

**Lauderdale City Council
Meeting Minutes
October 8, 2002**

1. Meeting called to order at 6:05 P.M.

2. ROLL

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

Staff present: Getschow and Bownik

3. WORK SESSION WITH RAMSEY COUNTY OFFICIALS REGARDING COUNTY TURNBACK ROADS 6:00-7:30 p.m.

The Mayor and City Council discussed the county turnback road program with the County Engineer, County Public Works Director, and the County Commissioner.

4. APPROVAL OF THE AGENDA

A. Approval of Agenda. Motion by Giannetti, second by McCloskey to approve the agenda. Motion carried unanimously.

5. APPROVAL

A. Approval of Minutes. Motion by Gill-Gerbig, second by Christensen to approve the minutes of the regular City Council meeting of the September 24, 2002. Motion carried unanimously.

B. Approval of Claims totaling \$16,700.73. Motion by Giannetti, second by McCloskey to approve the claims totaling \$16,700.73. Motion carried unanimously.

C. Approval of Pay Request #6 for the 2002 Street and Utility Improvements for \$337,319.02. Motion by Giannetti, second by Gill-Gerbig to approve Pay Request #6 for the 2002 Street and Utility Improvements for \$337,319.02. Motion carried unanimously.

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

7. CONSENT

8. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS

A. Halloween Party. The Mayor reminded everyone about the Halloween party at City Hall on Thursday, October 31st from 5:00-7:00 p.m.

9. INFORMATIONAL PRESENTATIONS

10. PUBLIC HEARINGS

A. MNDOT Highway 280 Reconstruction. The Mayor provided a background on the city's discussion on the highway reconstruction with MNDOT and the neighboring cities that has occurred over the past year and a half. He also stated that no action is scheduled for this evening. This is only a presentation and a public hearing at this time.

Nancy Daubenberger, MNDOT Project Manager, provided information on the scope of the highway project such as the receipt and status of grant funds; the proposed layout of the roadway; the access closures from Highway 280; and the sound wall proposed along Highway 280.

The Mayor opened the public hearing at 8:02 p.m.

Andi Moffat, 1747 Fulham Street, asked if there is traffic data that can be obtained on the impact of more cars utilizing the Larpenteur interchange following the potential closure of the access roads.

Tracey Koch, 1769 Walnut Street, expressed his support for this project as presented and the sound wall that is a component of the project. In regards to the wall, there was a compromise reached with the wall starting just north of Ione Street as opposed to starting at Larpenteur Avenue to maintain the view. Also, it would be a shame to lose the federal dollars that were granted for this project by not granting consent.

Rebecca Borman, 1905 Carl Street, stated that she was not in favor of this project because of the proposed road closures. The situation at the Larpenteur interchange will become even more unsafe. She proposed at least keeping Walnut Street open.

Leslie Clapp, 1806 Walnut Street, also stated that she was not in favor of this project because of the proposed road closures. The situation at the Larpenteur interchange is not safe and more traffic on this interchange will only exacerbate the problem. She also asked about the parameters and applicability of the grant funding.

Alan Blat, 1886 Carl Street, asked how MNDOT knows if the sound wall and sound abatement will work.

Dawn Bartylla, 1911 Eustis Street, proposed keeping Walnut Street open and possibly creating an acceleration lane on to Highway 280 in that location.

Gary Sax, 1935 Walnut Street, stated that he does not support this project in any way. He is opposed to the road closures, the sound wall, and the band-aid repair approach that is being employed here.

John Abeler, 2339 Roselawn Avenue (Roseville), stated that he supported the proposed plan. He also thought that the closing of the access roads may benefit the area by reducing through traffic.

John Antoncich, 1806 Walnut Street, asked what the timetable or schedule was for reconstructing the Larpenteur interchange.

Hugh Currie, 1940 Pleasant Street, stated that he felt commuter through traffic is increasing with the access roads from Highway 280.

Jake Bondelinde, 1779 Walnut Street, stated that the proposed highway reconstruction plan including the sound wall is a good one. The safety enhancements that are a part of this plan, such as closing the access roads, are needed.

MNDOT representatives answered many of the questions that were presented by the residents.

The Mayor closed the public hearing at 8:42 p.m.

The Mayor and City Council then discussed the proposed project.

Council member McCloskey expressed concern with the lowering of the grade at Broadway that is being proposed by MNDOT.

The Mayor stated that resident involvement and pressure is needed to lobby the State to get the Larpenteur interchange reconstructed. He also stated that over the past eight years the general opinion of this project has shifted. A large majority of residents now want to see a sound wall constructed.

Council member Gill-Gerbig stated that maybe a task force needs to be convened for the Highway 280 corridor, especially as it related to the Larpenteur interchange.

The City Council took a break at 8:55 p.m.

The meeting resumed at 9:20 p.m.

B. Boyer Ford: Conditional Use Permit for an auto sales, service, and repair facility. Administrative Analyst Bownik stated Phillips Holdings is proposing a Boyer Ford development involving the sale, service, and repair of heavy trucks. At the September 24, 2002 Council meeting, Phillips Holdings requested and received a zoning amendment to allow auto sales, service, and repair facilities as an approved conditional use in the I-1 District.

Phillips Holdings currently owns a 3.7-acre site at the corner of Trunk Highway 280 and Broadway. The original 6.8-acre site was subdivided in 2001, and Hamline Auto Body purchased the southern 3.1 acres. Access to the site is from Broadway Drive from a driveway that also provides access to Hamline Auto Body and Enterprise Rent-A-Car to the south.

Bownik discussed the performance standards that are evaluated for considering a conditional use permit. He also stated that the City Engineer has also reviewed and commented on the proposed development. In assessing these performance standards and based upon the Engineer's review, the following potential conditions were presented for consideration:

- The applicant must have an approved storm water management plan.
- The applicant will follow all local, regional, and state environmental regulations and will make a reasonable effort to notify the City upon notification of any such violation.
- The traffic issue related to the relatively short distance from Broadway to the entrance of the facility. Once traffic has turned south onto the access road from Broadway, vehicles trying to access the facility must turn left (east) about forty feet into the site. This could be a conflict with northbound traffic entering onto Broadway. A possible solution would be to relocate the entrance to the facility approximately 220 feet to the south, aligning it with the center of the proposed building.
- Glare may be a problem depending on the type of lighting used in the parking lot and on the building. It may be a good idea to require down cast lighting in the parking lot and possibly on the building.
- The developer should provide the city with a financial guarantee that the work will be completed as specified. A development agreement is not needed for the Boyer Ford site since the subdivision and final plat have already been approved. Thus, it is recommended that in this case the developer provide a letter of credit before the start of work at the site. The estimated cost of the site improvements is \$325,005. The letter of credit would guarantee 150% of the cost, which would be \$487,508.

The Mayor opened the conditional use permit public hearing at 9:33 p.m.

Phillip Maas, Phillips Holdings and Boyer Ford expressed concern with the letter of credit. He offered to enter into an agreement with the City whereby he deposits equitable funds with the City Attorney as opposed to providing a letter of credit.

The Mayor closed the conditional use public hearing at 9:35 p.m.

B. Boyer Ford: Height Variance Application.

The Mayor opened the variance application public hearing at 9:35 p.m.

James Waite, Smuckler Architects, presented some visual impressions of the Boyer development and stated that the height of the building will fit in well with the surrounding area.

The Mayor closed the variance application public hearing at 9:36 p.m.

11. ACTION

A. Boyer Ford: Conditional Use Permit Application. The City Administrator stated that the alternative letter of credit proposal brought forth by Maas could be resolved if the language of the proposed condition is that “the City requires a letter of credit or similar instrument that is approved by City Staff, the City Attorney and the City Engineer”.

Council member Christensen stated his concerns with the lighting in this development and recommends that a condition be placed for downcast lighting.

Skip Maas indicated that he would be providing downcast lighting and also has no problem with relocating the access road into the development.

Motion by Gill-Gerbig, second by Christensen to grant a conditional use permit for Phillips Holdings, L.L.C. (Boyer Ford) with the following conditions:

1. The applicant must have an approved storm water management plan.
2. The applicant will follow all local, regional, and state environmental regulations and will make a reasonable effort to notify the City upon notification of any such violation.
3. The applicant will relocate the entrance to the facility approximately 220 feet to the south, aligning it with the center of the proposed building
4. Down cast lighting shall be used in the parking lot and with the building.
5. The developer should provide the City requires a letter of credit or similar instrument that is approved by City Staff, the City Attorney and the City Engineer at the estimated cost of the site improvements, which at this time is \$487,508.

Roll: Yes: all. Motion carried.

B. Consideration of a Storm Water Management Plan for Boyer Ford.

Motion by Christensen, second by Gianetti to approve the storm water management plan as detailed by the City Engineer in his memorandum.

Roll: Yes: all. Motion carried.

C. *Consideration of a Height Variance for Boyer Ford.* Bownik stated that this variance request for the decorative pyramid structure atop the building is different from other variance requests because the Zoning Ordinance states that “the Board may authorize a variance to the height regulations in any district if...the structure is among or similar to any of the following: television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, grain elevators, stage towers and scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors, flagpoles, silos, air conditioning and heating units and windmills.”

Motion by Gill-Gerbig, second by Gianetti to approve the height variance as requested by Boyer Ford. Roll: Yes: all. Motion carried.

12. DISCUSSION
13. ITEMS REMOVED FROM THE CONSENT AGENDA
14. ADDITIONAL ITEMS
15. SET AGENDA FOR NEXT MEETING
 1. 3rd Quarter Financial and Investment Report
 2. Discussion items: Highway 280 reconstruction, county road turnbacks, and the 2003 Improvements schedule
16. ADJOURNMENT

Motion by Gill-Gerbig, second by McCloskey to adjourn at 10:00 P.M. Ayes: All.