

LAUDERDALE CITY COUNCIL MEETING AGENDA
TUESDAY, MAY 9, 2006
7:30 P.M. CITY HALL

The City Council is meeting as a legislative body to conduct the business of the City according to ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL. Unless so ordered by the Mayor, citizen participation is limited to the times indicated and always within the prescribed rules of conduct for public input at meetings.

1. ROLL – 7:30 p.m.

Council members:

Gill-Gerbig _____

Hawkinson _____

Doherty _____

Christensen _____

Mayor Dains _____

Staff: Bakken-Heck _____

2. APPROVAL OF THE AGENDA - 7:32 p.m.

3. APPROVALS – 7:35 p.m.

A. Approve minutes for 4/25/2006 City Council Meetings

B. Approve claims totaling \$66,461.81

4. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL ON ITEMS NOT ON THE AGENDA – 7:37 p.m.

Any member of the public may speak at this time on any item NOT on the agenda. In consideration of the public attending the meeting for specific items on the agenda, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to four (4) minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue shall be continued under Additional Items at the end of the agenda. Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter any discussion without permission of the presiding officer. Your participation, as prescribed by the Council's ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL, is welcomed and your cooperation is greatly appreciated.

5. CONSENT

A) City Park Applications

B) PCIC Appointment

6. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS

A) City-Wide Garage Sale- Saturday, May20th

7. INFORMATIONAL PRESENTATIONS

8. PUBLIC HEARINGS

Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings, all affected residents will be given an opportunity to speak pursuant to the ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL.

- A) Animal Control Ordinance

9. REPORTS

- A) Walkable Community Workshop Follow-up

10. DISCUSSION

11. ACTION

- A) Adopt Personnel Policy Manual
- B) Set Date for Day in the Park

12. ITEMS REMOVED FROM THE CONSENT AGENDA

13. ADDITIONAL ITEMS

14. SET AGENDA FOR NEXT MEETING – 8:00 p.m.

- A) Closed session to discuss Litigation
- B) Closed session to discuss Labor Negotiations
- C) Administrator Performance Evaluation

15. WORK SESSION 8:05 p.m.

- A) Rental Housing License
- B) Administrator Performance Appraisal
- C) Nuisance Property

16. ADJOURNMENT

LAUDERDALE CITY COUNCIL MEETING MINUTES

TUESDAY, APRIL 25, 2006

Mayor Dains called the meeting to order at 7:35 p.m. and asked administrator Bakken Heck to call roll.

Council members present: Karen Gill-Gerbig, Denise Hawkinson, Karen Doherty, Clay Christensen and Mayor Jeffrey Dains.

Staff present: Jim Bownik and Heather Butkowski.

Mayor Dains asked for additions or deletions to the agenda. There being none, council member Christensen moved and Gill-Gerbig seconded the agenda and the motion carried.

Mayor Dains asked for any additions or corrections to the minutes of April 11, 2006. There being none, council member Gill-Gerbig moved and council member Doherty seconded the minutes as presented and the motion carried.

Mayor Dains asked for questions on the claims. There being none, council member Hawkinson moved and Doherty seconded approval of the claims in the amount of \$36,021.69 and the motion carried.

Mayor Dains stated this is the time for members of the audience to address the council on items not on the agenda. There was no one in attendance who wished to address the council.

Mayor Dains asked if there were any items on the consent agenda that members wished to remove. There being none, the mayor asked for a motion to approve the consent agenda. Council member Christensen moved approval of the consent agenda acknowledging the first quarter investment report. Council member Gill-Gerbig seconded the motion and it carried.

Bakken-Heck presented the first quarter budget report and stated there were no budget areas that need to be watched as the city is right on target with expenditure and revenue targets.

Bownik presented an update on the Walkable Communities project that is taking place Tuesday, May 9th from 1:00 p.m. to 5:00 p.m. He provided an outline of the day and the program. He drew attention to the individuals who were specifically invited to attend. The event will start at City Hall with a walking tour to follow. Gill-Gerbig asked how many of the invitee's will be there. Bownik stated he requested an RSVP.

Mayor Dains welcomed the Comprehensive Plan Steering Committee. He noted that the last task force worked on a similar plan ten years ago. The Mayor outlined the direction the Council would like to go. 1) parks are important; 2) infrastructure – the city completed road and sewer improvements in 2004; 3) the turn back issue of Fulham, Eustis and Roselawn; 4) redevelopment along Larpentour Avenue, as it has been previously discussed by the council.

LAUDERDALE CITY COUNCIL
MEETING MINUTES

TUESDAY, APRIL 25, 2006

Butkowski provided an outline of how the process will work and the general time line followed.

Butkowski then introduced all the task force members in attendance.

The Mayor then discussed meeting times and dates. He ruled out the second and fourth Tuesdays as they are council meeting days. The task force will meet on the third Tuesday of the month. Meetings will begin at 7:30 p.m. and end at 9:00 p.m.

The mayor commented the meetings are public and others may attend any of the meetings.

The Council thanked all the members for volunteering to be on the task force.

Agenda for the next meeting will include the Animal Control Ordinance, Administrator performance appraisal and rental housing ordinance. Also may include updates by the legislative representatives.

The meeting adjourned at 8:04 p.m. on a motion by Christensen and second by Gill-Gerbig.

CITY OF LAUDERDALE

Claims for Approval

May 9, 2006 City Council Meeting

<u>Payroll</u>		
5/05/06 Payroll:	Direct Deposit # 500139-500143	\$6,287.65
5/05/06 Payroll:	Payroll Liabilities, e-payments 54E-56E	\$5,509.02
<u>Vendor Claims</u>		
5/09/06 Claims:	Check # 18086-18105	\$54,665.14

Subtotal of Claims From Above **\$66,461.81**

Total Claims for Approval	\$66,461.81
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CITY OF LAUDERDALE
***Check Detail Register©**

MAY 2006

			Check Amt	Invoice	Comment
10100 NORTH STAR CHECKING					
Paid Chk#	018086	5/9/2006			1744 LAKE ST
	E 101-45100-371	NON-RESIDENT REIMBURSEM	\$58.00		youth sport reimbursement
		Total 1744 LAKE ST	<u>\$58.00</u>		
Paid Chk#	018087	5/9/2006			ABDO EICK & MEYERS LLP
	E 101-41300-301	AUDITING	\$10,813.60		2005 financial audit
	E 601-49000-301	AUDITING	\$2,703.40		2005 financial audit
		Total ABDO EICK & MEYERS LLP	<u>\$13,517.00</u>		
Paid Chk#	018088	5/9/2006			BAKKEN-HECK BRIAN
	E 101-41200-331	TRAVEL EXPENSE	\$16.82		4/06 misc expenses
		Total BAKKEN-HECK BRIAN	<u>\$16.82</u>		
Paid Chk#	018089	5/9/2006			BANYON DATA SYSTEM
	E 101-41300-307	COMPUTER SERVICES	\$1,560.02		'06 fund/payroll support
		Total BANYON DATA SYSTEM	<u>\$1,560.02</u>		
Paid Chk#	018090	5/9/2006			CINTAS
	E 601-49000-425	CLOTHING	\$26.63		pw uniforms
	E 601-49000-425	CLOTHING	\$26.63		pw uniforms
	E 601-49000-425	CLOTHING	\$26.63		pw uniforms
		Total CINTAS	<u>\$79.89</u>		
Paid Chk#	018091	5/9/2006			CITY OF FALCON HEIGHTS
	E 101-42200-323	FIRE INSPECTION	\$450.00		'05 fire inspections
	E 101-42200-320	FIRE CONTRACT	\$12,897.51		'06 base rate fire contract
		Total CITY OF FALCON HEIGHTS	<u>\$13,347.51</u>		
Paid Chk#	018092	5/9/2006			CITY OF ST ANTHONY
	E 101-42100-319	POLICE CONTRACT	\$21,271.17		5/06 police services
		Total CITY OF ST ANTHONY	<u>\$21,271.17</u>		
Paid Chk#	018093	5/9/2006			GLENWOOD INGLEWOOD
	E 101-41200-208	WATER DELIVERY	\$4.79		4/06 water cooler rental
		Total GLENWOOD INGLEWOOD	<u>\$4.79</u>		
Paid Chk#	018094	5/9/2006			HOME DEPOT CRC
	E 101-43100-228	MISC REPAIRS MAINT SUPPLIE	\$18.02		paint for city hall
		Total HOME DEPOT CRC	<u>\$18.02</u>		
Paid Chk#	018095	5/9/2006			KENNEDY & GRAVEN
	E 101-41400-355	MISC PRINTING/PROCESS SER	\$0.99		03/06 legal services
	E 101-41400-305	LEGAL FEES	\$290.00		03/06 legal services
	E 101-41400-305	LEGAL FEES	\$580.00		03/06 legal services - park
		Total KENNEDY & GRAVEN	<u>\$870.99</u>		
Paid Chk#	018096	5/9/2006			MAMA
	E 101-41200-308	TRAINING\CONFERENCES	\$18.00		bh luncheon

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

MAY 2006

		Check Amt	Invoice	Comment
Total MAMA		\$18.00		
Paid Chk#	018097	5/9/2006	MIKE MC PHILLIPS	
E 101-43200-314	STREET SWEEPING	\$2,510.00		spring '06 street sweeping
Total MIKE MC PHILLIPS		\$2,510.00		
Paid Chk#	018098	5/9/2006	NORTH STAR BANK, CHECKING STMT	
E 101-41200-203	POSTAGE	\$7.60		stamps
E 101-41200-331	TRAVEL EXPENSE	\$3.00		parking met council
E 101-43100-202	PERMENANT SUPPLIES	\$6.00		city hall keys
E 101-41200-308	TRAINING\CONFERENCES	\$15.00		jb aamp meeting
E 101-41200-203	POSTAGE	\$13.92		certified letters
E 101-41200-203	POSTAGE	\$9.28		certified letters
E 101-41500-409	OTHER EQUIPMENT REPAIR/M	\$15.96		voting machine battery
E 101-41100-440	MEETING EXPENSES	\$34.39		comp plan kick off
E 101-41200-203	POSTAGE	\$40.11		stamps
E 101-43100-332	MISC. TRAVEL EXPENSE	\$8.25		pw parking at conf
Total NORTH STAR BANK, CHECKING STMT		\$153.51		
Paid Chk#	018099	5/9/2006	PARK HARDWARE HANK	
E 101-43100-228	MISC REPAIRS MAINT SUPPLIE	\$19.82		misc supplies
E 101-43100-202	PERMENANT SUPPLIES	\$41.71		soap dispenser
E 101-45200-228	MISC REPAIRS MAINT SUPPLIE	\$14.88		park repairs
Total PARK HARDWARE HANK		\$76.41		
Paid Chk#	018100	5/9/2006	PARK SERVICE	
E 601-49000-212	MOTOR FUELS	\$19.01		4/06 motor fuel
E 101-43100-212	MOTOR FUELS	\$171.00		4/06 motor fuel
Total PARK SERVICE		\$190.01		
Paid Chk#	018101	5/9/2006	RAMSEY CO LEAGUE OF LOCAL GOVT	
E 101-41100-438	DUES & SUBSCRIPTIONS	\$152.75		2006 dues
Total RAMSEY CO LEAGUE OF LOCAL GOVT		\$152.75		
Paid Chk#	018102	5/9/2006	RAMSEY COUNTY, PROP REC & REV	
E 405-48500-327	OTHER SERV- SEWER/NPDES I	\$664.44		tif administration
Total RAMSEY COUNTY, PROP REC & REV		\$664.44		
Paid Chk#	018103	5/9/2006	RAPIT PRINTING	
E 101-43400-355	MISC PRINTING/PROCESS SER	\$59.43		building permit hard cards
Total RAPIT PRINTING		\$59.43		
Paid Chk#	018104	5/9/2006	ST PAUL REGIONAL WATER SERVICE	
E 601-49000-382	WATER	\$12.91		1915 Walnut water bill
E 101-43100-382	WATER	\$12.91		1891 Walnut water bill
Total ST PAUL REGIONAL WATER SERVICE		\$25.82		
Paid Chk#	018105	5/9/2006	WASTE MANAGEMENT	
E 101-43100-384	REFUSE DISPOSAL	\$70.56		5/06 waste pick up

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

MAY 2006

	Check Amt	Invoice	Comment
<hr/>			
Total WASTE MANAGEMENT	\$70.56		
10100 NORTH STAR CHECKING	<u>\$54,665.14</u>		

Fund Summary

	10100 NORTH STAR CHECKING	
101 GENERAL	\$51,185.49	
405 TIF-PROJECTS	\$664.44	
601 SEWER UTILITIES	<u>\$2,815.21</u>	
	\$54,665.14	

CITY OF LAUDERDALE

05/04/06 9:29 AM

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Paid Register

Check Number	Employee Number	Employee Name	Pay Period	Pay Group Description	Check Amount	Check Date	Status
500139	000000001	BAKKEN-HECK, BRIAN	9	BI-WEEKLY	\$1,642.84	5/5/2006	Outstanding
500140	000000011	BOWNIK, JAMES	9	BI-WEEKLY	\$1,218.07	5/5/2006	Outstanding
500141	000000007	BUTKOWSKI, HEATHER	9	BI-WEEKLY	\$1,050.51	5/5/2006	Outstanding
500142	000000002	HINRICHS, DAVID C	9	BI-WEEKLY	\$1,254.81	5/5/2006	Outstanding
500143	000000005	HUGHES, JOSEPH A	9	BI-WEEKLY	\$1,121.42	5/5/2006	Outstanding
					<u>\$6,287.65</u>		

CITY OF LAUDERDALE

05/04/06 10:32 AM

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Payments

Current Period: MAY 2006

Batch Name	050506paytax	Payment	Computer Dollar Amt	\$5,509.02	Posted
Refer	212	PERA	Ck# 000054E	5/5/2006	
Cash Payment	G 101-21704	PERA	5/5/06 payroll		\$1,218.95
Invoice					
Transaction Date	5/4/2006	Due 0	NORTH STAR CHEC	10100	Total \$1,218.95
Refer	213	NORTH STAR BANK, CHECKING S	Ck# 000055E	5/5/2006	
Cash Payment	G 101-21703	FICA WITHHOLDING.	5/5/06 federal payroll taxes		\$1,682.52
Invoice					
Cash Payment	G 101-21701	FEDERAL TAXES	5/5/06 federal payroll taxes		\$938.33
Invoice					
Transaction Date	5/4/2006	Due 0	NORTH STAR CHEC	10100	Total \$2,620.85
Refer	214	ICMA	Ck# 000056E	5/5/2006	
Cash Payment	G 101-21705	ICMA RETIREMENT	5/5/06 payroll		\$1,669.22
Invoice					
Transaction Date	5/4/2006	Due 0	NORTH STAR CHEC	10100	Total \$1,669.22
Fund Summary					BATCH Total
					\$5,509.02
101		10100 NORTH STAR CHECKING		\$5,509.02	
				\$5,509.02	

Pre-Written Checks	\$5,509.02
Checks to be Generated by the Compute	\$0.00
Total	\$5,509.02

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

Consent X
Public Hearing
Discussion
Action
Resolution
Work Session

Meeting Date May 9, 2006
ITEM NUMBER 5A City Park Applications

STAFF INITIAL HAB

APPROVED BY ADMINISTRATOR
[Signature]

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

We regularly receive applications to use park facilities. Many of these groups are small and do not reach the 30 person threshold in which the group or organization must receive council approval to use the park. We received an application from Karen Erwin-Bulena, a previous Lauderdale resident, to use the park on July 29th from 10 a.m. until 9 p.m. for a Lauderdale reunion.

OPTIONS:

- A) Approve Karen Erwin-Bulena's request to use the park on July 29th.
- B) Do not approve her group's request.

STAFF RECOMMENDATION:

While staff recommends allowing this group to use the park, we encourage the council to consider the free use of the park for large groups at the end of the year when setting annual fees. Large groups incur clean up, maintenance, and restroom service costs that do not exist or are negligible with smaller groups. Large groups also monopolize sections of the park and make it inaccessible to other residents during that time.

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: ERWIN Address: 11604 Foley
City: COON RAPIDS State: Mn Zip: 55448
Telephone No.: 763 755 9355 Name of Organization (if applicable): _____

PARK USE INFORMATION:

651-582-1234-work
Date(s) of Park Use: 7-29-06 Hours Used: 10-9pm Number attending: 100+

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

Picnic shelter Tennis court Ballfield Skating rink Hockey rink 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.

Karen Bulena
Applicant's Signature

KAREN ERWIN BULENA
Please Print Applicant's Name

7/29/06
Date

FOR OFFICE USE ONLY:

Date Application Received: 4/21/06 Approved By: _____
Temporary Non-Intoxicating Liquor License Granted? _____ If so, date Council granted: _____

**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

Consent X
Public Hearing
Discussion
Action *JB*
Resolution
Work session

MEETING DATE May 9, 2006

ITEM NUMBER PCIC Appointments

STAFF INITIAL JB

APPROVED BY ADMINISTRATOR



DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The Park and Community Involvement Committee has received an application for membership from the following residents:

John Harpel, 1779 Walnut
Kathy Lerfald, 1724 Carl
Kendra Kauppi, 1618 Eustis #12A

Appointment of the three individuals listed above would bring the number of members to six, however, Juliane Kvalbein will be moving to Roseville in June. Juliane was presented a certificate of appreciation at the last meeting.

Attached are the applications and a copy of the certificate of appreciation given to Juliane.

OPTIONS:

STAFF RECOMMENDATION: Appoint John Harpel, Kathy Lerfald, and Kendra Kauppi each to the Park & Community Involvement Committee for two year terms.

COUNCIL ACTION:

PCIC Membership Application

Would you like to see Lauderdale events like Snow*Commotion, Day in the Park, and the Halloween Party continue?

If so, **your help is needed!** The committee also makes recommendations to the City Council on parks and recreational issues. Please complete this form and return it to Lauderdale City Hall, or call 651-631-0300 to let us know about your interest.

Yes, I am interested in joining the Lauderdale Park and Community Involvement Committee.

Name JOHN MICAH HARPEL

Address 1729 WALNUT STREET

Phone 612 221 4164 Hargel construction@yahoo.com

651 330 4990(H) 763 443 8416 (C) → melissa

I am interested in becoming a member of the Park & Community Involvement Committee for the following reason(s):

JUST WANT TO GET MORE INVOLVED IN HELPING A GREAT COMMUNITY.

I have the following talents and experiences that I am able to contribute to the Committee:

I AM A PEOPLE PERSON. I HAVE MANY CONSTRUCTION RELATED TRADE SKILLS. VERY CREATIVE

PCIC Membership Application

Would you like to see Lauderdale events like Snow*Commotion, Day in the Park, and the Halloween Party continue?

If so, **your help is needed!** The committee also makes recommendations to the City Council on parks and recreational issues. Please complete this form and return it to Lauderdale City Hall, or call 651-631-0300 to let us know about your interest.

Yes, I am interested in joining the Lauderdale Park and Community Involvement Committee.

Name KATHY LERFALD

Address 1724 CARL ST.

Phone 651-429-3856

I am interested in becoming a member of the Park & Community Involvement Committee for the following reason(s):

I WANT TO CONTRIBUTE TO THE CITY. I REALLY

ENJOY PLANNING EVENTS, GETTING TO KNOW RESIDENTS THROUGH THAT.

I have the following talents and experiences that I am able to contribute to the Committee:

HAVE EVENT PLANNING EXPERIENCE → CHILDREN/

FAMILIES/ADULTS. I'M ORGANIZED!

PCIC Membership Application

Would you like to see Lauderdale events like Snow*Commotion, Day in the Park, and the Halloween Party continue?

If so, **your help is needed!** The committee also makes recommendations to the City Council on parks and recreational issues. Please complete this form and return it to Lauderdale City Hall, or call 651-631-0300 to let us know about your interest.

Yes, I am interested in joining the Lauderdale Park and Community Involvement Committee.

Name KENDRA KAUPP

Address 1618 EUSTIS ST #12A ST. PAUL, MN 55108

Phone 651-647-3473 Kaupp001@tc.vmn.edu

I am interested in becoming a member of the Park & Community Involvement Committee for the following reason(s):

Community involvement

I have the following talents and experiences that I am able to contribute to the Committee:

have volunteered with A variety of organizations

(humane society, science museum, wildlife rehab center, hockey committees)

Certificate of Appreciation

This certificate is awarded to

Juliane Kvalbein

in recognition of valuable contributions to

The City of Lauderdale and the Park & Community Involvement Committee

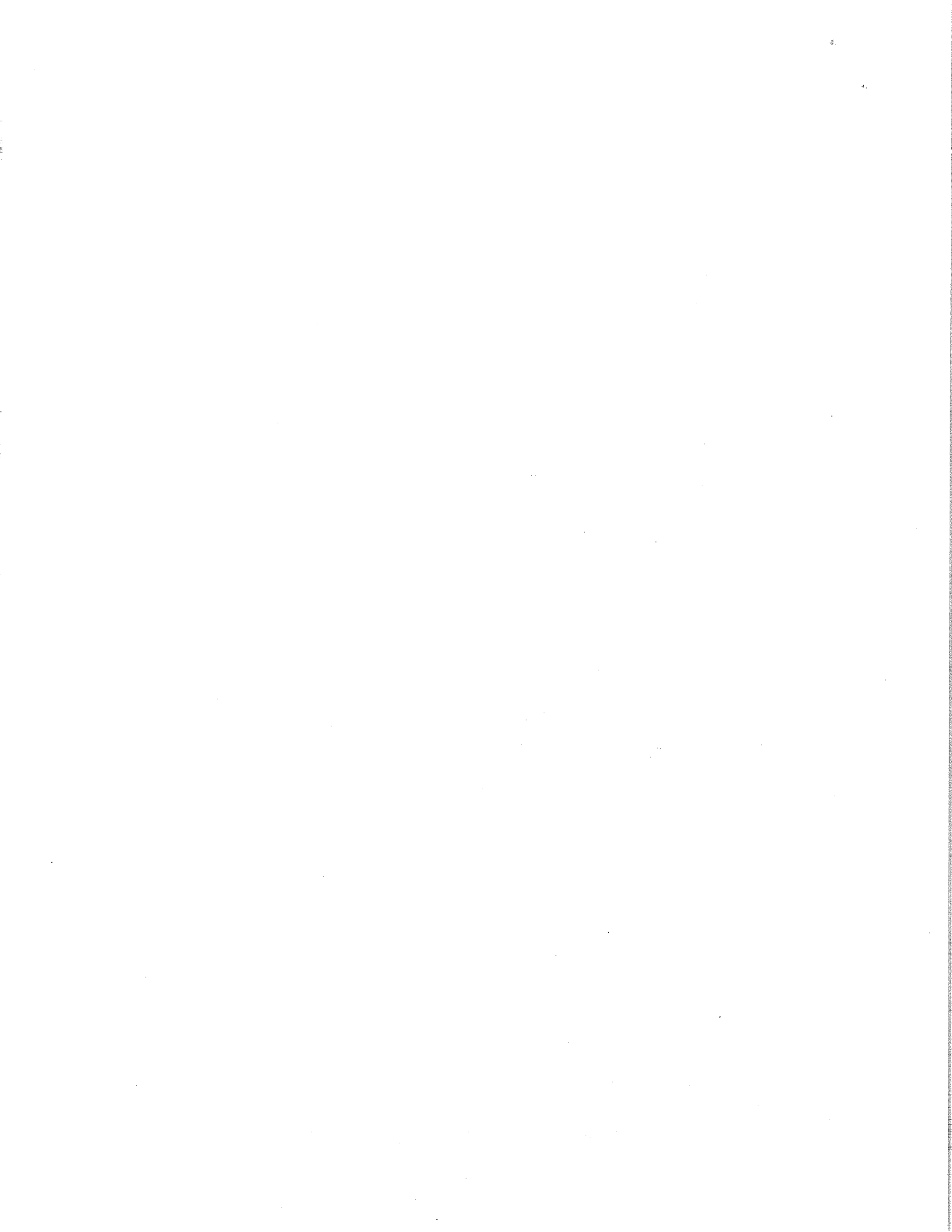


Signature

Date

Signature

Date



**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

Announcement X
Consent
Public Hearing
Discussion
Action
Resolution
Work session

MEETING DATE May 9, 2006

ITEM NUMBER City-Wide Garage Sale

STAFF INITIAL JB

APPROVED BY ADMINISTRATOR



DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The City-Wide Garage Sale is Saturday, May 20th starting at 8 a.m. It is always the 3rd Saturday in May— so you can already mark your calendars for next year. So far, 16 people have signed up. Residents can still register through the end of the week. There is no charge to participate.

The city's role is to coordinate and promote the event as a benefit to the residents by letting people know that there will be a lot of garage sales in Lauderdale on this particular day. Hopefully, this attracts a lot of garage sale shoppers here that day. Having a garage sale, or going to the garage sales is also a good way to get to know your neighbors.

The look and content of the garage sale list has been improved. Now it includes a list of items for sale that may be of interest. Attached is a draft of how it will look. On the back will be an ad from Moose Giannetti. The ad revenue is \$50, which is credited to the community events fund. There will not be any expenses for this event this year.

OPTIONS:

STAFF RECOMMENDATION:

COUNCIL ACTION:

***CITY-WIDE GARAGE SALE
SATURDAY, MAY 20TH
STARTING AT 8:00 AM***

ADDRESS

ITEMS OF INTEREST

1765 Carl

Misc.

1918 Carl

1952 Carl

1751 Eustis

bread maker, pair of vanity lamps, like new satin quilted bedspread (tan/gold), like new vanity case (never used), Kenmore portable sewing machine and attachments

1756 Eustis

furniture, bikes, lawn mowers, fabrics, tools

1774 Eustis

jewelry, antiques, crafts, miniatures, phonograph records (33's, 78's), household goods, much miscellaneous pottery, collectibles, toys, etc.

1866 Eustis

weaving loom, 1940's vanity, household items, clothing, seasonal decorations, craft supplies, exercise equipment, jewelry, quality misc., golf balls

1952 Eustis

(please park on street) household goods

1713A Fulham

2307 Ione

1886 Malvern

Misc.

1807 Pleasant

1901 Pleasant

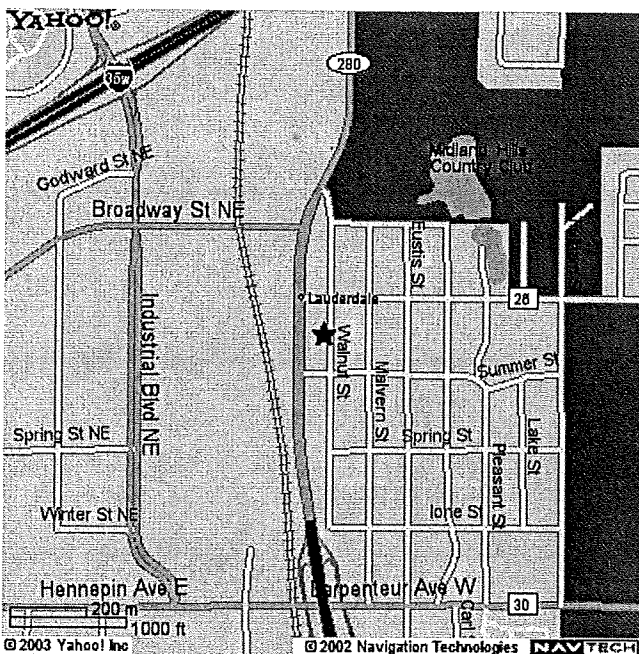
1779 Walnut

1871 Walnut

Furniture, small stuff & new futon still in box

1904 Walnut

1-2T Boy clothes, furniture



**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

Consent _____
Public Hearing _____
Discussion _____
Action _____ **X** _____
Resolution _____
Work session _____

Meeting Date: Tuesday, May 9, 2006

ITEM NUMBER 8A—Animal Control Ordinance

STAFF INITIAL *[Signature]*

APPROVED BY ADMINISTRATOR
[Signature]

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION: The Council discussed this ordinance at several work sessions and meetings and several suggestions made and incorporated in to this final draft. The ordinance revision started with a court decision making a portion of the old ordinance unconstitutional. In the process of updating this section, other out dated and problematic areas were found and we began to review the entire ordinance. This is the end result of the efforts of council.

OPTIONS:

1. Adopt the ordinance as presented;
2. Amend the ordinance and adopt as amended;
3. Send the ordinance back for further review and consideration; or
4. Do nothing and operate under the current ordinance.

STAFF RECOMMENDATION: Staff recommends the City Council adopt option 1.

COUNCIL ACTION:

CITY OF LAUDERDALE

ORDINANCE NO. _____

An Ordinance Amending Sections 5-3-1, 5-3-3, 5-3-4, 5-3-5, 5-3-6, 5-3-7, 5-3-8, 5-3-10, 5-3-11, 5-3-12 of the Code of Ordinances Regarding Animal Control.

The city council of the city of Lauderdale ordains as follows:

SECTION I. The Lauderdale code of ordinances is amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

ANIMAL CONTROL¹

SECTION:

- 5-3--1: Definitions
- 5-3--2: Enforcement
- 5-3--3: Exemptions
- 5-3--4: ~~Certain Domesticated~~ Non-Domesticated and Farm Animals
- 5-3--4-1: Permit Required
- 5-3--4-2: Application; Fees
- 5-3--4-3: Hearing
- 5-3--4-4: Term Of Permit; Renewal
- 5-3--4-5: Revocation
- 5-3--4-6: Home Occupation
- 5-3--4-7: Penalty
- 5-3--5: Dogs And Cats
- 5-3--5-1: License And Registration; Exceptions
- 5-3--5-2: Vaccination Required
- 5-3--5-3: Licensing Procedures
- 5-3--6: Regulations
- 5-3--7: Impoundment
- 5-3--8: Rabies Control
- 5-3--9: Biting Animals To Be Quarantined
- 5-3-10: Potentially Dangerous Animals Dogs
- 5-3-11: ~~Summary Destruction~~ Dangerous Dogs
- 5-3-12: Destruction of Dangerous Dogs
- 5-3-13: Penalty

¹ M.S.A. §§ 18.021 et seq., chapters 356 and ~~47~~ 347, §§ 561.07, 609.227, and 609.605.

5-3-1: DEFINITIONS:

As used in this Chapter, except as otherwise provided, the following terms shall have the respective meanings ascribed to them:

~~DEF! ANIMAL: Any nonhuman mammal, reptile, amphibian, or bird, domestic or nondomestic, including dogs and cats.~~

ANIMAL CONTROL AUTHORITY: means an agency of the state, county, municipality or city, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

ANIMAL, DOMESTIC: Animals kept within the home as pets, commonly accepted as domesticated household pets. Unless otherwise defined, such as dogs, cats, household birds, and similar animals. animals shall include dogs, cats, caged birds, gerbils, hamsters, ferrets, mice, rats, guinea pigs, chinchillas, domesticated rabbits, fish, non-poisonous, non-venomous or non-constricting reptiles or amphibians.

ANIMAL, NON-DOMESTIC: Those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety and welfare of people. Unless otherwise defined, such animals shall include:

- A. Any member of the large cat family (family felidae) including, but not limited to, lions, tigers, cougars, bobcats, leopards and jaguars, but excluding domesticated house cats.
- B. Any naturally wild member of the canine family (family canidae) including, but not limited to, wolves, foxes, coyotes, dingoes, and jackals, but excluding domesticated dogs.
- C. Any crossbreeds between a domesticated animal and a non-domesticated animal, such as the crossbreed between a wolf and a dog.
- D. Any member or relative of the rodent family, including, but not limited to, any skunk (whether or not descended), raccoon, or squirrel, but excluding those members otherwise

defined or commonly accepted as domesticated pets.

- E. Any poisonous, venomous, constricting or inherently dangerous member of the reptile or amphibian families, including but not limited to, rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
- F. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subpart, including, but not limited to, bears, deer, monkeys and game fish.

ANIMAL, FARM: Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (pigs, including Vietnamese pot-bellied pigs), goats, bees, llamas, alpacas, and other animals associated with a farm, ranch or stable.

AT LARGE: An unattended animal on public property; or an unattended animal on private property without the consent of the property owner.

CAT: Any domesticated feline animal, male or female, whole or neutered.

~~DANGEROUS ANIMAL~~ DOG: Any animal dog that has committed any of the acts set forth below:

- A. Without provocation, inflicted substantial bodily harm on a human being on public or private property; or
- B. Killed a domestic animal without provocation while off the owner's property; or
- C. Been found to be a potentially dangerous animal dog, and after the owner has been notified that the animal dog is potentially dangerous, the animal dog aggressively bites, attacks, or endangers the safety of human humans or domestic animals.

DOG: Any canine animal, male or female, whole or neutered.

GREAT BODILY HARM: Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

PROPER ENCLOSURE: Any structure, except a dwelling, designed to securely enclose and prevent an means securely confined indoors or outdoors in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping therefrom and/or designed to provide the animal with shelter and protection from the weather. and providing protection from the elements for the animal. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which a door or window screens are the only obstacle that prevent the animal from exiting.

OWNER: Any person, firm, corporation, organization or department processing, harboring, keeping, having an interest in or having custody or control of an animal.

POTENTIALLY DANGEROUS ANIMAL DOG: Any animal dog that has committed any of the acts set forth below:

A. When unprovoked, inflicts bites on a human or domestic animal on public or private property;

B. When unprovoked, chases or approaches a person, including a person on a bicycle upon the streets, sidewalks or any other public or private property, other than the dog owner's property in an apparent attitude of attack; or

C. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

RESTRAINED: On a leash of not more than six feet (6') in length and in the custody of a person of sufficient age to adequately control the animal, in a vehicle, or confined to

the owner's property by enclosure or fencing, or absolute voice command.

SUBSTANTIAL BODILY HARM: Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member. (Ord. 12, 7-27-1993)

~~DEFEND~~

5-3-3: EXEMPTIONS:

The following provisions of this Chapter shall not apply in the following circumstances:

A. Unless specified herein, the provisions of this Chapter shall not apply to animals used or confined at hospitals, clinics, or businesses operated by licensed veterinarians.

B. Section 5-3-5-2 relating to vaccination requirements shall not apply to any animal belonging to a nonresident of the City and kept within the City for not longer than thirty (30) days, provided all such animals shall, at all times while in the City, be restrained by the owner.

C. Sections 5-3-10 and 5-3-11 relating to dangerous animals dogs and potentially dangerous animals dogs shall not apply to dogs under the control of a law enforcement officer.

D. Subsections 5-3-6A and 6C shall not apply to raptors possessed by licensed falconers holding valid State and Federal Falconry Permits so long as the conditions of the permit are being satisfied. (Ord. 12, 7-27-1993)

E. Section 5-3-4 shall not apply to licensed kennels, pet stores, or veterinary clinics. (Ord. 84, 11-19-1985)

5-3-4: ~~CERTAIN DOMESTICATED~~ NON-DOMESTIC AND FARM ANIMALS:

5-3-4-1: PERMIT REQUIRED:

It shall be unlawful to keep or maintain ~~roosters, bees or any horse, cow, pony, mule, donkey, pig, goat, sheep, or other large~~ a non-domesticated or farm animal, ~~other than a dog,~~ without first having obtained a permit therefor. It shall also be unlawful to keep or maintain more than two (2) ~~chickens, ducks, geese, turkeys, pigeons,~~ rabbits, chinchillas, ~~minks, nutrias,~~ or guinea pigs without first

having obtained a permit therefor. All of the
aforementioned are hereinafter referred to as "animals".
(Ord. 84, 11-19-1985)

5-3-5-3: LICENSING PROCEDURES:

A. Application: Except as herein provided, within thirty (30) days after acquiring possession of a dog or cat five (5) months or older, the owner of the dog or cat shall make application for a dog or cat license. The application shall be on forms provided by the City Administrator. The applicant shall also present proof of vaccination to the City Administrator prior to the issuance or renewal of a license.

B. License Fee: The license fee for each dog or cat must be submitted with the application. The fee will be established by City Council resolution.

C. Term Of License: A license shall be annually issued for a period of time not to exceed the expiration date of the rabies vaccination.

D. Issuance: Upon completion of the application form, receipt of the license fee and receipt of the proof of vaccination, the City Administrator shall cause a dog or cat license to be issued to the applicant for a particular dog or cat.

E. Receipt And Tags: The City Administrator shall cause a license fee receipt to be issued to the applicant along with a metallic tag. The applicant shall cause the tag to be affixed permanently by a metal fastening device to the collar of the licensed dog or cat in such a manner that the tag may be easily observed.

F. Duplicate Tag: If a tag is lost, a duplicate may be issued by the City Administrator upon presentation of a receipt showing payment of the initial license fee and upon payment of an additional fee for each duplicate tag.

G. Change Of Address: An applicant who has obtained a dog or cat license shall notify the City Administrator of applicant's address changes within the corporate limits of the City within ten (10) days of any address change.

H. Counterfeit Tags: No person shall counterfeit or attempt to counterfeit the dog or cat license tags. (Ord. 12, 7-27-1993)

5-3-6: REGULATIONS:

A. Confinement: Except as herein provided, the owner of an animal within the City shall cause such animal to be confined to the individual's property by adequate fencing, leash, or absolute voice command.

B. Female In Estrus: The owner of a female dog or cat in heat shall confine such animal to the owner's property or any veterinary hospital/clinic, in such manner that such female dog or cat cannot come into contact with other animals, except for intentional breeding purposes.

C. Leash Required: The owner of an animal within the City shall cause such animal to be restrained by a leash, chain or a cord of not more than six feet (6') in length and in the custody of a person of sufficient age to adequately control the animal at all times while in a public place including but not limited to school yards, playground, parks or streets.

D. Noise: The owner of any animal within the City shall be responsible for preventing the animal from becoming a nuisance. A nuisance shall be defined as barking, baying, crying, or howling in any manner, which can be heard by any person, including Animal Control or any law enforcement officer, from a location outside of the building or premises where the animal is being kept for an unreasonable length of time. For the purposes of this ordinance, "unreasonable" means repeated noise from the animal over at least a five (5) minute period of time with one (1) minute or less lapse of time between each animal noise during the five (5) minute period.

E. Feces: Cleaning up litter:

1. The owner of an animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.

2. The owner of an animal shall not permit such animal to be on public property or the private property of another without having in the owner's immediate possession, a

device for the removal of feces and a proper receptacle on the property of such animal owner.

F. Care Of Animals: The owner of an animal within the City shall provide said animal with sufficient, wholesome food and water; proper shelter and protection from weather; veterinary care when needed to prevent suffering; and with humane care and treatment.

G. Abuse: No person shall beat, torment, or otherwise abuse an animal or cause or permit an animal fight.

H. Number Allowed: No person shall allow residentially zoned property to be used for maintaining more than two (2) like domestic animals over six (6) months of age.

~~I. Dangerous Animals: The owner shall confine within a building or a secure enclosure, every potentially dangerous animal, and shall not take such animal out of such building or secure enclosure, unless such animal is securely muzzled.~~ J. Guard Dog Warning Signs: A person who uses a dog for security purposes within the City shall post a warning notice at the entrance of the premises. (Ord. 12, 7-27-1993; 1996 Code)

5-3-7: IMPOUNDMENT:

A. Seizure: Subject to the provisions of this Section, animals found in violation of this Chapter may be seized by the Animal Control Officer, impounded in a designated animal shelter, and confined therein in a humane manner for a period of not more than five (5) business days or until claimed by the animal's owner, if allowable, whichever occurs first. Seizure, impoundment and destruction of dogs that have inflicted substantial or great bodily harm on a human being without provocation shall be governed by Section 5-3-12.

1. Entry Of Private Dwellings: Animal Control Officers are not authorized to enter private dwellings for the purpose of seizing animals.

2. Notice Of Seizure: Before seizing an animal from the private property of its owner, the Animal Control Officer shall make a reasonable attempt, taking into consideration the time of day and nature of the violation, to notify the owner that the animal is being seized because it was

observed by the Animal Control Officer to be in violation of the provisions of this Chapter.

3. Written Notice: When an animal is seized from the private property of its owner and the Animal Control Officer has been unable to notify the owner of the reason for seizing the animal, the Animal Control Officer shall leave a written notice affixed to the dwelling unit, in a conspicuous manner, indicating the day and time the animal was seized; the reason for seizing the animal; and the address of the shelter where the animal can be found.

4. Notice Of Impoundment: Immediately upon impounding the animal, reasonable efforts shall be made to notify the owner and inform the owner of the animal's confinement and the procedures for release of the animal to the owner.

B. Redemption: An animal which is not redeemed within five (5) business days after impounding may be disposed of in any manner provided by law. Any animal which is not claimed by the owner or sold, shall be euthanized and disposed of in a sanitary manner by the Animal Control Officer.

C. Title: The title of all animals seized and held at the animal shelter may be transferred to the Humane Society after the legal detention period has expired and the animals have not been claimed by their owners.

D. Impoundment Fees: Any animal, with the exception of a non-domesticated animal or farm animal being maintained without a permit impounded hereunder may be reclaimed by the owner of such animal within five (5) business days after such impoundment. Before the owner shall be permitted to recover possession of the animal, the owner shall pay the Animal Control Officer all required fees and costs of impoundment. (Ord. 12, 7-27-1993)

5-3-8: RABIES CONTROL:

A. State Law Adopted: The Minnesota Health Laws and Regulations are hereby adopted in cases of rabid animals which have bitten any person or animals suspected of being rabid.

B. Duty Of Physician To Report: It shall be the duty of every physician to report to the City the names and addresses of persons treated for bites inflicted by animals together with other information helpful in rabies control.

C. Duty Of Veterinarian To Report: It shall be the duty of every licensed veterinarian to report to the City his or her diagnosis of any animal observed by him or her as a rabies suspect.

D. Issuance Of Proclamation: Whenever the prevalence of rabies or hydrophobia renders such action necessary to protect the public health, safety and welfare, the Mayor shall issue a proclamation ordering every person owning or in possession of a dog to confine it securely to other premises unless it is muzzled so that it cannot bite. No person shall violate this proclamation. (Ord. 12, 7-27-1993)

5-3-10: POTENTIALLY DANGEROUS ANIMALS DOGS:

A. Additional Fee And Proof Of Insurance: The owner of a potentially dangerous animal dog shall pay an additional annual fee as determined by Council resolution and shall provide the City Administrator annually with proof of liability insurance which covers damages that may be caused by such animal dog.

~~B. Dangerous Animals Prohibited: It shall be unlawful for any person to keep or harbor a dangerous animal in the City. (Ord. 12, 7-27-1993)~~ Confinement of a Potentially Dangerous Dog: a dog that is determined to be a potentially dangerous dog must be kept in a proper enclosure at all times. If outside, it must be confined to the owner's premises and be wearing a muzzle.

C. Referral to Animal Behavioral Specialist: a dog determined to be a potentially dangerous dog may be evaluated by a professional animal behaviorist. The owner may provide to the City at the time of license a report by such animal behaviorist. If the report states that the dog has been rehabilitated, the dog may no longer be classified as potentially dangerous and is not subject to the requirements of this section.

5-3-11: DANGEROUS DOGS:

A. Dangerous Dogs: any person who has a dog that has been classified as a dangerous dog pursuant to this ordinance or pursuant to Minnesota Statute Section 347.50, subdivision 1, must:

1. Obtain a certificate of registration from the Animal Control Authority. A certificate of registration may be issued when the owner provides sufficient evidence that: a) a proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children that there is a dangerous dog on the premises; b) a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the Animal Control Authority in the sum of at least \$50,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$50,000, insuring the owner and his or her property for any personal injuries inflicted by the dangerous dogs; c) the owner has paid an annual fee that is established by the City Council in addition to any regular dog licensing fees to obtain a certificate of registration for a dangerous dog under this section; and d) the owner has microchip identification implanted in the dangerous dog as required by Minnesota Statute Section 347.515.

2. Dangerous Dog Designation Review. Beginning six months after a dog is declared a dangerous dog, pursuant to Minnesota Statute Section 347.51, subdivision 3 (a), an owner may request annually that the Animal Control Authority review the designation of the dangerous dog. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the dog's behavior has changed, the Animal Control Authority may rescind the dangerous dog classification.

5-3-12: SUMMARY DESTRUCTION OF DANGEROUS DOGS:

Procedure. The Animal Control officer, after having determined that a dog has inflicted substantial or great bodily harm on a human being without provocation, shall proceed in the following manner:

1. The Animal Control officer shall cause one owner of the dog to be notified in writing personally or by mail that the dog is dangerous and may order the dog seized or make such orders as deemed proper. The owner shall be notified as to dates, times, places, and parties bitten, and shall be given 14 days to appeal the order by requesting in writing an appeal hearing before the City Council for a review of this determination.

- a. If no appeal is filed by the owner with the City Council, the orders issued shall stand or the Animal Control Officer may order the dog destroyed.

- b. Whenever an Animal Control Officer has reasonable cause to believe that a particular animal represents a clear and immediate danger to the residents of the City because it is infected with rabies or because it is a dangerous animal, If an owner requests a hearing for determination as to the dangerous nature of the dog, the hearing shall be held before the City Council, which shall set the date for the hearing not more than three weeks after demand for the hearing. The records of Animal Control shall be admissible for consideration by the City Council without further foundation. After considering all evidence pertaining to the temperament of the dog, the City Council shall make an order as it deems proper. The City Council may order that the Animal Control officer, after making reasonable attempts to impound such animal, may summarily destroy the animal. (Ord. 12, 7 27 1993) take the dog into custody for destruction, if such dog

is not currently in custody. If the dog is ordered into custody for destruction, the owner shall immediately make the dog available to the Animal Control officer.

- c. No person shall harbor a dog after it has been found by the City to be dangerous and ordered into custody for destruction.

Stopping an Attack. If any law enforcement officer is witness to an attack by a dog upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

5-3-~~12~~ 13: PENALTY:

Any violation of this Chapter is a misdemeanor. Each day on which such violation continues shall constitute a separate offense. (Ord. 12, 7-27-1993)

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

Adopted by the city council of the City of Lauderdale this ___ day of _____, 2006.

Jeffrey Dains, Mayor

ATTEST:

Heather Butkowski, Deputy Clerk

Published in the _____ this
_____ day of _____, 2006..

**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

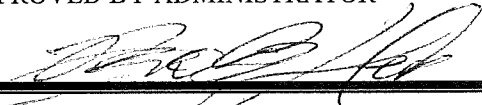
Consent _____
Public Hearing _____
Report _____ **X** _____
Discussion _____
Action _____
Resolution _____
Work session _____

MEETING DATE May 9, 2006

ITEM NUMBER Walkable Community Workshop

STAFF INITIAL JB

APPROVED BY ADMINISTRATOR



DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

There will be a brief summary of the workshop that occurred from 1-5 pm the day of the council meeting. This will be my second workshop in 2 days as I am attending Roseville's the day before Lauderdale's.

At least 35 people are expected to attend the workshop. My notes on the possible attendees are attached, as is an updated agenda (there has been a change in presenters), and a draft of the map that shows the walking route.

Workshop Expenses

Maps: Created and provided with the help of the Ramsey County GIS Department (minimal).

PA system: I arranged this through CTV (no cost).

Refreshments: I purchased at Sam's Club (reimbursed 100%).

OPTIONS:

STAFF RECOMMENDATION:

COUNCIL ACTION:

Lauderdale Council

Yes- Mayor (bus 3:45), KD, KGG (until 2:15) Clay

?- Denise

Lauderdale Staff

Yes- JB, HB, JH-yes, DH (until 3)

No- BBH (staffing city hall)

City Engineer

Yes- Tom Kellogg

City Insurance Agent

?- Bob Welch

PCIC

Yes- JK (at 1:45), MK (at 3:30),

?- KJ, JH, KL, KK

Comp Plan Steering Committee

Yes-Thomas Dvorak (mail), Bob Milligan 651 647-0495, Brian Malzer, Kevin Bumgardner

Ramsey County

Yes- Dan Soler, Sara Merz, Jan Parker (Pat 266-8351), Jody Yungers

Falcon Heights Council & Residents

Yes- ~8 residents

No- Sue Gehrz, Pamela Harris (attending Roseville's)

Falcon Heights Staff

Yes- Deb Jones,

?- Chief Kurhajetz

No- Greg Hoag (attending Roseville's)

St Anthony PD

No- Chief Ohl

School District

Yes- Jan Vanderwall (Wellness Coordinator 651-635-1609)

Met Transit

? Jon Spurgetis (District Supervisor 612-418-2831 cell)

No- Lisa Johnson (Assistant Manager, Street Operations 612-349-5407)

Do we need route change request? Or is it more of an access issue?

Midland Hills Country Club

?- Terry Ivory

U of MN Golf Course

?- Adam Guilli (612-627-4340)

No?- David Dubord (works 1 pm to close)

Lions Club

?-

CTV

?- Dave, Shannon, (Cor said someone will be there for NSB)

No- Cor

News Media

?- Roseville Review, Park Bugle

Lauderdale Residents

?- Barb Clausen, Elizabeth French

No- Kate Schmidt

Walkable Communities Workshop

Tuesday, May 9th, 2006

1:00 – 5:00 pm

Lauderdale City Hall

1891 Walnut Street

Lauderdale, MN 55113

Agenda

Sign-in/coffee	1:00 pm
Welcome and Introductions <i>Jeffrey Dains, Lauderdale Mayor</i>	1:10 pm
Building Blocks of a Walkable Community <i>Slide Presentation, Basic Principles and Advanced Concepts</i> <i>Mark Plotz, Program Manager, National Center for Bicycling and Walking</i> <i>Gary MacFadden, Director of Operations for the National Center for Bicycling & Walking</i>	1:20 pm
Overview of Community Map with Destinations <i>Jim Bownik, Lauderdale Assistant to the City Administrator</i> <i>Jody Yungers, Ramsey County Director of Park Services and Operations</i>	2:35 pm
BREAK	2:45 pm
Walking Audit of Community <i>Mark Plotz, Program Manager, National Center for Bicycling and Walking</i> <i>Gary MacFadden, Director of Operations for the National Center for Bicycling & Walking</i>	2:50 pm
Group reporting on Audit Findings Discuss Desired Improvements Develop Plan for “Next steps” <i>Mark Plotz, Program Manager, National Center for Bicycling and Walking</i> <i>Gary MacFadden, Director of Operations for the National Center for Bicycling & Walking</i>	4:10 pm
Wrap Up Evaluation Close Workshop	5:00 pm

Information about the presenters is on the other side of this agenda.

Bios:

Mark Plotz is the Program Manager for the Walkable Community Workshop series at the National Center for Bicycling & Walking (NCBW). He serves as a lead facilitator for the program which is designed to provide direct technical assistance to communities, while engaging the general public in the transportation planning process. In 2005 he facilitated workshops in: Bakersfield, Dayton, Fayetteville, Medford (OR), Visalia (CA), Greensboro (NC), and Maine.

Prior to working for the NCBW, Mark served two years as an AmeriCorps member. He spent his first year in Mankato, Minnesota, working to increase youth involvement in local government. His second year was spent in Charleston, South Carolina and various parts of the southeastern United States.

Mark is an amateur bike racer and serious bicycle commuter, logging thousands of miles every year. As a kid he walked and biked to school.





Gary MacFadden is the Director of Operations for the National Center for Bicycling & Walking. He has been with the organization since 2002, and serves as a lead instructor for the Walkable Community Workshop program. He recently led workshops in Daytona Beach, FL and Washington DC. Gary has also been instrumental in the creation of the Thunderhead Alliance—a national coalition of state and local bicycle and pedestrian advocacy organizations.

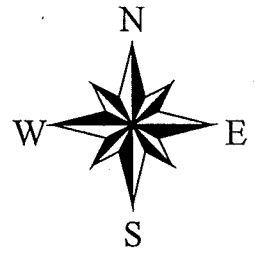
Prior to working at the National Center for Bicycling & Walking, Gary served as executive director for Adventure Cycling Association for 20 years.

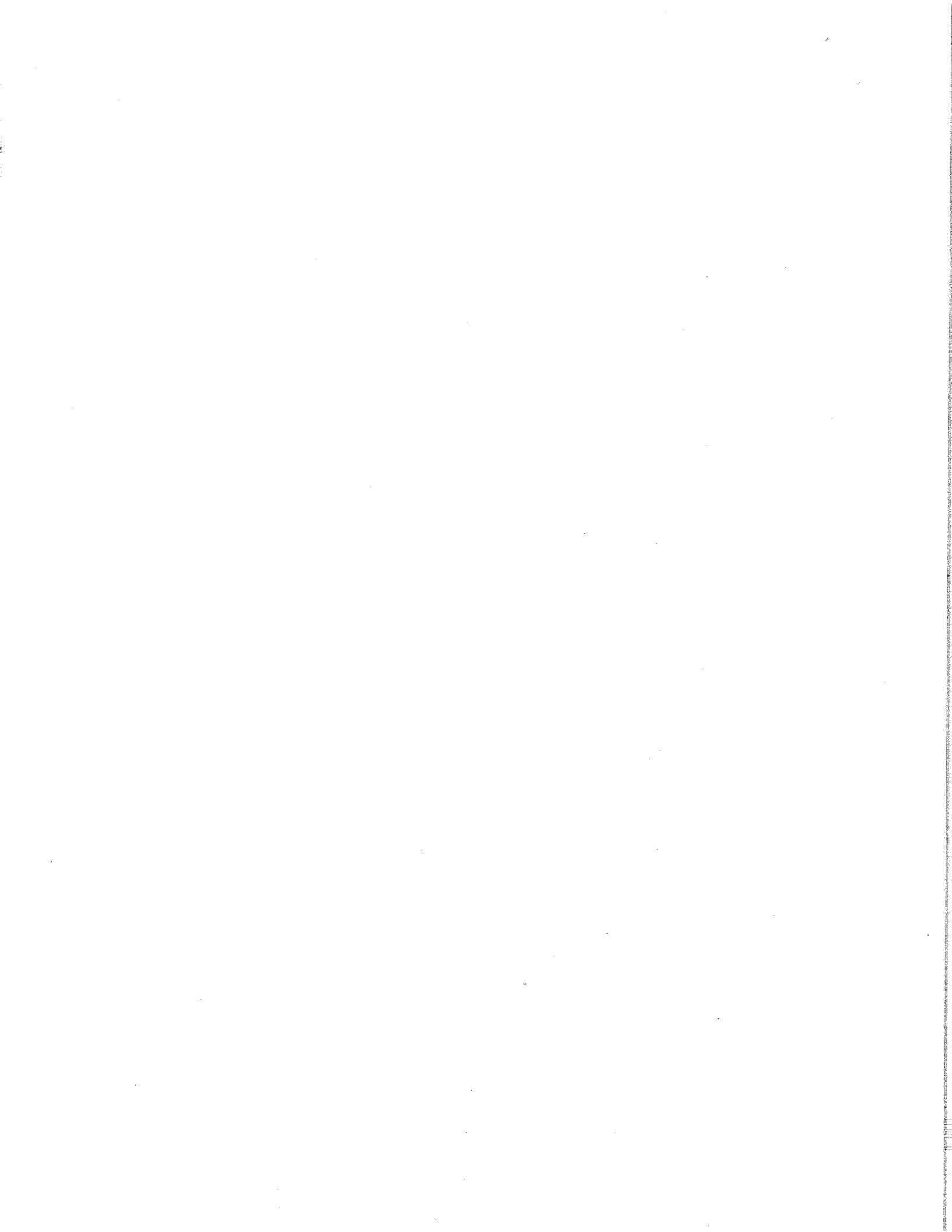
Gary is a licensed pilot and accomplished photographer. He currently resides in Oregon.

Lauderdale Walkable Communities Assessment



-  Walking Route
-  Destination Routes
-  City Property
-  Destination Points





**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

Consent _____
Public Hearing _____
Discussion _____
Action _____ **X** _____
Resolution _____
Work session _____

Meeting Date: Tuesday, May 9 2006

ITEM NUMBER 11 A Personnel Policies.

STAFF INITIAL *[Signature]*

APPROVED BY ADMINISTRATOR
[Signature]

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION: The City Council went through this document at the last work session and provided staff with suggested modifications. These modifications were made. The Council also requested staff obtain an opinion from the city attorney regarding a domestic partner definition and to look at the section on political activity. Staff received information back from the attorney and the relevant sections were modified according to the recommendations of the city attorney.

OPTIONS:

1. Adopt the policy manual as presented;
2. Refer back for further consideration;
3. Do nothing.

STAFF RECOMMENDATION: Staff recommends the council select option 1.

COUNCIL ACTION:

HS X
JS X

231568 11/12, 17

**CITY OF LAUDERDALE
PERSONNEL POLICY AND PROCEDURES**

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SECTION 1. PURPOSE.

The purpose of this personnel policy and procedures manual is to establish a uniform and equitable system of personnel administration, to define the rights and responsibilities of the City of Lauderdale and each employee and to give fair and equal employment opportunities to all qualified applicants.

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SECTION 2. EMPLOYMENT GUIDELINES.

The personnel policy and procedures manual is a guideline for the City and its employees regarding City employment. It does not constitute an employment agreement or contract. These policies and procedures, like all other City policies, can be amended at any time by the city council.

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SECTION 3. AT-WILL EMPLOYMENT.

All City employees are hired on an at-will basis. This means either the employee or the City Council can terminate employment at any time and for any reason. Involuntary termination of an employee by the city shall be for just cause.

SECTION 4. EQUAL EMPLOYMENT OPPORTUNITY POLICY.

It is the city's policy to provide equal employment opportunity to all employees and applicants for employment in accordance with all applicable state and federal laws governing equal employment opportunity-affirmative action.

SECTION 5. SCOPE.

Subdivision 1. Positions Covered. This policy will apply to all employees in all positions, except the following:

- a. Elected officials;
- b. Members of all boards and commissions;
- c. Consultants and personnel paid on a fee basis;
- d. Volunteer personnel and personnel appointed to serve without pay;
- e. Emergency personnel;
- f. Independent contractors;
- g. City personnel covered by a collective bargaining agreement where the issue is addressed in the agreement;

- h. City personnel covered by other employment agreements where the issue is addressed in the agreement; and
- i. Any other person specifically exempted by the City Council.

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Subdivision 2. Superseded by Law. No provision of this policy is intended to violate, supersede or conflict with any applicable federal law or regulation, state statute or local ordinance. if there is a conflict or violation, the statute, rule, regulation or ordinance shall rule. If a court of competent jurisdiction declares a part of these policies and procedures null and void, only that specific section shall be removed. All other provisions remain in effect.

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Deleted: of any such regulation, the offending provision of this policy will be void, but all remaining provisions will remain in effect.

SECTION 6. DEFINITIONS.

The following words and phrases will have the meanings given here and will apply throughout this policy and procedures manual. All other words and phrases used in this policy will maintain their generally accepted common meanings.

- a. ANNIVERSARY DATE ~~=~~ means the month and date of an employee's initial hiring or promotion.
- b. DESIGNATED PERSONNEL REPRESENTATIVE(S) ~~=~~ means the City Council member(s) who act as liaison between the employees and the City Council on personnel matters. For general personnel issues, the designated personnel representative is the City Administrator.
- c. DOMESTIC PARTNER - means two adults who are 1) not related by blood closer ^{than} that permitted by marriage laws of the State; 2) not married or related by marriage; 3) competent to enter into a contract; 4) ~~Have~~ have no other domestic partner with whom the household is shared, or with whom the adult person has another domestic partner; 5) jointly responsible to each other for the necessities of life; 6) ~~Are~~ are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities.
- c. EXEMPT EMPLOYEE ~~=~~ are employees to whom the federal Fair Labor Standards Act does not apply. Generally, administrative, executive and professional employees are exempt employees.
- d. IMMEDIATE FAMILY - the employee's domestic partner and children. Immediate family also includes: mother, father, brother, sister, grandparent, aunt, uncle, step-parent or legal guardian of either the employee or the employee's domestic partner.
- e. INDEPENDENT CONTRACTOR/CONSULTANT - persons or firms hired by the City who determine their own hours of operation or use their own resources in the performance of their duties. Independent contractors and consultants are not City employees.

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f. NON-EXEMPT EMPLOYEE - employees to whom the federal Fair Labor Standards Act applies.

g. OVERTIME - time actually worked by non-exempt employees in excess of eight hours per day or forty (40) hours per week. Time worked does not include holidays, vacation time, compensatory time taken or sick leave.

h. PART-TIME EMPLOYEE

1) REGULAR PART-TIME EMPLOYEE - an employee retained on a non-temporary basis who works less than forty (40) hours per week on a regular schedule throughout the year.

2) NON-REGULAR PART-TIME EMPLOYEE - an employee retained on a temporary basis who works less than forty (40) hours per week on an irregular schedule throughout the year.

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i. REGULAR FULL-TIME EMPLOYEE - an employee retained on a non-temporary basis who works forty (40) hours or more per week on a regular schedule throughout the year.

j. TEMPORARY OR SEASONAL EMPLOYEE - an employee retained to fill a full-time or part-time position which is of a provisional or seasonal nature.

k. TERMINATION - a complete separation of an employee from City employment. Termination can be voluntary, through resignation or retirement, or involuntary, through discharge by the City Council.

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SECTION 7. APPOINTMENTS.

Subdivision 1. Selection Criteria. Appointments for all open municipal positions are made by the City Council upon the recommendation of the City Administrator. All appointments are made on the basis of the candidate's knowledge, skills, abilities and education related to the position being filled.

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Subdivision 2. Examinations. When deemed appropriate by the City, ^{and} an applicant's employment-related qualifications, merit and fitness will be ascertained by written, oral or other examinations. An offer of employment can be conditioned on successful completion of a pre-employment medical and/or psychological examination.

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Subdivision 3. Employment of Relatives of Municipal Personnel. Whenever possible, the City will not appoint any person to a municipal position when he or she supervises, or is under the supervision of a member of his or her immediate family.

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Subdivision 4. Probationary Period. All regular full-time and regular or non-regular part-time employees are subject to serving a probationary period. The probationary period is the period of time the city evaluates the employee's ability to accomplish the essential job duties of the position he or she was hired to complete. It is also the time an employee evaluates the city to see if employment with the City fits his or her expectations. The probationary period shall be six (6) months. The city can terminate the employee at any time with or without cause, during this time and such termination is not subject to grievance or appeal.

The City Administrator will conduct a performance review with the employee at three (3) months and go over success and areas where the employee needs improvement. If there are any serious issues present, the Administrator shall inform the employee at that time and indicate that failure to improve performance may result in an extended probationary period or termination. The Administrator shall develop a work plan for the employee to follow in these cases.

SECTION 8. WORK HOURS.

Subdivision 1. Work Schedules. The normal hours of work for all employees will be established by the City Council. Alternate work schedules are to be worked out with the City Administrator and approved by the City Council. City Exempt employees are required to work all hours necessary to perform their duties.

Subdivision 2. Part-time and Temporary Employees' Work Schedules. The City shall provide temporary, seasonal and non-regular part-time employees with an advance approximation of hours to be worked during the upcoming year at the time of hiring whenever possible. This approximation is not a guarantee of those hours but rather a guideline subject to change at the City's discretion.

Subdivision 3. Rest Breaks. An employee is entitled to take one fifteen (15) minute rest break during each consecutive four (4) hour period of work. Rest breaks should be scheduled to avoid disrupting City business.

Subdivision 4. Meal Breaks. Each employee is provided a thirty (30) minute meal break. An employee may combine rest breaks with the meal break to extend the mealtime. The meal break is unpaid time.

Subdivision 5. Flexible Scheduling. Upon discussion with and agreement with the City Administrator and upon approval of the city council, an employee may have his or her schedule rearranged to meet family or other obligations under the following conditions:

- a. The schedule does not result in the employee working overtime hours; and
- b. The employees' ability to complete his or her essential functions are not hindered nor the quality of the work diminished; and
- c. The schedule does not impair the overall function or service level of the city; and

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- Deleted: An interview will be conducted with the probational employee before the probationary period expires. The City
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d. If the administrator determines there are performance issues, he or she may recommend the council to terminate the flexible schedule.

SECTION 9. BENEFITS.

Subdivision 1. Eligibility. Only regular full-time and regular part-time employees are eligible for benefits. Non-regular part-time employees, temporary and seasonal employees, and independent contractors and consultants are not eligible for benefits provided by the City.

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Subdivision 2. Amount of Benefits. Regular full-time employees are eligible for full benefits. Regular part-time employees are eligible for holiday, vacation and sick leave benefits in proportion to the hours they work per week rated on the following scale:

Under 20 hours per week	Holidays & Sick leave at 1/4 benefits
20 to under 30 hours per week	1/2 benefits
30 to under 40 hours per week	3/4 benefits
40 or more hours per week	Full benefits

Subdivision 3. Holidays. The following days are observed paid holidays:

- New Year's Day - January 1
- Martin Luther King Day - 3rd Monday in January
- Presidents' Day - 3rd Monday in February
- Memorial Day - Last Monday in May
- Independence Day - July 4
- Labor Day - 1st Monday in September
- Veteran's Day - November 11
- Thanksgiving Day - 4th Thursday in November
- The day following Thanksgiving Day - 4th Friday in November
- Christmas Eve Day - December 24
- Christmas Day - December 25
- Personal Day - Employee Choice

Employees shall receive one (1) personal holiday per year. The date of such personal holiday shall be approved by the employee's supervisor or designated personnel representative. Personal holidays shall be taken during the calendar year earned.

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Whenever one of the above holidays falls on a Saturday, the preceding day will be observed as a holiday. Whenever one of the above holidays falls on a Sunday, the following day will be observed as a holiday.

Subdivision 4. Vacation. Vacation may be used after the probationary period is satisfactorily completed. Vacation is earned each pay period and computed based on the employee's anniversary date.

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a. **Accumulation.** Vacation for regular full-time employees is accumulated as shown, based on the number of years of employment with the City:

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Years of Service	Hours per pay period	Days per year	Maximum hours	Maximum Days
0 - 5 years	3.08 hours	10	160 hours	20 Days
6 - 10 years	4.62 hours	15	240 hours	30 days

Employees with more than ten (10) years of service with the City will accrue an additional .31 hours per pay period for each year of service up to twenty (20) years. The maximum accrual for those with more than ten (10) years of service is 320 hours or forty (40) days.

- Deleted: 0 through 5 years of service . . 10 days per year¶
- ¶ . . 6 through 10 years of service . . 15 days per year¶
- ¶ . . . After 10 years of service . . One additional day per year not to exceed 20 days per year
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Employees may carry over twice their annual vacation-earning rate. Any unused vacation time in excess of this amount will be forfeited unless other provisions are made by the City Council. Regular full-time employees must use at least five (5) days of vacation time during each year of City employment. The word "day" implies a nominal eight-hour shift.

b. **Requests.** Vacation time must be requested at least twenty-four (24) hours in advance. Vacation requests must be approved by the employee's supervisor or the designated personnel representative and may be denied in the event of an emergency or if taking a vacation at that time would impair the City's ability to carry out its business.

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- . . Employees may carry over twice their annual vacation-earning rate. Any unused vacation time in excess of this amount will be forfeited unless other provisions are made by the City

c. **Legal Holidays during Vacation.** Whenever a legal holiday falls on a working day during an employee's vacation, that holiday will not be counted as a vacation day.

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d. **Terminal Leave.** Any employee leaving the Municipal service in good standing shall be compensated for vacation leave accrued and unused to the date of separation.

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Subdivision 5. Sick Leave. Sick leave can be used as earned upon appointment to City employment.

a. **Accrual.** Sick leave will accrue for all regular full-time employees at the rate of one (1) day per calendar month (3.69 hours per pay period) and accrues to a maximum of ninety (90) days or 720 hours.

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b. **Use of Sick Leave.** Sick leave may be used when: (1) the employee cannot work because of illness, injury or disability of themselves or their immediate family, (2) for medical, dental, or optical examinations or treatment of the employee or employee's immediate family, or (3) to care for a member of the employee's immediate family who is incapacitated due to injury or illness. An employee must request sick leave from his or her immediate supervisor before the start of the

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employee's workday on each day sick leave is used. An employee may be requested to file a physician's statement, signed by the physician and the employee, indicating the nature of his or her illness.

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Upon separation of employment from the City, for any reason other than discharge for just cause, the employee or their designated beneficiary shall be paid one-half (1/2) of all unused accumulated sick leave, provided that the employee has ten (10) continuous years of service with the City at the time of separation.

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Subdivision 6. Jury or Witness Duty. Any regular full-time or regular part-time employee who is required to serve as a juror or as a witness in court regarding City business shall be granted leave with pay while serving in such capacity. Upon completion of jury duty, the employee shall reimburse the City for the amount of jury duty pay, less the amount received for traveling expenses.

Deleted: . c . Use for Funerals. An employee may use up to (3) three days of sick leave as funeral leave. Funeral leave must be taken on consecutive working days, one of which is the day of death or the day of the funeral. Any deviations from this policy will be at the CityCity Council's discretion.¶

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Subdivision 7. Leave of Absence without Pay. Upon request, a leave of absence without pay may be granted by the City Council for a period of up to ninety (90) days. No benefits will accrue or be paid out during a period of a leave of absence without pay. Accrued vacation time may be paid out upon request of the employee. This is with the understanding that the vacation is paid out according to the regular pay schedule over regular pay periods, which is the same scenario used to pay for all vacation days earned by the employees. An employee may elect to continue insurance benefits coverage during a leave of absence at the employee's expense. When special circumstances exist, the City Council may, upon request, extend a leave of absence.

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Subdivision 8. Parental Leave. An employee who works twenty (20) or more hours per week and has been employed with the City for more than one (1) year is entitled to take an unpaid leave of absence in connection with the birth or adoption of a child or family medical problem. The length of parental leave is up to the parent, but it cannot last longer six (6) weeks or begin more than six (6) weeks after the birth or adoption of the child. If the child must remain in the hospital longer than the mother, the leave may not begin more than six (6) weeks after the child leaves the hospital. The employee is entitled to return to work at the same position and at the same rate of pay he or she was receiving before the leave began. Group insurance coverage paid for by the City will remain in effect for all eligible employees throughout the six week parental leave. The employee will have the option to continue coverage at his or her own expense if the parental leave extends beyond six weeks.

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Requests for parental leave must be made in writing to the City Administrator or designated personnel representative at least two (2) months before the requested leave's starting date.

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Subdivision 9. School Conference and Activities Leave. An employee who works twenty (20) hours or more per week and has been employed with the City for more than one (1) year is entitled to take up to sixteen (16) hours during any school year to attend school conferences or classroom activities related to the employee's minor child as long as these activities were planned

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in advance and could not be scheduled during non-work hours. The employee must request school leave at least twenty-four (24) hours in advance from his or her supervisor or the designated personnel representative. A reasonable effort should be made to schedule the leave to avoid disrupting City business. Any leave taken under this section will be unpaid. An employee may substitute paid vacation time for unpaid school leave according to the provisions of the City's vacation policy.

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Subdivision 10. Military Leave. Every employee to whom Minnesota Statutes Section 192.26 or 192.261 or U.S.C.A., Title 38, Section 2021 applies is entitled to the benefits afforded those sections to the subject conditions therein prescribed.

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Subdivision 11. Funeral Leave. An employee receives three (3) days paid leave to attend to the funeral of a member of the employee's immediate family. Funeral leave must be taken on consecutive working days, one of which is the day of death or the day of the funeral. If extended time is necessary, such time may be granted by the City Administrator upon approval of the City Council and will be taken as sick, vacation, unpaid or a combination thereof.

Subdivision 12. Insurance. All regular full- and part-time employees are eligible for coverage by a group health, dental, life and disability insurance plan as approved, from time to time, by the City Council. A portion of the monthly premium costs of such insurance plan is paid by the city as established by the City Council. The employee shall pay the balance of the premium costs, with the exception of life insurance. The city provides coverage for the employee equal to 1x salary with a \$50,000 annual maximum. The employer shall pay each employee not enrolled in the employer's health insurance program a set monthly amount, such portion to be established, from time to time, by the City Council into a deferred compensation fund. In order to qualify, employees must provide proof of insurance. The deferred compensation contribution will end if the employee rejoins the employer's health insurance plan. If the city provides an authorized Health Savings Account plan, any excess in the city contribution and the premium shall be placed in the employee's HSA account as provided in plan documents.

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Subdivision 13. Retired Employees. Retired City employees may continue to participate in the City's health insurance program, at the prevailing appropriate group rate, at the retiree's expense, if offered by the insurance company.

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SECTION 10. COMPENSATION.

Subdivision 1. Rates of Pay. All pay rates are set by the City Council.

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Subdivision 2. Overtime Pay. All non-exempt employees are eligible for overtime pay. Overtime is paid at a rate of one and one half times the regular hourly rate for each hour actually

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worked exceeding eight hours in a day or forty (40) hours in a work week. Overtime work must have prior approval by the employee's immediate supervisor or the designated personnel representative except in the case of emergencies.

Subdivision 3. Compensatory Time Off. Compensatory time off is available to non-exempt employees at the City's option as an alternative to overtime pay. If available, non-exempt employees are eligible for compensatory time off at the rate of one and one-half hours for each hour worked in excess of forty (40) hours per week. No compensatory time off is available unless the employee has received approval from his or her supervisor or the designated personnel representative(s) before the work is performed. Accrued compensatory time must be used within one month of accrual. Upon approval of the Administrator, compensatory time can be carried beyond the month when use of the time is not possible within the month. An employee cannot carry more than 40 hours of compensatory time.

Exempt employees may earn compensatory time on an hour for hour basis and such time must be used within one month of accrual. It is understood that the earning of compensatory time does not affect or change the employee's status with regard to the Federal Fair Labor Standards Act. Accumulated compensatory time for exempt employees will not be paid out under any circumstance.

Compensatory time will only accrue when authorized by the employee's supervisor.

Subdivision 4. Pay Days. Employees shall be paid biweekly on alternate Fridays. In the event that either day falls on a holiday, paychecks will be distributed on the day preceding the holiday.

Subdivision 5. Attendance at City Meetings. Non-exempt employees required by the City Administrator or City Council to attend City meetings at a time when they are not otherwise scheduled to work will be paid their regular hourly wage for each hour spent at the meeting. The employee may select to accrue compensatory time for attending meetings at the request of the Administrator or Council. City time spent by employees at City Council meetings that is not at the City Council's request will not be compensated.

Subdivision 6. Call Back. An employee called in for work at a time other than the employees normal scheduled shift will be compensated for a minimum of two (2) hour's compensation at the overtime rate if the total hours worked during the day exceeds (8) eight hours or the hours during the week exceeds (40) forty hours.

SECTION 11. PERFORMANCE EVALUATION.

A performance evaluation will be completed annually for each regular full-time and regular part-time employee. The evaluation will include a review of the employee's principal responsibilities, an

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appraisal of the employee's job performance, a discussion of problem areas, if any, and a plan of action to set objectives for performance and to assist in alleviating any problem areas.

SECTION 12. DISCIPLINARY ACTION.

Employees may be subject to disciplinary action for failing to fulfill their duties and responsibilities as City employees. Discipline could consist of an oral reprimand, a written reprimand, suspension, demotion or involuntary termination depending on the circumstances and severity of the situation.

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SECTION 13. GRIEVANCES.

Subdivision 1. General. An employee who believes he or she has a grievance about an employment-related issue may submit the grievance to the City. The decision to invoke the grievance procedure is voluntary. It is up to the employee to initiate the procedure.

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Subdivision 2. Procedure. If an employee chooses to submit a grievance to the City, the following procedure should be used:

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a. **Oral report.** The employee should discuss the grievance with his or her supervisor or the designated personnel representative within five (5) working days of the incident.

b. **Written report.** If the employee is not satisfied with the results of the oral report, he or she may submit a written summary of the grievance to the designated personnel representative. The written report should be submitted within five (5) working days of the employee's receipt of the response to his or her oral report and should include the date the employee made the oral report. A written response to the employee's written report will be issued as soon as possible.

c. **Hearing.** If the grievance is not resolved by oral or written report, the employee has five (5) working days from the date he or she received the written response to the written report to request a hearing. To request a hearing, the employee must submit a written summary of the grievance, including the dates of the oral and written reports, to the City Council. A hearing will then be scheduled on a mutually convenient date.

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d. **Decision.** The employee will receive the City Council's decision in writing as soon as possible after the hearing. The City Council's decision will be final.

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SECTION 14. TERMINATION OF EMPLOYMENT.

Subdivision 1. Resignation. Any employee who voluntarily leaves City employment must give at least fourteen (14) days written notice of resignation. Upon leaving City employment, an employee in good standing will be compensated for all accrued vacation and compensatory time. An employee is in good standing if he or she gives adequate written notice of resignation and is not under suspension or notice of involuntary termination at the time notice is given.

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Failure to give adequate written notice may be considered cause for denying the employee future City employment and termination benefits. Unauthorized absences from work for a period of three (3) or more working days may be considered a resignation without notice.

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Subdivision 2. Involuntary Termination. An employee may be involuntarily terminated for any reason not prohibited by law or for just cause at the will of the City Council. The City Council, at its discretion, may give the employee fourteen (14) days written notice of termination or the financial equivalent thereof.

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Subdivision 3. Lay-offs. The City Council may lay off any employee whenever such action becomes necessary in the City Council's judgment, including shortage of work funds, the abolition of a position, or changes in organization; provided, however, that fourteen (14) days written notice be given if practicable. No regular or probationary employee shall be laid off while there is a temporary employee serving in the same class of position or for which the regular or probationary employee is qualified, eligible and available. Any regular employee, upon receiving a lay-off notice, may request to be reduced to a lower paid position within the same department if

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the lower paid position is vacant and the employee held the position previously. The request to be reduced must be submitted in writing within seven (7) calendar days of receipt of the notification of lay-off.

SECTION 15. TRAVEL AND RELATED EXPENSES.

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Subdivision 1. Travel Employees City are reimbursed for travel expenses when traveling on City business. Acceptable and related expenses are listed below.

1. **Transportation.** Employees who travel to in-state training, meetings or conferences are reimbursed actual miles traveled at the federal IRS mileage rate when using their own vehicle. Employees traveling to training meetings or conferences out of state are to seek the lowest direct cost to the destination. If out of state, the employee will be reimbursed for rental car, shuttle or taxi fare to and from the airport.
2. **Meals.** Employees who attend meetings, training or conferences away from their normal work area and are required to purchase a meal while at the session, shall be reimbursed actual expenses for meals on the following schedule not to exceed a daily amount of \$36.00:

- a) Breakfast \$6.00
- b) Lunch \$10.00

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c) Dinner \$20.00

The reimbursement includes a 20% gratuity and does not include alcoholic beverages.

3. Telephone Calls. An employee on an overnight stay will be reimbursed for telephone calls made to family and/or work.
4. Travel with a domestic partner or family. An employee can take his/her domestic partner and/or family on a business trip and can extend the time of the trip using accrued vacation. The City will only reimburse expenses actually incurred by the employee. The employee must pay the difference, if any, in the cost of the lodging.
5. Requesting Reimbursement. The employee must submit an expense claim form for all the expenses incurred while on the trip. The expense claim form must include actual receipts for purchases or, if payment by credit card, a copy of the monthly statement with the expenses highlighted. The completed expense reimbursement form and receipts are turned in to the City Administrator for verification and authorization of expense reimbursement.

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SECTION 16. TECHNOLOGY AND COMMUNICATIONS.

Subdivision 1. Purpose. The City Council understands technology advances at a considerable rate and there are new ways to communicate with staff, citizens and others as well as new, more efficient ways for staff to accomplish tasks and provide services to the citizens. Such tools include e-mail, Internet, fax, computers (both desktop and portable), telephones, mail, cellular telephones, etc.

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It is the desire of the Council to support and encourages the use of advanced technology by staff to enhance service delivery and access to information that assists staff in completing their tasks. The Council also understands that some personal use of these tools by staff is necessary, but all personal use is to be kept as brief as possible and not be disruptive during work time.

Subdivision 2. Computer Use. The City of Lauderdale contracts for computer services, e-mail, Internet and support through the Metro I-Net, a multi-jurisdictional network consisting of cities, school districts and the North Suburban Cable Commission. The network is administered and hosted by the City of Roseville.

The City provides each employee a computer complete with software programs including word processing, spreadsheet, data base, financial, e-mail, internet access, etc. Employees are to use the computer and related software to further the objectives and mission of the City of Lauderdale. Personal data and information should be kept to a minimum, and if stored on the system, should be in a folder labeled "personal".

1. E-mail. E-mail is a service provided to staff to enhance the communication and collection of information from others in an efficient and rapid manner. Employees may send and receive personal e-mail using their business address as long as the messages do not become disruptive and they are not sexually oriented, offensive or inappropriate. An example of such e-mail are the chain e-mails, jokes of an off color

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nature, etc. To protect the integrity of the I-Net network, employees are to use reasonable judgment in providing their business e-mail address when utilizing Internet related services.

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2. Internet. The Internet is an extremely useful tool for research and information gathering. Further, more businesses and agencies the City does business with are requiring the City to conduct business over the Internet. However, the Council is also aware there are several potential problems that can arise from staff use of the Internet such as staff using the Internet to collect and view materials that are generally considered offensive and inappropriate in the work place, staff downloading materials and documents that may contain a virus, etc. Staff may use the Internet connection for personal activities as long as it is not disruptive to their work, disruptive to the office environment and is not used to view, download, or otherwise access adult oriented or illegal material.

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Subdivision 3. Telephones. The City of Lauderdale contracts for telephone service through the City of Roseville and is part of a multi-city network on the same telephone system. Staff may make and receive personal calls on their telephone, but all calls of a personal nature are to be kept as brief as possible and are not to become disruptive to the office or the employee and are not to be so frequent as to inhibit the employee from executing their duties and responsibilities.

Employees who make long distance calls will reimburse the City for the cost of the call.

Subdivision 4. Facsimile. The City utilizes a fax machine to send and receive documents to other jurisdictions and vendors. Employees may send personal faxes during non work hours only. Employees can receive personal faxes and there will not be a charge assessed.

Subdivision 5. Copier. Staff may use the copier for reproductions of personal documents as long as it is done during non work hours.

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Deleted: Subdivision 2. Vehicle expenses. Employees authorized to use their personal vehicles on City

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SECTION 17. MISCELLANEOUS POLICIES.

Subdivision 1. Political Activity. City employees are specifically prohibited from engaging in the political activities listed below:

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- a. Campaigning for a candidate or issue during working hours or while on City business.
- b. Attempting to influence a campaign by specifically alluding to the employee's position with the City.
- c. Participating in a campaign where such participation could cause a conflict of interest with the employee's job duties.

Deleted: No City employee may hold any other office or employment in city, county, state or federal government, or any division thereof, or in the private sector, where the office or employment interferes with the impartial discharge of duties or where it results in giving the employee legislative or elective authority over the City officials or City affairs.¶

Subdivision 2. Employee Records. Employees must inform the City of any change in their current address, telephone number or emergency contact information as soon as possible after the change becomes effective.

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Subdivision 3. Gratuities. City employees and officials may not accept gratuities or presents of any kind from contractors, City residents, or anyone who has business contacts with the City. If a gratuity or present arrives by means other than personal delivery, the item should be turned over to the City Council.

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Employees may use City property only for work-related purposes.

SECTION 18. CRIMINAL HISTORY BACKGROUND CHECK.

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The Police Department is authorized to conduct a criminal history background investigation on applicants for positions with the City as provided by this section. This section applies only to applicants who are finalists for paid or volunteer positions with the City, where the City Administrator has determined that conviction of a crime may relate directly to the position sought. The Police Department may not perform a background investigation unless the applicant consents in writing to the investigation and to the release of the investigation information to the City Administrator or other City Staff as may be appropriate. An applicant's failure to provide consent may disqualify the applicant for the position sought. If the City Administrator rejects the applicant's application due solely or in part to the applicant's prior conviction of a crime, subject to the exception set forth in Minnesota Statutes, section 364, the City Administrator must notify the applicant in writing of the following:

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- a) The grounds and reasons for the rejection;
- b) The applicable complaint and grievance procedure set forth in Minnesota Statutes Section 364;
- c) The earliest date the applicant may reapply for employment; and
- d) That all competent evidence of rehabilitation will be considered upon reapplication.

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SECTION 19. SEXUAL HARASSMENT POLICY.

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Subdivision 1. Applicability. This sexual harassment policy applies to all officials and employees of the City of Lauderdale, including regular full-time and regular part-time employees, elected and appointed officials, temporary, seasonal and non-regular employees, employees covered or exempted from personnel rules or regulations, and independent contractors and consultants.

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Subdivision 2. General. Sexual harassment is a form of sex discrimination prohibited by state and federal law. Employees have the right to a workplace free of sexual harassment.

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The City will not tolerate sexual harassment of its employees by anyone -supervisors, other employees, officials or citizens. Persons harassing others will be promptly and firmly disciplined. All personnel must become familiar with this policy and comply with it.

Subdivision 3. Definition. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or communication of a sexual nature when:

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- a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment or public service;
- b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions such as promotion, assignment, demotion, discipline, or discharge;
- c. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Subdivision 4. Examples. Behavior that could be considered sexual harassment may include:

- a. Verbal harassment (e.g., sexually-oriented comments, sexually-oriented innuendoes or sexually-oriented derogatory remarks);
- b. Physical harassment (e.g., unwelcome touching, gestures, assault, impeding one's movement or other physical contact that an employee finds offensive);
- c. Visual forms of harassment (e.g., sexually derogatory posters, letters, poems, graffiti, cartoons, use of the Internet or drawings); or
- d. Requests for sexual favors or unwelcome sexual advances.

Subdivision 5. Reporting Procedure. Employees who believe they have experienced sexual harassment or who know of conduct they believe might constitute sexual harassment toward an employee, are required to report it to their supervisor, the designated personnel representative(s), the Mayor, or the City Attorney. The City official who receives the report should inform the designated personnel representative(s), the Mayor or the City Attorney in confidence as soon as possible. If any City employee, official, or the City Attorney directly receives an oral or written complaint from an alleged victim of sexual harassment, he or she must immediately forward the complaint to the designated personnel representative(s), the Mayor or the City Attorney, or direct the alleged victim to report the incident. Failure to forward a report of alleged sexual harassment to

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the appropriate person(s) could result in disciplinary action against the person(s) who neglected to make the report.

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Subdivision 6. Investigation and Recommendation. Upon receiving any report alleging sexual harassment, the designated personnel representative or other appropriate official will conduct an investigation. To the extent possible, the allegations and investigation will be kept confidential. An alleged victim may have a staff person of the same gender present during all contacts with the designated personnel representative. The alleged victim and any witnesses may be asked to put their reports in writing.

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If the facts are found to support the allegations, the harasser will be subject to disciplinary action up to and possibly including immediate termination depending on the circumstances and severity of the harassment. The designated personnel representative may report on the investigation and its results to the City Council. The City will keep a complete record of the nature of the complaint, its investigation and its resolution.

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Pending completion of the investigation, the designated personnel representative may take any appropriate action necessary to protect the alleged victim, other employees, or citizens.

Anyone who makes a false complaint of sexual harassment or anyone who gives false information during a sexual harassment investigation could also be subject to disciplinary action up to and possibly including immediate termination.

The City may also discipline any individual who retaliates against a person who testifies, assists or participates in any manner in a sexual harassment investigation. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

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SECTION 20. EFFECTIVE DATE.

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The effective date of these personnel policies is May 9, 2006. These personnel policies supersede all prior City personnel policies between the City and its employees. With respect to employees whose positions are included in a collective bargaining unit, provisions of the applicable collective bargaining agreements negotiated pursuant to the Public Employment Labor Relations Act (MS 179A.01-179A.25), supersede these rules and regulations on any subject area covered by both the collective bargaining agreement and these rules and regulations.

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City Council will also be given a report by the employee's supervisor or other designated person regarding whether the employee's performance has been satisfactory and whether the employee should be retained in the appointed position. At the end of the probationary period, the CityCity Council will designate the employee for regular employment or discharge the employee. The CityCity Council may also extend the probationary period at its discretion. The CityCity

Council's decision is final and will be provided to the employee in writing.

**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

Announcement _____
Consent X
Public Hearing _____
Discussion _____
Action X
Resolution _____
Work session _____

MEETING DATE May 9, 2006

ITEM NUMBER Set Date for Day in the Park

STAFF INITIAL JB

APPROVED BY ADMINISTRATOR



DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Day in the Park will not be on July 15th as appeared in a recent Friday Report. The Park & Community Involvement Committee had originally decided on that day, but has since changed their minds due to the schedules of some involved.

The committee has picked two dates that work for them and are asking the council to discuss it and decide which day they would like to hold the event. The two dates are Saturday, July 29th and Saturday, August 19th. A large group has the park reserved for July 29th, so that date would be a problem. Here are the dates for other events in the area:

Minneapolis Aquatennial Fri July 14 to Mon July 23

Falcon Hts Ice Cream Social Thurs July 27 6-8 pm (Their website says: Come out and beat the heat with some cold treats, fun games, activities and music!

Slice of Shoreview Sat July 29

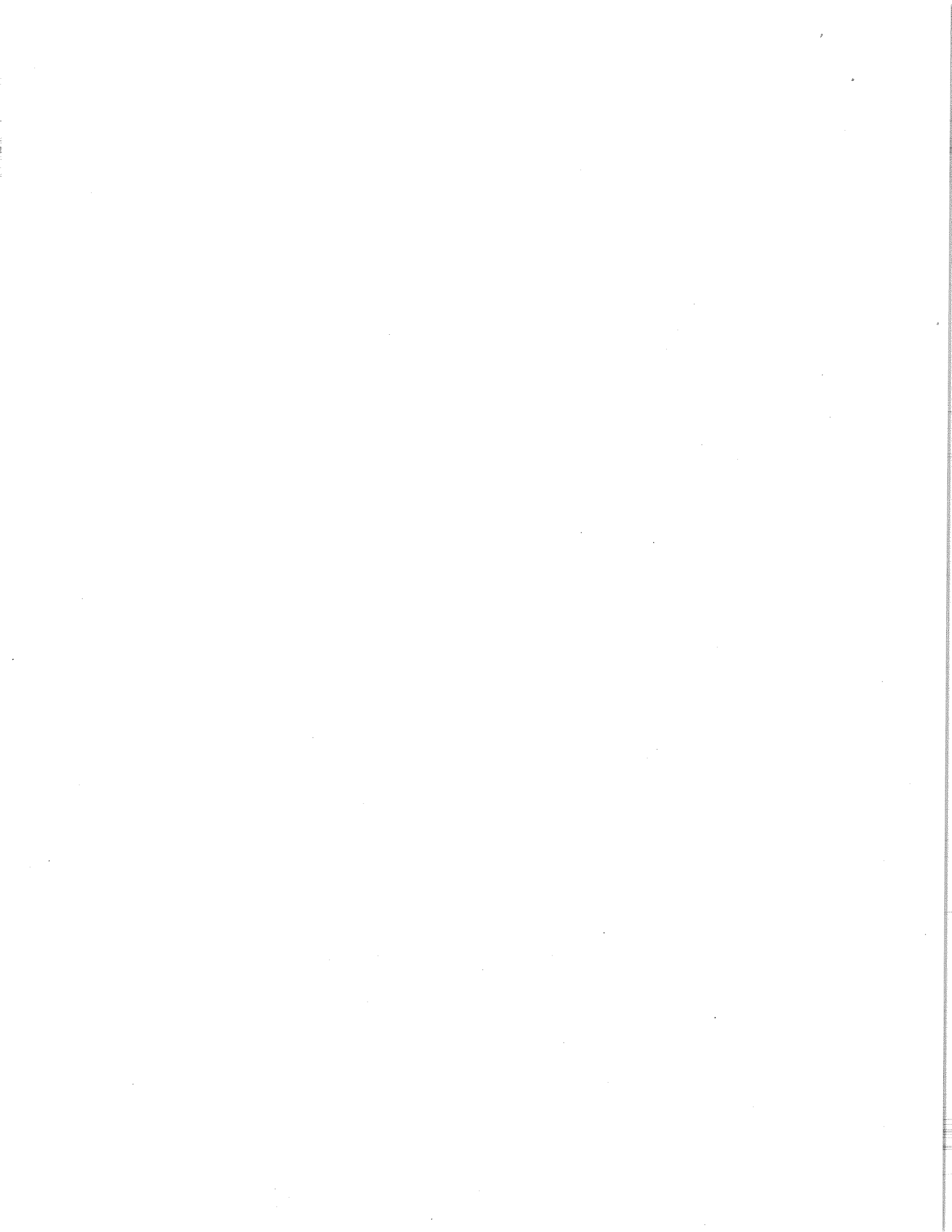
State Fair Thurs Aug 24 to Labor Day Mon Sep 4.

Thus, the August 19 date would not conflict with these other events.

OPTIONS:

STAFF RECOMMENDATION: Set the date for the 2006 Day in the Park event for Saturday, August 19th. If this date works well this year, consider always having Day in the Park on the third Saturday in August. This will save a lot of time and energy in deciding on a date every year, and may improve attendance because residents will always know when it will be.

COUNCIL ACTION:



CHAPTER 3

RENTAL HOUSING LICENSE PROVISIONS

SECTION

- 9-3-1 APPLICABILITY; SCOPE
- 9-3-2 DEFINITIONS
- 9-3-3 ENFORCEMENT OFFICER
- 9-3-4 RESPONSIBILITY OF OWNER (LANDLORD)
- 9-3-5 RESPONSIBILITY OF OCCUPANT (RENTER)
- 9-3-6 GENERAL PROVISIONS
- 9-3-7-1 TIER ONE LICENSE
- 9-3-7-2 CONDITIONS OF TIER ONE LICENSE
- 9-3-7-3 TIER TWO LICENSE
- 9-3-7-4 CONDITIONS OF TIER TWO LICENSE
- 9-3-7-5 CONDUCT ON LICENSED PREMISIS
- 9-3-7-6 MINIMUM RENTAL DWELING UNIT STANDARDS
- 9-3-7-7 TIER TWO LICENSE INSPECTIONS
- 9-3-8 COMPLIANCE ORDER
- 9-3-9 MISDEMEANOR
- 9-3-10 LICENSE SANCTIONS HEARING

9-3-1 APPLICABILITY; SCOPE

Every portion of a building or premises used or intended to be used for residential rental purposes shall comply with the provisions of this Chapter and the requirements contained in the International Property Maintenance Code, which is adopted by reference in its entirety, regardless of when the rental building or unit was constructed, altered or repaired. The requirements of this Chapter are also applicable to any accessory structures located on the rental property such as garages and storage buildings and appurtenances such as sidewalks and retaining walls on the property. This Chapter shall not be applicable to on-campus college or university housing units, Minnesota Department of Health licensed rest homes, convalescent care facilities, licensed group homes, nursing homes, hotels, motels or where the homeowner resides in the home with a roommate whether or not rent is paid by the other occupant.

9-3-2 DEFINITIONS

9-3-3 ENFORCEMENT OFFICER

The City Building Official or other designated agent authorized by the City Council is hereby authorized and directed to enforce all provisions of this Chapter, subject to review by the City Council. For such purposes, he or she shall have the powers of a law enforcement officer.

9-3-4 RESPONSIBILITY OF OWNER (LANDLORD)

A. Every owner of a rental dwelling unit shall remain responsible for violations of duties and obligations imposed by this Chapter even if the duty or obligation is also imposed on the occupant(s) of the rental dwelling unit, or even if the owner, by agreement, has imposed on the occupant(s) the duty of making sure that the rental dwelling unit complies with the requirements of this Chapter, applicable provisions of the City Code and/or the International Property Maintenance Code.

B. Every owner of a rental dwelling unit shall be responsible for keeping that part of the building or premises which he or she occupies or controls in a clean, sanitary and safe condition in conformance with this Chapter, applicable provisions of the City Code and the International Property Maintenance Code, including any shared or common areas in a multiple family dwelling.

C. Access By Owner: Every occupant of a rental dwelling unit shall give the owner or resident agent access to all parts of a rental dwelling unit and premises, at reasonable times for the purpose of effecting inspections and maintenance, and making repairs or alterations as are necessary to comply with the provisions of this Chapter, City Code and the International Property Maintenance Code.

D. The owner or resident agent shall ensure the rental dwelling unit possesses the appropriate license pursuant to this Chapter and all license fees are paid to the City before the rental dwelling unit is rented.

RESPONSIBILITY OF OCCUPANT (RENTER)

A. Cleanliness: Every occupant of a rental dwelling unit shall keep in a clean and sanitary condition pursuant to the standards set forth in the International Property Maintenance Code and the City Code that part of the unit and building which he or she occupies, controls or uses.

B. Disposal of Rubbish: Every occupant of a rental dwelling unit shall store and dispose of all his or her rubbish, garbage and waste in a clean, sanitary and safe manner.

C. Plumbing Fixtures:

1. Furnished Fixtures: Every occupant of a rental dwelling unit shall keep the supplied plumbing fixtures and facilities within the rental dwelling unit in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation and in accordance with this Chapter, City Code and the International Property Maintenance Code.

2. Fixtures Furnished By Occupant: Every plumbing fixture furnished by the occupant for the rental dwelling unit shall be properly installed and shall be maintained in good working condition, shall be clean and sanitary, and free from defects, leaks or obstructions and in accordance with this Chapter, City Code and the International Property Maintenance Code.

D. Noise: Every occupant of a rental dwelling unit shall refrain from, and shall prevent his or her guests from making, excessive noise which disturbs the peace and quiet of other occupants in the building and other persons residing in the neighborhood.

GENERAL LICENSING PROVISIONS

A. License Required: No person shall operate, rent or cause to be rented a rental dwelling unit which has not been properly licensed by the City in the manner required by this Chapter. A tier one license must be obtained by the owner for each rental dwelling unit

except in cases where two or more rental dwelling units are located within a single building, have a common owner and a common property identification number. These multiple rental units shall be allowed to obtain a single license for the building instead of each rental dwelling unit within the building.

- B. License Application: The owner of a rental dwelling unit shall submit an application for a tier one rental license on forms and in the format provided by the City. The owner shall give notice, in writing, to the City within five (5) business days of any changes to the information contained in the license application.
- C. Certification of Type of Dwelling: The owner must provide, as part of the license application, what type of structure is licensed e.g. single family, duplex, triplex, etc.
- D. License Fees: The owner shall be required to pay an annual license fee, the amount of which shall be determined from time to time by the City Council by resolution. The license fee schedule shall be maintained at City Hall. The required fees shall be submitted by the owner along with the application for a new or renewal license. Applications for a renewal license submitted after the license term expiration are subject to a penalty fee, which shall be determined from time to time by the City Council by resolution.
- E. License Period: The license period shall be for one year and run from June 1st to May 31st of the following year except as otherwise provided herein or in cases of suspension or revocation. The license must be renewed annually on or before May 31st of each year.
- F. License Issuance: The City shall issue a tier one rental license for a rental dwelling unit if the application is found to be in compliance with the provisions of this Chapter, no compliance orders have been issued for any of the rental dwelling units on the property, any required license fees are paid and current, the real estate taxes are paid and current and the municipal utilities are paid and current.

- G. Posting of License: The owner shall post a copy of the license in the rental dwelling unit in a conspicuous place. In multiple dwelling units requiring a single license, the license shall be posted in a common area of the building such as a corridor, hallway or lobby. The posted license shall be framed and covered with clear glass or plastic.
- H. Renewal of License: An owner may continue to rent a dwelling unit after the expiration date of the license provided the owner has filed with the City on or before May 31, the appropriate renewal license application and license fee. The issuance of a license under this Chapter shall be considered a privilege and not an absolute right of the owner and shall not entitle the owner to an automatic renewal of the license. Allowing the owner to continue to rent while the renewal license is being processed does not obligate the City to automatically renew the license, especially if the application is not complete or there are compliance issues with the rental dwelling unit.
- I. Transfer of License: All licenses issued pursuant to this Chapter shall be valid only for the rental dwelling unit for which the license was issued. The license of a single-family rental dwelling unit shall not be transferable by the owner to a new owner and must be applied for by the new owner. Owners of multiple family rental dwelling units may transfer the units' license to the new owner upon closure of sale of the property containing the rental dwelling units. Upon closing on the property, the new owner shall submit a transfer of ownership application and related fee to the City. Failure by the new owner to submit the transfer application and fee to the City within thirty days of closing on the property shall result in the commencement of proceedings by the City to revoke the license.
- J. Restrictions on Ownership Transfer: It is unlawful for the owner of any rental dwelling unit(s) with known violations of this Chapter to sell, transfer or lease or otherwise dispose of the rental dwelling unit(s) until the violation has been brought into compliance. The owner may transfer ownership of the rental dwelling unit(s) prior to correcting the violation if he or she furnishes to the buyer a true

copy of any violation notice that has been issued by the City and obtains and possesses a receipt of acknowledgment from the Buyer.

- K. Resident Agent Required: Owners of rental dwelling unit buildings with five (5) or more individual rental units shall appoint a resident agent who shall reside within the rental dwelling to be responsible for the maintenance and upkeep of the rental dwelling units and common areas and to handle licensing issues with the City. Owners of rental dwelling unit buildings containing less than five (5) units who do not reside within the counties of Ramsey, Hennepin, Anoka, Carver, Dakota, Scott, Washington, Wright, Chisago, Isanti or Sherburne shall appoint an agent that resides within one of these counties that shall be the responsible resident agent.

9-3-7-1: TIER ONE LICENSE: A Tier One license shall allow a property owner to list his or her property for rent in the City of Lauderdale.

9-3-7-2: CONDITIONS OF TIER ONE LICENSE: A tier one license holder shall maintain his or her property in a manner consistent with the following:

A. The rental dwelling unit(s) and the premises meet the minimum requirements contained in this Chapter;

B. The rental dwelling unit(s) and the premises conform to all applicable ordinances of the City, including Chapter 5, any applicable state and federal laws and the International Property Maintenance Code;

C. The owner or its resident agent shall keep a current register of occupancy for each rental dwelling unit. Said register of occupancy shall contain, at a minimum, the following information:

1. Address(es) of the rental dwelling unit(s);
2. Number of bedrooms of each rental dwelling unit;
3. Number of rental dwelling units in each building; and

4. Number of adults and children (under 18) currently occupying each rental dwelling unit.

9-3-7-3: TIER TWO LICENSE: A Tier Two license shall be required for any property or owner of rental property where there are violations of Section 9-3-7-4 or 9-3-7-5 of this ordinance.

9-3-7-4: CONDITIONS OF TIER TWO LICENSE: The holder of a Tier Two License shall have all the rights and be subject to all the requirements of a Tier One License in addition to those listed below:

1. The licensed property shall be subject to periodic inspection as provided in Section 9-3-7-6 of this ordinance;
2. The license holder shall pay an additional fee as established by the City Council from time to time; and
3. The City Council may consider denying additional licenses to the property owner or revoking current licenses.

9-3-7-5: CONDUCT ON LICENSED PREMISES

A. It shall be the responsibility of the owner or its resident agent to take appropriate action following conduct by occupant(s) or guests of the occupant(s), which is in violation of any of the following statutes or ordinances. This section applies to all levels of licenses. The following list is not exhaustive or exclusive:

1. Violation of Minnesota Statute Sections 609.755 through 609.76 as may be amended from time to time, relating to gambling;
2. Violation of Minnesota Statute Section 609.321 as may be amended from time to time, which prohibit prostitution and acts related thereto;
3. Violation of Minnesota Statute Sections 152.01 through 152.027 as may be amended from time to time, which prohibit unlawful sale or possession of controlled substances;

4. Violation of Minnesota Statute Sections 340A.401 and 340A.503 as may be amended from time to time, which regulates the unlawful commercial sale and underage consumption of alcoholic beverages;
5. Violation of Minnesota Statute Section 609.33 as may be amended from time to time, which prohibits owning, leasing, operating, managing, maintaining or conducting a disorderly house, or inviting or attempting to invite others to visit or remain in a disorderly house;
6. Violation of Minnesota Statute Sections 97B.021, 97B.045, 609.66 through 609.67, 624.712 through 624.716, 624.719, 624.731 through 624.732 and 624.734 as may be amended from time to time, which prohibit the unlawful possession, transportation, sale or use of weapons;
7. Violation of Minnesota Statute Section 609.72 as may be amended from time to time, which prohibits disorderly conduct;
8. Violation of City Code, Chapter 5-7 relating to recreational fires;
9. Violation of City Code Chapter 5-8 relating to clandestine drug labs;
10. Violation of City Code Chapter 4-1 relating to nuisances; or
11. The licensed rental dwelling unit receives 3 or more police calls for service in which each result in a citation or arrest within a twelve month period. Calls will not be counted in instances where the victim and suspect are "family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes Section 518B, subdivision 2 (b) and where there is a report of "domestic abuse" as defined in the Domestic Abuse Act, Minnesota Statute Section 518B.01, subdivision 2(a).

B. The City of Lauderdale's contracted law enforcement agency is charged with authority and responsibility for the enforcement of this Section.

1. Upon determination by a law enforcement official that a rental dwelling unit is in violation of any one or more of the provisions set forth in Section A above, the law enforcement official shall immediately notify the City. Upon notification by the law enforcement official, the City shall send the owner and the resident agent notification of the violation and direct them to take steps to prevent further violations. The City shall also send a copy of the notice to the occupant of the rental dwelling unit that is in violation.

2. Upon a second, third or subsequent violation of Section A by occupants or guests of the same rental dwelling unit within a twelve (12) month period of the first violation, the law enforcement official shall immediately notify the City. Upon notification by law enforcement, the City shall send the owner and the resident agent of the rental dwelling unit a notice that shall require the owner or resident agent of the rental dwelling unit to submit to the City a written report of the action taken to prevent any further violations by the occupants and/or their guests. The written report shall also detail all actions taken by the owner and resident agent in response to the previous notice. The written report shall be submitted by the owner or resident agent to the City within five (5) business days of the date of the notice. If the owner or resident agent fails to comply with the requirements of this Section, the license for the rental dwelling unit(s) may be denied, suspended, revoked or not renewed. If the City decides that it will be denying, suspending, revoking or not renewing a license pursuant to this Section, the City shall send a notice of the action to the owner and resident agent of the dwelling unit. The proposed action by the City shall be heard by the City Council pursuant to the procedure set forth in Section 9-3-13 of this Chapter.

3. No adverse license action described above shall be imposed by the City if the violation(s) of Section A occurred during eviction proceedings of the occupants or within thirty (30) days of notice

given by the owner or resident agent to an occupant to vacate the premises. The owner or resident agent shall provide proof of the eviction proceedings or notice to vacate to the City upon request. Eviction proceedings must be diligently pursued by the owner or resident agent in order to prevent any adverse license action by the City and shall not be a bar to any adverse license action by the City. Further, the City's action to deny, revoke, suspend or not renew a license based upon violations of Section A may be postponed or discontinued at any time if it appears that the owner or resident agent has taken appropriate measures that will prevent further violations to Section A.

- C. A Tier One licensed rental dwelling unit shall immediately move to a Tier Two license and be subject to all requirements of a Tier Two license.
- D. A Tier Two licensed rental dwelling unit shall be considered for further sanctions including revocation of license.

9-3-7-6: MINIMUM RENTAL DWELLING UNIT STANDARDS: Every rental dwelling unit to be rented in the City must, prior to issuance of a license by the City, be in compliance with applicable provisions of the City Code and the International Housing Maintenance Code incorporated herein by reference.

9-3-7 TIER TWO INSPECTIONS:

- A. All Tier Two licensed rental dwelling units shall be inspected by the City prior to the issuance of the license.
- B. The City will contact the owner, agent or resident manager to schedule the inspection. The inspection will be done to evaluate compliance with the International Property Maintenance Code, Building Codes and applicable city ordinances. The owner, agent or resident manager will be provided with a complete inspection report outlining areas of noncompliance. The owner of the structure will be given a specified period of time to correct the deficiencies before a license is issued.

- C. Occupant initiated inspection: An occupant who believes that his or her rental dwelling unit is not in compliance with the provisions of this Chapter, City Code or the International Housing Maintenance Code may provide written notice to the owner or resident agent of the rental dwelling unit specifying the alleged deficiency. If the owner or resident agent does not take action to correct the alleged problem, the occupant may contact the City and request an inspection of the rental dwelling unit by the City Building Official upon showing proof that the owner or resident agent had been properly notified and has been given a reasonable time in which to correct deficiencies.

- D. Cost of Inspection: The cost of the occupant initiated inspection will be paid by the owner if the City's inspection reveals actual deficiencies as described by the occupant. If the inspection reveals no deficiencies and/or the complaint was made by the occupant in bad faith, the City may assess the cost of the inspection to the occupant.

9-3-8 COMPLIANCE ORDER:

- A. Whenever the City's Building Official determines that any rental dwelling unit or the premises surrounding it fails to meet the provisions of this Chapter, other applicable City Code provisions or the International Property Maintenance Code, he or she may issue a compliance order setting forth the specific violations and ordering the owner to correct such violations.

- B. The compliance order shall:
 - 1. Be in writing;
 - 2. Describe the location and nature of the violations;
 - 3. Set forth a reasonable time for the correction of the violations by the owner or resident agent; and
 - 4. Be served upon the owner and resident agent either personally or by certified mail. A copy of the compliance order shall also be provided to the occupants of the rental dwelling unit.

- C. If the violations are not remedied by the owner or resident agent within the specified time given in the compliance order, the license for the rental dwelling unit may be denied, suspended, revoked, or not renewed by the City. If the City decides that it will be denying, suspending, revoking or not renewing a license pursuant to this Section, the City shall send a notice of the proposed action to the owner and resident agent of the dwelling unit. The proposed action by the City shall be heard by the City Council pursuant to the procedure set forth in Section 9-3-13 of this Chapter.
- D. Appeal: When it is alleged by the owner or resident agent that the compliance order is based upon the erroneous interpretation of this Chapter, other applicable City Code provisions or the International Property Maintenance Code, the owner or resident agent may appeal the compliance order to the City Council. Such appeal shall be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee, as set forth by resolution of the City Council, from time to time, and must be filed with the City within five (5) business days after service of the compliance order. The appeal shall be heard by the City Council pursuant to the procedure set forth in Section 9-3-13 of this Chapter. The filing of the appeal shall stay all proceedings in furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health or property.

9-3-9 MISDEMEANOR:

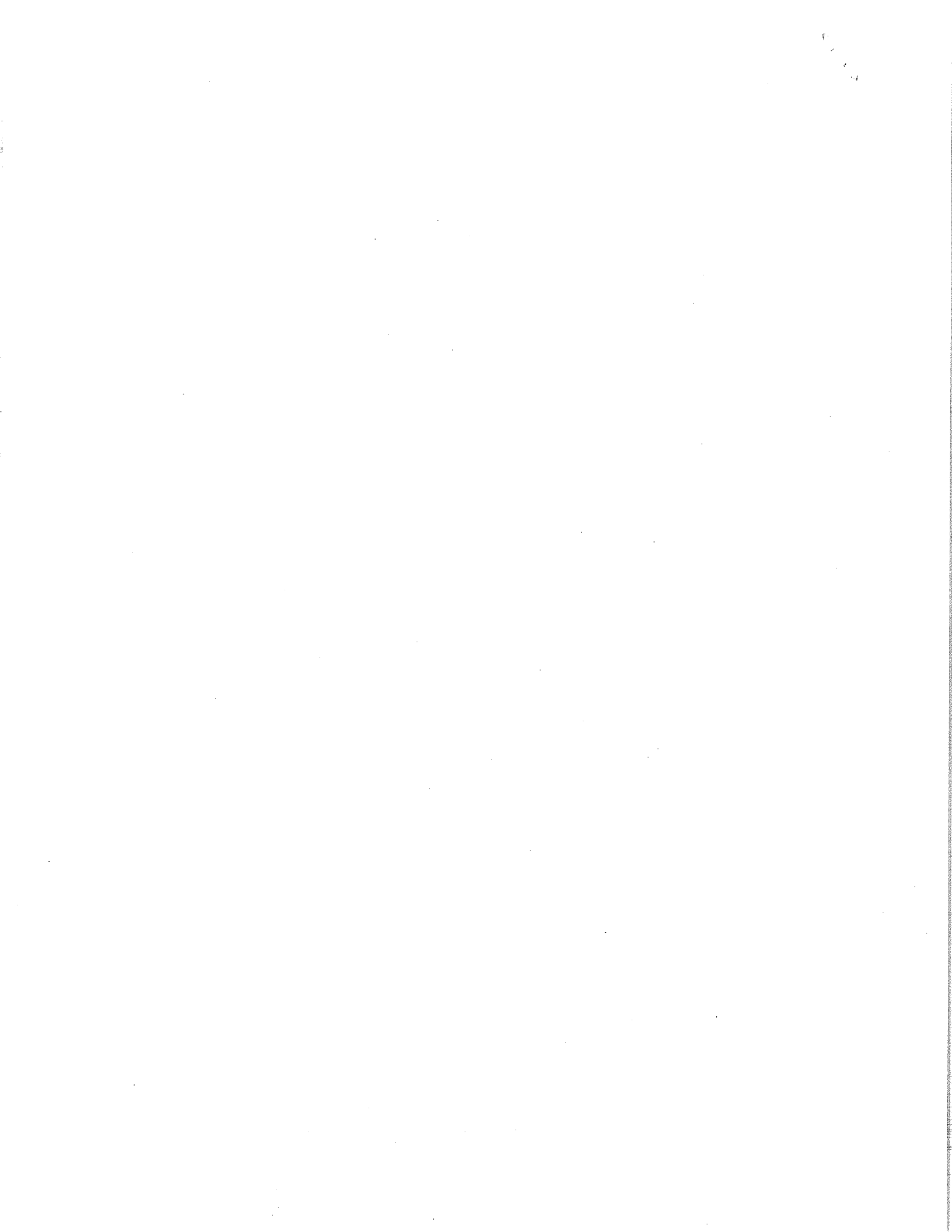
Failure by an owner to comply with a compliance order after the right of appeal has expired or violation of any of the provisions of this Chapter shall constitute a misdemeanor. Each day that a violation continues shall be deemed a separate punishable offense.

9-3-10 HEARING.

- A. If the City makes a determination that it will be denying, suspending, revoking or not renewing a license pursuant to Sections 9-3-6-3 (B) or 9-3-

9(C) of this Chapter, or if the owner or resident agent is appealing the compliance order pursuant to Section 9-3-9 (D) of this Chapter, the City Council shall conduct a hearing on the matter. The hearing shall be scheduled at the next regular City Council meeting following the date of the notice or receipt of the owner's notice of appeal of a compliance order.

- B. At the hearing, the City Council shall hear all relevant evidence and arguments and shall review all testimony, documents and other evidence submitted. The owner or resident agent shall have the opportunity to address the City Council at the hearing.
- C. After the hearing is concluded, the City Council shall make findings on whether to uphold the compliance order or to revoke, suspend, deny or not renew the license. The City Council shall issue a written decision within thirty (30) days following the date of the hearing and shall send a copy of its decision to the owner and resident agent by mail. The decision shall specify the rental dwelling unit or units to which it applies.
- D. If a license is revoked, suspended, denied or not renewed by the City Council, it shall be unlawful for the owner or the resident agent to thereafter permit the occupancy of rental dwelling unit. A notice of the action shall be posted by the Building Official on the unit in order to prevent any further occupancy. No person shall reside in, occupy or cause to be occupied that rental dwelling unit until a license is obtained or reinstated by the owner.



Memo

To: City Council
From: Brian B. Heck, City Administrator
Date: May 5, 2006
Re: Nuisance Property

The City is continuing to receive complaints and concerns from residents on the appearance of some houses in the community. These concerns are not related to debris, junk, weeds, vehicles in the yard or other nuisance type things. The complaints are related to the physical state of the structure: missing screens, peeling paint, damaged siding, etc. While the rental ordinance may address some of these concerns, it is not only rental property we are receiving complaints about. We are receiving complaints on non-rental houses:

Any provisions placed in a rental licensing ordinance will not remedy non-rental property. The question for the council to contemplate is what if anything, the city should do to compel or force a home owner to make exterior improvements and/or conduct maintenance on their home.

