

**LAUDERDALE CITY COUNCIL MEETING AGENDA
TUESDAY, APRIL 28, 2009
7:30 P.M. CITY HALL
1891 WALNUT STREET**

FILE

1. ROLL CALL
2. APPROVAL OF THE AGENDA
3. APPROVALS
 - a. Minutes of the April 14, 2009, City Council Meeting
 - b. Claims totaling \$39,529.41
4. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL
5. CONSENT
 - a. Accept Planter Donations from Gary Sax, Sax Antiques and Ornamental Concrete
 - b. 2009 Rental Housing Licenses
 - c. First Quarter Investment Report
 - d. Appoint Monica Gallagher to PCIC
 - e. Acceptance of Dog Park Donations
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 in to the decision.
8. REPORTS
 - a. Audit Presentation by Andy Berg of Abdo, Eick, and Meyers
 - b. Discussion with Rep. Mindy Greiling and Senator John Marty
 - c. Update on Road Construction Projects
9. DISCUSSION / ACTION
 - a. Appeal of Home Occupation Permit Decision for 1801 Eustis Street
 - b. Approve 2008 Audited Financial Statements
 - c. Quote from City Auditor to Calculate the Other Postemployment Benefits (OPFB)
 - d. Election Ordinance Update
 - e. 2010 – 2012 Police Contract
10. ITEMS REMOVED FROM THE CONSENT AGENDA
11. ADDITIONAL ITEMS
12. SET AGENDA FOR NEXT MEETING
 - a. Erosion Control & Illicit Discharge Ordinances
 - b. Citizens' Academy Graduation
 - c. Roseville Sanitary Sewer Agreement
13. WORK SESSION
 - a. Follow Up to Resident Requests for Dog Park Improvements
14. ADJOURN

April 14, 2009

Mayor Dains called the meeting to order at 7:30 p.m.

Councillors present: Karen Doherty, Clay Christensen, Lara Mac Lean, Denise Hawkinson, and Mayor Jeff Dains.

Staff present: Heather Butkowski, City Administrator; Jim Bownik, Assistant to the City Administrator.

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

Councillor Doherty moved approval of the March 24, 2009, City Council meeting minutes. Councillor Christensen seconded the motion and it passed unanimously.

Mayor Dains asked the councillors if they had questions regarding the claims. There being none, **Councillor Hawkinson moved approval of the claims totaling \$90,841.35. Councillor Mac Lean seconded the motion and it passed unanimously.**

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

Lauderdale residents Jean Blat and Leslie Kratz addressed the Council regarding the dog park. They recommended the Council consider an alternative surface for the dog park as it alternates between muddy and dusty. Based on their research, they recommended laying woodchips over a black dirt base. They also suggested setting up a communication method with dog park users.

Council members explained their budget concerns and the need to evaluate the impact of laying woodchips in the area. The Council asked Blat and Kratz to put the request in writing for the next council meeting.

Councillor Mac Lean moved the consent agenda approving a rental housing application, park use application, and cancellation of the copier maintenance agreement. Councillor Doherty seconded the motion and it passed unanimously.

Butkowski introduced the annual stormwater pollution prevention program (SWPPP) permit. The SWPPP is comprised of 55 best management practices the City undertakes to fulfill the requirements of the City's MS4 – municipal separate storm sewer system which is a part of the SWPPP. She said the public hearing is held annually to fulfill the requirements of the SWPPP. The SWPPP is comprised of 55 best management practices the City undertakes to

LAUDERDALE CITY COUNCIL
MEETING MINUTES

Lauderdale City Hall
1891 Walnut Street
Lauderdale, MN 55113

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improve the water quality of the area. She explained each of the six programming areas and how the City is meeting its obligations. She further explained the City would report to the MPCa on the 2008 program before the end of June.

The Mayor opened the public hearing regarding the City's SWPPP at 8:05 p.m. Larry Lambert, 1803 Eustis Street, addressed the Council. He asked whether lawn sprinkling that drained into the street was a violation of the SWPPP. Butkowski responded that she did not believe so but would evaluate the question when the City prepared its illicit discharge ordinance.

The Mayor closed the public hear at 8:07 p.m.

Butkowski updated the Council on the status of area road projects. While Mn/DOT held an open house at City Hall the week prior, they said they anticipated westbound Larpenteur would be reopened for a couple of weeks as Xcel Energy's project is wrapping up. As Mn/DOT will improve the Como Avenue and Broadway Drive intersections first, they do not anticipate closing Larpenteur until mid-May. Additionally, Mn/DOT said St. Paul agreed to post no parking at the Eustis/Como intersection due to the truck traffic and they are working with the City of Minneapolis on the timing of the East Hennepin/29th Street traffic lights.

Katrina Joseph, the City's prosecuting attorney, presented Hughes & Costello's plans to dissolve and the reorganization of the Costello portion of the firm with the law firm of Anderson, Helgen, Davis, and Nissen. She said the service and fees would remain the same.

Councilor Hawkinson moved to approve the transfer of prosecuting services from Hughes & Costello to Anderson, Helgen, Davis and Nissen. Councilor Mac Lean seconded the motion and it passed unanimously.

The next agenda item was an appeal by the owners of 1801 Eustis Street regarding their denial of a home occupation permit. As they were unable to attend the meeting, they asked the Council to consider hearing the appeal at the next meeting. The Councilors agreed to hear them at the next meeting but also expressed their concern in allowing a commercial property to operate in the residential area. Council directed staff to prepare a findings-of-fact resolution denying the home occupation permit based upon the city attorney's recommendation to consider at the next meeting.

Councilor Hawkinson moved to direct staff to draft a findings-of-fact resolution denying the home occupation permit for the April 28 city council meeting. Councilor Doherty seconded the motion and it passed unanimously.

Butkowski presented the quotes from Bonestroo for an illicit discharge ordinance, updates to the existing stormwater management ordinance, and production of an impaired waters review. These are all requirements of the City's SWPPP (Stormwater Pollution Prevention Program.)

Councilor Christensen moved to approve the memorandum/quote for ordinance revisions and an impaired waters review as presented. Councilor Mac Lean seconded the motion and it passed unanimously.

The Council took a break from 8:35 to 8:42 p.m.

Karen Gill-Gerbig, the City's representative to the Mississippi Watershed Management Organization (MWMO) addressed the Council. She provided an update on the MWMO's activities and programs. She said a lot of work was being done to evaluate the surface water in the state to determine the level of pollution as a first step to cleaning up lakes and rivers. She encouraged the City to apply for grants for stormwater projects throughout the City even though the whole City is not within the MWMO area. The Council thanked Gill-Gerbig for her service to the City as the MWMO representative.

The Mayor acknowledged the list of agenda items for the next meeting which includes the annual presentation by the city auditor, a quote from the auditor to calculate the City's OPFB per GASB 45, discussions with state representative Mindy Greiling and state senator John Marty, the stormwater ordinance revisions, the 2010-2012 police contracts, and a sanitary sewer agreement with the City of Roseville.

Mayor Dains explained the Council was moving into the work session. Work sessions are a continuation of the meetings but not aired on community television.

The Council discussed two items related to elections. The Mayor asked staff to determine with Ramsey County Elections whether and when the City could move to even-year elections if the City Council wished to do so. Ramsey County Election Manager, Joe Mansky, provided staff with the relevant statute and explained by email that the Council could do that if an ordinance describing the transition process could be adopted by June 1, 2009. Mansky said the simplest process would be to extend the term of each councilor and the mayor by one year.

The Council discussed the implications of this. The Mayor said he always supported the odd-year elections to keep big election politics out of local elections but the cost savings are significant. The councilors discussed whether they would be willing to continuing serving an extra year. They generally agreed they would be willing. With limited notice, the councilors were concerned about getting out notice of the ordinance change and the

change in the election schedule. Staff said they would bring recommendations to the next meeting.

Butkowski said staff planned to bring a resolution authorizing an absentee ballot board to the Council in the near future. An absentee ballot board allows election judges to evaluate absentee ballots in advance of an election to save time on election night and to notify voters who may have completed their voting materials incorrectly.

The City Council then discussed the proposed police contract. Butkowski provided the Council a letter drafted by the Falcon Heights city administrator requesting a reduction in the cost of the contract. Butkowski wanted to know whether the letter also represented the Council's interest. The Council felt it did and said staff should notify Falcon Heights that they agreed with the letter.

The Council also directed staff to request language within the contract that would allow for a renegotiation of the police contract if budget constraints impacted the ability to pay for the same level of police services.

There being no further business on the council agenda, Councilor Doherty moved to adjourn the meeting. Councilor Christensen seconded the motion and it carried. The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Heather Butkowski
City Administrator

**CITY OF LAUDERDALE
CLAIMS FOR APPROVAL
April 28, 2009 City Council Meeting**

Total Claims for Approval	\$39,529.41
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	Payroll 4/17/09 Payroll: Direct Deposit # 500739-500748 4/17/09 Payroll: Payroll Liabilities, e-payments 348E-351E \$7,970.87
	Vendor Claims 4/28/09: Check #s 19670-19685 \$25,435.43
	208 4251

CITY OF LAUDERDALE

Paid Register

Check Number	Employee Number	Employee Name	Pay Period	Pay Group	Check Amount	Check Date	Status
500746	000000002	HINRICHS, DAVID C	8	BI-WEEKLY	\$1,066.34		Outstanding
500747	000000005	HUGHES, JOSEPH A	8	BI-WEEKLY	\$1,788.32		Outstanding
500743	000000010	DAINS, JEFFREY	8	BI-WEEKLY	\$276.95		Outstanding
500739	000000011	BOWNIK, JAMES	8	BI-WEEKLY	\$1,494.42		Outstanding
500742	000000014	CHRISTENSEN, CLAY	8	BI-WEEKLY	\$184.70		Outstanding
500744	000000004	DOHERTY, KAREN	8	BI-WEEKLY	\$184.70		Outstanding
500740	000000007	BUTKOWSKI-HINRICHS, HE	8	BI-WEEKLY	\$1,713.19		Outstanding
500745	000000041	HAWKINSON, DENISE	8	BI-WEEKLY	\$184.70		Outstanding
500748	000000013	MAC LEAN, LARA	8	BI-WEEKLY	\$184.70		Outstanding
500741	000000017	CALLAHAN, COLLEEN	8	BI-WEEKLY	\$892.85		Outstanding
					<u>\$7,970.87</u>		

500741
500742
500743
500744
500745
500746
500747
500748
500749
500750

CITY OF LAUDERDALE

Payments

Current Period: APRIL 2009

Batch Name 041709pyroll Payment Computer Dollar Amt \$6,123.11 Posted

821 MN DEPARTMENT OF REVENUE Ck# 000348E 4/17/2009
Cash Payment G 101-21702 STATE WITHHOLDING 4/09 State Withholding \$824.67

Transaction Date 4/17/2009 Due 0 NORTH STAR CHEC 10100 Total \$824.67

Refer 822 PERA Ck# 000349E 4/17/2009
Cash Payment G 101-21704 PERA 4/17/09 Payroll \$1,356.02

Transaction Date 4/17/2009 Due 0 NORTH STAR CHEC 10100 Total \$1,356.02

Refer 823 ICMA RETIREMENT TRUST - 457 Ck# 000350E 4/17/2009
Cash Payment G 101-21705 ICMA RETIREMENT 4/17/09 Payroll \$1,303.08

Transaction Date 4/17/2009 Due 0 NORTH STAR CHEC 10100 Total \$1,303.08

Refer 824 NORTH STAR BANK CHECKING S Ck# 000351E 4/17/2009
Cash Payment G 101-21703 FICA WITHHOLDING. 4/17/09 Payroll \$1,847.52

Invoice
Cash Payment G 101-21701 FEDERAL TAXES 4/17/09 Payroll \$791.82

Transaction Date 4/17/2009 Due 0 NORTH STAR CHEC 10100 Total \$2,639.34

Invoice
Cash Payment G 101-21703 FICA WITHHOLDING. 4/17/09 Payroll \$1,847.52

Transaction Date 4/17/2009 Due 0 NORTH STAR CHEC 10100 Total \$6,123.11

Invoice
Cash Payment G 101-21701 FEDERAL TAXES 4/17/09 Payroll \$791.82

Transaction Date 4/17/2009 Due 0 NORTH STAR CHEC 10100 Total \$2,639.34

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Invoice
Cash Payment G 101-21703 FICA WITHHOLDING. 4/17/09 Payroll \$1,847.52

Pre-Written Checks	\$6,123.11
Checks to be Generated by the Computer	\$0.00
Total	\$6,123.11

Fund Summary 10100 NORTH STAR CHECKING \$6,123.11

BATCH Total \$6,123.11

CITY OF LAUDERDALE

Check Detail Register

APRIL 2009

Check Amt Invoice Comment

Check #	Date	Description	Amount
10100 NORTH STAR CHECKING	4/28/2009	AFSCME	
Paid Chk# 019670	4/28/2009	AFSCME	\$78.20
G 101-21709		UNION DUES	\$78.20
Total AFSCME			\$78.20
Paid Chk# 019671	4/28/2009	BONESTROO, ROSENE, ANDERLIK	\$485.00
E 602-49100-304		ENGINEERING	\$485.00
E 601-49000-304		ENGINEERING	\$144.00
3/09 Engineering Services - MS4 Rev. 5			\$144.00
3/09 Engineering Services - Roseville 5			\$629.00
Total BONESTROO, ROSENE, ANDERLIK			\$629.00
Paid Chk# 019672	4/28/2009	BOWNIK, JIM	
E 101-41200-331		TRAVEL EXPENSE	\$45.82
Total BOWNIK, JIM			\$45.82
Paid Chk# 019673	4/28/2009	BUTKOWSKI, HEATHER	
E 101-41200-331		TRAVEL EXPENSE	\$57.97
Total BUTKOWSKI, HEATHER			\$57.97
Paid Chk# 019674	4/28/2009	CINTAS	
E 601-49000-425		CLOTHING	\$16.84
E 602-49100-425		CLOTHING	\$16.84
PW Clothing			\$16.84
PW Clothing			\$16.84
Total CINTAS			\$33.68
Paid Chk# 019675	4/28/2009	CITY OF FALCON HEIGHTS	
E 601-49000-540		MACHINERY & EQUIPMENT	\$15,000.00
Total CITY OF FALCON HEIGHTS			\$15,000.00
Paid Chk# 019676	4/28/2009	EUREKA RECYCLING	
E 203-50000-389		RECYCLING CONTRACTOR	\$3,075.52
Total EUREKA RECYCLING			\$3,075.52
Paid Chk# 019677	4/28/2009	INTEGRA	
E 101-41200-391		TELEPHONE/PAGERS	\$52.68
3/09 Fax Line			\$52.68
Total INTEGRA			\$52.68
Paid Chk# 019678	4/28/2009	KENNEDY & GRAVEN	
E 101-41200-305		LEGAL FEES	\$448.00
E 101-41200-355		MISC PRINTING/PROCESS SER	\$1.20
G 101-22222		MATHENY LAND SALE ESCROW	\$96.00
3/09 legal fees - Matheny			\$96.00
3/09 legal fees - general			\$448.00
Total KENNEDY & GRAVEN			\$545.20
Paid Chk# 019679	4/28/2009	MAMA	
E 101-41200-308		TRAINING/CONFERENCES	\$25.00
4/09 hb - luncheon training			\$25.00
Total MAMA			\$25.00
Paid Chk# 019680	4/28/2009	MOTOROLA	
E 101-42100-442		MISC	\$4,260.42
2 800 MHz portable radios			\$4,260.42
Total MOTOROLA			\$4,260.42

***Check Detail Register®**

CITY OF LAUDERDALE

APRIL 2009

Check Amt Invoice Comment

Paid Chk# 019681	4/28/2009	NORTH STAR BANK, PETTY		
E 101-41200-203	POSTAGE	\$5.32	Postage - cert ltr	
E 101-41200-203	POSTAGE	\$3.12	Postage - cert ltr	
E 101-41200-203	POSTAGE	\$3.53	Postage - cert ltr	
E 101-41200-308	TRAINING/CONFERENCES	\$15.00	JB - APMF Lunch Mtg	
E 101-41200-203	POSTAGE	\$5.32	Postage - cert ltr	
E 101-41200-308	TRAINING/CONFERENCES	\$10.00	HB - Suburban Rate Authority Mtg	
E 101-41200-440	MEETING EXPENSES	\$13.73	Coffee / Water	
E 201-45600-440	MEETING EXPENSES	\$27.00	PCIC Pizza	
E 201-45600-430	MISC	\$44.56	Misc. Dance / Dessert supplies	
E 101-41200-203	POSTAGE	\$10.64	Postage - cert ltr	
Total NORTH STAR BANK, PETTY		\$138.22		
Paid Chk# 019682	4/28/2009	OFFICE MAX		
E 101-41200-201	GENERAL SUPPLIES	\$49.07	Misc Office Supplies	
Total OFFICE MAX		\$49.07		
Paid Chk# 019683	4/28/2009	PUBLIC EMPLOYEES INS PROGRAM		
G 101-21706	HEALTH INSURANCE	\$1,102.16	5/09 Employee Insurance	
Total PUBLIC EMPLOYEES INS PROGRAM		\$1,102.16		
Paid Chk# 019684	4/28/2009	RAMSEY COUNTY, PROP REC & REV		
E 101-43000-313	SNOW & ICE REMOVAL	\$142.51	3/09 Snow Plow & Sand	
Total RAMSEY COUNTY, PROP REC & REV		\$142.51		
Paid Chk# 019685	4/28/2009	XCEL ENERGY, PARK & GARAGE		
E 101-43000-381	ELECTRIC	\$19.80	3/09 garage/wh electric	
E 101-45200-381	ELECTRIC	\$19.81	3/09 garage/wh electric	
E 101-45200-383	GAS UTILITIES	\$80.18	3/09 garage/wh gas	
E 101-43000-383	GAS UTILITIES	\$80.19	3/09 garage/wh gas	
Total XCEL ENERGY, PARK & GARAGE		\$199.98		
10100	NORTH STAR CHECKING	\$25,435.43		
10100	NORTH STAR CHECKING	\$25,435.43		
101 GENERAL		\$6,625.67		
201 COMMUNITY EVENTS		\$71.56		
203 RECYCLING		\$3,075.52		
601 SEWER UTILITIES		\$15,160.84		
602 STORM SEWER ENTERPRISE FUND		\$501.84		
		\$25,435.43		

Fund Summary

10100 NORTH STAR CHECKING

**LAUDERDALE COUNCIL
ACTION FORM**

Consent	<input type="checkbox"/>
Public Hearing	<input checked="" type="checkbox"/>
Discussion	<input type="checkbox"/>
Action	<input type="checkbox"/>
Resolution	<input type="checkbox"/>
Work Session	<input type="checkbox"/>

Action Requested

Meeting Date April 28, 2009

ITEM NUMBER 5A—Planter Donation By Sax

Antiques and Ornamental Concrete

STAFF INITIAL CC

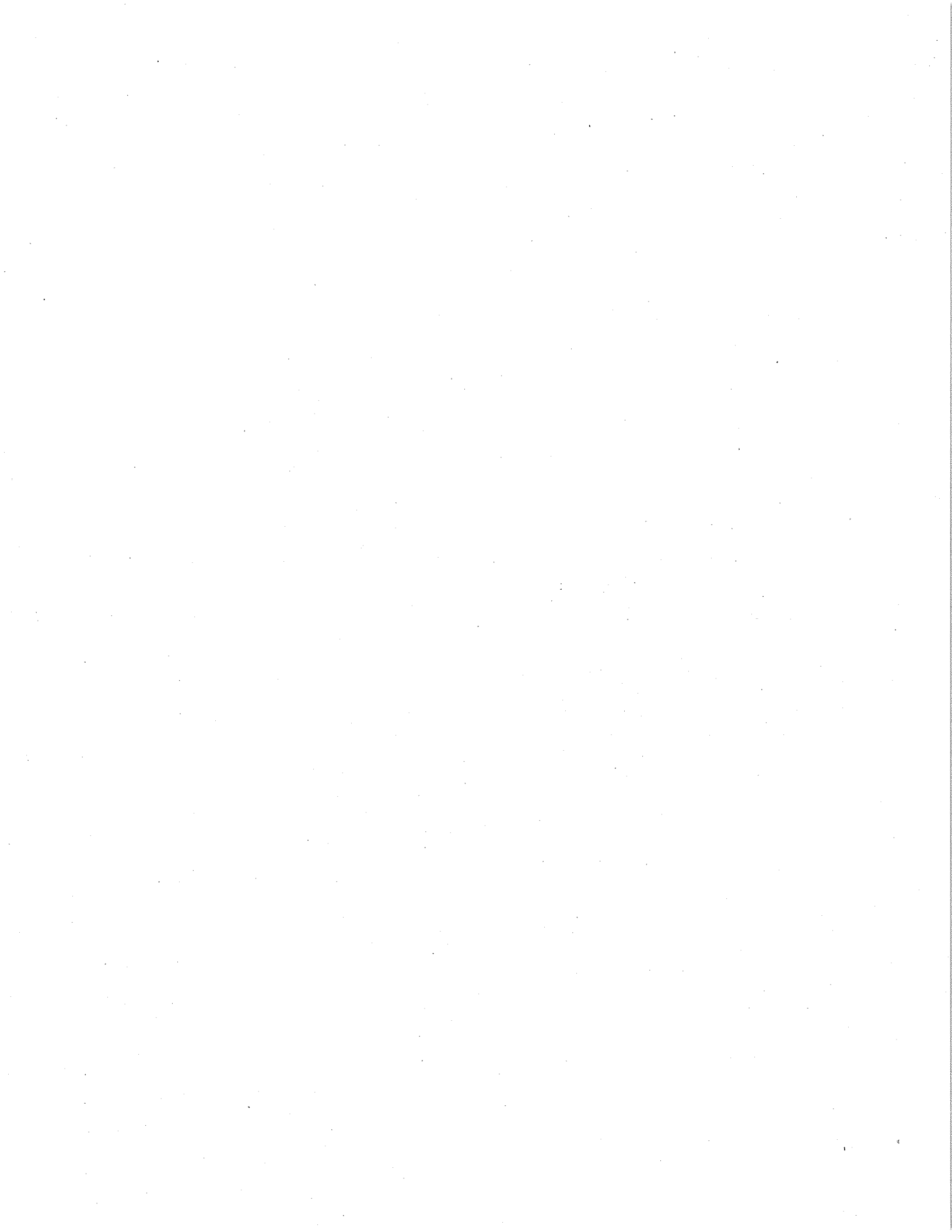
APPROVED BY ADMINISTRATOR

DESCRIPTION :
 On April 15, 2009 the City of Lauderdale received a donation of two ornamental concrete planters, worth \$198.00, for the front entry way from Gary Sax—Sax Antiques and Ornamental Concrete.

OPTIONS:

STAFF RECOMMENDATION:
 Accept the donation
 Acknowledge and thank Mr. Sax for his contribution.

COUNCIL ACTION:



LAUDERDALE COUNCIL ACTION FORM

TYPE OF REQUEST	X
Consent	
Action	<input type="checkbox"/>
Resolution	<input type="checkbox"/>
Information	<input type="checkbox"/>
Work session	<input type="checkbox"/>

MEETING DATE	April 28, 2009
AGENDA NUMBER	5B
DESCRIPTION	2009 Rental License

BACKGROUND OR PAST COUNCIL ACTION
<p>The property owners listed below have successfully completed the rental housing inspection and renewal process for a 2009 rental license.</p> <p style="text-align: right;">John Sagstetter, 1759 Pleasant Street</p>

OPTIONS

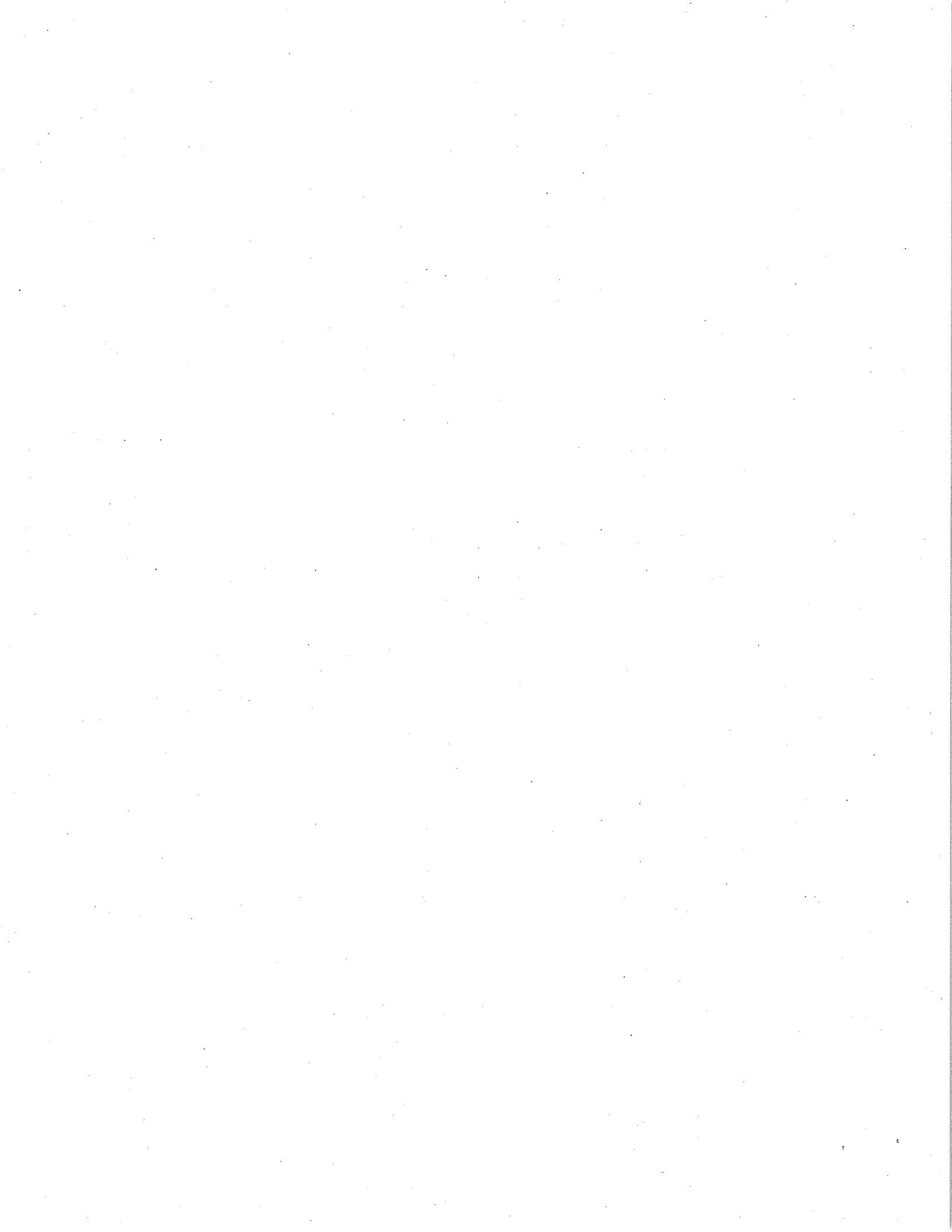
STAFF RECOMMENDATION
Approve license for January 1 – December 31, 2009.

COUNCIL ACTION

STAFF ACTION

MOTION BY _____

SECOND _____



**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested	
Consent	<input checked="" type="checkbox"/>
Public Hearing	<input type="checkbox"/>
Discussion	<input type="checkbox"/>
Action	<input type="checkbox"/>
Resolution	<input type="checkbox"/>
Work Session	<input type="checkbox"/>

Meeting Date	April 28, 2009
ITEM NUMBER	5C—1009 Investment Report
STAFF INITIAL	HAB
APPROVED BY ADMINISTRATOR	

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:
 The attached report and spreadsheet reflect the City's investment activity through March 2009. Please let me know if you have any questions.

OPTIONS:

STAFF RECOMMENDATION:
 By approving the consent agenda, the Council accepts the First Quarter 2009 Investment Report.

COUNCIL ACTION:

**City of Lauderdale
First Quarter Investment Report
April 28, 2009**

The quarter ended with a general fund balance of \$238,347.96 and cash and investments totaling \$2,846,700.64. That is the total of all fund balances including the 601 and 602 sewer enterprise funds. Since the City pools the fund balances for investment purposes, at year end \$2,711,346.37 was invested. \$1,001,590.13 was invested in money market funds and \$1,709,756.24 in certificates of deposit.

The City purchased three CDs in the first quarter:

- CapMark at 2.55% for two years;
- Greystone Bank (NC) at 2.20% for one year; and
- Imperial Capital (CA) at 2.30% for one year.

Since these CDs were purchased, the rates have slipped further. The two CDs maturing in May are yielding 4.80% and 5.16% respectively. Without rate improvements, the new purchases will likely be around 2.00% for a two-year CD. The money market funds continue to be low as they are largely based on short-term treasury notes. The month by month earnings for the money market accounts follow.

Table 1: Average Money Market Rates: First Quarter 2009

	December '08	January	February	March
4M Fund	0.55%	0.38%	0.44%	0.50%
4M Plus Fund	0.76%	0.37%	0.51%	0.54%
SB Inst. MM	1.36%	0.97%	.77%	0.67%

This quarter, the City earned \$22,431.33 from investments compared to \$33,964.56 last quarter. Additionally, the checkbook earned \$397.46. The checkbook interest is deposited into the general fund and is not distributed among the other funds. This brings 2009's investment interest earnings to \$22,828.79. Total interest budgeted for 2009 is \$74,200.00.

Table 2 shows how the interest was divided between the funds and compares interest earned to the adopted budget. The funds with the biggest balances get the greatest interest distributions. The TIF fund has the largest balance and continues to grow with the infusion of investment interest.

Table 2: Investment Earning Distribution by Fund

Fund	2009 Budget	As of March 31
101 - General Fund	\$12,000.00	\$2,544.68
201 - Community Events	\$100.00	\$31.41
202 - Communication	\$800.00	\$273.45
203 - Recycling	\$500.00	\$497.39
302 - 2000 Street Improve	\$5,000.00	\$231.03
303 - 2002 Street Improve	\$7,000.00	\$1,155.05

Staff continues to ladder investments. At the end of the quarter, the average security was held 607 days or approximately twenty months. Currently, investment maturity dates are staggered through early 2011. One CD is still earning over 5.0%, but it will mature in May. After that most CDs are earning in the 4.0% range through 2009. Unless rates improve, the maturities in 2010-2011 will earn 1.5% to 2.5%. Laddering is a strategy designed to help weather rough times and it has paid off as the City is still seeing good returns on CDs. Staff plans to purchase shorter term CDs until the City sees better rates in the next couple of year.

The investment spreadsheet was enlarged, so hopefully it is a little easier to read. Staff provides you the spreadsheet as an internal control procedure as required by the auditors. As always, staff is available to answer questions and provide the Council with research related to the City's investments.

304 - 2003 Street Improve	\$7,000.00	\$2,401.51
401 - Capital Improve, Street	\$10,000.00	\$2,971.53
402 - Capital Improve, Gen	\$2,500.00	\$628.12
403 - Capital Improve, Storm Sewer	\$8,000.00	\$1,278.50
404 - Capital Improve, Parks	\$1,800.00	\$1,158.84
405 - TIF Projects	\$10,000.00	\$4,749.32
407 - Sewer Improvements	\$4,000.00	\$2,576.27
601 - Sewer Enterprise Fund	\$5,000.00	\$1,262.96
602 - Storm Sewer Enterprise Fund	\$500.00	\$242.99

	Balance	Purchases	Sales	Transfers	Transfers	Interest/	Balance	Purchases	Sales	Transfers	Transfers	Interest/	Balance	Purchases	Sales	Transfers	Transfers	Interest/	Balance	Purchases
	Z2/2009			In	out	Dividends	3/31/2009			In	out	Dividends	4/30/2009			In	out	Dividends	5/31/2009	Purchases
252,026.83	60,026.83 96,000.00 96,000.00	-	1,713.80	1,713.80	-	33.89	61,774.52 96,000.00 96,000.00	-	-	-	-	-	61,774.52 96,000.00 96,000.00	-	-	-	-	-	61,774.52 96,000.00 96,000.00	-
		-	1,713.80	1,713.80	-	1,747.69	253,774.52	-	-	-	-	-	253,774.52	-	-	-	-	-	253,774.52	-
88,334.82 97,858.13 94,037.79 97,005.00	-	-	-	-	-	-	88,334.82 97,858.13 94,037.79 97,005.00	-	-	-	-	-	88,334.82 97,858.13 94,037.79 97,005.00	-	-	-	-	-	88,334.82 97,858.13 94,037.79 97,005.00	-
377,235.74	-	-	-	-	-	-	377,235.74	-	-	-	-	-	377,235.74	-	-	-	-	-	377,235.74	-
97,000.00 97,000.00 0.00	-	-	-	-	-	-	97,000.00 97,000.00 0.00	-	-	-	-	-	97,000.00 97,000.00 0.00	-	-	-	-	-	97,000.00 97,000.00 0.00	-
194,000.00	-	-	-	-	-	-	194,000.00	-	-	-	-	-	194,000.00	-	-	-	-	-	194,000.00	-
(0.00) 97,000.00 99,000.00	-	-	825.74	825.74	825.74	825.74	(0.00) 97,000.00 99,000.00	-	-	-	-	-	(0.00) 97,000.00 99,000.00	-	-	-	-	-	(0.00) 97,000.00 99,000.00	-
196,000.00	-	-	825.74	825.74	825.74	825.74	196,000.00	-	-	-	-	-	196,000.00	-	-	-	-	-	196,000.00	-
91,911.77 91,976.16 94,022.49 91,096.73 97,751.72 96,282.96 94,728.19 92,750.48 92,146.29	-	-	-	100,000.00	100,000.00	-	91,911.77 91,976.16 94,022.49 91,096.73 97,751.72 96,282.96 94,728.19 92,750.48	-	-	-	-	-	91,911.77 91,976.16 94,022.49 91,096.73 97,751.72 96,282.96 94,728.19 92,750.48	-	-	-	-	-	91,911.77 91,976.16 94,022.49 91,096.73 97,751.72 96,282.96 94,728.19 92,750.48	-
842,666.79	-	-	100,000.00	100,000.00	100,000.00	7,853.71	750,520.50	-	-	-	-	-	750,520.50	-	-	-	-	-	750,520.50	-
296,206.15 583,199.86	-	-	-	100,000.00	40,000.00	141.42 288.18	356,347.57 583,468.04	-	-	-	-	-	356,347.57 583,468.04	-	-	-	-	-	356,347.57 583,468.04	-
879,406.01	-	-	-	100,000.00	40,000.00	409.80	939,815.61	-	-	-	-	-	939,815.61	-	-	-	-	-	939,815.61	-
2,741,335.37	-	-	101,713.80	201,713.80	140,000.00	10,011.00	2,711,346.37	-	-	-	-	-	2,711,346.37	-	-	-	-	-	2,711,346.37	-
	From "Cash Balances" Sheet																			
	101-10400 Invest																			
	Actual Bal. 101-10100																			
	Inv Bal SS																			
	Interest																			
	New Balance																			
	2,701,335.37																			
	10,011.00																			
	2,711,346.37																			

Balance 12/31/2008	YTD Purchases	YTD Sales	YTD Trans In	YTD Trans out	YTD Inv Dividends	Balance 12/31/2009
316,663.31	96,000.00	97,713.80	1,713.80	-	1,958.63	157,774.52
-	-	-	-	-	-	-
91.73	2,347.46	-	-	-	-	(2,255.73)
-	97,858.13	-	-	-	-	97,858.13
97,005.00	-	-	-	-	-	97,005.00
-	-	-	-	-	-	-
97,098.73	97,858.13	2,347.46	-	-	-	192,607.40
-	-	-	-	-	-	-
11.74	-	2,102.64	101,506.23	101,506.23	2,102.64	11.74
99,000.00	-	99,403.59	-	-	403.59	0.00
-	-	-	-	-	-	-
99,011.74	-	101,506.23	101,506.23	101,506.23	2,506.23	11.74
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
99,000.00	-	3,264.44	3,264.44	3,264.81	3,264.81	99,000.00
-	-	-	-	-	-	-
0.01	-	-	102,248.28	102,248.28	-	0.01
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	97,751.72	-	-	-	-	97,751.72
92,750.48	-	-	-	-	-	92,750.48
92,146.29	-	100,000.00	-	-	7,853.71	-
94,238.76	-	100,000.00	-	-	5,760.24	-
-	-	-	-	-	-	-
279,136.54	97,751.72	200,000.00	102,248.28	102,248.28	13,613.95	190,502.21
395,212.27	-	-	203,754.51	385,510.67	411.50	213,857.61
801,683.10	-	-	2,439.07	-	676.21	804,798.38
-	-	-	-	-	-	-
1,196,695.37	-	-	206,193.58	385,510.67	1,087.71	1,018,665.99
2,087,603.69	291,609.85	404,831.93	414,926.33	592,529.99	22,431.33	1,658,561.86

By Broker	%	Amount
Smith Barney	9.4%	253,774.52
Northland	13.9%	377,235.74
RBC Dain Rauscher	7.2%	194,000.00
Piper Jaffrey	0.0%	0.00
Financial Northeastern Company	7.2%	196,000.00
ICD Securities	27.7%	750,520.50
League of MN Chiefs	34.7%	939,815.61
Total	100.0%	2,711,346.37

By Type	%	Amount
Fed Agency	0.0%	0.00
Commercial Paper	0.0%	0.00
Treasury	0.0%	0.00
Certificate of Deposit	63.1%	1,709,786.24
Money Market	36.9%	1,001,560.13
Total	100.0%	2,711,346.37

By holding period (from purchase date)	%	Amount
Up to 2 years	59.5%	1,612,756.24
2 to 3 years	3.6%	97,000.00
3 years & over	0.0%	0.00
No time limit	36.9%	1,001,590.13
Total	100.0%	2,711,346.37

COUNCIL ACTION:

By approving the consent agenda, you are appointing Monica Gallagher to the Park & Community Involvement Committee for a two year term.

STAFF RECOMMENDATION:

- 1) Appoint Monica Gallagher to the Park & Community Involvement Committee.
- 2) Do not appoint Monica Gallagher to the Park & Community Involvement Committee.

OPTIONS:

1) Monica Gallagher, 1837 Fulham Street.
 Appointment of this individual would bring the number of members to seven including Kathy Lertald, Trygve Hansen, Roxanne Grove, Gretel Keene, Bob Milligan, and Kathy Thompson. The PCIC bylaws state that there shall be at least 5 members.
 Monica responded to the volunteer application form from the latest newsletter. These applications are also available at the front counter.

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The following applicant has applied for appointment to the committee:

LAUDERDALE COUNCIL		ACTION REQUESTED	
MEETING DATE	April 28, 2009	Consent	<input checked="" type="checkbox"/>
ITEM NUMBER	PCIC Appointment	Public Hearing	<input type="checkbox"/>
STAFF INITIAL	Jim	Report	<input type="checkbox"/>
APPROVED BY ADMINISTRATOR		Discussion/Action	<input type="checkbox"/>
		Resolution	<input type="checkbox"/>
		Work session	<input type="checkbox"/>

Volunteers are needed throughout the year for special events, elections, and committees. If you are interested in contributing your time and talents to enhance the community complete the application and return to city hall.

VOLUNTEER APPLICATION

Name: Monica Gallagher
 Address: 1837 Fulham St.
 City: Lauderdale
 State: MN
 Zip: 55113
 Phone Number: 651 487-4229
 Cell Number: 651 795-8819
 E-mail: handma@comcast.net

AREAS OF INTEREST

- Park and Community Involvement Committee (PCIC)
- Garden Club
- Special Events :
 - Snow Commotion
 - Day in the Park
 - Music under the Trees
 - Community Run
 - City Wide Garage Sale
- Neighborhood Watch
- Other plant exchange?

Please list any special hobbies, skills or talents which you are willing to share. + digital photography, writing, editing, internet research, gardening, eldercare/social services,

Writing instruction, cooking, grant writing and research, ~~design~~

volunteer management, health promotion, caregiver advocacy

If you are seeking an appointment to the PCIC, please provide a short paragraph summarizing why.

Briefly describe your background, experience and any other information not previously given which you believe should be considered regarding the appointment you are seeking.

Participation Waiver: I, the undersigned, do hereby agree to participate in the aforementioned activity(ies) and I further agree to indemnify and hold the City harmless from and against any and all liability for any injury which may be suffered by the aforementioned individual(s) rising out of, or in any way connected with, his/her participation in this activity. The City periodically takes pictures or video of participants during meetings, special events and programs. Please be aware that these photos or video may be used in the City's brochures, pamphlets or cable presentations. If you or your family members do not want to be photographed or published you must give us written notice.

Applicant's Signature

Monica Gallagher

Applicant's Name Printed


Monica Gallagher

Date

4-8-09

LAUDERDALE COUNCIL ACTION FORM

Action Requested
Consent <input checked="" type="checkbox"/>
Public Hearing <input type="checkbox"/>
Discussion <input type="checkbox"/>
Action <input type="checkbox"/>
Resolution <input type="checkbox"/>
Work Session <input type="checkbox"/>

Meeting Date	April 28, 2009	ITEM NUMBER	5E - Dog Park Donations	STAFF INITIAL	
		APPROVED BY ADMINISTRATOR			

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION: Dog park users questioned whether they could donate money to the City to pay for dog park improvements. Staff acknowledged that it would be possible to track the money within the City's finances. According to the auditor, the Council can approve current and future donations for the dog park by approving this consent agenda item. All spending of the donations is at the discretion of the City Council.

OPTIONS:

STAFF RECOMMENDATION: By approving the consent agenda, the Council accepts current and future dog park donations to be used for the dog park at the discretion of the Lauderdale City Council.

COUNCIL ACTION:

\$50.00
Donation
4/109

Thanks,

I enclosed is a check for \$50.00 for
the Foundation DPH.

I live in St. Anthony, I've just started
the DPH several times this year and am
very happy to help you get this much
needed commodity to our area.

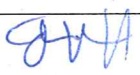
I have met some really great individuals
connected at the DPH who have said
very good things about your layout &
layout, they water to residents and
that's huge.

I've lived in St. Anthony for over 25 years,
and I probably will move one day,
when I do, I'm looking in Colorado
I had never known that the neighbors
around the DPH shared and life of
a lot.

Thanks for the good government!
Duff Anderson

P.S. I know others who want to donate.

LAUDERDALE COUNCIL ACTION FORM

Meeting Date	April 28, 2009	Item Number	8A & 9B - 2008 Audit
Staff Initial		Approved by Administrator	

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

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Andy Berg, a partner at Abdo, Eick, & Meyers, will be at the Council meeting to present the 2008 audit findings. A copy of the financial statements are enclosed.

The Council may motion to accept the 2008 audited financial statements after his presentation or later in the meeting as it is noted in two parts on the agenda. Additionally, this was the final audit year of a three year agreement with Abdo. We can address that at another meeting, I just wanted you to know.

Finally, included in the packet is a copy of the month-to-date finances that reflect the final 2008 numbers.

OPTIONS:

STAFF RECOMMENDATION:

Motion to approve 2008 audited financial statements as prepared and presented by Abdo, Eick, and Meyers.

COUNCIL ACTION:

LAUDERDALE COUNCIL

ACTION REQUESTED

Consent	_____
Special	_____
Public Hearing	_____
Report	_____
Discussion/Action	<u> X </u>
Resolution	_____
Work session	_____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Kevin Bumgardner & Donald Bumgardner submitted a request to appeal to the city council my action denying their home occupation permit. The item was placed on the agenda for the last meeting, but Donny Bumgardner notified staff he could not make the meeting, asking if the item could be considered for the following meeting instead.

Discussion from the last meeting resulted in the following directives, which staff has completed:

- 1) Communicate to the applicants that further requests for postponement would not be acceptable; and
- 2) Prepare a findings of fact and resolution of denial.

NEW ENCLOSURES

- The applicant's appeal request, and my communication to the applicants regarding their request to postpone the appeal.
- Resolution of denial with application review findings.

ENCLOSURES FROM THE LAST MEETING

- April 14, 2008 Staff Memo
- Home Occupation Ordinance
- Home Occupation Application for 1801 Eustis Street
- Written Responses from Neighbors
- Denial Letter

OPTIONS:

- Deny the appeal by adopting the prepared resolution.
- Approve the appeal and direct staff to draft a resolution of approval, with or without conditions, for the next meeting.

STAFF RECOMMENDATION:

Hear the appeal, then motion to adopt the prepared resolution denying the appeal.

COUNCIL ACTION:

Jim Bownik

From: Jim Bownik
Sent: Thursday, April 16, 2009 4:25 PM
To: DonnyBum@comcast.net; 'Kevin Bumgardner'
Cc: Heather Butkowski
Subject: RE: 1801 Eustis

Donnie & Kevin,

The City Council agreed to hear your appeal at the next meeting because of your notification that you were unable to make this week's meeting.

The next meeting is Tuesday, April 28, 2009 at 7:30 p.m. at Lauderdale City Hall.

The City Council indicated their intent to make a final determination at the April 28 meeting.

Jim Bownik
Assistant to the City Administrator
City of Lauderdale
1891 Walnut St
Lauderdale, MN 55113
651-792-7656 direct
jim.bownik@ci.lauderdale.mn.us

-----Original Message-----

From: Kevin Bumgardner [mailto:kbum@msn.com]
Sent: Thursday, March 26, 2009 11:36 PM
To: Jim Bownik; Heather Butkowski
Cc: DonnyBum@comcast.net
Subject: 1801 Eustis

Jim,

We received your notice that our request for a home office was denied. We are hereby requesting an opportunity to take this request to the city council per the letter.

Thank you,
Kevin and Donny

Kevin Bumgardner

612-386-8773

Member _____ introduced the following resolution and moved its adoption:

**CITY OF LAUDERDALE
COUNTY OF RAMSEY
STATE OF MINNESOTA
RESOLUTION NO. 042809A**

**RESOLUTION OF THE COUNCIL OF THE CITY OF LAUDERDALE DENYING
THE APPEAL AND UPHOLDING THE ZONING ADMINISTRATOR'S DENIAL OF A
HOME OCCUPATION PERMIT FOR AN ELECTRICAL CONTRACTOR BUSINESS
AT 1801 EUSTIS STREET**

WHEREAS, Kevin Bumgardner & Donald Bumgardner applied for a home occupation permit to operate a home-based business described as an electrical contracting business; and

WHEREAS, notification letters went to property owners and residents within 150 feet of the perimeter of the subject property; and

WHEREAS, three written responses were received—one supporting and two against the proposed use; and

WHEREAS, according to Section 10-13-4B of the City Code, the Zoning Administrator makes the final determination on approval or denial of the permit application after a written comment period for those notified of the proposed home-based business; and

WHEREAS, after an extended review, the Zoning Administrator's action was to deny the permit application for the following reason: The occupant of the dwelling is not the applicant for the home occupation, which is the intent of the ordinance; and

WHEREAS, the applicants filed a timely appeal of the Zoning Administrator's action to deny the permit application; and

WHEREAS, in the case of an appeal, the city council makes the final determination; and

WHEREAS, City Attorney Ron Batty has provided a legal opinion on said permit application; and

WHEREAS, the Lauderdale City Council hereby denies the appeal filed by Kevin Bumgardner & Donald Bumgardner affirming the Zoning Administrator's action denying the home occupation permit to operate a home-based electrical contracting business at 1801 Eustis Street, subject to the following findings:

APPLICATION REVIEW FINDINGS:

A. The occupant of the dwelling is not the applicant for the home occupation, which is the intent of the ordinance.

- B. The occupation is not clearly secondary to the principal use, which is residential.
- C. Occupancy of the home by one party and a home-based business by a non-resident party involves a dual use of the structure not intended by the ordinance.
- D. The business use is not consistent with the residential character of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lauderdale, does hereby deny the appeal submitted by Kevin Bumgardner & Donald Bumgardner, and upholds the Zoning Administrator's denial of the home occupation permit to operate a home-based electrical contracting business at 1801 Eustis Street, based upon the above findings.

Dated: April 28, 2009

Jeffrey Dains, Mayor

Attest:

Heather Butkowski, City Administrator-Clerk

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

And the following voted against same:

_____ Whereupon said resolution was declared duly passed.

DATE: April 14, 2009
TO: Mayor and Council
FROM: Jim Bownik
RE: Appeal of Home Occupation Permit for 1801 Eustis Street

BACKGROUND

Kevin Bumgardner & Donald Bumgardner applied for a home occupation permit to operate a home-based business described as an electrical contracting business. Notification letters went to property owners and residents within 150 feet of the perimeter of the subject property. Three written responses were received—one supporting and two against the proposed use.

According to the Ordinance, the Zoning Administrator makes their final determination on approval or denial of the permit application after a written comment period for those notified of the proposed home-based business. After an extended review, my decision was to deny the permit application for the following reason:

- The occupant of the dwelling is not the applicant for the home occupation, which is the intent of the ordinance.

The applicants have appealed my decision to deny the permit application. In this case, the city council makes the final determination. The same group that received the first notice received notification of the appeal. However, the Ordinance does not say a public hearing is required, so the council does not need to allow for public comment. I would suggest the Mayor decide if the council will hear public comments from anyone other than the applicants.

LEGAL OPINION

Here is City Attorney Ron Batty's legal opinion:

"I believe the applicant for a home occupation permit should be a resident of the property which is the subject of the application. As we have discussed, there is nothing in the city's ordinance (section 10-13-1 et seq.) which requires this but it seems to be an implied condition. It is also consistent with the notion that the occupation be secondary to the principal use, which is residential. If the applicant need not live in the structure, it would be possible to utilize a vacant dwelling for a "home occupation", which would amount to little more than using residential property for commercial purposes. Nor does it seem consistent with the intent to allow occupancy of the home by one party and an application for a home occupation by a non-resident party. That seems to involve some sort of dual use of the structure not intended by the ordinance. The clear intent is that the building be used primarily as a residence and secondarily, and with numerous limitations, for a business purpose not inconsistent with the residential character of the neighborhood. Not requiring occupancy of the dwelling by the person applying for the home occupation permit would simply open up the potential for too much abuse. I do not believe the applicant needs to be a fee owner. He or she could be a renter but needs to reside in the property which is the subject of the application and be the person having the home occupation."

OPTIONS

The council has the following three options:

- Deny the permit application, stating the rationale for the denial.
- Approve the permit as presented.
- Approve the permit, attaching any conditions deemed appropriate.

If the council decides to approve the permit with conditions. Here are some possible conditions that could be considered:

- The occupant should be the applicant for the permit.
- The use as a home occupation must be clearly secondary to the use as a dwelling.
- Limit the hours of operation to between 7 a.m. and 10 p.m. on weekdays, and between 9 a.m. and 10 p.m. on weekends and major holidays.
- No more than 25% of the principle structure can be used for the home-based business.
- Must provide off-street parking for occupants of the dwelling and for vehicles used in conjunction with the home occupation.
- No more than 1 commercial vehicle no larger than a van or three-quarter-ton truck may be used in connection with a home occupation.
- In the event outside persons are employed to perform functions of this business away from the premises, parking or storage of employees' vehicles in the neighborhood is prohibited.
- No delivery or commercial pick-up shall be by vehicles larger than a typical delivery van (Fed Ex, UPS, etc.).
- The home occupation permit shall not be transferable.

ENCLOSURES

Home Occupation Ordinance
Home Occupation Application for 1801 Eustis Street
Written Responses
Denial Letter

COUNCIL ACTION REQUESTED

(1) Hear the appeal, then motion to direct staff to prepare a resolution of denial, approval, or approval with conditions for the next council meeting based on the final determination made by the council; or

(2) Hear the appeal, then motion to table to the next meeting for further discussion.

CHAPTER 13

HOME OCCUPATIONS

SECTION:

- 10-13-1: General Provision
- 10-13-2: Application For Permit
- 10-13-3: Standards
- 10-13-4: Decision; Appeal
- 10-13-5: Additional Conditions
- 10-13-6: Revocation

10-13-1: GENERAL PROVISION:

A home occupation will be allowed when carried out as a secondary use and conducted within a dwelling unit. It must clearly be secondary to the main use of the premises as a dwelling, and may not change the character thereof nor have any exterior evidence of such secondary use. (Zoning Ord. as amd.)

10-13-2: APPLICATION FOR PERMIT:

An applicant for a home occupation permit shall provide the following information to the Zoning Administrator:

A. Nature of business;

B. Number, type, and frequency of visitors to the business;

C. Number and type of suppliers, frequency of deliveries;

D. Access plan to the occupation;

E. Working hours;

F. Site plan depicting parking availability; and

G. Number and type of vehicles used in conjunction with the business. (Zoning Ord. as amd.)

10-13-3: STANDARDS:

In order to be compatible with the residential neighborhood, home occupations must meet the following criteria:

A. No signs shall be permitted on the property.

B. No outdoor storage or display of materials shall be permitted.

C. No home occupation shall have an adverse effect on adjacent properties due to excessive traffic or offensive noise, light, odor, dust, etc.

D. Adequate off-street parking must be provided for patrons of the home occupation which is in character with the surrounding residential neighborhood.

E. Employment of more than one person, employed but not residing on the premises, is not permitted.

F. Storage of commercial vehicles must comply with subsection 6-1-6A4 of this code. (Zoning Ord. as amd.)

10-13-4: DECISION; APPEAL:

A. Denial; Approval: The Zoning Administrator shall deny or accept the application based upon a statement of findings relative to the above standards.

B. Notice To Property Owners: If the decision is to accept, a notice of intent shall be sent to all neighbors within one hundred fifty feet (150') from the perimeter of the property. Written comments will be requested within ten (10) days, reviewed and a final determination made by the Zoning Administrator.

C. Appeal: The applicant or other aggrieved party may appeal the decision within ten (10) days to the City Council which shall make the final determination.

D. Failure To Notify; Defective Notice: Failure to give mailed notice or defects in the notice shall not invalidate the proceedings provided a bona fide attempt has been made to contact the neighbors. (Zoning Ord. as amd.)

10-13-5: ADDITIONAL CONDITIONS:

The City has the right to attach conditions when approving a home occupation permit. (Zoning Ord. as amd.)

10-13-6: REVOCATION:

The City Council may revoke a home occupation permit if the criteria and conditions under which the permit was granted are violated. (Zoning Ord. as amd.)

- A) No signs shall be permitted on the property.
- B) No outdoor storage or display of materials shall be permitted.
- C) No home occupation shall have an adverse effect on adjacent properties due to excessive traffic or offensive noise, light, odor, dust, etc.
- D) Adequate off-street parking must be provided for patrons of the home occupation, which is in character with the surrounding residential neighborhood.
- E) Employment of more than one person, employed but not residing on the premises is not permitted.
- F) Storage of commercial vehicles must comply with the City Code.

Standards: In order to be compatible with the residential neighborhood, home occupations must meet the following criteria:

- 1) Nature of the Business: Electrical Contractors
- 2) Number, type, and frequency of visitors to the business: Our contractors visit here maybe 2-3 x/week for 10-15 minutes each time. Usually not at the same time and we only have 3 contractors we use.
- 3) Number and type of suppliers, frequency of deliveries: We receive delivers from electrical companies maybe 1-2 times a week. Contractors MAINLY pick supplies up from the suppliers direct. We ask all delivers to come later in the day when we may be home.
- 4) Where would visitors enter to access your business? On the infrequent occasion that this does happen, they usually park in our driveway and come to our back door.
- 5) Working hours: No set "hours" at our home office. We are in our home office 5-10 hours a week (usually less). We don't have customers come to our house so there are no hours. As contractors, we are usually at their homes or job sites. However, no one works Fridays or weekends (unless emergency)
- 6) Site plan depicting parking availability (attach): We use our driveway...no other parking necessary. (none attached)
- 7) Number and type of vehicles used in conjunction with the business, if any: Our contractors drive their vans to their homes, so we don't have vans on site except Donny's..and that one is usually parked elsewhere.

Home Occupation Permit (\$50.00)

Name: Donald & Kevin Bumgardner
 Address: 1801 Eustis St.
 Phone: 612-386-8773 or 612-369-0311
Kevin cell

Jim Bownik

From: Larry Lambert [larry.lambert@Minivalco.com]
Sent: Thursday, January 15, 2009 1:45 PM
To: Debbie Lambert; Jim Bownik; Heather Butkowski
Cc: Larry Lambert
Subject: 1801 Eustis Street

Dear City Council,

Pursuant to your letter dated 01/09/2009 I have serious doubts as to the compliance of Integra Electric with the Village's criteria.

1. Trucks with signage are park on warehouse drive way.
2. In the past Electrical debris has accumulated on the north side of warehouse.

3. Noise at 6:15 AM Monday thru Thursday (see Police Reports 11/6/2008, 11/10/2008, 11/11/2008, 11/12/2008, etc.. Still continuing. Lights out side 24/7. During remodel no concrete dust abatement during cutting of said concrete. Frequent 10ton trucks delivering with hi-idle power tailgate use, causing excessive noise and diesel exhaust odor.

4. Sufficient off-street parking not available.

5. Four trucks equal 3 employees none lives there.

As you can see these fellows have no respect for our Village or any of the residents there in.

I respectfully request the application for a Home Occupation Permit for Integra Electric (Donald Bungardner & Kevin Bungardner)

be Denied!

Thank you,
Larry Lambert
Minvalco Inc.
4749 Old Highway 8 Suite 110
Mounds View MN 55112
phone 763-786-5030 fax 763-786-5052
888-637-3148

Jim Bownik

From: Kyle [canus_mynx@yahoo.com]
Sent: Tuesday, January 20, 2009 7:54 AM
To: Jim Bownik; Heather Butkowski
Subject: 1801 Eustis Street

Dear City Council,

Regarding your letter dated 01/09/2009:

1. I seriously doubt that all 4 trucks will fit on their 2-car parking space. Should they attempt to use the patio area on the east side of their garage, that would violate the maximum driveway width statute as no variances were requested during construction.

2. Unless the police intend to enforce the '30 accumulated overnites' statute regarding on street parking, we citizens and the church-goers will be forced to constantly navigate around them.

3. The clause regarding no signage is moot when they will have vehicles with signage parked on site and quite likely in the street. How long before the company buys an 'occasional use' enclosed trailer with logo that will be left in the driveway? What if they decide they only need 3 of their 4 trucks for a couple days?

4. Their yard maintenance is far below par. 2 falls ago, they layed sod. The following summer, they did not water it at all and it died, surrendering their lot to weeds. They have installed a watering system, now, but it is never adjusted properly and sprays water all over other lots, the road, etc.

5. I live some distance away, yet I am often awake by delivery trucks and them hollering back and forth as they prepare to go to jobs. Now I know Lauderdale does not have actual noise ordinances, but I oft wonder how quickly they would if this were happening next door to a council member.

6. If I recall correctly, before the electrical guys bought the building, someone wanted to open a coffee shop or ice cream or something similar. They were denied. Somehow, a service to the local community and owned by a citizen (much like that grocery store was) was denied, yet a business that does NOT serve our community is being considered?

I am against this. They will NOT follow the agreements as diclated in the letter you sent me. Businesses rarely do. And why should the citizens have to be bothered to call the police or city and complain about a situation that should not have been allowed to begin with? How many violations before the city would kick them out? I doubt the city would want the legal expenses. Let them buy Art's Service Station and use that. Put up a sign if they want.

Sincerely,
Kyle Roggenbuck
1806 Malvern Street
34 Year Lauderdale Resident

PS Several of the neighbors have considered taking the city to court to prevent this. I don't want to, but I would sign on if approached. This is not a proper use of the property.

Dear Mr. Bownik,

I am the owner of 1811/1813 Eustis, and wanted to express my full support for the Home Occupation Permit, for the home-based business at 1801 Eustis.

I can still remember in the mid 1970's, shopping at the small

corner grocery store there.

For us to have a vibrant new business at that corner, would be a very positive sign, that Lauderdale is a progressive city, that welcomes this well done new development.

All of us who live on Eustis, have been thrilled at the beauty of the extensive remodeling, that has been done to the building at 1801 Eustis. We would welcome a small business, that many neighbors in Lauderdale, may even be using for electrical work, on our own homes.

Please feel free to contact me if you have any questions.

Thanks You,

Michael Tracy
651 288 5665
mike@bellhr.com

City of Lauderdale
The Island in the Metra
1891 WALNUT STREET
LAUDERDALE, MN 55113

MAIN 651-792-7650
JIM 651-792-7656
JIM.BOWNIK@CI.LAUDERDALE.MN.US

March 18, 2009

Donald Bumgardner & Kevin Bumgardner
1801 Eustis Street
Lauderdale, MN 55113

RE: DENIAL OF HOME OCCUPATION PERMIT

We have completed review of your home occupation permit application. Your home occupation permit is being denied for the following reason:

- The occupant of the dwelling is not the applicant for the home occupation, which is the intent of the ordinance.

The applicant or other aggrieved party may appeal this decision in writing within ten days. Appeals will be heard by the City Council, which shall make the final determination.

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


Jim Bownik

Assistant to the City Administrator
Zoning Administrator
City of Lauderdale

LAUDERDALE COUNCIL ACTION FORM

Action Requested

Consent	_____
Public Hearing	_____
Discussion	<u> X </u>
Action	<u> X </u>
Resolution	_____
Work Session	_____

Meeting Date	April 28, 2009
ITEM NUMBER	9C - OPFB Calculation
STAFF INITIAL	
APPROVED BY ADMINISTRATOR	_____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

GASB 45 requirements have slowly been implemented in cities since December 2006 based on annual revenues. Lauderdale is a phase 3 city, so we have to implement the standard starting in 2009. I attached an article from the League that explains the standard. In a nutshell, all Minnesota cities have to calculate their Other Post-Employment Benefits (OPFB) because state law allows retirees to continue on city insurance plans (at retiree cost) until the age of 65. The assumption is the rate would be lower for all employees if retirees were not allowed to continue in the plan - hence the "Implicit Rate Subsidy."

Larger cities have had to undertake actuarial studies to determine their OPFB liabilities. Thankfully, small cities can use an alternative calculation. An estimate from Abdo, Eick, and Meyers to provide this service is attached.

OPTIONS:

STAFF RECOMMENDATION:

Motion to approve the estimate from Abdo, Eick, and Meyers to calculate and report on the City's OPFB liability.

COUNCIL ACTION:

New GASB Accounting Standards for OPEB

By Chris Grabian, EA, ASA, MA, AA, Actuarial Consultant

New Government Accounting Standards Board (GASB) Statement No. 43 and No. 45 establish accounting and financial reporting standards for Other Post-Employment Benefits (OPEB) offered by public-sector employers. OPEB primarily relates to retiree health care, but also includes other benefits offered after employment. OPEB liabilities have been overwhelming employers and will significantly affect their financial statements and credit ratings. Cities should take steps now to ensure the most positive outcome; the new standards take effect late in 2006.

What do the new accounting standards mean? Most public-sector employers currently report OPEB costs as expenses/expenditures and finance them on a pay-as-you-go basis. GASB views OPEB as similar to pension benefits in that the cost of the promised benefits should be recognized when the employer receives the services of the employee—not when the benefits are paid after the employee leaves service or retires. New standards require OPEB costs to be measured on an accrual accounting basis over the career of employees; the pay-as-you-go basis will no longer be acceptable.

The standards do not increase the actual cost of employee compensation (which includes benefits). Instead, the standards shift the future cost of benefits provided after employment to the years of employment. This approach increases the understanding and disclosure of employees' total cost of compensation. The standards force employers to understand and quantify benefits they have promised to current and future retirees and report this information to taxpayers and bondholders. Under the new standard, the employer isn't required to pre-fund these promised benefits, but must determine and disclose how they plan to pay

for these benefits in the future. Employers failing to pre-fund will likely experience negative consequences related to their credit ratings, selling of bonds, and borrowing of money.

Who is affected? Public-sector employers who follow Generally Accepted Accounting Principles and offer OPEB are affected. Examples include municipalities, public educational institutions, utilities, and hospitals and other health care providers. Some Minnesota municipalities have mistakenly assumed they have no OPEB liability because they have few employees, or charge retirees the "full" rate. Virtually all Minnesota public-sector employers have an OPEB liability, regardless of their size, thanks to the provisions of Minnesota Statute 471.61.

In Minnesota, when a person retires under age 65, the most an employer can charge is the group premium rate for active employees, which is less than the retiree's expected cost. This difference, known as the Implicit Rate Subsidy, is considered an OPEB and must be quantified under the new standards. Some employees will be covered to age 65, others for life. Spouses may also be covered in those same timeframes, creating additional liabilities. Each employer's situation depends on the promises made to their current and future retirees.

When are the standards effective? The standards will be phased-in based on an annual revenue of the employer. The effective dates are included in the table below.

Effective dates for GASB reporting standards			
Revenue in FY	GASB No. 45 Effective FY	GASB No. 43 Effective FY	Ending After 6/15/99
> \$100 million	Dec. 15, 2006	Dec. 15, 2006	Dec. 15, 2007
\$10-\$100 million	Dec. 15, 2007	Dec. 15, 2007	Dec. 15, 2008
< \$10 million	Dec. 15, 2008	Dec. 15, 2008	Dec. 15, 2009

What do employers need to do? Be proactive. While it seems like there is a lot of time to comply with the new standards, there are a number of steps involved:

- Retain an actuary to value OPEB liabilities and provide reporting requirements. The actuarial consultant will analyze the impact the standards will have on your organization and provide requirements for financial statements. Choose a consultant with the expertise to provide valuations, plan design analysis, asset/liability projections, union negotiating strategies, and reporting disclosure requirements for OPEB plans.
- Review existing OPEB plans and research alternative plan designs to control costs. Where appropriate, seek benefit concessions from active and retired employees of collectively bargained plans. This is a highly sensitive topic. Retiree benefits are becoming an increasingly popular topic of employment litigation; employers will fare better if the issue is addressed head-on.
- Assess how OPEB liabilities will affect bond credit ratings, selling bonds and the cost of borrowing.
- Determine whether and how to fund the OPEB liabilities.
- Report OPEB liabilities on financial statements.

The new standards affect every Minnesota public-sector organization. Figure out the financial impacts and make plans now for how you'll adjust to life under this new reality. ■

Chris Grabian is an actuarial consultant for Stanton Group. For more information on public-sector services provided by Stanton Group, contact Yvonne Johnson at (763) 278-4462 or yjohnson@stanton-group.com. Stanton Group will host a free GASB OPEB seminar in Minneapolis; for more information call (763) 278-4196 or (888) 624-1575.

Heather Butkowski

From: Andrew Berg [aberg@aemcpas.com]
Sent: Thursday, April 09, 2009 8:07 AM
To: Heather Butkowski
Subject: GASB 45 calculation

Heather,

I am estimating the fee for the alternative method calculation for GASB 45 purposes will be around \$500 for the City of
Lauderdale.

Let me know if you have any questions.

Thanks,

Andy Berg
Governmental Services Partner

ABDO, EICK & MEYERS, LLP

Certified Public Accountants & Consultants

5201 Eden Avenue, Suite 370
Edina, Minnesota 55436

952.715.3003 Direct Line
952.835.9090 Phone

952.835.3261 Fax
www.aemcpas.com

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Subd. 2b. **Insurance continuation.** A unit of local government must allow a former employee and the employee's dependents to continue to participate indefinitely in the employer-sponsored hospital, medical, and dental insurance group that the employee participated in immediately before retirement, under the following conditions:

(a) The continuation requirement of this subdivision applies only to a former employee who is receiving a disability benefit or an annuity from a Minnesota public pension plan other than a volunteer firefighter plan, or who has met age and service requirements necessary to receive an annuity from such a plan.

(b) Until the former employee reaches age 65, the former employee and dependents must be pooled in the same group as active employees for purposes of establishing premiums and coverage for hospital, medical, and dental insurance.

(c) A former employee may receive dependent coverage only if the employee received dependent coverage immediately before leaving employment. This subdivision does not require dependent coverage to continue after the death of the former employee. For purposes of this subdivision, "dependent" has the same meaning for former employees as it does for active employees in the unit of local government.

(d) Coverage for a former employee and dependents may not discriminate on the basis of evidence of insurability or preexisting conditions unless identical conditions are imposed on active employees in the group that the employee left.

(e) The former employee must pay the entire premium for continuation coverage, except as otherwise provided in a collective bargaining agreement or personnel policy. A unit of local government may discontinue coverage if a former employee fails to pay the premium within the deadline provided for payment of premiums under federal law governing insurance continuation.

(f) An employer must notify an employee before termination of employment of the options available under this subdivision, and of the deadline for electing to continue to participate.

(g) A former employee must notify the employer of intent to participate within the deadline provided for notice of insurance continuation under federal law. A former employee who does not elect to continue participation does not have a right to reenter the employer's group insurance program.

(h) A former employee who initially selects dependent coverage may later drop dependent coverage while retaining individual coverage. A former employee may not drop individual coverage and retain dependent coverage.

(i) This subdivision does not limit rights granted to former employees under other state or federal law, or under collective bargaining agreements or personnel plans.

(j) Unless otherwise provided by a collective bargaining agreement, if retired employees were not permitted to remain in the active employee group prior to August 1, 1992, a public employer may assess active employees through payroll deduction for all or

part of the additional premium costs from the inclusion of retired employees in the active employee group. This paragraph does not apply to employees covered by section 179A.03, subdivision 7.

(k) Notwithstanding section 179A.20, subdivision 2a, insurance continuation under this subdivision may be provided for in a collective bargaining agreement or personnel policy.

Subd. 3. **Payroll deductions.** A like payroll deduction and remittance shall be made upon the written order of any such officer or employee who are, or become, subscribers under a contract with a nonprofit hospital service plan corporation as defined by law.

Subd. 4. [Repealed, 1965 c 780 s 9]

Subd. 5. **Provision of long-term care insurance.** Any political subdivision, or any two or more political subdivisions acting jointly, may contract with an insurance company licensed to do business in this state for the voluntary purchase of long-term care insurance by the employees and their dependents of the political subdivision or subdivisions. The coverage may be through a group policy or through individual coverage.

History: 1943 c 615 s 1-4; 1955 c 193 s 1, 2; 1957 c 321 s 1; 1959 c 611 s 1; Ex1959 c 76 s 1; 1965 c 296 s 1, 2; 1971 c 451 s 1; Ex1971 c 31 art 20 s 13, 14; Ex1971 c 48 s 16; 1973 c 385 s 1; 1973 c 725 s 68-70; 1978 c 764 s 127; 1979 c 334 art 6 s 26; 1982 c 602 s 1; 1984 c 463 art 7 s 22, 23; 1986 c 321 s 1; 1986 c 444; 1988 c 709 art 2 s 2; 1992 c 488 s 3; 1994 c 505 art 3 s 15, 16; 2000 c 273 s 1; ISp2005 c 4 art 5 s 16; 2007 c 6 s 3

LAUDERDALE COUNCIL ACTION FORM

Meeting Date	April 28, 2009	ITEM NUMBER	9D - Election Ordinance
STAFF INITIAL	<u>MB</u>	APPROVED BY ADMINISTRATOR	_____

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

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

After the last Council meeting, I started working on a revision to our election ordinance to provide for even-year elections. I noticed a section of election law that states an ordinance like the one the Council is considering becomes effective 240 after passage and publication. I asked Joe Miansky about this. He forgot to account for this when I talked to him. The Council can still change to even year elections, just not this year. The City will have an election in 2009.

Since I had proposed language drafted, I thought I would show it to you. This version would provide an extra year to every term, but there is also the option to shorten terms to keep them staggered.

OPTIONS:

The Council has the option of putting this on hold or pursuing it now. The Council may also want to consider it again at the goal setting session.

STAFF RECOMMENDATION:

COUNCIL ACTION:

CHAPTER 6

ELECTIONS

SECTION:

1-6-1: City Elections

1-6-2: Registration System Adopted

1-6-3: Voter Registration Required

1-6-1: CITY ELECTIONS:

The regular city elections shall be held on the first Tuesday after the first Monday in November in each ~~odd numbered year~~ every even numbered year. (Ord. 80, 1-10-1984, amended May 2009)

1-6-2: EXTENSION OF TERMS:

The term of the Mayor elected in 2009 shall be extended one year so that the seat will be up for election in 2012 rather than in 2011. The terms of the two councilors elected in 2009 shall be extended one year so that the seats will be up for re-election in 2014 rather than in 2013. The terms of the two councilors elected in 2007 shall be extended one year so that the seats will be up for re-election in 2012 rather than in 2011 in accordance with the provisions of Minnesota Statute section 205.07.

1-6-23: REGISTRATION SYSTEM ADOPTED:

The system for the permanent registration of voters, provided for by the Minnesota Statutes, chapter 201, is hereby adopted for the City. (Ord. 57, 5-1-1969)

1-6-34: VOTER REGISTRATION REQUIRED:

No person shall be permitted to vote at any election held in the City unless he shall have registered, as provided in said Act. (Ord. 47, 5-1-1969)

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

Consent _____

Public Hearing _____

Discussion


Action _____

Resolution _____

Work Session _____

Meeting Date April 28, 2009

ITEM NUMBER 9E - Police Contract

STAFF INITIAL 

APPROVED BY ADMINISTRATOR _____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

After the last meeting, the letter you reviewed was sent to St. Anthony. They invited Lauderdale and Falcon Heights staff to a meeting to discuss it. In the end, a reduction in the cost over three years was agreed to. The increases now amount to 2% in 2010, 2% in 2011, and 4% in 2012 versus the 3.5% to 4% increases initially proposed. The City will see a savings of \$35,321 over three years. St. Anthony also addressed the issue of net revenue. They said in previous contracts they did not budget for squad car replacement so they used the net revenue balance to purchase them. Going forward, squad cars are a budgeted expense. Additionally, they said the full cost of the officers hired when Lauderdale when to 24 hour patrol have not been realized as they have not reached their top pay grades.

St. Anthony was not willing to include a renegotiation clause in the contract as they had agreed to an opt out clause and a reduction in cost. In the end, whether the contract says it or not, the City can still submit a request to renegotiate and see how St. Anthony responds. The contract says renewals need to be agreed to by May 15. As Lauderdale and Falcon Heights won't approve the contracts until their first May meetings, there was agreement on a one month extension to allow St. Anthony to bring this to their Council for approval.

OPTIONS:

I anticipate bringing the contract to the Council for approval at the next meeting unless the Council would like to consider other options.

STAFF RECOMMENDATION:

COUNCIL ACTION:

CONTRACT AGREEMENT
FOR POLICE SERVICES

This Agreement is made and entered into as of _____, 2009 between the CITY OF ST. ANTHONY, a municipal corporation under the laws of the State of Minnesota ("St. Anthony") and the CITY OF LAUDERDALE, a municipal corporation under the laws of the State of Minnesota ("Lauderdale"). The services to be performed under this Agreement will commence January 1, 2010.

I. PURPOSE

St. Anthony and Lauderdale have the power within their respective cities to provide for the prevention of crime and for police protection. Under Minnesota Statutes, Section 471.59, the cities may, by agreement, provide for the exercise of the police power by one city on behalf of the other city.

This Agreement sets forth the terms and conditions under which St. Anthony will provide police services for Lauderdale. St. Anthony will have full authority and responsibility to provide services in accordance with all enabling legislation under the laws of the State of Minnesota and the ordinances of Lauderdale. St. Anthony will provide feedback to the Lauderdale City Administrator and City Council on a regular and timely basis, and will actively support the creation of a joint advisory committee pursuant to Section IX of this Agreement, whose members come from both cities, and whose purpose is to review, monitor, and ensure a successful relationship between the two cities under this Agreement.

II. INTERPRETATION

This Agreement is entered following the preparation by Lauderdale of a Request for Proposal for Police Services and the submission of a responsive Proposal by St. Anthony (the "Proposal"). To the extent that any of the provisions of this Agreement are inconsistent with the provisions of the Proposal, the provisions of this Agreement will control. If any provision of this Agreement is ambiguous, the parties agree that the Proposal may be looked to as evidence of the parties' intent.

III. SERVICES

St. Anthony will provide Lauderdale with 24 hour police service, and will physically place a certified officer within the boundaries of Lauderdale 24 hours each day, except in those instances when the officer makes an arrest and transports a prisoner, during mutual aid situations, when providing a backup for another officer, or when called away for a court appearance, booking or similar police matter. Subject to these exceptions and in normal circumstances, St. Anthony will provide 24 hours of police protection and police presence each day within the City of Lauderdale. In those instances stated above when an officer is not physically present in Lauderdale, St. Anthony will respond to emergency police calls with other officers.

IV. LEVEL OF SERVICES

During the term of this Agreement, St. Anthony will provide to Lauderdale the same police service extended to persons and property within St. Anthony, which will include, but be limited to, the following:

- A. Patrol services, with random patrolling of all residential, business and public property areas during all shifts;
- B. Police presence within the boundaries of Lauderdale 24 hours each day, subject only to

the exceptions noted above;

C. Animal control services as provided within the City of St. Anthony by the animal control service employed by St. Anthony;

D. Dispatching Costs
Dispatching services are to be paid directly by the municipality served by Ramsey County Dispatch.

E. Enforcement of all ordinances of Lauderdale which are intended to be enforced by police officers, with special attention being given to parking, winter and nuisance ordinances;

F. Ticketing for traffic violations will be done routinely during normal shifts;

G. Crime prevention programs that encourage community involvement and investment in the City of Lauderdale, including participation in the Mayor's Commission, Family Violence Network, Neighborhood Watch Programs, "McCruff Houses," and "Combat Auto Theft" programs; in appropriate cases, referrals will be made to the Northwest Youth and Family Services Youth Diversion Program;

H. Criminal investigations.

I. Reports on police services and activities, including weekly, monthly and annual police reports;

J. Responses to medical emergencies, fires and other emergencies; responses shall include where appropriate, securing the scene for fire/rescue personnel, accompanying fire/rescue personnel to the hospital upon request of such personnel, and providing follow-up information to fire/rescue personnel upon request of such personnel;

K. Officers will be available at Lauderdale City Hall to answer questions from, and provide information regarding police activities to, Lauderdale residents, business owners and staff on an as-needed basis;

L. License inspections, background investigations and license enforcement services as called for under applicable state law or city ordinances;

M. Review and comment, upon request, of proposed Lauderdale ordinances affecting police services or enforcement;

N. Follow-up on reported crimes with the person(s) who reported the crime, including routine notification by telephone or mail as to the status of the investigation; and

O. Special event traffic patrol services.

V. PAYMENT FOR SERVICES

This Agreement will be effective January 1, 2010, and will continue until December 31, 2012. In consideration of the services to be provided under this Agreement, Lauderdale will pay St. Anthony an annual fee of \$578,595 for the year 2010, \$590,167 for the 2011, and an annual fee of \$613,774 for 2012 for the police service under this Agreement. This Agreement will be effective January 1, 2010, and will continue indefinitely unless canceled in accordance with the procedure outlined in Section XX of this

Contract Agreement for Police Services
Page 3
Agreement. In consideration of services provided for under this Agreement, St. Anthony and Lauderdale shall establish the fee for these services by May 15, 2012.

VI. METHOD OF PAYMENT

St. Anthony will bill Lauderdale monthly for 1/12 of the annual fee, and Lauderdale will promptly remit payments to St. Anthony within 30 days after receiving each billing from St. Anthony.

VII. LIABILITY

St. Anthony will be responsible for all liability incurred as a result of the actions of St. Anthony police officers under this Agreement, and will hold Lauderdale, its officers and employees harmless for any liability resulting from actions of a St. Anthony employee and shall defend Lauderdale, its officers and employees, against any claim for damages arising out of St. Anthony's performance of this Agreement; provided, however, that if the claim, action or liability is one which is insured by St. Anthony's liability insurer, Lauderdale will bear the first \$5,000.00 of expense for any such claim, action or liability, or expenses relation thereto, including attorneys' fees, to the extent not covered by the insurer because of a deductible amount under the policy (which deductible amount is currently \$10,000.00).

VIII. ADMINISTRATIVE RESPONSIBILITY

The law enforcement and police services rendered to Lauderdale will be under the sole direction of St. Anthony. The standards of performance, the hiring and discipline of officers assigned, and other matters relating to regulations and policies related to police employment, services and activities, will be within the exclusive control of St. Anthony. The parties hereto expressly affirm the importance of work force diversity and St. Anthony agrees to use reasonable efforts, within applicable departmental budgetary limits, to recruit qualified female and minority police officers.

IX. JOINT ADVISORY COMMITTEE

Both cities will appoint members to a joint advisory committee. The committee will meet at least once a year to ensure that this Agreement and the services performed pursuant to this Agreement are meeting the expectations of both cities. Any recommendations of the committee will be strictly advisory.

X. COMMUNICATIONS, EQUIPMENT AND SUPPLIES

St. Anthony will furnish all communication equipment and any necessary supplies required to perform the services, which are to be rendered under this Agreement.

XI. COOPERATION AND ASSISTANCE AGREEMENTS

Lauderdale will be included in all cooperative agreements entered into by the St. Anthony Police Department with other police services units.

XII. HEADQUARTERS

Headquarters for services rendered to Lauderdale under this Agreement will be located at offices owned or leased by St. Anthony. The citizens of Lauderdale may notify headquarters or Ramsey County radio dispatch for police services requested either in person or by some other means of communication. St. Anthony officers may take routine telephone calls and complete routine reports for Lauderdale at the Lauderdale City Hall, and Lauderdale will have facilities available to the officers at Lauderdale City Hall for this purpose. The facilities will include a desk, telephone, fax and copier.

Lauderdale will pay all costs of prosecution for all offenses charged within its boundaries or under its ordinances. LEAA funds and confiscated drug funds will be retained by St. Anthony. Fine revenues will be paid to Lauderdale. P.O.S.T. training funds will be used for officer training.

XIX. PROSECUTION AND REVENUES

The St. Anthony Police Chief will regularly communicate with the Lauderdale City Administrator in order to ensure that Lauderdale is knowledgeable about any police activity in the City, and at the request of the Administrator the Police Chief will make presentations to the Lauderdale City Council.

St. Anthony agrees to provide the Lauderdale Administrator with weekly, monthly and annual police reports, in a format as is mutually agreed to by the St. Anthony Police Chief and the Lauderdale City Administrator.

XVIII. COMMUNICATIONS

All offenses within Lauderdale charged by police officers under this Agreement will be charged in accordance with Lauderdale ordinances when possible; otherwise, the charge will be made in accordance with the laws of the State of Minnesota or the laws of the United States of America.

XVII. OFFENSES

The officers assigned duty within Lauderdale will be provided with authority to enforce the laws of the City of Lauderdale by proper action to be taken by the Lauderdale City Council, and while performing services under this Agreement will be considered police officers of Lauderdale. The Chief of Police of St. Anthony will furnish to the Lauderdale City Administrator the names of all St. Anthony police officers assigned to Lauderdale and all such officers will be appointed officers of the City of Lauderdale.

XVI. OFFICERS OF LAUDERDALE

St. Anthony officers assigned to duty within Lauderdale will enforce Lauderdale ordinances to the extent appropriate for enforcement by police officers.

XV. ENFORCEMENT OF ORDINANCES OF THE CITY OF LAUDERDALE

Enforcement of the current enforcement policies of St. Anthony will be provided in writing to Lauderdale. Enforcement policies of St. Anthony will prevail as the enforcement policies within Lauderdale. A written

XIV. ENFORCEMENT POLICIES

Officers assigned to duty in Lauderdale will at all times be employees of St. Anthony. All obligations with regard to workers compensation, FICA, withholding tax, insurance and similar personnel and employment matters will be the obligation of St. Anthony. Lauderdale will not be required to furnish any fringe benefits or assume any other liability of employment to any officer assigned to duty within Lauderdale.

XIII. EMPLOYEES OF ST. ANTHONY

XX. CONTINUATION OF AGREEMENT

This Agreement will be effective January 1, 2010 and will continue until terminated as described in Paragraph XXI below. In consideration for services provided under this Agreement, St. Anthony and Lauderdale shall establish the fee for police services by May 15, 2012.

XXI. TERMINATION OF AGREEMENT

Either St. Anthony or Lauderdale may terminate the Agreement by submitting a written notification to terminate to the City Administrator of Lauderdale and the City Manager of St. Anthony by March 15, of each year. Termination of this Agreement shall be effective on December 31st at 11:59 p.m.

XXII. REVIEW OF AGREEMENT

From time to time the terms and conditions of this Agreement shall be reviewed and revised, as St. Anthony and Lauderdale deem necessary.

XXIII. ASSIGNMENT

The rights and obligations of the parties under this Agreement will not be assigned, and St. Anthony will not subcontract for any services to be furnished to Lauderdale (except as otherwise provided in this Agreement), without the prior written consent of the other party.

The parties hereto have executed this Agreement as of the date first above stated.

CITY OF ST. ANTHONY

CITY OF LAUDERDALE

By: _____
Mayor

By: _____
Mayor

By: _____
City Manager

By: _____
City Administrator

Date:

Date:

3-Year Contract

Summary of Lauderdale Budget
For Fiscal Year 2010, 2011 & 2012

2009 Contract = \$578,250
Less: (\$ 11,000) Ramsey County Dispatch
\$567,250
X 2.00% Increase
\$578,595 2010 Budget

Total Revenues from Contracts
2010 2011 2012
\$578,595.00 \$590,167.00 \$613,774.00
2.00% 2.00% 4%

Revenues - Lauderdale

General Fund
Lauderdale Lauderdale Lauderdale
\$578,595.00 \$590,167.00 \$613,774.00
TOTAL

Personal Services
101-41100-110 Salaries \$362,100.00 Lauderdale
101-41100-111 Overtime Salaries \$369,400.00 Lauderdale
101-41100-114 Employers Contribution/Pension \$6,100.00 Lauderdale
101-41100-115 Employers Contribution/Insurance \$41,400.00 Lauderdale
101-41100-117 Overtime Court \$51,200.00 Lauderdale
Total Personal Services \$463,100.00 Lauderdale
\$475,600.00 Lauderdale
\$494,500.00 Lauderdale

Supplies
101-41100-226 General Supplies \$10,100.00 Lauderdale
Total Supplies \$10,300.00 Lauderdale
\$10,800.00 Lauderdale

Other Services & Charges
101-41100-321 Other Services \$5,200.00 Lauderdale
101-41100-331 Communications \$7,400.00 Lauderdale
101-41100-333 Care & Support/Booking Fees \$7,600.00 Lauderdale
101-41100-334 Printing & Publishing \$7,700.00 Lauderdale
101-41100-339 Maintenance & Repair \$2,900.00 Lauderdale
101-41100-341 Travel/School/Conference \$1,800.00 Lauderdale
101-41100-342 Subscriptions/Membership \$1,800.00 Lauderdale
Total Other Services & Charges \$28,100.00 Lauderdale

TOTAL POLICE BUDGET

Other Budget Line Items
101-40510-335 Workers Compensation \$11,200.00 Lauderdale
101-41900-320 Animal Control \$1,800.00 Lauderdale
101-42200-222 Public Works/Fuels & Lubricants \$1,700.00 Lauderdale
101-42200-339 Public Works/Maintenance & Repair \$10,300.00 Lauderdale
101-42200-339 Public Works/Maintenance & Repair \$12,980.00 Lauderdale
401-47200-453 Squad Car/Capital Equipment \$26,000.00 Lauderdale
101-50000-349 Contingency For Unanticipated/Emergency Expenditures \$16,795.00 Lauderdale
TOTAL \$578,595.00 Lauderdale
\$590,167.00 Lauderdale
\$613,774.00 Lauderdale

Dollar Increase
2.00% \$11,345.00
2.00% \$11,572.00
4.00% \$23,607.00

Ramsey County Dispatch Services
Paid Directly by Lauderdale

2009 Budget \$578,250.00
Less: Ramsey Dispatch (\$11,000.00)
\$567,250.00
2.00% Increase \$11,345.00
2010 Budget \$578,595.00

**LAUDERDALE COUNCIL
ACTION FORM**

Meeting Date	April 28, 2009
ITEM NUMBER	13A - Dog Park Follow Up
STAFF INITIAL	<i>[Signature]</i>
APPROVED BY ADMINISTRATOR	

Action Requested	
Consent	<input type="checkbox"/>
Public Hearing	<input type="checkbox"/>
Discussion	<input type="checkbox"/>
Action	<input type="checkbox"/>
Resolution	<input type="checkbox"/>
Work Session	<input checked="" type="checkbox"/>

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

After the last meeting, Jean Blat and Leslie Kratz made some requests on behalf of dog park users. The following memo highlights the issues, as I understand them, and my follow up research.

OPTIONS:

STAFF RECOMMENDATION:

COUNCIL ACTION:

Dog Park Issues:

Jean Blat and Leslie Kratz addressed a number of dog park issues at the last meeting and reiterated them in the attached letter. The issues include:

- The condition of the ground cover in the dog park.
- Funding for dog park improvements.
- The use of Sentence-to-Service (STS) crews.
- Communication among dog park users and the City.

Ground Cover:

Blat and Kratz suggested topsoil and woodchips be spread over the dog park to prevent it from becoming muddy in the spring and dusty when dry. Staff brought this idea to the city engineer, Rice Creek Watershed District staff, and Bill Anderson (dog park user and landscape engineer). They were asked about the benefits and drawbacks of wood chips. All of them advised against laying topsoil or black dirt under wood chips; they said the area would absorb more water and drain more slowly.

- None of them took issue with wood chips. The watershed district said wood chips release little phosphorus as they decompose. Their primary concern is that pets continue to be cleaned up after as that is a contaminant.

- The city engineer said the area around the dog park (the grassy area) may retain water longer as about a quarter of the park drains to the northeast corner. He suggested only laying wood chips in the third of the dog park that receives the most use and where the grass won't grow. We noticed grass sprouting along the periphery and at the southern end.

- The city engineer also suggested keeping the chips as far back from the fencing as possible or installing a border at the northeast corner to help keep the wood chips in the dog park.

Funding & Maintenance:

The cost to improve the ground cover at the dog park lies in the wood chips, labor, and maintenance. Blat mentioned that St. Anthony Park has successfully used the Sentence-to-Service crews for many years. Bill Andersons confirmed this in the attached "Maintenance Proposal." He suggests bringing the STS crews in two to three times per year to haul and spread the wood chips. He said the wood chips are available free of charge through Ramsey County. If the wood chips do not work out, there would be a cost to dig them up and dispose of them. As the wood chips build up, there may be a periodic cost to dig them out and lay new chips as well.

On an on-going basis, staff would be responsible for any additional maintenance such as raking the chips that end up outside the dog park. Administrative staff would be responsible for coordinating the STS events.

Blat and Kratz asked whether individuals could donate to the dog park. Staff confirmed with the city auditor the best way to do this and established an account for dog park donations. The City received a donation from Bill Anderson that was on the Consent Agenda. Ultimately, all donations become the property of the City and the Council determines how they are spent or used. Blat asked me if dog park users could collect money amongst themselves for improvements. I told her they could but dog park expenditures or improvements would have to be approved by the City Council.

The simplest thing would be for the users to select the item they think is most important. Once staff has enough donation money to pay for the improvement, staff would let the Council know and get authorization for the improvement. Then the dog park users could do the same for another improvement, and so on.

Sentence-to-Service Crews:

Councilors asked about liability issues when using STS crews. I asked Tracie Chamberlin from the League of Minnesota Cities. Her response is attached.

Communication:

Blat and Kratz also suggested creating communication channels among dog park users and between dog park users and the City. Since the meeting, staff has talked with Blat about this further. Specifically, staff asked her what information she feels needs to be disseminated and ideas for how to do it. Blat and Kratz addressed this in their letter. Obviously, the City is interested in this but wants to make sure the information is timely and appropriate so it doesn't lead to unrealistic expectations.

**NOTES related to the Discussion About the Lauderdale Dog Park:
Lauderdale City Council Meeting, April 14, 2009**

There are many Lauderdale Citizens who are grateful to the City Council for the work they did to create the Dog Park and maintain the Park. It is being enjoyed and used by many people of all ages. We discussed several issues regarding the Dog Park.

1. Something needs to be done about the surface of the Dog Park.

The good news is the Dog Park is a huge success and a great community builder.

The Problem is we need to improve the surface of the Dog Park. Currently, do to the use... the surface is either really dusty or when it rains the Dog Park is really muddy.

We think the solution is one of the following:

Wood Chips

or

Wood Chips on top of a new layer of black dirt or gravel depending on the advice of the Rice Creek Watershed Council.

We know the City Council doesn't have a lot money, so we have been brainstorming and researching solutions that don't cost any money.

We proposed that the Council contact:

Bill Anderson, St. Anthony Park Community Recreation

Community Gardens since 1989

Community Gardener Award

Long Track Record Working With Sentence to Serve -

(DWI)

Group has their own crew, trucks,

Group is available and could do work for us.

Getting Wood Chips and possibly Black Dirt

Bill is willing to talk to us about the City Council.

He wants us to help us because he loves the dog park and he is always looking for meaningful community projects for his group.

Currently, he is in charge of the St. Paul Dog Park and many community gardens.

If you go along with this we will do a Community Story on it.

Heather has contacted Bill Anderson.

2. We need to improve communication in several ways

The Users of the Dog Park have ideas, they want to volunteer, many of them want to donate money.... but they aren't sure how to do this.

They also want to be reassured that money that is donated for the Dog Park is spent on the Dog Park.

They also want to be able to easily make suggestions related to the Dog Park. Ideally, this would include an email address at the Lauderdale Website and a Suggestion Box at the Dog Park.

We also understand that the City Council and PCIC need to be involved in these decisions:

3. We also discussed an Additional Dog Park Wish List
A system that easily delivers fresh water
A means to provide shade
Benches for the Dog Park -- Attractive, long-lasting, maintenance-free benches for the Dog Park and the Park.

(NOTE: A source for the benches exists and we have presented it to the City Council at previous meetings.)

Friends of Lauderdale Dog Park



Maintenance Proposal

The Lauderdale dog park has had grass on it, but the wear and tear has resulted in large areas of the park with no grass, only soil, which when dry becomes dusty and when wet, muddy.

Minneapolis, St. Paul and Ramsey dog parks all use wood chips in their systems. They need to be replenished, usually 2-3 times per year.

Ramsey County has a special workforce – Sentence to Service – which consists of a Ramsey County crew chief/supervisor and 8-10 individuals who have been sentenced to do community service.

These STS crews have worked in St. Anthony Park every year from 1989 doing tree plantings, recycling projects and helping seniors with a variety of tasks.

The STS crews could be used to pick up chips/mulch and transport and spread them in the Dog Park.

This is a no cost to the city alternative that could be used into the future.

Heather Butkowski

From: Chamberlin, Tracie [TChamberlin@lmc.org]
Sent: Friday, April 17, 2009 12:45 PM
To: Heather Butkowski
Subject: RE: Sentence to Serve

Good Afternoon Heather,

Thank you for your email. It's been my experience that folks assigned to the Sentence to Serve program are generally non-violent offenders. In fact, the STS program can be a good way to get some things accomplished without spending City funds for added staff. There are, however, still some things to consider:

- STS crew should be under constant supervision by an STS supervisor.
- I don't know if minors ever get assigned to an STS crew, but in the event that this is the case, please be sure to remember that there are certain duties minors cannot do according to the state and federal Fair Labor Standards Act (child labor laws).

- Prior to the STS crew doing any work for the City, determine exactly what work the crew will be performing.

- Clearly define parameters and expectations: where will the crew be working, what will they be doing, what are the work hours, who does the City contact if you wish to discontinue this arrangement, etc.

As far as City liability is concerned, **MN State Statute 3.739** governs both compensation for injuries to persons who are doing community service or other types of alternative sentencing work for the City, and claims by persons who may be injured by someone doing community service under an alternative sentencing arrangement. The statute provides that claims for such injuries are to be investigated by the City and submitted to the Minnesota Department of Corrections for payment. Subdivision 3 precludes any claim against the City for such injuries.

In reality, it is certainly possible that despite what State Statute says, someone might make a claim against the City or against a City officer or employee, or name them in a suit for injuries to a person working under a community service sentence. If that happened, LMCT would defend the City and/or its officers and employees and that claim. Of course, the first step in that defense would be a motion to get the claim dismissed, based on the provisions of this Statute.

I hope this information is helpful. Please do not hesitate to contact me if you have questions or wish to discuss this information further.

Thanks much and have a great weekend!

Tracie Chamberlin | Loss Control Manager

Tel: (651) 281-1210 | Fax: (651) 215-4103

traciechamberlin@lmc.org | www.lmc.org

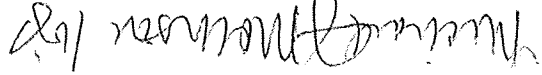
League of Minnesota Cities

145 University Ave. West | St. Paul, MN 55103

Connecting & Innovating since 1913

City Manager

Michael J. Mornson



Sincerely,

In addition, we have changed language on the Joint Advisory-Committee to meet once per year, changed the Termination Agreement so it is consistent with both cities and attached a budget that breaks down wages and benefits. Also, dispatch expenditures will be paid for by each city. We have attached a copy of the proposed budget for Lauderdale. If you have any questions, please contact me at 612-782-3311 or email at mike.mornson@ci.saint-anthony.mn.us

2009	Proposed	2010	Proposed	2012	Proposed
Contract	\$578,595	2011	\$595,952	2012	\$613,831

The proposed increase listed below is contingent on a favorable approval of the St. Anthony City Council. The St. Anthony City Council will schedule approval after Lauderdale approves the contract. Here is a current summary of the cost for services:

- ✓ Health insurance premiums increased 16% and each year continues to rise at double-digit levels.
- ✓ Increasing costs of maintenance (labor, tires, parts & etc.).
- ✓ Fuel costs volatility.
- ✓ PRA (Employer pension contributions were increased by the State).

The proposed increase is necessary to offset increased costs in the following areas:

Enclosed is the Contract Agreement for police services for 2010, 2011 and 2012 between the City of Lauderdale and City of St. Anthony. The increases for each contract year are 2% in 2010, 2% in 2011, and 4% in 2012. In 2010, the City removed \$11,000 for dispatching services. This will be paid to Ramsey County by each city. Please note these contracts have been revised as a result of our April 20, 2009 meeting.

Dear Heather:

Heather Butkowski
 City of Lauderdale
 1891 Walnut Street
 Lauderdale, Minnesota 55113

April 24, 2009

