

**LAUDERDALE CITY COUNCIL MEETING AGENDA
TUESDAY, MAY 8, 2007
7:30 P.M. CITY HALL
1891 WALNUT STREET**

FILE

1. **ROLL CALL**
2. **APPROVAL OF THE AGENDA**
3. **APPROVALS**
 - a. Minutes of the April 24, 2007 City Council Meeting.
 - b. Claims totaling \$59,277.48.
4. **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL ON ITEMS NOT ON THE AGENDA**
5. **CONSENT**
 - a. Park use application
 - b. Rental Housing Licenses
 - c. Training Requests
 - d. Authorization to participate in "Minnesota Water – Let's Keep it Clean" 2007-08 Program at a cost of \$500.00.
6. **SPECIAL ORDER OF BUSINESS/RECOGNITION/PROCLAMATIONS**
 - a. CERT Volunteer Recognition / Graduation
7. **PUBLIC HEARINGS** Public hearings are conducted so that the public affected by a proposal can have input into the decision.
8. **PRESENTATIONS**
9. **DISCUSSION / ACTION**
 - a. Use of City equipment by residents
 - b. Administrator Compensation
 - c. Budget Amendments
 - d. Music Under the Trees
10. **ITEMS REMOVED FROM THE CONSENT AGENDA**
11. **ADDITIONAL ITEMS**
12. **SET AGENDA FOR NEXT MEETING**
 - a. Nuisance Ordinance
 - b. Larpenteur Avenue – Lauderdale Downtown Project
13. **WORK SESSION**
 - a. I/I Discussion
14. **NEW BUSINESS / REPORTS**
 - a. Administrator Update
 - b. Council Member Items

MINUTES OF THE LAUDERDALE CITY COUNCIL
TUESDAY, APRIL 24, 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 Administrator Heck to take the roll. Members present: Council members Karen Gill-Gerbig, Denise Hawkinson, Karen Doherty, Clay Christensen, and Mayor Jeff Dains.

Also present were staff members Jim Bownik, Assistant to the City Administrator and Heather Butkowski, Deputy Clerk.

Mayor Dains asked if there were any additions or deletions to the agenda. Council member Christensen moved approval of the agenda as presented. Council member Hawkinson seconded the motion and it carried.

Mayor Dains asked if there were any additions or corrections to the minutes of the April 10, 2007, City Council minutes. There being none, council member Gill-Gerbig moved approval. Council member Doherty seconded the motion and it carried.

Mayor Dains asked if there were any questions on the claims. Council member Hawkinson asked about payment to the Roseville Review and stated she didn't receive her paper the previous week. Heck said Mr. Fairbanks, editor of the Roseville Review, called and inquired if the City is having any events in the near future. Heck also said he contacted the Sun-Focus Ramsey County and they do not have delivery routes in Lauderdale. Council member Doherty asked if the coding for payment of employee benefits to Ramsey County Property Receipts and Revenues was correct. Butkowski stated this is where all payments for Ramsey County services are sent. Council member Christensen asked whether the billing for auditing services matches the amount specified in the request for proposals. Heck stated the amount claimed is the amount stated in the proposal documents and the only thing left to accomplish is the reporting to the Office of the State Auditor.

There being no further questions or comments on the claims, Council member Gill-Gerbig moved to approve the claims as presented with the exception of payment to the Roseville Review, in the amount of \$38,840.36. Council member Hawkinson seconded the motion and it carried.

Mayor Dains asked if anyone present wished to address the Council on issues not on the agenda. There being none, Mayor Dains moved to the Consent Agenda.

Mayor Dains asked if Council wished to remove anything from the consent agenda. Council member Christensen moved approval of the consent agenda authorizing Park Reservations and approving Findings of Fact for 1793 Pleasant Street and 1936 Walnut Street. Council member Doherty seconded the motion and it carried.

Mayor Dains introduced and welcomed Representative Greiling and Senator Marty.

Representative Greiling began by outlining and updating the Council on the issues and discussions at the Capitol. She said for the first time since her election 15 years ago, her party is in the majority and there is a different feeling at the capitol. She reported she has several bills on education and she is chair of the K-12 Education committee. She commented on the bill Lauderdale asked be introduced regarding local road funding. She indicated introduction missed the deadline for committee assignment this year, but will be ready to go for next year.

Senator Marty added to Representative Greiling's report and stated the Senate passed several initiatives, transportation being one of them, which will most likely end with a veto by the Governor.

Both reported they have worked to address the property tax issue, and that in most cases, bills contain some increase in revenue through the addition of a fourth tier income tax rate. Senator Marty indicated reinstating this tier as well as other income tax cuts would generate over 2 billion in revenue.

Representative Greiling and Senator Marty took questions from the Council and the Council thanked them for coming to the meeting and supporting Lauderdale and the residents.

The Mayor called a recess at 8:25 p.m.

The Council reconvened at 8:36 p.m.

Bownik presented information on replacing the social room floor. He outlined three options: all carpet, all tile, and a combination of tile and carpet. Bownik recommended the installation of tile. He said tile will be easier to maintain and will last longer than carpet. He passed out some samples and told the council the tile color will be neutral.

Council member Gill-Gerbig moved to obtain bids for the replacement of the social room floor with tile per the recommendation of staff. Council member Hawkinson seconded the motion and it carried on a roll call vote with members Gill-Gerbig, Hawkinson, Doherty, Christensen, and Mayor Dains all voting yes.

Bownik presented cost information on the purchase of new Lauderdale tee shirts and polo shirts. He said the low quote for a supply of 100 shirts came from Raider Grafix, the print shop at the Roseville Area High School. Bownik said the shirts will be light grey with blue lettering. The lettering on the tee shirts is silk screened and the polo shirts are embroidered.

Council member Hawkinson moved the purchase of tee and polo shirts as recommended by staff from Raider Grafix. Council member Gill-Gerbig seconded the motion and it carried on a roll call vote with members Gill-Gerbig, Hawkinson, Doherty, Christensen, and Dains all voting yes.

Bownik then discussed the inventory of equipment at the Community Park. He stated the inventory revealed the need to make several minor improvements such as adding a handicapped parking spot at the parking lot by the warming house, replace worn signage and add some new signage, and add some waste containers.

Council member Gill-Gerbig moved to authorize the improvements to the park as outlined and recommended by staff. Council member Christensen seconded the motion and it carried on a roll call vote with members Gill-Gerbig, Hawkinson, Doherty, Christensen and Dains all voting yes.

The Council moved to the work session segment of the meeting.

Heck presented ideas and recommendations for the 2008 budget. Heck told the Council he recommends combining some "budgets". Heck said the rational behind the recommendation is to make the General Fund easier to read and make it simpler to allocate expenses. He stated the current format has duplication of expenses and since there are not separate departments, there is not a reason to differentiate activities with separate budgets.

Council member Doherty asked about the Public Safety budget proposal. She stated she would like to keep the police and fire activities separate. Heck said that these contracted services will be separate line items in the combined budget. Council member Doherty stated the police contract is the largest budget item for the city and she would like to see it on its own in the summary. Heck stated he can provide a line on the summary to show what costs make up the Public Safety expenses.

After additional discussion, the Council directed staff to prepare the budget changes for the May 8 Council meeting. Council also asked staff to research legal considerations for making storm water utility an enterprise fund.

Heck presented the draft 2007 Goals and General Financial condition of the City. Council member Gill-Gerbig asked about the inflow and infiltration program and suggested this item be added to the 2007 Goals. Heck stated he will add I/I to the 2007 Goals.

Heck outlined the key points in the Larpenetour Avenue and Eustis Street development issue. He provided some background and a brief update.

Mayor Dains stated the City possesses substantial funds in the TIF Development fund and these funds need to be taken into consideration in this discussion. He said he wants to become more proactive in developing options for the area.

Council member Christensen concurred and said the City needs to move forward with planning.

After additional discussion, the Council directed staff to meet with Dave Callister and Jessica Cook of Ehlers to discuss an agreement and scope of work for helping the Council develop a development plan, design standards, and general work plan for Larpenteur Avenue.

The Council moved into closed session to discuss the Administrator's annual evaluation at 9:50 p.m.

The Council returned to open session at 10:12 p.m.

Council member Christensen encouraged all council members to read the article in the Minnesota Cities magazine written by Jim Miller.

The meeting adjourned at 10:15 p.m. on a motion by Gill-Gerbig and a second by Hawkinson.

CITY OF LAUDERDALE

Claims for Approval

May 8, 2007 City Council Meeting

Payroll

5/4/07 Payroll: Direct Deposit # 500343-500347	\$6,654.23
5/4/07 Payroll: Payroll Liabilities, e-payments 151E-153E	\$5,590.61

Vendor Claims

5/8/07 Claims: Check #s 18646-18656	\$47,032.64
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Subtotal of Claims From Above	\$59,277.48
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Total Claims for Approval	\$59,277.48
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CITY OF LAUDERDALE

05/02/07 4:06 PM

Page 1

Payments

Current Period: MAY 2007

Batch Name	050407paytax				
Payment		Computer Dollar Amt	\$5,590.61	Posted	
Refer	206 PERA		Ck# 000151E 5/4/2007		
Cash Payment	G 101-21704 PERA		5/4/07 payroll		\$1,320.46
Invoice					
Transaction Date	5/2/2007	Due 0	NORTH STAR CHEC 10100	Total	\$1,320.46
Refer	207 ICMA RETIREMENT TRUST - 457		Ck# 000152E 5/4/2007		
Cash Payment	G 101-21705 ICMA RETIREMENT		5/4/07 payroll		\$1,741.91
Invoice					
Transaction Date	5/2/2007	Due 0	NORTH STAR CHEC 10100	Total	\$1,741.91
Refer	209 NORTH STAR BANK, CHECKING S		Ck# 000153E 5/4/2007		
Cash Payment	G 101-21703 FICA WITHHOLDING.		5/4/07 payroll taxes		\$1,727.98
Invoice					
Cash Payment	G 101-21701 FEDERAL TAXES		5/4/07 payroll taxes		\$800.26
Invoice					
Transaction Date	5/2/2007	Due 0	NORTH STAR CHEC 10100	Total	\$2,528.24
Fund Summary				BATCH Total	\$5,590.61
	10100 NORTH STAR CHECKING				
101			\$5,590.61		
			\$5,590.61		

Pre-Written Checks	\$5,590.61
Checks to be Generated by the Compute	\$0.00
Total	\$5,590.61

CITY OF LAUDERDALE

*Check Detail Register©

MAY 2007

			Check Amt	Invoice	Comment
10100 NORTH STAR CHECKING					
Paid Chk#	018646	5/1/2007	POSTMASTER		
	E 101-41600-203	POSTAGE	\$300.00		May-June newsletter
		Total POSTMASTER	\$300.00		
Paid Chk#	018647	5/8/2007	BANYON DATA SYSTEM		
	E 101-41300-307	COMPUTER SERVICES	\$1,560.02		Fund/Payroll software support
		Total BANYON DATA SYSTEM	\$1,560.02		
Paid Chk#	018648	5/8/2007	BONESTROO, ROSENE, ANDERLIK		
	E 404-48404-304	ENGINEERING	\$1,042.25		3/07 engineering - park projec
	E 403-48403-327	OTHER SERV- SEWER/NPDES I	\$43.00		3/07 engineering - MS4 submiss
		Total BONESTROO, ROSENE, ANDERLIK	\$1,085.25		
Paid Chk#	018649	5/8/2007	CINTAS		
	E 601-49000-425	CLOTHING	\$28.65		pw clothing
		Total CINTAS	\$28.65		
Paid Chk#	018650	5/8/2007	CITY OF ST ANTHONY		
	E 101-42100-319	POLICE CONTRACT	\$43,291.67		5/07 police services
		Total CITY OF ST ANTHONY	\$43,291.67		
Paid Chk#	018651	5/8/2007	GLENWOOD INGLEWOOD		
	E 101-41200-208	WATER DELIVERY	\$4.79		4/07 cooler rental
		Total GLENWOOD INGLEWOOD	\$4.79		
Paid Chk#	018652	5/8/2007	HOME DEPOT CRC		
	E 101-45200-201	GENERAL SUPPLIES	\$42.65		supplies for hockey rink
		Total HOME DEPOT CRC	\$42.65		
Paid Chk#	018653	5/8/2007	LMC		
	E 101-41200-308	TRAINING\CONFERENCES	\$340.00		bh - annual conference
		Total LMC	\$340.00		
Paid Chk#	018654	5/8/2007	MN CLERKS & FIN OFFICERS ASSOC		
	E 101-41200-438	DUES & SUBSCRIPTIONS	\$35.00		hb membership
		Total MN CLERKS & FIN OFFICERS ASSOC	\$35.00		
Paid Chk#	018655	5/8/2007	PARK SERVICE		
	E 601-49000-212	MOTOR FUELS	\$22.16		4/07 motor fuels
	E 101-43100-212	MOTOR FUELS	\$199.45		4/07 motor fuels
		Total PARK SERVICE	\$221.61		
Paid Chk#	018656	5/8/2007	POSTMASTER		
	E 101-41200-203	POSTAGE	\$82.00		\$.41 stamps
	E 101-41600-203	POSTAGE	\$41.00		\$.41 stamps
		Total POSTMASTER	\$123.00		
	10100 NORTH STAR CHECKING		\$47,032.64		

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

MAY 2007

		Check Amt	Invoice	Comment
Fund Summary				
	10100 NORTH STAR CHECKING			
101 GENERAL		\$45,896.58		
403 CAPITAL IMPROVE STORM WATER		\$43.00		
404 PARK IMPROVEMENT		\$1,042.25		
601 SEWER UTILITIES		\$50.81		
		<hr/>		
		\$47,032.64		

LAUDERDALE COUNCIL ACTION FORM

Action Requested

Consent X
Public Hearing
Discussion
Action
Resolution
Work Session

Meeting Date May 8, 2007

ITEM NUMBER 5A City Park Applications

STAFF INITIAL

HAB

APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The City received an application from the Chinese Christian Church for use of the park by more than 30 people. The application is attached for your review.

OPTIONS:

- A) Approve the request to use the park.
- B) Do not approve the request to use the park.

STAFF RECOMMENDATION:

The staff recommends allowing the Chinese Christian Church to use the park.

COUNCIL ACTION:

City of Lauderdale

1891 Walnut Street • Lauderdale • Minnesota 55113

Phone: 651.631.0300 Fax: 651.631.2066

APPLICATION FOR USE OF COMMUNITY PARK

APPLICANT INFORMATION:

Name: Newton Wong Address: 4404 XEDGES AVE S.
City: MPLS State: MA Zip: 55410
Telephone No.: 612-616-3346 Name of Organization (if applicable): TWIN CITY CHINESE CHRISTIAN CHURCH

PARK USE INFORMATION:

Date(s) of Park Use: JUNE 23, 2007 Hours Used: 10 AM - 2 PM
* Number attending: 60-70 * Note: Groups of 30 or more must receive council approval

Part of Park to be reserved (circle all that apply):

Picnic shelter Ballfield Hockey rink / Ice skating rink (winter only) Other: _____
Please note: the hockey rink is only available for reservation from the hours of 8 - 10 pm.

By signing this application, the applicant agrees to the following:

- The park facilities will not be used for advertisement of any product, goods, or services, nor for personal profit.
- The applicant will clean up the area after the event has occurred.
- The proposed event will not unreasonably interfere with the general public use of the park, or with the safe and orderly movement of traffic on streets surrounding the park.
- The applicant is aware that there is a parking lot on Roselawn Avenue, including spaces for the handicapped.
- The applicant understands that the park opens at 8:00 am and closes at 10:00 pm.
- The applicant understands that no intoxicating liquor may be present or consumed at the park.

Newton Wong
Applicant's Signature

Newton Wong
Please Print Applicant's Name

4/22/07
Date

FOR OFFICE USE ONLY:

Date Application Received: _____ Approved By: _____
Temporary Non-Intoxicating Liquor License Granted? _____ If so, date Council granted: _____

LAUDERDALE COUNCIL ACTION FORM

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

MEETING DATE	<u>May 8, 2007</u>
AGENDA NUMBER	<u>5B – Rental Housing Licenses</u>
DESCRIPTION	<u>Tier 1 Rental Housing Licenses</u>
	<u>HAB</u>

BACKGROUND OR PAST COUNCIL ACTION
Attached are the applications of property owners that successfully completed the rental housing inspection process.

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

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: Bob Allen

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: 1936 Walnut 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: 1 3 BR: _____ 4 BR: _____ other: _____
Total number of paved off street parking spaces: 6

PROPERTY OWNER INFORMATION (Must list current owner)

Owner's name: Bob Allen Telephone No. 651-470-2390
Address: 3170 Victoria St N City, State, Zip: Shoreview, MN 55126
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: Kate Downing (rentor) Telephone No. 651-633-8885 Cell 612-590-3
Address: _____ City, State, Zip: _____

EMERGENCY REPAIRS (must be completed)

**Name: Bob Allen

Telephone No. 651-470-2390 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***: _____

Address: _____

City, State, Zip: _____

Telephone No. _____

***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.: 1 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 SCHEDULESingle 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: _____

12-8-06**FOR CITY USE ONLY**

Department	Approved	Denied	Date	Signature
Building Insp.	<u>✓</u>		<u>4-23-7</u>	<u>[Signature]</u>
Administrator				

Date Fees Received	Amount Received	Receipt #	Date License Issued
<u>1/5/07</u>	<u>64.00</u>	<u>8381</u>	

31

RECEIVED
SEP 05 2007
By HB

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

*LP
9/20
0 and 1
in 11/20/07
and 9/21*

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: Ernest Virginia Dopp

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: 1816 MALVERN Number of Rental Units: 1

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

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

Total number of paved off street parking spaces: Paved Driveway

PROPERTY OWNER INFORMATION (Must list current owner)

Owner's name: Ernest Virginia Dopp Telephone No. 612-822-1983

Address: 4035 Pillsbury Ave So City, State, Zip: Minneapolis, MN 55409

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: _____ Telephone No. _____

Address: _____ City, State, Zip: _____

EMERGENCY REPAIRS (must be completed)

**Name: Ernest or Virginia Dopp

Telephone No. 612-822-1983 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***: None

Address: _____

City, State, Zip: _____ Telephone No. _____

***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.: 1 No. of adults: 1 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: Emek Dapp Virginia Dapp Date: 8-24-06

FOR CITY USE ONLY

Department	Approved	Denied	Date	Signature
Building Insp.	<u>✓</u>		<u>4-23-7</u>	<u>[Signature]</u>
Administrator				

Date Fees Received	Amount Received	Receipt #	Date License Issued
<u>9/5/06</u>	<u>64.00</u>	<u>8198</u>	

Conditionally
April 30, 2000
RECEIVED
SEP 06 ENT'D
ON
763

LICENSE PERIOD: Adoption through December 31, 2007

Please sign to indicate that you have read the notice:

Alternative address: 9380 Abigail Ct.
City, State, Zip: IGH, MN 55077 Telephone No.: 651-455-3315

651-450-0072
on this application. Use

Use ^{WK}
ask for kin

Total number of paved off street parking spaces: long driveway - one car garage

PROPERTY OWNER INFORMATION (Must list current owner)

Owner's name: Bonnie Year Telephone No. 451-455-3319
Address: 9380 Abigail Ct City, State, Zip: IGH, MN 55077
Owner is: Sole Proprietor (☒) *Partnership (☐) *Corporation (☐)

BUILDING MANAGER, CARETAKER, OR RESIDENT AGENT

Name & title: _____ Telephone No. _____
Address: _____ City, State, Zip: _____

**Name: Kim Rinehart (daughter)
Telephone No. 451-450-0072 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.**

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City, State, Zip: _____ Telephone No. _____

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

REGISTER OF OCCUPANCY

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: Bonnie Lee Date: 8/31/06

FOR CITY USE ONLY

Department	Approved	Denied	Date	Signature
Building Insp.	✓		4-30-7	<i>[Signature]</i>
Administrator				

Date Fees Received	Amount Received	Receipt #	Date License Issued
9/6/06	\$164.00	8203	

11

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: Jodi Steffen

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

Alternative address: 345 St. Peter Street #1600 % Michele Myers
City, State, Zip: St. Paul, MN 55102 Telephone No.: 651-389-3833

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: 1611 Pleasant Street Number of Rental Units: 84
Type of property: () single family () duplex (X) multiple family dwelling
No. of rental units that are: 1 BR: 32 2 BR: 52 3 BR: 0 4 BR: 0 other:
Total number of paved off street parking spaces: 156

PROPERTY OWNER INFORMATION (Must list current owner)

Owner's name: Ambrose & Sylvia Zeller Telephone No.:
Address: City, State, Zip:

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: Jodi Steffen Telephone No. 651-645-4222
Address: 1611 Pleasant Street City, State, Zip: Lauderdale, MN 55108

EMERGENCY REPAIRS (must be completed)

**Name: Todd St. Hilaire - Maintenance Supervisor - Off Site

Telephone No. 651-229-4902 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***: CAP MARK
 Address: PO Box 93330
 City, State, Zip: Chicago, IL 60673 Telephone No. ?
 ***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.: 84 total No. of adults: 13 total No. of children under age 18: 17 total

See attached - we have 84 units, 42 in each building -- 1609 & 1611.

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>240.00</u>
Tier II license and renewal: \$100.00 per rental unit not in compliance		\$
Inspection fee: \$34.00 per inspection		\$
Note: Applications will not be processed until the city receives the proper fees. Please make all checks payable to the "City of Lauderdale."		Total: \$ 240.00

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: Jodi StiffDate: 09-28-06

FOR CITY USE ONLY

Department	Approved	Denied	Date	Signature
Building Insp.	<input checked="" type="checkbox"/>		3-1-7	<u>[Signature]</u>
Administrator				

Date Fees Received	Amount Received	Receipt #	Date License Issued

LAUDERDALE COUNCIL ACTION FORM

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

MEETING DATE	<u>Tuesday, May 8, 2007</u>
AGENDA NUMBER	<u>5C</u>
DESCRIPTION	<u>Training requests</u>

BACKGROUND OR PAST COUNCIL ACTION
Requeusting authorization to attend the following training seminars. 1. Public Law Update, Friday, June 15, 2007 cost \$90.00 2. TIF Update, Thursday, June 28, 2007, not cost

OPTIONS
1. Authorize training 2. Deny training

STAFF RECOMMENDATION
Staff recommends approval of training requests.

COUNCIL ACTION

MOTION BY _____

SECOND _____

STAFF ACTION

I 2TH ANNUAL PUBLIC LAW UPDATE

**Kennedy
&
Graven**

C H A R T E R E D

470 U.S. Bank Building
200 South Sixth Street
Minneapolis, MN 55402
612.337.9300

This is your personal invitation to attend

Public Law Update

3.25 CLE CREDITS APPLIED FOR

FRIDAY, JUNE 15, 2007

Edinburgh Golf Club, 8700 Edinbrook Crossing
Brooklyn Park, MN • 763-315-8500

Moderator: **James M. Strommen**

Seminar and Handbook

\$90 per person

Greens Fees are an additional
\$50

1/2 of a Power Cart (optional)
\$17

Seminar handbook only
\$25

Please mail registration form,
Seminar fees, and
Golf fees by **June 11** to:

Attn: Andrea Larson
Kennedy & Graven, Chartered
200 South Sixth Street, Suite 470
Minneapolis, MN 55402

Registration or Golf Questions?
Call Andrea at 612-337-9300

AGENDA

8:00 – 8:30 **Registration and Continental Breakfast**

8:30 – 8:45 **Municipal Case Law Update**
A review of the most significant new case law
Linda K. Thompson of Kennedy & Graven

8:45 – 9:00 **Discovery of Electronically Stored Information**
Not for the faint-of-heart
Peter G. Mikhail of Kennedy & Graven

9:00 – 10:15 **The 2007 Legislative Session Review**
New laws and their impact on municipalities
Gary N. Carlson of the League of Minnesota Cities
Louis Jambois of the Association of Metropolitan Municipalities

10:15 – 10:30 **Break**

10:30 – 11:00 **The 2007 Legislative Session Review – continued**

11:00 – 12:00 **Snapshots of Hot Topics**
a. What cities can do to prevent & remediate foreclosures
b. Comprehensive plan updates due in 2008
c. FCC Order will affect cable franchises
Melissa J. Manderschied & Robert J. Vose of Kennedy & Graven

12:00 **Lunch provided**

12:42 **Golf:** Tee times begin for interested participants
Socializing for Non-Golfers

2007 TIF WORKSHOP AGENDA

8:45 am	Registration and Coffee
9:00 am	Welcome, Introductions, and Logistics Arlin Waelti, Director, TIF Division, Office of the State Auditor
9:10 am	Legal Considerations in Audits <ul style="list-style-type: none"> • Statements of Position • Legal Guidelines for TIF Audits Arlin Waelti, Director, TIF Division, Office of the State Auditor
9:40 am	2006 TIF Reporting Form Update Marsha Pattison, TIF Division, Office of the State Auditor
10:20 am	Legal and Historical Overview of TIF Arlin Waelti, Director, TIF Division, Office of the State Auditor
11:00 am	DVD Presentation from the March 15, 2007 TIF Seminar
11:40am	Summary of 2007 Legislation Enacted <ul style="list-style-type: none"> • 2007 TIF Technical Amendments • JOBZ, TIF, and Data Privacy Amendments Arlin Waelti, Director, TIF Division, Office of the State Auditor
12:00 pm	Lunch (Provided)
1:00 pm	Data Privacy with Respect to Audits Nancy Bode, Asst. Legal Counsel, Legal\Special Investigations, Office of the State Auditor <u>or</u> Mark Kerr, Asst. Legal Counsel, Office of the State Auditor
1:30 pm	Audit Procedure for Segregation of Funds Kathy Docter, CPA, Office of the State Auditor
2:00 pm	Record Retention Law; Process for Change <ul style="list-style-type: none"> • Question and Answer Period David Kenney, Asst. Legal Counsel, Office of the State Auditor
2:30 pm	Adjourn

Dates and Locations:

Thursday, June 7, 2007 Detroit Lakes

City Council Chambers
1025 Roosevelt Ave
Detroit Lakes, MN 56502

9:00 a.m. to 2:30 p.m. (Lunch provided)

Thursday, June 14, 2007 Sleepy Eye

City Council Chambers
200 Main St E
Sleepy Eye, MN 56085

9:00 a.m. to 2:30 p.m. (Lunch provided)

Thursday, June 21, 2007 Kasson

Community Education Building
606 16th Street N.W.
Kasson, MN 55944

9:00 a.m. to 2:30 p.m. (Lunch provided)

Thursday, June 28, 2007 St. Paul

League of Minnesota Cities
145 University Ave West
St. Paul, MN 55103

9:00 a.m. to 2:30 p.m. (Lunch provided)

*A workshop may be canceled due to lack of registered attendees.

LAUDERDALE COUNCIL ACTION FORM

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

MEETING DATE	<u>Tuesday, May 8, 2007</u>
AGENDA NUMBER	<u>5D – MN Waters</u>
DESCRIPTION	<u>Request to participate in Minnesota Water – Let's Keep it Clean 07-08</u>

BACKGROUND OR PAST COUNCIL ACTION
<p>A requirement of our MS4 permit is public education. This organization produces public service announcements and plays them on the radio during the summer months. The organization also maintains a website on storm water protection, prepares and places print adds, and other educational material the City can access as a contributing member for placement in our newsletter or other city publications. Participating in this organization will allow the city to use the advertisements as part of our educational requirements. One drawback for not participating is we will have to produce and distribute our own educational materials or work with another organization.</p>

OPTIONS
<ol style="list-style-type: none">1. Participate in the Organization2. Do not participate

STAFF RECOMMENDATION
<p>Staff recommends participation in this organization</p>

COUNCIL ACTION

MOTION BY _____

SECOND _____

STAFF ACTION

Brian Heck

From: Ron Struss [Ron.Struss@state.mn.us]
Sent: Tuesday, May 01, 2007 10:44 AM
To: Ron.Struss@state.mn.us
Subject: Clean water messages on the radio!
Attachments: 2007 Invoice Form.doc; 2007 Program Participation Request.pdf

Dear MS4 Stormwater Education Contacts:

*** Clean water ads on Twins radio broadcasts and morning KSTP radio ***

Starting the last week of April and going through the first week of June, radio public service announcements (PSAs) are playing on Twins baseball radio broadcasts and on KSTP radio Saturday morning "Home and Garden Show" and "Sports Talk".

Featured on the Twins broadcasts and "Sports Talk" are 15 second spots with this message:

"Rummmmm (lawnmower sound) When mowing keep grass clippings off of streets and out of storm drains. Clippings contain phosphorus and that turns lakes and rivers green with algae. Cleaner streets mean cleaner water for all Minnesotans. Visit cleanwatermn.org."

The "Home and Garden Show" PSA is a 30 second spot read by co-host Mike Hubbard:

"How you care for your home and yard affects Minnesota's lakes and rivers, even if you don't live on a shoreline. When it rains, water runs off your property and finds its way to nearby water bodies through storm drains and ditches. Keeping runoff clean is important. Never dispose waste down storm drains and keep streets clean of grass clippings, leaves and soil – all sources of phosphorus which turns lakes and rivers green with algae. Cleaner streets mean cleaner water for all Minnesotans. Visit cleanwatermn.org for more clean water tips."

These PSA are made possible through the *Minnesota Water – Let's Keep it Clean*, a stormwater pollution prevention education media outreach program of Metro WaterShed Partners. Funding is from cities, counties, soil and water conservation district, and watershed districts. More at www.cleanwatermn.org.

Minnesota Water – Let's Keep it Clean is based on the premise that better and more consistent stormwater education messages can be delivered if cities, counties, and watershed organizations pool resources and work together. We are seeking continued support for *Minnesota Water – Let's Keep it Clean* in 2007 and beyond. If you are not already participating, please consider joining this Twin Cities metro area effort. Enclosed is an invoice form to facilitate processing funds. Please feel free to edit this form to fit your funding cycle and other needs.

Ron Struss
Minnesota Water – Let's Keep it Clean Workgroup Chairperson

=====

Ron Struss

5/1/2007

Request for Program Participation and Support



MINNESOTA WATER
LET'S KEEP IT CLEAN

A stormwater education program
of Metro WaterShed Partners

April 16, 2007

Dear MS4 Stormwater Education Contacts,

Enclosed is the 2006 Report for *Minnesota Water – Let's Keep it Clean*, a stormwater pollution prevention education outreach program of Metro WaterShed Partners.

Minnesota Water – Let's Keep it Clean is based on the premise that better and more consistent stormwater education messages can be delivered if cities, counties, and watershed organizations pool resources and work together. In 2006, 21 organizations participated, providing \$74,500 in program funds. Together we accomplished:

- 72 spring radio ads on WCCO radio sharing a “keep grass clippings out of the street” message. 28 ads aired during Twins baseball games.
- 432 fall ads on prime time cable television programming sharing a “keep stormwater clean - rake up, sweep up, pick up” message.
- Six ads in “The Scoop” trade magazine directed at Minnesota landscapers.
- 50,000 stormwater educational flyers distributed at the Minnesota State Fair.
- Maintenance of www.cleanwatermn.org website; a stormwater education resource center for MS4s, students, teachers, and citizens. Over 12,000 website visits occurred in 2006.

All these activities were reportable on annual stormwater pollution prevention plan reports to the Minnesota Pollution Control Agency.

In 2007 we will:

- Place spring messages on KSTP 1500 Saturday morning radio and Twins baseball games.
- Place fall messages on prime time cable television.
- Distribute stormwater education materials at the Minnesota State Fair
- Renovate our www.cleanwatermn.org website to improve resources for MS4 educators.

We are seeking continued support for *Minnesota Water – Let's Keep it Clean* in 2007 and beyond. If you are not already participating, please consider joining this Twin Cities metro area effort. Attached is an invoice form to facilitate processing funds. Please feel free to edit this form to fit your funding cycle and other needs.

MORE >

We recommend the following schedule of annual program support based on community size, however we welcome any level of support your organization can provide:

Population	Annual Support Level
0 – 10,000	\$500
10,000 – 20,000	\$1,500
20,000 – 40,000	\$2,500 - \$3,500
40,000 - up	\$3,500 – \$5,000

Metro WaterShed Partners is a collaboration of sixty water resource education organizations in the Twin Cities metro area. One of our members, the Center for Global Environmental Education at Hamline University, serves as our fiscal agent. You can learn more about Metro WaterShed Partners at: cgee.hamline.edu/watershed/partners.

For Metro WaterShed Partners and the *Minnesota Water – Let's Keep it Clean* workgroup, I invite you to continue or start program participation in 2007. Please contact me with your questions. Thank you!

Yours,



Ron Struss

Minnesota Water – Let's Keep it Clean Workgroup Chairperson

Tel: 651-201-6269

E-mail: ron.struss@state.mn.us

Water Quality Advisor, Minnesota Department of Agriculture
625 Robert Street North, St. Paul, Minnesota 55155

Minnesota Water – Let's Keep It Clean

2006 Program Report

Minnesota Water – Let's Keep It Clean is a stormwater education collaboration of cities, counties, and water management organizations in the Twin Cities and St. Cloud metro areas. Its objective is to increase impact and improve efficiency of local stormwater education programs by working jointly on developing and distributing educational materials. Its resource website is: www.cleanwatermn.org.



Minnesota Water – Let's Keep It Clean is a program of Metro WaterShed Partners, an organization of water resource educators in the Twin Cities Metro Area: <http://cgee.hamline.edu/watershed/partners/>.

MINNESOTA WATER
LET'S KEEP IT CLEAN

2006 Accomplishments

WCCO Radio Ads – 72 ads in May for \$12,200

During May 2006, "sweep up your grass clippings" message aired 72 times on WCCO radio; 28 of which were during Twins baseball broadcasts:



"Rummmmm (lawnmower sound) When mowing keep grass clippings off of streets and out of storm drains. Clippings contain phosphorus and that turns lakes and rivers green with algae. Cleaner streets mean cleaner water for all Minnesotans. Visit cleanwatermn.org."

A media packet on lawn mowing practices was placed on the www.cleanwatermn.org website so MS4s could support the ad with locally delivered messages. Ad cost was \$12,200.

Ads in *The Scoop*, trade magazine of the Minnesota Nursery and Landscape Association.

Six ads for \$1,620

Two different ad styles ran during the months of January - April, August - September. A copy of the summer ad is below. Target audience are those in the landscaping and yard care industry. Regular magazine circulation is 1,900 per month; with "double issues" in January and September reaching 4,000.

For lakes' sake!
Keep streets clean of leaves & clippings
Keep our water clear of algae

Storm drains connect streets with water. Keep leaves and grass clippings out of the street. Leaves and grass clippings contain phosphorus, the nutrient that turns lakes and rivers green with algae.

A message of Metro WaterShed Partners.
More at www.cleanwatermn.org

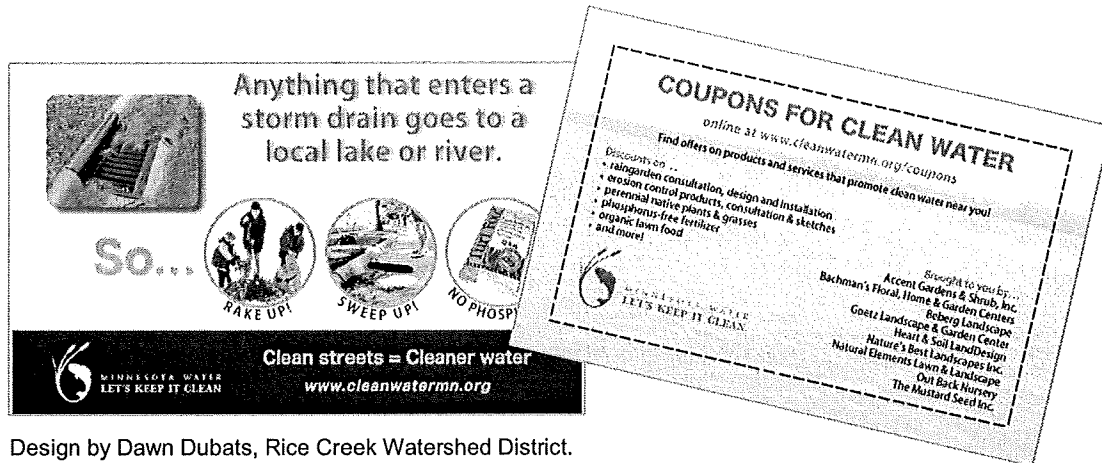
MINNESOTA WATER
LET'S KEEP IT CLEAN

STREETS CONNECT LANDSCAPES TO WATER – CLEAN STREETS, CLEANER WATER

WCCO Radio State Fair Bag Flyer: 50,000 distributed during 2006 State Fair, \$2,537

WCCO Radio distributes a popular bag full of informational and promotional items at the Minnesota State Fair. 50,000 two-sided flyers giving the “sweep up grass clippings, rake up leaves and use phosphorous free fertilizer” messages were distributed via the WCCO Radio State Fair bag in 2006. Flyer shown on next page. Printing was \$1,000 and distribution \$1,000, for a total of \$2,000.

The flyer featured coupons from nine distributors of water-friendly yard care products. Coupons could be printed from the www.cleanwatermn.org website. Very few copies of the coupons were downloaded, leading the workgroup to decide against using this outreach method again.

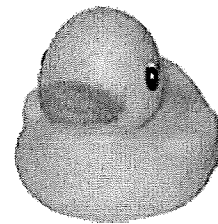


Design by Dawn Dubats, Rice Creek Watershed District.

“Rubber Duckie” Cable Television Public Service Announcement, October, \$39,997

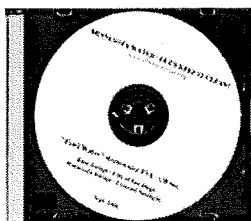
Voiced by outdoor journalist Ron Shara, the following 30 second public service announcement (PSA) played 423 times on cable television throughout central Minnesota and western Wisconsin.

If storm water pollution was simply rubber duckies, it wouldn't matter what went down our storm drains. But it does. Because storm water pollution is not rubber duckies. It's trash, oil, cigarette butts, and pet waste flowing untreated to the sea our lakes and rivers. That's not good for any of us So take a minute for water clean – rake up, sweep up and pick up. Cleaner streets means cleaner water – for all Minnesotans.



The PSA aired from the last week of September through October. It was adapted from a PSA developed by the City of San Diego, edited to represent Minnesota and to include “rake up, sweep up and pick up” images at the end.

Distribution of “Rubber Duckie” DVD for use on community cable television, \$212



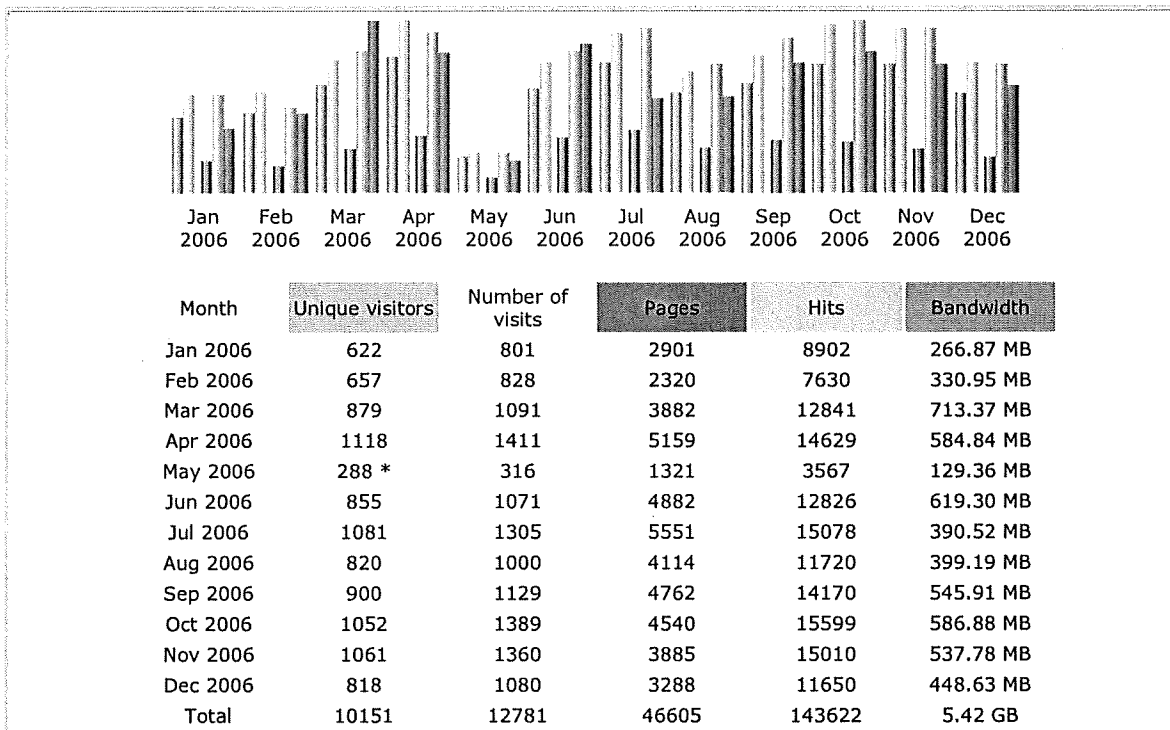
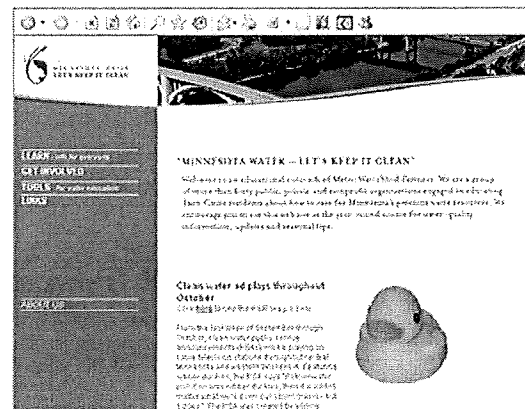
Twenty-six copies of the “Rubber Duckie” DVD were distributed for use on community television; 21 to the financial partners listed in this report, and five to cities and organizations who requested it having seen it announced via e-mail. Among the requests is the State of Indiana who plans to adapt our adaptation of the public service announcement for state-wide use.

Stormwater education resource website at www.cleanwatermn.org. \$6,321

Minnesota Water – Let's Keep it Clean makes stormwater education materials available through the www.cleanwatermn.org website. There are “Learn” and “Get Involved” sections of the website for the general public, and a “Tools” section for “MS4s” – cities and other local units of government required to do stormwater education outreach through their Storm Water Pollution Plans.

The “Tools” section offers publications, presentations, press releases, ad copy and photographs. Website content is developed by work team members and edited by Ron Struss, Water Quality Advisor, Minnesota Department of Agriculture. The website is managed by the Center for Environmental Education, Hamline University, on a \$6,000 per year contract. It is hosted by ExpertHost at an annual cost of \$321.

The website receives on average 27 visits per day.



* Data from May 5 to May 29 was not recorded.

2006 Program Budget

Income:

Funds carried over from 2005	\$ 9,431
Program support from MS4s and corporations	74,500
Sale of "Rubber Duckie" DVDs	100
TOTAL	\$ 84,031

Expenses:

WCCO Radio Ads – 72 ads	\$ 12,200
Ads in <i>The Scoop</i> , magazine of the Minnesota Nursery and Landscape Association	1,620
WCCO Radio State Fair Bag Flyer: 50,000 distributed	2,537
"Rubber Duckie" Cable Television Public Service Announcement – 423 spots	39,997
Distribution of "Rubber Duckie" DVDs	212
Website URL registration and site hosting by ExpertHost	321
Maintenance of www.cleanwatermn.org website by Hamline University	6,000
TOTAL	\$ 62,887

Carry over:

Funds carried over into 2007	\$ 21,144
------------------------------	-----------

2006 Program Support

Cities	Andover, City of	\$ 500
	Bloomington, City of	5,000
	Chanhassen, City of	2,500
	Columbia Heights, City of (2005 & 2006)	3,000
	Eagan, City of	5,000
	Eden Prairie, City of	3,500
	Farmington, City of	1,500
	Minnetonka, City of	3,000
	Saint Cloud, City of	1,000
	Saint Louis Park, City of	3,500
	Saint Paul, City of	10,000
Counties and water management organizations	Woodbury, City of	4,500
	Chisago County	500
	Dakota County	5,000
	Lower Mississippi River WMO	1,500
	Mississippi Watershed Management Organization	3,000
	Pine County Soil & Water Conservation District	500
	Ramsey-Washington Metro Watershed District	10,000
	Rice Creek Watershed District	1,000
	Scott County	3,000
	South Washington Watershed District (2005 & 2006)	7,000
TOTAL		\$ 74,500

Minnesota Water – Let's Keep it Clean was funded in 2003 and 2004 with grants from Metropolitan Council, Minnesota Office of Environmental Assistance, and Minnesota Pollution Control Agency. In 2005 the program transitioned to being supported by local government and corporate funding. In 2005 \$45,500 was raised from these sources.

2006 Work Team Members

Pauline Langsdorf	Bassett Creek Watershed District
Elizabeth Storey	Capitol Region Watershed District
Jerry Spetzman	Chisago County
Kameron Kytonen	City of Andover
Leslie Stovring	City of Eden Prairie
Jen Collova	City of Farmington
Margie Vigoren	City of Plymouth
Anne Weber	City of St Paul
Sharon Doucette	City of Woodbury
Trevor Russell	Friends of the Mississippi River
Julie Westerlund	Minnehaha Watershed District
Jenny Winkelman	Mississippi Watershed Organizaton
Dan Mclean	MN Pollution Control Agency
Louise Watson	Ramsey Washington Metro Watershed District
Dawn Dubats	Rice Creek Watershed District
Ron Struss	MN Department of Agriculture
Paula Liepold	Vermillion River WMO / Dakota County

Report Preparer and Program Contact

Ron Struss
Water Quality Advisor
Minnesota Department of Agriculture
651-201-6269 / ron.struss@state.mn.us

1-25-07 / v3.0

INVOICE – *Minnesota Water – Let's Keep it Clean* 2007-08 Program

To: Name
Organization
Street
City MN Zip
Tel:

From: Metro WaterShed Partners

Amount: \$

Make checks to : *Watershed Partners c/o Hamline University*. Recommended levels of support given in table below.

Description of services: Support of the *Minnesota Water – Let's Keep it Clean* stormwater education program for the Twin Cities Metro Area and Greater Minnesota. The program is designed to assist local government, organizations, educators, and individual cities in conducting stormwater education outreach. Program components include:

- Maintenance of the www.cleanwatermn.org website, a stormwater education resource for local government, organizations, educators, and individual citizens.
- Creation of timely press releases, newsletter articles, photographs and images to be made available for download on the www.cleanwatermn.org website.
- Creation of stormwater education publications that can be widely used by local government.
- Creation of camera-ready stormwater education print ads available for placement in the media by local government.
- Creation of stormwater education radio ads and PSAs ads available for placement in the media by local government. Topic and content of ads created decided by contributors to the *Minnesota Water – Let's Keep it Clean* program.
- Production and placement, as funds are available, of radio and television ads.

Duration of services: January 1, 2007 to December 31, 2007. Program funds unspent in 2007 will carry over into 2008 program year.

Fiscal Agent: Jana Larson, Program Administrator
Center for Global Environmental Education, Hamline University
1536 Hewitt Avenue, St. Paul, MN 55104
Tel: 651-523-2812 Email: jl Larson24@hamline.edu

Program Coordinator: Ron Struss, Water Quality Advisor
Minnesota Department of Agriculture
625 Robert Street North, Saint Paul, MN 55155
Tel: 651-201-6269 Email: ron.struss@state.mn.us

Recommended levels of support:

Population	Annual Support Level
0 – 10,000	\$500
10,000 – 20,000	\$1,500
20,000 – 40,000	\$2,500 - \$3,500
40,000 - up	\$3,500 – \$5,000



MINNESOTA WATER
LET'S KEEP IT CLEAN

LAUDERDALE COUNCIL ACTION FORM

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

MEETING DATE	<u>Tuesday, May 8, 2007</u>
AGENDA NUMBER	<u>9A Equipment Use</u>
DESCRIPTION	<u>Discuss policy issue of renting or loaning city equipment to residents</u>

BACKGROUND OR PAST COUNCIL ACTION
<p>Residents have asked if the City loans or rents the tables, chairs, movie screen, etc. Generally, staff denies such requests, however tables are used during National Night Out and the 4-H uses some of the chairs. This is something that began several years ago. At present there is no clear policy to address this issue and there are no fees or deposits established. Staff is seeking policy direction from the Council on this issue.</p> <p>Considerations are:</p> <ol style="list-style-type: none">1. Whether to allow the rental or use of these items by residents2. If so, what fee or deposit should be established3. Who is responsible for picking up and dropping off the materials

OPTIONS

STAFF RECOMMENDATION
<p>Staff recommends if the council chooses to allow the use of equipment, that those who are using the equipment be responsible for pick up and dropping off the equipment.</p>

COUNCIL ACTION

MOTION BY _____

SECOND _____

STAFF ACTION

LAUDERDALE COUNCIL ACTION FORM

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

MEETING DATE	<u>Tuesday, May 8, 2007</u>
AGENDA NUMBER	<u>9B</u>
DESCRIPTION	<u>Administrator Compenstation</u>

BACKGROUND OR PAST COUNCIL ACTION
See attached memorandum

OPTIONS
1. Provide an increase based on administrator performance
2. Do not provide an increase based on administrator performance

STAFF RECOMMENDATION
Staff has no recommendation on this issue.


COUNCIL ACTION

MOTION BY _____

SECOND _____

STAFF ACTION

Memo

To: City Council
From: Brian W. Heck, City Administrator 
Date: April 30, 2007
Re: Administrator Wages

The Council conducted the appraisal of the Administrator on April 24, 2007 and arrived at a rating of meets requirements and identified a few areas in need of improvement.

According to the agreement with the City, the Council shall give consideration for a salary increase annually.

The Council asked for salary range data for the Administrator. What I found is a 2006 schedule including the Administrator. There are five steps on the salary schedule and each progression is a 5% increase. The top rate (Step 5) for the Administrator is \$73,500 and Step 4 is \$70,000. My current salary was set by the Council last year at \$72,800.

The Council awarded other City staff a 3% cost of living increase for 2007. My increase is predicated on my overall performance. If 3% is added to the 2006 schedule, the top wage goes to \$75,705. This is 4% over my current wage.

Attached, for informational purposes, is the result of a survey of all metropolitan cities with populations below 7,000. The data reflects 2006 wages as the data for 2007 has not been entered. Also attached is my Agreement with the City. I am suggesting the agreement be amended by deleting "Bakken" from my last name.

I want to thank you all for your consideration of this issue and for working with me over the past several months.

Search Results for City Manager /Administrator / County Administrator compared to \$72,800.00 per year.

Municipality	Population	Region	Organization's Job Title	Range Minimum	Range Maximum	Actual Low	Actual High	Actual Average	Difference	Data Effective Date
Carver	2339	Metro	City Administrator	63,749.92	63,749.93	63,749.92	63,749.92	63,749.92	14%	5/12/2006
Centerville	3848	Metro	Administrator	53,023.00	79,830.00	79,830.00	79,830.00	79,830.00	-9%	5/19/2006
Circle Pines	5072	Metro	City Administrator	63,960.00	84,156.80	84,156.80	84,156.80	84,156.80	-13%	4/12/2006
Deephaven	3737	Metro	City/Clerk Administrator	65,699.00	86,447.00	86,447.00	86,447.00	86,447.00	-16%	4/12/2006
Excelsior	2380	Metro	City Manager	70,000.00	72,516.00	72,516.00	72,516.00	72,516.00	0%	5/22/2006
Falcon Heights	5679	Metro	City Administrator			77,477.00	77,477.00	77,477.00	-6%	4/17/2006
Foley	2612	Metro	Administrator/Clerk	44,748.00	73,764.00	71,616.00	71,616.00	71,616.00	2%	4/24/2006
Greenfield	2847	Metro	City Administrator/Clerk Treasurer	72,342.40	84,780.80	72,342.40	72,342.40	72,342.40	1%	5/2/2006
Hanover	2269	Metro	City Administrator/Clerk-Treasurer	60,694.40	76,793.59	65,644.80	65,644.80	65,644.80	11%	5/2/2006
Jordan	5048	Metro	Administrator	63,840.00	84,000.00	80,004.00	80,004.00	80,004.00	-9%	4/13/2006
Medina	4770	Metro	City Administrator	66,019.00	85,405.00	81,000.00	81,000.00	81,000.00	-10%	5/15/2006
Minnetrista	5542	Metro	City Administrator	76,440.00	95,556.00	83,000.00	83,000.00	83,000.00	-12%	4/24/2006
New Market	1490	Metro	City Administrator			69,850.00	69,850.00	69,850.00	4%	5/9/2006
Newport	3738	Metro	City Administrator			91,790.00	91,790.00	91,790.00	-21%	5/4/2006
Norwood Young America	3479	Metro	City Administrator	50,564.80	72,030.40	60,403.20	60,403.20	60,403.20	21%	5/16/2006
Oak Park Heights	4664	Metro	Administrator	85,883.20	85,904.00	85,904.00	85,904.00	85,904.00	-15%	5/15/2006
Osseo	2492	Metro	City Administrator	65,676.00	85,524.00	65,676.00	65,676.00	65,676.00	11%	5/1/2006
Rockford	3815	Metro	City Administrator	55,452.80	74,235.20	58,219.20	58,219.20	58,219.20	25%	4/20/2006
Rogers	6716	Metro	City Administrator	78,208.00	95,326.41	95,326.41	95,326.41	95,326.41	-24%	5/24/2006
Spring Lake Park	6642	Metro	Administrator/Clerk/Treasurer	66,268.80	84,947.20	84,947.20	84,947.20	84,947.20	-14%	5/15/2006
Spring Park	1705	Metro	Administrator/Clerk/Treasurer			63,000.00	63,000.00	63,000.00	16%	5/3/2006
St. Paul Park	5246	Metro	City Administrator			109,311.00	109,311.00	109,311.00	-33%	4/17/2006
Victoria	5837	Metro	City Administrator	74,800.00	93,500.00	81,814.00	81,814.00	81,814.00	-11%	5/17/2006
Watertown	4088	Metro	City Administrator	54,354.00	76,119.00	72,492.00	72,492.00	72,492.00	0%	6/28/2005
Wayzata	3973	Metro	City Manager			83,311.00	83,311.00	83,311.00	-13%	4/20/2006
Un-aged Average				\$64,559.32	\$81,445.67	\$77,301.07	\$77,301.07	\$77,301.07	-6%	
Aged Average								\$79,502.27		

EMPLOYMENT AGREEMENT

This **AGREEMENT** entered into this 12th day of April 2005 by and between the City of Lauderdale, (hereinafter referred to as "City") and Brian W. Bakken-Heck, (hereinafter referred to as "Employee").

WITNESSETH:

WHEREAS the City desires to offer employment to Brian W. Bakken-Heck as City Administrator under the terms and conditions set forth herein; and

WHEREAS Brian W. Bakken-Heck wishes to accept the City's offer of employment as City Administrator, under the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1. Duties

The City hereby agrees to employ the Employee as the full time City Administrator of said City to perform the functions and duties of City Administrator as specified in the attached job description and to perform such other legally permissible and proper functions and duties as the City Council from time to time shall assign.

Section 2. Term

A. The term of this Agreement shall be from May 1, 2005 through December 31, 2006 except otherwise provided. However, nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of the Employee at any time by a majority vote of the full Council, subject only to the provisions set forth herein. If such action should occur, the Employee may demand notice of reason relative thereto and a public hearing upon said reasons before his termination shall take effect but only after serving as City Administrator for one year.

B. Beginning on January 1, 2007, this Agreement shall be extended automatically on the same terms and conditions as specified herein for an additional two-year period, unless written notice of intent not to renew is given by either party to the other within 90 days before the expiration of any such two year period.

C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Employee to voluntarily resign at any time from the position of City Administrator, subject only to the provisions set forth herein. In the event the Employee does voluntarily resign his position with the City, he shall give the City 60 days advance written notice thereof, unless otherwise agreed by the parties.

Section 3. Termination of Severance Pay

A. The Employee may be discharged only by a majority vote of the full City Council. If a vacancy exists on the City Council, the vacancy shall not be counted in determining the full city council.

B. In the event the Employee is terminated for any reason by the City Council he shall be paid a lump sum cash payment equal to six months of aggregate salary and benefits at the time of his termination including any unused vacation would be paid.

C. If the Employee has been charged with a felony, then at the discretion of the City Council, may not be entitled to any lump sum payments whatsoever.

Section 4: Compensation

A. Base Salary: Employer agrees to pay Employee an annual base salary of \$68,000 payable in installments at the same time that the other employees of the Employer are paid.

B. On January 1, 2006 the minimum increase in base salary shall be \$2,000 annualized.

C. Thereafter, the City Council shall give consideration for a salary increase annually.

Section 5. Dues and Subscription and Registrations Expenses

The City agrees to budget for and to pay the professional dues and subscriptions of the Employee necessary to his full participation in associations and organizations necessary and desirable for his continued professional growth and development.

Section 6. Mileage and Subsistence

The City recognizes that the Employee is required to attend meetings in the Twin Cities metropolitan area in his official capacity, and agrees to reimburse the Employee for mileage and reasonable subsistence expenses, within the guidelines established by the City Council.

Section 7. Vacation and Sick Leave

The City hereby vests Employee with fifteen days' vacation leave and ten days sick leave at the start of this Agreement. Thereafter, the Employee shall earn vacation and sick leave as other employees.

Section 8. Insurance

The City will pay the cost of hospital, medical, and life insurance for the Employee in the same amount it pays the other City employees.

Section 9. Other Terms and Conditions of Employment

A. All provisions of City Ordinances, personnel policies and regulations relating to vacation and sick leave; retirement and pension systems contributions; annual reviews; holidays; and other fringe benefits and working conditions shall apply to Employee as they would to other employees of the City, except provided herein.

B. Notwithstanding anything else in this Agreement to the contrary, the City Council may fix, from time to time, such terms of employment regarding the Employee, provided such terms are not inconsistent with or in conflict with the provisions of this Agreement, or any other law.

C. The employment provided by this Agreement shall be for the Employee's sole employment. Recognizing that certain outside consulting or teaching or consulting opportunities provide indirect benefits to the Employer and the City, the Employee may accept teaching, consulting or other business opportunities with the understanding that such arrangements shall not constitute interference with nor a conflict of interest with his responsibilities under this Agreement.

Section 10: Defense of Employee

The City agrees to defend the Employee in any civil action arising out of the Employee's performance of his duties, in accordance with the requirements of state law.

Section 11. General Provisions

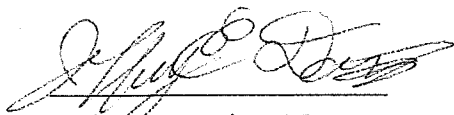
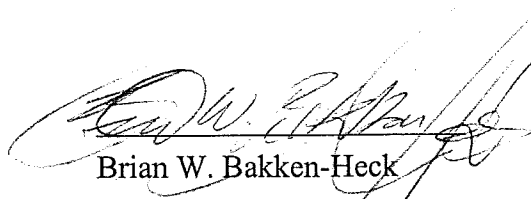
A. This document constitutes the entire Agreement between the parties. This Agreement shall be interpreted under the laws of Minnesota.

B. If any provision or portion thereof contained in this Agreement shall be held unconstitutional, invalid or unenforceable, the remainder of this Agreement shall be deemed severable, shall not be affected, and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have signed and executed this Agreement, both in duplicate, on the day and year first above written.

CITY OF LAUDERDALE

EMPLOYEE


Jeffrey E. Dains, Mayor
Brian W. Bakken-Heck

LAUDERDALE COUNCIL ACTION FORM

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

MEETING DATE	<u>Tuesday, May 8, 2007</u>
AGENDA NUMBER	<u>9C - Budget</u>
DESCRIPTION	<u>Budget recommendations for 2007 and 2008 including transfers</u>

BACKGROUND OR PAST COUNCIL ACTION
See attached memorandum

OPTIONS
1. Approve one or more of the recommendations 2. Do not approve any of the recommendations

STAFF RECOMMENDATION
Staff recommends the Council approve all recommendations

COUNCIL ACTION

MOTION BY _____

SECOND _____

STAFF ACTION

Memo

To: Council
From: Brian W. Heck, City Administrator
CC: Heather and Jim
Date: May 3, 2007
Re: Budget Transfers

The Council was presented with several recommendations at the April 24, 2007, council meeting related to the budget.

Staff makes the following recommendations to the Council:

1. Adopt the attached budget and fund balance policy. This policy changes the current fund balance level from 55% of budgeted general fund operating costs to 45%. Further, the policy states any funds over 45% be transferred equally between the park improvement fund and the street improvement fund. Finally, the policy address the balances for the enterprise funds by requiring a balance of 30% of budgeted operating costs remain in the utility fund and any funds over this amount be transferred to the associated capital improvement fund.
2. Authorize the transfer of funds from the general fund to the street improvement and park improvement funds as specified in the policy. This amounts to \$51,000 to each fund.
3. Authorize the transfer of funds in excess of 30% of the Sewer Utility budgeted operational costs to the Sewer Improvement fund.
4. Authorize the creation of a Storm Water Utility fund as an enterprise fund for 2008. I checked with Steve McDonald about this and he stated there are no legal issues in establishing this type of fund for Storm Water.
5. Close out the Water Utility Improvement Fund and transfer all funds to the park improvement fund.

<p style="text-align: center;">CITY COUNCIL POLICY ON FUND BALANCES AND ALLOCATION OF EXCESS BALANCES</p>
--

PURPOSE

The City Council of the City of Lauderdale maintains the goal of keeping the City in sound financial condition, to assess fees and levy taxes such that established goals and priorities are achieved, and that the City maintains adequate balances in the General Fund, Special Revenue Funds, and Enterprise Funds to meet the operating obligations of the City.

GENERAL FUND

The General Fund supports the general operations of the City such as Police, Fire, Administration, Parks, etc. Revenue for these activities comes mainly from the property tax and state aid. Funds are received from the County and the State twice in the calendar year in May/June and October/November. In order to adequately cover operational costs between disbursements from the State and County, the City uses accumulated reserves.

General Fund Balance

In order to cover the operational costs accrued in the General Fund, the City needs to maintain a minimum fund balance. The Office of the State Auditor recommends an adequate fund balance at 20% - 50% of the next year's budgeted operating costs. It is the policy of the City of Lauderdale to maintain a General Fund balance of 45% of the next year's budgeted operating costs.

Allocation of Excess Funds

All funds in excess of the established General Fund balance stated in the previous section shall be transferred equally between the Street Improvement Fund and the Park Improvement Fund. The City Council may amend the distribution of excess funds at any time by simple motion to any other fund based on the goals and priorities of the community.

ENTERPRISE OR BUSINESS ACTIVITY FUNDS

These funds are supported by the user fees assessed. The City maintains two enterprise funds, the Sanitary Sewer Fund and Storm Sewer Fund.

Operating Fund Balance

It is the policy of the City Council to maintain balances in these funds equal to 30% of the next year's operational budget. The rationale for maintaining this balance is to cover the general operations for the first quarter of the year while waiting for collections from the fourth quarter and first quarter billings to arrive.

Allocation of Excess Funds

All funds in excess of the 30% stated above shall be transferred into the respective capital improvement fund (sanitary sewer or storm sewer).

Establishment of Rates

The City Council shall address the rates established for sanitary and storm sewer at least once every three years. Increases in rates shall be based on the operational costs associated with the collection, treatment, repair and maintenance of the associated systems used to transport the waste water and storm water.

Transfers to make according to policy direction of Council

2006 Audited General Fund balance	\$	567,644
General Fund balance lowered to 45% of 2007 Budgeted expenses	\$	464,436
Amount to allocate	\$	103,208
Parks = 50%	\$	51,604
Streets = 50%	\$	51,604
Water Utility Fund to Park Improvement Fund Audited 2006 fund balance	\$	112,549
Water Utility Fund interest and revenue earned	\$	1,184
Total amount to transfer to Park Improvement Fund	\$	113,733
Sewer Utility Fund audited 2006 fund balance	\$	341,837
30% of 2007 operating expenses in fund balance	\$	102,551
Amount to transfer to Sewer Improvement Fund	\$	239,286

ACTION REQUESTED		LAUDERDALE COUNCIL	
Consent	_____	MEETING DATE	May 8, 2007
Special	_____	ITEM NUMBER	Music in the Park
Public Hearing	_____	STAFF INITIAL	Jim
Report	_____	APPROVED BY ADMINISTRATOR	_____
Discussion/Action	<u> X </u>		
Resolution	_____		
Work session	_____		

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Kathy Lerfald from the PCIC has researched the possibility of having music in the park this summer. The committee has discussed the idea and now staff is bringing it to the council for discussion and action.

The proposal is to have the Roseville Community Band play in the park on Monday, July 16th in the evening. The cost for the band is \$200. This would provide the community with two opportunities to enjoy music in the park this summer. The other opportunity is at Day in the Park.

If successful, the committee would like the city to consider budgeting to expand this concept next year to allow for music in June, July, and August.

OPTIONS:

- 1) Approve Music in the Park for July.
- 2) Do not approve Music in the Park for July.

STAFF RECOMMENDATION:

- 1) Approve Music in the Park for July.

COUNCIL ACTION:

COUNCIL MEMO

DATE: 5/8/2007
TO: LAUDERDALE CITY COUNCIL MEMBERS
CC: LAUDERDALE CITY STAFF
FROM: HEATHER BUTKOWSKI
RE: I/I REPORT

Inflow and infiltration (I/I) has been a hot topic in cities throughout the Metro since the Metropolitan Council released their sewer surcharges for each city identified as having excess I/I.

As an inflow and infiltration management program is a requirement of the Comprehensive Plan, the Comprehensive Plan Steering Committee spent time familiarizing themselves with the issues and what other cities are doing about the problem. They generated recommendations that provide incentives for residents to take quick action to mitigate problems on their property and penalize those that refuse to cooperate.

This week, Brian and I met with Tom Kellogg from Bonestroo to discuss a couple of things. First, we spoke about creating physical sanitary and storm sewer maps as well as making sure the maps were created in a GIS-friendly way that would allow staff to share the maps with neighboring jurisdiction. These maps are also needed for the Comp Plan. Next, we spoke about updating the Surface Water Management Plan. This is also a requirement of the Comp Plan and I have been talking with the three water management areas we belong to for guidance. Finally, we spoke about land use maps required for the Comp Plan. Mr. Kellogg said he would send someone from his office to speak with us about ways other cities are maximizing their I/I dollar and prepare more information about creating the sewer plan and other maps.

In order to provide the Council with concise, relevant material, I put together the following packet. First is a summary of the I/I problem. Second is the I/I cheat sheet that Dave and I created. It explains the possible sources of I/I and the physical and monetary resources it takes to fix the problems. Finally, I included both Golden Valley and Farmington's I/I ordinances so the Council can see the authority other cities have given themselves to tackle this issue.

ATTACHMENTS

City of Lauderdale, Minnesota Inflow and Infiltration Remediation Program

Background

The City of Lauderdale operates and maintains approximately six miles of sanitary sewer pipes that collect waste water from homes and businesses in the City. The waste water is conveyed for treatment to St. Paul's Pigs Eye treatment plant which is operated by Metropolitan Council Environmental Services (MCES). The treated waste water is eventually discharged into the Mississippi River. The MCES charges the City of Lauderdale about \$100,000 annually for the treatment and disposal of sanitary waste water. Lauderdale's charges are based on the volume of waste water that is recorded within the MCES regional interceptor system.

Some of the water treated, however, isn't actually waste water. It is water that comes from "Infiltration and Inflow" or I/I. Infiltration is seepage of groundwater into the sanitary sewer mains and service pipes through joints and cracks. Inflow refers to surface or ground water getting into the sanitary sewer system at single points. Lauderdale and other cities have identified two significant sources of inflow. One source is through pick holes and vent holes in sanitary sewer manhole covers located in areas that flood during heavy rain storms. The other significant source of inflow is through illegal connections to the sanitary sewer systems in homes and businesses. These illegal connections prevent wet basements and allow for water to drain from below grade doors and windows.

MCES Surcharge Program

The treatment plant capacity, which the Metropolitan Council designed for new growth and development, is being used up by this clean water I/I. The Metropolitan Council Environmental Services (MCES) estimates the cost to add new treatment facilities to accommodate the excess storm water run off to be approximately 900 million dollars. They also estimate the cost for cities to eliminate the problems at its source to be around 150 million dollars. Because it is cheaper to prevent storm water from ever entering the sanitary sewer system, the MCES is imposing a surcharge on communities that do not act to eliminate excessive I/I.

Charging cities for the excess I/I is a large compliance stick for the MCES. According to MCES calculations, the cost for excess storm water in the sanitary sewer is \$350,000 per million gallons per day (MGD).¹ Lauderdale's excess is estimated at .31 MGD (based on flowage records from 2004-2006). \$350,000 multiplied by the .31 MGD results in a \$108,500 surcharge with payments over 5 years. The annual charge is \$21,700 or \$1,808.33 per month. This is an increase of 20.5% over current wastewater treatment

¹ MCES estimates that 300,000 gallons per minute (gpm) of excessive I/I enters the MDS during heavy rains. The Council's Master Planning Study estimates that approximately 70% of the excessive I/I entering the system comes from private property. It is estimated that the average rate of discharge during a wet weather event from either an illegally connected sump pump or passive drain tile connected to the sanitary system is 6 gpm. Using \$3,000/connection as the average cost to disconnect an illegal connection, the Council estimated an exceedance cost of \$500 per gpm (\$3,000/6 gpm) which equals \$350,000 per million gallons per day (mgd) (see I/I Surcharge Program Book at <http://www.metrocouncil.org/environment/ProjectTeams/I-I-Home.htm>).

costs. The carrot the MCES has dangled before cities is the option to use the surcharge penalty to correct the I/I problem instead of paying it to the MCES. The City received leniency for 2007 by promising to begin correcting the problem and implementing an I/I inspection program.

The 2007 surcharge amount will remain in effect through the five year program. If the City exceeds the established thresholds again between 2008 and 2011, the MCES can apply additional surcharges based on the exceedance rate.

Types of Illegal Connections

There are a number of illegal sanitary sewer connections contributing to the excessive I/I problem. *Attachment 1* lays out both the problems on private and public property that contribute to excessive I/I. For example, some homeowners (or previous homeowners) installed drain tile and connected it to the sanitary sewer service as an easy way to correct leaky basements. It has been determined that these drain tile systems are contributing significant amounts of water to the waste water treatment plants. In sum, the MCES believes approximately 30% of the problem can be fixed by improvements to public infrastructure and 70% by inspections of private property (residential and commercial).

Comprehensive Plan Recommendations

As an inflow and infiltration management plan must be included with the Comprehensive Plan update, the Comprehensive Plan Steering Committee spent one meeting discussing possible solutions. They were given materials on how neighboring cities were addressing the issue and the relative success of other cities' programs. One member of the group shared his experiences as a city council member in another city that went through the process of implementing a sump pump inspection program. Ultimately, the Steering committee believed that a door-to-door inspection program was necessary. Their recommendations reflect this:

- In 2007, have the City make improvements to the public infrastructure, such as manhole covers and lining manholes.
- Begin an educational campaign as soon as possible modeling information distributed by New Brighton.
- Offer a graduated financial incentive for voluntary compliance (such as paying up to \$500 for the first year of the program (2008) , 2/3 of \$500 for the second year (2009), and 1/3 of \$500 for the third year (2010), and nothing for 2011).
- Anyone who doesn't comply by the end of the program would be fined, such as a \$100 on quarterly sewer bills until the problem is corrected.
- Use a city inspector or city-hired inspector versus allowing residents to hire their own plumbers to do inspections.
- Budget for a different inspector that may need to be retained for the inspection of commercial buildings and possibly apartments.
- Consider adopting a point of sale inspection program for illegal connections and perform inspections when permits are pulled.

Resources

The City has options in how it could proceed with correcting the I/I program through an inspection program, but a few preliminary questions should be answered, such as:

- Who will perform the inspections (staff, contractor, resident-hired plumber)?
- Who will manage the program (current staff, contractor's staff)?
- How will the inspection costs be covered? City pays or residents pay? (New Brighton, for example, transfers \$60 from the sewer enterprise fund to the general fund to cover the cost of each inspection.)
- Will there be an incentive for residents to comply? If so, what?
- Will there be a penalty for residents that don't comply? If so, what?

Timeframe

The MCES inflow and infiltration surcharge program runs for five years (2007 through 2011). The City committed to spending \$21,700 on improvements this year and has been about spending it on public infrastructure. This would largely include lining manhole covers in low areas. For example, around Walsh Lake, the manhole covers are buried by overflow water after storm events. The approximate cost to fix a manhole is \$1,000. Additional repairs could include sealing joints, lining pipes, and making spot repairs as needed. The following is a rough sketch of milestones should the Council consider an inspection program.

- | | |
|--|-------------------------|
| ▪ Launch Education Program | Summer 2007 and ongoing |
| ▪ Seek legal council to update ordinances | Summer 2007 |
| ▪ Public infrastructure improvements | Summer thru Fall 2007 |
| ▪ Finalize 2008-2011 inspection program | Summer thru Fall 2007 |
| ▪ Solicit RFP's for inspection services needed | Fall 2007 |
| ▪ Budget for 2008 Surcharge/Improvements | Fall 2007 |

Reporting

For credit for work on *public property*, the City must submit a report of work done and provide receipts. For work done on *private property*, the MCES credits accordingly:

- Sump pump disconnections: \$150 per dwelling
- Foundation drain disconnections: \$3,000 per building
- Rain leader disconnections: \$100 per single family dwelling
- Rain leader disconnections: \$3,000 per commercial dwelling
- Service lateral repairs: \$5,000 per repair

Authority of the Metropolitan Council²

Inflow/Infiltration Surcharge procedures were adopted by the Metropolitan Council pursuant to Minnesota Statutes (M.S.), chapter 473, including section 473.145-146 and section 473.858, and the Metropolitan Council Environmental Services Waste Discharge Rules, and are declared to be necessary for the efficient, economic, and safe operation of the MDS and for protection of the health, safety, and general welfare of the public in the metropolitan region. Additionally, the Council's *Water Resources Management Policy Plan* established I/I goals for communities served by the regional Metropolitan Disposal

² Taken verbatim from page 4 of MCES' 2007 *Inflow/Infiltration (I/I) Surcharge Procedures Manual*.

System. These goals were based on Metropolitan Disposal System design standards and regional growth requirements and projections. The I/I Surcharge is based on the authority in M.S. 473.517, subdivision 1, "Except as provided in Subdivision 3, the estimated costs of operation, maintenance, and debt service of the Metropolitan Disposal System to be paid by the council in each fiscal year, and the costs of acquisition and betterment of the system which are to be paid during the year from funds other than bond proceeds, including all expenses incurred by the council pursuant to sections 473.501 to 473.545, are referred to in this section as current costs, and shall be allocated among and paid by all local government units which will discharge sewage, directly or indirectly, into the Metropolitan Disposal System during the budget year according to an allocation method determined by the council. The allocated costs may include an amount for a reserve or contingency fund and an amount for cash flow management." These funds will be held in reserve for Council costs to provide capacity unless municipal actions obviate the need for peak demand improvements to the MDS.

MCES reserves the right to modify the Surcharge program in response to new regulations or changes in existing regulations imposed on MCES by regulatory agencies.

After extensive outreach, the Metropolitan Council adopted the I/I Surcharge Program by motion in February 2006. This action also included authority for staff to develop and implement this procedure manual.

Authority of the City of Lauderdale

Currently, Lauderdale City Code Section 8-2-2-9 prohibits persons from knowingly permitting rain water or surface water from roofs, yards, streets, or alleys to drain into the sanitary sewer system. Additionally, Section 8-2-2-10 allows the city, through its authorized representatives, to inspect at reasonable hours, to determine compliance with the ordinance. These two components are required before beginning an inspection program.

Since the sanitary and storm water sewers were separated, cities have had ordinances making the disposal of storm water into the sanitary sewer illegal. Many cities, however, have adopted or modified their existing codes before beginning an I/I inspection program. The new language expresses more fully cities' legal authority to perform inspections and defines cities' remedies for residents that refuse inspection or refuse to correct failed inspections.

It is in the best interest of the City to get the City's legal council to assess both the need for ordinance revisions and review the sewer maintenance and I/I inspection program before beginning inspections.

Failure for City to Comply

Starting in 2013, the Council will institute a wastewater demand charge program for communities that have not met their inflow and infiltration goal(s). The demand charge will help defray the cost of providing attenuation within the MDS to avoid overloading downstream facilities. No credits or rebates to communities will be allowed. MCES will

continue to review the communities' progress and will work with them on a case-by-case basis.

Attachment 1: Illegal Sanitary Sewer Connections: How to identify? How to solve?

Attachment 2: Golden Valley, MN ordinance Sections 3.30 "Rules and Regulations Relating to Sewerage Service" and 3.31 "Certificate of Sewer Regulations and Compliance"

Attachment 3: Farmington, MN ordinance 8-2-8 "Prohibiting Discharges into the Sanitary Sewer System and Providing Penalties for Violations Thereof"

Illegal Sanitary Sewer Connections: How to identify? How to solve?

Private Property

I/I Problem	How to identify	How to fix	Inspector	≈ Cost to fix
Downspout drains into sanitary sewer.	Downspout enters ground at base. Does not angle to drain water away from home.	Cut downspout at base and add elbow to drain away from building. Cap portion of downspout that goes into the ground.	City inspector	Less than \$100.00.
Groundwater drain without sump pump (water percolating from under homes)	Broken or mismatched concrete around basement perimeter. Not visible if the basement is finished.	Illegal connection has to be removed. Sanitary sewer has to be repaired. Water needs to be plumbed to sump pump and then outside.	If visible, city inspector. If not visible, contractor for die testing and/or televising.	\$1,000 - \$10,000
Drain tile without a sump pump	Broken or mismatched concrete around basement perimeter. Not visible if the basement is finished.	Illegal connection has to be removed. Sanitary sewer has to be repaired. Water needs to be plumbed to sump pump and then outside.	If visible, city inspector. If not visible, contractor for die testing and/or televising.	\$1,000 - \$10,000
Foundation drains (interior or exterior) without sump pump	Broken or mismatched concrete around basement perimeter. Not visible if the basement is finished.	Illegal connection has to be removed. Sanitary sewer has to be repaired. Water needs to be plumbed to sump pump and then outside.	If visible, city inspector. If not visible, contractor for die testing and/or televising.	\$1,000 - \$10,000
Drains from window wells and outdoor basement stairwells	The window wells, and more often basement stairwells, have visible drains that connect to the sanitary sewer.	Varies depending on where the door/window is located and the design of the house.	City inspector	\$1,000 - \$10,000 +
Cracks in service lateral.	Televiser sewer after rain to find evidence of clear water. Likely not a problem as sewer lines are 8 ft below ground (deeper than rain water seeps)	Replace or line sewer lateral.	Televising by city contractor. Sewer repair or sewer lining paid by home owner.	Lined or \$5,000 - 10,000 to replace. Price depends on distance from street.
Drains from driveways	Can't see after they are built.	Tear up driveway paving to remove drainage.	No way to inspect	

Illegal Sanitary Sewer Connections: How to identify? How to solve?

Public Property

I/I Problem	How to identify	How to fix	Inspector	≈ Cost to fix
Replace leaky, aging sanitary sewers	Age, need for regular spot repairs.	City streets and sewer rebuilt between 2000 and 2005. Roselawn, Fulham, and Larpenteur had work done fairly recently. Eustis' sewer needs the most rehabilitation.		Was Approximately \$4 million
Joint sealing program	Televising the system after a rain event.	Special machines can be pulled through the sewers to test a joint with air pressure. Add grout under pressure to those joints that fail the pressure test.	City contracts for sewer televising.	Variable based on size of pipe
Leaky manhole covers	Visually able to see the holes in manhole covers.	Replace the open pick holes of manhole covers with solid covers or seal with liners.	City Inspector	≈ \$1,000/manhole
Pipe Liners	Televising the system after a rain event.	Line the inside of pipes. Can also use a resin with felt liner that is adhered with water pressure and steam.	City contracts for sewer televising.	Variable based on size of pipe
Spot Repairs	Reoccurring problems through small sections.	Replace short lengths of sewer between man holes that have sagged.	City Inspector	Variable

Attachment 2

SECTION 3.30. RULES AND REGULATIONS RELATING TO SEWERAGE SERVICE. The following apply only to sanitary sewer service.

Subdivision 1. Metered Water Not Discharged. If a portion of the water furnished to any premises is consumed and not directly or indirectly discharged into the sanitary sewer system, the consumer may request a separate water meter for the portion of the water consumed and not discharged in the sanitary sewer. There shall be no sanitary sewer charges associated with the water meter account for water consumed but not discharged to the sanitary sewer system.

Subdivision 2. Deleterious Substances. Metropolitan Council Environmental Services standards shall control disposal of types of substances discharged.

Subdivision 3. Unlawful Discharge. Except as otherwise expressly authorized in this subdivision, no water from any roof surface, sump pump, footing tile or drains, swimming pool, any other natural precipitation or groundwater, cooling water or industrial process shall be discharged into the sanitary sewer system. Dwellings, buildings and structures with sump pumps or footing tiles or drains shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system, except as provided herein. A permanent installation shall be one which provides for year-round discharge capability to either the outside of the dwelling, building or structure, or is connected to a city storm sewer or drain tile. It shall consist of a rigid discharge line without valving or quick connections for altering the path of discharge or a system otherwise approved by the Director of Public Works.

Source: Ordinance No. 351, 2nd Series
Effective Date: 10-13-06

A. Any person, firm or corporation having a roof surface, ground water sump pump, footing tile or drain, swimming pool, cooling water or unpolluted industrial process water now connected and/or discharging into the sanitary sewer system shall disconnect or remove the same. Any disconnects or openings in the sanitary sewer system shall be closed or repaired in an effective, workmanlike manner with the proper permits and inspected by a representative of the City. If a City drain tile or storm sewer system is available to the property, these discharges may be connected to it. If a public system is not utilized, these discharges must be accommodated on the owner's property.

Source: Ordinance No. 354, 2nd Series
Effective Date: 12-15-06

B. Any property owner or consumer applying for a plumbing permit (excluding permits for water heaters), variance, minor subdivision or other action from the City shall agree to an inspection of the structure's sump pump, footing or foundation drain discharge for compliance with this code. Requested actions shall not be forwarded to City boards or commissions or the City Council for review until the discharges are in full compliance with this section of City Code.

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C. Every person owning improved real estate that discharges into the City's sanitary sewer system shall allow the City or a designated representative of

the City to inspect the buildings to confirm there is no sump pump or other prohibited discharge into the sanitary sewer system.

Source: Ordinance No. 351, 2nd Series
Effective Date: 12-15-06

D. All new structures with sumps for which a building permit is issued shall be plumbed to the outside of the dwelling, and connected to a City drain tile or storm sewer system, if available, before a certificate of occupancy is issued except that upon City approval discharge may be made to privately or publicly-owned infiltration basins. A maintenance agreement with the City is required for any such basin in the right-of-way.

Source: Ordinance No. 354, 2nd Series
Effective Date: 12-15-06

E. Any property with a sump pump found not in compliance with this Code but subsequently verified as compliant shall be subject to an annual re-inspection to confirm continued compliance. If that property is found not to be in compliance upon re-inspection, or any person refusing to allow their property to be re-inspected within 30 days after receipt of mailed written notice from the City, that property shall be subject to a nonrefundable surcharge of \$500 per month, to be imposed on each sewer bill thereafter to that property until the noncompliance or refusal to allow entry is corrected. All properties found during any re-inspection to have violated this section shall be subject to a nonrefundable monthly surcharge that is double the previously charged surcharge. The nonrefundable surcharge for all properties which are not single family residential shall be \$1,000 per month.

Subdivision 4. Winter Discharge. The Director of Public Works is authorized to permit a property owner to discharge clear water into the sanitary sewer system. Prior to issuance of the permit the Director of Public Works must verify that the criteria to issue the permit have been satisfied. The fee for this permit shall be in an amount to be fixed by the Council and adopted by ordinance. The permit shall authorize such discharge only from November 15 to March 15, shall require the owner to permit an inspection of the property on March 16 or as soon thereafter as possible to determine that discharge into the sanitary sewer has been discontinued and shall subject the owner to a \$500 monthly non-refundable surcharge in the event the owner refuses an inspection or has failed to discontinue the discharge into the sanitary sewer. The non-refundable charge will commence with the April water billing and continue until the property owner establishes compliance with this section. A property owner is required to meet at least one of the following criteria in order to obtain a permit:

A. The freezing of the discharge from the sump pump, footing or foundation drain is causing a dangerous condition, such as ice buildup or flooding, on either public or private property.

B. The property owner has demonstrated that there is a danger that the sump pump, footing or foundation drain pipes will freeze up and result in either failure or damage to the sump pump unit or the footing or foundation drain and cause basement flooding.

C. The water being discharged from the sump pump, footing or foundation drain cannot be readily discharged into a city drain tile or storm sewer system or other acceptable drainage system.

Following ten (10) days written notice and an opportunity to be heard, the Director of Public Works may require the owners of the property to discharge their sump pump or footing or foundation drain into the sanitary sewer from November 15 to March 15 if the discharge is causing an icy condition on streets.

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Subdivision 5. Separate Connections. A separate sewer service connection shall be provided for each building, except where one building stands at the rear of another on an interior lot and no such separate connection is available. Provided, that more than one service may be connected to the sewer system through one connection where a manhole is provided and the City has specifically approved the arrangement.

Source: Ordinance No. 351, 2nd Series
Effective Date: 10-13-06

Subdivision 6. Materials. Where any pipe or other material is found in repairing a sewer service which does not then meet the requirements of the State Building Code or current City standards and specifications, the repaired or replaced portion of the sewer service pipe shall comply with current City standards and codes and shall be removed and replaced at the expense of the consumer.

Source: Ordinance No. 354, 2nd Series
Effective Date: 12-15-06

Subdivision 7. Elevation. Wherever possible, the sewer service shall be brought to the building to be served at an elevation below the floor of the lowest level in the building. No such service shall be laid parallel to or within three feet of any bearing wall. The depth shall be sufficient to afford protection from frost. To the extent possible, the sewer service shall be laid at uniform grade and in straight alignment. If the service is too low to afford gravity flow, an appropriate device shall be installed for lifting sewage to the service.

Subdivision 8. Connections. Wherever possible, the sewer service shall be connected to the wye provided or the stub at the lot line. If such connection cannot be used, the main may be tapped upon the approval of the City and at the expense of the owner. All connections must be constructed in accordance with the current City standards, be appropriately permitted, and be inspected by the City.

Subdivision 9. Ownership of Sewer Service Lateral. The property owner shall own and be responsible for the maintenance of the sanitary sewer service lateral between the sanitary sewer main within the street and the building being served, including the connection to the main.

Subdivision 10. Unmetered Water Supply. The discharge of sewage into the sewer system from water sources other than the City's water supply is prohibited without a permit from the City and shall include metering of the water supply or discharge. The metered supply or discharge must use meters purchased from the City.

Subdivision 11. Additional Rules and Regulations. The Council may, by resolution, adopt such additional rules and regulations relating to placement, size and type of equipment as it, in its discretion, deems

necessary or desirable. Copies of such additional rules and regulations shall be kept on file in the office of the Director of Public Works, and uniformly enforced.

Source: Ordinance No. 351, 2nd Series Effective Date: 10-13-06

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SECTION 3.31. CERTIFICATE OF SEWER REGULATIONS COMPLIANCE

Subdivision 1. Required. No person shall sell, advertise for sale, give or transact a change in title or property ownership of real property with one or more buildings or structures, without first obtaining a certificate of sewer regulations compliance from the City.

Subdivision 2. Application and Fees.

A. Unless the property owner already has a certificate of sewer regulations compliance for a property, the owner or owner's representative is required to make application for such a certificate before such property is offered for sale, gifted or transferred, and before the owner or owner's representative enters into any contract for deed or other transaction changing the party responsible for the property. Even if the property owner already has a certificate of sewer regulations compliance, if it is more than one year old, a sump pump inspection is required for all properties containing sump pumps.

B. At the time of application, the applicant for either a certificate of sewer regulations compliance or a sump pump inspection shall pay the appropriate application fee. Such fees shall be set from time to time by the City.

Subdivision 3. Inspection. The applicant for a certificate of sewer regulations compliance or sump pump inspection is responsible for requesting an inspection of the property after making application and payment of fees. An inspection shall be made by the City to determine whether the property use is in accordance with City sanitary sewer service regulations, as provided in Section 3.30 of this Chapter. The entire property and all buildings on the property shall be made available for inspection.

Source: Ordinance No. 354, 2nd Series
Effective Date: 12-15-06

Subdivision 4. Compliance and Expiration.

A. Upon inspection, when the property use is in accordance with city sanitary sewer services regulations, a certificate of sewer regulations compliance will be issued by the City.

Source: Ordinance No. 351, 2nd Series
Effective Date: 10-13-06

B. A Certificate of sewer regulations compliance is valid to be used for the transfer of property. The certificate of sewer regulations compliance may only be used for property transfer by the owner named on the certificate or the owner's legal representative.

Source: Ordinance No. 354, 2nd Series
Effective Date: 12-15-06

C. The certificate of sewer regulations compliance must be conspicuously displayed on the premises at all times when the property is being shown for sale and the owner is responsible for informing any potential buyers, gift recipients or other persons to whom he intends to transfer title as to his receipt of the certificate of sewer regulations compliance.

D. If, within one year of the issue of a certificate of sewer regulations compliance, the owner named on the certificate of sewer regulations compliance does not agree to an inspection, as required by Section 3.30, subd. 3(b) of this Chapter, the certificate is immediately void. Such inspections trigger the administrative sanctions found in Section 3.30, subd. 3 of this Chapter.

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Subdivision 5. Temporary Certificate of Sewer Service Regulations Compliance. Upon inspection, a temporary certificate of sewer regulations compliance may be issued by the City permitting the transfer of property, providing;

A. An agreement by the buyer, seller or other responsible person has been executed with the City, whereby the buyer, seller or other responsible person agrees to complete corrections to the property necessary to bring it within compliance of the City sanitary sewer service regulations, Section 3.30 of this Chapter within thirty (30) days of the transfer of property.

B. A security to ensure completion of any corrections to the property must be posted with the lender in the form of an escrow, or with the City when a lending institution is not involved with the transaction. The security shall be in an amount at least equal to twice the retail value of the work necessary for compliance with this article. The escrow must be fully maintained until a certificate of sewer regulations compliance is issued. In no case will a temporary certificate of sewer regulations compliance be issued for more than one hundred eighty (180) days following the first inspection of the property.

Subdivision 6. Sanctions. At all times during the certification process, the owner is responsible for any sanctions or surcharges under Section 3.30, subd. 4 of this Chapter.

Subdivision 7. Repeated Inspection. Upon inspection, when the property use is not legal in accordance with city sanitary sewer service regulations, the owner shall be entitled to a second inspection to be scheduled within thirty (30) days of the original inspection. If, at this inspection, the city inspector determines that all violations of city sanitary sewer regulations have been corrected, the City shall immediately issue a certificate of sewer regulations compliance.

Source: Ordinance No. 351, 2nd Series
Effective Date: 10-13-06

A Huchment 3

8-2-8: PROHIBITING DISCHARGES INTO THE SANITARY SEWER SYSTEM AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF:


- (A) Purpose: In adopting this Section, the City Council finds that the discharge of water from any roof, surface, ground water sump pump, footing tile or swimming pool or other natural precipitation into the City sewerage system will, and has on numerous occasions in the past, flooded and overloaded the sewerage system to such an extent as to cause significant and grave damage to the property of large numbers of City residents. Such damage is caused by the backup of sewage into the living quarters of residents and in addition to other damage, creates a hazard to health. The City Council, therefore, finds it essential to the maintenance of health, to the minimization of damage to property and to meet Minnesota Pollution Control Agency and Metropolitan Waste Control Commission regulations, that the provisions of this Section be strictly enforced to avoid emergencies in the future.
- (B) Definition and Method: No water from any roof, surface, ground water sump pump, footing tile, swimming pool or other natural precipitation shall be discharged into the sanitary sewer system. Dwellings and other buildings and structures which require, because of the infiltration of water into basements, crawl spaces and the like, a sump pump discharge system shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system, except as provided herein. A permanent installation shall be one which provides for year-round discharge capability to either the outside of the dwelling, building or structure, or is connected to the City storm sewer or discharges through the curb and gutter to the street. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge, and if connected to the City storm sewer line, include a check valve and an air gap located in a small diameter structure as shown in the City's standard plates.
- (C) Disconnection: Before August 15, 1993, any person having a roof, surface, ground water sump pump, footing tile or swimming pool now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove same. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner, as approved by the Public Works Director or his designated agent.
- (D) Inspection: Every person owning improved real estate that discharges into the City's sanitary sewer system shall allow an employee of the City or their designated representative to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. In lieu of having the City inspect their property, any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this Section.

Any person refusing to allow their property to be inspected or refusing to furnish a plumber's certificate within fourteen (14) days of the date City employee(s) or their designated representatives are denied admittance to the property, shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate this Section shall make the necessary changes to comply with this Section and furnish proof of the changes to the City by August 15, 1993. (Ord. 093-309, 6-21-93)

- (E) Future Inspections: Each sump pump connection identified will be reinspected on a yearly basis in conjunction with the yearly water meter inspection. (Ord. 093-313, 8-16-93)

- (F) New Home Inspections: All new homes shall be required to have their sump pump system inspected within thirty (30) days of occupancy and a certificate of compliance completed.
- (G) Penalty: A surcharge of one hundred dollars (\$100.00) per month is hereby imposed and added to every sewer billing mailed on and after August 15, 1993, to property owners who are not in compliance with this Chapter. The surcharge shall be added every month until the property is in compliance. The surcharge shall continue to be levied monthly on properties not complying with this Chapter. All properties found during yearly reinspection to have violated this ordinance shall be subject to the one hundred dollars (\$100.00) per month penalty for all months between the two (2) most recent inspections. (Ord. 093-313, 8-16-93; amd. Ord. 094-334, 8-1-94)

Memo

To: Council Members
From: Brian W. Heck, City Administrator 
Date: May 2, 2007
Re: Claussen Case

Attached is the Court of Appeals decision in the Claussen v City case.

The Court of Appeals affirmed the decision rendered by the District Court and in doing so, it appears legal avenues in this matter are now blocked. There are two issues that might remain in this matter. The Court of Appeal seems to have left the door open on the question of attorney's and related fees. Claussen did not ask for these fees and costs at the District Court level. He included them in his Appeal. The Appeals Court said they can not decide on the issue as it was never brought up in the District Court. The other issue is mentioned in the endnotes. The Court of Appeals states that while Claussen no longer has boundary issues with the City, there may be boundary issues to the west. Thankfully, this is an issue between private parties.

Now that this matter is resolved, the Council can begin to contemplate what to do along the southern boundary of the Community Park.

*This opinion will be unpublished and
may not be cited except as provided by
Minn. Stat. § 480A.08, subd. 3 (2006).*

**STATE OF MINNESOTA
IN COURT OF APPEALS**

A06-358

A06-742

Rand Claussen
Appellant,
Barbara Claussen,
Appellant,
Edward Salovich, et al.,
Plaintiffs,

vs.

City of Lauderdale, Minnesota,
Respondent,
Paul Nolan, et al.,
Respondents,
Dennis Dolphin, et al.,
Defendants.

**Filed May 1, 2007
Affirmed
Stoneburner, Judge**

Ramsey County District Court
File No. C800007228

Rand Claussen, Barbara Claussen, 2345 Summer Street, Lauderdale, MN 55113
(pro se appellants)

Robert A. Alsop, John M. LeFevre, Jr., Kennedy & Graven, Chtd., 470 U.S. Bank
Plaza, 200 South Sixth Street, Minneapolis, MN 55402 (for respondent City)

Considered and decided by Wright, Presiding Judge, Stoneburner, Judge,
and Minge, Judge.

U N P U B L I S H E D O P I N I O N

STONEBURNER, Judge

Pro se appellants challenge two district-court orders relating to a boundary line between their property and property owned by respondent City of Lauderdale^[1] and denying attorney fees to appellants. We affirm.

FACTS

Appellants Rand and Barbara Claussen own property that, on the north, abuts a park property owned by respondent City of Lauderdale. In 2000, in response to the city's proposal to remove a fence that was north of the registered south boundary of the park and install a bicycle path on city park property adjacent to Claussens' property, Claussens^[2] sued the city, claiming ownership of a portion of the 7-8 foot strip of land located between the registered south boundary of the city park and the fence (contested property), under several theories, including adverse possession. The city's Certificate of Title to the city park refers to the relevant parts of the park property as the "Rose Hill Garden Lots."

Although Claussens had always believed that their property abutted the park, surveying done in connection with this litigation revealed a 72.30-foot gap between the legal description of the north boundary of Claussens' property and the registered south boundary of the city park (gap). The gap is south of and does not involve any of the contested property. Claussens amended their complaint to include a claim to the gap by adverse possession.

By order filed April 14, 2003, the district court held that Claussens could not establish title to the contested property through adverse possession but awarded Claussens a use easement over the contested property. In the same order, the district court addressed the gap, noting that because the gap is south of the city park, the city had no claim to it. The district court held that Claussens “should have a legal description that gives them fee title up to the registered South lines of Block 2, lots 12 and 13 and Block 1, Lot 12” and ordered the Examiner of Titles to amend the legal description of Claussens’ property “to conform to this order.”

The city appealed only the portion of the April 14, 2003 order awarding an easement on the contested property. *Claussen v. City of Lauderdale*, 681 N.W.2d 722, 724 (Minn. App. 2004), *review denied* (Minn. Sept. 21, 2004). Pending that appeal, the parties stipulated to stay the portion of the order requiring redrafting of Claussens’ legal description. On appeal, we concluded that the district court erred in granting an easement on the contested property and vacated that portion of the order. *Id.* at 727-28.

The city then filed a petition for a proceeding subsequent to eliminate a gap in the description of a separate parcel of city property that is similar to the gap in Claussens’ legal description. This separate city parcel is not adjacent to Claussens’ property. Claussens, who have no interest in the city parcel involved in the proceeding-subsequent petition, filed an objection to the city’s petition. The matter was assigned to a judge different from the judge who had handled the initial litigation. At a prehearing conference, the city challenged Claussens’ standing to

object to the city's petition. The district court asked Claussens to identify their issues. Claussens urged the district court to implement the April 14, 2003 order regarding the legal description of their property.

Without addressing Claussens' standing to participate in the city's proceeding, the district court issued an order on December 6, 2005, ordering the Examiner of Titles to "determine the location of the southerly line of [the] Rose Hill Garden Lots" and stating that "[a]ll property north of the demarked line shall be the property of the City of Lauderdale and the property to the south will be the property of the adjoining property owners, including the [Claussens]."

Under this order, the Examiner of Titles prepared a report that included a proposed legal description of Claussens' property based on the examiner's determination of the location of the southerly line of the Rose Hill Garden Lots. Based on the examiner's report, the district court issued an order on February 1, 2006, adopting the examiner's description of the south boundary of the park property as:

The South line of Rose Hill Garden Lots, as shown on the Survey prepared by Paul J. McGinley on October 7, 2005, labeled in 3 places as the South line of Lot 13, South line of Lot 12, approximately 7 feet south of Line A identified on said survey.

The district court stated in the memorandum attached to the order that the Examiner of Titles has resolved the dispute between Claussens and the city "with respect to the location of the line which is the boundary between the City's land to the north and [Claussens'] property to the south." The district court directed that

judgment should be entered in favor of the city against Claussens. Claussens appealed from the December 6, 2005 order and the February 1, 2006 order, and the appeals were consolidated.

DECISION

Claussens argue that because the December 6, 2005 order refers to the “southerly line of [the] Rose Hill Garden Lots” rather than the “registered South lines of Block 2, lots 12 and 13 and Block 1, lot 12” used in the April 14, 2003 order, the district court erroneously substituted new findings for unchallenged prior findings that had become the “law of the case.”

“Law of the case is a rule of practice that once an issue is considered and adjudicated, that issue should not be reexamined in that court or any lower court throughout the case.” *Peterson v. BASF Corp.*, 675 N.W.2d 57, 65 (Minn. 2004), *vacated on other grounds by Peterson v. BASF Corp.*, 544 U.S. 1012, 1012, 125 S. Ct. 1968, 1968 (2005). The rule is “a rule of practice, not of substantive law.” *Braunwarth v. Control Data Corp.*, 483 N.W.2d 476, 476 n.1 (Minn. 1992). Based on the record, we conclude that the line referred to in the December 6, 2005 order is the same line referred to in the April 14, 2003 order, and the district court did not substitute “new findings” in this case for findings made in the April 14, 2003 order. Claussens’ reliance on this doctrine is therefore misplaced.

Claussens next contend that the April 14, 2003 order gave them fee title to the contested property. This claim has no merit. The April 14, 2003 order required the Examiner of Titles to “legally define the property between Lines A

and the south line of lot 13, and both lots 12 on the Loucks/McLagan survey” (contested property) and enter a use easement over this same property. This portion of the order deals with the contested property and is the portion of the order that was previously appealed and reversed by this court. Plainly, the April 14, 2003 order did not give Claussens fee title to the contested property.

The unappealed portion of the April 14, 2003 order required the Examiner of Title to amend the legal description of Claussens’ property to eliminate the gap. In the attached memorandum, the district court, in discussing the gap, stated: “To put this in perspective, [the city] is the registered fee owner of the South line of Block 2, lots 12 and 13; and, Block 1, lot 12. This line is the same location that forms the northern property line claimed by the plaintiffs through adverse possession.” The district court went on to award Claussens fee title to the gap “up to the registered South lines of Block 2, lots 12 and 13 and Block 1, lot 12.” Claussens, who asserted adverse possession claims to both the gap and the contested property, rely on the district court’s reference to “the northern property line claimed . . . through adverse possession” used in defining the gap, to now argue that the reference was in fact to the northern boundary of the contested property and that the district court therefore awarded them fee title to not only the gap, but also to the contested property. This reading misconstrues the order, in which it is clear that the district court’s reference to the northern boundary claimed through adverse possession is to the northern boundary of the gap, and not the

northern boundary of the contested property. The plain language of the order does not, as Claussens assert, give them fee title to the contested property.

Claussens' collateral-estoppel arguments are likewise based on their erroneous assertion that the April 14, 2003 order granted them fee title to the contested property and are therefore equally without merit. The city is not attempting to relitigate any portion of the April 14, 2003 order that remained valid after its appeal and is in fact attempting to benefit from the order by amending the property description for a separate city parcel to eliminate a gap similar to the gap found in Claussens' property description that was corrected by the April 14, 2003 order.

Claussens also argue that the "latter trial judge's Order is not Fairly Supported by the Record." Claussens have not clearly identified which order or what findings they are challenging, but a thorough review of the record demonstrates that findings in both the December 6, 2005 and February 1, 2006 orders are supported by the record.^[3]

Claussens challenge the district court's statement in the memorandum attached to the February 1, 2006 order that the Examiner of Titles has resolved the dispute between Claussens and the city. This challenge also appears to be based on Claussens' erroneous reading of the April 14, 2003 order and claim that the order gave them fee title to the contested property. As discussed above, this claim has no merit. Although Claussens refer to other possible claims and claims of non-parties, they do not identify any legitimate dispute between Claussens *and the*

city that remains in this litigation.^[4] The district court correctly concluded that all claims asserted between Claussens and the city have been resolved.

Finally, Claussens argue that they are entitled to attorney fees, citing *Hofstad v. Hargest* for the proposition that Minn. Stat. § 508.70, subd. 1(b) (2006), involving Torrens registration, “provides for an award of costs and damages, including a reasonable attorney’s fee, as the court may deem just in cases of subsequent adverse claims to registered property.” 412 N.W.2d 5, 8 (Minn. App. 1987) (quotation omitted). The district court’s orders do not address a claim for attorney fees, and the city did not address Claussens’ claim for attorney fees in this appeal.

From our review of the record, it appears that Claussens are making this claim for the first time on appeal. Generally we decline to consider matters not argued and considered in the district court. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988). Even if we were to consider this claim, however, other than Claussens’ unsupported allegation that the city has engaged in “a pattern of implied and direct threats and needlessly protracted litigation,” Claussens have made no showing that they are entitled to attorney fees in this matter or that the district court abused its discretion by declining to award attorney fees.

Affirmed.

^[4] Virginia and Paul Nolan, et al., are listed in the caption as respondents and filed a brief in these matters, indicating that they “support the appeal of and the

arguments made by the Appellants.” A respondent is a party adverse to an appeal. Minn. R. Civ. App. P. 143.01. An “adverse party” is any party who would be prejudiced by a reversal or modification of an order, award, or judgment. *Larson v. Le Mere*, 220 Minn. 25, 27-28, 18 N.W.2d 696, 698 (1945). Because Nolans are aligned with appellants, they are not adverse parties and therefore not respondents. Issues raised by a party who is aggrieved by a district court order but did not file a notice of appeal or join in an appeal will not be considered. *Nash v. Allen*, 392 N.W.2d 244, 247 (Minn. App. 1986), *review denied* (Minn. Oct. 22, 1986). We therefore will not consider Nolans’ brief.

^[2] Plaintiff Marilyn Salovich, whose property is east of Claussens’ property and also south of the park property, was a party to the original suit, but she is not involved in this appeal.

^[3] Claussens may be challenging the use of “southerly line of Rose Hill Garden Lots” in the December 6, 2005, order rather than “registered South lines of Block 2, lots 12 and 13 and Block 1, lot 12” used in the April 14, 2003 order as the line the Examiner of Titles had to legally define. But the record is clear that the references are to the same line, which is the line defined by the Examiner of Titles.

^[4] Because the new legal description adopted by the district court affects the west boundary of Claussens’ property, Claussens do have boundary-line issues remaining but none that involve the city. The February 1, 2006 order does not involve any dispute about the western boundary. The order specifically directs that determination of other boundaries should be pursued by interested parties in separate litigation.