

***MINUTES OF THE LAUDERDALE CITY COUNCIL
TUESDAY, FEBRUARY 13, 2007
7:30 p.m. Lauderdale City Hall, 1891 Walnut Street***

Mayor Dains called the meeting to order at 7:33 p.m. and asked City Administrator Heck to call the roll. Council members present: Karen Gill-Gerbig, Karen Doherty, Clay Christensen and Mayor Jeff Dains. Mayor Dains stated council member Denise Hawkinson notified the Council she would be absent from the meeting.

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 stated item 9B relating to MSA funding would consist of discussion and update only.

Council member Christensen moved to approve the agenda. 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 January 23, 2007. There were none.

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

Mayor Dains asked if there were any questions on the claims.

Council member Christensen moved approval of the claims in the amount of \$87,070.26. Council member Gill-Gerbig 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. There were no members of the public who wished to address the Council.

The mayor asked if the Council wished to remove items from the consent agenda. No one wished to remove items from the consent agenda.

Council member Gill-Gerbig moved approval of the consent agenda approving rental housing licenses, 2007 waste hauler licenses, and the addition of employee plus one to the health insurance offering. The motion to approve the consent agenda was seconded by council member Christensen and carried.

Bownik presented a summary of the annual Snow*Commotion event. He said there were approximately 125 people who came to the park and City Hall. He recapped the expenses and revenue and stated this year's event generated a bit more than in previous years. Five kids shared in the medallion hunt and the book sale went well. He stated there were requests for more pre-teen and teen chapter type books. The council thanked

Bownik for his work in coordinating the event and expressed their thanks to all the volunteers for their work and support.

The council moved on to consider action items.

1. Mayor Dains introduced and provided background on the status of the rental housing license ordinance amendments. He stated the purpose for looking at the amendments was to clarify and reduce the potential for landlords to find and exploit loopholes. Heck then briefly went over the changes to the ordinance and mentioned the change that eliminates all tier II licenses at the end of the year. Council member Gill-Gerbig stated she has a concern about the sale of a rental home to a private individual through a contract for deed. She felt that this method of sale might be a way for a landlord to avoid having to make necessary repairs to the structure. She wanted to know if there is a way to require the property to be brought up to code upon sale.

Council member Christensen stated there was a typo in Section E(4). He said that “be subject” needs to remain and “shall” needs to be stricken.

The mayor wanted to make clear that the Council is still concerned about the tenant conduct because that was the main reason for the City to develop and adopt the ordinance in the first place.

Council member Gill-Gerbig moved to approve the amendments as presented. Second by council member Doherty and carried on a roll call vote with council members Gill-Gerbig, Doherty, Christensen, and Mayor Dains all voting yes.

2. Heck provided an update on acquiring special legislation to provide Lauderdale with a portion of the Municipal State Aide road money. He received a copy of a memorandum from the House Research Office to Representative Greiling stating that the distribution of State Aide for Municipal roads is defined in the Minnesota Constitution. He went on to say the Research Office provided three options: change the constitution; require counties to allocate County State Aid Highway funds to small cities; or require a redistribution of CSAH funds to small cities.

Following discussion the Council directed staff to contact Representative Greiling’s office and indicate Lauderdale is interested in pursuing legislation requiring counties to provide grants from the CSAH funds to small cities for the maintenance and repair of their roads.

3. The city council discussed the claims made by Mr. Skow for alleged damages to his property from the alley improvements completed in 2002. Specifically, the council addressed the lateral support issue, alleged illegal taking and use of private property resulting in an obstruction to the use and enjoyment of said property, and the destruction of a plum tree. Heck read excerpts from the

memorandums drafted by Ron Batty, City Attorney, and the recommendation the claims be denied.

Council member Gill-Gerbig said she recalled when the county reconstructed Roselawn; the apron to the alley was placed where the alley existed. She recalled that this work was completed in the mid-80's (approximately 1984 or so). She also stated she hoped the situation could still be resolved in a peaceful and respectful manner and that it finally be put to rest.

Mayor Dains recapped the events that brought the parties to this point. He stated Mr. Skow appeared before the Council seeking remedy to the lateral support issue he felt was caused by the city in the improvement of the alley. The Mayor stated the City reviewed the request and offered to provide the materials for the construction of a retaining wall with the condition it not be placed on city right of way. Mr. Skow rejected that offer and proceeded to come to Council meetings and levy additional complaints and requesting additional damages against the City. Mayor Dains concluded by saying he felt the council should accept the city attorneys' recommendations.

Council member Christensen said he would like to find a way to provide Mr. Skow with the lateral support and that there be agreement on where it is placed and who is responsible for the ongoing repair and maintenance. He said there is an easy way and a hard way to proceed and feels that Mr. Skow has taken the hard way and he wants to make sure the city does the responsible thing in this situation and does not create future issues.

Council member Doherty stated she also was hoping to find a reasonable solution to the situation if possible and is willing to discuss it with Mr. Skow.

The council stated they would like to take Mr. Batty's suggestion and have staff work with Mr. Skow on an agreement that provides the lateral support requested and that relieves the city from future maintenance of the structure and does not impede alley traffic.

Mr. Skow addressed the Council and stated he is not willing to discuss this situation. He stated he feels the city is required to provide compensation for the damage and the alleged illegal taking and obstruction of his property. He then indicated the city can offer a proposal and he may consider it but he will not release the city from future damages nor from the illegal taking as the city did not meet any of the three statutory conditions necessary for a legal taking.

Council member Gill-Gerbig moved to deny the claims made by Mr. Skow for monetary compensation for damages to his plumb tree and for alleged illegal taking and obstruction of his private property. She further moved to have staff work with Mr. Skow on a reasonable solution to solve the lateral support issue conditioned on a) a release from future liability, b) that any

proposed solution not impede the use of the alley by the traveling public, and c) maintenance and repair of the structure be defined. Council member Christensen seconded the motion and it carried on a roll-call vote with members Gill-Gerbig, Doherty, Christensen, and Dains all voting yes.

Items for consideration for the February 27 Council meeting were mentioned. Heck said he hopes to have the 2007 budget document ready for the Council. He also said Lauderdale needs to hold a public hearing on its storm water management. Other items for consideration at the next meeting are: city purchasing/credit card discussion, annual police department report, hearing on 1768 Eustis Street's rental license, and process for establishing 2007 goals and the 2008 budget.

The Council moved into the work session to discuss county road turn backs and the administrator update.

Heck outlined the status with the turn-back issue. He stated there are a few options open at this point. Lauderdale can forget pursuing acquiring the segments of road, can continue to discuss monetary reimbursement for the roads, or submit proposals for the turn back of the segments of county road.

Mayor Dains suggested Lauderdale prepare a proposal and submit it to Ramsey County for their response and start the negotiating process. He felt Lauderdale could take back Eustis from Roselawn to Larpenteur in exchange for the County rebuilding Eustis south of Larpenteur to Como.

Council member Christensen stated we should figure out the cost to rebuild Eustis like the other streets and then establish a plan to raise the funds and assess the residents along Eustis for the repair and just take over the street. He agreed with Mayor Dains regarding the south segment of Eustis.

Council member Doherty is willing to move forward in the manner described by council member Christensen.

After some additional discussion, the council directed staff to work on a proposal for the turn backs with the proposal containing the requirement of the County to be responsible for the upgrading of Eustis south of Larpenteur to Como. Before sending the proposal to the County, Heck is to discuss it with the Mayor.

The council moved into closed session at 9:05 p.m. to discuss personnel issues with the Administrator.

The council moved back to open session at 9:35 p.m. and Council member Gill-Gerbig moved to adjourn the meeting. Council member Christensen seconded the motion and the council adjourned at 9:36 p.m.