

**FILE**

**LAUDERDALE CITY COUNCIL MEETING AGENDA  
TUESDAY, FEBRUARY 23, 2010  
7:30 P.M. LAUDERDALE CITY HALL  
1891 WALNUT STREET**

1. **ROLL CALL**
2. **APPROVAL OF THE AGENDA**
3. **APPROVALS**
  - a. Minutes of the February 9, 2010, City Council Meeting
  - b. Claims totaling \$32,455.64
4. **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL**
5. **CONSENT**
6. **SPECIAL ORDER OF BUSINESS/RECOGNITION/PROCLAMATIONS**
7. **PUBLIC HEARINGS** Public hearings are conducted so that the public affected by a proposal can have input into the decision.
  - a. Public Hearing Regarding Proposed Floodplain Ordinance
8. **REPORTS**
  - a. Annual Police Report – Chief Ohl
9. **DISCUSSION / ACTION**
  - a. Resolution 022310A – Resolution Authorizing Application for CDBG Funds for Playground Improvements
10. **ITEMS REMOVED FROM THE CONSENT AGENDA**
11. **ADDITIONAL ITEMS**
12. **SET AGENDA FOR NEXT MEETING**
  - a. Union Contract
13. **CLOSED SESSION**
  - a. Closed Session with City Attorney Regarding Pending Litigation
14. **WORK SESSION**
  - a. Broadband Internet Grant Opportunities
15. **ADJOURN**

LAUDERDALE CITY COUNCIL  
MEETING MINUTES  
Lauderdale City Hall  
1891 Walnut Street  
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February 9, 2010

The Mayor called the zoning ordinance update kick-off meeting to order at 5:15 p.m.

Councilors present: Mary Gaasch, Roxanne Grove, Denise Hawkinson, Lara Mac Lean, and Mayor Jeff Dains. Councilor absent: none.

Staff present: Heather Butkowski, City Administrator; Dave Hinrichs, Public Works Coordinator.

Tina Goodroad, planning consultant, presented the Council with information related to zoning and planning concepts. Councilors and staff asked questions related to the materials and how zoning changes could be used to address problems and spark improvements within the City. Goodroad said she would begin planning community input sessions to solicit feedback from residents and business owners about what aspects of the zoning ordinance they feel should be improved or changed.

The zoning ordinance update kick-off meeting ended at 6:45 p.m. The City Council recessed until 7:30 p.m.

The Mayor resumed the meeting at 7:30 p.m.

Councilors present: Mary Gaasch, Roxanne Grove, Denise Hawkinson, Lara Mac Lean, and Mayor Jeff Dains. Councilor absent: none.

Staff present: Heather Butkowski, City Administrator.

Mayor Dains asked for changes to the meeting agenda. There being none, **Councilor Mac Lean moved to approve the agenda. Councilor Grove seconded the motion and it passed unanimously.**

**Councilor Hawkinson moved to approve the January 26, 2010 City Council meeting minutes. Councilor Mac Lean seconded the motion and it passed unanimously.**

**Councilor Mac Lean moved approval of the claims totaling \$77,415.87. Councilor Grove seconded the motion and it passed unanimously.**

Mayor Dains asked if members of the public wished to address the Council.

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Dawn Bartylla, 1911 Eustis Street, addressed the council regarding parking and snow removal on Eustis Street. She said the county did not plow Eustis Street as well this year as they have in other years. The parking lanes were not cleared completely, so residents park in the driving lanes which make the road difficult to pass. Additionally, she asked if the alley entrances could be plowed to width, at an angle, to make them easier to enter and exit. She also asked whether a turn lane could be striped on Larpenteur Avenue to allow residents to turn north onto Malvern Street.

The Mayor said city staff would see what could be done about the snow removal. He noted that the volume of snow we have received make plowing and snow storage difficult. City staff was directed to discuss the turn lane issue with Mn/DOT.

Mayor Dains asked if councilors wished to remove items from the consent agenda. There being no one, **Councilor Mac Lean moved the consent agenda approving 2010 rental housing and business licenses and the recreation agreement with the City of Roseville. Councilor Gaasch seconded the motion and it passed unanimously.**

Butkowski said the state auditor recommends that cities have fund balance policies. As a result, the city auditor said they expected the City to prepare one before the annual audit. The draft fund balance policy presented was modeled after the auditor's example. For some time the city has maintained a fund balance of 45% of the next year's operating expenses with anything in excess being distributed to the park and street improvement funds at year end. This practice would not change; the policy simply formalized the long-standing practice.

**Councilor Hawkinson moved to adopt the fund balance and reserve policy as presented. Councilor Mac Lean seconded the motion and it passed unanimously.**

Annually, North Star Bank is designated as the City's depository. They are an FDIC insured bank but must pledge collateral each year in the event the fund balance exceeds the insured amount. North Star Bank pledged two securities as collateral and they are being held in safekeeping with Wells Fargo.

**Councilor Mac Lean moved to approve the securities pledged by North Star Bank as collateral and approved their safekeeping at Wells Fargo. Councilor Hawkinson seconded the motion and it passed unanimously.**

Butkowski reviewed the preliminary agenda for the next meeting, which included: the annual police report by Chief Ohl, union contract, closed session with the city attorney regarding pending litigation, and a public hearing regarding the draft floodplain ordinance.

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**There being no further business on the council agenda, Councilor Hawkinson moved to adjourn the meeting. Councilor Mac Lean seconded the motion and it carried. The meeting adjourned at 7:47 p.m.**

Respectfully submitted,

Heather Butkowski  
City Administrator

**CITY OF LAUDERDALE**

**CLAIMS FOR APPROVAL**

**February 23, 2010 City Council Meeting**

<u>Payroll</u>	
02/19/10 Payroll: Direct Deposit # 500912-500924	\$9,073.68
02/19/10 Payroll: Payroll Liabilities, e-payments 429E-432E	\$7,054.17
<u>Vendor Claims</u>	
02/23/10: Check #'s 20077-20096	\$16,327.79
<b>SUBTOTAL</b>	
	<b>\$32,455.64</b>

<b>Total Claims for Approval</b>	<b>\$32,455.64</b>
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CITY OF LAUDERDALE

02/19/10 9:09 AM

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Payments

Current Period: FEBRUARY 2010

Batch Name	021910payrol	Computer Dollar Amt	\$7,054.17	Posted	
Payment					
Refer	1307 PERA	Ck#	000429E	2/19/2010	
Cash Payment	G 101-21704 PERA		2/19/10 payroll		\$1,468.44
Invoice					
Transaction Date	2/19/2010	Due 0	NORTH STAR CHEC 10100	Total	\$1,468.44
Refer	1308 ICMA RETIREMENT TRUST - 457	Ck#	000430E	2/19/2010	
Cash Payment	G 101-21705 ICMA RETIREMENT		2/19/10 payroll		\$1,688.08
Invoice					
Transaction Date	2/19/2010	Due 0	NORTH STAR CHEC 10100	Total	\$1,688.08
Refer	1309 NORTH STAR BANK, CHECKING S	Ck#	000431E	2/19/2010	
Cash Payment	G 101-21701 FEDERAL TAXES		02/19/10 payroll		\$876.68
Invoice					
Cash Payment	G 101-21703 FICA WITHHOLDING.		02/19/10 payroll		\$2,128.88
Invoice					
Transaction Date	2/19/2010	Due 0	NORTH STAR CHEC 10100	Total	\$3,005.56
Refer	1310 MN DEPARTMENT OF REVENUE	Ck#	000432E	2/19/2010	
Cash Payment	G 101-21702 STATE WITHHOLDING		02/19/10 payroll		\$892.09
Invoice					
Transaction Date	2/19/2010	Due 0	NORTH STAR CHEC 10100	Total	\$892.09
Fund Summary			BATCH Total		\$7,054.17
101	10100 NORTH STAR CHECKING				\$7,054.17
					\$7,054.17

Pre-Written Checks	\$7,054.17
Checks to be Generated by the Compute	\$0.00
Total	\$7,054.17

**CITY OF LAUDERDALE**

**\*Check Detail Register©**

FEBRUARY 2010

		Check Amt	Invoice	Comment
<b>10100 NORTH STAR CHECKING</b>				
Paid Chk#	020077	2/23/2010	CINTAS	
E 602-49100-425	CLOTHING	\$38.19		PW Clothing
E 601-49000-425	CLOTHING	\$38.19		PW Clothing
Total CINTAS		\$76.38		
Paid Chk#	020078	2/23/2010	CITY OF FALCON HEIGHTS	
E 101-42100-321	FIRE CALLS	\$877.36		01/10 Fire Calls
Total CITY OF FALCON HEIGHTS		\$877.36		
Paid Chk#	020079	2/23/2010	CROIX OIL	
E 602-49100-212	MOTOR FUELS	\$11.04		01/10 Motor Fuels
E 602-49100-212	MOTOR FUELS	\$9.83		02/10 Motor Fuels
E 101-43000-212	MOTOR FUELS	\$51.54		01/10 Motor Fuels
E 601-49000-212	MOTOR FUELS	\$11.04		01/10 Motor Fuels
E 601-49000-212	MOTOR FUELS	\$9.83		02/10 Motor Fuels
E 101-43000-212	MOTOR FUELS	\$45.87		02/10 Motor Fuels
Total CROIX OIL		\$139.15		
Paid Chk#	020080	2/23/2010	EUREKA RECYCLING	
E 203-50000-389	RECYCLING CONTRACTOR	\$2,086.27		01/10 Recycling Contract
Total EUREKA RECYCLING		\$2,086.27		
Paid Chk#	020081	2/23/2010	HAWKINSON, DENISE	
E 101-41100-331	TRAVEL EXPENSE	\$20.35		Misc. '09 Mileage
Total HAWKINSON, DENISE		\$20.35		
Paid Chk#	020082	2/23/2010	NORTH STAR BANK, PETTY	
E 101-41200-331	TRAVEL EXPENSE	\$2.00		Parking Meter - Mtg
E 101-43000-228	MISC REPAIRS MAINT SUPPLIE	\$6.43		Suburban Ace - ant traps
E 101-43400-203	POSTAGE	\$5.54		Postmaster - cert ltr
E 101-41100-201	GENERAL SUPPLIES	\$39.17		Office Max - dvd for cc mtgs
E 101-41200-201	GENERAL SUPPLIES	\$35.95		Office Max - Office Supplies
E 101-41200-308	TRAINING\CONFERENCES	\$15.00		HB - MNGFOA Luncheon
E 101-41200-308	TRAINING\CONFERENCES	\$10.00		JB - Suburban Rate Auth. Mtg
E 101-43400-203	POSTAGE	\$7.87		Postmaster - Cert ltr
E 101-41200-201	GENERAL SUPPLIES	\$20.44		Paint for Council Chambers
E 201-45600-375	WINTER EVENT	\$25.00		Rosedale 14 - Sculpture Winners
E 201-45600-375	WINTER EVENT	\$7.08		Party City - Stir Sticks
E 201-45600-375	WINTER EVENT	\$8.62		Rainbow - baggies
E 101-41200-355	MISC PRINTING/PROCESS SER	\$5.00		Falcon Heights - Copy Brochures (50)
E 201-45600-375	WINTER EVENT	\$25.00		Block Buster - Sculpture Contest
E 201-45600-375	WINTER EVENT	\$25.00		Cash for Medallion Winner
E 201-45600-375	WINTER EVENT	\$4.27		Ace - Spray Paint
Total NORTH STAR BANK, PETTY		\$242.37		
Paid Chk#	020083	2/23/2010	NORTH SUBURBAN ACCESS CORP	
E 202-49500-530	FURNITURE & EQUIPMENT	\$264.21		Council Chamber Upgrade (pt 2)

**CITY OF LAUDERDALE**  
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			Check Amt	Invoice	Comment
E 202-49500-327	OTHER SERV- SEWER/NPDES I		\$709.29		4q09 Webstreaming/Programming
<b>Total NORTH SUBURBAN ACCESS CORP</b>			<b>\$973.50</b>		
<hr/>					
Paid Chk# 020084	2/23/2010	<b>NORTH SUBURBAN COMMUNICATIONS</b>			
E 202-49500-329	CABLE FRANCHISE FEE		\$5,213.73		2010 Contribution to NSCC
<b>tal NORTH SUBURBAN COMMUNICATIONS</b>			<b>\$5,213.73</b>		
<hr/>					
Paid Chk# 020085	2/23/2010	<b>POSTMASTER - NEWSLETTER</b>			
E 101-41200-203	POSTAGE		\$450.00		2q10 Newsletter Postage
<b>Total POSTMASTER - NEWSLETTER</b>			<b>\$450.00</b>		
<hr/>					
Paid Chk# 020086	2/23/2010	<b>POSTMASTER - STAMPS</b>			
E 101-41200-203	POSTAGE		\$176.00		4 rolls of stamps
<b>Total POSTMASTER - STAMPS</b>			<b>\$176.00</b>		
<hr/>					
Paid Chk# 020087	2/23/2010	<b>PUBLIC EMPLOYEES INS PROGRAM</b>			
G 101-21706	HEALTH INSURANCE		\$1,394.03		03/10 Employees Insurance
<b>Total PUBLIC EMPLOYEES INS PROGRAM</b>			<b>\$1,394.03</b>		
<hr/>					
Paid Chk# 020088	2/23/2010	<b>RAMSEY COUNTY, PROP REC &amp; REV</b>			
E 101-43000-313	SNOW & ICE REMOVAL		\$1,871.74		01/10 Snow Plowing and Salting
G 101-21706	HEALTH INSURANCE		\$401.77		02/10 Health Insurance
E 101-41200-355	MISC PRINTING/PROCESS SER		\$25.00		02/10 Health Insurance
<b>Total RAMSEY COUNTY, PROP REC &amp; REV</b>			<b>\$2,298.51</b>		
<hr/>					
Paid Chk# 020089	2/23/2010	<b>SAM'S CLUB</b>			
E 201-45600-375	WINTER EVENT		\$48.95		cookies/smoes- Snow Commotion
E 101-41200-442	MISC		\$70.00		Annual Membership Dues
E 201-45600-379	HALLOWEEN EVENT		\$7.37		foil wrap
E 101-41200-440	MEETING EXPENSES		\$15.88		Coffee
<b>Total SAM'S CLUB</b>			<b>\$142.20</b>		
<hr/>					
Paid Chk# 020090	2/23/2010	<b>SPRINT PCS</b>			
E 101-43000-391	TELEPHONE/PAGERS		\$35.10		01/10 PW phone
E 602-49100-391	TELEPHONE/PAGERS		\$17.56		01/10 PW phone
E 601-49000-391	TELEPHONE/PAGERS		\$17.56		01/10 PW phone
<b>Total SPRINT PCS</b>			<b>\$70.22</b>		
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Paid Chk# 020091	2/23/2010	<b>ST PAUL REGIONAL WATER SERVICE</b>			
E 101-43000-382	WATER		\$13.79		4q09 Water Service - City Hall
E 101-45200-382	WATER		\$117.19		4q09 Water Service - Warming House
E 601-49000-382	WATER		\$13.79		4q09 Water Service - Public Works
<b>otal ST PAUL REGIONAL WATER SERVICE</b>			<b>\$144.77</b>		
<hr/>					
Paid Chk# 020092	2/23/2010	<b>SUBURBAN RATE AUTHORITY</b>			
E 101-41100-438	DUES & SUBSCRIPTIONS		\$200.00		1st half 2010 Dues - SRA
<b>Total SUBURBAN RATE AUTHORITY</b>			<b>\$200.00</b>		
<hr/>					
Paid Chk# 020093	2/23/2010	<b>TIM AND TOMS SPEEDY MARKET</b>			



**CITY OF LAUDERDALE**  
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			Check Amt	Invoice	Comment
E 101-41100-440	MEETING EXPENSES		\$49.98		Zoning Update Meeting
<b>Total TIM AND TOMS SPEEDY MARKET</b>			<b>\$49.98</b>		
<hr/>					
Paid Chk# 020094	2/23/2010	<b>XCEL ENERGY, CITY HALL</b>			
E 101-43000-383	GAS UTILITIES		\$463.55		01/10 CH Gas
E 101-43000-381	ELECTRIC		\$212.31		01/10 CH Electric
<b>Total XCEL ENERGY, CITY HALL</b>			<b>\$675.86</b>		
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Paid Chk# 020095	2/23/2010	<b>XCEL ENERGY, PARK &amp; GARAGE</b>			
E 101-43000-383	GAS UTILITIES		\$137.05		01/10 Gas - PW/WH
E 101-45200-383	GAS UTILITIES		\$137.05		01/10 Gas - PW/WH
E 101-43000-381	ELECTRIC		\$144.20		01/10 Electric - PW/WH
E 101-45200-381	ELECTRIC		\$144.21		01/10 Electric/Gas - PW/WH
<b>Total XCEL ENERGY, PARK &amp; GARAGE</b>			<b>\$562.51</b>		
<hr/>					
Paid Chk# 020096	2/23/2010	<b>XCEL ENERGY, STREET LIGHTING</b>			
E 101-43000-380	STREET LIGHT UTILITY		\$534.60		01/10 Street Lighting
<b>Total XCEL ENERGY, STREET LIGHTING</b>			<b>\$534.60</b>		
<hr/>					
<b>10100 NORTH STAR CHECKING</b>			<b>\$16,327.79</b>		

**Fund Summary**

	<b>10100 NORTH STAR CHECKING</b>	
101 GENERAL		\$7,735.97
201 COMMUNITY EVENTS		\$151.29
202 COMMUNICATIONS		\$6,187.23
203 RECYCLING		\$2,086.27
601 SEWER UTILITIES		\$90.41
602 STORM SEWER ENTERPRISE FUND		\$76.62
		<hr/>
		<b>\$16,327.79</b>

## LAUDERDALE COUNCIL ACTION FORM

### Action Requested

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

Meeting Date February 23, 2010

ITEM NUMBER   Floodplain Ordinance  

STAFF INITIAL   AB  

APPROVED BY ADMINISTRATOR

### DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Currently, Ramsey County is going through a floodplain mapping update with FEMA. This is the first time in 25 years. As part of this process they are making sure every city has adopted a floodplain management ordinance to remain eligible for the National Flood Insurance Program (NFIP). The City has been a member of NFIP since the 1970s, before the adoption of an ordinance was required to be a member. As a result, the City must adopt a floodplain ordinance to remain in the program.

As no floodplain is mapped within the City, the Council is asked to adopt a particular model ordinance. Without a mapped flood area, some may wonder why the city bothers adopting an ordinance. Simply put, flood insurance is increasingly a requirement of some mortgage lenders. There is no cost to the City to be a member of the program; it simply gives residents the opportunity to purchase flood insurance.

The City must adopt an ordinance yet this spring to remain in the program. If an ordinance is not adopted, the City will not be allowed into the program for a number of years. Tonight, however, is the public hearing portion of the ordinance adoption process. The Council simply needs to take comments. Notice of the meeting was published in the Roseville Review.

### OPTIONS:

### STAFF RECOMMENDATION:

### COUNCIL ACTION:

CITY OF LAUDERDALE

ORDINANCE NO. 10-0X

An Ordinance Adding Chapter 10-16 to the Code of Ordinances Regarding Floodplain Regulations.

The city council of the city of Lauderdale ordains as follows:

SECTION I. The Lauderdale City Code is amended by adding new Chapter 10-16 which shall read as follows:

FLOODPLAIN REGULATIONS

SECTION:

- 10-16-1 Definitions
- 10-16-2 Statutory Authorization
- 10-16-3 Statement of Purpose
- 10-16-4 Warning and Disclaimer of Liability
- 10-16-5 Permit Requirements
- 10-16-6 Permit Application
- 10-16-7 Duties of the Building Official
- 10-16-8 Review of the Permit Application
- 10-16-9 Subdivisions
- 10-16-10 Water Supply System
- 10-16-11 Sanitary Sewage and Water Disposal Systems
- 10-16-12 Penalty
- 10-16-13 Abrogation and Greater Restriction
- 10-16-14 Separability

**10-16-1 DEFINITIONS:**

*Development* means any man-made change to real estate, including but not limited to construction or reconstruction of buildings, installing manufactured homes or travel trailers, installing utilities, construction of roads or bridges, erection of levees, walls, or fences, drilling, mining, filling, dredging, and storage of materials.

*Flood* means a general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation or runoff of surface waters from any source.

*Floodplain* or *Flood Prone Area* means any land area susceptible to being inundated by water from any source (see Flood).

*Flood-proofing* means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Manufactured Home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities.

*New Construction* means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the City and includes any subsequent improvements to such structures.

*Special Flood Hazard Area* means the land in the floodplain within the City subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of this ordinance, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

*Structure* for floodplain management purposes, a walled and roofed building, including gas or liquid storage tanks, that is principally above ground. The term includes recreational vehicles and travel trailers on site for more than 180 days.

*Substantial Improvement* means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure regardless of the actual work performed. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a historic structure.

**10-16-2 STATUTORY AUTHORIZATION:** The legislature of the State has, in Minnesota Statutes, Chapter 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

**10-16-3 STATEMENT OF PURPOSE:**

A. The City of Lauderdale wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 44 CFR Part 60.3(a).

B. The City of Lauderdale wishes to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

**10-16-4 WARNING AND DISCLAIMER OF LIABILITY:** This ordinance does not imply that areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City or any officer or employee thereof for any flood damages which result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**10-16-5 PERMIT REQUIREMENTS:**

A. No person shall erect, construct, enlarge, alter, repair, improve, move, or demolish any building or structure without first obtaining a separate permit for each building or structure from the Building Official.

B. No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, fences, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained from the Building Official for each change.

C. No manufactured home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home from the Building Official.

**10-16-6 PERMIT APPLICATION:** To obtain a permit, the applicant shall first file a permit application on a form furnished for that purpose along with such fee as the city council may establish from time to time. The form must be completed and submitted to the Building Official before the issuance of a permit will be considered.

**10-16-7 DUTIES OF THE BUILDING OFFICIAL:**

- A. The Building Official is appointed as the person responsible for receiving applications and examining the plans and specifications for the proposed construction or development.
- B. After reviewing the application, the Building Official may require any additional measures which are necessary to meet the minimum requirements of this ordinance.
- C. The Building Official shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

**10-16-8 REVIEW OF THE PERMIT APPLICATION:** The Building Official shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) shall be:

- A. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
- B. Constructed with materials and utility equipment resistant to flood damage,
- C. Constructed by methods and practices that minimize flood damage, and
- D. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**10-16-9 SUBDIVISIONS:** The Building Official shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal shall be reviewed to assure that:

- A. All such proposals are consistent with the need to minimize flood damage within the flood prone area,
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

C. Adequate drainage is provided to reduce exposure of flood hazard.

**10-16-10 WATER SUPPLY SYSTEM:** St. Paul Regional Water Service shall require within flood prone areas, new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems.

**10-16-11 SANITARY SEWAGE AND WATER DISPOSAL SYSTEMS:** The Building Official shall require within flood prone areas:

A. New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and

B. On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

**10-16-12 PENALTY:** Any person who violates this ordinance shall upon conviction thereof be fined not less than twenty-five dollars (\$25.00) nor more than two-hundred dollars (\$200.00). A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**10-16-13 ABROGATION AND GREATER RESTRICTION:**

A. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restriction.

B. Where this Ordinance and other ordinances conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**10-16-14 SEPARABILITY:** The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

SECTION II. This ordinance shall be effective upon its adoption and publication.

Adopted by the city council of the city of Lauderdale this X<sup>th</sup> day of March, 20XX.

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Jeffrey Dains, Mayor

ATTEST:

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Heather Butkowski, City Administrator

Published in the Roseville Review this XX<sup>th</sup> day of March, 20XX.



**RESOLUTION NO. 120809X**

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

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE  
NO. 09-XX BY TITLE AND SUMMARY**

**WHEREAS**, the city council of the city of Lauderdale has adopted Ordinance No. 09-XX Adding New Section 10-16 to the Code of Ordinances Regarding Floodplain Regulations; and

**WHEREAS**, Ordinance No. 09-XX is approximately 6 pages in length; and

**WHEREAS**, Minnesota Statutes Section 412.191, subdivision 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

**WHEREAS**, the city council believes that the following summary would clearly inform the public of the intent and the effect of the Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the city council of the city of Lauderdale that the city administrator shall cause the following summary of Ordinance No. 09-XX of the city code to be published in the official newspaper in lieu of the entire Ordinance.

**PUBLIC NOTICE**

The city council of the city of Lauderdale has adopted Ordinance No. 09-XX, Adding New Section 10-6 to the Code of Ordinances Regarding Floodplain Regulations. Minnesota Statute, Chapter 462, delegates to local government units the responsibility to adopt regulations designed to minimize flood losses. The ordinance requires a review and permit process for any new or altered structures and changes to improved or unimproved real estate. The building official is responsible for issuing the permits and making sure they meet the minimum requirements of the floodplain ordinance. The ordinance also allows the city to remain an eligible member of the National Flood Insurance Program. The ordinance sets forth penalties that may be imposed in order to enforce the ordinance requirements.

Heather Butkowski, City Administrator

**BE IT FURTHER RESOLVED**, by the city council of the city of Lauderdale that the city administrator keeps a copy of the ordinance at city hall for public inspection.

Dated this 8<sup>th</sup> day of December, 2009.

APPROVED:

Jeffrey Dains, Mayor

ATTEST:

Heather Butkowski, City Administrator

(Roseville Review: December 15, 2009)

ACTION REQUESTED	LAUDERDALE COUNCIL
Consent _____	MEETING DATE February 23, 2010 _____
Special _____	
Public Hearing _____	ITEM NUMBER Resolution 022310A: A Resolution Authorizing Application for CDBG Funds for Playground Improvements
Report _____	
Discussion/Action <u>  X  </u>	STAFF INITIAL Jim _____
Resolution <u>  X  </u>	APPROVED BY ADMINISTRATOR _____
Work session _____	

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

Community Development Block Grant Funds are available from Ramsey County on a competitive application basis. The application requests \$125,506.97 in grant funds from Ramsey County to be used for playground improvements at the community park. The City Council must adopt a resolution authorizing the application for these grant funds.

The resolution and draft application for the grant is included in this packet.

**OPTIONS:**

- 1) Adopt Resolution
- 2) Do Not Adopt Resolution

**STAFF RECOMMENDATION:**

Adopt Resolution 022310A: A Resolution Authorizing Application for CDBG Funds for Playground Improvements at Lauderdale Community Park

**COUNCIL ACTION:**



**Ramsey County Funding Request Application    FY 2010**  
 CDBG and HOME Applications Due March 5, 2010 for Funding After July 1, 2010

**Applicant Information**

Legal Name of Applicant     City of Lauderdale, MN

Email Address             jim.bownik@ci.lauderdale.mn.us

Mailing Address           1891 Walnut Street

City                             Lauderdale

State                           MN

Zip                             55113

Contact Person           Jim Bownik

Title                           Assistant to the City Administrator

Telephone                 651-792-7656

Fax                             651-631-2066

Federal Tax ID#         41-6008728                     DUNS #

Project Type:     ERF     Multi-Family Rental Housing     Public Service     Other Community  
 Development

**Project Information**

Project Name                     Playground Improvements

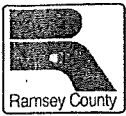
Project Location               Lauderdale Community Park, Roselawn Avenue & Pleasant Street

Ramsey County Funds Requested    \$125,506.97

Total Project Cost               \$125,506.97

Source/Status of Other Project Funds (Include all funds required to complete the project)

Source	Amount	Committed	Pending



**Ramsey County Funding Request Application    FY 2010**  
**CDBG and HOME Applications Due March 5, 2010 for Funding After July 1, 2010**

**GENERAL INSTRUCTIONS**

1. Multi Family Housing Projects should submit the MHFA Common Application with the Ramsey County Application. Information in the application may be pre- or post submission to Minnesota Housing.
2. Public Service Projects. CDBG funds may only be used for new or expanded social services. CDBG funds, by statute, may not be used to replace other funds. Awarded funds will be on a reimbursement basis based on a per client cost for each eligible client served.
3. Public Facilities and Other Non-Residential Construction Projects. Federal labor standards, hiring and procurement requirements may apply to your project. Please consult with program staff prior to initiating any binding construction activities.

**PROPOSAL SUBMISSIONS**

**Project Narrative:** (Describe the existing situation (need) and outcomes (impact) related to Ramsey County priorities listed in Attachment A.) 1) Provide a one paragraph summary that can be used to describe the project that will be used to introduce the project to elected officials and the public. 2) Provide additional detail describing the project on separate pages. Include the information requested below:

- A. **Beneficiary Information:** How will this project benefit low and moderate income residents of suburban Ramsey County communities? Please include the number of persons/households expected to benefit, household income levels, and method for verifying client income. Explain how the figures were calculated, including:
  - Estimated number of clients served
  - Estimated cost per client served
  - Describe any cost increases/decreases or other changes experienced over the past 24 months
 If direct benefit is not being achieved, describe how the project will meet the area benefit or presumed benefit test.
- B. **Implementation.** Describe previous experience with this type of activity or project. Have changes been made to reflect current housing market/economic conditions? Are other agencies/ organizations involved? How will successful performance be measured?

**Required Attachments**

1. Resolution of Governing Body (Required for local units of government; private and non-profit firms; organizations proposing a site-specific project must have a resolution of support from the applicable Ramsey County municipality.
2. Map identifying location of project, site maps and other illustrative material, as applicable.
3. Third-Party project cost estimates.
4. Certification of Federal Assistance (required for projects with other federal dollars).
5. Anticipated Implementation/Construction Schedule.
6. Proposed Draw Down Schedule (Ramsey County prefers to reimburse no frequently than monthly).
7. Written financial commitments from other sources.
8. Signed certification (may be submitted in other format)

**Certification**

*I certify that the statements and application requirements of this official proposal are correct and that this proposal contains no misrepresentation or falsifications, omissions or concealment of material facts and that the information given is true and complete to the best of my knowledge and belief, and that no bids have been awarded, contracts executed, or construction begun on the proposed project.*

Signature of Authorized Official: \_\_\_\_\_ Date: \_\_\_\_\_

## Project Narrative

The City of Lauderdale is a dense area of suburban Ramsey County containing a population of 2,322 people, 1140 households, and an employment base of 1,703, according to a 2008 estimate by the Metropolitan Council. 100% of the city qualifies for the low to moderate income census tract. Unallotments to Local Government Aid (LGA) of \$126,419 since December 2008 have delayed all planned capital improvement projects indefinitely since the beginning of 2009, including replacement of the city's aging playground at the city's only active recreation area. Other city services have been reduced as well, such as staffing and communications. A CDBG Grant will help the city and its residents minimize the impact of a sizeable economic hardship created by the loss of LGA.

Census Tract 420.02  
Block Group 2

The large play structure was purchased in 1994. The bridge on the large play structure broke in 2008 due to consistent use and corrosion. Replacement parts were not available from the manufacturer due to the age of the structure, so city staff ~~fixed and reattached~~ the bridge until the entire play structure can be replaced. The age of two swing sets and monkey bars are approximately 60 years old. They were transferred to the playground from their original location at the Lauderdale Elementary School, which closed in 1974. The two spring toys were purchased in 2003.

Multiple pieces of equipment have hazards in their use zones, according to a 2008 playground inspection by the League of Minnesota Cities Insurance Trust (LMCIT). The LMCIT recommended the city thoroughly examine the use zones and re-plan the playground layout. The city recently commissioned a new playground design that corrects these infractions.

The existing playground surface consists of pea gravel, which does not meet ADA compliance. The new playground design includes a wood fiber surface to correct this deficiency. A handicapped accessible swing is also included in the design.

Lauderdale's Community Park is a focal point of the community. It receives heavy use by residents year-round for a variety of recreational activities and events. The city has invested almost a quarter of a million dollars of its own funds in the following recent projects:

- 2007 - Reconstructing the tennis courts and basketball courts. Cost to city: \$175,000.
- 2008 - Establishment of a dog park. Cost to city: \$9,400.
- 2008 - Reconstructing the outdoor hockey rink to include a paved surface for recreational use in summer as well as winter. Cost to city: \$44,000.

Redevelopment of the playground is the next major improvement planned for the park. But along with all capital improvement projects in the city, it has been put on hold indefinitely due to LGA cuts. Before the impact of the LGA cuts, redevelopment of the playground was scheduled to begin in 2009 with replacement of all structures except the large play structure. In order to ease the impact on city fund balances, the large play structure was going to be considered for replacement in a separate year, beginning in 2011. A CDBG Grant for playground improvements will allow the city more flexibility with its limited resources.

RESOLUTION 022310A

CITY OF LAUDERDALE  
COUNTY OF RAMSEY  
STATE OF MINNESOTA

A RESOLUTION AUTHORIZING APPLICATION FOR COMMUNITY  
DEVELOPMENT BLOCK GRANT FUNDS FOR THE PLAYGROUND  
IMPROVEMENTS AT LAUDERDALE COMMUNITY PARK

WHEREAS, the Playground Improvements at Lauderdale Community Park were planned capital improvements for 2009; and

WHEREAS, the City of Lauderdale has limited financial resources to fund capital improvements due to cuts in Local Government Aid; and

WHEREAS, the proposed playground improvements will improve the quality of life in the City of Lauderdale, and directly benefit those impacted by the recession; and

WHEREAS, the entire City of Lauderdale qualifies for the low to moderate income census tract; and

WHEREAS, the City of Lauderdale is requesting \$125,506.97 in CDBG funds for the improvements.

NOW, THEREFORE BE IT RESOLVED, the City of Lauderdale supports the application for CDBG funds from Ramsey County for the Playground Improvements at Lauderdale Community Park.

Adopted by the City Council of the City of Lauderdale, Minnesota this 23rd day of February, 2010.

(ATTEST)

\_\_\_\_\_  
Jeffrey E. Dains, Mayor

(SEAL)

\_\_\_\_\_  
Heather Butkowski, City Administrator

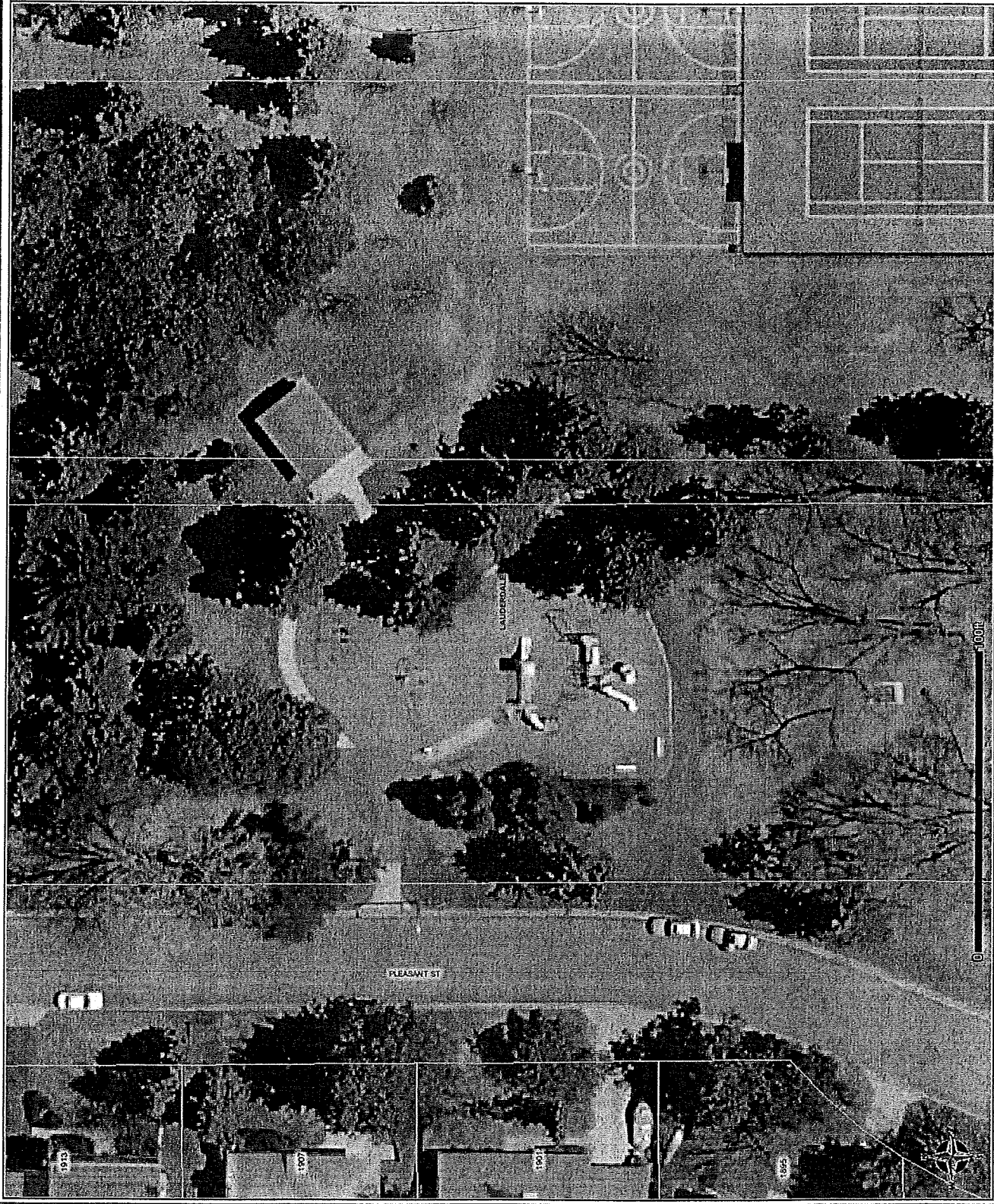




- Municipalities
- Road Centerlines (County)
- County Road
- Interstate Hwy
- State Hwy
- Roads
- Water
- Structures
- Parcel Polygons
- 2009 Color Aerials
- Highway Shields
- Street Name Labels

2009  
Aerial  
Imagery

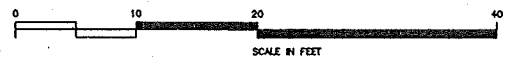
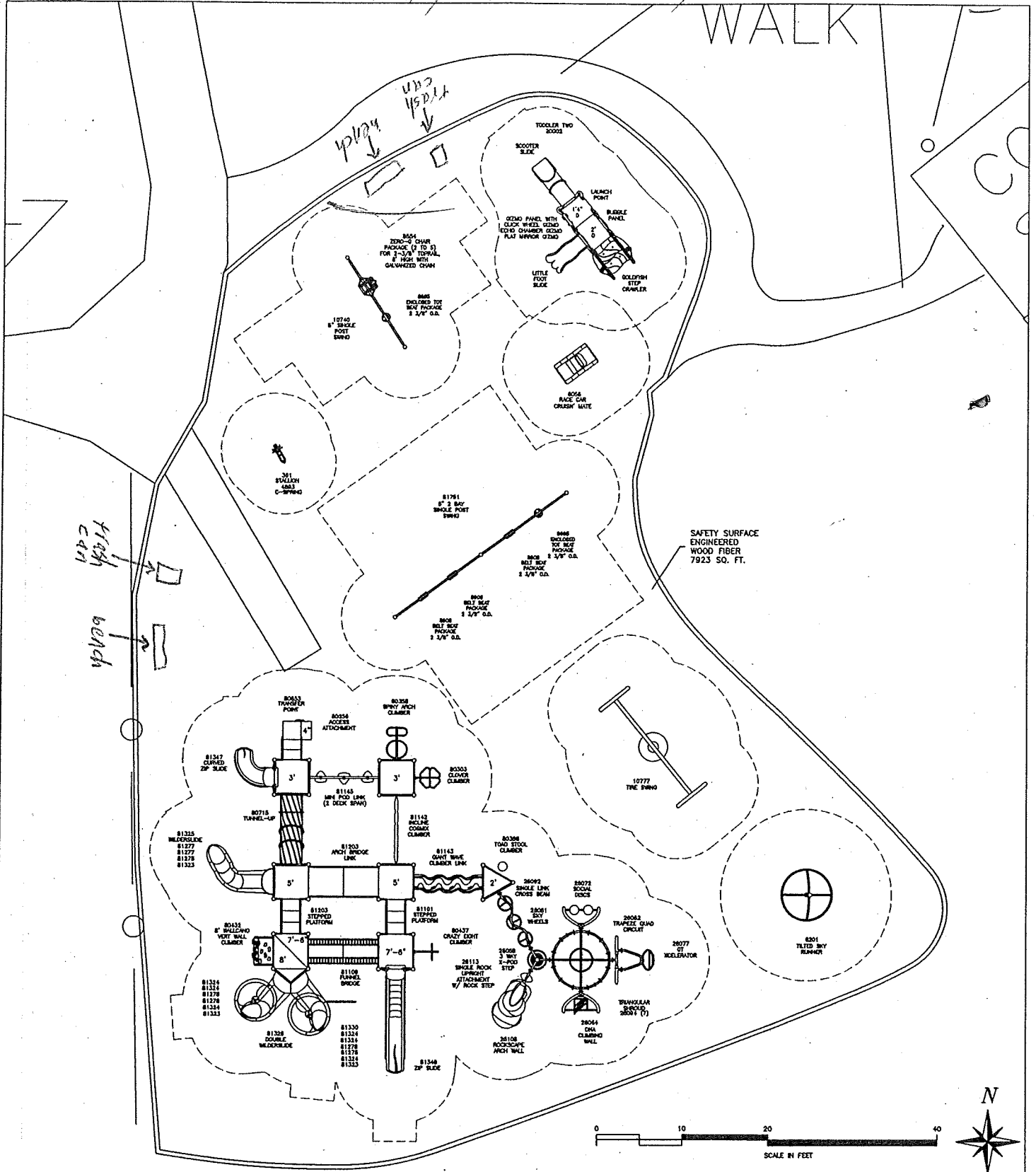
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+




DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (January 4, 2010), The Lawrence Group (January 4, 2010) for County parcel and property records data; January 2010 for commercial and residential data; April 2009 for color aerial imagery. All

# 2010 Playground Design



Mfg. By:  
**GameTime**  
 Enriching Childhood Through Play.

Sold & Distributed By:  
 **Minnesota Wisconsin PLAYGROUND**

PO Box 27328 - Golden Valley, MN 55427  
 763.546.7787 1.800.622.5425  
 FAX 763.546.5050  
 E-Mail info@mnnwplay.com

**Community Park**  
**Lauderdale, Minnesota**  
 SCALE: 1" = 15'-0" 1/19/10 Dwg. No. D4594H

01/29/2010

**Community Park D4594H1**

City of Lauderdale  
Attn: Jim Bownik  
1891 Walnut St.  
Lauderdale, MN 55113  
Phone: 651-792-7650

Ship To Zip: 55113

Quantity	Part #	Description
1	391	GameTime - Stallion Only
1	4893	GameTime - "C"Spring-Loose Fill
1	6056	GameTime - Race Car Saddlemate
1	6201	GameTime - Tilted Sky Runner (F/S)
1	8554	GameTime - 2 3/8" Zero-G Chair (2-5)-Galv Chain
2	8695	GameTime - Encl Tot Seat 2 3/8"-8695
3	8908	GameTime - Belt Seat 2 3/8"Od(8908)
1	10740	GameTime - Single Post Swing F/S, 5" Od
1	10777	GameTime - Tire Swing F/S, 5" Od
1	20002	GameTime - Toddler 2
1	26058	GameTime - 3 Way X-Pod Step
1	26062	GameTime - Trapeze Quad Circuit
1	26064	GameTime - DNA Climbing Wall Attachment
1	26072	GameTime - Social Discs Attachment
1	26077	GameTime - Xcelerator
1	26081	GameTime - Sky Wheels
1	26092	GameTime - PS Plus Single Link Cross Beam
7	26094	GameTime - Triangular Shroud
1	26108	GameTime - RockScape Arch Wall
1	26113	GameTime - Single Rock Upright w/Rock Step
5	80000	GameTime - 49" Sq Punched Steel Deck
1	80001	GameTime - 49"Tri Punched Steel Deck
3	80016	GameTime - 9' Upright Assembly (alum)
2	80017	GameTime - 10' Upright Assembly (alum)
6	80018	GameTime - 11' Upright Assembly (alum)
4	80019	GameTime - 12' Upright Assembly (alum)
2	80020	GameTime - 13' Upright Assembly (alum)
6	80021	GameTime - 14' Upright Assembly (alum)
1	80078	GameTime - 6"Stepped Platform
1	80303	GameTime - 3'-0"/3'-6"Clover Climber
1	80358	GameTime - 3'-0"/3'-6"Spiny Arch

01/29/2010

**Community Park D4594H1**

Quantity	Part #	Description
1	80386	GameTime - Toad Stool Climber
1	80432	GameTime - 8' Flat Wall Attachment
1	80437	GameTime - 7' Crazy Eight Climber
1	80653	GameTime - 3'-0" Transfer Point
1	80656	GameTime - Access Attachment 3' & 4'
1	80715	GameTime - 8" Tunnel-Up
1	81101	GameTime - Arch Bridge-98" Link
1	81109	GameTime - Funnel Bridge-98"
1	81142	GameTime - Incline Cosmix Center
1	81143	GameTime - Giant Wave Climbe Link
1	81145	GameTime - Mini Pod Link, Dbl
2	81203	GameTime - 2'-6" Stepped Platform
1	81275	GameTime - Wildslide Straight Sec
2	81277	GameTime - Wildslide Right Curve
4	81278	GameTime - Wildslide 3' Support
3	81323	GameTime - 1' Wildslide Exit Section
6	81324	GameTime - Wildslide 135 Deg Section
1	81325	GameTime - Wildslide Entrance Section
1	81326	GameTime - Wildslide Dbl Entrance Section
1	81330	GameTime - Wildslide Outrigger
1	81347	GameTime - 3' Curved Zip Slide
1	81349	GameTime - 7'-6"/8' Zip Slide
1	81751	GameTime - Single Post Swing, Two Bay
2	G80021	GameTime - 14' Upright Assembly (galv)
1	178749	GameTime - Owner's Kit
2	28009	GameTime - 6' P/S Bench W/Back Inground
2	CTCR30PH	GameTime - Concrete Trash Container
7	161292	GameTime - Wear Mat 44" X 48"
5	161290	GameTime - Geo-Textile 2250 Sq Ft Roll
1	GTImpax	GameTime - Wood Fiber @ 12" depth 7923 SF
1	INSTALL	GameTime - Install play equipment & wood fiber per plan D4594H1

**Total Amount: \$125,506.97**

# City of Lauderdale

*The Island in the Metro*

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

## PLAYGROUND IMPROVEMENTS TO LAUDERDALE COMMUNITY PARK

### Anticipated Construction Schedule

Description: Mobilization, remove all existing equipment including the large play structure, swing sets, monkey bars, spring toys, and benches, remove existing pea gravel, excavation, site grading

Completion Date: June 11, 2010

Description: Install new equipment by certified installers including the large play structure, tilted sky runner, tire swing, two swing sets, two spring toys, two benches, two garbage cans, and a tot play structure

Completion Date: July 2, 2010

Description: Place granular borrow and drain tile (depending on soil conditions), geotextile fabric, and approximately 7923 Sq. Ft. ADA compliant engineered wood fiber

Completion Date: July 16, 2010

### Proposed Draw Down Schedule

The City anticipates one request for reimbursement at the time of project completion, which is estimated to be July 16, 2010.

## LAUDERDALE COUNCIL ACTION FORM

### Action Requested

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

Meeting Date February 23, 2010  
 ITEM NUMBER 14A - Broadband  
 STAFF INITIAL AS  
 APPROVED BY ADMINISTRATOR \_\_\_\_\_

### DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Let me start by saying this issue will be confusing, but no decision needs to be made tonight.

**Issue:** The federal stimulus package make over 7 billion dollars available for expanding broadband technology (fiber). Two government consortiums in Ramsey County have been working with private partners to submit a grant application and both may approach the city for support.

**History:** About a year ago, the Metro-INET group (the group of 20 cities that use Roseville IT) was approached by American Fiber Systems (AFS) to support an AFS application to fund a private fiber optic network throughout the north east metro area. AFS is a privately held company that builds fiber based networks and leases capacity to telephone companies and large businesses. AFS currently operates a fiber optic network in St. Paul and 6 other metropolitan areas across the United State. But before the grant could be completed, the project manager from AFS died and the application could not be completed before the deadline. Recently, AFS spoke to the Metro-INET group about moving ahead on an application for the second round of stimulus funding. One of the requirements of the grant is to develop public/private partnerships with an emphasis on schools and libraries, colleges and universities, health care, and public safety. Metro-INET currently includes 32 police and fire stations throughout Ramsey, Hennepin, Anoka, and Washington County. AFS identified Metro-INET as a key partner in the development and submission of a grant. AFS has proposed to provide the consortium access to the fiber optic network on terms and conditions that are reasonable in exchange for public support of their application. It is expected that the City would receive capacity comparable to the current INET under the grant. The term of the grant would be 30 years with an automatic renewal of an additional 30 years. AFS is the applicant of the federal grant. The member cities of Metro-INET would only submit a statement of needs and pledge of support of the grant.

More recently, Ramsey County and St. Paul have been working with a private broadband company partner on the same grant application. Unlike the suburban cities (which are connected to each other through a free institutional network provided by Comcast) Ramsey County and St. Paul have to pay for all of their connectivity and internet access. They are asking their private partner to provide the 30% funding match and turn over half of the fiber they lay to the county and its partners. The county wants to own the fiber collectively with Ramsey County cities through a joint powers board.

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

**Lauderdale Impact:** There are a number of unknowns. I have been trying to understand the two most important things: cost and Lauderdale's proximity to the proposed fiber networks.

AFS has reiterated their proposal will not cost participating cities anything and the maintenance cost is reasonable according to Terre Heiser (Metro-INET manager). Ramsey County's proposal will cost the city something each year for maintenance, but the cost and distribution of the cost is unknown.

The other issue is proximity to the fiber. AFS already has fiber along Larpenteur Avenue. I would suggest conditioning Lauderdale's support for their project on the ability to connect to their existing fiber under the same terms and conditions as other Metro-INET cities connecting to the new fiber. The County has not yet mapped a fiber route, so I don't know how close the fiber will be to Lauderdale. We aren't near any county buildings, so I don't anticipate the most cost-effective route will include Lauderdale.

**STAFF RECOMMENDATION:**

Discuss the issue. Let staff know what questions you need answered. Wait to see what happens between now and the next council meeting.



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

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Case Type: Other Civil  
Court File No: 62-CV-09-5832

Harvey and Jeanette Skow,

Plaintiffs,

**DEFENDANT'S ANSWERS TO  
PLAINTIFFS' FIRST SET OF  
INTERROGATORIES  
AND REQUEST FOR  
PRODUCTION OF DOCUMENTS**

vs.

The City of Lauderdale,

Defendant.

-----

Defendant City of Lauderdale ("Defendant"), for its answers to Plaintiffs' Interrogatories, state and allege as follows:

**GENERAL OBJECTIONS**

Defendant objects generally to each Interrogatory to the extent and on the grounds set forth below:

A. To the extent that an interrogatory calls for information or documents concerning attorney-client or otherwise privileged or confidential communications, neither the subject matter of such communications, nor the documents which relate thereto, are subject to discovery.

B. To the extent that an interrogatory calls for information or documents prepared in anticipation of litigation or for trial, demands for such information or documents are premature and unreasonably burdensome until such time as Plaintiffs have had discovery with respect to other materials or documents, and, on the basis of such discovery, Plaintiffs make the showing required by Rule 26 of the Minnesota Rules of Civil Procedure, i.e., that Plaintiffs have substantial need of the documents and materials in preparation of its case and that Plaintiffs are

2. Rick Getchow, Brian Heck and Heather Butkowski

These individuals have served as City Administrator for the City at relevant times both before and during the current dispute with Plaintiffs. They would have general knowledge of Plaintiffs' complaints concerning the reconstruction of the alley behind Plaintiffs' residence as well as historical information concerning actions taken by the City with regard to the alley and Plaintiffs' property.

3. Dave Hinrichs and Joe Hughes

These individuals are public work employees for the City of Lauderdale and have personal knowledge of the condition of the alley both before and after the City's improvement project in 2002. They are also responsible for the maintenance of the alley at all times relevant to this proceeding.

4. Tom Kellogg

Tom Kellogg is the City's engineer and was involved in the 2002 improvement project for the alley in question. As an engineer, Mr. Kellogg would have expert knowledge with regard to grading, lateral support issues and the specific improvements made to the alley adjacent to Plaintiffs' property. Mr. Kellogg also has personal knowledge of Mr. Skow's complaints and the City's response thereto.

5. Jerry Dempsey

Jerry Dempsey was the onsite inspector employed by Bonestroo for the alley improvement project in 2002. Mr. Dempsey would have personal knowledge of the improvements made to the alley as well as condition of the adjacent property both before and after the improvements were completed.

6. Regina Krueger

Regina Krueger lives adjacent to the Skows' property and would have personal knowledge as to the condition of the alley and property both before and after the 2002 alley improvements.

7. Duane Schwartz

Duane Schwartz is currently a public works employee for the City of Roseville and the onsite inspector for the designer of the Roselawn improvement project adjacent to Plaintiffs' property.

1. August 31, 2005 -- Email from Plaintiff to Brian Bakken-Heck re: street and alley improvements to Property.
2. May 24, 2006 -- Email to Plaintiff from Brian Bakken-Heck re: rear yard fence issues.
3. October 12, 2006 -- Letter to City from Plaintiff re: proposed resolution.
4. October 27, 2006 -- Letter from Brian Heck to Plaintiff regarding Kellogg Memo.
5. October 30, 2006 -- Email from Plaintiff to Tom Kellogg re: August 29 letter to City.
6. November 7, 2006 -- Email from Plaintiff to City Council re: Ramsey Co. Online Maps & Data.
7. November 22, 2006 -- Email from Plaintiff to City Council re: suggested proposal for Property issues.
8. December 7, 2006 -- Email from Plaintiff to City Council re: ordinance prohibiting structures.
9. December 7, 2006 -- Email from Plaintiff to Brian Heck re: City Code chapters.
10. December 7, 2006 -- Email from Plaintiff to Brian Heck re: definitions for right of lateral support.
11. January 9, 2007 -- Document from Plaintiff to City Council re: permit fees and ROW rates.
12. January 15, 2007 -- Email from Plaintiff to City Council re: 1/15/07 obstruction.
13. January 21, 2007 -- Email from Plaintiff to City Council re: lateral support delay.
14. January 23, 2007 -- Email from Plaintiff to City Council re: retaining walls in ROW.
15. February 14, 2007 -- Email from Plaintiff to City Council w/letter to mayor attached.
16. February 16, 2007 -- Email from Plaintiff to Brian Heck re: City Attorney attached letter.
17. February 25, 2007 -- Letter from City to Plaintiff re: City Council actions.
18. February 25, 2007 -- Letter from Plaintiff to Mayor.
19. March 4, 2007 -- Email from Plaintiff to City Council re: letter w/graphics re: alleyway.
20. March 9, 2007 -- Letter from City to Plaintiff re: claims for encroachment and drainage.
21. March 12, 2007 -- Email from Plaintiff to City Council re: letter to City Administrator re: retaining wall replacement (attached).
22. March 13, 2007 -- Email from Karen Gill-Gerbig to Plaintiff re: constitutional rights.
23. March 26, 2007 -- Letter from City to Plaintiff re: restoration of retaining wall.
24. March 29, 2007 -- Email from Plaintiff to Brian Heck re: 3/29/07 letter (attached).
25. March 30, 2007 -- Letter from City to Plaintiff re: proposal and agreement.
26. April 4, 2007 -- Email from Plaintiff to Brian Heck re: 4/4/07 letter (attached).
27. April 15, 2007 -- Letter from City to Plaintiff re: retaining wall.
28. April 22, 2007 -- Email from Plaintiff to City Council re: City Administrator annual review.
29. April 24, 2007 -- Email and letter from Plaintiff to City Council re: "deal

City Council.

6. Describe the maintenance performed by the City in the alley for the five years prior to 2002, including type of maintenance performed and frequency.

**ANSWER:** Public works employees of the City generally graded the alley as needed to eliminate ruts and tire track marks. In addition, snow was plowed from the alley by the same public works employees as needed during the winter time. Finally, vegetation was also cleared from the alley to the extent it extended into right-of-way and/or interfered with the use of the alley.

7. Describe any actions taken by the City which it claims mitigate its damages in any way. Include dates, costs, parties, and any other supporting information.

**ANSWER:** The City objects to Interrogatory No. 7 to the extent it calls for a legal conclusion or interpretation of the facts. Notwithstanding the foregoing objection and without waiving it, the City initially constructed a dirt berm along the alley adjacent to the Skows' property to reduce the amount of drainage onto their property. It was subsequently replaced with an asphalt berm after the initial dirt berm was driven over by the Skows. The foregoing berms were constructed in 2003 by City employees.

8. Identify where the City believes Plaintiff's retaining wall was located, prior to its removal during the 2002 alley improvement project.

**ANSWER:** The base of the retaining wall was located at or just inside the City's right-of-way for the alley. The retaining wall leaned to the west and extended significantly into the right-of-way.

B. To the extent that a request calls for information or documents prepared in anticipation of litigation or for trial, demands for such information or documents are premature and unreasonably burdensome until such time as Plaintiffs have had discovery with respect to other materials or documents, and, on the basis of such discovery, Plaintiffs make the showing required by Rule 26 of the Minnesota Rules of Civil Procedure, i.e., that Plaintiffs have substantial need of the documents and materials in preparation of its case and that Plaintiffs are unable, without undue hardship, to obtain the substantial equivalent of the documents or materials, or the information contained therein, by other means.

C. Defendant objects generally to Plaintiff's document requests to the extent they require legal conclusions on the part of Defendant.

D. Defendant objects generally to Plaintiff's document requests to the extent they are repetitive and constitute multiple requests for the same documents.

E. Defendant objects to Plaintiffs' definitions to the extent they go beyond the requirements imposed by the Minnesota Rules of Civil Procedure.

These General Objections are incorporated into, and are not waived by, the following responses:

#### **DOCUMENT REQUESTS**

1. All documents mentioned or identified in your answers to the interrogatories above.

**RESPONSE:** All documents mentioned or identified in the City's answers to the interrogatories above are attached hereto as Exhibit A.

2. All documents that constitute, explain, describe, or in any way relate to Defendant's defenses or the allegations in Defendant's Answer to Plaintiff's Complaint.

Dated: February \_\_, 2010

**CITY OF LAUDERDALE**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MINNESOTA    )  
                                  ) ss.  
COUNTY OF RAMSEY    )

Subscribed and sworn to before me  
this \_\_\_\_ day of February, 2010.

\_\_\_\_\_  
Notary Public

**AS TO FORM AND/OR OBJECTIONS:**

Dated: February \_\_, 2010

**KENNEDY & GRAVEN CHARTERED**

By \_\_\_\_\_  
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470 U.S. Bank Plaza  
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Minneapolis, MN 55402  
(612) 337-9300

**ATTORNEYS FOR DEFENDANT  
CITY OF LAUDERDALE**