

***MINUTES OF THE LAUDERDALE CITY COUNCIL
TUESDAY, JANUARY 9, 2007
7:30 p.m. Lauderdale City Hall, 1891 Walnut Street***

Mayor Dains called the meeting to order at 7:30 p.m. and asked City Administrator Heck to call the roll. Council members present: Karen Gill-Gerbig, Denise Hawkinson, Karen Doherty, Clay Christensen and Mayor Jeff Dains.

Also present for the meeting: Assistant to the City Administrator, Jim Bownik and Heather Butkowski, Deputy City Clerk.

Mayor Dains asked if there were additions or deletions to the agenda. Heck requested the addition of County Road turn backs to the work session and Mayor Dains requested addition of Smoke Free Ramsey County.

Council member Christensen moved to approve the agenda as amended. The motion was seconded by council member Doherty and carried.

Mayor Dains asked if there were any comments or changes to the council meeting minutes of December 12, 2006. There were none.

Council member Gill-Gerbig moved approval of the minutes as amended and council member Doherty seconded. The motion carried.

Mayor Dains asked if there were any questions on the claims. Council member Gill-Gerbig asked about the street light payment at Como and Hoyt. She asked if this was for a stop light. Staff stated the payment is for a street light and not a stop light.

Council member Doherty moved approval of the claims in the amount of \$114,483.10. Council member Christensen seconded the motion and it carried.

The mayor stated this was the time established for members of the public to address the council with issues not present on the agenda. Harvey Skow, 1931 Carl, stepped to the podium to address the council.

Mr. Skow addressed the City's Right of Way (ROW) ordinance. He stated he does not agree with the City's interpretation that the ordinance prohibits retaining walls in the ROW. He related information from the City of St. Paul where residents sued the city about a ROW issue and won a \$200,000 settlement. He also feels the City should be consistent in its application of the ROW ordinance. He used his neighbor to the north as an example.

Mr. Skow then addressed the survey recently completed of the alley. He stated the City paved part of his property thereby limiting his use, access and enjoyment of the property. He said he developed his own personal private property code and assigned fees for the

use of his property. He estimated the City owes him just over \$13,000 for paving part of his property.

The mayor stated the council will take the issue under advisement.

The mayor asked if the Council wished to remove items from the consent agenda. Council member Christensen stated he would like to remove the committee appointment item from the consent agenda. Mayor Dains wished to remove the rental housing licenses from the agenda and have them discussed during the work session.

Council member Gill-Gerbig moved approval of the consent agenda approving annual licenses, the designation of the official newspaper as the Roseville Review, establishing the 2007 City Council meeting schedule, approving the 2007 – 2009 AFSCME Union Contract, authorizing staff compensation increases as recommended, and authorizing bond payments. The motion to approve the consent agenda was seconded by Council member Hawkinson and carried.

Coralie Wilson, Executive Director of the North Suburban Cable Commission (NCSS) addressed the council. Ms. Wilson provided the council background on the issue of local franchising and telecommunications companies such as Verizon and AT&T.

Ms. Wilson outlined an order FCC Chair Martin issued following the end of the 2006 congressional session and the impact the order might have on the cities in the NSCC service area.

Ms. Wilson next provided information on what some national organizations are planning to do as a result of the order. She indicated several are banding together and plan to file a lawsuit. She said at this point support for the cities position can go to Senator Klobachar who is serving on the commerce committee.

She finished her presentation by outlining a couple of questions the NSCC board members need to answer and asked the council to provide the NSCC delegate with direction on these questions.

The council thanked Ms. Wilson for her presentation.

The council moved on to consider the items under agenda item 8 Action Items.

- 1) Selection of Audit firm. Heck presented an overview of the process used to solicit firms to complete the city's audit for year end 2006. Council members Doherty and Christensen added to the discussion and their views of the firms that responded to the request for proposals.

The committee, comprised of staff and council members Doherty and Christensen, recommended the council select Abdo, Eick, and Meyers to prepare the 2006 audit with the stipulation that the audit team and audit manager not be

the same as the past several years. Heck reported the firm will meet this condition.

Moved by council member Christensen and seconded by Doherty to accept the recommendation of the committee and appoint Abdo, Eick, and Meyers to complete the 2006, 2007, and 2008 audits. Motion carried on a roll call vote with council members Gill-Gerbig, Hawkinson, Doherty, Christensen, and Mayor Dains all voting yes.

- 2) Termination of Water Improvement Fund. Heck provided the background on this item stating the City does not have a need for this fund as St. Paul Regional Water Service provides the city water including being responsible for the repair and maintenance of the infrastructure that carries the water to end users.

Council member Doherty moved approval of Resolution 010907A Terminating Fund 409 – Water Utility Improvement Fund, eliminating the 5% surcharge on water bills, and transferring the balance of fund 409 to the Park Improvement Fund following final audit. Council member Hawkinson seconded the motion and the resolution carried with council members Gill-Gerbig, Hawkinson, Doherty, Christensen, and Mayor Dains all voting yes.

- 3) Transfer of funds from Fund 405 – TIF Improvement Fund to Debt Service Funds – 302, 303, and 304. Heck provided information on the transfer of funds and said the transfer is part of the 2007 adopted budget and that TIF funds are eligible for use in debt service for road projects. The transfer ensures the fund balance in the debt service funds. Council member Christensen noted the Resolution number on the Council Action Form should be a B, not a D and the final WHEREAS is misspelled.

Council member Hawkinson moved Resolution 010907B Transferring Funds from Fund 405 to Debt Service Funds 302, 303 and 304. Motion seconded by council member Gill-Gerbig and carried with council members Gill-Gerbig, Hawkinson, Doherty, Christensen and Mayor Dains voting yes.

The council took a five minute break to move into its work session.

Mary Tietjen, attorney for Kennedy and Graven, was present to discuss issues encountered during the implementation of the ordinance regulating rental housing in the city. Heather Butkowski provided examples of problems to the council and the potential impact these situations have in the administration of the ordinance.

Mayor Dains commented it appeared that some landlords took advantage of some provisions of the ordinance to avoid compliance. He stated he had not anticipated owners would take such steps to avoid compliance.

The council directed staff to work with counsel to develop amendments intended to close the loopholes that exist in the ordinance and at the same time provide some protection to the existing renters, if they exist.

Heck reported on his meeting with the Ramsey County regarding the potential turn-back of county roads. He said the county is not interested in discussing Fulham for several reasons, the main being it is a shared road with one community receiving State Aid and the other not. The county also stated this road was substantially reconstructed a few years ago. Heck said the county would entertain a resolution from the city for the turn-back of Roselawn. Heck finally addressed Eustis and said the county is not looking to do much to the street north of Larpenteur but might consider something south of Larpenteur.

Mayor Dains felt it was time for the City to offer up a few proposals to the County and to speak with Falcon Heights regarding turn-back issues.

The Mayor presented information from an organization promoting the Ramsey County Smoking Ban. The Mayor said the group is looking for cities in the county to adopt resolutions in support of the County Ordinance.

Heck provided the council with the Administrator's update.

Council member Gill-Gerbig moved to adjourn the meeting. Council member Doherty seconded the motion and the meeting adjourned at 11:18 p.m.