

LAUDERDALE CITY COUNCIL MEETING AGENDA

Tuesday, February 13, 2007

7:30 P.M. CITY HALL

1891 WALNUT STREET

1. **ROLL CALL**
2. **APPROVAL OF THE AGENDA**
3. **APPROVALS**
 - a. Minutes of the January 23, 2007 City Council Meeting.
 - b. Claims totaling \$89,070.26.
4. **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL ON ITEMS NOT ON THE AGENDA**
5. **CONSENT**
 - a) Rental Housing Licenses
 - b) 2007 Garbage Hauler Licenses
 - c) Employee Health Insurance
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) Snow*commotion
9. **DISCUSSION / ACTION**
 - a) Rental Housing Amendments
 - b) Resolution 021307A Supporting Legislation Allocating MSA Funds to Lauderdale
 - c) 1931 Carl Street Alley Issue
10. **ITEMS REMOVED FROM THE CONSENT AGENDA**
11. **ADDITIONAL ITEMS**
12. **SET AGENDA FOR NEXT MEETING**
 - a) 2007 Budget Document
 - b) Public Hearing on Best Management Practices for storm water protection
 - c) City Purchasing/credit card
 - d) Annual Police Department Report
 - e) 2008 Goals and Budget Process
13. **WORK SESSION**
 - a) County Road Turn-backs
 - b) Administrator update – Closed Session

FILE

***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.

CITY OF LAUDERDALE

Claims for Approval

February 13, 2007 City Council Meeting

Payroll

1/26/07 Payroll:	Direct Deposit # 500282-500294, #7953	\$8,869.09
1/26/07 Payroll:	Payroll Liabilities, e-payments 125E-128E	\$6,966.65
2/09/07 Payroll:	Direct Deposit # 500295-500302, #7955	\$7,247.74
2/09/07 Payroll:	Payroll Liabilities, e-payments 129E-131E	\$5,724.47

Vendor Claims

2/13/07 Claims:	Check #s 18521-18543, e-payment 124E	\$60,262.31
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Subtotal of Claims From Above

\$89,070.26

Total Claims for Approval

\$89,070.26

CITY OF LAUDERDALE

01/26/07 8:38 AM

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Payments

Current Period: JANUARY 2007

Batch Name	012607paytax	Computer Dollar Amt	\$6,966.65	Posted
Refer	38 NORTH STAR BANK, CHECKING S	Ck# 000125E 1/26/2007		
Cash Payment	G 101-21703 FICA WITHHOLDING.	1/26/07 payroll taxes		\$2,131.10
Invoice				
Cash Payment	G 101-21701 FEDERAL TAXES	1/26/07 payroll taxes		\$904.57
Invoice				
Transaction Date	1/25/2007	Due 0 NORTH STAR CHEC 10100	Total	\$3,035.67
Refer	39 PERA	Ck# 000126E 1/26/2007		
Cash Payment	G 101-21704 PERA	1/26/07 payroll		\$1,369.09
Invoice				
Transaction Date	1/25/2007	Due 0 NORTH STAR CHEC 10100	Total	\$1,369.09
Refer	40 ICMA RETIREMENT TRUST - 457	Ck# 000127E 1/26/2007		
Cash Payment	G 101-21705 ICMA RETIREMENT	01/26/07 payroll		\$1,741.91
Invoice				
Transaction Date	1/25/2007	Due 0 NORTH STAR CHEC 10100	Total	\$1,741.91
Refer	42 MN DEPARTMENT OF REVENUE	Ck# 000128E 1/26/2007		
Cash Payment	G 101-21702 STATE WITHHOLDING	1/07 state withholding		\$819.98
Invoice				
Transaction Date	1/25/2007	Due 0 NORTH STAR CHEC 10100	Total	\$819.98
Fund Summary		BATCH Total		\$6,966.65
	10100 NORTH STAR CHECKING			
101		\$6,966.65		
		\$6,966.65		

Pre-Written Checks	\$6,966.65
Checks to be Generated by the Compute	\$0.00
Total	\$6,966.65

CITY OF LAUDERDALE

02/08/07 10:10 AM

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Payments

Current Period: FEBRUARY 2007

Batch Name	020907paytax			
Payment		Computer Dollar Amt	\$5,724.47	Posted
Refer	60 PERA	Ck# 000129E 2/9/2007		
Cash Payment	G 101-21704 PERA	2/9/07 payroll		\$1,320.46
Invoice				
Transaction Date	2/8/2007	Due 0 NORTH STAR CHEC 10100	Total	\$1,320.46
Refer	61 NORTH STAR BANK, CHECKING S	Ck# 000130E 2/9/2007		
Cash Payment	G 101-21703 FICA WITHHOLDING.	2/9/07 payroll taxes		\$1,836.10
Invoice				
Cash Payment	G 101-21701 FEDERAL TAXES	2/9/07 payroll taxes		\$826.00
Invoice				
Transaction Date	2/8/2007	Due 0 NORTH STAR CHEC 10100	Total	\$2,662.10
Refer	62 ICMA RETIREMENT TRUST - 457	Ck# 000131E 2/9/2007		
Cash Payment	G 101-21705 ICMA RETIREMENT	2/9/07 payroll		\$1,741.91
Invoice				
Transaction Date	2/8/2007	Due 0 NORTH STAR CHEC 10100	Total	\$1,741.91
Fund Summary			BATCH Total	\$5,724.47
	10100 NORTH STAR CHECKING			
101		\$5,724.47		
		\$5,724.47		

Pre-Written Checks	\$5,724.47
Checks to be Generated by the Compute	\$0.00
Total	\$5,724.47

CITY OF LAUDERDALE
***Check Detail Register©**

FEBRUARY 2007

			Check Amt	Invoice	Comment
10100 NORTH STAR CHECKING					
Paid Chk#	000124E	1/24/2007	MN DEPARTMENT OF REVENUE		
	G 101-21710	SALES & USE TAX	\$32.00		'06 sales tax remittance
	Total	MN DEPARTMENT OF REVENUE	\$32.00		
Paid Chk#	018521	2/13/2007	AFSCME		
	G 101-21709	UNION DUES	\$89.74		1/07 union dues
	Total	AFSCME	\$89.74		
Paid Chk#	018522	2/13/2007	APOLLO HEATING		
	E 101-43100-228	MISC REPAIRS MAINT SUPPLIE	\$235.00		city offices furnace repair
	Total	APOLLO HEATING	\$235.00		
Paid Chk#	018523	2/13/2007	BATC		
	E 101-41200-308	TRAINING\CONFERENCES	\$52.00		jb Toastmasters
	Total	BATC	\$52.00		
Paid Chk#	018524	2/13/2007	CINTAS		
	E 601-49000-425	CLOTHING	\$28.65		pw clothing
	E 601-49000-425	CLOTHING	\$28.65		pw clothing
	E 601-49000-425	CLOTHING	\$28.65		pw clothing
	Total	CINTAS	\$85.95		
Paid Chk#	018525	2/13/2007	CITY OF ROSEVILLE		
	E 101-41200-306	CONSULTING FEES	\$202.83		1/07 IT support
	E 101-43400-306	CONSULTING FEES	\$202.83		2/07 IT services
	Total	CITY OF ROSEVILLE	\$405.66		
Paid Chk#	018526	2/13/2007	CITY OF ST ANTHONY		
	E 101-42100-319	POLICE CONTRACT	\$43,291.66		2/07 police services
	Total	CITY OF ST ANTHONY	\$43,291.66		
Paid Chk#	018527	2/13/2007	GLENWOOD INGLEWOOD		
	E 101-41200-208	WATER DELIVERY	\$4.79		1/07 cooler rental
	Total	GLENWOOD INGLEWOOD	\$4.79		
Paid Chk#	018528	2/13/2007	HUGHES & COSTELLO		
	E 101-42300-305	LEGAL FEES	\$850.00		2/07 retainer & fees
	E 101-42300-355	MISC PRINTING/PROCESS SER	\$203.19		2/07 retainer & fees
	Total	HUGHES & COSTELLO	\$1,053.19		
Paid Chk#	018529	2/13/2007	KENNEDY & GRAVEN		
	E 101-41400-355	MISC PRINTING/PROCESS SER	\$65.55		12/06 legal services
	E 101-41400-305	LEGAL FEES	\$275.50		12/06 legal services - park
	E 101-41400-305	LEGAL FEES	\$1,479.00		12/06 legal services
	Total	KENNEDY & GRAVEN	\$1,820.05		
Paid Chk#	018530	2/13/2007	LILLIE SUBURBAN NEWS		
	E 101-41600-309	DELIVERY	\$917.00		1/07 Roseville Review delivery

CITY OF LAUDERDALE
***Check Detail Register©**

FEBRUARY 2007

			Check Amt	Invoice	Comment
Total LILLIE SUBURBAN NEWS			\$917.00		
Paid Chk#	018531	2/13/2007	LMC		
	E 101-41200-438	DUES & SUBSCRIPTIONS	\$375.00		'06-07 MCSC fees
	E 101-41200-308	TRAINING\CONFERENCES	\$15.00		jb safety training
		Total LMC	\$390.00		
Paid Chk#	018532	2/13/2007	MET-COUNCIL ENVIRONMENTAL SER.		
	E 601-49000-387	WATER TREATMENT SERVICE	\$8,377.59		3/07 wastewater service
		Total MET-COUNCIL ENVIRONMENTAL SER.	\$8,377.59		
Paid Chk#	018533	2/13/2007	PARK SERVICE		
	E 601-49000-212	MOTOR FUELS	\$14.80		1/07 motor fuels
	E 101-43100-212	MOTOR FUELS	\$133.21		1/07 motor fuels
		Total PARK SERVICE	\$148.01		
Paid Chk#	018534	2/13/2007	POSTMASTER		
	E 101-41600-203	POSTAGE	\$300.00		March-April '07 newsletter pos
		Total POSTMASTER	\$300.00		
Paid Chk#	018535	2/13/2007	RAMSEY COUNTY, PROP REC & REV		
	E 101-42100-442	MISC	\$505.92		1/07 911 dispatch
		Total RAMSEY COUNTY, PROP REC & REV	\$505.92		
Paid Chk#	018536	2/13/2007	RAPIT PRINTING		
	E 101-41300-201	GENERAL SUPPLIES	\$115.39		receipt pads
	E 101-41600-353	NEWSLETTER PRINTING	\$596.88		Jan-Feb '07 newsletter
	E 101-41200-201	GENERAL SUPPLIES	\$68.03		envelopes
		Total RAPIT PRINTING	\$780.30		
Paid Chk#	018537	2/13/2007	SAM'S CLUB		
	E 101-41200-442	MISC	\$35.02		comp plan open house
	E 101-41200-442	MISC	\$70.00		'07 membership
		Total SAM'S CLUB	\$105.02		
Paid Chk#	018538	2/13/2007	ST PAUL REGIONAL WATER SERVICE		
	E 601-49000-382	WATER	\$43.45		4q06 water service - garage
	E 101-43100-382	WATER	\$13.04		4q06 water service - city hall
	E 101-45200-382	WATER	\$185.56		4q06 water service - warming h
		Total ST PAUL REGIONAL WATER SERVICE	\$242.05		
Paid Chk#	018539	2/13/2007	SUBURBAN ACE HARDWARE		
	E 101-45200-202	PERMENANT SUPPLIES	\$10.60		5 warming house keys
	E 101-43100-228	MISC REPAIRS MAINT SUPPLIE	\$22.19		for garage plumbing fix
		Total SUBURBAN ACE HARDWARE	\$32.79		
Paid Chk#	018540	2/13/2007	UNIVERSITY OF MINNESOTA		
	E 101-41200-308	TRAINING\CONFERENCES	\$410.00		hb MMCI - Clerks Institute

CITY OF LAUDERDALE
***Check Detail Register©**

FEBRUARY 2007

			Check Amt	Invoice	Comment
Total UNIVERSITY OF MINNESOTA			\$410.00		
Paid Chk#	018541	2/13/2007	US BANK, DEBT SERVICES		
	E 302-47200-621	FILE MAINTENANCE CHARGES	\$215.63		2000 bond mgmt contract
Total US BANK, DEBT SERVICES			\$215.63		
Paid Chk#	018542	2/13/2007	WASTE MANAGEMENT		
	E 101-43100-384	REFUSE DISPOSAL	\$71.14		2/07 refuse pick up
Total WASTE MANAGEMENT			\$71.14		
Paid Chk#	018543	2/13/2007	XCEL ENERGY, CITY HALL		
	E 101-43100-381	ELECTRIC	\$190.35		1/07 city hall electricity
	E 101-43100-383	GAS UTILITIES	\$506.47		1/07 city hall gas
Total XCEL ENERGY, CITY HALL			\$696.82		
10100 NORTH STAR CHECKING			\$60,262.31		

Fund Summary

	10100 NORTH STAR CHECKING	
101 GENERAL		\$51,524.89
302 '00 ST/UTIL IMP DEBT SERVICE		\$215.63
601 SEWER UTILITIES		\$8,521.79
		\$60,262.31

LAUDERDALE COUNCIL ACTION FORM

TYPE OF REQUEST

Consent ☒
Action ☐
Resolution ☐
Information ☐
Work session ☐

MEETING DATE February 13, 2007

AGENDA NUMBER 5a – Rental Housing Licenses

DESCRIPTION Tier 1 rental housing licenses

S.

HAB

BACKGROUND OR PAST COUNCIL ACTION

Attached are the applications of those that have successfully completed their rental housing inspections. Each met the criteria for a tier one license as specified in City Code.

OPTIONS

STAFF RECOMMENDATION

Approve the attached license applications.

COUNCIL ACTION

MOTION BY _____

SECOND _____

STAFF ACTION

**CITY OF LAUDERDALE
RENTAL PROPERTY LICENSURE APPLICATION**

1891 Walnut Street

Lauderdale, MN 55113

Office: (651) 792-7650

Fax: (651) 631-2066

RECEIVED
AB 10-1-2007

LICENSE PERIOD: Adoption through December 31, 2007

DATA PRIVACY NOTICE: The data you supply on this form will be used to assess your qualifications for the license. You are not legally required to provide this data, but we will not be able to grant the license without it. If a license is granted, the data you have supplied will constitute a public record and copies may be issued to anyone requesting them. The required data allows us to distinguish you from other applicants; to identify you in our license files; to verify that you are the person who applied for the license; to contact you if additional information is required; and to determine if any conviction you may have on record might affect your suitability as a license holder. Your residence address and phone number will be considered public data unless you request this information to be private and provide an alternative address and telephone number (see below).

Please sign to indicate that you have read the notice: Wade Mjelde

I request that my residence address and phone number be considered private data. My alternative address and phone number are as follows:

Alternative address: _____

City, State, Zip: _____ Telephone No.: _____

To License Applicant: Please complete all requested information on this application. Use separate paper for your responses, if needed.

PROPERTY INFORMATION AND DESCRIPTION

Rental Property Address: 1764 Pleasant Street Number of Rental Units: 1
Type of property: () single family (☒) duplex () multiple family dwelling
No. of rental units that are: 1 BR: _____ 2 BR: _____ 3 BR: 1 4 BR: _____ other: _____
Total number of paved off street parking spaces: 3

PROPERTY OWNER INFORMATION (Must list current owner)

Owner's name: WADE MJELDE + Joline Epple Telephone No. 612-799-3447 + 612-385-4400
Address: 1764 Pleasant Street City, State, Zip: Lauderdale, MN 55113

Owner is: Sole Proprietor (☒) *Partnership () *Corporation ()

* If a partnership or corporation, please include the names, addresses, and phone numbers for all partners/officers.

BUILDING MANAGER, CARETAKER, OR RESIDENT AGENT

(if 5+ units or owner does not live in Ramsey, Hennepin, Anoka, Carver, Dakota, Scott, Washington, Wright, Chisago, Isanti or Sherburne counties.)

Name & title: See Owner's Info. Telephone No. _____
Address: _____ City, State, Zip: _____

EMERGENCY REPAIRS (must be completed)

**Name: WADE MJELDE or Joline Epple
Telephone No. 612-799-3447 / 612-385-4400 Rental Unit Number (if applicable): 1764

**This person is authorized to institute emergency repairs and is designated by the owner for emergency repairs.
This person may be a resident.

MORTGATE COMPANY OR LENDER INFORMATION

Mortgage company, lender, or vendee***: Countywide
Address: P.O. Box 650070
City, State, Zip: Dallas, TX 75265-0070 Telephone No. 800-1069-6607
***If property was purchased on a Contract for Deed, please include vendee information.

REGISTER OF OCCUPANCY

The owner or its resident agent shall keep a current register of occupancy for each rental dwelling. This register of occupancy may be reviewed by the City at any time per 9-11-8-J of Lauderdale City Code. Provide the number of adult and children living in each residential unit. For multi-unit buildings, please provide the information on additional sheets of paper as needed.

Unit No.: _____ No. of adults: _____ No. of children under age 18: _____
Unit No.: _____ No. of adults: _____ No. of children under age 18: _____
Unit No.: _____ No. of adults: _____ No. of children under age 18: _____
Unit No.: _____ No. of adults: _____ No. of children under age 18: _____

LICENSE FEE SCHEDULE

Single family rental unit: Tier I initial license/ renewal \$30.00 \$ 30.00
Multi-family rental units: Tier I initial license/ renewal \$30.00 base + \$2.50/unit \$ _____
Tier II license and renewal: \$100.00 per rental unit not in compliance \$ _____
Inspection fee: \$34.00 per inspection + \$ 34.00

Note: Applications will not be processed until the city receives the proper fees.

Please make all checks payable to the "City of Lauderdale."

Total: \$ 64.00

CERTIFICATION

I hereby certify that no order of the City to repair, correct, or improve any part of this or any dwelling unit therein or pertaining to the operation thereof has been issued, or is presently outstanding which has not been fully complied with, to the complete satisfaction of any and all inspection officers of the City, to the best of my knowledge except as follow:

Signature: _____

Date: 12/31/06

FOR CITY USE ONLY

Department	Approved	Denied	Date	Signature
Building Insp.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>2-7-7</u>	<u>[Signature]</u>
Administrator	<input type="checkbox"/>	<input type="checkbox"/>		

Date Fees Received	Amount Received	Receipt #	Date License Issued

10:30
10/25

CITY OF LAUDERDALE
RENTAL PROPERTY LICENSURE APPLICATION

1891 Walnut Street
Lauderdale, MN 55113
Office: (651) 792-7650 Fax: (651) 631-2066

LICENSE PERIOD: Adoption through December 31, 2007

DATA PRIVACY NOTICE: The data you supply on this form will be used to assess your qualifications for the license. You are not legally required to provide this data, but we will not be able to grant the license without it. If a license is granted, the data you have supplied will constitute a public record and copies may be issued to anyone requesting them. The required data allows us to distinguish you from other applicants; to identify you in our license files; to verify that you are the person who applied for the license; to contact you if additional information is required; and to determine if any conviction you may have on record might affect your suitability as a license holder. Your residence address and phone number will be considered public data unless you request this information to be private and provide an alternative address and telephone number (see below).

Please sign to indicate that you have read the notice: _____

I request that my residence address and phone number be considered private data. My alternative address and phone number are as follows:

Alternative address: 1637 Eagle Lane
City, State, Zip: Mound, MN 55364 Telephone No.: 252-472-0575

To License Applicant: Please complete all requested information on this application. Use separate paper for your responses, if needed.

PROPERTY INFORMATION AND DESCRIPTION

Rental Property Address: 1671 Roschill Circle Number of Rental Units: 1
Type of property: (☒) single family () duplex () multiple family dwelling
No. of rental units that are: 1 BR: _____ 2 BR: ☒ 3 BR: _____ 4 BR: _____ other: _____
Total number of paved off street parking spaces: 2

PROPERTY OWNER INFORMATION (Must list current owner)

Owner's name: Greg Mellestrom Telephone No. 252-472-0575
Address: 1637 Eagle Lane City, State, Zip: Mound, MN 55364
Owner is: Sole Proprietor (☒) *Partnership () *Corporation ()

* If a partnership or corporation, please include the names, addresses, and phone numbers for all partners/officers.

Roschill Townhome Association
BUILDING MANAGER, CARETAKER, OR RESIDENT AGENT

C/O Gussens Company (if 5+ units or owner does not live in Ramsey, Hennepin, Anoka, Carver, Dakota, Scott, Washington, Wright, Chisago, Isanti or Sherburne counties.)
P.O. Box 1353

minneapolis
MN
55480
Name & title: Bob Hatten Telephone No. _____
Address: 1671 Roschill Circle City, State, Zip: Lauderdale MN 55108

EMERGENCY REPAIRS (must be completed)

*Name: _____
Telephone No. _____ Rental Unit Number (if applicable): _____

**This person is authorized to institute emergency repairs and is designated by the owner for emergency repairs.
This person may be a resident.

MORTGAGE COMPANY OR LENDER INFORMATION

Mortgage company, lender, or vendee***: National City Mortgage Co.
Address: P.O. Box 54828
City, State, Zip: Los Angeles, CA Telephone No. 800-823-5626
***If property was purchased on a Contract for Deed, please include vendee information.

REGISTER OF OCCUPANCY

The owner or its resident agent shall keep a current register of occupancy for each rental dwelling. This register of occupancy may be reviewed by the City at any time per 9-11-8-J of Lauderdale City Code. Provide the number of adult and children living in each residential unit. For multi-unit buildings, please provide the information on additional sheets of paper as needed.

Unit No.: 681671 No. of adults: 2 No. of children under age 18: 0
Unit No.: _____ No. of adults: _____ No. of children under age 18: _____
Unit No.: _____ No. of adults: _____ No. of children under age 18: _____
Unit No.: _____ No. of adults: _____ No. of children under age 18: _____

LICENSE FEE SCHEDULE

Single family rental unit: Tier I initial license/ renewal \$30.00 \$ 34.00
Multi-family rental units: Tier I initial license/ renewal \$30.00 base + \$2.50/unit \$ _____
Tier II license and renewal: \$100.00 per rental unit not in compliance \$ _____
Inspection fee: \$34.00 per inspection + \$ 34.00

Note: Applications will not be processed until the city receives the proper fees.

Please make all checks payable to the "City of Lauderdale."

Total: \$

CERTIFICATION

I hereby certify that no order of the City to repair, correct, or improve any part of this or any dwelling unit therein or pertaining to the operation thereof has been issued, or is presently outstanding which has not been fully complied with, to the complete satisfaction of any and all inspection officers of the City, to the best of my knowledge except as follow:

Signature: [Signature] Date: 8/24/06

FOR CITY USE ONLY

Department	Approved	Denied	Date	Signature
Building Insp.	<input checked="" type="checkbox"/>		<u>1-26-7</u>	<u>[Signature]</u>
Administrator				

Date Fees Received	Amount Received	Receipt #	Date License Issued
<u>8/31/06</u>	<u>68.00</u>	<u>8195</u>	

10/24
at 10:00

CITY OF LAUDERDALE
RENTAL PROPERTY LICENSURE APPLICATION

1891 Walnut Street
Lauderdale, MN 55113
Office: (651) 792-7650 Fax: (651) 631-2066

AUG 30 2007
HB

LICENSE PERIOD: Adoption through December 31, 2007

DATA PRIVACY NOTICE: The data you supply on this form will be used to assess your qualifications for the license. You are not legally required to provide this data, but we will not be able to grant the license without it. If a license is granted, the data you have supplied will constitute a public record and copies may be issued to anyone requesting them. The required data allows us to distinguish you from other applicants; to identify you in our license files; to verify that you are the person who applied for the license; to contact you if additional information is required; and to determine if any conviction you may have on record might affect your suitability as a license holder. Your residence address and phone number will be considered public data unless you request this information to be private and provide an alternative address and telephone number (see below).

Please sign to indicate that you have read the notice: R. Cantel

I request that my residence address and phone number be considered private data. My alternative address and phone number are as follows:

Alternative address: 1631 Carl St

City, State, Zip: Lauderdale, Mn 55109 Telephone No.: 651-644-4823

To License Applicant: Please complete all requested information on this application. Use separate paper for your responses, if needed.

PROPERTY INFORMATION AND DESCRIPTION

Rental Property Address: 1623-27-31 CARL ST Number of Rental Units: 72
Type of property: () single family () duplex (x) multiple family dwelling
No. of rental units that are: 1 BR: 71 2 BR: 51 3 BR: 93 4 BR: other:
Total number of paved off street parking spaces: 93

PROPERTY OWNER INFORMATION (Must list current owner)

Owner's name: ROSE HILL INVESTMENTS LP Telephone No. 651-684-4324

Address: 6 ISLAND ROAD City, State, Zip: ST. PAUL, MN 55127

Owner is: Sole Proprietor () *Partnership (x) *Corporation ()

* If a partnership or corporation, please include the names, addresses, and phone numbers for all partners/officers.

BUILDING MANAGER, CARETAKER, OR RESIDENT AGENT

(if 5+ units or owner does not live in Ramsey, Hennepin, Anoka, Carver, Dakota, Scott, Washington, Wright, Chisago, Isanti or Sherburne counties.)

Name & title: JOYCE MORGAN Telephone No. 651-646-0955

Address: 2392 LARSEN AVE City, State, Zip: LAUDERDALE, MN 55113

EMERGENCY REPAIRS (must be completed)

**Name: TERRY WHITE

Telephone No. 612-748-8223 Rental Unit Number (if applicable):

**This person is authorized to institute emergency repairs and is designated by the owner for emergency repairs.

This person may be a resident.

MORTGAGE COMPANY OR LENDER INFORMATION

Mortgage company, lender, or vendee***: NORTH EAST BANK
 Address: 77 BROADWAY ST. NE Telephone No. 612-579-8811
 City, State, Zip: MINNEAPOLIS, MN 55413
 ***If property was purchased on a Contract for Deed, please include vendee information.

REGISTER OF OCCUPANCY

The owner or its resident agent shall keep a current register of occupancy for each rental dwelling. This register of occupancy may be reviewed by the City at any time per 9-11-8-J of Lauderdale City Code. Provide the number of adult and children living in each residential unit. For multi-unit buildings, please provide the information on additional sheets of paper as needed.

Unit No.: _____	No. of adults: _____	No. of children under age 18: _____
Unit No.: _____	No. of adults: _____	No. of children under age 18: _____
Unit No.: _____	No. of adults: _____	No. of children under age 18: _____
Unit No.: _____	No. of adults: _____	No. of children under age 18: _____

LICENSE FEE SCHEDULE

Single family rental unit: Tier I initial license/ renewal	\$30.00	\$ _____
Multi-family rental units: Tier I initial license/ renewal	\$30.00 base + \$2.50/unit	\$ <u>210.00</u>
Tier II license and renewal: \$100.00 per rental unit not in compliance		\$ <u>910</u>
Inspection fee: \$34.00 per inspection		+ \$ <u>34.00</u>
Note: Applications will not be processed until the city receives the proper fees. Please make all checks payable to the "City of Lauderdale."		Total: \$ <u>244.00</u>

CERTIFICATION

I hereby certify that no order of the City to repair, correct, or improve any part of this or any dwelling unit therein or pertaining to the operation thereof has been issued, or is presently outstanding which has not been fully complied with, to the complete satisfaction of any and all inspection officers of the City, to the best of my knowledge except as follow:

Signature: [Signature] Date: 8-28-06

FOR CITY USE ONLY			
Department	Approved	Denied	Date
Building Insp.	<input checked="" type="checkbox"/>		<u>2-5-7</u>
Administrator			Signature <u>[Signature]</u>
Date Fees Received	Amount Received	Receipt #	Date License Iss
<u>8/30/06</u>	<u>244.00</u>	<u>8194</u>	

**CITY OF LAUDERDALE
RENTAL PROPERTY LICENSURE APPLICATION**

1891 Walnut Street
Lauderdale, MN 55113
Office: (651) 792-7650 Fax: (651) 631-2066

LICENSE PERIOD: Adoption through December 31, 2007

DATA PRIVACY NOTICE: The data you supply on this form will be used to assess your qualifications for the license. You are not legally required to provide this data, but we will not be able to grant the license without it. If a license is granted, the data you have supplied will constitute a public record and copies may be issued to anyone requesting them. The required data allows us to distinguish you from other applicants; to identify you in our files; to verify that you are the person who applied for the license; to contact you if additional information is required; and to determine if any conviction you may have on record might affect your suitability as a license holder. Your residence address and phone number will be considered public data unless you request this information to be private and provide an alternative address and telephone number (see below).

Please sign to indicate that you have read the notice: *R. Ornelas*

I request that my residence address and phone number be considered private data. My alternative address and phone number are as follows:

Alternative address: 1631 Pearl St

City, State, Zip: LAUDERDALE, MN 55109 Telephone No.: 651-644-0111

To License Applicant: Please complete all requested information on this application. Use a separate paper for your responses, if needed.

PROPERTY INFORMATION AND DESCRIPTION

Rental Property Address: 2392 CARPENTERS AVE Number of Rental Units: 1

Type of property: () single family () duplex (X) multiple family dwelling

No. of rental units that are: 1 BR: 16 2 BR: 1 3 BR: 0 4 BR: 0 other: 0

Total number of paved off street parking spaces: 17

PROPERTY OWNER INFORMATION (Must list current owner)

Owner's name: ROSE HILL INVESTMENTS LLC Telephone No. 651-474-1111

Address: 6 ISLAND ROAD City, State, Zip: ST. PAUL, MN 55105

Owner is: Sole Proprietor () *Partnership (X) *Corporation ()

* If a partnership or corporation, please include the names, addresses, and phone numbers for all partners.

BUILDING MANAGER, CARETAKER, OR RESIDENT AGENT

(if 5+ units or owner does not live in Ramsey, Hennepin, Anoka, Carver, Dakota,
Scott, Washington, Wright, Chisago, Isanti or Sherburne counties.)

Name & title: JOYCE MORGAN Telephone No. 651-644-1111

Address: 2392 CARPENTERS AVE City, State, Zip: LAUDERDALE, MN

EMERGENCY REPAIRS (must be completed)

**Name: TERRY WHITE

Telephone No. 612-743-8223 Rental Unit Number (if applicable): 0

**This person is authorized to institute emergency repairs and is designated by the owner for emergency repairs.
This person may be a resident.

MORTGAGE COMPANY OR LENDER INFORMATION

Mortgage company, lender, or vendee***: NORTHEAST BANK

Address: 77 BOCAWAY ST. NE.

City, State, Zip: MINNEAPOLIS, MN 55413 Telephone No. 612-379-8811

***If property was purchased on a Contract for Deed, please include vendee information.

REGISTER OF OCCUPANCY

The owner or its resident agent shall keep a current register of occupancy for each rental dwelling. This register of occupancy may be reviewed by the City at any time per 9-11-8-J of Lauderdale City Code. Provide the number of adult and children living in each residential unit. For multi-unit buildings, please provide the information on additional sheets of paper as needed.

Unit No.: _____ No. of adults: _____ No. of children under age 18: _____

Unit No.: _____ No. of adults: _____ No. of children under age 18: _____

Unit No.: _____ No. of adults: _____ No. of children under age 18: _____

Unit No.: _____ No. of adults: _____ No. of children under age 18: _____

LICENSE FEE SCHEDULE

Single family rental unit: Tier I initial license/ renewal \$30.00 \$ _____
Multi-family rental units: Tier I initial license/ renewal \$30.00 base + \$2.50/unit \$ 72.50
Tier II license and renewal: \$100.00 per rental unit not in compliance \$ _____
Inspection fee: \$34.00 per inspection + \$ 34.00

Note: Applications will not be processed until the city receives the proper fees.

Please make all checks payable to the "City of Lauderdale."

Total: \$ 106.50

CERTIFICATION

I hereby certify that no order of the City to repair, correct, or improve any part of this or any dwelling unit therein or pertaining to the operation thereof has been issued, or is presently outstanding which has not been fully complied with, to the complete satisfaction of any and all inspection officers of the City, to the best of my knowledge except as follow:

Signature: [Signature] Date: 8-28-06

FOR CITY USE ONLY

Department	Approved	Denied	Date	Signature
Building Insp.	<u>2-5-7</u>		<u>2-5-7</u>	<u>[Signature]</u>
Administrator				

Date Fees Received	Amount Received	Receipt #	Date License Issued
<u>8/30/06</u>	<u>106.50</u>	<u>8194</u>	

**CITY OF LAUDERDALE
RENTAL PROPERTY LICENSURE APPLICATION**

1891 Walnut Street
Lauderdale, MN 55113
Office: (651) 792-7650 Fax: (651) 631-2066

LICENSE PERIOD: Adoption through December 31, 2007

DATA PRIVACY NOTICE: The data you supply on this form will be used to assess your qualifications for the license. You are not legally required to provide this data, but we will not be able to grant the license without it. If a license is granted, the data you have supplied will constitute a public record and copies may be issued to anyone requesting them. The required data allows us to distinguish you from other applicants; to identify you in our license files; to verify that you are the person who applied for the license; to contact you if additional information is required; and to determine if any conviction you may have on record might affect your suitability as a license holder. Your residence address and phone number will be considered public data unless you request this information to be private and provide an alternative address and telephone number (see below).

Please sign to indicate that you have read the notice: Rental

I request that my residence address and phone number be considered private data. My alternative address and phone number are as follows:

Alternative address: 1631 Carl St
City, State, Zip: LAUDERDALE, MN 55109 Telephone No.: 651-644-4823

To License Applicant: Please complete all requested information on this application. Use separate paper for your responses, if needed.

PROPERTY INFORMATION AND DESCRIPTION

Rental Property Address: 2384 Larper Ave Number of Rental Units: 17
Type of property: () single family () duplex (X) multiple family dwelling
No. of rental units that are: 1 BR: 16 2 BR: _____ 3 BR: _____ 4 BR: _____ other: 1 - EFF
Total number of paved off street parking spaces: 17

PROPERTY OWNER INFORMATION (Must list current owner)

Owner's name: ROSE HILL INVESTMENTS LLP Telephone No. 651-484-4326
Address: 6 ISLAND ROAD City, State, Zip: ST. PAUL, MN 55127
Owner is: Sole Proprietor () *Partnership (X) *Corporation ()

* If a partnership or corporation, please include the names, addresses, and phone numbers for all partners/officers.

BUILDING MANAGER, CARETAKER, OR RESIDENT AGENT

(if 5+ units or owner does not live in Ramsey, Hennepin, Anoka, Carver, Dakota,
Scott, Washington, Wright, Chisago, Isanti or Sherburne counties.)

Name & title: Joyce Moran Telephone No. 651-646-0955
Address: 2392 Larper Ave City, State, Zip: LAUDERDALE, MN 55113

EMERGENCY REPAIRS (must be completed)

**Name: Terry White
Telephone No. 612-743-8223 Rental Unit Number (if applicable): -

**This person is authorized to institute emergency repairs and is designated by the owner for emergency repairs.
This person may be a resident.

MORTGAGE COMPANY OR LENDER INFORMATION

Mortgage company, lender, or vendee***: NORTHEAST BANK
Address: 77 Broadway St. NE
City, State, Zip: Minneapolis, MN 55413 Telephone No. 612-379-8811
***If property was purchased on a Contract for Deed, please include vendee information.

REGISTER OF OCCUPANCY

The owner or its resident agent shall keep a current register of occupancy for each rental dwelling. This register of occupancy may be reviewed by the City at any time per 9-11-8-J of Lauderdale City Code. Provide the number of adult and children living in each residential unit. For multi-unit buildings, please provide the information on additional sheets of paper as needed.

Unit No.: _____ No. of adults: _____ No. of children under age 18: _____
Unit No.: _____ No. of adults: _____ No. of children under age 18: _____
Unit No.: _____ No. of adults: _____ No. of children under age 18: _____
Unit No.: _____ No. of adults: _____ No. of children under age 18: _____

LICENSE FEE SCHEDULE

Single family rental unit: Tier I initial license/ renewal \$30.00 \$ _____
Multi-family rental units: Tier I initial license/ renewal \$30.00 base + \$2.50/unit \$ 72.50
Tier II license and renewal: \$100.00 per rental unit not in compliance \$ _____
Inspection fee: \$34.00 per inspection + \$ 34.00
Note: Applications will not be processed until the city receives the proper fees.
Please make all checks payable to the "City of Lauderdale." Total: \$ 106.50

CERTIFICATION

I hereby certify that no order of the City to repair, correct, or improve any part of this or any dwelling unit therein or pertaining to the operation thereof has been issued, or is presently outstanding which has not been fully complied with, to the complete satisfaction of any and all inspection officers of the City, to the best of my knowledge except as follow:

Signature: [Signature] Date: 8-28-06

FOR CITY USE ONLY

Department	Approved	Denied	Date	Signature
Building Insp.	<input checked="" type="checkbox"/>		<u>8-5-7</u>	<u>[Signature]</u>
Administrator				

Date Fees Received	Amount Received	Receipt #	Date License Issued
<u>8/30/06</u>	<u>106.50</u>	<u>4194</u>	

12/00 10/19
#1

CITY OF LAUDERDALE
RENTAL PROPERTY LICENSURE APPLICATION

1891 Walnut Street
Lauderdale, MN 55113
Office: (651) 792-7650 Fax: (651) 631-2066

Rec
a-16

LICENSE PERIOD: Adoption through December 31, 2007

DATA PRIVACY NOTICE: The data you supply on this form will be used to assess your qualifications for the license. You are not legally required to provide this data, but we will not be able to grant the license without it. If a license is granted, the data you have supplied will constitute a public record and copies may be issued to anyone requesting them. The required data allows us to distinguish you from other applicants; to identify you in our license files; to verify that you are the person who applied for the license; to contact you if additional information is required; and to determine if any conviction you may have on record might affect your suitability as a license holder. Your residence address and phone number will be considered public data unless you request this information to be private and provide an alternative address and telephone number (see below).

Please sign to indicate that you have read the notice: Anthony Erenberg

I request that my residence address and phone number be considered private data. My alternative address and phone number are as follows:

Alternative address: 1820 Lake St.
City, State, Zip: Lauderdale MN 55113 Telephone No.: 651-330-9409

To License Applicant: Please complete all requested information on this application. Use separate paper for your responses, if needed.

PROPERTY INFORMATION AND DESCRIPTION

Rental Property Address: 1772 Pleasant St. Number of Rental Units: 2
Type of property: () single family (X) duplex () multiple family dwelling
No. of rental units that are: 1 BR: _____ 2 BR: 2 3 BR: _____ 4 BR: _____ other: _____
Total number of paved off street parking spaces: 4

PROPERTY OWNER INFORMATION (Must list current owner)

Owner's name: Anthony Erenberg Telephone No. 651-330-9409
Address: 1820 Lake St. City, State, Zip: Lauderdale MN 55113
Owner is: Sole Proprietor (X) *Partnership () *Corporation ()

* If a partnership or corporation, please include the names, addresses, and phone numbers for all partners/officers.

BUILDING MANAGER, CARETAKER, OR RESIDENT AGENT

(if 5+ units or owner does not live in Ramsey, Hennepin, Anoka, Carver, Dakota, Scott, Washington, Wright, Chisago, Isanti or Sherburne counties.)

Name & title: Anthony Erenberg Telephone No. 651-330-9409
Address: 1820 Lake St. City, State, Zip: Lauderdale MN 55113

EMERGENCY REPAIRS (must be completed)

**Name: Anthony Erenberg
Telephone No. 651-330-9409 Rental Unit Number (if applicable): _____

**This person is authorized to institute emergency repairs and is designated by the owner for emergency repairs. This person may be a resident.

MORTGATE COMPANY OR LENDER INFORMATION

Mortgage company, lender, or vendee***: Washington Mutual

Address: P.O. Box 3139

City, State, Zip: Mt. Waukeet WI 53201 Telephone No. 1-866-926-9937

***If property was purchased on a Contract for Deed, please include vendee information.

REGISTER OF OCCUPANCY

The owner or its resident agent shall keep a current register of occupancy for each rental dwelling. This register of occupancy may be reviewed by the City at any time per 9-11-8-J of Lauderdale City Code. Provide the number of adult and children living in each residential unit. For multi-unit buildings, please provide the information on additional sheets of paper as needed.

Unit No.: <u>North</u>	No. of adults: <u>2</u>	No. of children under age 18: <u>1</u>
Unit No.: <u>South</u>	No. of adults: <u>1</u>	No. of children under age 18: <u>2</u>
Unit No.: _____	No. of adults: _____	No. of children under age 18: _____
Unit No.: _____	No. of adults: _____	No. of children under age 18: _____

LICENSE FEE SCHEDULE

Single family rental unit: Tier I initial license/ renewal	\$30.00	\$ _____
Multi-family rental units: Tier I initial license/ renewal	\$30.00 base + \$2.50/unit	\$ <u>35.00</u>
Tier II license and renewal: \$100.00 per rental unit not in compliance		\$ _____
Inspection fee: \$34.00 per inspection		+ \$ <u>34.00</u>

Note: Applications will not be processed until the city receives the proper fees.

Please make all checks payable to the "City of Lauderdale."

Total: \$ 69.00

CERTIFICATION

I hereby certify that no order of the City to repair, correct, or improve any part of this or any dwelling unit therein or pertaining to the operation thereof has been issued, or is presently outstanding which has not been fully complied with, to the complete satisfaction of any and all inspection officers of the City, to the best of my knowledge except as follow:

Signature: [Signature]

Date: 9/19/06

FOR CITY USE ONLY

Department	Approved	Denied	Date	Signature
Building Insp.	<input checked="" type="checkbox"/>		<u>2-6-7</u>	<u>[Signature]</u>
Administrator				

Date Fees Received	Amount Received	Receipt #	Date License Issued
<u>9/19/06</u>	<u>69.00</u>	<u>6233</u>	

**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

Consent X
Presentation
Public Hearing
Discussion
Action
Resolution
Work session

MEETING DATE February 13, 2007

ITEM NUMBER 2007 Waste Hauler Licenses 5b

STAFF INITIAL Jim

APPROVED BY ADMINISTRATOR 

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Waste Management has submitted a complete application for a waste hauler license for 2/1/07-1/31/08.

OPTIONS:

- 1) Approve as part of the consent agenda.
- 2) Remove from the consent agenda for discussion, followed by approval.
- 3) Don't approve.

STAFF RECOMMENDATION:

Approve the 2007 Waste Hauler License for Waste Management.

COUNCIL ACTION:

City of Lauderdale

The Island in the Metro

CITY HALL
1891 WALNUT STREET
LAUDERDALE, MN 55113
651-792-7650
FAX 651-631-2066
WWW.CI.LAUDERDALE.MN.US

(2/1/07-1/31/08) MUNICIPAL GARBAGE HAULER LICENSE APPLICATION

Annual per year unit fee: \$65.00/truck

Number of Residential Units	<u>2</u>	Residential Fees	\$ <u>130.00</u>
Number of Commercial Units	<u>5</u>	Commercial Fees	\$ <u>325.00</u>
		Total Fees	\$ <u>455.00</u>

Please enclose the following and return by 4:30 p.m. January 17, 2007:

- License application and license fee (payable to the City of Lauderdale).
- Certificate of Insurance.
- Certified bond in the sum of \$1,000. - *you should have the original, it is a auto renew.*
- Proof of vehicle insurance covering all vehicles used by applicant.
- Proof of worker's compensation insurance.
- Disclosure Statement regarding waste disposal facilities used by your company.

Company Information:

Company Name: Waste Management of Minnesota Inc.

Address: 10050 Naples St NE Blaine MN 55449

MN Business Tax ID Number: 7590065

Contact Information:

Contact Person: Forrest Sardell

Phone: 952-290-1100 Fax: 763-783-5477

763-783-5422 direct
Email of Contact Person: www.wmtwincities.com

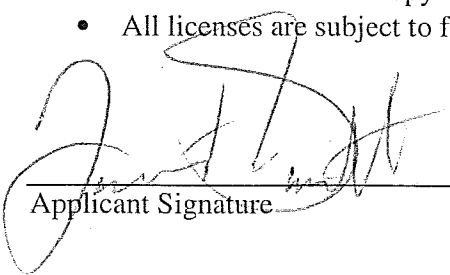
Residential Customer Rates

See attached

_____ Gallon Cart	\$_____ (per month)
_____ Gallon Cart	\$_____ (per month)
_____ Gallon Cart	\$_____ (per month)
Appliances	\$_____
Furniture	\$_____
Mattresses and Box Springs	\$_____
Carpet and or padding	\$_____
Tires (each)	\$_____
Christmas Trees	\$_____
Yard Waste	\$_____
Other _____	\$_____
Other _____	\$_____

By signing below, the company agrees to the following:

- Residential collection days shall be on Mondays, unless Monday is a legal holiday. When Monday is a legal holiday, residential collection shall be on the Tuesday immediately following the holiday.
- Licenses are valid for the period of one year beginning February 1 and ending January 31.
- Proof of insurance must be submitted before application can be considered for a license.
- You have received a copy of the city's ordinance regarding garbage and refuse.
- All licenses are subject to final approval of the City Council.

 _____
Applicant Signature

01-31-07
Date

City of: LAUDERDALE

#: 500

City Office:	1891 Walnut St.	County: Ramsey	
	Lauderdale, MN 55113	MN Resi Tax: 9.75%	County Tax: 28%
Phone: 651-631-8329	Fax: 651-631-2066	Household Haz. Waste:	651-773-4488

Trash Service	Subscription	Collected by: Blaine
Recycling Service	Contract w/ Eureka	Collected by: Allied Waste
Yard Waste Service	Subscription or On Call	Collected by: Blaine

Monthly Pricing / Services

SERVICE LEVEL	MONTHLY RECYCLING FEE	MONTHLY REFUSE FEE	MN STATE WASTE TAX	COUNTY ENVIRONMENT CHARGE	TOTAL MONTHLY CHARGE
32 Gallon	-	\$13.95	\$1.36	\$3.91	\$19.22
64 Gallon	-	\$14.95	\$1.46	\$4.19	\$20.60
96 Gallon	-	\$16.95	\$1.65	\$4.75	\$23.35

Misc./ Extra Services and Other Information

		Resp. Code	Route
Method of Recycling	Contract w/ Allied Waste		
Yard Waste	Collected on regular service day. On call option: \$3 per bag/bundled brush. Must call at least one day prior to pickup day. Unlimited YWS, may use cart or bags \$72.00 charge per season. Billed as \$6.00 per month. \$25.00 reinstatement fee applies if they have cancelled YWS previously and are now adding it back.		1DL7
Carts	All carts delivered by WM on collection day. Additional trash carts are 8.00 more per mo. Recycling bins through City	DLAUD	D887
Disposal	Waste is disposed at Newport RDF		
Appliances	We collect on Fridays only. \$40 for all appliances. \$25 trip fee if not out. Townhomes must prepay and ticket should be keyed under Appliance prepay acct #500-129504. In shift F1, be sure to put name, address, and phone number. To do ticket: Be sure to use resp. code DAPPL Resi Service code: RWG Reason: XPU Comm Service code: CWG Reason: XPU In shift F1 put type of appliance(s)	DAPPL	Do not route
Electronics	We collect on Fridays only. \$30 trip fee plus the cost for each item. We do still charge a trip fee if item is not out. Townhomes must prepay and ticket should be keyed under Appliance/Electronics prepay acct #500-129504. In shift F1, be sure to put name, address, and phone number. To do ticket: Be sure to use resp. code DELEC	DELEC	Do not route

	Resi Service code: RTR Reason: XPU (Trip) RYS XPU (Items) Comm Service code: TCR Reason: XPU (Trip) RYS XPU (Items) In shift F1 put type of electronics and price quoted.		
Bulk Items	Collected on regular service day. Must call at least one day in advance.		
Misc.	When adding a new service (like compost) or if someone is coming back from vacation you MUST do tickets to the driver to let him/her know.		
Service Hours	7AM – 8:30PM		

LAUDERDALE COUNCIL ACTION FORM

TYPE OF REQUEST

Consent ☒
Action ☐
Resolution ☐
Information ☐
Work session ☐

MEETING DATE Tuesday, February 13, 2007

AGENDA NUMBER 5-C

DESCRIPTION Employee Health Insurance Change

BACKGROUND OR PAST COUNCIL ACTION

Presently the City offers two levels of coverage: single and family. An employee made the request to see if the insurance program provides a single + one plan. Staff contacted the provided and found there is a single + one option available. The result of offering this third level of coverage is a slight increase in the single and family premium. The issue was discussed with staff and there was not opposition to offering this additional level. A message was also sent to the Union representative and no response has been received as of yet.

OPTIONS

1. Accept the additional level of coverage
2. Deny the additional coverage level

STAFF RECOMMENDATION

Following discussion with staff, we recommend the Council add the single + one level of coverage in addition to the existing single and family coverage.

COUNCIL ACTION

MOTION BY _____

SECOND _____

STAFF ACTION

Heather Butkowski

From: Bulygo, Lorrie [lorrie.x.bulygo@mercerc.com]
Sent: Friday, January 26, 2007 8:59 AM
To: Heather Butkowski
Subject: RE: Single plus one

Attached are the rates if your group were to switch to a three tier structure.

HealthPartners \$15/80

Single	\$ 405.07
EE + One	\$ 850.64
Family	\$1,134.19

Preferred One \$15/80

Single	\$ 417.21
EE + One	\$ 876.14
Family	\$1,168.19

Advantage Option

Single	\$ 394.57
EE + one	\$ 828.60
Family	\$1,104.79

PEIP Value Option

Single	\$ 355.86
EE + One	\$ 747.30
Family	\$ 996.40

PEIP HSA

Single	\$ 275.00
EE +One	\$ 557.50
Family	\$ 770.00

LAUDERDALE COUNCIL ACTION FORM

TYPE OF REQUEST

- Consent ☐
Action ☒
Resolution ☐
Information ☐
Work session ☐

MEETING DATE Tuesday, February 13, 2007

AGENDA NUMBER 9-A

DESCRIPTION Rental Housing Ordinance Amendments

BACKGROUND OR PAST COUNCIL ACTION

The Council worked with attorney Mary Tietjen the possible changes to the rental ordinance in an effort to address some issues experienced in the implementation of the ordinance this past summer and fall. Staff discussed the proposed amendments with Mary and believes the issues raised by the council are addressed in the amendments provided.

OPTIONS

1. Adopt ordinance amendments as presented
2. Discuss and refer to staff and attorney for additional work
3. Leave ordinance as is

STAFF RECOMMENDATION

Staff recommends the Council adopt the amendments as presented.

COUNCIL ACTION

MOTION BY _____

SECOND _____

STAFF ACTION

Brian Heck

From: Tietjen, Mary D. [mtietjen@Kennedy-Graven.com]
Sent: Thursday, February 01, 2007 11:16 AM
To: Brian Heck; Heather Butkowski
Subject: Rental Licensing Amendments
Attachments: DOCSOPEN-#304461-v2-Amendments_to_Rental_Licensing_Ordinance.DOC

Brian and Heather:

Attached is the revised ordinance with the amendments discussed at the last meeting. I included the inspection schedule in Section 9-11-9. Take a look at that in particular and let me know what you think. Everything else is essentially the same.

A couple of questions came up at the last meeting.

The first was related to the Building Official's authority to decide whether a condition is "unsafe" or "dangerous" as described in the ordinance. The MN Building Code and the International Property Maintenance Code (IPMC) clearly give the building official authority to interpret, apply, and enforce the code. This would necessarily include, in my opinion, the authority to decide whether a condition is unsafe or dangerous. The Code specifically allows a building official to determine when a structure is unsafe, unlawful, or unfit for human occupancy. (See Section 108.1 IPMC) The IPMC defines "imminent danger" as "[a] condition which could cause serious or life-threatening injury or death at any time." (Section 202 IPMC) Also, the Code provides that the building official is not liable for any damage to persons or property as the result of any act or omission in the discharge of the official's duties. (Minn.R. 1300.0110, subp. 9) The Minnesota appellate courts have repeatedly held that building officials and cities are immune from liability for code interpretations.

The second question was whether or not the City may request a copy of a lease as part of the application process. I do not think the City is legally prohibited from asking for this information. However, keep in mind, that once the City has the information, it then becomes "government data" under the MN Data Practices Act and may become public data subject to disclosure upon request. While the City may not be prohibited from disclosing the information, it may add some administrative issues that you don't necessarily want to deal with. Also, perhaps this issue is moot because you are phasing out the Tier II license.

Let me know if you have any questions.

Mary D. Tietjen
Kennedy & Graven, Chartered
200 South Sixth Street
470 U.S. Bank Plaza
Minneapolis, MN 55402
612.337.9277 (direct)
612.337.9310 (fax)

2/9/2007

CITY OF LAUDERDALE
ORDINANCE NO. _____

An Ordinance Amending Title 9, Chapter 11 of the Lauderdale City Code Regarding Licensing of Rental Dwelling Units

The City Council of the City of Lauderdale ordains as follows:

SECTION 1. The Lauderdale City Code, Title 9, Chapter 11, Section 9-11-8, is amended as follows:

A. License Required.

1. It is unlawful to operate a rental dwelling in the City without first having obtained a license from the City. An owner must obtain a license for each rental dwelling. If the rental dwelling contains two or more units, and has a common owner and a common property identification number, the owner may obtain a single license for the rental dwelling.
2. There are two types of licenses: Tier I and Tier II. Except as otherwise provided in this Chapter, B both Tier I and Tier II licenses must comply with all provisions of this Chapter, upon its effective date.

SECTION 2. The Lauderdale City Code, Title 9, Chapter 11, Section 9-11-8, is further amended as follows:

E. License Issuance.

1. Preliminary Inspection and Investigation. Prior to issuing a license, the Building Official will inspect the rental dwelling to determine compliance with this Chapter, the City Code and the International Property Maintenance Code. The City Administrator will review the application for completeness and determine whether all real estate taxes and municipal utilities are paid and current.
2. Tier I License. If the rental dwelling is in full compliance with paragraph (1), the City will issue a Tier I license to the owner.
3. Compliance Order. If the rental dwelling is not in full compliance with paragraph (1), the City will provide the owner or resident

agent with a compliance order pursuant to Section 9-11-11. If the owner corrects the items in the compliance order within the specified period of time, the City will issue a Tier I license to the owner.

4. Tier II Licenses. If the owner does not correct the items in the compliance order within the specified period of time, the City will issue a Tier II license to the owner. ~~The holder of a Tier II license shall be subject to the following requirements~~ conditions:

a. The City will issue Tier II licenses only to applicants who are operating a rental dwelling with a tenant residing in the rental dwelling on the effective date of this Chapter.

a. ~~The Tier II licensed rental dwelling shall be subject to periodic inspections as provided in Section 9-11-9 of this Chapter.~~

b. The Tier II license holder shall pay the Tier II license fee as established by the City Council.

c. If the Tier II license holder corrects the violations in the compliance order(s), the licensee may apply for a Tier I license after the expiration of the current initial license period.

d. Subject to the limitation in Section 9-11-8(E)(5), If the if violations in an outstanding compliance order(s) remain uncorrected, a Tier II license holder may continue to let a rental dwelling until has not corrected the violations in any outstanding compliance order(s) by the end of the owner's existing lease term with the current tenant, the City may suspend or revoke the license under Section 9-11-12. The City may allow the continuation of the Tier II license if the City determines that the license holder is taking reasonable steps and exercising good faith to correct the violations.

f. All Tier II licenses expire upon one of the following, whichever occurs earlier: i) the existing tenant vacates the rental dwelling; ii) the existing lease term for the rental dwelling expires; iii) the initial license period expires on December 31, 2007; or, iv) the Building Official determines that an unsafe or dangerous condition exists as described in Section 9-11-8(E)(5).

g. The City will issue no Tier II licenses after December 31, 2007. After that date, all applicants and rental dwellings must qualify for a Tier I license from the City.

5. Unsafe or Dangerous Conditions. No owner or resident agent may operate a rental dwelling, regardless of the type of license issued, if the Building Official determines that a condition exists in or on the rental dwelling or premises that is unsafe or poses an imminent danger to the health or safety of the tenants or the public. Any person who continues to operate a rental dwelling after such a determination by the Building Official is subject to suspension or revocation of the license, criminal prosecution, and any civil remedies available to the City.

SECTION 3. The Lauderdale City Code, Title 9, Chapter 11, Section 9-11-9, is amended as follows:

A. Tier II License Inspections. ~~The City will inspect all All Tier II rental dwellings shall be inspected by the City periodically to determine compliance until the rental dwelling complies with this Chapter, the City Code and the International Property Maintenance Code. The City will inspect rental dwellings with odd-numbered addresses in odd years and rental dwellings with even-numbered addresses in even years.~~ After each inspection, the City shall provide the owner or resident agent with a compliance order pursuant to Section 9-11-11. The owner or resident agent must correct the violations within the time period specified in the compliance order. If the violations are not corrected, the City may suspend or revoke the license under Section 9-11-12, unless it is the initial license period, in which case, the license is valid until the end of the owner's existing lease with the current tenant as noted in section 9-11-8(E)(4)(d)(e). The City may, however, immediately suspend or revoke a license if an unsafe or dangerous condition exists as described in Section 9-11-8(E)(5).

SECTION 4. This ordinance shall be effective upon its adoption and publication.

Adopted by the city council of the City of Lauderdale this ____ day of _____, 2007.

Jeffrey Dains, Mayor

ATTEST:

Brian B. Heck, City Administrator

Published in the _____ this _____ day of
_____, 2007.

LAUDERDALE COUNCIL ACTION FORM

TYPE OF REQUEST

Consent ☐
Action ☒
Resolution ☒
Information ☐
Work session ☐

MEETING DATE Tuesday, February 13, 2007

AGENDA NUMBER 9-3

DESCRIPTION MSA Funding Resolution

BACKGROUND OR PAST COUNCIL ACTION

The issue of funding for city streets was discussed with Representative Mindy Greiling and Senator John Marty during the day in the park and again at a Ramsey County League of Local Governments meeting. During these discussions, Rep. Greiling stated she would like to try and assist Lauderdale in receiving some state aid for our streets. Attached is a resolution in support of state funding to support the repair and maintenance of Lauderdale streets.

OPTIONS

1. Adopt the resolution and forward to Representative Greiling and Senator Marty
2. Do nothing

STAFF RECOMMENDATION

Staff recommends the Council adopt the resolution and ensure our state legislators receive the Resolution and follow-up as needed on the issue.

COUNCIL ACTION

MOTION BY _____

SECOND _____

STAFF ACTION

RESOLUTION NO. 021307A

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

**RESOLUTION SUPPORTING LEGISLATION TO INCLUDE SMALL
CITIES SUCH AS LAUDERDALE IN THE MSA FUNDING
ALLOCATION FOR STREET REPAIR AND MAINTENANCE**

WHEREAS, the City of Lauderdale is a small city located in the metropolitan area with a population of less than 5,000; and

WHEREAS, the population of the City of Lauderdale is not anticipated to ever exceed 5,000 inhabitants; and

WHEREAS, MSA funding is distributed to cities throughout the state with populations over 5,000 specifically for the ongoing repair and maintenance of the local street infrastructure; and

WHEREAS, cities with populations under 5,000 generally receive road maintenance funding from the County municipal state aide accounts; and

WHEREAS, Lauderdale does not receive any road funding from the County or the State; and

WHEREAS, Lauderdale has an obligation to provide streets and other infrastructure that are well maintained and constructed; and

WHEREAS, the City of Lauderdale requests inclusion in the MSA distribution formula so the burden of supporting and providing quality roads is not placed entirely on the property tax as it is now.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Lauderdale, Minnesota that the city requests and supports legislation to include metropolitan cities with populations under 5,000 and which have not capacity for growth to be included in the MSA road funding calculation and that these cities receive state aide based on this calculation.

CITY OF LAUDERDALE)
COUNTY OF RAMSEY)
STATE OF MINNESOTA)

ss

I, Brian Heck, being duly qualified and City Administrator for the City of Lauderdale, Ramsey County, Minnesota, do hereby certify that the attached and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Lauderdale on Tuesday, January 23, 2007 as the same appears in the minutes of said meeting on file and of record in City Offices.

Dated this 23rd day of January, 2007.

(ATTEST)

Jeffrey Dains, Mayor

(SEAL)

Brian W. Heck

LAUDERDALE COUNCIL ACTION FORM

TYPE OF REQUEST

Consent ☐
Action ☒
Resolution ☐
Information ☐
Work session ☐

MEETING DATE Tuesday, February 13, 2007**AGENDA NUMBER** 9-C**DESCRIPTION** Discuss and take action on request by
Mr. Harvey Skow – 1931 Carl Street**BACKGROUND OR PAST COUNCIL ACTION**

This particular issue has been before the Council for the past several months. The City Council originally offered to provide materials for Mr. Skow to construct a retaining wall at the rear of his property as long as the retaining wall was not in the right of way. Mr. Skow rejected that solution and returned to the City Council with several other issues including requests for compensation for damages allegedly caused by the alley improvements. Discussions with Mr. Skow about a potential solution to the situation have not been held at this time as staff was awaiting information from the city attorney.

Ron Batty, city attorney, provided responses to all the current requests by Mr. Skow

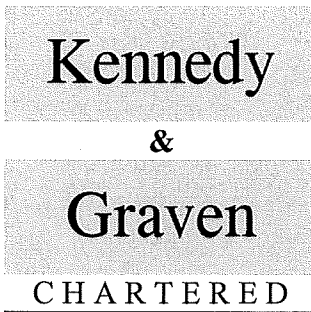
OPTIONS

1. Accept the claims of Mr. Skow and provide a retaining wall
2. Accept some of the claims, reject the others and provide a retaining wall
3. Reject the claims and the retaining wall
4. Reject the claims and discuss placement, construction, and ongoing maintenance of a retaining wall.

STAFF RECOMMENDATION

Staff recommends option 3 or 4 based on the information provided by the city attorney and based on the information and evidence provided by Mr. Skow.

COUNCIL ACTION**MOTION BY** _____**SECOND** _____**STAFF ACTION**



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<http://www.kennedy-graven.com>

MEMORANDUM

To: Mayor and Members of the City Council, through Brian Heck, City Administrator

From: Ron Batty, city attorney
Linda Thompson, assistant city attorney

Date: January 22, 2007

Re: Lateral Support/1931 Carl Street

Summary

Harvey Skow, the owner of property located at 1931 Carl Street, has alleged that the city damaged his property by failing to provide adequate lateral support when reconstructing the alley almost five years ago. The city council asked our office to review the matter in light of legal standards applicable to lateral support. Mr. Skow may be entitled to compensation based upon a loss of lateral support for his property only if Mr. Skow can prove direct and substantial damage to his property. Mr. Skow may be entitled to compensation based upon a loss of lateral support for his fence only if Mr. Skow can prove the city acted negligently.

Right to Lateral Support

Lateral support is the physical support enjoyed by a property by virtue of surrounding properties. There is an absolute right to lateral support. Any damage to property resulting from the removal of natural support allows the owner a legal remedy against the party who removed the support. The owner generally does not have to prove negligence; the owner need only prove that the support has been removed.

This strict liability for lateral support applies only to the land itself and not to buildings or other artificial structures. In order to receive damages for damage to buildings or other structures, the property owner must prove the abutting landowner acted negligently in removing the lateral support. Negligence is the failure to exercise the standard of care that a reasonably prudent person would have exercised in a similar situation. The removal is

a taking and the right to remove the support may be acquired only by purchase, condemnation, or substituting a different form of lateral support in place of the soil removed e.g., a retaining wall.

Damages

To prove damages to his land, a property owner needs to show that the city removed soil which deprived his property of natural lateral support. The damages to the property must be substantial. What constitutes substantial is not clearly defined, but the courts have noted that “the fall of a few grains of sand” does not create an actionable case. The measure of damages for loss of natural support for the land is the amount the property has diminished in value as a result of the loss.

To be awarded compensation for damages to an artificial structure such as a fence, an owner would have to prove that the city acted negligently in its construction of the alley and that the city’s negligent behavior caused damages to the fence.

Skow Property

Based on the facts as presented to us, it does not appear that Mr. Skow can show substantial damage to his property based upon the city’s removal of lateral support. The City’s 2002 work replaced an existing alley with one in the same location and at the same elevation. Mr. Skow claims some erosion to the slope but has not provided any details about the damages he has allegedly suffered. The difference in grade between the alley and Mr. Skow’s property is a maximum of two feet and tapers off to a flat grade. It does not appear that Mr. Skow has presented any evidence suggesting a basis for a claim of damages due to lack of lateral support.

Mr. Skow also claims that his fence leans. In order to sustain a claim relating to the fence, Mr. Skow would have to prove that the city was negligent in its construction of the alley, and that this negligence caused damage to his fence. It does not appear that Mr. Skow has presented any evidence that the city was negligent in its construction efforts. City staff and consultants dispute the owner’s assertion that the fence began to lean only after completion of work on the alley. Mr. Skow’s claim of damages to his fence based upon the city’s negligence and loss of lateral support does not appear to have merit.

Conclusion

While the right to lateral support is absolute and those depriving a property of natural lateral support are open to liability, in this case the facts do not suggest that the property owner has a viable claim against the city for its previous work on the adjacent alley.

Kennedy

&

Graven

CHARTERED

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Minneapolis MN 55402

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rbatty@kennedy-graven.com
<http://www.kennedy-graven.com>

MEMORANDUM

Date: February 7, 2007

To: Mayor and Members of the City Council, through Brian Heck, City Administrator

From: Ron Batty, city attorney
Linda Thompson, assistant city attorney

Re: 1931 Carl Street

Harvey Skow, the owner of property located at 1931 Carl Street, alleges damages against the city related to the 2002 reconstruction of an abutting alleyway. Based upon the information available, Mr. Skow appears to make four accusations against the city, each of which is addressed below.

1. **“Unpermitted use, obstruction and excavation of private property.” Alleged damages: \$13,530.00.**

Mr. Skow claims the city’s alleyway is located on his private property. Mr. Skow appears to imply that the city has taken a portion of his property without just compensation. Whether this allegation has any merit depends upon the previous use of the alleyway.

If the alleyway had been used in this present location for at least six years prior to 2002, the city has become the statutory user of the property and Mr. Skow’s claim is without merit. When any road or portion of road has been used and kept in repair for at least six years continuously as a public roadway, it is deemed dedicated to the public for the width of the actual use and remains, until lawfully vacated, a public highway. This is true regardless of whether it has ever been established formally as a public roadway. If the alleyway has been used and kept in repair for at least six years continuously by the city it has been dedicated to the city under Minnesota law and may be used for the benefit of the public, which includes repairing the alleyway. Mr. Skow’s claim of “unpermitted use” will not have merit.

To the extent the alley had not been used in this present location for at least six years prior to 2002, Mr. Skow’s taking claim may have merit. The survey of the alleyway and Mr. Skow’s property shows that the alley encroaches approximately 4 feet onto Mr. Skow’s property. If

this is a new encroachment, meaning the alley had not been located in this 4 foot area for at least six years prior to 2002, Mr. Skow might have a taking claim because abutting property owners have a right to compensation if their property outside the public easement is taken or destroyed.

Mr. Skow's claim of \$13,530.00 in damages does not appear to be supported by any facts. At this time a legal analysis cannot be conducted because there are no facts to support the damage amount claimed.

Mr. Skow also references "obstruction" of private property. It is not clear what he refers to in this particular claim. Obstruction or any act of blocking the property or otherwise causing an impediment has not been previously claimed by Mr. Skow. At this time a legal analysis of this matter cannot be conducted because there are no facts to support the claim.

Finally, Mr. Skow references "excavation" of private property. This appears to be a restatement of Mr. Skow's earlier claims of loss of lateral support due to the excavation of the alleyway. The right to lateral support has been previously addressed in our January 22, 2007 memo.

2. **Loss of plum tree due to alley excavation. Alleged damages: \$1,000.00.**

Very little is known about this claim other than Mr. Skow's statement in a letter to the city dated January 21, 2007 that a plum tree was located on his property and died as a result of the alley excavation. In order for Mr. Skow to have a viable damages claim against the city in this matter, he would have to show that the city acted negligently in repairing the alley and that tree's death was a direct result of this negligence. At this time a legal analysis of this matter cannot be conducted because there are no facts to support Mr. Skow's claim.

3. **"Continuing fees" and the "city's obligation to properly 'restore' the property. Alleged damages: unknown.**

Little is known about this claim. In his letter to the city dated January 21, 2007, Mr. Skow states that payment of his \$13,530.00 and \$1,000.00 claims (above) will not "release the city from continuing fees or the city's obligation to properly 'restore' [his] property." Mr. Skow does not state what those continuing fees or obligations may be. At this time a legal analysis of these matters cannot be conducted because there are no facts to support Mr. Skow's claims.

4. **Construction of a retaining wall in the right of way.**

If there is a request that a retaining wall be built within a public right of way, the city may refuse if the wall is not compatible with the public use of the right-of-way. In general, an abutting landowner may use one-half of the right-of-way in any manner not incompatible with use by the public. If the retaining wall encroachment will create a clear obstruction to the public's use of the easement for travel, it is within the city's police power to prohibit its construction.

LAUDERDALE COUNCIL ACTION FORM

TYPE OF REQUEST

Consent ☐
Action ☒
Resolution ☐
Information ☐
Work session ☒

MEETING DATE Tuesday, February 13, 2007

AGENDA NUMBER 13-A

DESCRIPTION Provide staff with direction on sending proposal on road turn backs to the county.

BACKGROUND OR PAST COUNCIL ACTION

The issue of potential county road turn backs has been discussed by the City Council for many years. Staff met with Ramsey County officials last month and provided the Council with a summary of the meeting and the County's current position and situation. Additional information was presented as part of the Friday Report last week. It was suggested at the last Council meeting work session to send the County a turn back proposal. Staff is meeting with Falcon Heights on one of the roads.

OPTIONS

1. Develop and adopt a proposal for turn backs
2. Send notice to the County Lauderdale is no longer interested in any type of turn back

STAFF RECOMMENDATION

Staff recommends preparing a proposal for submittal to the County for the turn back of County roads to the city.

COUNCIL ACTION

MOTION BY _____

SECOND _____

STAFF ACTION

Memo

To: City Council
From: Brian W. Heck, City Administrator
Date: February 9, 2007
Re: County Road Turn Backs

The issue of turning back Roselawn west of Fulham Street, Fulham Street south of Roselawn to Larpentour, and Eustis south of Roselawn to approximately Como Avenue has been on the Lauderdale City Council agenda for several years. When the rest of the city streets were in need of improvement, the need or desire to take over these roads from the county was not as critical. Now, with all the city streets improved with new surfaces, curb and gutter, improving the other streets, especially Eustis and Fulham is more imperative.

WHY TURN BACK

The reason to consider turn back is the County has no plans to do any type of work on any of the county roads in Lauderdale. Additionally, if the county were to perform work on any of the streets, it only includes the actual road surface. If Lauderdale desired curb, gutter, lighting, walkways, etc., Lauderdale bears the cost. The road still remains a county road so any maintenance required or desired, is placed on the county schedule, not Lauderdale's schedule.

Local control over the roads allows the Council and staff to respond faster to concerns and issues with the streets. Furthermore, it provides all residents of Lauderdale the same level of service.

ISSUES

The main issue with acquiring additional road surface is maintenance, repair and when necessary, reconstruction. Seal coating half the roads in Lauderdale in 2006 cost just over \$40,000. The cost of maintenance such as seal coating, and major construction is driven in large part by the cost of the materials needed. Both paving and seal coating use oil, and the price of petroleum is not going down.

NEXT STEP

There are several possible ways to structure a proposal to the County. The first thing is to determine a realistic goal and objective. For example, is the objective to gain control of the streets, to have the streets rebuilt without city dollars, to acquire long term financing for road improvements, etc.

Once the Council determines what the realistic and achievable goal is, a proposal incorporating the stated goal can be developed and submitted to the county for consideration.