

**LAUDERDALE CITY COUNCIL MEETING AGENDA
TUESDAY, JULY 23, 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 _____
 Gover _____
 Getschow _____

3. APPROVAL OF THE AGENDA

4. APPROVAL

A. Approval of minutes of the regular City Council Meeting of 7/09/02
 B. Approval of claims totaling \$123,552.98

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. 2002 Street and Utility Improvements-
City Engineer Tom Kellogg
 - B. Ramsey County Commissioner Jan Weisser
(no memorandum)
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. Resolution 072302A: A Resolution Proclaiming National Night Out 2002
11. **DISCUSSION**
 - A. Highway 280 Reconstruction Project (MNDOT)
12. **ITEMS REMOVED FROM THE CONSENT AGENDA**
13. **ADDITIONAL ITEMS**
14. **SET AGENDA FOR NEXT MEETING**
15. **ADJOURNMENT**

**Lauderdale City Council
Meeting Minutes
July 9, 2002**

1. Meeting called to order at 7:35 P.M.

2. ROLL

Council present: Gover, Gill-Gerbig, McCloskey, and Mayor Pro-Tem Christensen

Council absent: Mayor Dains

Staff present: Getschow and Bownik

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 Gover to approve of the minutes of the regular City Council meeting of June 25, 2002. Motion carried unanimously.

B. *Approval of Claims totaling \$15,151.33.* Motion by Gill-Gerbig, second by Gover to approve the claims totaling \$15,151.33. Motion carried unanimously.

C. *Approval of Pay Request #3 for the 2002 Street and Utility Improvements for \$133,075.07.* Motion by McCloskey, second by Gill-Gerbig to approve Pay Request #3 for the 2002 Street and Utility Improvements for \$133,075.07. Motion carried unanimously.

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

6. CONSENT
7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS
 - A. "Day in the Park" Event. The Council reminded everyone that the Lauderdale "Day in the Park" event is scheduled for July 20, 2002 from 4:00-8:00 p.m. Administrative Analyst Bownik also provided another update on the event.
8. INFORMATIONAL PRESENTATIONS
9. PUBLIC HEARINGS
 - A. Side-yard setback and lot coverage variances for the construction of a garage at 1764 Malvern Street.

Mayor Pro-Tem Christensen opened the public hearing at 7:48 p.m.

Bownik stated that Christopher Title, 1764 Malvern Street, has applied for two variances for the construction of a new garage. The first variance is from the side yard setback requirements, to go from 5 feet to 1 foot from the north property line with the garage. The second variance is a lot coverage variance to go from 30% to 31.49% in constructing a new garage. The property in question is zoned R-1 Residential.

Bownik stated that he has received a letter from the resident directly to the north at 1766 Malvern expressing several concerns with the proposed variance.

Christopher Title, 1764 Malvern Street, stated that the hardship or "issue" for applying for the variance is the tree in the rear yard. It would either need to be removed (with he is loathe to do) or if not removed, would allow only for the construction of a one-car garage. Title stated that he is sensitive to the neighbors' concerns, but still wishes to pursue this 1-foot setback variance.

Paul Hallen, 1766 Malvern Street, listed his concerns with the proposed variance that would affect his property including: reducing and blocking sunlight, reducing airflow, the possible creation of run-off problems, and negative affect on his property value.

Karen Henry, 1764 Malvern Street, asked about the decision process for considering the variance and potential changes or amendments to the proposed variance that could be made.

Mayor Pro-Tem Christensen closed the public hearing at 8:04 p.m.

10. ACTION

A. *Side-yard setback and lot coverage variances for the construction of a garage at 1764 Malvern Street.*

Mayor Pro-Tem Christensen stated that the Planning Commission members were provided information on this variance request and were invited to attend the meeting and provide feedback.

Council member McCloskey expressed concern with the proposed variance because a 1-foot setback may not be enough to maintain the garage on the north side.

Council member Gover stated that the neighbor's concerns make this a difficult issue. She asked the applicant and the neighbor if there are any compromises that can be made to satisfy all parties.

Council member Gill-Gerbig stated that the tree issue does not meet her threshold to be considered a hardship. She also expressed concerns with approving a variance for new construction.

Council member Christensen mentioned several alternatives and options that could be pursued with the construction of the garage that would not require a 1-foot setback from the side yard.

Motion by Gill-Gerbig, second by Gower to deny the variance request at 1764 Malvern Street for a variance to the side yard setback requirement along the north property line to 1-foot for the construction of a new garage and also to deny the lot coverage variance to go from 30% lot coverage to 31.49% lot coverage. The rationale [for denying these variances] includes the issue of the tree being the main reason the applicant requests the variances and that information on the tree is not listed on the survey or application and that these variances are for new construction and not for fixing or amending existing structures. The goal of planning and zoning and the [use of] setbacks is to bring properties into compliance. [Variances for] new construction steps outside of those parameters. Roll: Yes: all. Motion carried.

B. *Approval of a Deputy Clerk Computer Purchase.* The City Administrator stated that the City has obtained quotations for the purchase of a computer for the Deputy Clerk. The three quotations that do not include the purchase of a monitor are as follows:

Compaq Pentium 4	\$900.00
Gateway Pentium 4	\$1,129.00
IBM Pentium 4	\$1,049.00

Motion by Gill-Gerbig, second by McCloskey to approve the purchase of the Compaq Pentium 4 computer for \$900.00 as listed and specified in the packet. Roll: Yes: all. Motion carried.

C. *2-Hour Parking Request on Carl Street.* The Council members stated that they have observed the block in question for the parking request, and in light of no police action or other known concerns with the property, there is not a desire to enact this request.

The City Administrator stated that he will contact the resident that presented this request to the Council to update him on the Council's consensus on this issue.

- 11. REPORTS
- 12. ITEMS REMOVED FROM THE CONSENT AGENDA
- 13. ADDITIONAL ITEMS

14. SET AGENDA FOR NEXT MEETING

1. County Commissioner Jan Weisser
2. MNDOT and Highway 280 Reconstruction Discussion
3. Insurance Policy Renewal
4. National Night Out Resolution

A break was taken at 9:13 p.m. to transition into a work session discussion.

15. WORK SESSION DISCUSSION

The meeting resumed at 9:20 p.m. The Council discussed a possible parking ordinance revision for Carl Street and Idaho Avenue south of Larpenteur Avenue. The Council also discussed the following 2002 Goals and their timelines for consideration:

- Larpenteur Avenue Corridor Redevelopment- Met Council Grant opportunities
- Park Improvements and the potential paving of the hockey rink
- The drafting of a Housing policy

16. ADJOURNMENT

Motion by Gover, second by McCloskey to adjourn the meeting at 10:15 P.M. Ayes: All.

**CITY OF LAUDERDALE
 Claims for Approval
 July 23, 2002 City Council Meeting**

Payroll

07/19/02 Payroll: Check # 7181-7185	\$5,721.73
07/19/02 Payroll: EFT: Federal Withholding Taxes/FICA	\$2,367.69
07/19/02 Payroll: EFT: PERA	\$980.24
07/19/02 Payroll: EFT: ICMA Retirement Fund	\$1,185.96
July '02 Payroll: EFT: State Withholding Taxes	\$794.83

Vendor Claims

07/23/02 Claims: Check # 15882-15916	\$112,502.53
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Subtotal of Claims From Above	\$123,552.98
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Total Claims for Approval	\$123,552.98
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**CITY OF LAUDERDALE
Paid Register**

Check Number	Employee Number	Employee Name	Pay Period	Pay Group	Check Amount	Check Date	Status
007181	000000011	BOWNIK, JAMES	15	BI-WEEKLY	\$1,001.68	7/19/02	Outstanding
007182	000000003	GETSCHOW, RICK	15	BI-WEEKLY	\$1,730.03	7/19/02	Outstanding
007183	000000030	GOETTE, SHANNON	15	BI-WEEKLY	\$901.79	7/19/02	Outstanding
007184	000000002	HINRICH, DAVID C	15	BI-WEEKLY	\$1,041.13	7/19/02	Outstanding
007185	000000005	HUGHES, JOSEPH A	15	BI-WEEKLY	\$1,047.10	7/19/02	Outstanding
007180		VOID	15		\$0.00	7/19/02	Void
					<u>\$5,721.73</u>		

CITY OF LAUDERDALE
Vendor Transactions

CHECK Nbr	Batch	Check Date	Name Invoice	Amount	Comments
015882		7/23/02	072302claims 104707	\$245.00	complete annual reports
015882		7/23/02	072302claims 104707	\$105.00	complete annual reports
Search Name ABDO ABDO EICK & MEYERS					
015883		7/23/02	072302claims 1221284198	\$5.15	07/02 long distance
Search Name AT & T					
015884		7/23/02	072302claims w163748	\$70.26	portable restroom thru 07/09/02
Search Name BIFFS, INC.					
015885		7/23/02	072302claims 88895	\$50.00	05/02 general engineering
015885		7/23/02	072302claims 88896	\$93.00	05/02 '01 street/utility improvements
015885		7/23/02	072302claims 88897	\$25,317.19	05/02 '02 street/utility improvements
Search Name BONESTROO, ROSENE, ANDERLIK					
015886		7/23/02	072302claims 7123/02	\$4,715.00	05/02 & 06/02 recycling
Search Name BROWNING-FERRIS IND OF MN					
015887		7/23/02	072302claims 7123/02	\$74.46	7/9, 7/16 pw uniforms
Search Name CINTAS					
015888		7/23/02	072302claims 7123/02	\$10,165.50	'02 base fire contract
Search Name CITY OF FALCON HEIGHTS					
015889		7/23/02	072302claims 505	\$18,421.08	08/02 police services
Search Name CITY OF ST ANTHONY					
015890		7/23/02	072302claims 7123/02	\$53.56	reimb: '02 day in the park expenses
Search Name DOHERTY, KAREN					
015891		7/23/02	072302claims 7123/02	\$24.25	06/02 truck fuel
015891		7/23/02	072302claims 7123/02	\$24.25	06/02 truck fuel
Search Name EAST HENNEPIN AUTO SERVICE INC					
015892		7/23/02	072302claims 7123/02	\$38.34	6/30/02 water delivery
Search Name GLENWOOD INGLEWOOD					
015893		7/23/02	072302claims 7123/02	\$100.18	06/02 print/process fee
015893		7/23/02	072302claims 7123/02	\$850.00	06/02 retainer fee
Search Name HUGHES & COSTELLO					
Search Name JUMPIN JAX					

CITY OF LAUDERDALE
Vendor Transactions

CHK	Batch	Invoice	Amount	Comments
015894	7/23/02	072302claims 7/23/02	\$148.04	02 day in the park bounce house
Search Name JUMPIN JAX				
015895	7/23/02	072302claims 52678	\$35.88	06/02 print/process
015895	7/23/02	072302claims 52678	\$730.00	06/02 legal services
Search Name KENNEDY & GRAVEN				
015896	7/23/02	072302claims 7/23/02	\$349.30	08/02-08/03 workers' comp premium
015896	7/23/02	072302claims 7/23/02	\$1,397.20	08/02-08/03 workers' comp premium
015896	7/23/02	072302claims 7/23/02	\$174.65	08/02-08/03 workers' comp premium
015896	7/23/02	072302claims 7/23/02	\$1,571.85	08/02-08/03 workers' comp premium
Search Name LEAGUE MN CITIES INS TRUST				
015897	7/23/02	072302claims 7/23/02	\$150.00	02 music day in the park
Search Name LEX-HAM COMMUNITY BAND				
015898	7/23/02	072302claims 7/23/02	\$550.52	06/02 roseville review delivery
Search Name LILLIE SUBURBAN NEWS				
015899	7/23/02	072302claims 741356	\$9,971.20	08/02 wastewater services
Search Name MET-COUNCIL ENVIRONMENTAL SER.				
015900	7/23/02	072302claims 7/23/02	\$78.96	07/02 union dues
Search Name MINNESOTA AFSCME				
015901	7/23/02	072302claims	\$230.35	2qtr02 bldg permit surcharges
Search Name MN STATE TREASURER				
015902	7/23/02	072302claims 7/23/02	\$16.08	truck lubricants/supplies
Search Name NAPA AUTO PARTS				
015903	7/23/02	072302claims 7/23/02	\$12.00	pizza: pcic
015903	7/23/02	072302claims 7/23/02	\$3.00	rick: parking
015903	7/23/02	072302claims 7/23/02	\$6.00	s willberts: roseville rec
015903	7/23/02	072302claims 7/23/02	\$12.00	pizza: pcic
Search Name NORTH STAR BANK, PETTY				
015903	7/23/02	072302claims 7/23/02	\$11.77	videotapes
015903	7/23/02	072302claims 7/23/02	\$5.00	falcon hts rec reimb
Search Name NORTH STAR BANK, PETTY				
015904	7/23/02	072302claims 7/23/02	\$33.23	kitchen faucet, circuit breakers
015904	7/23/02	072302claims 7/23/02	\$8.43	caulk, batteries
Search Name PARK HARDWARE HANK				
015904	7/23/02	072302claims 7/23/02	\$41.66	

CITY OF LAUDERDALE
Vendor Transactions

CHECK	Nbr	Check Date	Batch Name Invoice	Amount	Comments
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Search Name PARK SERVICE

015905 7/23/02 072302claims 7/23/02
 015905 7/23/02 072302claims 7/23/02

Search Name PARK SERVICE

015906 7/23/02 072302claims 7/23/02

Search Name POSTMASTER

015907 7/23/02 072302claims 7/23/02

Search Name QWEST

015907 7/23/02 072302claims 7/23/02
 015907 7/23/02 072302claims 7/23/02

Search Name QWEST

Search Name RAMSEY COUNTY, EXPENDITURES
 015908 7/23/02 072302claims risk00454

Search Name RAMSEY COUNTY, EXPENDITURES

Search Name S & T OFFICE PRODUCTS, INC.
 015909 7/23/02 072302claims 1318865

Search Name S & T OFFICE PRODUCTS, INC.

015910 7/23/02 072302claims 7/23/02

Search Name SAM'S CLUB

Search Name SAM'S CLUB

015911 7/23/02 072302claims 271422

Search Name SCHARBER AND SONS

Search Name SCHARBER AND SONS

015912 7/23/02 072302claims 7/23/02

Search Name SPRINT PCS

015912 7/23/02 072302claims 7/23/02

Search Name SPRINT PCS

015913 7/23/02 072302claims 7/23/02

Search Name US BANK, DEBT SERVICES

Search Name US BANK, DEBT SERVICES

Search Name WELLS FARGO BANK MINNESOTA, NA

015914 7/23/02 072302claims 7/23/02

Search Name WELLS FARGO BANK MINNESOTA, NA

Search Name XCEL ENERGY

015915 7/23/02 072302claims 7/23/02
 015915 7/23/02 072302claims 7/23/02
 015915 7/23/02 072302claims 7/23/02
 015915 7/23/02 072302claims 7/23/02
 015915 7/23/02 072302claims 7/23/02
 015915 7/23/02 072302claims 7/23/02
 015915 7/23/02 072302claims 7/23/02
 015915 7/23/02 072302claims 7/23/02

\$77.73 06/02 truck fuel
 \$77.73 06/02 truck fuel

\$155.46

\$111.00 stamps for city hall

\$111.00

\$11.98 07/02 autodial: ryan, malvern lift stations
 \$224.70 07/02 city hall phone

\$336.68

\$1,134.66 06/02 employee benefits

\$1,134.66

\$12.13 council nameplate/holder

\$12.13

\$11.00 cleaning supplies

\$11.00

\$558.90 tractor maintenance/repairs

\$558.90

\$11.63 07/02 pw cell phone
 \$11.62 07/02 pw cell phone

\$23.25

\$25,660.00 00 st/utill bond interest

\$25,660.00

\$7,730.00 tff bond interest

\$7,730.00

\$8.63 06/02 city garage gas
 \$427.38 06/02 street lighting
 \$7.71 06/02 city park electric
 \$14.91 06/02 city park gas
 \$6.91 06/02 city garage electric
 \$8.63 06/02 city garage gas
 \$42.29 06/02 city hall electric
 \$126.86 06/02 city hall electric

CITY OF LAUDERDALE
Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
015915	7/23/02	072302claims 7/23/02	\$6.01	06/02 city hall gas
015915	7/23/02	072302claims 7/23/02	\$18.02	06/02 city hall gas
015915	7/23/02	072302claims 7/23/02	\$6.91	06/02 city garage electric
			<u>\$674.26</u>	
<i>Search Name XCEL ENERGY</i>				
015916	7/23/02	072302claims 07/23/02	\$22.60	06/02 lift station gas
015916	7/23/02	072302claims 07/23/02	\$224.91	06/02 lift station electric
			<u>\$247.51</u>	
<i>Search Name XCEL ENERGY, LIFT STATIONS</i>				
Grand Total				
			<u>\$112,502.53</u>	

Lauderdale City Council Memorandum

Council Meeting Date: July 23, 2002

To: Mayor and City Council

From: Rick Getschow, City Administrator

Agenda Item: Ramsey County Commissioner Jan Wiessner

BACKGROUND:

Jan Wiessner will be in attendance at the meeting to give an annual presentation on current issues in Ramsey County.

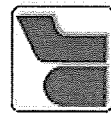
There will also be an opportunity for questions from the City Council. The following are a few projects or issues that currently involve the City and the County that may be discussed:

- County Road Turnbacks
- Tax Forfeited Property and Use Deeds (Recreational Use)
- Election Equipment Replacement
- Emergency Management
- The consideration of a suburban Ramsey County Housing and Redevelopment Authority (HRA) levy
- Public or Organized Collection

ENCLOSURES:

1. Ramsey County Commissioner Jan Wiessner Background Information

Board of Commissioners



Ramsey County, working with you to enhance our quality of life.

Jan Parker Wiessner
County Commissioner
Representing
District 2
Jan.Wiessner@co.ramsey.mn.us

Ramsey County Board Office
Room 220 Court House
15 W. Kellogg Blvd.
St. Paul, MN 55102

Tel: 651.266.8356
Fax: 651.266.8370

Commissioner Assistant:

Mary Ann Palmer
Tel: 651 266-8359
Maryann.Palmer@co.ramsey.mn.us

and
Secretary:

Patricia Kivela
Tel: 651 266-8351
patricia.j.kivela@co.ramsey.mn.us



[Bio](#)

[County Board](#)

[District Map](#)

[Min. & Agendas](#)

Boards & Committees

Wiessner serves on the following outside of Ramsey County:

- Association of Minnesota Counties member (Board of Directors, Metro Counties District X, and Fiscal Affairs Committee)
- Ramsey County Investment Committee, Chair
- Metropolitan Area Agency on Aging Board of Directors, nominating committee chair
- Ramsey County League of Local Governments Board of Directors, (Chair 2002)
- Ramsey County Library Board of

Serving citizens in the following communities:

Lauderdale
Little Canada
New Brighton
Roseville
St. Anthony (Ramsey County portion)

Links to Citizen Sites

- [AMC](#) (Association of MN Counties)
- [MAAA](#) (Metropolitan Area Agency on Aging)
- [NACo](#) (National Association of Counties)
- [Minnesota Workforce Council](#)

- Trustees (Board liaison)
- Resource Recovery Project Board
- Workforce Investment Board
- National Association of Counties
- (NACo) Employment and Workforce Training Steering Committee
- MELSA and Metronet Boards of Trustees
- MN Workforce Council Association
- Metropolitan Workforce Association, Vice Chair
- I-35 W Coalition

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- MELSA (Metropolitan Library Service Agency)

[Return to the Ramsey County Home Page](#)

Author: Ramsey County
E-mail: Ramsey County Web Master

Last updated on 6/4/2002 9:36:08 AM

RESOLUTION NO. 072302A

CITY OF LAUDERDALE
COUNTY OF RAMSEY
STATE OF MINNESOTA

RESOLUTION PROCLAIMING NATIONAL NIGHT OUT 2002

WHEREAS, there is a nationwide, crime and drug prevention event on Tuesday evening, August 6, 2002, called National Night Out; and

WHEREAS, National Night Out provides an opportunity for Lauderdale to join thousands of other communities across the County in promoting cooperative, police-community crime and drug prevention efforts; and

WHEREAS, the citizens of Lauderdale play a vital role in assisting the St. Anthony Police Department fight crime in the City through crime and drug prevention efforts; and

WHEREAS, police-community partnerships and neighborhood safety and awareness and cooperation are important themes of the National Night Out program; and

WHEREAS, the City of Lauderdale supports National Night Out;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and City Council of the City of Lauderdale do hereby call upon all citizens to participate in this year's National Night Out by meeting with their neighbors and the Police Department.

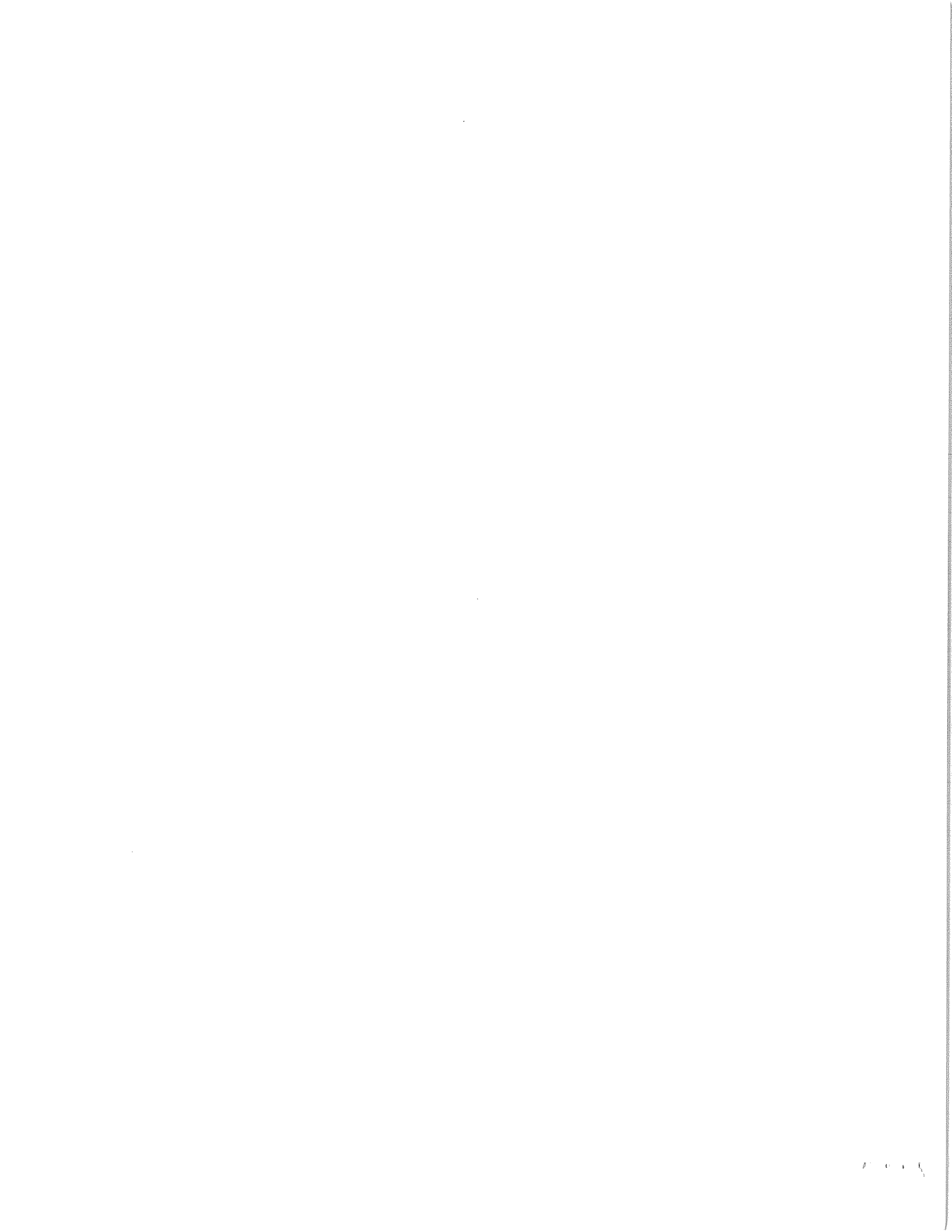
Adopted by the City Council of the City of Lauderdale, Minnesota this 23rd day of July, 2002

(ATTEST)

Jeff Dains, Mayor

(SEAL)

Rick Getschow, City Administrator



Lauderdale City Council Memorandum

Council Meeting Date: July 23, 2002

To: Mayor and City Council

From: Rick Getschow, City Administrator

Agenda Item: MNDOT and the Highway 280 Reconstruction Project

BACKGROUND:

MNDOT representatives, including area manager Frank Parko, will be in attendance at the meeting to discuss the overall reconstruction project.

The letter and the attachment in this packet addresses the three issues that the City Council requested information on at the June 25 Council meeting. They are:

- Details on Municipal consent for the 280 Project
- The power of MNDOT to close access roads; and
- The status of funds allocated for the 280 Project.

Please let me know prior to this meeting if there is any other information that I can obtain from MNDOT that cannot be provided verbally at the meeting.

ENCLOSURES:

1. July 3, 2002 MNDOT Letter from Area Manager Frank Parko
2. Minnesota State Statutes related to Municipal Consent



July 3, 2002

To: Rick Getschow
City Administrator
City of Lauderdale
1891 Walnut Street
Lauderdale, MN 55113

Re: Municipal Consent and Authority of the Commissioner
T.H. 280 Reconstruction
S.P. 6241-41

Dear Mr. Getschow:

This letter is in response to questions raised by the Lauderdale City Council at their June 25, 2002 meeting. It is my understanding that questions pertaining to the following issues needed written clarification by the Minnesota Department of Transportation (Mn/DOT):

- 1) Approval needed on a final layout by a governing body of a municipality in which the trunk highway (T.H.) lies before Mn/DOT can proceed with the reconstruction project
- 2) Power of the Commissioner of Transportation to close local road accesses without consent by the municipality
- 3) The status of the funds allocated for the T.H. 280 reconstruction project from north of Larpenteur Ave. to I-35W (S.P. 6241-41).

Please refer to Minnesota Session Laws 2001, Chapter 191, enclosed. Minnesota Statutes Chapter 191, Sections 3 to 8 [161.162 to 161.167] describes highway project review, final layout approval process, commissioner action, etc.

Section 4, Subdivision 1 states that the aforementioned sections apply only to projects that alter access, increase or reduce highway traffic capacity, or require acquisition of permanent rights of way. Since the T.H. 280 reconstruction project proposes to close local street accesses to T.H. 280 and acquire right of way, Mn/DOT is required to submit to the Lauderdale City Council the final layout for their approval. Section 5, Subdivision 1 states, "Before proceeding with the construction, reconstruction, or improvement of any route on the trunk highway system lying within any municipality, the commissioner shall submit to its governing body a final layout and project report covering the purpose, route

location, and proposed design of the highway." Subdivision 2 describes the governing body action on this final layout.

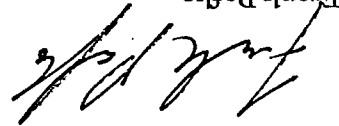
In regards to question 2), Section 4, Subdivision 2 of Chapter 191 states, "Nothing contained in sections 161.162 to 161.167 limits the power of the commissioner to regulate traffic or install traffic control devices or other safety measures on trunk highways located within municipalities regardless of their impact on access or traffic capacity or on the need for additional rights-of-way." Therefore, the commissioner has police power to close a local street access without municipal consent if there is a documented traffic safety problem.

To answer your third question, the funding for this project is from two sources - 80% (\$5.5 million) comes from the Metropolitan Council through their Surface Transportation Program (S.T.P.), the remaining funding (\$2 million) is from Mn/DOT Trunk Highway dollars. The S.T.P. money can only be used for this project as it was defined in the S.T.P. application, and it has to be used by the sunset date of September 30, 2005 (originally set at September 30, 2004 but was pushed out one year). Otherwise, the money is returned to the Metropolitan Council.

The commitment to match the S.T.P. dollars and therefore fund this project is a high priority for Mn/DOT. As we have discussed with you, the letting date for this project was originally scheduled for May of 2004, and has been deferred until state fiscal year 2006 (July 1, 2005 - June 30, 2006). Therefore, at this time, we are scheduled for a September of 2005 letting date with reconstruction beginning in the spring of 2006.

If you have any other questions about this project, or if I can provide further clarification on the project process, please contact me at (651) 582-1481. Thank you.

Sincerely,



Frank Parko

Area Manager

Ramsey, Anoka and Northern Hennepin Counties

Encl

Cc: Marc Goess - Mn/DOT Metro Area Engineer
Nancy Daubenberger - Mn/DOT Metro Design

Minnesota Session Laws



Minnesota Session Laws - 2001

Key: language to be deleted...new language Change language enhancement display.

Legislative history and Authors

CHAPTER 191-H.F.No. 1973

An act relating to transportation; regulating state highways in municipalities; making conforming changes; amending Minnesota Statutes 2000, sections 160.85,

subdivision 3; and 161.1245, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 161; repealing Minnesota Statutes 2000, sections 161.17; 161.171; 161.172; 161.173; 161.174; 161.175; 161.176; 161.177; and 473.181, subdivision 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

HIGHWAY CONSTRUCTION THROUGH MUNICIPALITIES

Section 1. Minnesota Statutes 2000, section 160.85,

subdivision 3, is amended to read:

Subd. 3. [APPROVAL.] No road authority and private operator may execute a development agreement without the approval of the final agreement by the commissioner. A road authority and private operator in the metropolitan area must obtain the approvals required in sections ~~161.171 to 161.177~~ 161.162 to 161.167 and 473.167, subdivision 1. Except as

otherwise provided in sections 161.162 to 161.167, the governing body of a county or municipality through which a facility passes may veto the project within 30 days of approval by the commissioner.

Sec. 2. Minnesota Statutes 2000, section 161.1245,

subdivision 4, is amended to read:

Subd. 4. [ROUTE NO. 396.] Notwithstanding ~~section 161.17~~ or other any state law to the contrary, the commissioner of transportation shall extend, without undue delay, the interstate route commonly known as I-35 by construction of Route No. 396 described in section 161.12 in accordance with federal regulations for receiving federal aid made available by the United States to the state of Minnesota for highway purposes.

Sec. 3. [161.162] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The terms in sections 161.162 to 161.167 have the meanings given them in this section and section 160.02.

Subd. 2. [FINAL LAYOUT.] (a) "Final layout" means geometric layouts and supplemental drawings that show the location, character, dimensions, access, and explanatory information about the highway construction or improvement work being proposed. "Final layout" includes, where applicable, traffic lanes, shoulders, trails, intersections, signals, bridges, approximate right-of-way limits, existing ground line and proposed grade line of the highway, turn lanes, access points and closures, sidewalks, speed zones, noise walls, transit considerations, auxiliary lanes, interchange locations, interchange types, sensitive areas, existing right-of-way, drainage, location of municipal utilities, project schedule and

estimated cost, and the name of the project manager.

(b) "Final layout" does not include a cost participation agreement. For purposes of this subdivision "cost participation agreement" means a document signed by the commissioner and the governing body of a municipality that states the costs of a highway construction project that will be paid by the municipality.

Subd. 3. [FINAL CONSTRUCTION PLAN.] "Final construction plan" means the set of technical drawings for the construction or improvement of a trunk highway provided to contractors for bids.

Subd. 4. [GOVERNING BODY.] "Governing body" means the elected council of a municipality.

Subd. 5. [MUNICIPALITY.] "Municipality" means a statutory or home rule charter city.

Sec. 4. [161.163] [HIGHWAY PROJECT REVIEW.] Sections 161.162 to 161.167 apply only to projects that alter access, increase or reduce highway traffic capacity, or require acquisition of permanent rights-of-way.

Subd. 2. [TRAFFIC SAFETY MEASURES.] Nothing contained in sections 161.162 to 161.167 limits the power of the commissioner to regulate traffic or install traffic control devices or other safety measures on trunk highways located within municipalities regardless of their impact on access or traffic capacity or on the need for additional rights-of-way.

Subd. 3. [CONSTRUCTION PROGRAM.] Nothing contained in sections 161.162 to 161.167 limits the commissioner's discretion to determine priority and programming of trunk highway projects.

Sec. 5. [161.164] [FINAL LAYOUT APPROVAL PROCESS.] Subdivision 1. [SUBMISSION OF FINAL LAYOUT.] Before proceeding with the construction, reconstruction, or improvement of any route on the trunk highway system lying within any municipality, the commissioner shall submit to its governing body a final layout and project report covering the purpose, route location, and proposed design of the highway. The final layout must be submitted as part of a report containing any supporting data that the commissioner deems helpful to the governing body in reviewing the final layout submitted. The supporting data must include a good faith cost estimate of all the costs in which the governing body is expected to participate. The final layout must be submitted before final decisions are reached so that meaningful early input can be obtained from the municipality.

Subd. 2. [GOVERNING BODY ACTION.] (a) Within 15 days of receiving a final layout from the commissioner, the governing body shall schedule a public hearing on the final layout. The governing body shall, within 60 days of receiving a final layout from the commissioner, conduct a public hearing at which the department of transportation shall present the final layout for the project. The governing body shall give at least 30 days' notice of the public hearing.

(b) Within 90 days from the date of the public hearing, the governing body shall approve or disapprove the final layout in writing, as follows:

(1) If the governing body approves the final layout or does not disapprove the final layout in writing within 90 days, in which case the final layout is deemed to be approved, the commissioner may continue the project development.

(2) If the final construction plans contain changes in access, traffic capacity, or acquisition of permanent rights-of-way from the final layout approved by the governing body, the commissioner shall resubmit the portion of the final construction plans where changes were made to the governing body.



The governing body must approve or disapprove the changes, in writing, within 60 days from the date the commissioner submits them.

(3) If the governing body disapproves the final layout, the commissioner may make modifications requested by the municipality, decide not to proceed with the project, or refer the final layout to an appeal board. The appeal board shall consist of one member appointed by the commissioner, one member appointed by the governing body, and a third member agreed upon by both the commissioner and the governing body. If the commissioner and the governing body cannot agree upon the third member, the chief justice of the supreme court shall appoint a third member within 14 days of the request of the commissioner to appoint the third member.

Subd. 3. [APPEAL BOARD.] Within 30 days after referral of the final layout, the appeal board shall hold a hearing at which the commissioner and the governing body may present the case for or against approval of the final layout referred. Not later than 60 days after the hearing, the appeal board shall recommend approval, recommend approval with modifications, or recommend disapproval of the final layout, making additional recommendations consistent with state and federal requirements as it deems appropriate. It shall submit a written report containing its findings and recommendations to the commissioner and the governing body.

Sec. 6. [161.165] [COMMISSIONER ACTION; INTERSTATE HIGHWAYS.]

Subdivision 1. [APPLICABILITY.] This section applies to interstate highways.

Subd. 2. [ACTION ON APPROVED FINAL LAYOUT.] (a) If the appeal board recommends approval of the final layout or does not submit its findings and recommendations within 60 days of the hearing, in which case the final layout is deemed approved, the commissioner may prepare substantially similar final construction plans and proceed with the project.

(b) If the final construction plans change access, traffic capacity, or acquisition of permanent right-of-way from the final layout approved by the appeal board, the commissioner shall submit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 3. [ACTION ON FINAL LAYOUT APPROVED WITH CHANGES.] (a) If, within 60 days, the appeal board recommends approval of the final layout with modifications, the commissioner may:

(1) prepare final construction plans with the recommended modifications, notify the governing body, and proceed with the project;

(2) decide not to proceed with the project; or

(3) prepare final construction plans substantially similar to the final layout referred to the appeal board, and proceed with the project. The commissioner shall, before proceeding with the project, file a written report with the governing body and the appeal board stating fully the reasons for doing so.

(b) If the final construction plans contain changes in access or traffic capacity or require additional acquisition of permanent right-of-way from the final layout reviewed by the appeal board or the governing body, the commissioner shall resubmit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 4. [ACTION ON DISAPPROVED FINAL LAYOUT.] (a) If, within 60 days, the appeal board recommends disapproval of the final layout, the commissioner may either:

(1) decide not to proceed with the project; or

(2) prepare final construction plans substantially similar to the final layout referred to the appeal board, notify the governing body and the appeal board, and proceed with the project. Before proceeding with the project, the commissioner shall file a written report with the governing body and the appeal board stating fully the reasons for doing so.

(b) If the final construction plans contain changes in access or traffic capacity or require additional acquisition of permanent right-of-way from the final layout reviewed by the appeal board or the governing body, the commissioner shall resubmit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 5. [FINAL CONSTRUCTION PLANS ISSUED.] The commissioner shall send a complete set of final construction plans to the municipality at least 45 days before the bid opening for informational purposes.

Sec. 7. [161.166] [COMMISSIONER ACTION; OTHER HIGHWAYS.] Subdivision 1. [APPLICABILITY.] This section applies to trunk highways that are not interstate highways.

Subd. 2. [ACTION ON APPROVED FINAL LAYOUT.] If the appeal board recommends approval of the final layout or does not submit its findings or recommendations within 60 days of the hearing, in which case the final layout is deemed approved, the commissioner may prepare substantially similar final construction plans and proceed with the project. If the final construction plans change access or traffic capacity or require additional acquisition of right-of-way from the final layout approved by the appeal board, the commissioner shall submit the portion of the final construction plan that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 3. [ACTION ON FINAL LAYOUT APPROVED WITH CHANGES.] (a) If the appeal board approves the final layout with modifications, the commissioner may:

(1) prepare final construction plans including the modifications, notify the governing body, and proceed with the project;

(2) decide not to proceed with the project; or

(3) prepare a new final layout and resubmit it to the governing body for approval or disapproval under section 161.164, subdivision 2.

(b) If the final construction plans contain changes in access or traffic capacity or require additional acquisition of permanent right-of-way from the final layout reviewed by the appeal board or the governing body, the commissioner shall resubmit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 4. [ACTION ON DISAPPROVED FINAL LAYOUT.] If the appeal board disapproves the final layout, the commissioner may:

(1) decide not to proceed with the project; or

(2) prepare a new final layout and submit it to the governing body for approval or disapproval under section 161.164, subdivision 2.

Subd. 5. [FINAL CONSTRUCTION PLANS ISSUED.] The commissioner shall send a complete set of final construction plans to the municipality at least 45 days before the bid opening for informational purposes.

Sec. 8. [161.167] [REIMBURSEMENT OF EXPENSES.] Members of the appeal board shall submit to the commissioner an itemized list of the expenses incurred in disposing of matters presented to them. The appeal board

members shall be reimbursed for all reasonable expenses incurred by them in the performance of their duties. The commissioner shall pay these costs out of the trunk highway fund.

Sec. 9. [REPEALER.]

Minnesota Statutes 2000, sections 161.17, 161.171, 161.172, 161.173, 161.174, 161.175, 161.176, 161.177, and 473.181, subdivision 1, are repealed.

Sec. 10. [EFFECTIVE DATE.]

This act is effective the day following final enactment and applies to highway construction projects for which municipal approval is first sought after that date.

Presented to the governor May 23, 2001

Signed by the governor May 24, 2001, 2:02 p.m.