

***MINUTES OF THE LAUDERDALE CITY COUNCIL
TUESDAY, NOVEMBER 28, 2006
7:30 p.m. Lauderdale City Hall, 1891 Walnut Street***

Mayor Dains called the meeting to order at 7:35 p.m. and asked City Administrator Heck to call the roll. Council members present: Karen Gill-Gerbig, Denise Hawkinson, Karen Doherty, Clay Christensen and Mayor Jeff Dains.

Also present for the meeting: Assistant to the City Administrator, Jim Bownik and Heather Butkowski, Deputy City Clerk.

Mayor Dains asked if there were additions or deletions to the agenda. Mayor Dains requested adding administrator update and rink attendants to the work session and moving the discussion item on 1931 Carl Street to the work session.

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

Mayor Dains asked if there were any comments or changes to the council meeting minutes of November 14, 2006. There were none.

Council member Doherty moved and council member Gill-Gerbig seconded approval of the November 14, 2006 meeting minutes. The motion carried.

Mayor Dains asked if there were any questions on the claims. Council member Hawkinson asked about the payment to 1922 Malvern Street. Butkowski said the report only listed the address, but the payment is to Michelle Krug (for reimbursement of Halloween expenses).

Council member Hawkinson moved approval of the claims in the amount of \$35,994.11 Council member Gill-Gerbig seconded the motion and it carried.

The mayor stated this was the time established for members of the public to address the council with issues not present on the agenda.

Jeff Hermes, owner of 1737 Eustis Street, addressed the council regarding his application for a rental license. He stated he completed all the work necessary for the license except for removal and restoration of the graveled area around the new paved parking area. Heck suggested the council grant a conditional tier one license for the property. Heck stated the condition is the restoration of the area around the parking area with grass. Heck further stated similar extensions were provided for non-health and safety related issues.

Council member Gill-Gerbig moved to provide Mr. Hermes with a conditional tier one rental license and that the gravel area around the parking area (sides and front)

is removed and restored with grass. The work shall be completed by June 1, 2007. Council member Hawkinson seconded the motion and it carried.

The mayor asked if the Council wished to remove items from the agenda. Council member Christensen requested removal of item 5C, parking on Eustis between Larpenteur and Como.

Council member Gill-Gerbig moved approval of the consent agenda approving tier one rental housing licenses and the 2007 Investment Policy. Motion seconded by council member Hawkinson and carried.

Jim Bownik, Assistant to the Administrator, provided background on the variance request for 1936 Malvern Street. Bownik stated the applicant is constructing a car port and placed the posts on the property line. The zoning ordinance requires a side yard set back of 5' from the property line. The variance request provides for a 0' set back.

The Mayor opened the public hearing at 7:55 p.m.

Council Member Christensen requested a letter from one of the neighbors be read into the record. Christensen read the letter from Mr. and Ms. Peek of 1938 Malvern in favor of the council granting the variance.

There being no others present to address the council regarding the issue, the Mayor closed the public hearing at 7:56 p.m.

Council member Gill-Gerbig stated she needs to look at the issue as if things were done in the proper order, meaning the variance was applied for before the construction began. She said she has a problem with the request. She is concerned about run-off from the roof of the carport onto the neighbors' yard and possible flooding issues.

Council member Christensen spoke on behalf of the applicant. He stated the sequence of events leading up to tonight's request. He said the applicant asked the building inspector a question about a detached deck and the need for a permit. He said the building inspector told him that as long as the deck is not attached to the house, no permit is required. Based on that information, he didn't feel a permit or a variance was needed because the carport is not attached to the house. Christensen further stated the carport is engineered with a gutter system to channel the rain water down the applicant's driveway and not into the neighbors' yard.

Council member Hawkinson moved approval of the variance for 1936 Malvern allowing for a 0' side yard set back. Council member Doherty seconded the motion and it carried with council member Hawkinson, Doherty, and Mayor Dains voting yes, council member Gill-Gerbig voting no, and council member Christensen abstaining from the vote.

Bownik presented information on establishing a fee for the use of the Lauderdale Community Park.

Mayor Dains stated any fee charged for use of the park shelter cover staff time to prepare and clean the shelter and area, it is not for generating profit.

Gill-Gerbig suggested the hiring of a part-time park attendant to maintain the park including collection of trash and preparing the shelter for use by those who reserve the shelter.

After more discussion, council member Christensen suggested staff look at the issue and bring back costs for staff to clean up the park after an event/group. He also requested the staff consider other possibilities such as a deposit.

Butkowski provided the council with a brief outline of a program the City of Minneapolis is involved in that promotes planning for and constructing alternative transit ways which allow residents to get to work or school by walking or biking. She said a meeting is scheduled at city hall for Thursday, November 30, at 1:30 p.m. and invited members of the Council to attend.

Bownik presented information on the annual Snow*Commotion event. Bownik said the past few years have seen lower than expected turnout. Last year it rained and the year before that it was too cold for the horse and buggy. He said that moving the food to city hall with the buggy going back and forth between city hall and the park improved attendance. Bownik said the PCIC discussed whether the event should continue. Bownik also addressed the request volunteers made for a gas grill to cook hot dogs for the Halloween event. He suggested the city request the Lions purchase a gas grill for the city to borrow during city events. They could also then use it for their events

Council member Hawkinson said the weather has changed and the event does take a lot of work. She also said the event was started to be a park event and if it continues, the event should move back to the park.

Mayor Dains said he is not opposed to ending the event.

Council member Doherty said the event is a way to bring people, the community, together.

Council member Doherty moved and Gill-Gerbig seconded to hold the Snow*Commotion event on February 10, 2006 and not request a donation from the Lions Club for a gas grill. The motion carried on a roll call vote with all members voting yes.

Bownik presented on the disposition of the old counter top located in the social room. Bownik said he is currently using it to store Halloween event materials.

Following a brief discussion, council member Doherty moved, and council member Hawkinson seconded the removal and disposal of the cabinet. Motion carried on a roll call vote with all members voting yes.

Bownik discussed the parking issue along Eustis south of Larpenteur Avenue. He said the city was approached by the Children's Home Society and Family Services about the parking of vehicles close to the entrance and exit to the parking lots causing hazardous situations. Bownik said the County did a brief assessment and recommended prohibiting parking on Eustis from Larpenteur to the park and ride lot.

Council member Christensen moved and Council member Doherty seconded the motion approving installation of "No Parking" signs along the west side of Eustis Street from Larpenteur Avenue south to the Lauderdale boarder at the Park and Ride lot. Motion carried with members Gill-Gerbig, Doherty, Christensen, and Dains voting yes and council member Hawkinson voting no.

The work session began at 9:00 p.m.

The mayor introduced the issue involving 1931 Carl Street and provided some background. He asked Mr. Skow if he wanted the city to install a retaining wall.

Council member Christensen said the area was designed in the field rather than doing a survey. He said he doesn't care whose property a wall is on, he feels the city should just install a wall.

Mr. Skow stated he will accept a wall on his property but technically, it [the wall] should be placed in the alley right of way. He further stated it is his legal right to lateral support and it is the city's responsibility to provide that support.

Council member Gill-Gerbig said she would not want to put up a retaining wall without first locating the actual property lines based on experience with other property line issues present in the city. She also stated concern about the possibility of other residents coming forward with similar concerns and requesting relief. She asked what the council will do; how will the council respond?

Christensen suggested the city have the alley surveyed.

Hawkinson agreed with Gill-Gerbig, the city needs to know where the property line is and who owns the wall.

Mayor Dains stated the city needs to figure out the options available and will communicate those options to Mr. Skow. He said the council needs more time to deliberate and the first thing to do is obtain a survey. He also said the city needs a legal opinion from the city attorney on the city's responsibility regarding issues of lateral support.

Mr. Skow reiterated his earlier statement that the city is legally responsible to provide him with lateral support and there is no expiration on this requirement.

Council member Gill-Gerbig moved to direct staff to obtain an opinion from the city attorney regarding the issue of lateral support and construction of a wall on public versus private property. Council member Hawkinson seconded the motion and it carried with all members voting yes.

Council member Gill-Gerbig moved the city contract with a registered survey firm to perform a survey of the alley north of Roselawn between Carl and Eustis and the survey be completed as soon as possible. The motion was seconded by council member Hawkinson and carried with all members voting yes.

Bownik discussed the production of the residents guide. Following discussion, the council directed staff to keep the directory and to work on improving the layout and information provided.

Heck presented the 2007 draft budget for review and comment. Council member Doherty identified several concerns, most dealing with spelling errors on the spreadsheets and some dealing with specific errors in calculations. Heck will work with council member Doherty to identify why the discrepancies exist.

Butkowski provided background on issues staff has encountered with the administration of the rental housing license program. She went through a few examples of what staff is seeing. The question is how the City wants to proceed with these non-responsive cases or landlords.

Following more discussion, the Council directed staff to give the landlords 90 days to comply with the ordinance where the non-compliance issue is one involving the health and safety of the renter.

Mayor Dains asked if the rink attendants have received an increase in wages and how their wages compare to attendants in other cities. Staff indicated they would bring that information back to the council for consideration at the December 12, 2006 meeting.

The council then went into the administrator update.

There being no further discussion or items to consider, Gill-Gerbig moved and Hawkinson seconded the motion to adjourn. The motion carried with all voting yes.

Meeting adjourned at 12:38 a.m.