

**Lauderdale City Council
Meeting Minutes
September 28, 2004**

1. Meeting called to order at 7:00 P.M.

2. ROLL

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

Staff present: Administrator Getschow

3. APPROVAL OF THE AGENDA

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

4. APPROVAL

A. Approval of Minutes. Motion by Giannetti, second by Gill-Gerbig, to approve the minutes of the September 14, 2004 City Council meeting. Motion carried unanimously.

B. Approval of Claims totaling \$52,001.41. Motion by McCloskey, second by Christensen to approve the claims totaling \$52,001.41. Motion carried unanimously.

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

6. CONSENT
7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/
CITIZENS ADDRESSING STREET AND UTILITY IMPROVEMENTS
8. INFORMATIONAL PRESENTATIONS
9. REPORTS
10. PUBLIC HEARINGS

A. 2003 Street and Utility Improvements Special Assessment Roll. The Mayor stated that the Council is considering the assessment roll for the 2003 Street and Utility Improvement project and that the Council, by simple majority, may approve the assessment roll following the public hearing.

Tom Kellogg, City Engineer, provided a summary of the construction that occurred for the 2003 Street and Utility Improvements.

The City Administrator then provided a background on all of the events that led to this assessment hearing and the details of the project financing. He then summarized relevant sections of the assessment policy that covered such issues as assessment methods, assessment rates, senior citizen deferments, and payment options.

The Mayor opened the public hearing at 7:20 p.m.

The following residents addressed the Mayor and City Council:

David Greenlund, Peace Lutheran Church, 1744 Walnut Street, requested a deduction for the assessment amount of Peace Lutheran Church. He hoped that a reduction would not come at a higher expense for those other properties that were assessed.

Administrator Getschow provided information on the five different classes of property (townhomes/condos, commercial property, single-family homes, multiple-family units, and tax-exempt property) in the Assessment Policy Manual.

Steve Monson, 1703 Malvern Street, addressed a driveway concern that he had with his property during construction.

The Mayor closed the public hearing at 7:35 p.m.

11. ACTION

A. Resolution 092804A: A Resolution Approving the 2003 Street and Utility Improvements Assessment Roll.

The Mayor stated that the City Council has not deviated from the Assessment Policy since it was adopted. He does not wish to see the city change course on how it is applied at this final point in the assessment process after four years of street and utility improvements.

Administrator Getschow stated that payment options do exist for larger assessments. Even though the assessment amount would not change, the assessment policy does allow for larger payments to be spread out over a longer period of time than the prescribed ten years for this assessment.

Motion by Christensen, second by Gill-Gerbig to approve Resolution 092804A: A Resolution Approving the 2003 Street and Utility Improvements Assessment Roll. Roll: Yes: all. Motion carried.

10. PUBLIC HEARINGS

B. Side-yard and Rear-Yard Setback Variances for the construction of a garage at 1699 Malvern Street. Zoning Administrator Bownik stated that Mr. Kerian is proposing to construct a new detached garage in the rear yard of his property to replace a garage that was demolished this summer. The new garage would be approximately the same size as the previous garage and would be built in approximately the same location. The previous garage was nonconforming because it encroached into the rear and side yard setbacks. The new proposed garage would also be built as non-conforming with regard to the rear and side yard setbacks. However, the side yard setback distance of the new garage would be 1-foot less nonconforming compared to the previous garage.

Bownik also stated that a large oak tree and a garden exist in the rear yard of the property. The large oak tree makes it impossible to meet the rear yard setback requirement without removal of the tree or the resizing of the garage. The garden makes it impossible to meet the side yard setback requirement without moving or resizing the garden or the garage. According to the site plan, the new garage is already proposed to be 2 feet less in width than the previous garage.

The Mayor opened the public hearing at 7:50 p.m.

Tim Kerian, 1699 Malvern Street, stated that in addition to his concerns about losing his tree or a part of his garden, the grade of the alley make its more conducive for him to reconstruct his new garage in the same approximate location as the previous garage.

Steve Monson, 1703 Malvern Street, stated that as a neighbor, he supports this project and the variance request.

The Mayor closed the public hearing at 7:52 p.m.

11. ACTION

B. Side-yard and Rear-Yard Setback Variances for the construction of a garage at 1699 Malvern Street. Council member Gill-Gerbig stated that even though a variance is being requested, the new garage will be more in conformance with the zoning setbacks than the old garage was.

Motion by Christensen, second by McCloskey to approve the 2-foot rear-yard variance and the 1-foot side-yard variance for the property owners of 1699 Malvern Street for the construction of a garage. Roll: Yes: all. Motion carried.

C. Resolution 092804B: A Resolution to Participate in a Hazard Mitigation Planning Process. Bownik stated that the Federal Emergency Management Agency (FEMA) is requiring all counties and cities to adopt an All Hazards Mitigation Plan by mid-October. They must then submit that plan to the State of Minnesota by November 1. The city will be able to adopt the County's plan by reference, thereby ensuring that Lauderdale is utilizing the same plan as other communities. Adopting this resolution affirms participation in this joint city-county process.

Council member Gill-Gerbig requested that the City Council have the opportunity to review the final plan before it is approved to be assured that the best interests of the City are in line with the best interests of the County in terms of emergency management.

Motion by Christensen, second by Giannetti to approve Resolution 092804B: A Resolution to Participate in a Hazard Mitigation Planning Process. Roll: Yes: all. Motion carried.

D. Handicapped parking Sign Request at 1840 Eustis Street. Administrator Getschow stated that Gregg Eckert, 1840 Eustis Street, has requested in writing that he be provided a handicapped parking spot in front of his property on Eustis Street. The last request of this type was approved in 1997 for the prior owner of 1707 Eustis Street.

The Council agreed that their policy is to approve these requests if the proper documentation is provided. The signs would be installed by the County and remain only as long as the resident maintains the proper approval and documentation for handicapped parking and as long as the vehicles related to that property are parked in front of that property and not in another location.

Motion by Gill-Gerbig, second by McCloskey to approve the handicapped parking sign request for 1840 Eustis Street under the condition that proper documentation be provided to the City. This approval is also based on the condition that the signs remain only as long as the resident maintains the proper approval for handicapped parking and as long as the vehicles related to that property are parked in front of that property and not in another location. Roll: Yes: all. Motion carried.

E. Issuance of Proposals for Lauderdale Recycling Services. Administrator Getschow stated that the current recycling contract with BFI expires at the end of 2004. New proposals need to be issued to eligible recycling companies for review and analysis. It is anticipated that the proposals will return to the Council for review at a November Council meeting.

Motion by Christensen, second by McCloskey to authorize city staff to seek proposals for recycling services. Roll: Yes: all. Motion carried.

F. Consideration of a Policy Prohibiting Golfing in the City Parks. Getschow stated that the City Council has discussed in a previous work session the safety concern with golfers practicing in the city park. Golfers have been using the City Park as a driving range of sorts and practicing their game in the park using regular golf balls. The Council has felt that practicing golf at inappropriate sites could be a serious safety hazard to others who enjoy the park.

Many surrounding cities have a written or an unwritten informal policy of no golfing in city parks. Lauderdale does not have a formal or informal policy regarding golfing in the park

The Deputy Clerk provided two example policies that the City Council could adopt.

Motion by Christensen, second by Giannetti to adopt the following park policy:

No golfing or practicing golf in City parks shall be allowed. All sporting activities must be held in areas so designated for that purpose.

Roll: Yes: all. Motion carried.

12. ITEMS REMOVED FROM THE CONSENT AGENDA

13. ADDITIONAL ITEMS

14. SET AGENDA FOR NEXT MEETING

1. SCORE Recycling Grant Resolution
2. Work Session- Larpenteur Avenue Redevelopment, Draft Zoning Ordinance

15. ADJOURNMENT

Motion by Gill-Gerbig, second by Christensen to adjourn at 8:25 P.M. Ayes: All.