BI-WEEKLY	\$1,209.00	10/10/2014	Outstanding
501881	000000005	HUGHES, JOSEPH A	21	BI-WEEKLY	\$1,802.75	10/10/2014	Outstanding
501878	000000011	BOWNIK, JAMES	21	BI-WEEKLY	\$1,417.43	10/10/2014	Outstanding
501879	000000007	BUTKOWSKI-HINRICHS, HE	21	BI-WEEKLY	\$1,889.03	10/10/2014	Outstanding
501882	000000027	KELLY, KEVIN	21	BI-WEEKLY	\$1,348.93	10/10/2014	Outstanding
					<u>\$7,667.14</u>		



CITY OF LAUDERDALE

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**\*Claim Register©**

101414pyrll

OCTOBER 2014

Claim Type	Direct					
Claim#	4242	NORTH STAR BANK, CHECKING ST	Ck# 000927E	10/9/2014		
Cash Payment	G 101-21701	FEDERAL TAXES		10/14/14	Payroll	\$1,234.72
		Invoice				
Cash Payment	G 101-21703	FICA WITHHOLDING.		10/14/14	Payroll	\$2,134.44
		Invoice				
Transaction Date	10/9/2014	Due 0	NORTH STAR CHE	10100	<b>Total</b>	<b>\$3,369.16</b>
Claim#	4243	ICMA RETIREMENT TRUST - 457	Ck# 000928E	10/9/2014		
Cash Payment	G 101-21705	ICMA RETIREMENT		10/14/14	Payroll	\$2,513.63
		Invoice				
Transaction Date	10/9/2014	Due 0	NORTH STAR CHE	10100	<b>Total</b>	<b>\$2,513.63</b>
Claim#	4244	PERA	Ck# 000929E	10/9/2014		
Cash Payment	G 101-21704	PERA		10/14/14	Payroll	\$1,738.16
		Invoice				
Transaction Date	10/9/2014	Due 0	NORTH STAR CHE	10100	<b>Total</b>	<b>\$1,738.16</b>
	<b>Claim Type</b>	<b>Direct</b>			<b>Tota</b>	<b>\$7,620.95</b>

Pre-Written Check	\$7,620.95
Checks to be Generated by the Compute	\$0.00
<b>Total</b>	<b>\$7,620.95</b>

CITY OF LAUDERDALE

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OCTOBER 2014

			Check Amt	Invoice	Comment
<b>10100 NORTH STAR CHECKING</b>					
Paid Chk#	022452	10/14/2014		AFSCME	
G 101-21709	UNION DUES		\$111.38		9/14 Union Dues
	<b>Total AFSCME</b>		<b>\$111.38</b>		
Paid Chk#	022453	10/14/2014		CITY OF FALCON HEIGHTS	
E 101-42100-321	FIRE CALLS		\$2,517.25		9/14 Fire Calls
	<b>Total CITY OF FALCON HEIGHTS</b>		<b>\$2,517.25</b>		
Paid Chk#	022454	10/14/2014		CITY OF ROSEVILLE	
E 101-41200-391	TELEPHONE/PAGERS		\$85.00		10/14 Phone Services
E 101-41200-306	CONSULTING FEES		\$635.67		10/14 Phone and IT Services
	<b>Total CITY OF ROSEVILLE</b>		<b>\$720.67</b>		
Paid Chk#	022455	10/14/2014		CITY OF ST ANTHONY	
E 101-42100-319	POLICE CONTRACT		\$51,423.42		10/14 Police Contract
	<b>Total CITY OF ST ANTHONY</b>		<b>\$51,423.42</b>		
Paid Chk#	022456	10/14/2014		CROIX OIL	
E 101-43000-212	MOTOR FUELS		\$198.28		9/14 Motor Fuel
E 601-49000-212	MOTOR FUELS		\$42.49		9/14 Motor Fuel
E 602-49100-212	MOTOR FUELS		\$42.48		9/14 Motor Fuel
	<b>Total CROIX OIL</b>		<b>\$283.25</b>		
Paid Chk#	022457	10/14/2014		GLTC PREMIUM PAYMENTS	
G 101-21706	HEALTH INSURANCE		\$50.90		8/14 Long Term Care Plan
	<b>Total GLTC PREMIUM PAYMENTS</b>		<b>\$50.90</b>		
Paid Chk#	022458	10/14/2014		GOPHER STATE ONE-CALL	
E 101-43400-386	GOPHER STATE ONE CALL		\$121.15		9/14 Locates
	<b>Total GOPHER STATE ONE-CALL</b>		<b>\$121.15</b>		
Paid Chk#	022459	10/14/2014		HOME DEPOT CRC	
E 101-43000-228	MISC REPAIRS MAINT SUPPLIE		\$451.51		supplies for 2430 Larpenteur
	<b>Total HOME DEPOT CRC</b>		<b>\$451.51</b>		
Paid Chk#	022460	10/14/2014		MET COUNCIL ENVIRONMENTAL SER.	
E 601-49000-387	WATER TREATMENT SERVICE		\$10,281.21		11/14 Waste Water Treatment
	<b>otal MET COUNCIL ENVIRONMENTAL SER.</b>		<b>\$10,281.21</b>		
Paid Chk#	022461	10/14/2014		METRO SALES, INC.	
E 101-41200-401	COPIER CONTRACT		\$97.81		June-September Copier Charges
	<b>Total METRO SALES, INC.</b>		<b>\$97.81</b>		
Paid Chk#	022462	10/14/2014		MN DEPT OF LABOR AND INDUSTRY	
E 101-43400-443	SURCHARGE REPORT		\$185.08		3Q2014 Surcharge Reports
	<b>Total MN DEPT OF LABOR AND INDUSTRY</b>		<b>\$185.08</b>		
Paid Chk#	022463	10/14/2014		NORTH STAR BANK, PETTY CASH	

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		Check Amt	Invoice	Comment
E 201-45600-440	MEETING EXPENSES	\$30.00		PCIC Mtg. Pizza
E 101-41200-203	POSTAGE	\$53.20		Stamps
E 101-43400-355	MISC PRINTING/PROCESS SER	\$46.00		Recording Fee - Ramsey Co.
E 101-41200-203	POSTAGE	\$6.15		1 Flat Rate Package
E 101-41200-440	MEETING EXPENSES	\$15.00		MCFOA Lunch Mtg. - KK
E 101-41200-201	GENERAL SUPPLIES	\$6.49		1 Certified Letter
E 101-41200-201	GENERAL SUPPLIES	\$7.98		Cleaning & Office Supplies
E 101-41200-201	GENERAL SUPPLIES	\$11.97		Fly Traps for CH
<b>Total NORTH STAR BANK, PETTY CASH</b>		<b>\$176.79</b>		
<hr/>				
Paid Chk# 022464	10/14/2014	<b>NORTH SUBURBAN ACCESS CORP</b>		
E 202-49500-327	OTHER SERV- SEWER/NPDES I	\$729.91		3Q14 Webstreaming/Programming
<b>Total NORTH SUBURBAN ACCESS CORP</b>		<b>\$729.91</b>		
<hr/>				
Paid Chk# 022465	10/14/2014	<b>POSTMASTER - STAMPS</b>		
E 101-41200-203	POSTAGE	\$151.20		3 Rolls and 1 Flat of \$.21 Stamps
<b>Total POSTMASTER - STAMPS</b>		<b>\$151.20</b>		
<hr/>				
Paid Chk# 022466	10/14/2014	<b>PREMIUM WATERS, INC</b>		
E 101-41200-208	WATER DELIVERY	\$37.42		9/14 Water Delivery
<b>Total PREMIUM WATERS, INC</b>		<b>\$37.42</b>		
<hr/>				
Paid Chk# 022467	10/14/2014	<b>PUBLIC EMPLOYEES INS PROGRAM</b>		
G 101-21706	HEALTH INSURANCE	\$1,775.32		11/14 Health Benefits
<b>Total PUBLIC EMPLOYEES INS PROGRAM</b>		<b>\$1,775.32</b>		
<hr/>				
Paid Chk# 022468	10/14/2014	<b>RAMSEY COUNTY PUBLIC HEALTH</b>		
E 201-45600-379	HALLOWEEN EVENT	\$80.00		2014 Temporary Food License
<b>Total RAMSEY COUNTY PUBLIC HEALTH</b>		<b>\$80.00</b>		
<hr/>				
Paid Chk# 022469	10/14/2014	<b>RAMSEY COUNTY, PROP REC &amp; REV</b>		
E 101-41200-355	MISC PRINTING/PROCESS SER	\$25.00		10/14 Employee Insurance
G 101-21706	HEALTH INSURANCE	\$440.96		10/14 Employee Insurance
E 203-50000-327	OTHER SERV- SEWER/NPDES I	\$331.00		2014 Recycling Contract Charges
E 304-47400-621	FILE MAINTENANCE CHARGES	\$150.00		Special Assessment Charges
E 405-48500-327	OTHER SERV- SEWER/NPDES I	\$887.40		2013 TIF Aministrative Charg
E 101-42100-442	MISC	\$6.24		9/14 800 MHz radio license
E 101-42100-318	911 Dispatch	\$1,172.89		9/14 800 MHz radio license
<b>Total RAMSEY COUNTY, PROP REC &amp; REV</b>		<b>\$3,013.49</b>		
<hr/>				
Paid Chk# 022470	10/14/2014	<b>SAFETY SIGNS</b>		
E 201-45600-378	NATIONAL NIGHT OUT	\$134.40		2014 Nite to Unite Baricades
<b>Total SAFETY SIGNS</b>		<b>\$134.40</b>		
<hr/>				
Paid Chk# 022471	10/14/2014	<b>SPRINT PCS</b>		
E 602-49100-391	TELEPHONE/PAGERS	\$17.27		9/14 PW Cell Phones
E 601-49000-391	TELEPHONE/PAGERS	\$17.28		9/14 PW Cell Phones
E 101-43000-391	TELEPHONE/PAGERS	\$34.55		9/14 PW Cell Phones

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			Check Amt	Invoice	Comment
<b>Total SPRINT PCS</b>			\$69.10		
Paid Chk#	022472	10/14/2014	<b>STANTEC</b>		
	G 101-22225	LUTHER SEMINARY ESCROW	\$370.00		Luther Seminary Plat & Larpenteur Ave Project
	E 405-48500-325	LARPENTEUR AVE IMPROVEM	\$3,915.75		Luther Seminary Plat & Larpenteur Ave Project
	<b>Total STANTEC</b>		\$4,285.75		
Paid Chk#	022473	10/14/2014	<b>US BANK EQUIPMENT FINANCE</b>		
	E 101-41200-401	COPIER CONTRACT	\$149.00		10/14 Ricoh Copier Contract
	<b>Total US BANK EQUIPMENT FINANCE</b>		\$149.00		
Paid Chk#	022474	10/14/2014	<b>WASTE MANAGEMENT</b>		
	E 101-43000-384	REFUSE DISPOSAL	\$261.86		Sept- Nov refuse disposal
	<b>Total WASTE MANAGEMENT</b>		\$261.86		
Paid Chk#	022475	10/14/2014	<b>XCEL ENERGY, 2430 LARPENTEUR</b>		
	E 101-43000-381	ELECTRIC	\$23.90		9/14 Utilities
	<b>Total XCEL ENERGY, 2430 LARPENTEUR</b>		\$23.90		
Paid Chk#	022476	10/14/2014	<b>XCEL ENERGY, CITY HALL</b>		
	E 101-43000-381	ELECTRIC	\$113.48		9/14 City Hall Utilities
	E 101-43000-383	GAS UTILITIES	\$29.74		9/14 City Hall Utilities
	<b>Total XCEL ENERGY, CITY HALL</b>		\$143.22		
Paid Chk#	022477	10/14/2014	<b>XCEL ENERGY, PARK &amp; GARAGE</b>		
	E 101-43000-383	GAS UTILITIES	\$26.86		9/14 City Utilities
	E 101-43000-381	ELECTRIC	\$28.01		9/14 City Utilities
	E 101-45200-381	ELECTRIC	\$28.01		9/14 City Utilities
	E 101-43000-383	GAS UTILITIES	\$26.86		9/14 City Utilities
	<b>Total XCEL ENERGY, PARK &amp; GARAGE</b>		\$109.74		
Paid Chk#	022478	10/14/2014	<b>XCEL ENERGY, STREET LIGHTING</b>		
	E 101-43000-380	STREET LIGHT UTILITY	\$492.24		9/14 Street Lights
	E 101-43000-380	STREET LIGHT UTILITY	\$47.76		9/14 Bridge Lights
	<b>Total XCEL ENERGY, STREET LIGHTING</b>		\$540.00		
	10100	NORTH STAR CHECKING	\$77,924.73		

CITY OF LAUDERDALE

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OCTOBER 2014

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Fund Summary

**10100 NORTH STAR CHECKING**

101 GENERAL	\$61,265.54
201 COMMUNITY EVENTS	\$244.40
202 COMMUNICATIONS	\$729.91
203 RECYCLING	\$331.00
304 03 ST/UTIL IMP DEBT SERVICE	\$150.00
405 TIF-PROJECTS	\$4,803.15
601 SEWER UTILITIES	\$10,340.98
602 STORM SEWER ENTERPRISE FUND	\$59.75
	<hr/>
	\$77,924.73



**LAUDERDALE COUNCIL  
ACTION FORM**

**Action Requested**

Consent              X    
Public Hearing            
Discussion               
Action                    
Resolution               
Closed Session         

Meeting Date            October 14, 2014

ITEM NUMBER            Sanitary Sewer Lining

STAFF INITIAL            \_\_\_\_\_

APPROVED BY ADMINISTRATOR

**DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:**

Visu-Sewer has completed additional work and is requesting payment. The City Engineer reviewed the request and confirmed completion of the work. The project is not yet closed out and one additional pay request will be submitted.

**OPTIONS:**

**STAFF RECOMMENDATION:**

By approving the consent agenda, the Council authorizes payment to Visu-Sewer, Inc. in the amount of \$43,152.80.

**COUNCIL ACTION:**

CITY OF LAUDERDALE

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OCTOBER 2014

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**10100 NORTH STAR CHECKING**

Paid Chk# 022480	1/1/414	VISU-SEWER CLEAN & SEAL INC		
E 405-48500-327	OTHER SERV- SEWER/NPDES I	\$43,152.80		Sewer Lining Project Payment 3
Total	VISU-SEWER CLEAN & SEAL INC	\$43,152.80		
	10100 NORTH STAR CHECKING	\$43,152.80		

Fund Summary

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<u>10100 NORTH STAR CHECKING</u>	
405 TIF-PROJECTS	\$43,152.80
	<u>\$43,152.80</u>





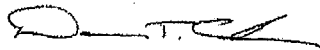
Owner: City of Lauderdale, 1891 Walnut St., Lauderdale, MN 55113	Date: October 7, 2014
For Period: 10/19/2013 to 10/7/2014	Request No 3
Contractor: Visu-Sewer, Inc., W230-N4855 Betker Dr., Pewaukee, WI 53072	

**CONTRACTOR'S REQUEST FOR PAYMENT**  
**2013 SANITARY SEWER LINING PROJECT**  
**STANTEC PROJECT NO. 193801840**

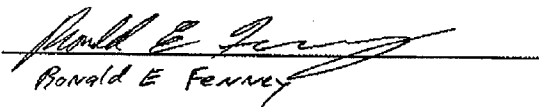
**SUMMARY**

1	Original Contract Amount		\$	<u>180,210.00</u>
2	Change Order - Addition	\$	<u>2,695.00</u>	
3	Change Order - Deduction	\$	<u>0.00</u>	
4	Revised Contract Amount		\$	<u>182,905.00</u>
5	Value Completed to Date		\$	<u>182,863.00</u>
6	Material on Hand		\$	<u>0.00</u>
7	Amount Earned		\$	<u>182,863.00</u>
8	Less Retainage 5%		\$	<u>9,143.15</u>
9	Subtotal		\$	<u>173,719.85</u>
10	Less Amount Paid Previously		\$	<u>130,567.05</u>
11	Liquidated damages -		\$	<u>0.00</u>
12	AMOUNT DUE THIS REQUEST FOR PAYMENT NO. <u>3</u>		\$	<u><u>43,152.80</u></u>

Recommended for Approval by:  
**STANTEC**



Approved by Contractor:  
**VISU-SEWER, INC.**

  
 Ronald E. Fenney

Approved by Owner:  
**CITY OF LAUDERDALE**

\_\_\_\_\_  
 \_\_\_\_\_

Specified Contract Completion Date:

\_\_\_\_\_

Date:

\_\_\_\_\_

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
<b>PART 1: EUSTIS STREET PROJECT</b>							
1	MOBILIZATION	LS	1	1325.00		1	\$1,325.00
2	TRAFFIC CONTROL	LS	1	50.00		1	\$50.00
3	SEWER REHABILITATION WITH CIPP, 8"	LF	2650	22.00	1015	2,654	\$58,388.00
4	SERVICE LATERAL REPAIR BY CHEMICAL GROUT	EA	30	345.00		49	\$16,905.00
5	REMOVE PROTRUDING SEWER SERVICES	EA	22	25.00		5	\$125.00
	TOTAL PART 1: EUSTIS STREET PROJECT						<u>\$76,793.00</u>
<b>PART 2: ALLEY PROJECT</b>							
6	MOBILIZATION	LS	1	650.00		1	\$650.00
7	TRAFFIC CONTROL	LS	1	50.00		1	\$50.00
8	SEWER REHABILITATION WITH CIPP, 8"	LF	1300	22.00	987	1,317	\$28,974.00
9	SERVICE LATERAL REPAIR BY CHEMICAL GROUT	EA	25	345.00	4	10	\$3,450.00
10	REMOVE PROTRUDING SEWER SERVICES	EA	18	25.00		4	\$100.00
	TOTAL PART 2: ALLEY PROJECT						<u>\$33,224.00</u>
<b>PART 3: TH 280 AREA TRUNK PROJECT (MH 1-5)</b>							
11	MOBILIZATION	LS	1	335.00		1	\$335.00
12	TRAFFIC CONTROL	LS	1	2500.00		1	\$2,500.00
13	BYPASS PUMPING	LS	1	3850.00		1	\$3,850.00
14	SEWER REHABILITATION WITH CIPP, 15"	LF	770	59.50		768	\$45,696.00
15	SERVICE LATERAL REPAIR BY CHEMICAL GROUT	EA	1	345.00		1	\$345.00
16	REMOVE PROTRUDING SEWER SERVICES	EA	0	0.00			\$0.00
	TOTAL PART 3: TH 280 AREA TRUNK PROJECT (MH 1-5)						<u>\$52,726.00</u>
<b>ALTERNATE NO. 1 - TH 280 AREA TRUNK PROJECT (MN 5-6)</b>							
17	MOBILIZATION	LS	1	135.00		1	\$135.00
18	TRAFFIC CONTROL	LS	1	133.00		1	\$133.00
19	BYPASS PUMPING	LS	1	1330.00		1	\$1,330.00
20	SEWER REHABILITATION WITH CIPP, 15"	LF	266	59.50		266	\$15,827.00
21	SERVICE LATERAL REPAIR BY CHEMICAL GROUT	EA	2	345.00		0	\$0.00
22	REMOVE PROTRUDING SEWER SERVICES	EA	2	150.00		0	\$0.00
	TOTAL ALTERNATE NO. 1 - TH 280 AREA TRUNK PROJECT (MN 5-6)						<u>\$17,425.00</u>
<b>CHANGE ORDER NO. 1</b>							
1	ADDITIONAL CLEANING	LS	1	2695.00		1	\$2,695.00
	TOTAL CHANGE ORDER NO. 1						<u>\$2,695.00</u>
TOTAL PART 1: EUSTIS STREET PROJECT							\$76,793.00
TOTAL PART 2: ALLEY PROJECT							\$33,224.00
TOTAL PART 3: TH 280 AREA TRUNK PROJECT (MH 1-5)							\$52,726.00
TOTAL ALTERNATE NO. 1 - TH 280 AREA TRUNK PROJECT (MN 5-6)							\$17,425.00
TOTAL CHANGE ORDER NO. 1							\$2,695.00
<b>TOTAL WORK COMPLETED TO DATE</b>							<b><u>\$182,863.00</u></b>

**PROJECT PAYMENT STATUS**

OWNER CITY OF LAUDERDALE  
 STANTEC PROJECT NO. 193801840  
 CONTRACTOR VISU-SEWER, INC.

**CHANGE ORDERS**

No.	Date	Description	Amount
1	9/26/2013	This Change Order provides for additional work on this project. See Change Order.	\$2,695.00
<b>Total Change Orders</b>			<b>\$2,695.00</b>

**PAYMENT SUMMARY**

No.	From	To	Payment	Retainage	Completed
1	09/01/2013	09/26/2013	116,259.10	6,118.90	122,378.00
2	09/27/2013	10/18/2013	14,307.95	6,871.95	137,439.00
3	10/19/2013	10/07/2014	43,152.80	9,143.15	182,863.00

**Material on Hand**

Total Payment to Date		\$173,719.85	Original Contract	\$180,210.00
Retainage Pay No. 3		9,143.15	Change Orders	\$2,695.00
Total Amount Earned		\$182,863.00	Revised Contract	\$182,905.00



**LAUDERDALE COUNCIL  
ACTION FORM**

**Action Requested**

Consent              X    
Public Hearing            
Discussion               
Action                    
Resolution               
Closed Session         

Meeting Date                      October 14, 2014

ITEM NUMBER                      Sidewalk Construction Project

STAFF INITIAL                      \_\_\_\_\_

APPROVED BY ADMINISTRATOR

**DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:**

As you know, Concrete Ideas has completed much of the sidewalk project and is requesting payment. The City Engineer reviewed the request and confirmed the amount to be paid. They are about two-thirds of the way done. We are largely waiting on the lights from the City of St. Paul.

**OPTIONS:**

**STAFF RECOMMENDATION:**

By approving the consent agenda, the Council authorizes payment to Concrete Ideas, Inc. in the amount of \$241,199.78.

**COUNCIL ACTION:**

CITY OF LAUDERDALE

10/10/14 1:06 PM

Page 1

**\*Check Detail Register©**

OCTOBER 2014

Check Amt Invoice Comment

**10100 NORTH STAR CHECKING**

Paid Chk# 022479 10/14/2014 CONCRETE IDEA, INC.

E 405-48500-325 LARPEN TEUR AVE IMPROVEM \$241,199.78 Larpenteur Ave Project Payment

Total CONCRETE IDEA, INC. \$241,199.78

10100 NORTH STAR CHECKING \$241,199.78

**Fund Summary**

10100 NORTH STAR CHECKING

405 TIF-PROJECTS \$241,199.78

\$241,199.78



Owner: City of Lauderdale, 1891 Walnut St., Lauderdale, MN 55113	Date: October 3, 2014
For Period: 9/17/2014 to 10/3/2014	Request No: 1
Contractor: Concrete Idea, Inc., 5295 Ranch View Ln., Plymouth, MN 55446	

**CONTRACTOR'S REQUEST FOR PAYMENT**  
 LARPENTEUR AVENUE STREETScape IMPROVEMENTS  
 STANTEC PROJECT NO. 193801872

SUMMARY

1	Original Contract Amount		\$	<u>315,214.00</u>
2	Change Order - Addition	\$	<u>0.00</u>	
3	Change Order - Deduction	\$	<u>0.00</u>	
4	Revised Contract Amount		\$	<u>315,214.00</u>
5	Value Completed to Date		\$	<u>253,894.50</u>
6	Material on Hand		\$	<u>0.00</u>
7	Amount Earned		\$	<u>253,894.50</u>
8	Less Retainage 5%		\$	<u>12,694.73</u>
9	Subtotal		\$	<u>241,199.78</u>
10	Less Amount Paid Previously		\$	<u>0.00</u>
11	Liquidated damages -		\$	<u>0.00</u>
12	AMOUNT DUE THIS REQUEST FOR PAYMENT NO. <u>1</u>		\$	<u><u>241,199.78</u></u>

Recommended for Approval by:  
**STANTEC**

Approved by Contractor:  
**CONCRETE IDEA INC.**

Approved by Owner:  
**CITY OF LAUDERDALE**

Specified Contract Completion Date:

Date:

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
<b>BASE BID:</b>							
1	MOBILIZATION	LUMP SUM	1	30000.00	0.9	0.9	\$27,000.00
2	CLEARING AND GRUBBING	LUMP SUM	1	1000.00	0.75	0.75	\$750.00
3	REMOVE CURB AND GUTTER	LIN FT	400	5.00	205	205	\$1,025.00
4	REMOVE CONCRETE WALK	SQ FT	2750	0.50	2365	2365	\$1,182.50
5	REMOVE CONCRETE PAVEMENT	SQ FT	250	2.00	46	46	\$92.00
6	REMOVE HANDHOLE	EACH	7	500.00	5	5	\$2,500.00
7	REMOVE BENCH	EACH	1	100.00	1	1	\$100.00
8	SAWING CONCRETE PAVEMENT (FULL DEPTH)	LIN FT	100	5.00	28	28	\$140.00
9	SALVAGE CHAIN LINK FENCE	LIN FT	70	5.00	84	84	\$420.00
10	SALVAGE SIGN	EACH	8	25.00	4	4	\$100.00
11	COMMON EXCAVATION	CU YD	400	10.00	290	290	\$2,900.00
12	STREET SWEEPER (WITH PICKUP BROOM)	hour	6	75.00	5	5	\$375.00
13	AGGREGATE BASE CLASS 5	TON	250	10.00	111	111	\$1,110.00
14	CONCRETE PAVEMENT	SQ YD	30	54.00	5	5	\$270.00
15	CONCRETE STEPS - DESIGN SPECIAL	LIN FT	5	50.00	17	17	\$850.00
16	MODULAR BLOCK RETAINING WALL	SQ FT	90	35.00	92	92	\$3,220.00
17	RELOCATE HYDRANT	EACH	1	2500.00	1	1	\$2,500.00
18	5" CONCRETE WALK	SQ FT	4925	6.00	5522	5522	\$33,132.00
19	CONCRETE WALK	SQ FT	800	6.00	800	800	\$4,800.00
20	CONCRETE CURB & GUTTER	LIN FT	400	25.00	205	205	\$5,125.00
21	TRUNCATED DOMES	SQ FT	104	35.00	140	140	\$4,900.00
22	LIGHTING SYSTEM	LUMP SUM	1	78000.00	0.8	0.8	\$62,400.00
23	INSTALL HANDHOLE	EACH	7	900.00	5	5	\$4,500.00
24	INSTALL CHAIN LINK FENCE	LIN FT	70	30.00	84	84	\$2,520.00
25	TRAFFIC CONTROL	LUMP SUM	1	5000.00	0.9	0.9	\$4,500.00
26	INSTALL SIGN	EACH	8	100.00	4	4	\$400.00
27	REVISE SIGNAL SYSTEM	SYS	1	10000.00	0.9	0.9	\$9,000.00
28	TEMPORARY FENCE	LIN FT	200	2.00	202	202	\$404.00
29	SILT FENCE, TYPE MACHINE SLICED	LIN FT	200	4.00	42	42	\$168.00
30	STORM DRAIN INLET PROTECTION	EACH	8	100.00	6	6	\$600.00
31	SODDING TYPE SALT RESISTANT	SQ YD	810	7.50	507	507	\$3,802.50
32	CROSSWALK MARKING-EPOXY	SQ FT	522	12.00			\$0.00
	TOTAL BASE BID						\$180,786.00
<b>ALTERNATE NO. 1: COLORED CONCRETE SIDEWALK - TH 280 TO FULHAM ST.</b>							
33	5" CONCRETE WALK	SQ FT	-2230	6.00	-2423	-2423	-\$14,538.00
34	5" CONCRETE WALK - SPECIAL	SQ FT	2230	14.00	2423	2423	\$33,922.00
	TOTAL ALTERNATE NO. 1: COLORED CONCRETE SIDEWALK - TH 280 TO FULHAM ST.						\$19,384.00
<b>ALTERNATE NO. 2: TREES AND PERVIOUS PAVEERS (HWY 280 TO PLEASANT)</b>							
35	COMMON EXCAVATION	CU YD	50	25.00			\$0.00
36	GEOTEXTILE FABRIC TYPE V	SQ YD	170	5.00			\$0.00
37	EXCAVATION SPECIAL	CU YD	20	30.00			\$0.00
38	STRUCTURAL SOIL BORROW (CV)	CU YD	50	10.00			\$0.00
39	AGGREGATE BEDDING SPECIAL	CU YD	5	50.00			\$0.00
40	5" CONCRETE WALK	SQ FT	-700	6.00			\$0.00
41	CONCRETE PAVERS	SQ FT	700	14.00			\$0.00
42	DECIDUOUS TREE 10' HT B&B	TREE	1	500.00	1	1	\$500.00
43	DECIDUOUS TREE 2.5" CAL B&B	TREE	6	100.00	3	3	\$300.00
44	DECIDUOUS SHRUB NO 5 CONT	SHRB	14	60.00	14	14	\$840.00
45	PERENNIAL	PLANT	5	40.00			\$0.00
46	TREE GRATE & FRAMES	EACH	3	1000.00			\$0.00
	TOTAL ALTERNATE NO. 2: TREES AND PERVIOUS PAVEERS (HWY 280 TO PLEASANT)						\$1,640.00
<b>ALTERNATE NO. 4: PLEASANT ST. TO FULHAM ST. (NO BLVD)</b>							
72	REMOVE CURB AND GUTTER	LIN FT	80	5.00	68	68	\$340.00
73	REMOVE CONCRETE WALK	SQ FT	600	0.50	313	313	\$156.50
74	REMOVE CONCRETE PAVEMENT	SQ FT	5	20.00	12	12	\$240.00
75	SAWING CONCRETE PAVEMENT	LIN FT	20	5.00	11	11	\$55.00
76	SALVAGE SIGN	EACH	6	25.00	5	5	\$125.00



No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
77	COMMON EXCAVATION	CU YD	360	8.00	200	200	\$1,600.00
78	AGGREGATE BASE CLASS 5	TON	190	10.00	37	37	\$370.00
79	CONCRETE PAVEMENT	SQ YD	5	54.00	1	1	\$54.00
80	CONCRETE STEPS - DESIGN SPECIAL	LIN FT	5	50.00	4	4	\$200.00
81	MODULAR BLOCK RETAINING WALL	SQ FT	720	32.50	700	700	\$22,750.00
82	5" CONCRETE WALK	SQ FT	4720	6.00	3414	3414	\$20,484.00
83	CONCRETE WALK	SQ FT	175	6.00			\$0.00
84	CONCRETE CURB & GUTTER	LIN FT	80	25.00	68	68	\$1,700.00
85	TRUNCATED DOMES	SQ FT	24	35.00	40	40	\$1,400.00
86	INSTALL SIGN	EACH	6	100.00	5	5	\$500.00
87	STORM DRAIN INLET PROTECTION	EACH	4	100.00	5	5	\$500.00
88	SODDING TYPE SALT RESISTANT	SQ YD	340	5.00	322	322	\$1,610.00
	TOTAL ALTERNATE NO. 4: PLEASANT ST. TO FULHAM ST. (NO BLVD)						<u>\$52,084.50</u>

TOTAL BASE BID:	\$180,786.00
TOTAL ALTERNATE NO. 1: COLORED CONCRETE SIDEWALK - TH 280 TO FULHAM ST.	\$19,384.00
TOTAL ALTERNATE NO. 2: TREES AND PERVIOUS PAVEERS (HWY 280 TO PLEASANT)	\$1,640.00
TOTAL ALTERNATE NO. 4: PLEASANT ST. TO FULHAM ST. (NO BLVD)	<u>\$52,084.50</u>
<b>TOTAL WORK COMPLETED TO DATE</b>	<b>\$253,894.50</b>

**PROJECT PAYMENT STATUS**

OWNER CITY OF LAUDERDALE  
 STANTEC PROJECT NO. 193801872  
 CONTRACTOR CONCRETE IDEA INC.

**CHANGE ORDERS**

No.	Date	Description	Amount
<b>Total Change Orders</b>			

**PAYMENT SUMMARY**

No.	From	To	Payment	Retainage	Completed
1	09/17/2014	10/03/2014	241,199.78	12,694.73	253,894.50

**Material on Hand**

Total Payment to Date		\$241,199.78	Original Contract	\$315,214.00
Retainage Pay No.	1	12,694.73	Change Orders	
Total Amount Earned		\$253,894.50	Revised Contract	\$315,214.00

ACTION REQUESTED	LAUDERDALE COUNCIL
Consent <u>    X    </u>	MEETING DATE <u>    October 14, 2014    </u>
Special <u>          </u>	ITEM NUMBER <u>    Public Entity Innovation Grant    </u>
Public Hearing <u>          </u>	STAFF INITIAL <u>    Jim    </u>
Report <u>          </u>	APPROVED BY ADMINISTRATOR <u>                          </u>
Discussion/Action <u>          </u>	
Resolution <u>          </u>	
Work session <u>          </u>	

**BACKGROUND:**

Ramsey County continues to work with cities to achieve state-mandated recycling goals. The County still has funds available through the Public Entity Innovation Grant Program with up to \$100,000 available per award. The program started with \$1,500,000.

Last year, Lauderdale and Falcon Heights collaborated with Ramsey County on a bulky waste collection pilot project for single-family homes. Recently, Lauderdale and Falcon Heights agreed to collaborate on a second bulky collection pilot project for multi-family buildings.

As discussed recently as part of the amended and restated agreement with Eureka Recycling, Lauderdale is planning to transition to city-owned recycling carts in the spring of 2015. While the cost of the carts has not yet been determined, the cost of recycling carts is expected to exceed \$35,000.

Ramsey County has indicated a willingness to help cities pay for recycling carts through their grant program. Thus, as previously suggested, staff would like to apply for a third grant to purchase city-owned recycling containers that would be rolled out to residents in the spring of 2015.

The Council does not need to take action on this item. However, staff would like the City Council's support for submitting the grant application.

**OPTIONS:**

- 1) Approve as part of the consent agenda.
- 2) Remove from consent agenda for discussion and potential action.

**STAFF RECOMMENDATION:**

By approving the consent agenda, the Council is authorizing staff to submit the PEIG application to Ramsey County.

**COUNCIL ACTION:**

# LAUDERDALE COUNCIL ACTION FORM

### Action Requested

Consent \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Discussion \_\_\_\_\_ X \_\_\_\_\_  
Action \_\_\_\_\_ X \_\_\_\_\_  
Resolution \_\_\_\_\_  
Work Session \_\_\_\_\_

Meeting Date October 14, 2014  
ITEM NUMBER Larpenteur Storm Sewer  
STAFF INITIAL \_\_\_\_\_  
APPROVED BY ADMINISTRATOR \_\_\_\_\_

### DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Storm Sewer Revisions at Larpenteur and Pleasant

The existing storm sewer structure is in conflict with the sidewalk and retaining wall construction. Leaving the MH in place results in a sidewalk that is about 3.5 feet wide at the narrowest point. Typically, the solution to a situation like this would be to lower the storm sewer manhole. In this case the elevation of the upstream pipe is very shallow and prevents this option. The proposed solution involves installing a new structure immediately upstream of the existing structure to lower the upstream pipe. Then, the manhole currently in the sidewalk can then be lowered.

Since this work is outside the capabilities of the project sidewalk contractor, two construction companies were contacted to provide quotes related to this work. HydroCon construction provided a quote of \$8,138 to perform the work. This amount would compare well with an engineering estimate for this type of work and would compare well to expected costs in a competitive bidding situation. Another contractor's quote was slightly more than double at \$16,633.

Looking ahead to the overall financial impact to this project, our current estimate has the remainder of the project work coming in approximately \$5,000 below the contract quantity.

This work would typically result in a project change order. However, this work falls outside the expertise of the project's contractor. We feel the city would be better and more efficiently served through a work order agreement with Hydrocon.

**STAFF RECOMMENDATION:** Contract with Hydrocon for an amount not to exceed \$8138 to revise storm sewer at Larpenteur Ave and Pleasant Street.

**LAUDERDALE COUNCIL  
ACTION FORM**

**Action Requested**

Consent \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Discussion \_\_\_\_\_  
Action \_\_\_\_\_  
Resolution \_\_\_\_\_  
Work Session   X  

Meeting Date October 14, 2014  
ITEM NUMBER Nuisances  
STAFF INITIAL \_\_\_\_\_  
APPROVED BY ADMINISTRATOR \_\_\_\_\_

**DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:**

The City's prosecuting attorney, Katrina Joseph, plans to attend the council meeting regarding the City's current and future plans for handling unresolved nuisances. As you know, city staff send out a series of letters to individuals with nuisances (generally starting in the spring) to attempt to garner compliance. If the issue is not resolved after the homeowner receives three notices, Katrina will send a letter. Most often that does the trick.

When it doesn't work, Katrina can charge individuals with violations of city code and then the matter enters the judicial realm. Currently, the City has a couple of active cases from individuals that did not resolve their nuisances back in 2013. The obvious downfall to all of this is the time it takes to get a nuisance stopped or cleaned up. On the up side, once the judge or jury decides that a violation needs to be remedied, the threat of big fines or jail time makes people take notice.

Practically speaking, only the most egregious of nuisances can be taken to court. As a result, staff have limited tools to get property owners to take care of the less serious nuisances. Katrina would like to dialogue with the Council and get direction from the Council on different approaches to handling nuisances. In particular she would like to discuss administrative enforcement. Attached to this memo is part of a document from the League of Minnesota Cities that explains different enforcement mechanisms. Administrative penalties is part VII—D.

## RELEVANT LINKS:

Minn. Stat. § 412.221, subd. 32.  
*St. Paul v. Gilfillan*, 36 Minn. 298, 31 N.W. 49 (1886). *Cf. City of St. Paul v. Haugbro*, 93 Minn. 59, 100 N.W. 470 (1904).

*Press v. City of Minneapolis*, 553 N.W.2d 80 (Minn. Ct. App. 1996). *State v. Becker*, 351 N.W.2d 923 (Minn. 1984).

*Lorshbough v. Township of Buzzle*, 258 N.W.2d 96 (Minn. 1977). *Pelican Lake Property Owners Ass'n v. County of Crow Wing*, Nos. C5-98-1549, C3-98-1940 (Minn. Ct. App. Aug. 17, 1999) (unpublished decision). *Schultz v. Frank*, No. C1-00-285 (Minn. Ct. App. Aug 1, 2000) (unpublished decision).

An ordinance defining a particular activity as a public nuisance is presumably a valid exercise of a city's police powers. Not only have many cities adopted nuisance ordinances, but many rely on their local ordinances more than state statutes. However, ordinances may only regulate public nuisances and may not declare something a public nuisance that would otherwise be considered a private nuisance, relatively harmless, or simply not a nuisance at all.

Ordinance language is critical for city efforts to be effective. City ordinances often mirror the provisions provided in state law, but often include specific acts or omissions to provide local officials direction in enforcing nuisance violations. A common problem is not properly defining terms, or using terms too vague or broad to be enforceable. Conversely, an ordinance may be drafted in a way that is too limiting to encompass all intended violations. The ordinance should clearly provide the enforcement procedure and how it will be interpreted and applied. The primary purpose of nuisance regulations is usually to encourage compliance, not necessarily punish offenders.

## VII. Remedies

Cities have choices in how they will remedy nuisance conditions and enforce their nuisance ordinances. Adopting an ordinance may create a duty to take some reasonable steps to enforce it on behalf of the general public. Most cities will use a combination of methods, depending upon their resources and the seriousness of the offense. Whatever methods are used, it is a good practice to have a policy guiding when a particular method will be used. This will ensure that similar violations are treated equally.

### A. Self-remedy

The most cost-effective way to remedy nuisance conditions is for the individual to correct the situation him- or herself with minimal city involvement. There are situations where someone is unaware that he or she is maintaining a nuisance and will correct the situation when so informed through a letter or a conversation.

Cities can also consider other potentially effective voluntary approaches for nuisance elimination. For example, many cities sponsor neighborhood cleanup days or city-wide recycling events. These activities: provide individuals the opportunity to dispose of many larger items; provide an opportunity for neighborhood residents to work together to address general maintenance issues; and may provide incentive for individuals to fix up their own property.

## RELEVANT LINKS:

Minn. Stat. § 412.231.

Minn. Stat. § 609.02.

See Part VII – F –  
*Abatement.*

*Haman v. City of  
Minneapolis*, 623 N.W.2d  
281 (Minn. Ct. App. 2001).  
*City of Ramsey v. Kiefer*, No.  
A08-1714 (Minn. Ct. App.  
Aug. 25, 2009) (unpublished  
decision).

### **B. Criminal prosecutions**

Most nuisance ordinances provide that violations will constitute a misdemeanor offense. A misdemeanor is a crime for which a sentence of not more than 90 days imprisonment or a fine of not more than \$1,000 (or both) may be imposed.

Criminal prosecutions may take longer than other alternatives and require a higher burden of proof (beyond a reasonable doubt). However, a possible criminal conviction can provide a good incentive for the individual to bring his or her property into compliance. As part of the criminal sentencing, some or all of the actual jail time or fines may be suspended (or stayed), so long as the nuisance condition is remedied within a particular period of time.

### **C. Civil actions**

When the city has reasonable grounds to believe a nuisance exists, it may bring a civil action in district court to end that activity. Rather than seek criminal penalties, cities often pursue a civil remedy to achieve compliance with a city ordinance. Civil actions are generally faster, preferred by the courts, and provide the city the advantage of a lower burden of proof (preponderance of the evidence). Civil remedies can include injunctions or restraining orders. Subsequent violations of restraining orders can be enforced through contempt proceedings.

### **D. Administrative enforcement**

Some cities have adopted administrative enforcement ordinances for dealing with nuisance conditions. An administrative process is a quasi, non-judicial alternative remedy. Under this system, property owners (or other types of alleged nuisance violators) are provided the opportunity to present their side before an administrative hearing officer (or panel) appointed by the city council. When violations are found, penalties typically follow a pre-established schedule: more nominal fees for a first violation with increased penalties for subsequent acts.

The advantage to establishing an administrative hearing procedure is that it is less formal, less costly, and potentially less intimidating than the court system. The accused is given a chance to come into compliance, with all monies collected retained by the city, not distributed through the state court system.

Cities should be aware that both the state auditor and the state attorney general have questioned whether cities have authority to enact these local processes. Accordingly, cities contemplating such an ordinance should work closely with their city attorney.

## RELEVANT LINKS:

Handbook, Chapter 11.  
Handbook, Chapter 12.

Minn. Stat. § 415.17.

See LMC information memo,  
*Zoning Guide for Cities*.

*Zylka v. City of Crystal*, 283  
Minn. 192, 167 N.W.2d 45  
(Minn. 1969).

*City of Duluth v. Krupp*, 46  
Minn. 435, 49 N.W. 235  
(1891). *Orr v. City of  
Rochester*, 193 Minn. 371,  
258 N.W. 569 (1935).  
“Setting Municipal Fees,”  
*Minnesota Cities* (Apr. 2004,  
p. 19).

## E. Licensing

Cities also address nuisance conditions through common regulatory means, such as city licenses, permits, and other forms of required registration. The use of licenses and permits offer cities an effective means to monitor compliance. The conditions included with the application process help ensure that an applicant complies with ordinance requirements before the license or permit is issued. If it is found at a later time that the license or permit holder is not in compliance, the city can suspend, revoke, or deny renewal of the license or permit, and potentially even close a business unless or until it is brought back into compliance.

Licensing practices can provide broad benefits to local communities by addressing direct and secondary impacts of particular activities. For instance, cities often regulate:

- The consumption and sale of alcohol.
- The conduct of adult businesses.
- The conduct of lawful gambling.
- The operations of peddlers, solicitors, and transient merchants.
- The use of city streets and sidewalks.
- Land use and development.

A land use tool known as a conditional use permit (CUP) is a good example of such a regulation. Conditional uses seek to strike a middle ground between the unchecked approval of a particular use and complete prohibition. Conditional uses are uses that will be allowed if certain conditions (that minimize the problematic or nuisance features of the use) are met. If such conditions are not followed, the permit may be revoked.

An additional benefit with licensing or permitting systems is the collection of a fee. A proper license fee can include the law enforcement/city staff costs required to properly enforce the city regulations or address the other negative consequences that are likely to occur with that type of activity. Cities cannot set license fees so high as to prohibit such businesses (or activities) within the city altogether.

## F. Abatement

Regardless of what level of priority is placed on regulating nuisance activities, situations will arise that demand city action. Who will act and how the situation is actually remedied depends upon the particulars involved.

### 1. Voluntary abatement—notice



**RELEVANT LINKS:**

See Part VII – A – *Self-remedy*.

35 Dunnell Minn. Digest Nuisances § 2.03 (4th ed. 1997).  
*State v. Sportsmen’s County Club* 214 Minn. 151, 7 N.W.2d 495 (1943).

Minn. Stat. §§ 617.82-83. See Minnesota House Research Dept., Minnesota’s Public and Private Nuisance Laws (July 2008).

See Part VII – F – 3 – *Orders of abatement*.  
Minn. Stat. § 617.86.

See LMC sample ordinance regulating public nuisances.

In almost all cases, the city’s first step in an abatement process is the request for a voluntary remedy of the nuisance condition. Again, convincing an individual to take care of his or her own problems is the most cost-effective way to address most public nuisances. If this does not occur, a clearly written notice is an important first step in providing due process, ensuring that the individual’s property rights are protected if the city must abate the condition itself.

**2. Injunctions**

Since the criminal process can often times be slow and the results are uncertain, it may be necessary to seek injunctive relief to terminate or prevent a nuisance. Under its duty and authority to protect the rights of all of its citizens, a city can obtain injunctions to restrain public nuisances.

The city attorney files a petition with the district court seeking a temporary injunction. The court will hold a “show cause” hearing to provide the alleged violator an opportunity to be heard on the allegations within the petition. If the judge believes that the condition has occurred, he or she will issue a temporary injunction, detailing the prohibited conduct or conditions. After a temporary injunction is issued, the court, after a further hearing, may issue a permanent injunction and order of abatement if it finds (by clear and convincing evidence) that a nuisance exists. Violation of temporary or permanent injunction is treated as contempt of court.

When adopting a nuisance ordinance, it is important to include a provision providing that the city will seek a court injunction when no other adequate remedy exists.

**3. Orders of abatement**

For some nuisance conditions, an order preventing the condition from continuing will sufficiently end the problem conduct. Noise nuisances are a good example; when the noise is no longer allowed, the nuisance no longer exists. In others circumstances (such as the long grass and weeds), the nuisance will continue until steps are taken to eliminate the condition (the grass and weeds are cut). In those cases, an abatement order will provide the process for nuisance elimination.

## RELEVANT LINKS:

*Ames v. Cannon River Mfg. Co.*, 27 Minn. 245, 6 N.W. 787 (1880).

Minn. Stat. § 617.82.  
*City of West St. Paul v. Krengel*, 768 N.W.2d 352 (Minn. 2009).

See Part XI – *Special assessments*.

### a. Judicial Orders

When a city seeks relief through the courts, the judge's order will provide the process for abatement. It may provide the owner the opportunity to remedy the situation himself, as well as provide deadlines for when the city may remove the situation itself. The court is available to resolve any additional disputes that may arise during the process, or impose additional penalties for not complying with the order.

The property owner may enter into an agreement with the city to avoid the issuance or enforcement of an abatement order. If the property owner fails to abate the public nuisance conditions, the city may again seek an injunction.

### b. City orders

Many cities attempt to avoid the judicial process by including within their local ordinances the authority to abate nuisance conditions themselves. Mindful of property rights and the need to provide adequate due process, the city ordinance typically provides for:

- Property inspections (which may require obtaining the necessary warrants) and documentation of any nuisance condition or activity.
- Written notice of the finding of a violation of city ordinance provided to the owners or operators.
- An opportunity to contest the nuisance finding with the city council or selected neutral party.
- Written notice of the date when the violation of city ordinance must be remedied; possible second written notice when the condition has not been corrected; notice of the court date if the city seeks a court order declaring the nuisance condition.
- City cleanup of the nuisance condition.
- When personal property is removed in the cleanup process, an inventory of all property collected; notice of where the property can be reclaimed; and the date by which it must be reclaimed, or it will be disposed of (sold or destroyed) by the city. Depending upon the property involved, there may be specific statutory procedures to follow.
- An inventory of all costs involved (i.e., cleanup and storage).
- A claim sent to the property owner for the total costs of abatement, as well as how costs will be collected, including possible certification and collection with property taxes.

## RELEVANT LINKS:

Minn. Stat. §§ 504B.395-.471.  
Minn. Stat. § 504B.381.

*Reed v. Board of Park Com'rs of City of Winona*,  
100 Minn. 167, 110 N.W. 1119 (1907).

*Kelty v. City of Minneapolis*,  
157 Minn. 430, 196 N.W. 487 (1923).

See Part IX – C –  
*Documentation*.

*City of Minneapolis v. Meldahl*, 607 N.W.2d 168  
(Minn. Ct. App. 2000).  
Minn. Stat. § 463.16.  
See LMC information memo,  
*Dangerous Properties*.

### c. Tenants Remedies Act

There is also limited authority for a city to intervene in landlord-tenant situations. A state, county, or local department or authority, charged with enforcing health, housing, or building maintenance codes has specific statutory authority to bring an action in district court and request a remedy (landlord ordered to remove condition) for violation of health, safety, housing, building, fire prevention, or housing maintenance codes on the tenant's behalf.

### 4. Summary/emergency abatement

While cities typically must provide notice and a chance to respond to nuisance conditions, there are limited circumstances that may justify dispensing with standard procedures. There are situations so dangerous that require immediate repair or elimination, such as:

- Open wells.
- Abandoned machinery and appliances (i.e., “locking” refrigerators).
- Downed power lines.
- Fallen trees.
- Obstructed streets and sidewalks.
- Raw sewage.

The power to summarily abate nuisances is limited, based upon actual necessity as defined and provided by ordinance. When summary action is necessary, city officials need to document the circumstances, preparing reports and taking photographs to support and defend their actions if necessary.

### 5. Demolitions

State statutes, as well as some city ordinances, provide for the destruction of buildings, structures, or other nuisance situations. As a drastic, irreversible solution to nuisance conditions, demolitions should only be used as a last resort and after all statutory and procedural requirements are strictly followed. When repairs or alterations can be made to remedy a hazardous situation, repairs should generally be ordered, rather than destruction of the property.



**LAUDERDALE COUNCIL  
ACTION FORM**

**Action Requested**

Consent \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Discussion \_\_\_\_\_  
Action \_\_\_\_\_  
Resolution \_\_\_\_\_  
Work Session \_\_\_\_\_ X

Meeting Date October 14, 2014

ITEM NUMBER LA Snow Removal

STAFF INITIAL \_\_\_\_\_

APPROVED BY ADMINISTRATOR \_\_\_\_\_

**DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:**

One of the first things on my to-do list when I return to work full time is to find a company to perform snow removal on Larpenteur Avenue for this snow season. As you may recall, the Council adopted a sidewalk maintenance policy that states the City will remove snow along Larpenteur Avenue for the detached single-family homeowners. In light snow falls, where alley plowing isn't needed, we anticipate that public works will be able to broom the walkways clean. In heavier snow falls, a contractor will be needed as the snow will need to be removed fairly quickly to prevent it from becoming packed down. Hauling of snow may be necessary in some cases as well.

I am running this by the Council one more time to make sure I am clear on the Council's intent. Snow would be removed from TH280 to Malvern Street, the home between the Wellness Center and the BP gas station, and then the homes between Eustis Street and Pleasant Street. I am wondering if the Council would also like to remove the snow in front of the Korean Service Center to ensure the bus stop area is well maintained?

I assume we will learn by trial and error the best plan for snow removal along the corridor. Revisions can be made the following year. The Council and the business owners along Larpenteur Avenue can also decide whether the City should arrange snow removal for them as well.