

**LAUDERDALE CITY COUNCIL MEETING AGENDA
TUESDAY, MAY 28, 2002
CITY HALL, 7:30 P.M.**

FILE

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 7:30 P. M.

2. ROLL:

Councilmembers:

McCloskey _____
 Gill-Gerbig _____
 Mayor Dains _____
 Christensen _____
 Gower _____

Staff:

Getschow _____
 Bownik _____

3. APPROVAL OF THE AGENDA

4. APPROVAL

- A. Approval of minutes of the regular City Council Meeting of 5/14/02
- B. Approval of claims totaling \$68,133.08

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 THE STREET AND UTILITY IMPROVEMENTS
8. INFORMATIONAL PRESENTATIONS
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. ACTION
 - A. Subdivision of one residential parcel of four combined lots at 1847 Pleasant into two separate residential parcels of land
 - A. Resolution 052802A: A Resolution Allowing for the Subdivision of one residential parcel of four combined lots at 1847 Pleasant into two separate residential parcels of land
 - B. Resolution 052802B: A Resolution Ordering the Fulham Street Street Light Improvements.
11. REPORTS
 - A. "Day in Park" Community Event Update
12. DISCUSSION
 - A. MNDOT Sound Wall Feedback
13. ITEMS REMOVED FROM THE CONSENT AGENDA
14. ADDITIONAL ITEMS
15. SET AGENDA FOR NEXT MEETING
16. ADJOURNMENT

Lauderdale City Council
Meeting Minutes
May 14, 2002

1. Meeting called to order at 7:35 P.M.
2. ROLL
Council present: Gover, Christensen, McCloskey, and Mayor Dains
Staff present: Getschow
3. APPROVAL OF THE AGENDA
A. *Approval of Agenda.* Motion by Gover, second by McCloskey to approve the agenda. Motion carried unanimously.
4. APPROVAL
A. *Approval of Minutes.* Motion by McCloskey, second by Christensen to approve of the minutes of the regular City Council meeting of April 23, 2002. Motion carried unanimously.
B. *Approval of Claims totaling \$173,780.55.* Motion by Gover, second by McCloskey to approve the claims totaling \$173,780.55, less the \$41,502.81 claim that is part of pay request #1 for the 2002 Street and Utility Improvements. 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

A. 2001 Annual Police Department Report- Lt. Cotroneo, St. Anthony Police Department. Lt. Cotroneo presented a report to the City Council on the 2001 general information on Part 1 Crimes, Part 2 Crimes, investigations, minor traffic violations, resident calls for service, and officer training-especially in the area of terrorism.

Cotroneo also discussed the community policing philosophy employed by the police department.

Council member Gill-Gerbig arrived at 7:45 p.m.

9. PUBLIC HEARINGS

10. REPORTS

A. 2002 Street and Utility Improvements Update. The City Engineer updated the City Council on the two current active aspects of the project, which are the Larpenteur Avenue lift station elimination and the borings for the trunk sanitary sewer line. The lift station elimination project is 90% complete, with restoration being the only remaining item. The boring work has not yet begun. It is anticipated that the work would begin the following week.

Also, the extension of Walnut Street that connects to Highway 280 and is located in the City of Roseville will close next week. There is extensive boring and utility work in this area that necessitates a closure. Since the residential street work will begin soon after the utility work, it is assumed this area will be closed during the improvement project. Vehicles will be able to enter and exit Highway 280 one block to the south on Roselawn Avenue.

Motion by Christensen, second by Gill-Gerbig to approve Pay Request #1 for \$41,502.81 for the 2002 Street and Utility Improvements. Roll: Yes: all. Motion carried.

11. ACTION

A. *Resolution 051402A: A Resolution Providing for the Issuance and Sale of the City's \$1,200,000 General Obligation Improvement Bonds, Series 2002A for the Street and Utility Improvements.* John Sander, the city's financial consultant from Springsted, provided the Council with the bids that were received for the \$1,200,000 General Obligation Improvement Bonds, Series 2002A. The successful bidder provided a bid that was lower than the estimate that the bond consultant assumed. This will lower the overall interest costs of the bonds. Sander also discussed the factors inherent in the bid process that are contained in the official statement.

Council member Gill-Gerbig requested more biographical information on the successful bidder-United Banker's Bank. Sander stated that this firm is a smaller firm that may be more unknown than the larger local banks, but they have bid on several municipal bond projects. Also, the city assumes little liability if there is a problem with the bidder since the bonds are not formally approved until the City actually receives all of the proceeds.

Motion by Christensen, second by Gower to adopt Resolution 051402A: A Resolution Providing for the Issuance and Sale of the City's \$1,200,000 General Obligation Improvement Bonds, Series 2002A and to award the bid to United Banker's Bank. Roll: Yes: all. Motion carried.

10. REPORTS (continued)

B. *MNDOT TH 280 Sound Wall Neighborhood Meeting.* The Mayor provided an update and an overview on the neighborhood meeting that took place on April 29th at City Hall. As a next step in the process of obtaining feedback, the City Administrator provided a draft of a letter and a questionnaire that would be sent with a copy of the MNDOT noise study to all those that were in the noise study area. The Council decided that this was a good idea, and that other feedback may still be needed. At the May 28th meeting, there can be discussion on conducting another neighborhood meeting on the sound wall issue.

12. ITEMS REMOVED FROM THE CONSENT AGENDA

13. ADDITIONAL ITEMS

14. SET AGENDA FOR NEXT MEETING

1. Public Hearing and Consideration of a Minor Subdivision
2. Day in the Park Update
3. MNDOT Sound Wall Feedback

A break was taken at 8:50 p.m. to transition into a work session discussion.

15. WORK SESSION DISCUSSION

The meeting resumed at 9:00 p.m. The City Council met with the Refuse Collection Task Force that was formed in January 2001 and has been researching the issue of public or organized collection in Lauderdale.

The Council then once again discussed the Community Room Rental Policy.

The Council then briefly discussed the drafting and the printing of the 2002-2003 Resident's Guide and Phone Directory.

16. ADJOURNMENT

Motion by Gill-Gerbig, second by McCloskey to adjourn the meeting at 10:26 P.M.
Ayes: All.

CITY OF LAUDERDALE

Claims for Approval

May 28, 2002 City Council Meeting

Payroll

05/24/02 Payroll: Check # 7152 - 7156	\$5,838.83
05/24/02 Payroll: EFT: Federal Payroll Taxes/FICA	\$2,390.30
05/24/02 Payroll: EFT: PERA	\$980.26
05/24/02 Payroll: EFT: ICMA Retirement Fund	\$1,035.96
May '02 Payroll: EFT: State Payroll Taxes	\$807.99

Payment Claims

05/28/02 Claims: Check # 15798 - 15821	\$57,079.74
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Total Claims for Approval

\$68,133.08

CITY OF LAUDERDALE
Paid Register

Check Number	Employee Number	Employee Name	Pay Period	Pay Group	Check Amount	Check Date	Status
007152	000000011	BOWNIK, JAMES	11	BI-WEEKLY	\$1,118.60	5/24/02	Outstanding
007153	000000003	GETSCHOW, RICK	11	BI-WEEKLY	\$1,730.03	5/24/02	Outstanding
007154	000000030	GOYETTE, SHANNON	11	BI-WEEKLY	\$893.83	5/24/02	Outstanding
007155	000000002	HINRICHS, DAVID C	11	BI-WEEKLY	\$1,111.10	5/24/02	Outstanding
007156	000000005	HUGHES, JOSEPH A	11	BI-WEEKLY	\$985.27	5/24/02	Outstanding
007147		VOID	11		\$0.00	5/24/02	Void
007148		VOID	11		\$0.00	5/24/02	Void
007149		VOID	11		\$0.00	5/24/02	Void
007150		VOID	11		\$0.00	5/24/02	Void
007151		VOID	11		\$0.00	5/24/02	Void
					\$5,838.83		

FILTER: (year='2002' and [pay period] in ('11')) and [pay group] in ('01')

CITY OF LAUDERDALE
Vendor Transactions

CHECK Nbr	Batch	Check Date	Name Invoice	Amount	Comments
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015798	5/28/02	052802claims 1220545119	Search Name AT & T	\$18.88	05/02 long distance
015799	5/28/02	052802claims w157807	Search Name BIFFS, INC.	\$100.37	start-up service thru 5/14/02
015800	5/28/02	052802claims 87536	Search Name BONESTROO, ROSENE, ANDERLIK	\$1,106.00	04/02 '01 street/utill improvements
015800	5/28/02	052802claims 87535	Search Name BONESTROO, ROSENE, ANDERLIK	\$50.00	04/02 general engineering
015800	5/28/02	052802claims 87537	Search Name BONESTROO, ROSENE, ANDERLIK	\$18,249.39	04/02 '02 street/utill improvements
015801	5/28/02	052802claims 4638	Search Name BRAUN PUMP & CONTROLS, INC.	\$390.27	ryan st lift station repair
015802	5/28/02	052802claims 05/28/02	Search Name BROWNING-FERRIS IND OF MN	\$2,357.50	04/02 recycling
015803	5/28/02	052802claims 05/28/02	Search Name BUKINGOLIS, NAUM OR ANNASTASIA	\$6.00	rest reimb: roseville park & rec
015804	5/28/02	052802claims 299111	Search Name CEMSTONE	\$790.20	rec rock for baseball field
015805	5/28/02	052802claims 5/28/02	Search Name CINTAS	\$76.54	5/14, 5/21 pw uniforms
015806	5/28/02	052802claims 05/28/02	Search Name CITY OF FALCON HEIGHTS	\$18.00	04/02 fire calls
015806	5/28/02	052802claims 05/28/02	Search Name CITY OF FALCON HEIGHTS	\$538.50	04/02 false fire calls
015807	5/28/02	052802claims 503	Search Name CITY OF ST ANTHONY	\$1,256.50	
015807	5/28/02	052802claims 503	Search Name CITY OF ST ANTHONY	\$18,421.08	06/02 police services
015808	5/28/02	052802claims 05/28/02	Search Name GETSCHOW, RICK	\$105.78	reimb: '02 mcma lodging
015809	5/28/02	052802claims 51899	Search Name KENNEDY & GRAVEN	\$105.78	
015809	5/28/02	052802claims 51899	Search Name KENNEDY & GRAVEN	\$53.00	04/02 general legal
015809	5/28/02	052802claims 51899	Search Name KENNEDY & GRAVEN	\$83.00	04/02 '02 street/utill imp
015809	5/28/02	052802claims 51899	Search Name KENNEDY & GRAVEN	\$25.62	04/02 print/process
015809	5/28/02	052802claims 51899	Search Name KENNEDY & GRAVEN	\$110.50	04/02 '01 street/utill imp
				<u>\$1,572.12</u>	

CITY OF LAUDERDALE
Vendor Transactions

CHECK	Batch	Name Invoice	Amount	Comments
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Search Name MET-COUNCIL ENVIRONMENTAL SER.

015810 5/28/02 052802claims 738687

Search Name MET-COUNCIL ENVIRONMENTAL SER.

015811 5/28/02 052802claims 05/28/02

Search Name MINNESOTA AFSCME

Search Name MINNESOTA AFSCME

Search Name NORTH STAR BANK, PETTY

015812 5/28/02 052802claims 05/28/02

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015812 5/28/02 052802claims 05/28/02

015814 5/28/02 052802claims 05/28/02

Search Name POSTMASTER

Search Name POSTMASTER

Search Name QWEST

015815 5/28/02 052802claims 5/28/02

Search Name QWEST

Search Name RAMSEY COUNTY, EXPENDITURES

015816 5/28/02 052802claims risk00433

Search Name RAMSEY COUNTY, EXPENDITURES

Search Name ROSEVILLE ROTARY

015817 5/28/02 052802claims 05/28/02

Search Name ROSEVILLE ROTARY

Search Name SPRINT PCS

015818 5/28/02 052802claims 05/28/02

015818 5/28/02 052802claims 05/28/02

015818 5/28/02 052802claims 05/28/02

015818 5/28/02 052802claims 05/28/02

Search Name SPRINT PCS

Search Name WAGERS BUSINESS SYSTEMS

015819 5/28/02 052802claims 119028

Search Name WAGERS BUSINESS SYSTEMS

\$10,483.70 06/02 wastewater services

\$10,483.70

\$78.96 05/02 union dues

\$78.96

\$12.00 parking: james

\$3.95 priority mail

\$3.50 postage

\$13.00 pizza: pcic

\$1.70 pop: pcic

\$57.91 mileage/parking: dave

\$8.51 mileage: james

\$3.94 certified mail

\$5.23 james: elections meeting

\$34.00 stamps for city hall

\$3.00 parking: rick

\$6.18 donuts: safety meeting

\$10.95 mileage: james

\$5.50 rick: parking

\$169.37

\$102.00 stamps for city hall

\$102.00

\$111.98 05/02 autodial: maly, ryan lift stations

\$111.98

\$1,134.66 05/02 employee benefits

\$1,134.66

\$207.00 2qtr02 membership dues/exp: rick

\$207.00

\$11.47 05/02 pw cell phone

\$11.47 05/02 pw cell phone

\$13.80 05/02 city admin cell phone

\$36.74

\$225.00 3qtr02 copier maintenance

\$225.00

CITY OF LAUDERDALE
Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
015820	5/28/02	052802claims 101897	\$29.25	05/02 dumpster
Search Name WALTER'S RUBBISH				
015821	5/28/02	052802claims 05/28/02	\$0.45	final electric: larp lift station
Search Name XCEL ENERGY, LIFT STATIONS				
015821	5/28/02	052802claims 05/28/02	\$0.45	
Search Name XCEL ENERGY, LIFT STATIONS				
Grand Total			\$57,079.74	



M E M O R A N D U M

DATE: MAY 28, 2002
TO: HONORABLE MAYOR AND COUNCIL
FROM: JAMES BOWNIK, ADMINISTRATIVE ANALYST
RE: MINOR SUBDIVISION REQUEST FOR 1847 PLEASANT STREET

BACKGROUND

PROPOSAL: Request for a Minor Subdivision to split one residential parcel of four combined lots into two separate parcels in an R-1 District.

APPLICANT, PROPERTY OWNER, AND LOCATION:

Emil and Marian Fischer
1847 Pleasant Street
Lauderdale, MN 55113

Emil and Marian Fischer, owners of the property located at 1847 Pleasant Street, currently have four combined lots on the southwest corner of Pleasant and Summer Streets. A house exists on the south portion of the property. The owners are requesting to subdivide the property into two separate parcels in order to create an additional buildable lot to the north of the existing house.

The existing parcel of land consists of four forty-foot (40') lots that have been combined into a one hundred sixty foot (160') parcel of land. The proposed subdivision would create a one hundred foot (100') lot at the corner of Pleasant and Summer Streets, with the existing house on a sixty-foot (60') lot directly to the south. A certificate of survey for the project (**attached**) details the existing parcel and the two proposed parcels.

SUBDIVISION REGULATIONS

The following sections of the subdivision regulations (**attached**) apply in this case:

Section 11-1-2 Subdivision: The division of land by platting, conveyance, registered land survey or other means into two or more lots, plats, sites, or other divisions, any of which is less than two and one-half acres in area.

Section 11-1-3 Council Approval, Adoption of Resolution: All plats or subdivisions of land in the City must have the approval of the Council by the adoption of a Council resolution to that effect.

Section 11-1-14 Easements, Lot Width: The standard width of lots shall be sixty feet (60') in an R-1 District.

STAFF REVIEW

According to Section 10-8-8 of the Lauderdale Zoning Ordinance (**attached**), the minimum lot width is sixty feet (60'), and the minimum lot size is seven thousand five hundred (7,500) square feet in the R-1 District. Both of the two proposed lots meet these requirements. In addition, the existing house would be more than ten feet from the proposed dividing line between the two properties. This complies with the side-yard setback requirements of five feet in this district.

A small utility shed exists on what is the proposed property line between the two properties. The resolution (**attached**) includes a condition that the shed be relocated to comply with the setback requirements for accessory buildings. The setback requirements for accessory buildings (**attached**) are three feet from the side property line and three feet from the rear property line in this district.

Finally, the resolution and the certificate of survey will need to be registered by the applicant with the Ramsey County Recorder. This will enable the property owner to acquire a PIN (property identification number) for the new parcel.

PLANNING COMMISSION

The Planning Commission did not meet to discuss the subdivision request due to the lack of a quorum. Instead, this action item was placed directly on the council agenda per Title 2-1-10-4:k of the current Zoning Ordinance. The Planning Commission received the information packet and have been invited and encouraged to attend the council meeting in order to provide input to the Council.

PUBLIC HEARING

Notice of tonight's public hearing was published in the May 14, 2002 edition of the *Roseville Review*.

REQUESTED ACTION

Approve Resolution No. 052802A allowing for the subdivision of one residential parcel of four combined lots at 1847 Pleasant Street into two separate residential parcels of land.

COUNCIL: The City Council of the City of Lauderdale.
11-1-2: DEFINITIONS: For the purposes of this Title, the following definitions shall be applicable:

11-1-1: GENERAL PROVISION: All plats and subdivisions of land in the City shall be made in accordance with the provisions of this Title. (Ord. 41, 5-1-1969)

- 11-1-1: General Provision
- 11-1-2: Definitions
- 11-1-3: Council Approval; Adoption Of Resolution
- 11-1-4: Conveyance Prior To Approval Prohibited; Exception
- 11-1-5: Grant Of Public Street
- 11-1-6: Street Plan
- 11-1-7: Street Extension; Building Within Area Restricted
- 11-1-8: Improvements
- 11-1-9: Contract, Bond In Lieu Of Construction
- 11-1-10: Improvements, Street Approval Required Prior To Installation
- 11-1-11: Exemption
- 11-1-12: Minimum Street Width
- 11-1-13: Off-Set Parking
- 11-1-14: Easements; Lot Width
- 11-1-15: Streets, Opening And Construction
- 11-1-16: Utilities
- 11-1-17: Variance
- 11-1-18: Plat Requirements
- 11-1-19: Filing Of Plat
- 11-1-20: Penalty

SECTION:

SUBDIVISION REGULATIONS

CHAPTER 1

B. Exception: In any case where compliance with the foregoing subsection A will involve unnecessary hardship and failure to comply does not interfere with the platting regulations of this Chapter, the

A. Conveyance Prohibited: No conveyance of land in which the land conveyed is described by metes and bounds or by reference to the plat made after the adoption of these platting regulations, which plat is not approved by Council resolution, shall be made or recorded if the parcel described in the conveyance is less than two and one-half (2 1/2) acres in area and one hundred fifty feet (150') in width, unless such parcel is a separate parcel of record at the time of adoption of the Ordinance codified in this Chapter or unless an agreement to convey such smaller parcel was entered into prior to such time and instrument showing agreement to convey is registered in the office of the registrar of deeds or registrar of titles within one year hereafter.

11-1-4: CONVEYANCE PRIOR TO APPROVAL PROHIBITED; EXCEPTION:

11-1-3: COUNCIL APPROVAL; ADOPTION OF RESOLUTION: All plats or subdivisions of land in the City must have the approval of the Council by the adoption of a Council resolution to that effect. (Ord. 41, 5-1-1969)

C. The resubdivision of land heretofore divided or platted where the total area of land being resubdivided is one acre or more. (Ord. 41, 5-1-1969)

B. A division of land, regardless of area, if such division or plat provides for the granting or dedicating of a public street, or

A. The division of land by platting, conveyance, registered land survey or other means into two (2) or more lots, plats, sites or other divisions, any of which is less than two and one-half (2 1/2) acres in area, or

SUBDIVISION: Any or all of the following:

STREET: Any street, avenue, road, alley or other similar public way.

11-1-9: **CONTRACT, BOND IN LIEU OF CONSTRUCTION:** In lieu of the completion of the work required as a condition precedent to the approval of the subdivision of a plat, the Council may give approval upon the execution of a contract and bond or cash deposit in form and amount satisfactory to the Council, providing for and securing to the City the actual construction and installation of such improvements, utilities and other developments within the period specified in said contract, not exceeding two (2) years. (Ord. 41, 5-1-1969)

11-1-8: **IMPROVEMENTS:** As a condition precedent to the approval of the plat of lands, the Council may prescribe requirements of the extent to which and the manner in which streets shall be graded and improved, utilities installed, and any other matters reasonably related to the manner in which the area to be subdivided or platted shall be developed. (Ord. 41, 5-1-1969)

11-1-7: **STREET EXTENSION; BUILDING WITHIN AREA RESTRICTED:** No building permit shall hereafter be issued for the construction, erection or location of a building within the area which would comprise an extension of an existing street within the City; provided, that the Council may permit such construction, erection or location of a building within such right of way in those cases where it shall appear that such street would not be extended through the area on which such building is proposed to be located. (Ord. 41, 5-1-1969)

11-1-6: **STREET PLAN:** All proposed streets on any proposed plat or subdivision shall conform to the street plan of the City and shall, insofar as possible, provide for the extension of existing streets through areas included within the plat. (Ord. 41, 5-1-1969)

11-1-5: **GRANT OF PUBLIC STREET:** No grant of a public street to the City by deed shall be filed without the approval of the Council by adoption of a motion or resolution to that effect. (Ord. 41, 5-1-1969)

Council may waive such compliance by adoption of a resolution waiving compliance and conveyance may then be recorded. (Ord. 41, 5-1-1969)

11-1-12: **MINIMUM STREET WIDTH:** The minimum width for streets shall be sixty feet (60'), except that where existing conditions make a street of less width more suitable, the Council may permit a street of less width. When streets adjoin undivided or unplatted property, a half street may be dedicated. When conditions are unfavorable to the construction of a half street, the subdivider may be required to provide additional land to construct a street of adequate width. (Ord. 41, 5-1-1969)

11-1-11: **EXEMPTION:** This Chapter shall not apply to the sale or exchange of small parcels of land to or between adjoining property owners where such sale or exchange does not create an additional lot or space sufficient to construct an additional residence thereon. (Ord. 41, 5-1-1969)

C. No permit for the construction, erection or location of any building shall be issued unless the building is to be located upon a full-width, improved street or highway, and at such an elevation that such building can be served by the Municipal sanitary sewer system by gravity flow, unless the permission of the City Council is first obtained, and this provision shall be applicable to all buildings on any parcel of land whether heretofore or hereafter platted or subdivided if such building is of such nature as to be served by sanitary sewage facilities. (Ord. 41, 5-1-1969)

B. No permit for the erection of any building shall be issued unless it shall be located upon a street or highway giving access thereto, which has been duly approved and made a part of the street plan of this City and unless such building shall conform to the building line established upon the street or proposed street where it is to be located.

A. No utility, Municipal service or improvement shall be constructed on any street until the street has been approved by being designated on a plat or subdivision duly approved and accepted by the Council or previously dedicated or accepted as a public street by the Council.

11-1-10: **IMPROVEMENTS, STREET APPROVAL REQUIRED PRIOR TO INSTALLATION:**

11-1-17: **VARIANCE:** Whenever the tract to be subdivided or platted is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements of this Chapter would result in substantial hardship or injustice, the Council may vary or modify such requirements but only in such a manner that the public welfare and the interests of the City and the area surrounding the plat are protected and the general intent and spirit of these regulations are preserved. The subdivider or developer may be required to provide detailed construction specifications, approved by the City Council, for all items of work to be included as a part of the proposed subdivision and cost estimates of the cost of such improvements. (Ord. 41, 5-1-1969)

11-1-16: **UTILITIES:** The subdivider shall make adequate provision for water supply, sewage disposal and storm water disposal. He shall provide the City with such information as may be necessary to determine the adequacy of the facilities proposed to be used for such purposes. The Council may require construction of water lines, sanitary sewer lines or storm sewer lines even though connections to other lines outside the area may not be possible immediately, where the Council has determined to construct the facilities to which such connection may be made. (Ord. 41, 5-1-1969)

11-1-15: **STREETS; OPENING AND CONSTRUCTION:** The opening and construction of any street shall not be started until agreement has been reached between Council and property owners or developer upon the conditions under which the division, plat or street is to be divided. (Ord. 41, 5-1-1969)

11-1-14: **EASEMENTS; LOT WIDTH:** Where alleys are not provided, easements of not less than five feet (5') in width shall be provided on the plat and the same shall be on each side of all rear lot lines. The standard width of lots shall be sixty feet (60'). (Ord. 41, 5-1-1969)

11-1-13: **OFF-SET PARKING:** Provision for off-set parking shall be provided in connection with all subdivisions for business development. (Ord. 41, 5-1-1969)

11-1-20: **PENALTY:** Any person which shall violate any of the provisions of this Chapter shall be guilty of a misdemeanor and shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 41, 5-1-1969; 1996 Code)

11-1-19: **FILING OF PLAT:** All plats, when approved by the City Council, shall be filed within thirty (30) days, unless an extension of time for filing is granted by the Council upon good cause shown within said thirty (30) day period. (Ord. 41, 5-1-1969)

J. The surveyor's certificate, containing description of the land included in the plat. (Ord. 41, 5-1-1969)

I. Private restrictions upon the use of the property or a reference to an instrument in which any restrictions are contained, showing the book and page or document number of such instrument, as recorded in the office of the registrar of deeds or registrar of titles.

H. The name of the subdivision, points of compass, scale of plan and name of owner or owners of the land being subdivided.

G. Monuments of iron pipe not less than three-fourths inch (3/4") in diameter and two feet (2') in length shall be placed at all street corners in the plat and at all changes in alignment in street lines. These monuments shall be shown on the plat with sufficient data so that they may be located from the plat.

F. Easements for rights of way provided for public use, service or utilities, with figures showing their dimensions.

E. All lot lines and an identification system for all lots and blocks.

D. The accurate outline of any property which is offered for dedication and public use.

C. The names of all adjoining subdivisions.

B. The lines of all proposed streets and alleys with the width and names.

A. Boundary lines of the area being subdivided with accurate distances and angles or bearings together with all section lines.

11-1-18: **PLAT REQUIREMENTS:** The plat shall show the following:

TABLE: 10-8-8:

LAND AND YARD REQUIREMENTS TABLE											
District	Lot Size		Yard Setback	Site Area Per Dwelling (sq. ft.)	Maximum Coverage* (%)	Usable Open Space (%)	Area (sq. ft.)	Width (ft.)	Front (ft.)	Rear (ft.)	Side (ft.)
	Length (ft.)	Width (ft.)									

R-1 Suburban Residential											
Single Family Dwellings	7,500	60	30	20	5	7,500	**30	-	-	-	-
Two Family Dwellings	10,000	80	30	20	5	5,000	***30	-	-	-	-
Other Uses	10,000	80	30	20	5	-	-	-	-	-	-
R-2 Urban Residential											
Single Family Dwellings	5,000	40	25	20	5	5,000	**30	-	-	-	-
Two Family Dwellings	7,500	60	25	20	5	3,750	***30	-	-	-	-
Townhouses	2,500	20	25	20	-	5,000	20	52	-	-	-
Multi Family Dwellings	7,500	60	25	20	10	1,875	28	44	-	-	-
Other Uses	10,000	75	25	20	10	-	-	-	-	-	-
R-3 Multiple Residential											
Single Family Dwellings	5,000	40	20	20	10	5,000	**30	-	-	-	-
Two Family Dwellings	7,500	60	20	20	-	3,750	***30	-	-	-	-
Townhouses	2,500	20	20	20	-	5,000	20	52	-	-	-
Multi Family Dwellings	25,000	100	20	20	15	870	30	40	-	-	-
Other Uses	5,000	50	20	20	10	-	-	-	-	-	-
B-1 Community Business											
Multi Family Dwellings	5,000	50	-	15	-	1,675	28	44	-	-	-
Other Uses	5,000	50	-	15	-	-	-	-	-	-	-
I-1 Light Industrial											
All Uses	1 acre	150	30	30	20	-	-	-	-	-	-
C-1 Conservation											
All Uses	2 acres	300	50	30	30	-	-	-	-	-	-

* Maximum coverage shall be the percentage of lot area enclosed by the exterior faces of the exterior walls.
 ** Figure includes assumed garage coverage of 576 sq. ft.
 *** Figure includes assumed garage coverage of 1,252 sq. ft.

(Zoning Ord. as amd.)

SEIBACK RE EMENDS IN R-1
ADOPTED 3/10/98

TYPE OF SETBACK	REQUIREMENT	NOTES ***
Front Yard:		
Principal building	30 feet	See exception in 10-8-6 *
Attached garage	30 feet	See exception in 10-8-6 *
Detached garage	30 feet	See exception in 10-8-6 *
Setback between detached garage/principal building	6 feet	
Corner lot	30 feet	For yard defined as "Front Yard", also see exception in 10-8-6 *
Rear Yard:		
Principal building	20 feet	
Principal building on corner lot	20 feet	
Attached garage	20 feet	
Detached garage facing platted alley	8 feet	
Detached garage parallel to platted alley	3 feet	
Detached garage entered from street with no platted alley	3 feet	
Accessory building **	3 feet	
Setback between detached garage/principal building	6 feet	
Setback between accessory/principal building	6 feet	
Fence on platted alley	2 feet	
Fence not on platted alley	0 feet	
Side Yard:		
Principal building	5 feet	
Attached garage	5 feet	
Detached garage entered from street with no platted alley	5 feet	
Detached garage on platted alley	5 feet	
Accessory building **	3 feet	
Setback between detached garage/principal building	6 feet	
Setback between accessory/principal building	6 feet	
If corner lot, building side facing street	5 feet	For yard defined as "Side Yard", requirement is for all buildings on corner lots.
Fence	0 feet	
Driveway	0 feet	

* 10-8-6: Where adjacent structures existing on the effective date of the Ordinance codified in this Title have a front yard setback different from those required by this Title, the minimum front yard setback shall be the average of these existing structures.

** For zoning purposes, accessory building is defined as any building which is not the principal building or garage

*** The following notes apply to all buildings:

1. For all buildings, the setback is measured from the building foundation.
2. In all cases, no part of the construction (including footings) can encroach onto neighboring properties.
3. For all buildings, the overhang shall follow Uniform Building Code (UBC) Section 503.2.1(1), which states that projections shall not extend beyond "a point one third the distance to the property line from an assumed vertical plane located where fire-resistive protection of openings is first required due to location on property".
4. No building may be built in an easement area.

CITY OF LAUDERDALE
COUNTY OF RAMSEY
STATE OF MINNESOTA

**ALLOWING FOR THE SUBDIVISION OF ONE RESIDENTIAL PARCEL OF FOUR
COMBINED LOTS AT 1847 PLEASANT STREET INTO TWO SEPARATE
RESIDENTIAL PARCELS OF LAND.**

WHEREAS, an application has been made with the City of Lauderdale requesting the subdivision of one residential parcel of four combined lots at 1847 Pleasant Street into two separate residential parcels of land and;

WHEREAS, the current legal description of the property is Lots 1, 2, 3, and 4, Block 3, Rose Hill Addition, Ramsey County, Minnesota and;

WHEREAS, the proposed legal description for Parcel A is Lots 1 and 2 and the Northernly 19.89 feet of Lot 3, all in Block 3, Rose Hill Addition, excepting portions taken for Pleasant Street, Ramsey County, Minnesota also subject to street and utility easement as per Document No. 3429976 and;

WHEREAS, the proposed legal description for Parcel B is Lot 4 and Lot 3, except for the Northernly 19.89 feet thereof, all in Block 3, Rose Hill Addition, Ramsey County, Minnesota excepting portions taken for Pleasant Street and;

WHEREAS, the two resulting lots will comply with the requirements of Title 10, Zoning, and Title 11, Subdivision, of the Lauderdale City Code and;

WHEREAS, the utility shed located on the proposed dividing line between the two properties will be relocated to comply with Lauderdale's setback requirements for accessory buildings and; WHEREAS, this resolution and the certificate of survey will be filed with the Ramsey County Recorder and;

WHEREAS, a PIN (property identification number) will be assigned by Ramsey County for the new parcel;

NOW THEREFORE, BE IT RESOLVED that the Lauderdale City Council approves the subdivision of one residential parcel of four combined lots at 1847 Pleasant Street into two separate residential parcels of land.

I CERTIFY THAT the above resolution was adopted by the City Council of Lauderdale on this 28th day of May, 2002.

(ATTEST)

Jeffrey E. Dains, Mayor

(SEAL)

Richard B. Getschow, City Administrator

Lauderdale City Council Memorandum

Council Meeting Date: May 28, 2002

To: Mayor and City Council

From: Rick Getschow, City Administrator

Agenda Item: Resolution 052802B: A Resolution Ordering the Fulham Street

Street Light Improvement

AND

Approval of the Petition and Waiver Agreements

BACKGROUND:

Initial Petition and Improvement Process

In May of 2001, Wayne Sisel of 1567 Fulham Street approached the City Council with a petition signed by 100% of the affected owners on Fulham Street south of Larpenetour Avenue, requesting the Council to consider undertaking the local improvement of installing decorative streetlights on their street. The identical petition was presented to the City of Falcon Heights by the four residents in that community, bringing the total participation on the block to twelve (12) households. At that time, the City Council accepted the petition and requested that I initiate the process of undertaking this improvement. Since the Council has not dealt with a 100% petitioned project, I provided background on the improvement policy and State Statute language. Since it has been a year since the Council last deliberated on this issue, I will once again provide the background that leads to this meeting's requested action.

The petition that was submitted in 2001 acknowledges the conditions of our assessment policy, which regulate that appurtenances (i.e., street lights, sidewalks) constructed or provided separate from new street construction or street reconstruction shall be 100% assessed. Section 9 (Local Improvement Process), Paragraph C (Procedural Steps for 100% Petitioned Projects) covers this type of project. Basically, the process for this type of improvement is the same as the process for a normal street and utility improvement project – with one exception. There does not need to be a public hearing for the project when it is petitioned by 100% of the property owners. Also, to ensure that there is not a misunderstanding or possible objection with the assessment, cities dealing with 100% petitioned projects usually require that all of the property owners sign petition and waiver agreements. These agreements are officially known as "agreements of assessment and waiver of irregularity and appeal" In this case, the city would be securing a waiver from the property owner that they will not appeal the assessment or the process of the assessment. If these agreements are obtained, then there is no need for a public hearing on the assessment.

Resolution Ordering the Improvement

The report on this street light improvement is basically the information that I have received from both the City of Saint Paul and Xcel Energy as potential contractors. The City of Saint Paul was the low bidder for this improvement that involves the installation of two street lights on this block of Fulham Street. The approval of the resolution will order the street light improvement and will direct the City Administrator to enter into an agreement with the City of Saint Paul to complete this improvement. The City Attorney has reviewed and approved of this resolution.

Petition and Waiver Agreements

The petition and waiver agreements that were drafted by the City Attorney have all been obtained from the eight Lauderdale property owners and the four Falcon Heights property owners. I have included in the packet all of the cover pages of the petition and waiver agreements along with one full copy for your review. (Note: All of the agreements are the same in form). The petition and waiver agreement also delineates the proposed City of Saint Paul cost into the agreement.

Since the improvement is 100% petitioned and 100% assessed, there is not a need for a notice and a public hearing on the assessment. Following the improvement project, an assessment roll will be prepared and presented to the City Council for approval. As stated in the agreement, the assessment would appear on the property tax statement beginning in 2003 for a five-year period. Prepayment options would exist on this improvement, and an interest rate of 5% would apply to outstanding principal balances where a prepayment is not made.

The City of Falcon Heights

At their meeting of May 21, 2002, the Falcon Heights City Council approved their relevant petition and waiver agreements and passed a resolution ordering this improvement.

There is proposed to be a neighborhood meeting with the contractor prior to the start of the improvement. The exact location of the lights needs to be determined by the residents.

ENCLOSURES:

- 1. Quotation for the Street Light Improvement by the City of Saint Paul (\$10,711.25) and Xcel Energy (\$11,600.00).
- 2. Detail of the Street Light
- 3. Resolution 052802B: A Resolution Ordering the Fulham Street Street Light Improvement
- 4. City Administrator Cover Letter for the Petition and Waiver Agreements
- 5. Fulham Street Petition and Waiver Agreements from Lauderdale residents

COUNCIL ACTION REQUESTED:

TWO SEPARATE ACTIONS

- 1. Motion to approve Resolution 052802B: A Resolution Ordering the Fulham Street Street Light Improvements.
- 2. Motion to approve the petition and waiver agreements with the following properties:

- 1605 Fulham Street
- 1599 Fulham Street
- 1589 Fulham Street
- 1583 Fulham Street
- 1577 Fulham Street
- 1573 Fulham Street
- 1567 Fulham Street
- 1563 Fulham Street

TOTAL P.02

SPEC. AND/OR BID ITEM NUMBER	ITEM	UNIT	TOTAL	QUANT.	UNIT PRICE	TOTAL COST
2545.603	1 1/2" NMC TRENCH & RESTORE/PUSH	LH	325		\$10.00	\$3,250.00
2545.603	1C#4 AWG	LH	975		\$1.00	\$975.00
2545.603	1C#8 BARE	LH	325		\$0.45	\$146.25
2545.602	LIGHT STANDARD TYPE L10	EACH	2		\$1,300.00	\$2,600.00
2545.602	LUMINAIRE TYPE R70	EACH	2		\$720.00	\$1,440.00
2545.602	PULL BOX TYPE L 13 x 24 x 12	EACH	1		\$400.00	\$400.00
2545.602	LIGHT BASE FOUNDATION TYPE SF	EACH	2		\$450.00	\$900.00
SUB TOTAL						\$9,711.25
Design & Inspection						\$1,000.00
TOTAL						\$10,711.25

FULHAM ST., HOYT AVE. TO FOLWELL

ESTIMATE FOR CITY OF LAUDERDALE

DEPARTMENT OF PUBLIC WORKS
CITY OF ST. PAUL - ICS (10/9/01)

1/14/2002
T.C.S.

July 30th 2001

Mr. Wayne Sisel
City of Lauderdale
1567 Fulham Road
Lauderdale, MN 55114

Dear Mr. Sisel:

Please find two options for the lighting project on Fulham Street that we discussed recently. The cost includes all labor and material. We will be using the directional bore method for installing the conduit and wire.

OPTION 1

- 3 - 100 watt lantern fixtures
- 3 - fluted fiberglass poles
- 3 - screw-in anchor bases

The cost estimate to complete this proposal is \$15,900.

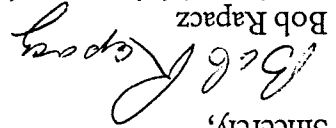
OPTION 2

- 2 - 100 watt lantern fixtures
- 2 - fluted fiberglass poles
- 2 - screw-in anchor bases

The cost estimate to complete this proposal is \$11,600.

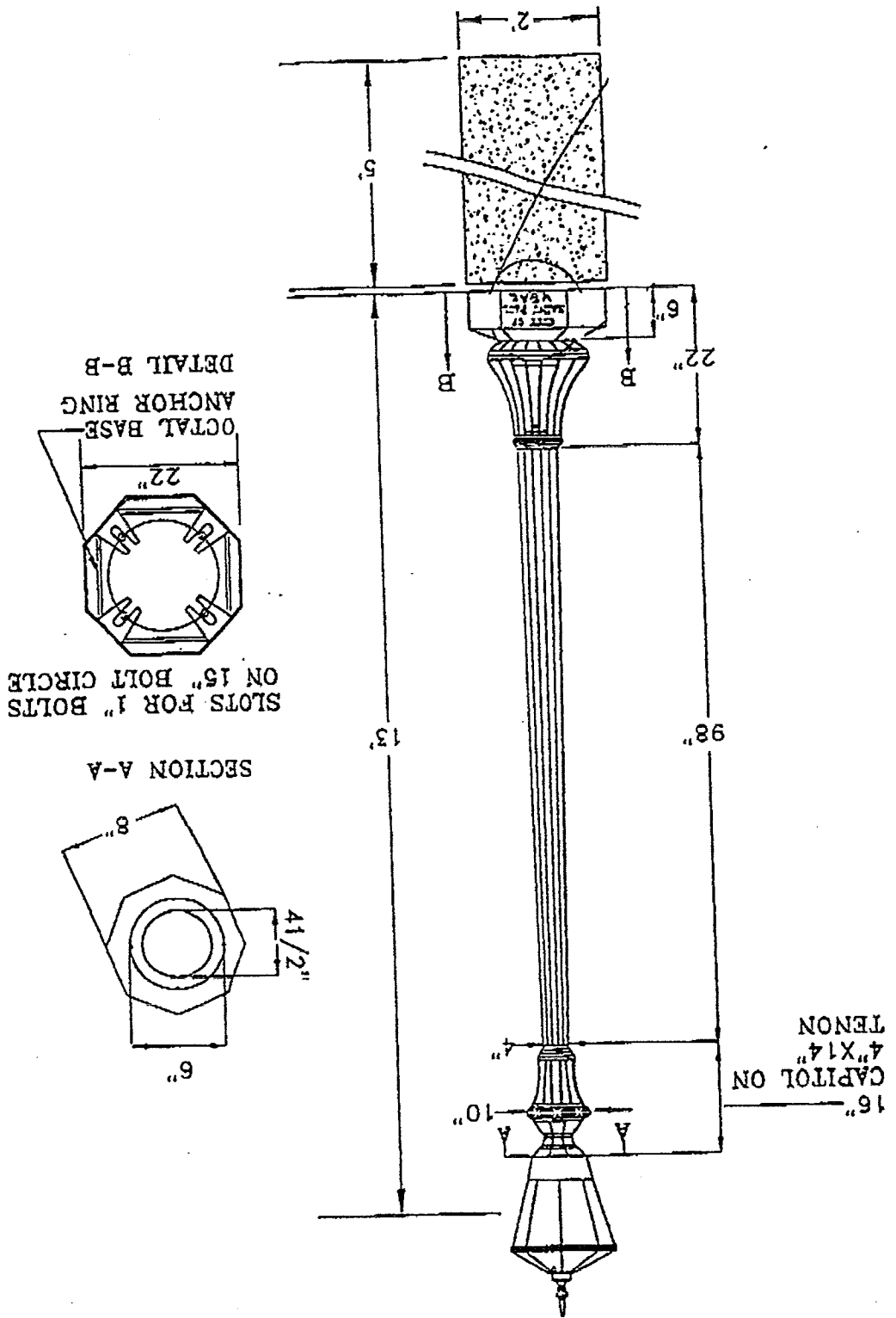
Thank you for the opportunity for Xcel Energy to submit the above proposals. Feel free to give me a call with any questions you may have. My telephone number is 651-634-7808.

Sincerely,



Bob Rapacz
Outdoor Lighting Consultant

SINGLE LANTERN STYLE LIGHT STANDARD DETAIL LANTERN TYPE T-10



RESOLUTION NO. 052802B

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

**RESOLUTION ORDERING THE FULHAM STREET
STREET LIGHT IMPROVEMENT**

WHEREAS, a resolution of the City Council of Lauderdale adopted the 8th day of May, 2001, declared the adequacy of a 100% petition and ordered a report for the proposed Fulham Street Street Light Improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAUDERDALE, MINNESOTA:

1. The Fulham Street Street Light Improvement is necessary, cost-effective, and feasible as stated in the staff report dated May 28, 2002. It is not feasible for this lighting project to be undertaken in conjunction with any other improvement.

2. The Fulham Street Street Light Improvement is hereby ordered as proposed in the Council resolution adopted this 28th day of May, 2002.

3. The City of Saint Paul is hereby awarded the contract for the improvement at a cost of \$10,711.25.

I CERTIFY THAT the above resolution was adopted by the City Council of Lauderdale this 28th day of May, 2002.

(ATTEST)

Jeff Dains, Mayor

(SEAL)

Rick Getschow, City Administrator

The City of Lauderdale

1891 Walnut Street • Lauderdale • Minnesota • 55113
Phone: 651.631.0300 • Fax: 651.631.2066

www.ci.lauderdale.mn.us

April 17, 2002

Clarence and Elizabeth Oten
1577 Fullham Street
Lauderdale, MN 55113

RE: STREET LIGHT PETITION

Dear Mr. and Mrs. Oten:

Twelve residents of your block of Fullham Street, including yourself, who are residents of Lauderdale and Falcon Heights signed a petition on March 24, 2001 requesting that the respective cities undertake a street light improvement project on your street. On May 8, 2001, the Lauderdale City Council accepted the petition and directed me to prepare a report on the improvement and to obtain petition and waiver agreements from the petitioners. In preparing this report, I have met with the City Administrator of City of Falcon Heights, a resident of your block who has led the petition effort and two agencies that have provided quotations to the City on completing this project.

As you are aware through signing and submitting the petition, the improvement is 100% assessable to your property. The two street lights that are proposed for installation would have their approximate \$12,000 total cost spread out equally over the twelve homeowners on the block. The resulting \$1,000 cost would then be placed on the property tax statement over a five-year period with 5% interest. Within thirty days from the date of the completion of the improvement, you could prepay the entire cost without incurring any assessment or future interest associated with the assessment. The assessment would first appear on the 2003 property tax statement.

Based on the quotations and property ownership data that we have received, the City has drafted petition and waiver agreements that must be executed by all petitioning homeowners for this project to proceed. Once all of the agreements have been signed and returned, I can issue a report to the City Council that would recommend ordering the petitioned improvement project.

Could you please review and subsequently sign the attached petition and waiver agreement. Your signatures will need to be executed under the witness of a Notary Public. While you may choose any Notary Public that you wish, the City of Lauderdale has a Notary Public available to you at no cost during City Hall office hours, which are 8:00 a.m. to 4:30 p.m., Monday through Friday. It would be very much appreciated if you could return the signed and notarized agreement to **Lauderdale City Hall** by **Friday, May 3, 2002**. The City Council could consider ordering the improvement at a May City Council meeting. The construction could then occur this summer. You can mail the agreement to my attention at the City, or you can drop off the agreement at City Hall at any time. There is a secure outside drop box for your use after City Hall office hours.

Please feel free to contact me with any questions or concerns that you may have.

Sincerely,
CITY OF LAUDERDALE

Rick Getschow
City Administrator

Enc.

the Subject Property; and

Owners to ensure that the City will have valid and collectable Special Assessments as they relate to without notice or hearing provided the assurances and covenants hereinafter stated are made by the WHEREAS, the City is willing to levy the Special Assessments against the Subject Property

adequacy of the petition pursuant to Minn. Stat. §429.035; and

WHEREAS, the City adopted Resolution No. 050801A on May 8, 2001, declaring the

the abutting properties (the "Special Assessments"); and

"Improvement") and to specially assess 100 percent of the cost of the Improvement to the owners of City to install street lighting on Fulham Street between Hoyt Avenue and Folwell Avenue (the

WHEREAS, the Owners and the owners of other abutting properties have petitioned the

Exhibit A attached hereto (the "Subject Property"); and

real property located at 1577 Fulham Street in Lauderdale, which property is legally described on WHEREAS, the Owners are the fee owners of and have a recorded interest in that certain

WITNESSETH:

Ooten, (the "Owners");

Lauderdale, a Minnesota municipal corporation (the "City") and Clarence P. Ooten and Elizabeth D.

THIS AGREEMENT is made this _____ day of _____, 2002, by and between the city of

PETITION AND WAIVER AGREEMENT



the Subject Property; and

Owner to ensure that the City will have valid and collectable Special Assessments as they relate to without notice or hearing provided the assurances and covenants hereinafter stated are made by the WHEREAS, the City is willing to levy the Special Assessments against the Subject Property

adequacy of the petition pursuant to Minn. Stat. §429.035; and

WHEREAS, the City adopted Resolution No. 050801A on May 8, 2001, declaring the

the abutting properties (the "Special Assessments"); and

"Improvement") and to specially assess 100 percent of the cost of the Improvement to the owners of

to install street lighting on Fulham Street between Hoyt Avenue and Folwell Avenue (the

WHEREAS, the Owner and the owners of other abutting properties have petitioned the City

Property"); and

Street in Lauderdale, which property is legally described on Exhibit A attached hereto (the "Subject

WHEREAS, the Owner is the fee owner of certain real property located at 1583 Fulham

WITNESSETH:

"Owner");

Lauderdale, a Minnesota municipal corporation (the "City"), and Lynn M. Abrahamson (the

THIS AGREEMENT is made this _____ day of _____, 2002, by and between the city of

PETITION AND WAIVER AGREEMENT

1 1 1 1 1

PETITION AND WAIVER AGREEMENT

THIS AGREEMENT is made this _____ day of _____, 2002, by and between the city of Lauderdale, a Minnesota municipal corporation (the "City"), and Robert S. Banks and Adrienne Banks (the "Owner");

WITNESSETH:

WHEREAS, the Owner is the fee owner of certain real property located at 1573 Fulham Street in Lauderdale, which property is legally described on Exhibit A attached hereto (the "Subject Property"); and

WHEREAS, the Owner and the owners of other abutting properties have petitioned the City to install street lighting on Fulham Street between Hoyt Avenue and Folwell Avenue (the "Improvement") and to specially assess 100 percent of the cost of the Improvement to the owners of the abutting properties (the "Special Assessments"); and

WHEREAS, the City adopted Resolution No. 050801A on May 8, 2001, declaring the adequacy of the petition pursuant to Minn. Stat. §429.035; and

WHEREAS, the City is willing to levy the Special Assessments against the Subject Property without notice or hearing provided the assurances and covenants hereinafter stated are made by the Owner to ensure that the City will have valid and collectable Special Assessments as they relate to the Subject Property; and

the Subject Property; and

Owner to ensure that the City will have valid and collectable Special Assessments as they relate to without notice or hearing provided the assurances and covenants hereinafter stated are made by the WHEREAS, the City is willing to levy the Special Assessments against the Subject Property

adequacy of the petition pursuant to Minn. Stat. §429.035; and

WHEREAS, the City adopted Resolution No. 050801A on May 8, 2001, declaring the

the abutting properties (the "Special Assessments"); and

"Improvement") and to specially assess 100 percent of the cost of the Improvement to the owners of

to install street lighting on Fulham Street between Hoyt Avenue and Folwell Avenue (the

WHEREAS, the Owner and the owners of other abutting properties have petitioned the City

Property"); and

Street in Lauderdale, which property is legally described on Exhibit A attached hereto (the "Subject

WHEREAS, the Owner is the fee owner of certain real property located at 1589 Fulham

WITNESSETH:

Brown (the "Owner");

Lauderdale, a Minnesota municipal corporation (the "City"), and Thomas K. Brown and Susan M.

THIS AGREEMENT is made this 30 day of April, 2002, by and between the city of

PETITION AND WAIVER AGREEMENT

the Subject Property; and

Owner to ensure that the City will have valid and collectable Special Assessments as they relate to without notice or hearing provided the assurances and covenants hereinafter stated are made by the WHEREAS, the City is willing to levy the Special Assessments against the Subject Property

adequacy of the petition pursuant to Minn. Stat. §429.035; and

WHEREAS, the City adopted Resolution No. 050801A on May 8, 2001, declaring the

the abutting properties (the "Special Assessments"); and

"Improvement") and to specially assess 100 percent of the cost of the Improvement to the owners of to install street lighting on Fulham Street between Hoyt Avenue and Folwell Avenue (the

WHEREAS, the Owner and the owners of other abutting properties have petitioned the City

Property"); and

Street in Lauderdale, which property is legally described on Exhibit A attached hereto (the "Subject

WHEREAS, the Owner is the fee owner of certain real property located at 1599 Fulham

WITNESSETH:

Sundeen (the "Owner");

Lauderdale, a Minnesota municipal corporation (the "City"), and Richard D. Sundeen and Karen A.

THIS AGREEMENT is made this _____ day of _____, 2002, by and between the city of

PETITION AND WAIVER AGREEMENT

the Subject Property; and

Owner to ensure that the City will have valid and collectable Special Assessments as they relate to without notice or hearing provided the assurances and covenants hereinafter stated are made by the WHEREAS, the City is willing to levy the Special Assessments against the Subject Property

adequacy of the petition pursuant to Minn. Stat. §429.035; and

WHEREAS, the City adopted Resolution No. 050801A on May 8, 2001, declaring the

the abutting properties (the "Special Assessments"); and

"Improvement") and to specially assess 100 percent of the cost of the Improvement to the owners of

to install street lighting on Fulham Street between Hoyt Avenue and Folwell Avenue (the

WHEREAS, the Owner and the owners of other abutting properties have petitioned the City

Property"); and

Street in Lauderdale, which property is legally described on Exhibit A attached hereto (the "Subject

WHEREAS, the Owner is the fee owner of certain real property located at 1563 Fulham

WITNESSETH:

Ahlgren (the "Owner");

Lauderdale, a Minnesota municipal corporation (the "City"), and Steven C. Ahlgren and Cynthia D.

THIS AGREEMENT is made this 14 day of May, 2002, by and between the city of

PETITION AND WAIVER AGREEMENT

without notice or hearing provided the assurances and covenants hereinafter stated are made by the

WHEREAS, the City is willing to levy the Special Assessments against the Subject Property

adequacy of the petition pursuant to Minn. Stat. §429.035; and

WHEREAS, the City adopted Resolution No. 050801A on May 8, 2001, declaring the

the abutting properties (the "Special Assessments"); and

"Improvement") and to specially assess 100 percent of the cost of the Improvement to the owners of

to install street lighting on Fulham Street between Hoyt Avenue and Folwell Avenue (the

WHEREAS, the Owner and the owners of other abutting properties have petitioned the City

Property"); and

Street in Lauderdale, which property is legally described on Exhibit A attached hereto (the "Subject

WHEREAS, the Owner is the fee owner of certain real property located at 1605 Fulham

WITNESSETH:

1991 (the "Owner");

Smith, co-trustees of the Charles J. Smith and Myrna G. Smith trust agreement dated January 21,

Lauderdale, a Minnesota municipal corporation (the "City"), and Charles J. Smith and Myrna G.

THIS AGREEMENT is made this 25th day of April, 2002, by and between the city of

PETITION AND WAIVER AGREEMENT

Owner to ensure that the City will have valid and collectable Special Assessments as they relate to

the Subject Property; and

WHEREAS, were it not for the assurances and covenants hereinafter provided, the City

would not levy the Special Assessments without such notice and hearing and is doing so solely at

the best, and for the benefit of, the Owner.

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE CITY AND

THE OWNER AS FOLLOWS:

1. The Owner represents and warrants that they are the fee owners of the Subject Property and that they have full legal power and authority to encumber the Subject Property as herein provided.

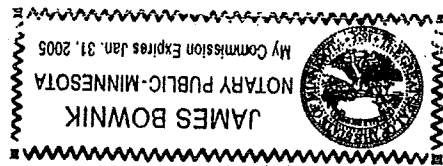
2. The Owner requests that Special Assessments in the principal amount of \$1,000 be levied against the Subject Property pursuant to Minn. Stat., Section 429.101. The Special Assessments shall be payable over a period of five years with interest calculated at the rate of 5 percent per annum. The Special Assessments shall accrue interest beginning on the date on which the Improvement is completed, as determined by the City. The Owner may prepay the Special Assessments without interest if payment is made in full to the City within 30 days of the date the Improvement is completed.

3. The Owner waives notice of hearing and hearing on the Special Assessments and specifically requests that the Special Assessments be assessed against the Subject Property without notice of hearings or hearings in accordance with this Agreement.

4. The Owner waives the right to appeal the assessment of the Special Assessments in accordance with this Agreement pursuant to Minn. Stat. Chapter 429, or otherwise, and further specifically agrees with respect to such Special Assessments against the Subject Property that:

a. Any requirements of Minn. Stat., Chapter 429 with which the City has not or does not comply are hereby waived by the Owner; and
b. The increase in fair market value to the Subject Property resulting from the Improvement will be at least equal to the amount of the Special Assessments assessed against the Subject Property, and that such increase in fair market value was a special benefit of the Subject Property.

5. The covenants, waivers and agreements contained in this Agreement shall bind the successors and assigns of the Owner and shall run with the Subject Property and bind all successors in interest thereof. It is the intent of the parties hereto that this Agreement be in a



James Bownik
Notary Public

The foregoing instrument was acknowledged before me this 25th day of April, 2002, by Charles J. Smith and Myrna G. Smith, husband and wife, as co-trustees of the Charles J. Smith and Myrna G. Smith trust agreement dated January 21, 1991.

STATE OF MINNESOTA)
) SS.)
COUNTY OF RAMSEY)

Charles J. Smith, Co-Trustee
Myrna G. Smith, Co-Trustee
OWNER

6. This Agreement shall terminate upon the final payment of the Special Assessments. At the request of the Owner, the City shall execute and deliver such documents, in recordable form, as are necessary to extinguish its rights hereunder upon receipt of such final payment. IN WITNESS WHEREOF, the parties have set their hands the day and year first written above.

THIS INSTRUMENT DRAFTED BY:
KENNEDY & GRAVEN, CHARTERED
470 Pillsbury Center
200 South Sixth Street
Minneapolis MN 55402
(612) 337-9300 (RHB)

The foregoing instrument was acknowledged before me this _____ day of _____, 2002, by Jeffrey Dains and Rick Getschow, the mayor and city administrator, respectively, of the city of Lauderdale, a municipal corporation under the laws of Minnesota, on behalf of the municipal corporation.

STATE OF MINNESOTA)
(SS)
COUNTY OF RAMSEY)

By _____
Rick Getschow, City Administrator

By _____
Jeffrey Dains, Mayor

CITY OF LAUDERDALE

Notary Public

EXHIBIT A

Legal Description

The Subject Property is legally described as follows:

The North 15 Feet of Lot 4 and all of Lot 5, Oakwood, and vacant Alley and the East ½ of North 153 feet of Fulham Street vacant accruing and vacated Ridgewood Terrace accruing, all in Ramsey County, Minnesota.

Lauderdale City Council Memorandum

Council Meeting Date:

May 28, 2002

To:

Mayor and City Council

From:

Rick Getschow, City Administrator

Agenda Item:

MNDOT Noise Wall Feedback

BACKGROUND:

The City hosted a neighborhood meeting on April 29, 2002 with MNDOT to discuss the potential construction of a sound wall on the east side of Highway 280. As a follow-up to that meeting, a questionnaire was sent to those in the sound wall study area along with a copy of the sound wall study following the May 14th Council meeting.

Even though I will not receive all of the questionnaires by the time of the meeting, the Council can review and discuss what has been returned to date. More importantly, the Council will want to discuss the next in this process, which could include another neighborhood meeting or other method to obtain resident feedback.