

**LAUDERDALE CITY COUNCIL MEETING AGENDA  
TUESDAY, MAY 10, 2005  
CITY HALL, 7:00 P.M.**

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. CALL MEETING TO ORDER AT 7:00 P. M.**

**2. ROLL:**

**FILE**

*Councilmembers:*

McCloskey \_\_\_\_\_ Christensen \_\_\_\_\_  
Gill-Gerbig \_\_\_\_\_ Giannetti \_\_\_\_\_  
Mayor Dains \_\_\_\_\_

*Staff:*

Bakken-Heck \_\_\_\_\_ Bownik \_\_\_\_\_

**3. APPROVAL OF THE AGENDA**

**4. APPROVAL**

- A. Approval of minutes of 4/26/05 City Council Meeting
- B. Approval of claims totaling \$ 16,506.52

**5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL ON ITEMS NOT ON THE AGENDA**

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.

**6. CONSENT**

**7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/ CITIZENS ADDRESSING STREET AND UTILITY IMPROVEMENTS**

**8. INFORMATIONAL PRESENTATIONS**

- A. 2004 Financial Statements and Audit: Andrew Berg-Abdo, Abdo, Eick and Myers

**9. 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.

**10. REPORTS**

**11. DISCUSSION**

**12. ACTION**

- A. Approval of the 2004 Financial Statements and Audit Report
- B. Ordinance 05-01: An Ordinance Amending Section 7-2 of the Lauderdale City Code Regarding Planting of Trees

**13. ITEMS REMOVED FROM THE CONSENT AGENDA**

**14. ADDITIONAL ITEMS**

**15. SET AGENDA FOR NEXT MEETING**

**16. EXECUTIVE SESSION RELATING TO ATTORNEY/CLIENT PRIVILEGE TO DISCUSS PENDING LITIGATION AGAINST THE CITY OF LAUDERDALE**

**17. ADJOURNMENT**

**Lauderdale City Council  
Meeting Minutes  
April 26, 2005**

1. Meeting called to order at 7:12 P.M.

2. ROLL

Council present: Giannetti, Christensen, McCloskey, Gill-Gerbig and Mayor Dains

Staff present: Acting Administrator Bownik

3. APPROVAL OF THE AGENDA

*A. Approval of Agenda.* Motion by Giannetti, second by McCloskey to approve the agenda. Roll: Yes: all. Motion carried.

4. APPROVAL

*A. Approval of Minutes.* Motion by Christensen, second by McCloskey to approve the minutes of the April 12, 2005 City Council meeting. Motion carried unanimously.

*B. Approval of Claims totaling \$31,099.46.* Motion by McCloskey, second by Giannetti to approve the claims totaling \$31,099.46. Motion carried unanimously.

5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS ITEMS NOT ON THE AGENDA

6. CONSENT

7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS

8. INFORMATIONAL PRESENTATIONS

9. PUBLIC HEARINGS

10. REPORTS

11. DISCUSSION

12. ACTION

A. *Consideration of Removing Handicapped Parking Sign at 1840 Eustis Street.* Acting Administrator Bownik provided the City Council with the results of monitoring the conditions of Greg Eckert's request for a designated handicapped parking space in front of his residence at 1840 Eustis Street. Bownik stated that a review of those conditions have found that Mr. Eckert has been in continual noncompliance with the agreement. Bownik also stated that Mr. Eckert has been unresponsive to written communications from the City regarding this matter. The City Council discussed the findings of the review and agreed that Mr. Eckert in not in compliance with the conditions of the request.

Motion by Giannetti, second by McCloskey to remove the handicapped parking sign at 1840 Eustis Street based on noncompliance with the conditions on which the request was granted. Motion carried unanimously.

13. ITEMS REMOVED FROM THE CONSENT AGENDA

14. ADDITIONAL ITEMS

15. SET AGENDA FOR NEXT MEETING

1. 2004 Financial Statements and Audit: Abdo, Eick and Meyer.
2. Nature Area.

A break was taken at 7:22 p.m. to transition into a work session discussion.

16. WORK SESSION DISCUSSION

The meeting resumed at 7:25 p.m.

A. *Nature Area.* Acting Administrator Bownik reported that some of the brush in the Nature Area had been removed. However, a large amount of brush remains and may still need to be addressed.

The City Council discussed recent communications the City has had with resident Jim Tatge regarding his involvement with the nature area and other public property. Mayor Dains suggested that the City should consider installing two signs in the nature area that instruct people not to cut trees, etc.

The City Council also discussed a draft revision to Title 7, Chapter 2 of the City Code: Planting of Trees. The revised Ordinance will be presented for approval at the next City Council Meeting.

17. ADJOURNMENT

Motion by Christensen, second by McCloskey, to adjourn at 7:58 P.M. Ayes: All.

**CITY OF LAUDERDALE**

**Claims for Approval**

**May 10, 2005 City Council Meeting**

<u>Payroll</u>		
05/06/05 Payroll:	Check # 7796-7800	\$6,080.93
05/06/05 Payroll:	EFT: Federal Withholding Taxes/FICA	\$2,577.26
05/06/05 Payroll:	EFT: PERA	\$1,107.01
05/06/05 Payroll:	EFT: ICMA Retirement Fund	\$1,590.38
<u>Vendor Claims</u>		
05/10/05 Claims:	Check # 17458-17466	\$5,150.94

**Subtotal of Claims From Above** **\$16,506.52**

Total Claims for Approval	\$16,506.52
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CITY OF LAUDERDALE

Vendor Transactions


CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
<b>Search Name BANYON DATA SYSTEM</b>				
017458	5/10/05	051005claims 12587	\$1,408.08	05 fund/payroll support
Search Name BANYON DATA SYSTEM			\$1,408.08	
<b>Search Name CINTAS</b>				
017459	5/10/05	051005claims 5/10/05	\$26.63	4/28 pw uniforms
Search Name CINTAS			\$26.63	
<b>Search Name HUGHES &amp; COSTELLO</b>				
017460	5/10/05	051005claims 5/10/05	\$850.00	5/05 legal retainer
017460	5/10/05	051005claims 5/10/05	\$107.50	5/05 legal fees
Search Name HUGHES & COSTELLO			\$957.50	
<b>Search Name KENNEDY &amp; GRAVEN</b>				
017461	5/10/05	051005claims 5/10/05	\$2,227.15	3/05 legal services
Search Name KENNEDY & GRAVEN			\$2,227.15	
<b>Search Name NORTH STAR BANK, PETTY</b>				
017462	5/10/05	051005claims 5/10/05	\$2.43	laminare emergency cards
017462	5/10/05	051005claims 5/10/05	\$2.67	certified mail
017462	5/10/05	051005claims 5/10/05	\$15.00	jb gfoa meeting
017462	5/10/05	051005claims 5/10/05	\$2.67	certified mail
017462	5/10/05	051005claims 5/10/05	\$19.04	kw mileage
017462	5/10/05	051005claims 5/10/05	\$9.00	jb parking
017462	5/10/05	051005claims 5/10/05	\$13.48	cc parking /mileage
Search Name NORTH STAR BANK, PETTY			\$64.29	
<b>Search Name PARK SERVICE</b>				
017463	5/10/05	051005claims 5/10/05	\$15.00	4/05 truck fuel
017463	5/10/05	051005claims 5/10/05	\$135.04	4/05 truck fuel
Search Name PARK SERVICE			\$150.04	
<b>Search Name TOSHIBA BUSINESS SOLUTIONS</b>				
017464	5/10/05	051005claims 1103705	\$240.09	3q05 copier maintenance
Search Name TOSHIBA BUSINESS SOLUTIONS			\$240.09	
<b>Search Name TWIN CITY SAW COMPANY</b>				
017465	5/10/05	051005claims 11180	\$11.66	fuel cap for chain saw
Search Name TWIN CITY SAW COMPANY			\$11.66	
<b>Search Name WASTE MANAGEMENT</b>				
017466	5/10/05	051005claims 5/10/05	\$32.75	5/05 refuse service
017466	5/10/05	051005claims 5/10/05	\$32.75	5/05 refuse service
Search Name WASTE MANAGEMENT			\$65.50	
			\$5,150.94	

FILTER: ( ([Period] in(5) and [Act Year] = '2005') and [Tran Nbr] in(20,21,22,23,25) and ([Vendor Nbr]>0) )



## Lauderdale City Council Memorandum

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Council Meeting Date: May 10, 2005  
To: Mayor and City Council  
From: Jim Bownik, A2CA   
Agenda Item: 2004 Financial Statements and Audit Report

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### **BACKGROUND:**

Andrew Berg from Abdo, Eick & Meyers will be at the Council meeting to present the audit and financial statements for fiscal year 2004.

Enclosed in the packet under separate cover is a copy of the audit and its accompanying management letter.

### **ENCLOSURES:     *UNDER SEPARATE COVER***

1.     2004 Annual Financial Report
2.     2004 Financial Report Management Letter

### **COUNCIL ACTION REQUESTED:**


Motion to approve the audit and financial statements for fiscal year 2004.





# Lauderdale City Council Memorandum

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Council Meeting Date: May 5, 2005  
To: Mayor and City Council  
From: Jim Bownik, A2CA   
Agenda Item: Ordinance 05-01: An Ordinance Amending Section 7-2 of the Lauderdale City Code Regarding Planting of Trees

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## **BACKGROUND:**

At the April 26, 2005 City Council work session, the Council discussed the ordinance regarding plantings on public property. The proposed amendment changes the title of the chapter from "Planting of Trees" to "Plantings on Public Property". The amendment states that maintenance and improvements of City property shall be performed by City employees. Other individuals or groups that are interested in a maintenance or improvement activity would need written permission from the City Administrator.

The addition of a penalty clause is an enforcement mechanism for violators of the provisions of the Ordinance. Violators could be found guilty of a misdemeanor and fined up to \$700 and/or jailed for up to 90 days.

If approved, this ordinance amendment would become effective following publication in the Roseville Review.

## **COUNCIL ACTION REQUESTED:**

Motion to approve Ordinance 05-01 amending Section 7-2 of the Lauderdale City Code regarding planting of trees.

CITY OF LAUDERDALE

ORDINANCE NO. 05-01

An Ordinance Amending Section 7-2 of the Code of Ordinances Regarding Planting of Trees

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

SECTION I. The Lauderdale City Code is amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

~~PLANTING OF TREES~~ **PLANTINGS ON PUBLIC PROPERTY**<sup>1</sup>

SECTION:

7-2-1: Compliance Required

7-2-2: ~~Tree Planting~~ **Plantings**

7-2-3: Nonconforming Plantings

7-2-1: COMPLIANCE REQUIRED:

No person shall plant, maintain or remove any tree on public property in the City, including boulevard areas, except as provided herein, **except employees of the City in the performance of their duties in connection with the maintenance and improvements of City property, shall trim, cut, remove, pick, injure, mark, deface, disfigure, break, alter, plant, maintain or make use of any tree, bush, flower or other plant growth, wild or cultivated, or any rock, mineral or soil on any City property, park, public right-of-way, boulevard or public easement without the express written permission of the City Administrator.**  
(Ord. 67, 11-15-1977)

7-2-2: ~~TREE PLANTING~~ **PLANTINGS**:

The City Council shall, by resolution, determine the ~~tree~~ **plant** species and the locations where ~~tree~~ **plants** may be planted on public property. Adjacent property owners may plant trees in accordance with the Council determination. Any tree so planted becomes the property of the City and may be maintained or removed at the sole discretion of the City Council. (Ord. 67, 11-15-1977)

7-2-3: NONCONFORMING PLANTINGS:

No ~~tree~~ **plant shall** be planted **on City property** which is not in conformity with the species and location requirements of the City without prior approval of

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<sup>1</sup> M.S.A. § 412.221, subd. 8.

the City Council. Any nonconforming ~~tree~~plant planted with Council consent becomes the property of the City and may be maintained or removed at the sole discretion of the City Council.

**7-2-4: PENALTY**

**Any person violating the provisions of this Chapter is guilty of a misdemeanor and upon conviction, may be subject to penalty as provided in Section 1-4-1 of this Code.**

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

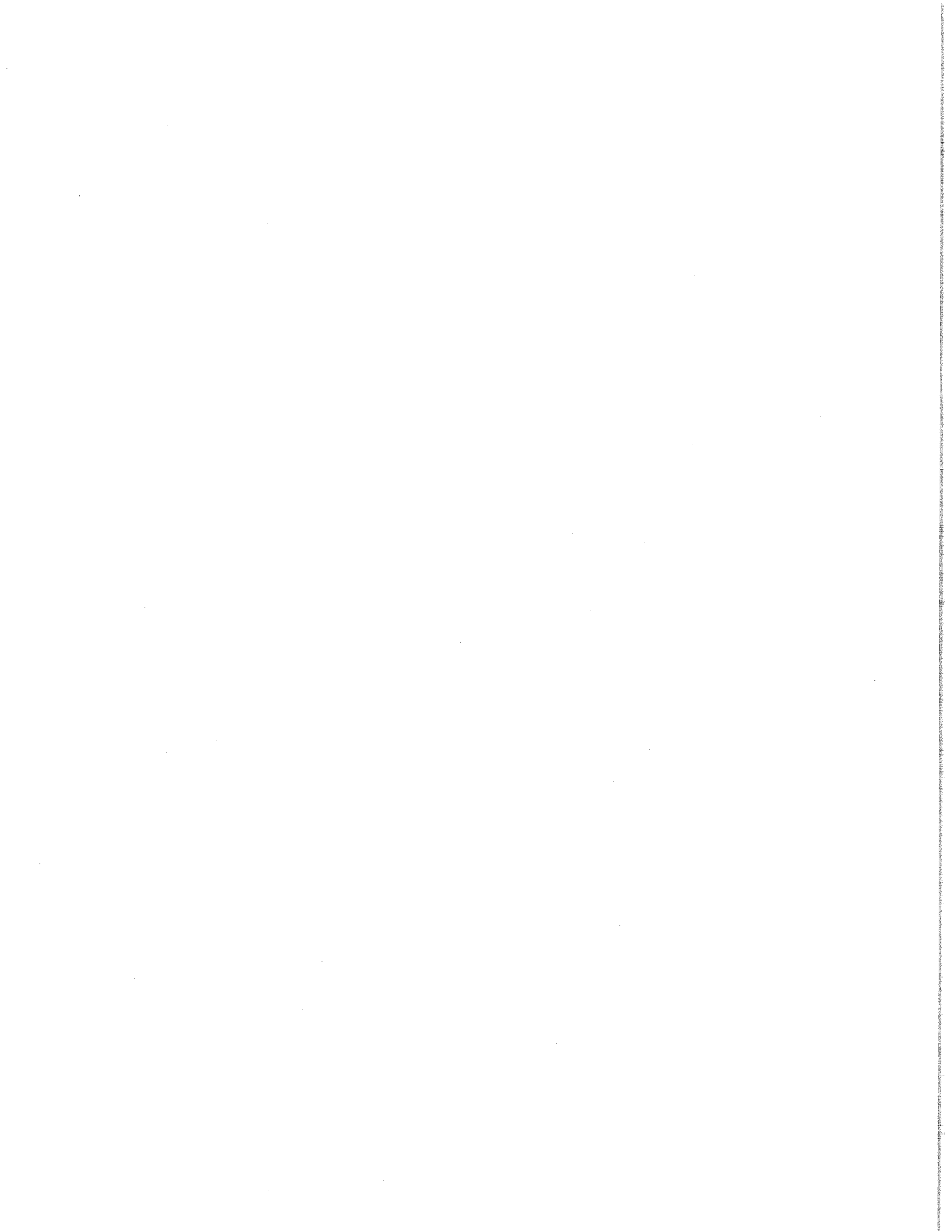
Adopted by the Lauderdale City Council this 10<sup>th</sup> day of May, 2005.

\_\_\_\_\_  
Jeffrey Dains, Mayor


ATTEST:

\_\_\_\_\_  
Brian Bakken-Heck, City Administrator

Published in the Roseville Review this \_\_\_\_\_ day of \_\_\_\_\_, 2005.



## City Council Memorandum

To: Mayor and City Council  
From: Jim Bownik, A2CA   
Date: May 10, 2005  
Issue: Park Property Border Litigation

The City Attorney will be at the meeting Tuesday to provide an update on this litigation.