

***MINUTES OF THE LAUDERDALE CITY COUNCIL
TUESDAY, JANUARY 23, 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.

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

Mayor Dains asked if there were any comments or changes to the council meeting minutes of January 9, 2007. There were none.

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

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

Council member Doherty moved approval of the claims in the amount of \$31,691.82 Council member Hawkinson 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 had three questions for the council. First, why are his claims not on the agenda? Heck responded the city attorney advised the council not to consider items separately, but as a whole. Second, does the city want to resolve the issue of lateral support and the illegal taking of private property? Finally, has the city received a letter from the attorney and is it public. Heck stated a memorandum was received today and it has not been disclosed to the council and is not considered public at this time.

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 Christensen moved approval of the consent agenda approving rental housing licenses, the reappointment of Michelle Krug to the PCIC, waste hauler licenses, and mechanical contractor licenses. The motion to approve the consent agenda was seconded by Council member Gill-Gerbig and carried.

Bownik presented information on the status of the annual Snow*Commotion celebration. He said the event is scheduled for Saturday, February 10 from 3:00 p.m. to 6:00 p.m. He said a book sale, food and games will be at City Hall with skating and sliding at the park. He said donations for the book sale are welcome. Council member Doherty said the Lions will sponsor a horse and buggy between City Hall and the park so there is no cost to the residents to ride.

The council moved to the public hearing to consider the rental license status for 1768 Eustis Street. Heck provided background to the council on this item. He said the owner applied for and paid the necessary fees for the rental housing license. The house was inspected and several items were identified for repair and maintenance. The owner worked to correct the deficiencies, however the work done was substandard and many items were not corrected. The City sent the owner several letters outlining the requirements. These letters were sent certified and the owner refused to accept the letters. As of this date, the owner has not corrected the outstanding deficiencies nor has he come forward to the City requesting consideration for more time as other owners have done. Staff is recommending denial of the license based on failure of the owner to comply with provisions of the rental licensing ordinance and the International Property Maintenance Code.

Mayor Dains opened the public hearing at 7:46 p.m. and asked if anyone present wished to speak to the issues. There being none, the public hearing was closed at 7:46 p.m.

Council member Gill-Gerbig moved to deny the rental license application for 1768 Eustis. Council member Hawkinson seconded the motion and it carried on a roll call vote with members Gill-Gerbig, Hawkinson, Doherty, Christensen, and Dains voting yes.

The council moved on to consider action items.

Heck introduced Resolution number 102307A – A Resolution in Support of Ramsey County Smoking Ban. He stated Mayor Dains presented this item to the council at the council work session on January 9, 2007. He said this is a resolution in support of a comprehensive smoking ban in Ramsey County.

Council member Hawkinson moved adoption of resolution number 012307A – A Resolution in Support of Ramsey County Smoking Ban. Council member Christensen seconded the motion and it carried on a roll call vote with members Gill-Gerbig, Hawkinson, Doherty, Christensen, and Dains voting yes.

The Council moved into the work session.

1. Rental Housing Licenses. Mary Tietjen, City Attorney, presented information and explanation of the draft language. She addressed the issue of dangerous conditions and that the provision allowed the city inspector to use their discretion in determining if a condition is considered to be a hazard to health and safety.

Mayor Dains wanted to clarify that the council doesn't need to have involvement on this level and that the inspector has the authority to make these determinations. Mary stated that is what the ordinance provides.

Mary then addressed the issue of problems resulting from tenant conduct. She stated that the ordinance has a "three strikes" rule such that after the prerequisite number of qualifying offenses, the council has the authority to suspend or revoke a rental license. She said this provision has more teeth than moving the license to a Tier II.

The council then discussed at length the issue of keeping the Tier II license in place. Mary stated that the draft language phases out the Tier II license on December 31, 2007. After that, no Tier II licenses will be issued and all applications for license must meet the conditions of a license. The discussion centered on property where the tenant complains and how to handle violations. Mary indicated the existing ordinance provides for a remedy as does the state statute she discussed with the council at the last meeting.

The council then raised the issue of not being able to inspect a property with a license. There is no way to monitor the condition of property unless there are complaints. It was suggested to require inspections on some schedule upon renewal. Justification for this can be made by the number of properties that received repair orders prior to initial licensing and the desire of the council to ensure residents are living in safe units.

In the end, Mary was asked by the council to develop language to phase out the Tier II license and institute an inspection program based on even/odd year. She is also going to see if the city can require a copy of the lease as a condition of licensing.

2. Accounting / Auditing. Council member Doherty stated that the audit firm does some accounting prior to the audit and then audits the year end accounting. She didn't feel this was appropriate and felt the council did not fully address this issue when dealing with selecting the audit firm. It was the consensus of the council to have staff do as much of the year end accounting work as possible and to utilize the audit firm to provide training.
3. WI-FI. Heck updated the council on the discussion the NSCC and the Technical Advisory Committee is having on the issue of establishing a WI-FI system or fiber overlay system as a back up to the current Institutional Network (I-Net) that connects most cities, school districts, and the county. The reason the NSCC is looking at this is due to the franchise agreement with Comcast expiring in 2013 and the potential it may not be renewed.
4. Social Room Use Policy. The council discussed the issue of the refund request and the greater policy issue involved. Bownik brought up another issue with non-

paying entities reserving the room for several days a month over the period of a year and then not using the room on the days reserved. Staff will bring back to the council for consideration policy language to address the issue of room reservation and minor penalty when the group fails to notify the city when the room is not used.

On the issue of the residential request, council member Christensen moved to provide the resident with five days use at no charge due to the inconvenience of using the room when the furnace was not working. Council member Hawkinson seconded the motion and the motion carried on a 3 – 2 vote with members Doherty and Gill-Gerbig voting no.

5. Agendas / Meeting Structure. Heck provided some background on why this item is up for discussion. The intent is to have council meetings that provide for greater time for discussion of those items that need the extra attention and improve the implementation of decisions and ideas that are brought forth.
6. Administrator Update. Heck requested the meeting be closed for this discussion. Council closed the meeting at 10:05 p.m.

The council returned to regular session at 10:19 p.m. Council member Gill-Gerbig moved to adjourn the meeting. Council member Christensen seconded the motion and the council adjourned at 10:20 p.m.