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<p>Mayor: Lee Hunt Councilmembers: Steve DeLapp Susan Dunn Dean Johnston Chuck Siedow</p>	<p><b>Lake Elmo City Council</b> <b>Tuesday</b> <b>February 17, 2004</b></p>	<p>3800 Laverne Avenue No. Lake Elmo, MN 55042 777-5510 777-9615 (fax)</p>
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**Please read:**

Since the City Council does not have time to discuss every point presented, it may appear that decisions are preconceived. However, staff provides background information to the City Council on each agenda item in advance; and decisions are based on this information and experience. In addition, some items may have been discussed at previous council meetings.

If you are aware of information that has not been discussed, please fill out a "Request to Appear Before the City Council form; or, if you came late, raise your hand to be recognized. Comments that are pertinent are appreciated. Items may be continued to a future meeting if additional time is needed before a decision can be made.

**Agenda**

**City Council Meeting Convenes 7:00 PM**

<b>Pledge of Allegiance</b>	
1. Agenda	
2. Minutes	February 3, 2004
<p>3. <b><u>PUBLIC INQUIRIES/INFORMATIONAL:</u></b></p> <p>A. Study Presentation – Old Village Constructed Wetlands Wastewater Feasibility</p>	<p><b>Public Inquiries/Informational</b> is an opportunity for citizens to bring the Council's attention any items not currently on the agenda. In addressing the Council, please state your name and address for the record, and a brief summary of the specific item being addressed to the Council. To allow adequate time for each person wishing to address the Council, we ask that individuals limit their comments to three (3) minutes. Written documents may be distributed to the Council prior to the meeting or as bench copies, to allow a more timely presentation.</p>
<p>4. <b><u>CONSENT AGENDA</u></b></p> <p>A. Community Improvement Commission Application: Jill Anderson</p> <p>B. Resolution No. 2004-014: Approving Claims</p>	<p>Those items listed under the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion under a Consent Calendar format. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the general order of business and considered separately in its normal sequence on the agenda.</p>
5. <b><u>FINANCE</u></b>	
<p>6. <b><u>NEW BUSINESS</u></b></p> <p>A. MLCCS Mapping Grant - Washington County Conservation District</p>	
<p>7. <b><u>MAINTENANCE/PARK/FIRE/BUILDING:</u></b></p> <p>A. Parks Dept; Score Board Donation</p> <p>B. Building Dept Update: Jim McNamara</p>	

<p><b>8. <u>CITY ENGINEER'S REPORT:</u></b>  <b>A. Resolution No. 2004-115:2004 Overlay Feasibility Report and call a public hearing</b></p>	<p>Tom Prew</p>
<p><b>9. <u>PLANNING, LAND USE &amp; ZONING:</u></b>  <b>A. Resolution No. 2004-116: Cluster and Minor Subdivision: Merle &amp; Fonda Olson</b>  <b>B. Fence Regulation – Permitting Process</b>  <b>C. Old Village Planning Area Development Moratorium</b></p>	<p>C. Dillerud</p>
<p><b>10. <u>CITY ATTORNEY'S REPORT:</u></b>  <b>A.</b></p>	
<p><b>11. <u>CITY ADMINISTRATOR'S REPORT:</u></b>  <b>A. Fire Department Officer Selection Process</b>  <b>B. Resolution No. 2004-117 Endorsing Legislation Regarding CRT Recycling</b></p> <hr/> <p><b>12. <u>OLD BUSINESS:</u></b>  <b>A. Follow-Up Workshop</b>  <b>B. Strategic Planning Workshop</b></p>	
<p><b>13. <u>CITY COUNCIL REPORTS:</u></b>  <b>A. Mayor Hunt</b>  <b>B. Council Member DeLapp</b>  <b>C. Council Member Dunn</b>  <b>D. Council Member Johnston</b>  <b>E. Council Member Siedow</b></p>	
<p><b>Employee and Volunteer Recognition Banquet, Friday, February 20<sup>th</sup>, Machine Shed</b></p>	<p><b>BOARD OF REVIEW: May 7, 4-6 p.m.</b></p>

# LAKE ELMO CITY COUNCIL MINUTES

FEBRUARY 3, 2004

1. AGENDA
2. MINUTES: January 20, 2004
3. PUBLIC/INQUIRIES/INFORMATIONAL:
  - A. Public Inquiries: Community Improvement Commission
  - B. State of the Region Meeting
  - C. Washington County Library
4. CONSENT AGENDA:
  - A. Resolution No.2004-011 Approving Claims
5. FINANCE:
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Request for Proposals – Trail System Plan
  - B. Street Sweeping
  - C. Update on Fire Dept. Activities: Chief Malmquist
8. CITY ENGINEER'S REPORT:
9. PLANNING, LAND USE & ZONING:
  - A. OP Concept Plan – Whistling Valley Second Addition
  - B. 2004 CDBG Project – Community Improvement Commission
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
  - A. Fire Dept. Officer Selection
12. CITY COUNCIL REPORTS:

Mayor Hunt called the meeting to order at 7:00 p.m. in the Council chambers.  
PRESENT: Siedow, Dunn, Hunt, Johnston, DeLapp, City Engineer Tom Prew, City Attorney Filla, Acting Finance Director Tom Bouthilet and Acting Administrator/Planner Dillerud.

## 1. AGENDA

3B Community Improvement Commission membership, 3C. Met Co, 11A. Information on Freedom Information action, Mayor Hunt will give an Update on the Marilyn Condon workshop and agenda. Attorney Filla asked for a Closed Executive Session for 10 minutes to discuss the Hidden Bay Trail and 37<sup>th</sup> Street North property litigations.

M/S/P Dunn/Johnston - to approve the February 3, 2004 City Council agenda, as amended. (Motion passed 5-0).

## 2. MINUTES: January 20, 2004

M/S/P DeLapp/Dunn - to approve the January 20, 2004 City Council Minutes, as amended. (Motion passed 4-0-1Dunn, Abstain).

**3. PUBLIC/INQUIRIES/INFORMATIONAL:**

**A. Public Inquiries**

It was the general consensus of the Council that they would consider the appointment of Jill Anderson, Lake Elmo Jaycees Secretary, to the Community Improvement Commission, and asked that she fill out an application.

**B. State of the Region Meeting**

Council member DeLapp attended the State of the Region Meeting where Peter Bell was the primary speaker. DeLapp reported that Bell stated how every governor resulted in a new direction for the Metro Council; and that keeping costs low is the #1 concern.

**C. Washington County Library**

Wyn John, Friends of Lake Elmo Library, reported that on January 29 the Washington County Board met and noted that by 2010 there will be considerable growth in Washington County. There was a conclusion that the Lake Elmo library would exist, and that the Board was aware of the City's potential purchase of building for new City hall, with present City Hall potentially accommodating the library. The Board will not proceed with architects until it hears from Lake Elmo. Since this building may not be available until 2005, the Friends of Lake Elmo Library might start to look at other areas for a temporary rental. Acting Administrator Dillerud said he will be meeting with owners of 3880 Laverne Avenue N. on Thursday to discuss a purchase agreement.

**4. CONSENT AGENDA:**

**A. Resolution No. 2004-011 Approving Claims**

M/S/P DeLapp/Dunn - to approve Resolution No. 2004-011, Approving claim numbers 185, 186, DD98 through DD103, 25089 through 25091, which were used for staff payroll dated January 22, 2004, and Claim Numbers 25092 through 25131 dated February 3, 2004, in the total amount of \$132,315.79. (Motion passed 5-0).

**5. FINANCE:**

**6. NEW BUSINESS:**

**7. MAINTENANCE/PARK/FIRE/BUILDING:**

**A. Request for Proposals – Trail System Plan**

The City Planner reported that in 2002 the Parks Commission created a Trail Plan Subcommittee to begin work on a new Trails System Plan with the City Planner assisting. Work had started on the resources inventory component of the plan. All

of the work on the Trail Plan was suspended by City staff when the City Planner was asked to take on the duties of Acting City Administrator on December 19, 2002. The Trail Subcommittee and Park Commission concurred with the City Planner's recommendation that the project be contracted to a competent planning consultant for completion. The Trails Subcommittee composed a Request for Proposal to solicit that work and a Trail Study is in the approved CIP as a \$20,000 capital project in 2003.

Even though the Trail Plan RFP was prepared by the Commission earlier 2003, the Commission was advised that it would not be presented until the CIP was adopted by the Council, which was in December, 2003. The draft RFP was presented to the City Council for its approval to proceed.

M/S/P DeLapp/Siedow - to approve distribution of a Request for Proposals for consultant services to prepare a Trail System Plan, as recommended by the Park Commission and Acting City Administrator, with the inclusion of existing trails and background work completed by a Trail Committee several years ago. (Motion passed 5-0).

#### B. Street Sweeping

The Acting Administrator reported that the former Maintenance Supervisor and the present Acting Supervisor has recommended that the City suspend sweeping with City crews, and contract that work with a private firm. This strategy was concurred in following review by the Maintenance Advisory Commission on October 29, 2003. The primary motivation for this recommendation include difficulties with disposing of sweepings, and, the expense of owning, storing and maintaining a street sweeper used only during short periods of the year.

Council member DeLapp noted that back 4 years ago the decision to purchase a street sweeper was because we needed to use it 12 months of the year which made no sense then. Mayor Hunt added that the primary rationale was to have the ability to clean up developments. Council member Siedow stated that it appears that a mistake was made on street sweeping strategy, and it would not be the last mistake.

M/S/P DeLapp/Dunn - to direct the City Administrator to accept the proposals of Allied Blacktop Company (per rates quoted) for street sweeping and Miller Excavating (per rates quoted) for sweeping, trucking and disposal as the lowest responsible quotations for 2004 street sweeping. Further that the City retain the Elgin street sweeper pending a review of the 2004 contract street sweeping program. (Motion passed 5-0).

#### C. Update on Fire Dept. Activities: Chief Malmquist

Fire Chief Malmquist reported that out of the four new recruits there are two remaining and introduced Amanda Collyard and Lauren Potter, who will be probationary members on the department.

M/S/P DeLapp/Dunn - to approve Amanda Collyard and Loren Potter as probationary members on the Lake Elmo Fire Department. (Motion passed 5-0.)

Fire Chief Malmquist recognized John Laatsch who was a probationary member and placed on as Firefighter #76 of the Lake Elmo Fire Dept. The Council congratulated Firefighter Laatsch and Bonnie Collyard who was nominated Fire Fighter of the Year.

**8. CITY ENGINEER'S REPORT:**

**9. PLANNING, LAND USE & ZONING:**

**A. OP Concept Plan – Whistling Valley Second Addition**

The City Planner reported that, at its January 26, 2004 meeting, the Planning Commission recommended approval of the OP Concept Plan of Whistling Valley Phase 2 to create 18 SFD building lots on a site of 45 acres east of and adjacent to the Whistling Valley OP. The approval recommendation was subject to several conditions.

Bob Close, Close Landscape Architecture, presented a revised OP Concept Plan, dated February 3, 2004, which addressed the conditions number 1, 2, and 4 recommended by the Planning Commission. Close said he would work with the Fire Department on the width of the roads.

There was discussion on the width of the trails and whether they were private trails or should be public trails because of the cost. The Planner will bring the trail item to the Parks Commission.

M/S/P DeLapp/Siedow – to adopt Resolution No. 2004-012, A Resolution Approving the Open Space Concept Plan for Whistling Valley Second Addition with the deletion of Conditions No. 1, 2, and 4, per plans staff dated February 3, 2004 based on the recommendation of the Planning Commission as to the Findings and Conditions contained in the Approval Resolution. (Motion passed 5-0).

**B. 2004 CDBG Project – Community Improvement Commission**

The City Planner reported that the Community Improvement Commission recommended that both the \$10,000 balance of the 2000-2003 City CDBG allocation; and, the \$48,000 2004 City CDBG allocation be applied to inspection of private gas service connections to the individual Cimarron manufactured housing units (some of which are nearing 40 years of age). The Planner noted that until the initial inspections are completed to the oldest units, it will not be known whether it

will be necessary to inspect all 505 units. The Commission also recommended that the project include a grant opportunity for income qualifying unit owners to make whatever repairs and corrections to gas services found to be required by the inspections.

M/S/P Johnston/DeLapp - to draft a resolution approving the City's 2004 CDBG Grant Application. (Motion passed 5-0.)

**10. CITY ATTORNEY'S REPORT:**

Attorney Filla asked for a ten minute Closed Executive Session after the adjournment of the regular council meeting to discuss a proposed settlement on property complaints.

**11. CITY ADMINISTRATOR'S REPORT:**

**A. Fire Dept. Officer Selection**

The Acting Administrator reported that on December 2, 2003 the Council tabled a proposal by Fire Chief Malmquist, endorsed in concept by the Acting City Administrator, to modify the historic and current process of selecting Fire Department officers. The department internal election of officers (Chief, District Chiefs and Captains), and confirming appointments by the Council would be replaced by a process similar to that of the City regarding any other employee or supervisor—a recommendation to the Council by the City Administrator, and appointment by the Council in keeping with Section 200 of the City Code. Rather than serving for specified terms, all department officers would serve until discharged by the Council, again at the recommendation of the City Administrator, and in keeping with Section 200 of the City Code.

The Council had tabled a motion to adopt the new selection process to allow time for the Fire Department staff to respond to the proposed selection procedure by an internal vote to amend the Department By-laws to that effect.

Fire Chief Malmquist advised that the By-law amendment vote by Fire Department staff took place on January 20, 2004. With 18 staff voting (of over 25 total Officers and Firefighters active in the department), the outcome was 8-10 to not modify the By-laws in keeping with the proposed modification to the office selection procedure—departmental election of officers remains in the department By-laws.

The Council again endorsed the new selection process to be consistent with the process similar to that of the city regarding any other employee or supervisor. Mayor Hunt stated he would be in favor of an interactive workshop with the department as long as it didn't turn into a gripe session.

Attorney Filla noted the City would have to do some massaging of the City code. The by-laws deal with many things besides the selection of Fire Chief. The by-laws

are still a working document and by abandoning these laws, he had a concern as to what kind of impact this would be on a paid-on-call Fire Department.

M/S/P Johnston/DeLapp – direct the staff to come back to the February 17<sup>th</sup> Council meeting with recommendation on how the Council would adopt the new selection process proposed by the Fire Chief while maintaining the general framework of the existing by-laws. (Motion passed 5-0).

Council member Dunn asked that Chief Malmquist find the SOG's the Fire Department Study Committee had worked on to be placed in a book form.

## **12. CITY COUNCIL REPORTS:**

Freedom Information Act – Council member DeLapp reported that he had called the Met Council for background on some of their accusations against the city. He had heard that the lower level employees at the Met Council were directed not to talk to anyone from Lake Elmo. DeLapp thought there must be some basis the Met Council didn't want us to know about and if we found that out this could help our legal team. The Acting City Administrator explained that during the discovery phase our attorneys demanded every piece of information regarding Lake Elmo. If the Met Council failed to provide us with some information, they are in violation and in contempt of court. Dillerud said he didn't know if there is anything new other than METC staff opinions brought forth.

Mayor Hunt presented information on the following:

Arbor Day – Information on a seminar on saving trees will be passed onto the Council and planning commission. The Council was asked to submit names for appointment to for expired term of South Washington Watershed District.

The Center for the American Experiment is having their dinner and a table of 10 can be purchased at a cost of \$25,000 or \$150 for an individual ticket.

Council member Dunn advised that the Gathering Garden Cafe located on Lake Elmo Avenue is now open for business.

Mayor Hunt indicated the desire to have a follow-up workshop between the Council and Marilyn Condon to discuss strategic planning. There was some question if this workshop was covered under the initial agreement versus paying an extra \$1,000.

Council member Johnston – The perspective review of the Center for American Experiment report has been delivered to all the AMM metro agencies committee and the committee will be asked to make recommendations.

Council member Siedow reported that there was an article in the Stillwater Gazette regarding the new MN/WI Bridge, and one of the options taken off was no bridge at all.



The Council adjourned the regular council meeting at 8:55 p.m. to discuss property complaints and the Hidden Bay property.

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Respectfully submitted by Sharon Lumby, Deputy City Clerk

Resolution No. 2004-011 Approving Claims

Resolution No. 2004-012 Approve the OP Concept Plan for Whistling Valley Second Addition

Resolution No. 2004-013 Approve 2004 CDBG Grant Application

DRAFT

MINUTES APPROVED: February 3, 2004  
LAKE ELMO CITY COUNCIL MINUTES

JANUARY 20, 2004

1. AGENDA
2. MINUTES: January 6, 2004
3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. Big Brothers Big Sisters of the Greater Twin Cities: Scott Johnson
  - B. 2004 Board of Appeal and Equalization Meeting: May 5, 2004
  - C. Employee and Volunteer Recognition Banquet
  - D. Reschedule March 2 Council Meeting
4. CONSENT AGENDA:
  - A. Memberships
    - (1) Greater Stillwater Chamber of Commerce
    - (2) Assoc. of Metropolitan Municipalities
    - (3) Sand Creek Group
  - B. Authorization For Professional Services
    - (1) 34<sup>th</sup> Street Lift Station Upgrades
    - (2) 2004 Bituminous Overlay Project
    - (3) 50<sup>th</sup> Street Pond Study
  - C. Resolution No. 2004-008 Approve Claims
5. FINANCE
6. NEW BUSINESS:
  - A. City Code Codification Services Agreement
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Maintenance Dept: Compact Wheel Loader: Replacement Purchase
  - B. Update on Building Dept. Activities: Jim McNamara
8. CITY ENGINEER'S REPORT:
9. PLANNING, LAND USE & ZONING:
  - A. Resolution No. 2004-009, OHW Setback Zoning Variance: Jeff Reed, 8056 Hill Trail
  - B. Community Facilities Committee Recommendations
  - C. Resolution No. 2004-010, Prairie Ridge Office Park Final Plat
10. CITY ATTORNEY'S REPORT:
  - A. Update on Property Complaints
11. CITY ADMINISTRATOR'S REPORT:
  - A. Personnel Policy and Flex Time
  - B. Sale of Leave Banks by Employees
  - C. Save Local Control Action Plan
12. CITY COUNCIL REPORTS:

Mayor Hunt called the Council meeting to order at 7:00 p.m. in the Council Chambers.  
PRESENT: Dunn, Hunt, Johnston, DeLapp, City Engineer Prew, City Attorney Filla,  
Building Official Jim McNamara, Acting Finance Director Tom Bouthilet and Acting  
Administrator/Planner Dillerud. ABSENT: Council member Siedow

## B. Authorization For Professional Services

### (1) 34<sup>th</sup> Street Lift Station Upgrades

M/S/P DeLapp/Johnston - to authorize the professional services of Tom Prew, TKDA, for the 34<sup>th</sup> Street Lift Station Upgrades at an estimated cost of \$3,000, verified by the City Engineer in his professional services agreement dated January 8, 2004. (Motion passed 4-0).

### (2) 2004 Bituminous Overlay Project

M/S/P DeLapp/Johnston - to authorize the professional services of Tom Prew, TKDA, for the 2004 Bituminous Overlay rejects at an estimated cost of \$10,000, verified by the City Engineer in his professional services agreement dated January 8, 2004. (Motion passed 4-0).

### (3) 50<sup>th</sup> Street Pond Study

M/S/P DeLapp/Johnston - to authorize the professional services of Tom Prew, TKDA, for the 50<sup>th</sup> Street Pond Study at an estimated cost of \$12,000, verified by the City Engineer in his professional services agreement dated January 8, 2004. (Motion passed 4-0).

## C. Resolution No. 2004-008 Approve Claims

M/S/P DeLapp/Johnston - to adopt Resolution No. 2004-008 approving claim numbers 182, 183, DD89 through DD97, 24992 through 25025, that were used for staff payroll dated January 8, 2004, and claim numbers 184, 25026 through 25079 dated January 20, 2004 in the total amount of \$364,288.89. (Motion passed 5-0).

The Acting Finance Director reported there was no monthly budget report provided because he had to prepare for the audit report.

## 5. FINANCE

### 6. NEW BUSINESS:

#### A. City Code Codification Services Agreement

Sharon Lumby advised the Council that the City received a code codification proposal (\$12,950) from the League of Minnesota Cities. Section 300 Zoning section will be excluded because of the proposed Performance-Based Zoning. Attorney Filla has verbally indicated he would do the legal review of the code under the estimated cost of \$5,000 by the League Codification Attorney. Staff requested approval of Folio 4-Search and Retrieval program where the codifiers provide the City's code in the Folio format on CD at a cost of \$595. After the Folio conversion, the code can be installed on the City's Internet at \$250/Year, and this will give the residents easy access to the code.

M/S/P Dunn/Johnston - to authorize the Mayor to sign the Codification Services Agreement with legal review services provided by City Attorney Filla at an estimated cost of \$20,000 to be paid out of the Reserves/Administrator Contingency Account. (Motion passed 4-0).

a variance from the 5 foot driveway setback. On January 15 the applicant submitted drawings that display their project with a 5 foot driveway setback.

M/S/P DeLapp/Dunn – to adopt Resolution 2004-009, A resolution approving a shoreland overlay district variance for Jeff Reed at 8056 Hill Trial N., as amended, to include the Illustration No. 1 dated January 15, 2004 provided by the applicant and to add the condition for removal of the existing driveway. (Motion passed 4-0).

#### B. Community Facilities Committee Recommendations

The Acting Administrator reported the Community Facilities Committee, with the assistance of the City's Financial Advisor, Appraiser Scott Rene and TKDA Architect, Teri Olsen, investigated several options for siting of a new City Complex that would include City Hall, Public Works/Parks and a Library. Two undeveloped sites within the Old Village planning area; and, two existing site/structures in the Old Village were analyzed for suitability and probable cost perspectives.

At its January 14, 2004 meeting, the Committee voted to narrow active consideration to the existing Brookfield II building and 3.5 acre site across from the present City Hall, with the understanding that the three other sites could be again considered should the Brookfield II site be found lacking in any respect in the future. The present estimated cost to purchase Brookfield II and complete all the components is estimated by the Committee to be slightly over \$3 million. The Acting Finance Director advised that there is about \$2 million available from existing City resources, and sale of the vacant 15 acres city site on 45<sup>th</sup> Street N., to apply as cash to the project.

The Committee recommended execution of three tasks promptly to take full advantage of the 2004 construction seasons, and the still favorable bond market. The scheduling concept would be to have the work completed, and the City moved in by the end of 2004.

M/S/P Johnston/DeLapp – to direct the Community Facilities Committee, Staff and City Consultants to proceed as follows:

1. Enter into an Agreement with the owners of Brookfield II for contingent purchase.
2. Authorize TKDA to proceed with the next level of Planning upon Agreement execution on Brookfield II.
3. Direct the Committee to initiate a Public Information Program regarding the City Complex Project.

(Motion passed 4-0).

Council member Dunn asked the Committee to address a safe crossing of Highway 5 and wants to see the present City Hall building retained.

Attorney Filla said a draft agreement can be put together by the next meeting, and he could bring it to the council

“Any City employee that has an Extended Illness Leave bank as of January 1, 2004, and has completed 5 years of continuous full time City employment may sell to the City Extended Leave Bank Balances that exceed 50% of the January 1, 2004 Bank Balance; or a total of 400 hours, which ever is less. The City Treasurer is authorized and directed to maintain a record of such sales and remaining Extended Illness Bank balances, deducting the hours sold from the employee’s Extended Illness Bank responsive to this Policy from the Extended Illness Bank Balance payable to the employee as severance at City employment termination. Any qualifying sale of Extended Illness Bank hours shall be in a minimum amount of 40 hours, or 50% of the qualifying employee’s extended illness Bank Balance, whichever less.”

M/S/P DeLapp/Dunn - to approve the amendment to the Personnel Policy approving the sale of Leave Banks by Employees. (Motion passed 4-0.)

C. Save Local Control Action Plan

Council member Johnston distributed to the Council a plan entitled “Save Local Control Action Plan” dated January 20, 2004. The Council thought the plan was a good idea and the timing was right.

M/S/P Johnston/DeLapp – to adopt the “Save Local Control Action Plan”, as presented. (Motion passed 4-0.)

**12. CITY COUNCIL REPORTS:**

Mayor Hunt will contact Marilyn Condon for dates to hold a second Council workshop and the Council will indicate the dates that will be convenient.

Council member DeLapp reported the meeting on the state of finances with Rebecca Otto and former finance directors was excellent. It was video taped and could find out if we can play the tape. He brought up the new MnDOT noise barricade on 694 on west side of freeway which is sending an enormous amount of noise into Lake Elmo, and he suggested the City needs to communicate this problem to MnDOT. The Council suggested writing a letter to the district engineer and to suggest erecting a barricade on the other side of the freeway as well; or, to establish plantings to diffuse the sound.

M/S/P DeLapp/Dunn – to invite the MnDOT District Engineer and Tom Prew to a future Council meeting to discuss some of our problems with State roads. (Motion passed 4- 0).

Council member Dunn reported her and Council member Johnston attended the Metropolitan Airport Commission meeting held at the Oakdale Jr. H.S. on January 12 regarding the expansion of runways at the Lake Elmo Airport. Representative Lipman and Senator LeClair were also in attendance. Residents were encourages to contact MAC and voice their displeasure with the plan.

Meeting adjourn at 9 p.m.

<b>Lake Elmo City Council February 17, 2004</b>	<b>Agenda Section: CONSENT AGENDA</b>	<u><b>No 4A.</b></u>
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**Agenda Item: Community Improvement Commission**

**Background Information for February 17, 2004**

The City has received an application from Jill Anderson to serve on the Community Improvement Commission.

The following motion is offered for your consideration.

<b><u>Action Items:</u></b> <b>Motion _____ Second _____, to appoint Jill Anderson to serve on the Community Improvement Commission.</b>	<b><u>Person responsible:</u></b>

**City of Lake Elmo**  
**3800 Laverne Avenue North**  
**Lake Elmo, MN 55042**  
**(651) 777-5510/ Fax 777-9615**

**Application for Community Improvement Commission Appointment**

**Date:** 2/4/04

**Name:** Jill Anderson

**Address:** 2120 Division Court; White Bear Lake, MN 55110

**Phone:** (W) 651.638.3553 / (H)651.426.9249/ (C) 651.335.4553

**What do you consider to be the major societal and law enforcement issues requiring improvement in the City of Lake Elmo?**

One of the major societal issues I feel that affects all communities is the lack of activities for our pre-teen/teenagers and elderly. I believe the community, as a whole, would benefit from functions that would enable our youngsters to learn from the wisdom of our elders, and our elders would thrive from functions that would put them in a mentoring position to our young adults. Just because someone is young, or old, does not mean they do not have a purpose, something to share or something to learn.

One of the major law enforcement issues in my eyes is the fact that officers are underpaid, under-appreciated, and over worked. Their public image has been tarnished, and as a City who appreciates our officers, not only police but also firefighters, we should do more to promote the good they do in the area.

**What do you see as the role and function of the Community Improvement Commission?**

I believe members of the Community Improvement Commission should act as a liaison between the community and its leaders, both elected and those doing their sworn civic duties. This program created by the City of Lake Elmo should become an example to surrounding communities and throughout the state of Minnesota as to what being a concerned community means and the steps we have taken to ensure that Lake Elmo is a community of children and adults and the elderly.

**What experience and qualifications do you have that you feel will contribute to the Community Improvement Commission's work, and will enable you to provide a service in this regard?**

I can bring the care and concern of being a mother of two, the resources of the Lake Elmo Jaycees, and the desire to make a difference.

**How much time do you have, or are you willing to devote to  
Community Improvement Commission activities?**

I am willing to commit as much time to the activities of the Community Improvement Commission as needed. I do not feel at this time that it should interfere with any other commitments I have, either with my family, the Jaycees, or work.

**What property or development interest, either direct or indirect, do you  
have within Lake Elmo?**

I am a member of the Lake Elmo Jaycees.



CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-014  
RESOLUTION APPROVING CLAIMS

BE IT RESOLVED THAT Claim Numbers 187, 188, DD104 through DD112, 25132 through 25164, were used for Fire/Staff, payroll dated February 05, 2004, Claim Numbers 25165 through 25208 dated February 17, 2004 in the total amount of \$279,861.13 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 17th day of February, 2004.

\_\_\_\_\_  
Lee Hunt  
Mayor

ATTEST:

\_\_\_\_\_  
Charles E. Dillerud  
Acting City Administrator

# Accounts Payable Computer Check Proof List

User: administrator  
Printed: 02/12/2004 - 2:57 PM



Invoice No	Description	Amount	Payment Date	Check Number	Reference
Vendor:10000	10,000 Lake Chapter 2-Day Bldg Seminar-Horning Check Total:	175.00 175.00	02/17/2004	Check Sequence: 1 101-420-2400-44330	ACH Enabled: No
Vendor:ABDO 212364	Abdo Eick & Meyers Year-End Payroll Services Check Total:	1,229.60 1,229.60	02/17/2004	Check Sequence: 2 101-410-1530-43010	ACH Enabled: No
Vendor:ARAM 629-5400545	Aramark Linen City Hall Check Total:	48.00 48.00	02/17/2004	Check Sequence: 3 101-410-1940-44010	ACH Enabled: No
Vendor:ASPENMI 54208	Aspen Mills, Inc. Jackets-Fire Dept. Check Total:	976.00 976.00	02/17/2004	Check Sequence: 4 101-420-2220-44170	ACH Enabled: No
Vendor:BOUHTOM Claim Voucher	ThomasBouthilet Scanner for Utility Billing Check Total:	379.00 379.00	02/17/2004	Check Sequence: 5 601-494-9400-43180	ACH Enabled: No
Vendor:BOYER 24767SP	Boyer Ford Trucks Part-Public Works Check Total:	7.43 7.43	02/17/2004	Check Sequence: 6 101-430-3100-42210	ACH Enabled: No
Vendor:BUBERL 18706	Buberl Recycling & Compost Inc Snow Plowing Check Total:	2,147.50 2,147.50	02/17/2004	Check Sequence: 7 101-430-3100-43150	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: COPYMAG 44029	Copy Images, Inc. Maint. Agreement-Copier Check Total:	255.60 255.60	02/17/2004	Check Sequence: 8 101-410-1940-44040	ACH Enabled: No
Vendor: FARMERS 141352 141372	Farmers Union Co-Op Oil Fuel-Fire Dept. Fuel-Building Dept. Check Total:	21.50 31.88 53.38	02/17/2004 02/17/2004	Check Sequence: 9 101-420-2220-42120 101-420-2400-42120	ACH Enabled: No
Vendor: FIREENG	Fire Engineering Subscription Renewal Check Total:	29.50 29.50	02/17/2004	Check Sequence: 10 101-420-2220-44330	ACH Enabled: No
Vendor: FIREINST	Fire Instructors Assoc of MN Membership Renewal Check Total:	10.00 10.00	02/17/2004	Check Sequence: 11 101-420-2220-44330	ACH Enabled: No
Vendor: FOUR 23-035218	Four Seasons Service Supplies-City Hall Check Total:	38.35 38.35	02/17/2004	Check Sequence: 12 101-410-1940-44300	ACH Enabled: No
Vendor: HAGBERGS 10	Hagbergs Country Market Supplies-City Hall Check Total:	23.26 23.26	02/17/2004	Check Sequence: 13 101-410-1320-44300	ACH Enabled: No
Vendor: LEAUGE I 15071 15071 15071 15071 15071 15071 15072 15072 15072 15072 15073 15074	League of Minnesota Cities Insurance Trust Annual Insurance-Fire Annual Insurance-Water Annual Insurance-Parks Annual Insurance-Public Works Annual Insurance-Bldg. Dept. Annual Insurance-Admin Annual Insurance-Fire Annual Insurance-Parks Annual Insurance-Bldg Annual Insurance-Admin Annual Insurance-Admin Annual Insurance-Admin	11,547.00 2,985.00 1,723.00 13,603.00 772.00 23,074.00 1,361.00 1,361.00 100.00 5,349.00 199.00 459.00	02/17/2004 02/17/2004 02/17/2004 02/17/2004 02/17/2004 02/17/2004 02/17/2004 02/17/2004 02/17/2004 02/17/2004 02/17/2004 02/17/2004	Check Sequence: 14 101-420-2220-43630 601-494-9400-43610 101-450-5200-43630 101-430-3100-43630 101-420-2400-43630 101-410-1320-43610 101-420-2220-43630 101-450-5200-43630 101-420-2400-43630 101-410-1320-43610 101-410-1320-43610 101-410-1320-43610	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	62,533.00			
Vendor:LEOIL	Lake Elmo Oil, Inc.			Check Sequence: 15	ACH Enabled: No
B01203	Fuel-Public Works	1,842.48	02/17/2004	101-430-3100-42120	
S01203	Fuel-Fire Dept.	136.31	02/17/2004	101-420-2220-42120	
S01208	Fuel-Parks	13.36	02/17/2004	101-450-5200-42120	
	Check Total:	1,992.15			
Vendor:LINNER	Linner Electric Company, Inc.			Check Sequence: 16	ACH Enabled: No
16307	Heating Unit Repair Park Shelter	799.00	02/17/2004	101-450-5200-44010	
	Check Total:	799.00			
Vendor:Magnuson	GeraldMagnuson			Check Sequence: 17	ACH Enabled: No
Claim Voucher	Clothing Allowance	104.95	02/17/2004	101-430-3100-44170	
	Check Total:	104.95			
Vendor:MARONEYS	Maroney's Sanitation, Inc			Check Sequence: 18	ACH Enabled: No
027684	Refuse Removal-City Hall	95.89	02/17/2004	101-410-1940-43840	
027684	Refuse Removal-Public Works	95.89	02/17/2004	101-430-3100-43840	
027684	Refuse Removal-Parks & Fire	183.96	02/17/2004	101-450-5200-43840	
	Check Total:	375.74			
Vendor:MCLEOD	McLeod USA			Check Sequence: 19	ACH Enabled: No
3282916		60.43	02/17/2004	101-410-1940-43210	
3282916		106.24	02/17/2004	601-494-9400-43210	
3282916		82.98	02/17/2004	101-450-5200-43210	
3282916		283.94	02/17/2004	101-410-1940-43210	
3282916		50.24	02/17/2004	101-420-2220-43210	
3282916		113.63	02/17/2004	101-420-2220-43210	
3282916		130.26	02/17/2004	101-430-3100-43210	
3282916		60.43	02/17/2004	602-495-9450-43210	
	Check Total:	888.15			
Vendor:MENARDSO	Menards - Oakdale			Check Sequence: 20	ACH Enabled: No
5344	Windsheid Deicer-Public Works	12.08	02/17/2004	101-430-3100-42150	
	Check Total:	12.08			
Vendor:METFIR	Metro Fire			Check Sequence: 21	ACH Enabled: No
15750	Foam-Fire Dept.	142.71	02/17/2003	101-420-2220-44300	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
15999	Fire Equipment Check Total:	233.85 376.56	02/17/2004	101-420-2220-45800	
Vendor:MILLEREX 9263	Miller Excavating, Inc. Repair of Water Main Break Check Total:	1,049.06 1,049.06	02/17/2004	Check Sequence: 22 101-430-3100-44030	ACH Enabled: No
Vendor:Natl Wat 0077298	National Waterworks Parts-Well # 1 Check Total:	229.10 229.10	02/17/2004	Check Sequence: 23 601-494-9400-42270	ACH Enabled: No
Vendor:NEXTEL 761950227-010 761950227-010 761950227-010 761950227-010	Nexitel Communications Building Dept. Public Works Parks Admin Check Total:	84.78 75.08 37.54 39.29 236.69	02/17/2004	Check Sequence: 24 101-420-2400-43210 101-430-3100-43210 101-450-5200-43210 101-410-1940-43210	ACH Enabled: No
Vendor:NOSTPAUL 2004020665	City of North St Paul Sand/Salt Check Total:	1,423.80 1,423.80	02/17/2004	Check Sequence: 25 101-430-3100-42290	ACH Enabled: No
Vendor:OAKDALE 1000039700 1000046000	City of Oakdale Oakdale Water-North Lake Jane Oakdale Water-South-I-94 Check Total:	899.70 1,739.83 2,639.53	02/17/2004	Check Sequence: 26 601-494-9400-43820 601-494-9400-43820	ACH Enabled: No
Vendor:PELNAR	KathiPelnar Animal Control Services-Jan. 04 Check Total:	109.91 109.91	02/17/2004	Check Sequence: 27 101-420-2700-43150	ACH Enabled: No
Vendor:POLFUS 1052120	Polfus Implement, Inc Brush for Tractor Check Total:	326.55 326.55	02/17/2004	Check Sequence: 28 101-450-5200-42210	ACH Enabled: No
Vendor:PRAXAIR 5111026	PRAXAIR DISTRIBUTION INC. Welding Supplies	105.29	02/17/2004	Check Sequence: 29 101-430-3100-42150	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Check Number	Reference
	Check Total:	105.29			
Vendor: PRESS	StevenPress Cable Operator	80.00	02/17/2004	Check Sequence: 30 101-410-1320-44300	ACH Enabled: No
	Check Total:	80.00			
Vendor: RENNESC	Scott Renne Appraisal Contract Services Appraisal Contract Services	600.00 1,100.00 1,700.00	02/17/2004 02/17/2004	Check Sequence: 31 410-480-8000-45200 803-490-9070-44300	ACH Enabled: No
	Check Total:	1,700.00			
Vendor: Reserve	Pitney Bowes Reserve Account Postage	500.00	02/17/2004	Check Sequence: 32 101-410-1320-45220	ACH Enabled: No
	Check Total:	500.00			
Vendor: RUD	Diane Prince-Rud Cleaning City Hall Cleaning Fire Hall Cleaning Supplies	240.00 240.00 10.65 490.65	02/17/2004 02/17/2004 02/17/2004	Check Sequence: 33 101-410-1940-44010 101-420-2220-44010 101-410-1940-42110	ACH Enabled: No
	Check Total:	490.65			
Vendor: S&T	S&T Office Products, Inc. Towels & Supplies-Parks Chair-Bldg Dept. Office Supplies Office Furniture-Administrator's Office	105.96 370.62 129.76 3,857.43 4,463.77	02/17/2004 02/17/2004 02/17/2004 02/17/2004	Check Sequence: 34 101-450-5200-42150 101-420-2400-42000 101-410-1320-42000 410-480-8000-45700	ACH Enabled: No
	Check Total:	4,463.77			
Vendor: SATELLIT	Satellite Shelters, Inc. Bldg Trailer Rental	319.50	02/17/2004	Check Sequence: 35 101-420-2400-44120	ACH Enabled: No
	Check Total:	319.50			
Vendor: SCHAFKIM	Schaffel, Kimberly Office Supplies	58.56	02/17/2004	Check Sequence: 36 101-410-1320-42000	ACH Enabled: No
	Check Total:	58.56			
Vendor: STATEIRE	State Treasurer Certification Seminar	70.00	02/17/2004	Check Sequence: 37 101-420-2400-44330	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Check Number	Reference
	Check Total:	70.00			
Vendor:SYMBOL 0034393-IN	Symbol Arts Patches-Fire Dept. Check Total:	57.50 57.50	02/17/2004	Check Sequence: 38 101-420-2220-44170	ACH Enabled: No
Vendor:UNIVERSI	University of Minnesota Seminars-Septic Bldg Dept. Check Total:	275.00 275.00	02/17/2004	Check Sequence: 39 101-420-2400-44370	ACH Enabled: No
Vendor:WAS-SHER 39675	Washington County Treasurer 2nd Half-Law Enforcement Services Check Total:	157,791.08 157,791.08	02/17/2004	Check Sequence: 40 101-420-2100-43150	ACH Enabled: No
Vendor:WASCOUNT 39527	Washington County Auditor's request records Check Total:	70.00 70.00	02/17/2004	Check Sequence: 41 101-410-1520-44300	ACH Enabled: No
Vendor:WEARGUA 53082613-1	Wear Guard Uniforms-Public Works Check Total:	171.41 171.41	02/17/2004	Check Sequence: 42 101-430-3100-44170	ACH Enabled: No
Vendor:XCEL	Xcel Energy	302.37	02/17/2004	Check Sequence: 43 101-450-5200-43810	ACH Enabled: No
0044445749029		1,222.31	02/17/2004	101-420-2220-43810	
0084044646028		17.82	02/17/2004	101-430-3100-43810	
0176825022028		668.44	02/17/2004	101-410-1940-43810	
0417949252028		19.76	02/17/2004	101-430-3100-43810	
0446544592028		445.55	02/17/2004	602-495-9450-43810	
0573240678028		7.37	02/17/2004	101-450-5200-43810	
0592147254029		30.49	02/17/2004	101-430-3160-43810	
0614943270028		7.36	02/17/2004	101-450-5200-43810	
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1427822590029		635.71	02/17/2004	101-420-2220-43810	
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1684846045027		13.85	02/17/2004	602-495-9450-43810	
1957348187028		358.88	02/17/2004	601-494-9400-43810	
2045967139030		290.79	02/17/2004	101-450-5200-43810	
2175049940028		1,170.60	02/17/2004	101-430-3160-43810	
2332806007032					

Invoice No

Description

Amount

Payment Date

Acct Number

Reference

5,773.20

Check Total:

Vendor: ZACK  
24773

Zack's, Inc.  
Shop Supplies  
Check Total:

284.00  
284.00

02/17/2004  
101-430-3100-42150

ACH Enabled: No

250,678.85  
44

Total for Check Run:  
Total Number of Checks:



City of Lake Elmo  
 3800 Lavernve Ave N.  
 Lake Elmo MN 55042

2004 Insurance Analysis

Description	Account	2004 Budget	2004 Actual	2004 Variance	2003 Actual	% Increase
Admin-Bldg & Vehicles	101-410-1320-43610	27,360	29,081	-1,721	22,493	29.29%
Fire-Bldg & Vehicles	101-420-2220-43630	11,792	12,908	-1,116	10,254	25.88%
Bldg Dept.-Vehicle	101-420-2400-43630	877	872	5	763	14.29%
Public Works.-Vehicle	101-430-3100-43630	11,265	13,603	-2,338	9,795	38.88%
Parks.-Vehicle	101-450-5200-43060	2,900	3,084	-184	2,510	22.87%
Water	601-494-9400-43610	2,380	2,985	-605	2,069	44.27%
<b>Total</b>		<b>56,574</b>	<b>62,533</b>	<b>-5,959</b>	<b>47,844</b>	<b>30.70%</b>



## Zignego Agency Inc./Insurance

3880 Laverne Avenue North • Lake Elmo, Minnesota 55042 • (651) 777-8788 • (651) 777-7730 Fax

**CITY OF LAKE ELMO**  
**3800 Laverne Avenue North**  
**Lake Elmo, Minnesota 55042**

### RENEWAL PREMIUM SUMMARY / COMPARISON

	<u>2003/2004</u>	<u>2004/2005</u>
PROPERTY	\$ 4,355.00	\$ 4,890.00
EQUIPMENT BREAKDOWN	\$ 681.00	\$ 693.00
INLAND MARINE / MOBILE PROPERTY	\$ 3,287.00	\$ 3,940.00
GENERAL LIABILITY	\$20,634.00	\$28,135.00
ERRORS & OMISSION (PUBLIC OFFICIALS)	\$ Included	\$ Included
AUTOMOBILE LIABILITY	\$ 5,633.00	\$ 8,404.00
Basic Economic Loss Benefits (PIP)	\$ N/A	\$ 540.00
UNINSURED/UNDERINSURED	\$ 76.00	\$ 114.00
AUTO PHYSICAL DAMAGE	\$ 6,291.00	\$ 6,512.00
CRIME	\$ Included	\$ Included
BONDS	\$ 531.00	\$ 476.00
EXCESS LIABILITY (Without Waiver)	\$ 5,641.00	\$ 8,171.00
PETROFUND REIMB.	\$ 215.00	\$ 199.00
OPEN MEETING LAW -	\$ 540.00	\$ 459.00
<b>TOTAL</b>	<b>\$ 47,884.00</b>	<b>\$ 62,533.00</b>

<b>Lake Elmo City Council Feb 17<sup>th</sup>, 2004</b>	<b>Agenda Section: MAINTENANCE/PARK/FIRE/BUILDING</b>	<b>NO. 7A</b>
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**Agenda Item: Scoreboard Donation**

**Background Information for February 17<sup>th</sup>, 2004**

At its January 17<sup>th</sup>, 2004 Parks Commission meeting, Commissioner Bruchu presented a proposal for an anonymous donation of two electronic scoreboards that would be installed at both the Lions and VFW ball fields.. The Parks Commission discussed installation costs, vandalism concerns, placement, and storage. A motion was passed to recommend acceptance of the donations with the understanding that the City would be responsible for the maintenance and installation, if the installation costs were under \$1,000.00 each.

The Parks Dept checked on pricing for installation, which includes trenching, materials and an electrical contractor. Not including City labor, both scoreboards can be installed for the following costs:

Trencher	\$72.00
Electrician	\$156.00
Materials	\$50.00
<b>TOTAL</b>	<b>\$278.00</b>

Electrical service is available in close proximity in both cases.

**Acting City Administrator's Comments:**

While I have no specific objections to this proposal – and I sincerely appreciated the generosity of the anonymous donor, I would recommend that the donation be accepted with the understanding that there are no unmentioned “strings” involved – including any preferences for field scheduling being accorded to any particular organization as even a moral “quid pro quo” for the scoreboard donation.

<p><b><u>Action items:</u></b> Motion to accept the donation form an anonymous donor of scoreboards for VFW and Lions Parks; and, authorizing City Staff to purchase such materials and services as are necessary for installation of the scoreboards.</p>	<p><b><u>Persons responsible:</u></b> M. Bouthilet</p>
<p><b><u>Attachments:</u></b> Capitol Improvement Request Park Commission Minutes Price Quotes</p>	<p><b><u>Time Allocated:</u></b></p>

**City of Lake Elmo  
Parks Commission Meeting  
Minutes of January 27, 2004**

Commissioner Schumacher called the meeting of the Parks Commission to order at 7:04 p.m. COMMISSIONERS PRESENT: Wagner, Ekern, Steele, Schumacher, Bruchu, and Bouthilet. STAFF PRESENT: Mike Bouthilet, Parks Superintendent and Kimberly Schaffel, Recording Secretary.

### **Agenda**

Commissioner Steele said he would like to discuss the possibility for a workshop for processes, duties, and procedures of the Parks Commission. Commissioner Ekern would like to get an update on the CIP. **M/S/P, Steele/Bouthilet, To accept the Agenda as amended. VOTE: 6:0.**

Chairman Schumacher introduced the newest member of the Parks Commission, Todd Bruchu, who has lived in Lake Elmo all his life.

### **Election of Officers**

**M/S/P, Steele/Bruchu, To nominate and elect Commissioner Schumacher as Chairman of the Parks Commission. VOTE: 5:0:1 (Abstain: Schumacher).**

**M/S/P, Ekern/Wagner, To nominate and elect Commissioner Steele as Vice Chairman of the Parks Commission. VOTE: 5:0:1 (Abstain: Steele).**

### **Minutes**

**M/S/P, Wagner/Bouthilet, To accept the Minutes of August 4, 2003 as presented. VOTE: 6:0.**

### **Scoreboard**

Commissioner Bruchu is associated with Lake Elmo Baseball Association. They have been fortunate to have anonymous donors who wish to purchase electronic scoreboards for VFW and Lions Parks. He distributed a handout with graphics of scoreboards. The proposed style of scoreboard is 5 feet high by 10 feet wide, 18 inches above have LED lights that would say, "Lake Elmo Baseball." Balls, strikes, outs, inning, and score would all be lit. The largest digits are 18 inches tall. The scoreboards would only be lit during games. If it gets hit by a ball, it is shielded and protected. They were told by the vendor that baseballs could hit it all day without hurting it. At Lions Park, the fence is 8 feet high, so the scoreboard there could stand 18 feet high. The city would pay for the electricity. Lake Elmo Baseball Association researched and the cost to the donors would be \$4,000 for each scoreboard without installation or trenching. The boards have five year warranties. These LED lights last over 100,000 hours. Operation is by remote control. Storage would not be a problem during summer months as they will be in use nightly. Scoreboards come mounted with brackets and can include steel poles. They run on 120 volts and less than 10 amps.

The Parks Superintendent said the issues for the Parks Commission will be the installation, trenching, powering, and maintenance. There would be replacement cost and concerns about vandalism. The City would have to develop a sign out procedure for securing the scoreboards.

Parks Superintendent Bouthilet would need to know the costs of installation before bringing the proposal to the City Council.

Commissioner Wagner said the tapper trailer had its own generator last year at Huff-n-Puff and they still blew a lot of fuses at Lions.

The Parks Superintendent said the signs are low amperage, trenched-in with its own power source at Lions Park.

M/S/P, Ekern/Bouthilet, To gratefully accept the donation of two LED scoreboards from Lake Elmo Baseball Association with the understanding that the city is responsible for upkeep, maintenance, and installation, if the installation (and trenching) cost is less than \$1,000 each and if it is more than \$1,000, the Parks Commission will reconsider it at the next meeting.

### Brad Viessman

Vandalism concerns were worries when other items were installed two years ago, but he is pleased that there is very little vandalism going on.

Parks Superintendent Bouthilet will collect firm numbers for the cost of installation in order to present the issue to the City Council.

**VOTE: 6:0.**

### **VFW Lights**

Lights for VFW Park were postponed due to the possibility of reconfiguration through the Old Village Plan. Concerns were installing and then having to move the lights. The Commissioners believe that VFW Park would probably be in the same place for at least five more years.

Superintendent Bouthilet reported that soil borings were done, and the engineering aspect of the job is already done. Quite a bit of money has already been spent on it. This is in the CIP.

Commissioner Steele said we are in the middle of a bid for trails. If we are committing 20% of our money to this lighting project, he feels uncomfortable spending the money before we know what trails might cost. Superintendent Bouthilet said the Request for Proposal for trails is going to the City Council at their next meeting. Commissioner Ekern would like to view the proposals first.

Superintendent Bouthilet would like to be able to show the Parks Commission what \$120,000 would get us in trails versus lights. All future development would be synchronized for public trails to link throughout the city.

Commissioner Steele said there would be safety gaps in trails. Trails will be the single largest project we have ever done. He feels no rush for lights in VFW right now with the number of unknowns we are facing. Chairman Schumacher said money is the primary issue because it is over 20% of our total reserve.

Commissioner Bouthilet feels that lighting VFW Park is an essential thing for the Commission to do. Commissioner Wagner pointed out that lighting VFW Park was on the agenda in March 2003. We are dragging this out and we need to make a decision.

Superintendent Bouthilet will bring more information back to the next meeting. VFW Lights will be tabled until the February meeting.

**Community Facilities Update**

Chairman Schumacher reviewed the process the Community Facilities Committee used for reviewing sites for possible public facilities. Brookfield II would be cheaper than trying to build a new City Hall. We think it will cost about \$1.1 Million. Public Works storage would be built. A link between the two buildings would be built with an ADA elevator, council chambers, and bathrooms and lockers for Public Works. Most of the first floor of the Brookfield II Building would be for city use. Tenants would continue to rent the upstairs. The existing city hall could become a library.

**CIP Update**

CIP was approved.

**Education News**

The Metropolitan Council has won another round. The city is taking the appeal to the state Supreme Court. The Chair distributed information about the Gateway Trail, CIP, and a new study about low density communities.

**Parks Workshop for Processes**

The next Agenda should include a workshop for Parks Commission processes, our mission, to clarify procedures, review maps, etc.

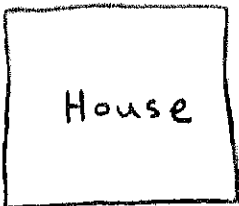
Kim will update the City Information List and post it on the web tomorrow.

Adjourned at 8:15 p.m.

Respectfully submitted,

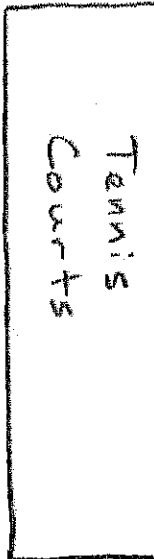
Kimberly Schaffel  
Recording Secretary

36<sup>th</sup> St.



House

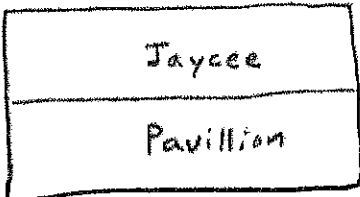
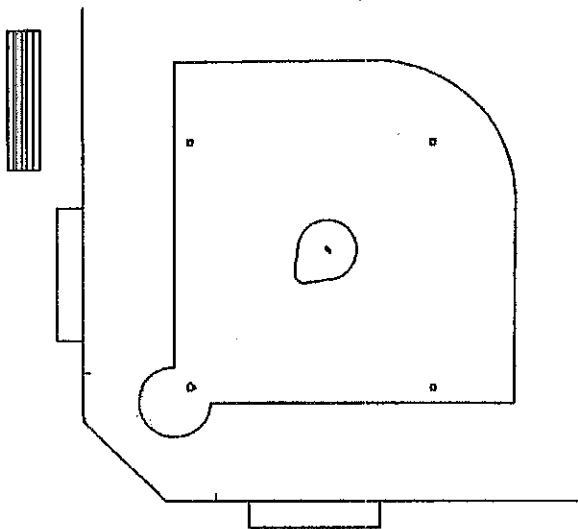
Gate



Tennis  
Courts

Proposed  
Scoreboard  
Location

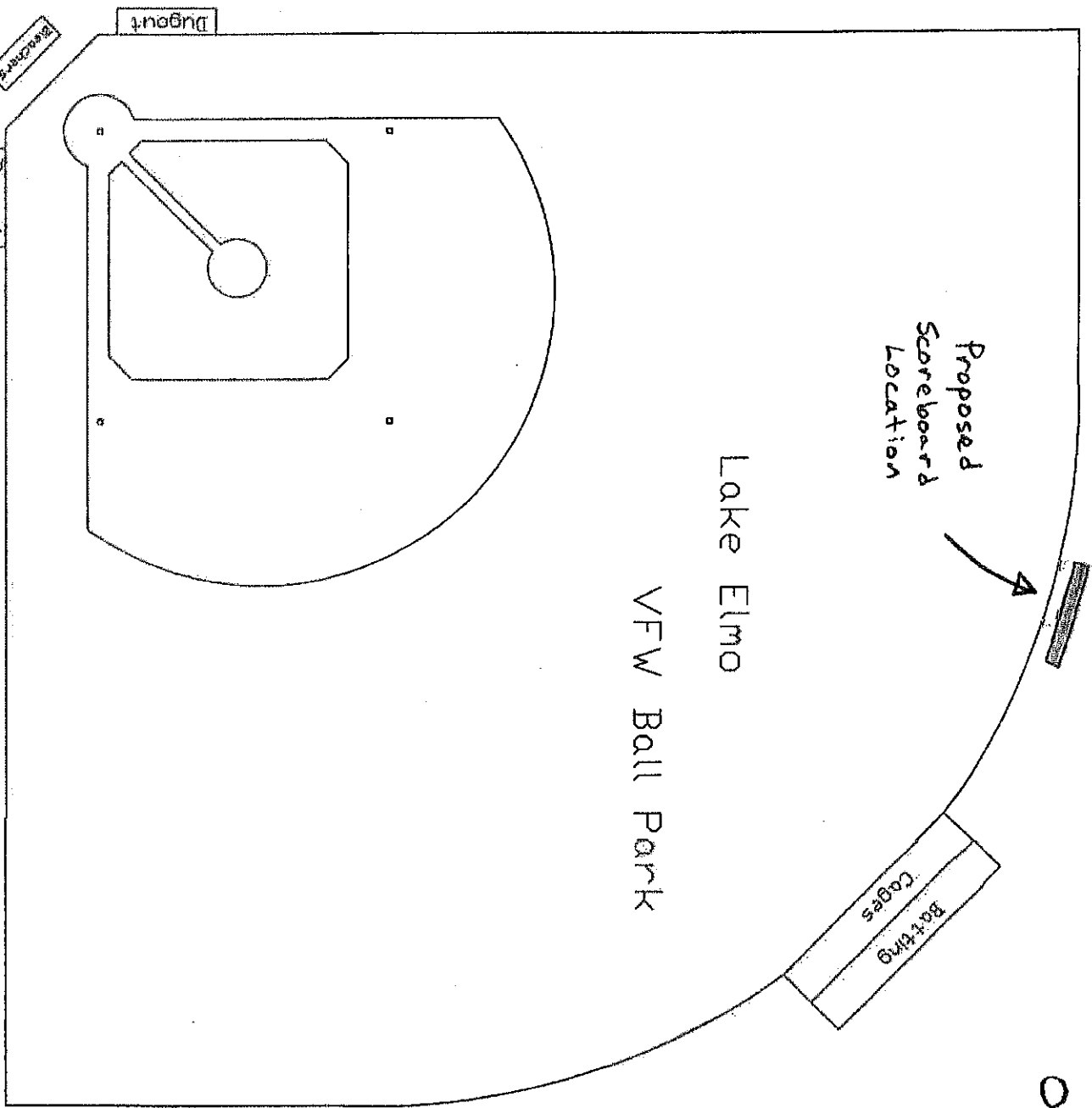
Lions Park



Jaycee

Pavillion

Laverne Ave.



Lake Elmo  
VFW Ball Park

Proposed  
Scoreboard  
Location

Batters  
Cages

Dugout

Dugout

Dugout

Bleachers

0

Layton Ave.



*Yankee Etno Baseball*

120"

78"

**GUEST**

**INNING**

**HOME**


**BALL**

**STRIKE**

**OUT**



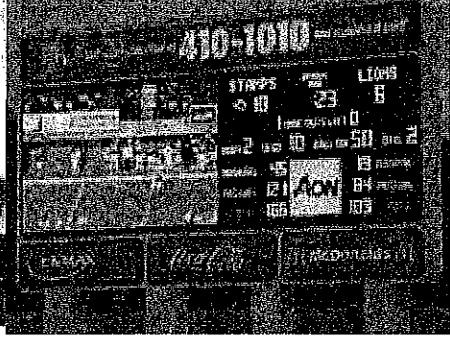
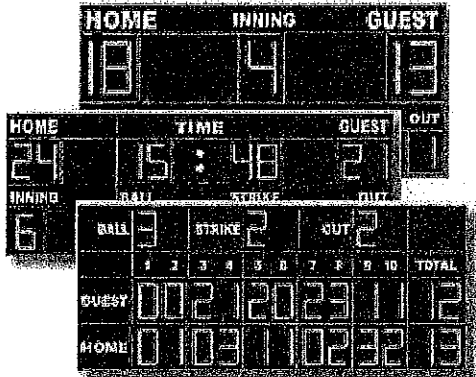
Home | Basketball | Baseball | Volleyball | Football | Soccer | Hockey | Videoscreens | Swimming



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Contact US  
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LED Scoreboard

Scoreboards-US A pioneer in electronic video displays for over 13 years.

Wireless Scoreboard

We have outdoor installations around the world and in Central and South America

Projection Scoreboard

LED scoreboard packages include basketball scoreboard, football scoreboard, baseball, soccer, hockey, volleyball and swimming have many standard features as well as an extended list of available options to make customization FREE.

We also supply large projection scoreboards with full interactive, user design, live video capability, at a practical and affordable price.

#### FLASH.. SITE

We can design your electronic scoreboard, wireless scoreboard, matrix display or LED scoreboard using our designs or custom to your design. Scoreboards-US manufactures single color, full color matrix. You can have a single line Matrix or double line matrix message display one color at affordable prices. All wireless scoreboards come with our **STANDARD RF**, radio frequency wireless scoreboards hand held controller, no extra wiring to worry about. When 120 volt power is a problem, choose our battery powered wireless scoreboard controller. We use wireless scoreboards PDA controllers for ease of use and compactness.

**LED Digit--FULL** 18 inch HT LED's 7- segment digits are machine soldered, Surface mounted, over 200 LED's per segment, over 150 degree viewing angle, three rows of LED's for a wider looking digits. Sponsor panels may be any size and can added to any side of the scoreboard.

**Powder Coating Finish--**The finishing touches comes with our unique frame design and quality powder coat paint.

Several finishes available on powder coat.

Custom vinyl logos can be made from your artwork or use our expert graphic designers for that custom design.

All of our Wireless LED scoreboard models are made with bright high quality surface mounted LED's, last over 100,000 hours, are inexpensive to power, and easily to be seen, even in sunlight. Extremely wide viewing angle..... over 150 degree viewing.

**Our standard wireless system comes with hand held controller..is rugged and easy to use.**

**NEW Projection Scoreboard just introduced**

**Our LED system is configured so you just plug and play. Battery powered systems available at no additional cost.**

No need for running extra cables anymore. Our wireless scoreboard controller system works well in either indoor sports arenas or at outdoor games.

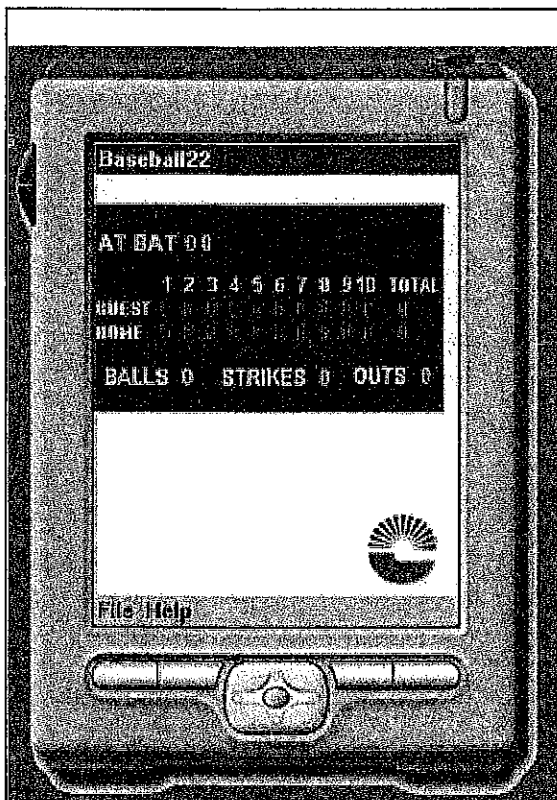
When 120 volt power is a problem, choose our battery power scoreboards and wireless controller controller.

Sponsor panels may be any size and can added to any side of the scoreboards.

Quality - Engineering - High Tech - Ease of use - Maintenance free wireless scoreboards ...

For information or a quote,

Give us a call at 727-942-4868.



## KETBALL SCOREBOARDS

### Wireless Scoreboard Controller W900

Scoreboard. Dell and Compaq PDA manufacturers controller for baseball, football, basketball, hockey, soccer, volleyball  
Color Display

Hand Held wireless Scoreboards Controller available with:

Clock, Home Score, Guest Score, horn, Quarter, period, bonus  
scoreboard displays period time to 59:59

PDA Dimensions: 7" high x 3" wide x 1" deep.

Scoreboard Aluminum Tubing structure 1"x 3"

Powder Coated finish

Approximate weight is 1 lb.

Battery Life: 4 hrs.

With PDA stylus click on desired score digit and the response is sent to the scoreboard.  
score is incremented by one point

Horn blows

Inning, balls, strikes, change.

LED brightness changes different levels

ADDED feature You can use PDA computer module to keep track of game and player information

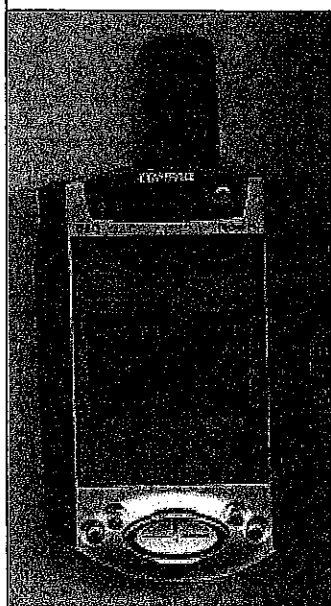
For scoreboard with clocks there is a simple setup menu to follow. Game time has start and stop button. The controller is made to look like the scoreboard.

## EXAMPLES

Wireless Scoreboard controller and

..... Full 18 inch LED digit

Scoreboard Buzzer



**Summary Building Report**

January 2004			Year to Date		
	Permits Issued	Valuation		Permits Issued	Valuation
New Residential	0	\$0.00	New Residential	0	\$0.00
New Commercial	0	\$0.00	New Commercial	0	\$0.00
Other Residential	10	\$143,000.00	Other Residential	10	\$143,000.00
Other Commercial	5	\$187,783.00	Other Commercial	5	\$187,783.00
<b>Total</b>	<b>15</b>	<b>\$330,783.00</b>	<b>Total</b>	<b>15</b>	<b>\$330,783.00</b>

<b>Total Building Fees Collected</b>	<b>\$6,009.23</b>	<b>Total Building Fees Collected</b>	<b>\$6,009.23</b>
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**Summary Plumbing Report**

Plumbing	11	\$53,300.00	Plumbing	11	\$53,300.00
<b>Total Plumbing Fees Collected</b>		<b>\$809.75</b>	<b>Total Plumbing Fees Collected</b>		<b>\$809.75</b>

**Summary HVAC Report**

HVAC	14	\$41,845.00	HVAC	14	\$41,845.00
<b>Total HVAC Fees Collected</b>		<b>\$961.25</b>	<b>Total HVAC Fees Collected</b>		<b>\$961.25</b>

<b>Summary Grand Total Fees</b>	<b>\$7,780.23</b>	<b>Summary Grand Total Fees</b>	<b>\$7,780.23</b>
---------------------------------	-------------------	---------------------------------	-------------------

Surcharge Fee Paid to State	\$176.89	Surcharge Fee Paid to State	\$176.89
SAC Fees Paid to Met Council	\$0.00	SAC Fees Paid to Met Council	\$0.00
WAC Fees Paid to Oakdale	\$0.00	WAC Fees Paid to Oakdale	\$0.00
Misc. Expenses	\$0.00	Misc. Expenses	\$0.00

<b>Total Fees Retained</b>	<b>\$7,603.34</b>	<b>Total Fees Retained</b>	<b>\$7,957.12</b>
----------------------------	-------------------	----------------------------	-------------------

Credit Fees to Bldg	\$7,603.34	Credit Fees to Bldg	\$7,603.34
Credit Fees to Water	\$0.00	Credit Fees to Water	\$0.00
Credit Fees to Sewer	\$0.00	Credit Fees to Sewer	\$0.00

## Building Permit Detail Summary

January 01, 2004 Through January 31, 2004

### Occupancy

#### Class Of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation
3929	Remodel	1/27/2004	Office Building	18,000
<b>Totals for Class Of Work: Remodel</b>				<b>Sum of Valuation = 18,000</b>

#### Totals for Occupancy:

Number of Permits = 1

Sum of Valuation = 18,000

### Occupancy B

#### Class Of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation
3927	Remodel	1/22/2004	Office Building	15,000
3926	Remodel	1/21/2004	Office Building	14,783
3915	Interior buildout	1/9/2004	Office Building	40,000
3912	Remodel	1/8/2004	Commercial	100,000
<b>Totals for Class Of Work: Remodel</b>				<b>Sum of Valuation = 169,783</b>

#### Totals for Occupancy: B

Number of Permits = 4

Sum of Valuation = 169,783

### Occupancy R-3

**Class Of Work: Add**

Permit #	Description of Work	Date Issued	Use of Building	Valuation
3921	Basement finish	1/15/2004	Single Family Dwelling	6,000
<b>Totals for Class Of Work: Add</b>				<b>Sum of Valuation = 6,000</b>

**Class Of Work: Remodel**

Permit #	Description of Work	Date Issued	Use of Building	Valuation
3930	Basement finish (includes plmg&htg)	1/28/2004	Single Family Dwelling	24,000
3920	Basement finish	1/15/2004	Single Family Dwelling	30,000
3918	Basement finish	1/13/2004	Single Family Dwelling	10,000
3917	Basement finish	1/12/2004	Single Family Dwelling	10,000
3914	Remodel	1/9/2004	Single Family Dwelling	40,000
3911	Basement finish (includes plmg&htg)	1/6/2004	Single Family Dwelling	20,000
<b>Totals for Class Of Work: Remodel</b>				<b>Sum of Valuation = 134,000</b>

**Class Of Work: Demolition**

Permit #	Description of Work	Date Issued	Use of Building	Valuation
3924	demolition	1/20/2004	Single Family Dwelling	1,000
3923	demolition	1/20/2004	Single Family Dwelling	1,000
3922	demolition	1/20/2004	Single Family Dwelling	1,000
<b>Totals for Class Of Work: Demolition</b>				<b>Sum of Valuation = 3,000</b>

**Totals for Occupancy: R-3**

**Number of Permits = 10**

**Sum of Valuation = 143,000**

**Grand Total for All Permits Issued:**

**Number of Permits Issued: 15**

**Total Valuation = 330,783**

*City of Lake Elmo  
Building Department*

***Plumbing Permit Detail Summary***

January 01, 2004 Through January 31, 2004

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Valuation</i>
3907	commercial plumbing alter	1/5/2004	13,300
3910	commercial plumbing alter	1/6/2004	10,300
3911	alter resd plmg	1/6/2004	4,000
3912	commercial plumbing alter	1/8/2004	0
3913	water heater install	1/8/2004	200
3914	alter resd plmg	1/9/2004	6,000
3917	alter resd plmg	1/12/2004	4,000
3918	alter resd plmg	1/13/2004	5,000
3920	alter resd plmg	1/15/2004	5,000
3929	commercial plumbing alter	1/27/2004	2,500
3930	alter resd plmg	1/28/2004	3,000

<i>Number of Permits 11</i>	<i>Total Valuation = 53,300</i>
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*City of Lake Elmo  
Building Department*

***HVAC Permit Detail Summary***

January 01, 2004 Through January 31, 2004

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Valuation</i>
3907	alter commercial	1/5/2004	12,700
3908	alter resd hvac	1/5/2004	5,145
3909	alter resd hvac	1/6/2004	2,500
3911	alter resd hvac	1/6/2004	1,000
3912	alter commercial	1/8/2004	0
3914	alter resd hvac	1/9/2004	2,500
3916	alter resd hvac	1/12/2004	3,800
3917	alter resd hvac	1/12/2004	1,000
3918	alter resd hvac	1/13/2004	1,500
3920	alter resd hvac	1/15/2004	2,000
3925	alter resd hvac	1/21/2004	3,700
3927	alter commercial	1/22/2004	4,000
3928	Install Heating Unit in garage	1/26/2004	2,000
3930	n/a	1/28/2004	0

<b><i>Number of Permits 14</i></b>	<b><i>Total Valuation = 41,845</i></b>
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**City of Lake Elmo  
Building Department  
Building Permit Fees**

January 01, 2004 Through January 31, 2004

Date	Permit #	Permit Fee	Surcharge	Plan Review	Other	Investigation	SAC Fee	Sewer Fee	WAC Fee	Meter	Sales Tax
1/6/2004	3911	\$321.25	\$10.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1/8/2004	3912	\$993.75	\$50.00	\$645.94	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1/9/2004	3914	\$543.25	\$20.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1/9/2004	3915	\$543.25	\$20.00	\$352.79	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1/12/2004	3917	\$181.25	\$5.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1/13/2004	3918	\$181.25	\$5.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1/15/2004	3920	\$442.25	\$15.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1/15/2004	3921	\$125.25	\$3.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1/20/2004	3922	\$50.00	\$0.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1/20/2004	3923	\$50.00	\$0.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1/20/2004	3924	\$50.00	\$0.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1/21/2004	3926	\$251.25	\$7.39	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1/22/2004	3927	\$251.25	\$7.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1/27/2004	3929	\$293.25	\$9.00	\$190.61	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1/28/2004	3930	\$377.25	\$12.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Totals:</b>		<b>\$4,654.50</b>	<b>\$165.39</b>	<b>\$1,189.34</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

**Grand Total of Building Related Fees Collected: \$6,009.23**

*City of Lake Elmo  
Building Department*

***Plumbing Permit Fees***

January 01, 2004 Through January 31, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
1/5/2004	3907	\$154.75	\$0.50
1/6/2004	3910	\$150.00	\$0.50
1/6/2004	3911	\$50.00	\$0.50
1/8/2004	3912	\$150.00	\$0.50
1/8/2004	3913	\$50.00	\$0.50
1/9/2004	3914	\$50.00	\$0.50
1/12/2004	3917	\$50.00	\$0.50
1/13/2004	3918	\$50.00	\$0.50
1/15/2004	3920	\$50.00	\$0.50
1/27/2004	3929	\$0.00	\$0.00
1/28/2004	3930	\$50.00	\$0.50
<b>Totals:</b>		<b>\$804.75</b>	<b>\$5.00</b>

***Grand Total of Plumbing Fees Collected: \$809.75***

*City of Lake Elmo  
Building Department*

***HVAC Permit Fees***

January 01, 2004 Through January 31, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
1/5/2004	3907	\$154.75	\$0.50
1/5/2004	3908	\$50.00	\$0.50
1/6/2004	3909	\$50.00	\$0.50
1/6/2004	3911	\$50.00	\$0.50
1/8/2004	3912	\$150.00	\$0.50
1/9/2004	3914	\$50.00	\$0.50
1/12/2004	3916	\$50.00	\$0.50
1/12/2004	3917	\$50.00	\$0.50
1/13/2004	3918	\$50.00	\$0.50
1/15/2004	3920	\$50.00	\$0.50
1/21/2004	3925	\$50.00	\$0.50
1/22/2004	3927	\$150.00	\$0.50
1/26/2004	3928	\$50.00	\$0.50
1/28/2004	3930	\$0.00	\$0.00
<b>Totals:</b>		<b>\$954.75</b>	<b>\$6.50</b>

***Grand Total of HVAC Fees Collected:           \$961.25***

<p>Lake Elmo City Council February 17, 2004</p>	<p>Agenda Section: CITY ENGINEER'S REPORT</p>	<p><u>No. 8A.</u></p>
<p><b><u>Agenda Item:</u> 2004 Overlay Project</b></p>		
<p><b><u>Background Information for February 17, 2004:</u></b>  The City Engineer provided the Feasibility Report for the 2004 Overlay Project: 49<sup>th</sup> Street N., Jane Circle N., Jasper Avenue N., and Jerome Avenue N. If the City Council accepts the overlay improvements in accordance with the report and the assessments of abutting property, a public hearing will be held on March 1, 2004.</p>		
<p><b><u>Action Item:</u></b>  Adopt Resolution No. 2004-115, A Resolution Receiving the Feasibility Report and Calling Hearing on the 2004 Overlay Project</p>	<p><b><u>Person responsible:</u></b>  T.Prew</p>	
<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Feasibility Report on 2004 Overlay Project</li> <li>2. Resolution No. 2004-115 Receiving the Feasibility Report and Calling a Hearing on the 2004 Overlay Project</li> </ol>		

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004- 115

A RESOLUTION RECEIVING THE FEASIBILITY REPORT  
AND CALLING HEARING ON THE 2004 OVERLAY PROJECT

WHEREAS, a feasibility report has been prepared by TKDA with reference to the overlay of 49th Street North, Jane Circle North, Jasper Avenue North, and Jerome Avenue North, and this report was received by the City Council on February 17, 2004.

WHEREAS, the report provides information regarding whether the proposed project is necessary, cost-effective, and feasible,

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

1. The Lake Elmo City Council will consider the overlay improvements of 49th Street North, Jane Circle North, Jasper Avenue North, Jerome Avenue North in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes Chapter 429 at an estimated cost of the improvement of \$76,748.00
2. A Public Hearing has been ordered on said overlay improvement on the 1st day of March, 2004 at Lake Elmo City Hall, 7:00 p.m. and the clerk shall give mailed and published notice of such hearing improvement as required by law.

ADOPTED by the Lake Elmo City Council this 17th day of February, 2004.

\_\_\_\_\_  
Lee Hunt, Mayor

ATTEST:

\_\_\_\_\_  
Charles E. Dillerud, Acting City Administrator

Eric & Sarah Larson  
9191 49<sup>th</sup> Street N.  
Lake Elmo, MN 55042  
10-029-21-22-0022

Michael & Perpetu McDonald  
6870 35<sup>th</sup> Street N.  
Oakdale, MN 55128  
10-029-21-21-0012

Steven & Paula Wood  
9389 Jane Circle N.  
Lake Elmo, MN 550042  
10-029-21-21-0014

Christopher & Monique Kolb  
9387 Jane Circle N.  
Lake Elmo, MN 55042  
10-029-21-21-0013

Joseph & Sylvia Baumann  
9383 Jane Circle N.  
Lake Elmo, MN 55042  
10-029-21-21-0011

James Merit & Rudeen Darst  
9393 Jane Circle N.  
Lake Elmo, MN 55042  
10-029-21-21-0015

Bruce & Sandy Callen  
9379 Jane Circle N.  
Lake Elmo, MN 55042  
10-029-21-21-0009

Dennis & Carol Larson  
9381 Jane Circle N.  
Lake Elmo, MN 55042  
10-029-21-21-0010

Tin & Jennifer Tran  
9395 Jane Circle N.  
Lake Elmo, MN 55042  
10-029-21-21-0016

Greg & Karen Schulz  
9160 Jane Road N.  
Lake Elmo, MN 55042  
10-029-21-22-0013

Edwin & Jacqueline Raney  
4989 Jasper Avenue N.  
Lake Elmo, MN 55042  
03-029-21-33-0018

David & Mary Johnson  
4980 Jasper Avenue N.  
Lake Elmo, MN 55042  
10-029-21-22-0021

Helmut & Joan Porcher  
4990 Jasper Avenue N.  
Lake Elmo, MN 55042  
03-029-21-33-0017

Richard Carmon & Ann Hawkins  
4850 Jasper Avenue N.  
Lake Elmo, MN 55042  
10-029-21-22-0018

Thomas & Nancy Johnson Jr.  
4960 Jaspe Avenue N.  
Lake Elmo, MN 55042  
10-029-21-22-0020

Chester & Mary Pat Moutrie  
4855 Jerome Avenue N.  
Lake Elmo, MN 55042  
10-029-21-21-0021

Dennis & Barbara E. Markie  
4865 Jerome Avenue N.  
Lake Elmo, MN 55042  
10-029-21-21-0022

Friedrich & Iwona T. Srienc  
4955 Jerome Avenue N.  
Lake Elmo, MN 55042  
10-029-21-21-0023

James & Christine M. Trevis  
4850 Jerome Avenue N.  
Lake Elmo, MN 55042  
10-029-21-21-0020

Joseph Hart Dardis  
4880 Jerome Avenue N.  
Lake Elmo, MN 55042  
10-029-21-22-0023

Michael & Elizabeth Zeno  
4860 Jerome Avenue N.  
Lake Elmo, MN 55042  
10-029-21-21-0019

Brook & Barbara -Duerr  
4870 Jerome Avenue N.  
Lake Elmo, MN 55042  
10-029-21-21-0018

# FEASIBILITY REPORT

## 2004 OVERLAY PROJECT

49TH STREET  
JANE CIRCLE NORTH  
JASPER AVENUE  
JEROME AVENUE



## CITY OF LAKE ELMO, MINNESOTA

Date: February 17, 2004  
Comm. No. 12996-01

# **TKDA**

ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza  
444 Cedar Street  
Saint Paul, MN 55101-2140

(651) 292-4400  
(651) 292-0083 Fax  
[www.tkda.com](http://www.tkda.com)

# TKDA

ENGINEERS • ARCHITECTS • PLANNERS

SAINT PAUL, MINNESOTA

FEBRUARY 17, 2004

## FEASIBILITY REPORT

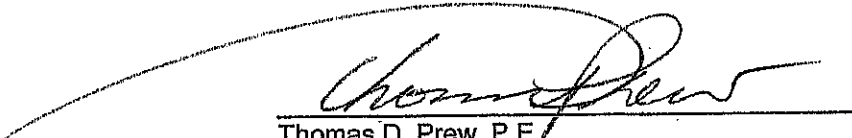
### 2004 OVERLAYS

49TH STREET  
JANE CIRCLE  
JASPER AVENUE  
JEROME AVENUE

CITY OF LAKE ELMO, MINNESOTA

TKDA COMMISSION NO. 12996-01

I hereby certify that this Feasibility Report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.



Thomas D. Prew, P.E.  
License No. 19621

12996-01



**2004 OVERLAYS  
49TH STREET  
JANE CIRCLE  
JASPER AVENUE  
JEROME AVENUE  
CITY OF LAKE ELMO, MINNESOTA**

**I. INTRODUCTION**

In an effort to keep its streets in good repair, the City of Lake Elmo routinely performs bituminous overlays to its streets. The City has developed a 5-year Capital Improvements Plan to schedule and budget for these repairs. The plan was developed by the Public Works Department in conjunction with the Finance Department and Public Works. The City Council has adopted the 5-year plan.

Bituminous overlays are done to strengthen streets and fill minor cracks. In Lake Elmo it is generally done after the street is 15- to 20-years old. These streets were built with a cross-section that consisted of 6-inches of gravel base and 2-inches of asphalt, which was the standard at the time these streets were built.

A location map is in the Appendix.

**II. INITIATION**

The City Council initiated this project. A 4/5th's vote of the City Council is necessary to order this project.

**III. IMPROVEMENT**

Prior to performing the overlay the streets are reviewed for any patching that may be necessary. Also, all the catch basins are inspected, repaired, and adjusted to the new finished grade.

It is proposed to overlay these streets with 2-1/2 inches of bituminous wearing course mixture. This same improvement program has been successfully completed throughout the City for many years. This will generally extend the life of the street an additional 15 to 20 years.

In 1995, the two properties at the intersection of Jane Road North and Jasper Avenue North were given a 1/2 unit assessment in for an overlay project on Jane Road. With this project we are proposing again to assess them 1/2 unit again.

**VIII. RIGHT-OF-WAY**

No additional right-of-way is required.

**IX. PROJECT SCHEDULE**

The proposed project schedule is as follows:

- |  |                   |
|--|-------------------|
| 1. Feasibility Report Received by City Council                     | February 17, 2004 |
| 2. Public Hearing  | March 2, 2004     |
| 3. City Council Authorizes preparation of Plans and Specifications | March 2, 2004     |
| 4. City Council Approves Plans, Authorizes Advertisement for Bids  | March 16, 2004    |
| 5. Open Bids   | April 14, 2004    |
| 6. City Council Awards Bid   | April 20, 2004    |
| 7. Contractor Begins Construction                                  | May 2004          |
| 8. Contractors Completes Construction                              | June 2004         |
| 9. Assessment Hearing  | September 2004    |

**X. STATEMENT OF FEASIBILITY**

The construction of the street improvements considered in this report is feasible from an engineering standpoint. The economic feasibility is to be determined by the City Council.

**XI. RECOMMENDATION**

We recommend the City proceed with the improvements as proposed.

### STATEMENT OF ESTIMATED QUANTITIES

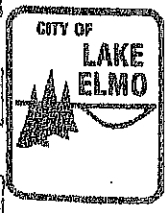
ITEM NO.	ITEM	UNIT	QUANTITY	UNIT PRICE	AMOUNT	SPEC NO.
1	MOBILIZATION	LS	1	\$ 4,000.00	\$ 4,000.00	2021.501
2	REPAIR CATCH BASIN	EA	8	\$ 400.00	\$ 3,200.00	2104.523
3	TYPE LV AGG. 3 BASE COURSE FOR PATCHING	SY	100	\$ 25.00	\$ 2,500.00	2350.501
4	TYPE LV AGG. 4 WEARING COURSE	TN	1,565	\$ 32.00	\$ 50,080.00	2350.501
5	BITUMINOUS MATERIAL FOR TACK COAT	GAL	600	\$ 1.50	\$ 900.00	2357.502

ESTIMATED CONSTRUCTION COST      \$ 60,680.00




Map Date: February 8, 2004

# Lake Elmo 2004 Overlays-Feasibility Report Location Map



## Legend

 Assessment Boundary



For Further Information  
Contact City of Lake Elmo at  
(851) 777-5510

Create by: **TKDA**  
ENGINEERS, ARCHITECTS, PLANNERS

**Limitation Liability**  
This document is not a legally recorded map or survey and is not intended to be used as one. This map is a compilation of records and information from various sources, and city offices, and other sources.


<b>Lake Elmo City Council February 17, 2004</b>	<b>Agenda Section: Planning, Land Use &amp; Zoning</b>	<b>No. 9A</b>
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**Agenda Item:** RR Cluster and Minor Subdivision – Merle and Fonda Olson

**Background Information for February 17, 2004:**

At its meeting February 9, 2004 the Planning Commission adopted a recommendation (5-1, Chairman Helwig opposed) for approval of these multiple applications to divide a Nominal 40 acre parcel into parcels of 5.46 acres, and 33.6 acres (both net of ROW). Because the smaller resultant parcel would be less than the RR district 10 acre minimum, the applicant has proposed the division responsive to the RR Clustering provisions of the Zoning Ordinance. Since less than 4 parcels would be created, and public roadway frontage is available to both resulting parcels, the actual land division is being processed as a Minor Subdivision in accordance with Chapter 400 of the City Code. The approval recommendation is subject to the applicant's payment of a \$1,500 park dedication fee for the single new parcel being created.

Chairman Helwig's opposition to the approval recommendation was based on his recollection of a prior issue regarding the large pole shed on this site. Staff had not addressed any such issue in its Staff Report, since we could find no evidence of actions involving the pole shed except the 1966 building permit allowing its construction. We have determined since the Commission meeting that Chairman Helwig's recollection actually involves an accessory building variance application that was heard by the Commission in 1997. While the same applicants were involved (to some degree), that matter related to another farmstead site and parcel in the same family located well east of the subject site – and not to the subject site in any manner, except family names.

<p><b><u>Action items:</u></b></p> <p>Motion to adopt Resolution #2004 - , approving an RR Cluster Development and Minor Subdivision at 9524 Stillwater Blvd. for Merle and Fonda Olson based on the land survey Staff dated February 4, 2004 and the Findings and Conditions of the approval Resolution.</p>	<p><b><u>Person responsible:</u></b></p> <p> City Planner</p>
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<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Draft Resolution #2004 – Approving RR Cluster and Minor Subdivision</li> <li>2. Draft Planning Commission Minutes of February 9, 2204</li> <li>3. Planning Staff Report</li> </ol>	<p><b><u>Time Allocated:</u></b></p>
--	--------------------------------------

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-116

A RESOLUTION GRANTING A RURAL RESIDENTIAL (RR) CLUSTER  
DEVELOPMENT/MINOR SUBDIVISION TO  
MERLE G. AND FONDA R. OLSON

WHEREAS, Merle G. and Fonda R. Olson have made application to the City of Lake Elmo for a Rural Residential (RR) Cluster Development and Minor Subdivision of a nominal 40 acre parcel located at 9524 Stillwater Boulevard, pursuant to Section 400.07 of the Lake Elmo Municipal Code from the following parcel of land; to wit:

**ORIGINAL PARCEL:** (Trustee's Deed -- Document No. 3133696)  
That part of the West 1385.00 feet of the Southeast Quarter Section 15,  
Township 29 North, Range 21 West, Washington County, Minnesota  
lying northerly of the north line of the Chicago Northwestern Railroad,  
formerly known as the St. Paul, Stillwater and Taylors Falls Railroad.

WHEREAS, the Lake Elmo Planning Commission considered this RR Cluster Development and Minor Subdivision request at its February 9, 2004 meeting, and recommended that the Minor Subdivision be granted based on the following findings:

1. The application for RR District clustering complies with the standards for such application and the applicable standards of the RR Zoning District.
2. The application for Minor Subdivision complies with the standards of Chapter 400 of the City Code (Subdivision) only upon the concurrent approval of the RR cluster application.

NOW, THEREFORE, BE IT RESOLVED that a RR Cluster Development and Minor Subdivision of the parcel at 9524 Stillwater Boulevard, as depicted by the survey staff dated February 4, 2004, is hereby granted by the City Council to Merle G. and Fonda R. Olson resulting in the two parcels described; and subject to the following condition:

1. That the applicant remit the \$1,500 Park Dedication fee for the creation of a new buildable parcel is payable before release of the deed for recording.

**PARCEL 1:**

The north 725.00 feet of the west 445.00 feet of the Southeast Quarter of Section 15, Township 29 North, Range 21 West, Washington County, Minnesota; and that part of the east 940.00 feet of the west 1385.00 feet of said Southeast Quarter which lies northerly of the north line of the Chicago Northwestern Railroad, formerly known as the St. Paul, Stillwater and Taylors Falls Railroad.

Subject to Trunk Highway 5 along the most southerly line thereof as evidenced by the document recorded in Book 246 of Deeds, page 592, on file and of record in the Office of the County Recorder, Washington County, Minnesota

Also, subject to an easement in favor of Northern States Power Company as described in Book 170 of Deeds, page 14, on file and of record is said Office of the County Recorder.

And

**PARCEL 2:**

That part of the west 445.00 feet of the Southeast Quarter of Section 15, Township 29 North, Range 21 West, Washington County, Minnesota which lies southerly of the north 725.00 feet thereof and which lies northerly of the north line of the Chicago Northwestern Railroad, formerly known as the St. Paul, Stillwater and Taylors Falls Railroad.

Subject to Trunk Highway 5 along the most southerly line thereof as evidenced by the document recorded in Book 246 of Deeds, page 592, on file and of record in the Office of the County Recorder, Washington County, Minnesota.

Also, subject to an easement in favor of Northern States Power Company as described in Book 170 of Deeds, page 14, on file and of record is said Office of the County Recorder.

ADOPTED, by the Lake Elmo City Council this 17<sup>th</sup> day of February, 2004.

\_\_\_\_\_  
Lee Hunt, Mayor

ATTEST:

\_\_\_\_\_  
Charles E. Dillerud, Acting City Administrator

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of February 9, 2004**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Johnson, Deziel, Meldahl, Sedro, Van Pelt. STAFF PRESENT: Charles Dillerud, City Planner and Kimberly Schaffel, Recording Secretary.

**Pledge of Allegiance**

**Agenda**

M/S/P, Deziel/Johnson, to accept the Agenda as presented. VOTE: 6:0.

**Minutes**

M/S/P, Sedro/Deziel, to accept the Minutes of January 26, 2004 as presented. VOTE: 4:0:2 (Abstain: Johnson, Meldahl).

**Minor Subdivision – Olson – 9524 Stillwater Boulevard**

The City Planner reviewed the plans for an RR Cluster Development/Minor Subdivision Application. The Planner reported as follows:

- 1. The site is south of Sunfish Park, west of Sunfish Lake.
- 2. The parcel is part of a farm that was a nominal forty including road right-of-way.
- 3. The proposal is to divide the parcel to create a 7 acre parcel, 5+ net of right-of-way.
- 4. The remaining parcel would be eligible to be divided into three residential lots.
- 5. The buildings that exist are all being placed on the new small parcel, and those buildings meet setback standards. The number and area of accessory structures in the RR Zoning District do not appear to need a variance.

**Findings and Recommendations:**

- 1. The application for RR District clustering complies with the standards for such application and the applicable standards of the RR Zoning District.
- 2. The application for Minor Subdivision complies with the standards of Chapter 400 of the Municipal Code (Subdivision) only upon the concurrent approval of the RR Cluster application.

Staff recommended approval subject to payment of a \$1,500 Park Dedication Fee, payable before release of the deed for recording.

Commissioner Deziel asked if this subdivision will now prevent the parent parcel from becoming an OP Development because the Code requires a forty-acre minimum to create an OP development.

Chairman Helwig asked about the size and number of accessory buildings and whether they are allowable under the Code. The Planner said the accessory structures all go with the residence on the newly created parcel.

Merle Olson said his land was originally owned by Lehart Friedrich. Their intent was to keep the original Century Farm.

Commissioner Deziel asked the applicant about the sacrifice of being unable to develop into an OP Development in the future. The applicant stated that he was unaware that would be the case. Mr. Olson asked if the neighboring parcel were combined with his parent parcel, could The Olsons then develop an OP Development. The Planner explained that a minimum of forty acres are needed for an OP Development.

M/S/P, Johnson/Van Pelt, To recommend approval by the City Council of the applications of Merle and Fonda Olson for an RR cluster development and Minor Subdivision of the parcel at 9524 Stillwater Boulevard, as depicted by the survey that staff dated February 4, 2004, and based on the Findings, and subject to the condition specified in the Planning Staff Report of February 4, 2004. VOTE: 5:1 (Helwig – Council should review the accessory building history).



**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** February 4, 2004 for the Meeting of February 9, 2004

**Applicant:** Merle & Fonda Olson

**Location:** 9524 Stillwater Blvd.

**Requested Action:** RR Cluster and Minor Property Division

**Land Use Plan Guiding:** RAD

**Existing Zoning:** RR

**Site History and Existing Conditions:**

City records reveal no P&Z applications or action regarding this Nominal 40 acre parcel. All records of prior City activity relate to improvements to the home and construction of farm accessory buildings.

The site is slightly rolling land under active cultivation and pasture. The City's Sunfish Park abuts the entire north line of this Nominal 40. The farmstead portion of the site (southwest corner) is made of up the home, 7 accessory structures of varying size and 3 silos.

**Discussion and Analysis:**

As we have discussed in prior Staff Reports on applications for "Cluster Development" responsive to historic (as compared to more current OP clustering provisions found elsewhere in the Zoning Ordinance) AG and RR regulations, we remain unclear as to what the exact intent of these early cluster provisions is (was). The "Intent" paragraph of the RR (and AG) section appears to parallel that of the newer OP cluster provisions, but the outcomes do not appear to be as dramatic as those of contemporary clustering.

We have suggested in the past that many zoning ordinances in communities (and counties) do contain procedures that will permit other wise non-conforming parcels (usually not more than one) to be divided from the larger conforming parcel to accommodate residency of extended families to assist with the farming operation. That is not the case here, nor has that been the case in the handful of RR or AG cluster divisions processed by the City in recent years.

In this case, the parent tract of land meets the minimum area standard for clustering in the RR zone (21 acres or more).; and the single proposed new lot meet the minimum (5 acres) and maximum (7 acres) area "window for an RR cluster parcel. It would appear that the site would be eligible for 2 additional parcels in the 5 to 7 acre area range at some point in the future to complete the maximum 4 units in 40 maximum density allowance for RR clustering. It will be important for City Staff to maintain complete records regarding this action in order to properly address in future such divisions.

As the parent site appears today, the number and sum floor area of accessory buildings exceeds the RR standards (one detached accessory building of no more than 3,000 square feet), and is legal

non-conforming in that regard. By this application, all of those accessory structures would be on the resulting 5.47 acre parcel, and remain non-conforming – but more so, since the parcel on which they are located is now classified differently by the accessory structure standards. Does this require a variance, or removal of accessory buildings? We are here suggesting that neither action is necessary.

During several meetings with the applicants and their representatives prior to the application being filed the issue of parcel configuration and dimensions has been discussed in detail. We have advised the applicants that all accessory structures must remain on the same tax parcel as the home; and, that all RR structure setbacks must be maintained from any new parcel lines that are created by the division. The application graphics do reflect both standards being met. All buildings are on the 5.46 acre parcel and all RR building setbacks are maintained to the new property lines (10 foot side yard; and 40 foot rear yard).

The Minor Subdivision meets the standards of Chapter 400 of the City Code based on the concurrent approval of an RR cluster application. Prior to the City endorsing the division survey as approved, the applicant will be required to remit the \$1,500 Park Dedication fee payable for the creation a new buildable parcel.

**Findings and Recommendations:**


Staff recommends the following Findings be made regarding these applications:

1. The application for RR District clustering complies with the standards for such application and the applicable standards of the RR Zoning District.
2. The application for Minor Subdivision complies with the standards of Chapter 400 of the City Code (Subdivision) only upon the concurrent approval of the RR cluster application.

Staff recommends approval of the RR cluster application and Minor Subdivision application subject to the condition that a \$1,500 Park Dedication Fee be paid the City, based on the creation of one new buildable parcel, prior to release of the endorsed division survey by the City.

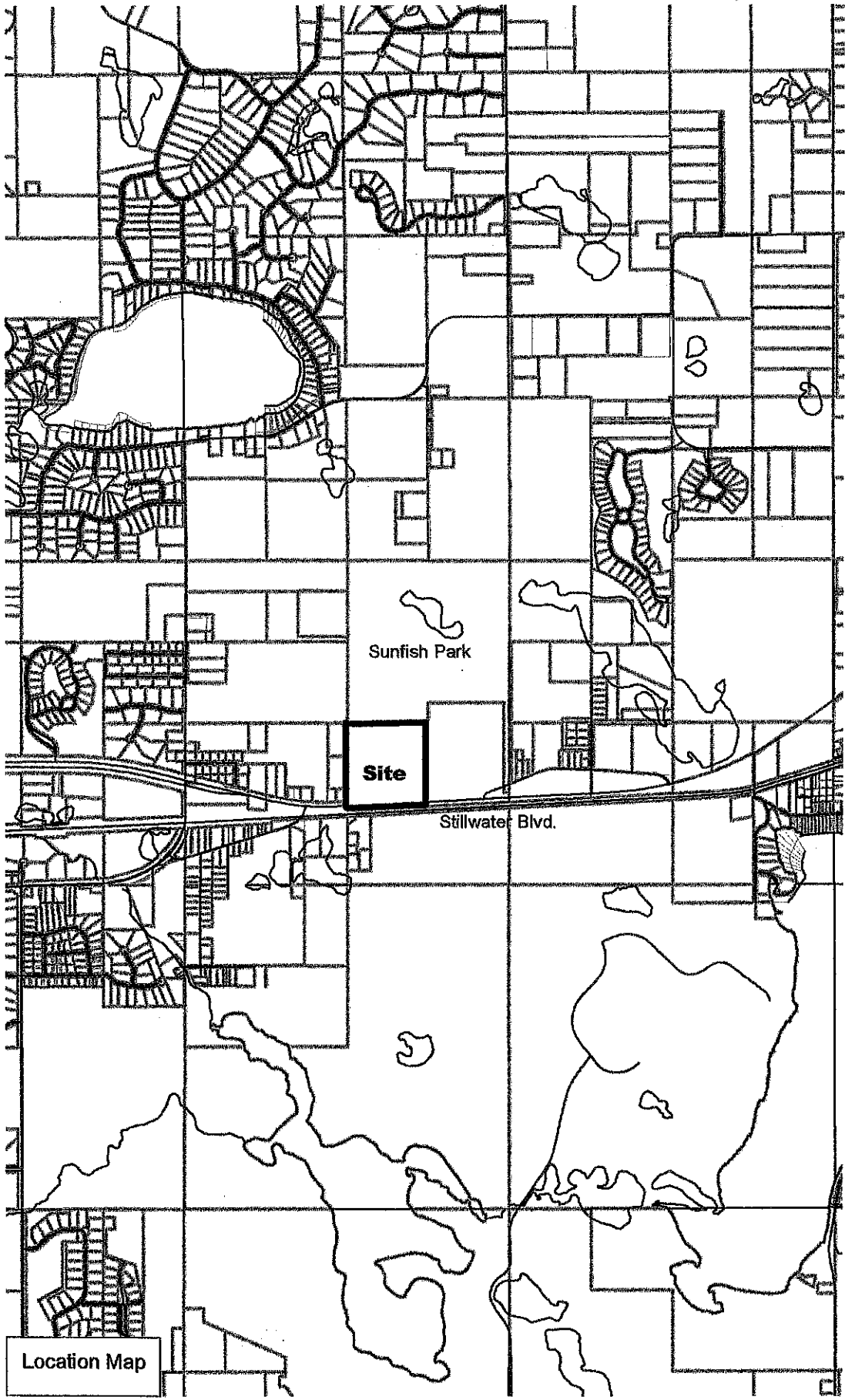
**Planning Commission Actions Requested:**

Motion to approve the applications of Merle and Fonda Olson for an RR cluster development and Minor Subdivision of the parcel at 9524 Stillwater Blvd. as depicted by the survey staff dated February 4, 2004; and, based on the Findings and subject to the condition specified by the Planning Staff Report of February 4, 2004.

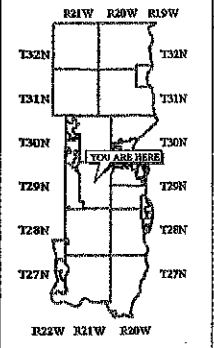
  
\_\_\_\_\_  
Charles E. Dillerud, City Planner

**Attachments:**

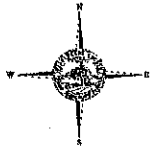
1. Location Map
2. Applicant's Survey



Location Map



Vicinity Map



This drawing is the result of a compilation and reproduction of land records as they appear in records of public & county offices. The drawing should be used for reference purposes only. Waukegan County is not responsible for any inaccuracies.

Source: Waukegan County Surveyor's Office  
Phone 660-6876

Parcel data based on ARRS information  
revised through December 31, 2003  
Map printed: February 5, 2004

# CERTIFICATE

Part of the SE 1/4 Section 15, Township 155042  
City of Lake Elmo, Washington 8880 Cellular

-- N89°55'44"E 1385.00 --

**TOTAL PARCEL**  
(PARCEL A)  
44.01 Acres±  
39.22 Acres± Excluding R/W

**PARCEL 1**  
37.04 Acres±  
33.76 Acres± Excluding R/W

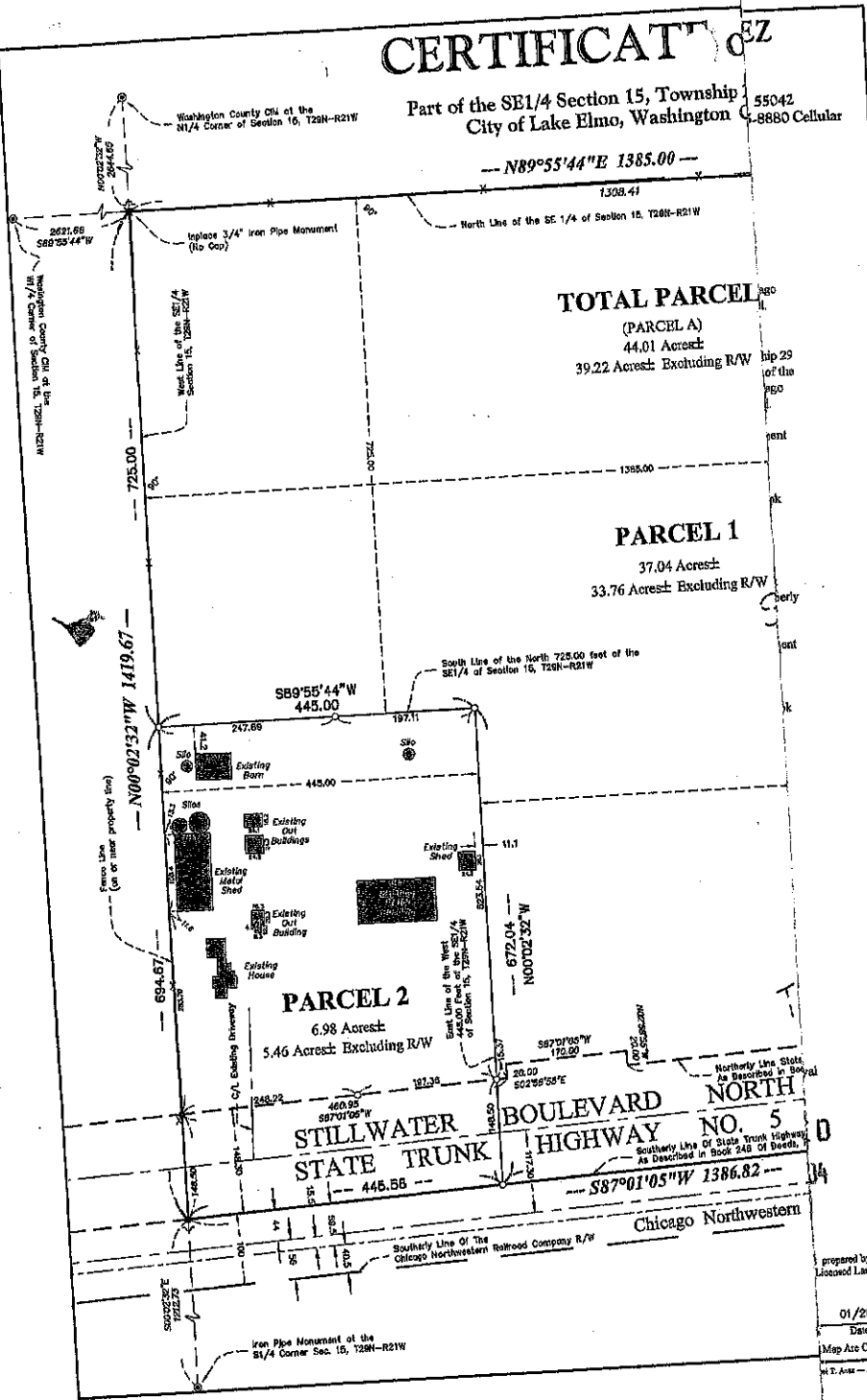
**PARCEL 2**  
6.98 Acres±  
5.46 Acres± Excluding R/W

**STILLWATER BOULEVARD NORTH**  
**STATE TRUNK HIGHWAY NO. 5**

Chicago Northwestern

prepared by me or  
Licensed Land Surveyor  
01/20/2004  
Date:  
Map Ace Crimp Sealed  
M. E. Arndt - All Rights Reserved

Project No. 2004-102



By Individual to Joint Tenant

No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed ( / ) not required Certificate of Real Estate Value No. \_\_\_\_\_

November 11, 2000  
(Year)  
VIRGINIA R. ERDAHL, AUDITOR-TREASURER  
County Auditor

by Margaret Peterson  
Deputy  
Split 15019, 21, 42, 001 + 180,001

DEED TAX DUE HEREON: \$ 1.65

Date: November 17, 2000

3133696



Office of the  
County Recorder  
Washington County, MN

Certified filed and/or recorded on:  
2000/12/13 1:58:00 PM

3133696



Cheryl Koenig  
County Recorder

Cheryl Koenig

191.50

FOR VALUABLE CONSIDERATION, Kathleen F. Jurek

as Trustee(s) of the Frances H. Friedrich Revocable Trust dated May 8, 1996

(Name of Trust)

Grantor(s), hereby convey(s) to Merle G. Olson and Fonda R. Olson, husband and wife

Grantee as Joint Tenants, real property in Washington County, Minnesota, described as follows:  
See Exhibit A attached hereto

The total consideration for this transfer of real estate is less than \$500.00

(if more space is needed, continue on back)

together with all hereditaments and accoutrements belonging thereto.

WASHINGTON COUNTY

RECORDING, TAXATION  
SERVICES AND REPORTS  
12/11/00

TRUSTEE(S)

Receipt No.: 138081

Deed tax hereon of \$1.65 Paid

MN Conservation Fund M.S. 473H \$5.00 Paid

Virginia R. Erdahl, Auditor-Treasurer by: EM Peterson

Kathleen F. Jurek  
Kathleen F. Jurek

STATE OF MINNESOTA

COUNTY OF WASHINGTON

The foregoing was acknowledged before me on November 17, 2000

(Date)

by Kathleen F. Jurek

as Trustee(s) of the Frances H. Friedrich Revocable Trust dated May 8, 1996

, Grantor(s).

(Name of Trust)

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK):



Charles R. Bartholdi

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):

Mr. and Mrs. Merle G. Olson  
10472 North Stillwater Lane  
Lake Elmo, MN 55042

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Charles R. Bartholdi  
Jensen, Bell, Converse & Erickson, P.A.  
1500 Minnesota World Trade Center  
30 East Seventh Street  
St. Paul, MN 55101  
651-223-4999  
506X

RECEIVED  
JAN 21 2004

**EXHIBIT A**

That part of the West 1385.00 feet of the Southeast Quarter Section 15, Township 29 North, Range 21 West, Washington County, Minnesota lying northerly of the north line of the Chicago Northwestern Railroad, formerly known as the St. Paul, Stillwater and Taylors Falls Railroad.

ENTERED IN TRANSFER RECORD  
WASHINGTON COUNTY, MINNESOTA

December 19-2000  
VIRGINIA R. ERDAHL, AUDITOR-TREASURER

BY August H Peterson DEPUTY

Split 15.029.21.42.0001 +  
15029.21.14.0001

<b>Lake Elmo City Council February 17, 2004</b>	<b>Agenda Section: Planning, Land Use &amp; Zoning</b>	<b>No. 9B</b>
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**Agenda Item:** Fence Regulation – Permitting Process

**Background Information for February 17, 2004:**

As previously directed by the City Council, the Planning Commission has been addressing present City fence regulations, and considering several modifications to the fencing standards found in those regulations. One aspect of these issues that the Commission has unanimously agreed on is the need for the City to begin requiring fence plans be submitted and reviewed by the City for compliance with whatever standards are finally adopted; and, that fence installations be inspected upon completion to be certain that the fences are constructed in accordance with approved plans.

To that end the Commission has recommended City Council adoption of an amendment to Chapter 1360 that provides for a fence permitting process. The ordinance is structured to allow the details of the process and fees charged to be developed and altered from time-to-time. In this manner, the decisions of the Council As to whether it desires to permit fences at all can be made prior to investing the time and effort to create the process. That also would allow the Council to adjust the process and fees without having to further amend the ordinance.

The Commission is continuing its work on the fence standards. At the February 9 Commission meeting several motions of direction were adopted regarding modifications of a fence ordinance draft that has been proposed by the City's consultant on the new overall zoning ordinance. The Commission will be seeing this draft with those modifications on February 23. Adoption of the permitting process by the Council could await the Commission recommendations as to fence standards. That, however, could carry the City into the construction season without a fence permitting process in place.

<p><b><u>Action items:</u></b> Motion to adopt Ordinance #97- , amending Chapter 1360 of the City to authorize the regulation and permitting of fence installations.</p>	<p><b><u>Person responsible:</u></b>    City Planner</p>
<p><b><u>Attachments:</u></b>  1. Draft Ordinance #97 –  2. Draft Planning Commission Minutes of February 9, 2004</p>	<p><b><u>Time Allocated:</u></b></p>

**CITY OF LAKE ELMO  
ORDINANCE NO. 97-125**

**AN ORDINANCE RELATING TO FENCES**

The Lake Elmo City Council Ordains That Section 1360.05 and Section 1360.06 are added to the Municipal Code to read as follows:

**Section 1360.05 Fence Permits Required:**

Except as noted herein, installation of all fences require fence a permit issue by the City of Lake Elmo. Said permit shall be applied for on such forms, include such documentation, and include such fees to the City for processing as may be prescribed from time-to-time by the City Council.

Subd. 1: Fences exempt from requiring an installation permit are limited to the following:

1. Fences of any type installed for the sole purpose of the keeping of Domestic Farm Animals, as defined by Section 150 of the City Code, and regulated by Section 300.13, Subdivision 15E of the City Code.
2. Fences of any type installed by Municipal, County or State governments for facility security or the delineation and/or protection of Public Right-of-Ways.
3. Invisible fencing.

Failure to obtain a City Fence Permit prior to the installation of any fence subject to the regulation shall result in an automatic double permit fee, in addition to any corrective measures to bring said fence into compliance with the standards for fences prescribed by the Lake Elmo Zoning Ordinance.

**Section 1360.06 Fences as Non-conforming/Hazardous Structures:**

Fences shall be considered to be structures for the purposes of applying the terms of the Non-conforming structure provisions of the Zoning Ordinance, and, the Hazardous Structures provisions of City Code and State Statute.



**Effective Date:** This Ordinance shall be effective the day following its publication or on the day following the publication of an Ordinance Summary approved by the Lake Elmo City Council.

\_\_\_\_\_  
Lee Hunt, Mayor

ATTEST:

\_\_\_\_\_  
Charles E. Dillerud, Acting City Administrator

**Adoption Date:** Passed by the Lake Elmo City Council on the 17<sup>th</sup> day of February, 2004.

**Publication Date:** Published on the \_\_\_\_\_ day of \_\_\_\_\_, 2004 in the \_\_\_\_\_.

## Fences

The Planner reminded the Commissioners of the direction of the City Council to review and amend the city's fence ordinance. He reported that Lane Kendig has provided the City with his thoughts on a draft for a fence ordinance. The Planner distributed text that could be included into our existing Fence Ordinance as an amendment regarding fence permitting. In that permitting clause, two types of fences are exempted.

1. Exempt fences that are used to exclusively fence domestic farm animals as defined in Section 150 of the Municipal Code.
2. Exempt fences installed by government entities, for example:
  - a. Fences that house city facilities, and
  - b. Fences defining rights-of-way.

The Planner said that as the permitting provisions are now drafted the City could issue a Correction Order and have a double permit fee for fences built without a permit. He also noted that the proposed clause regarding of non-conformity would allow the City to treat fences as a structure for the purposes of non-conformity; and allow the City to take actions regarding fences that become a hazard.

Commissioner Sedro asked if the fence permitting process was meant to apply to invisible fencing, and if not, would we wish to add an exception for invisible fencing. **M/S/P**, Johnson/Sedro, to recommend adoption of the Code Amendments proposed by Planning Staff with a third exemption to be added for Invisible Fencing. **VOTE: 6:0.**

<b>Lake Elmo City Council February 17, 2004</b>	<b>Agenda Section: Planning, Land Use &amp; Zoning</b>	<b>No. 9C</b>
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**Agenda Item:** Old Village Planning Area Development Moratorium

**Background Information for February 17, 2004:**

The Moratorium adopted by the City for the areas within the Old Village planning area is due to expire on February 24. The Council will recall that this moratorium was extended to February 24, 2004 to allow completion of contracted consultant work addressing waste water treatment, public water supply, surface water drainage, and traffic that would result from the Plan that has been recommended by the Planning Commission.

As of today, I must report to the Council that this consulting work is not as yet completed. I am to receive the completed wastewater feasibility work from North American Wetland Treatment today, but I have not received the water supply, traffic and surface water reports from TKDA yet. Even though TKDA has been well aware of our moratorium-driven time line for this work, I will accept full responsibility for the delay in delivery of the completed work products.

With this circumstance the Council needs to make a decision regarding the moratorium. I know that at least three of the land owners impacted by the moratorium (Hutchinson Estate, Abbott/Heritage and Lynsky) have put plans for development on hold pending the outcomes of the City's work; and, they appeared anxious to proceed during 2003. That said, the Council did provide for lands to be removed from the moratorium under certain circumstances, and none of those parties has requested that action. Also, I have heard nothing from the planner that the Schiltgen interests had hired to review their options.

State Statute allows a moratorium to be enacted by a City for up to 30 months. There is no legal reason to not again extend the moratorium, but the Council may well believe there to be other reasons to allow the moratorium to simply expire – with the hope that the Old Village Plan will not be compromised by premature land owner actions. We have attached an ordinance that would accomplish such an extension. While no time period is inserted in the ordinance, I would think that 60 days would be sufficient. But then, I thought February, 2004 would be sufficient before.

**Action items:**

If it is the decision of the Council to extend the Old Village Moratorium, a motion to adopt Ordinance # 97 - , including the makers specification as to the length of the extension.

**Person responsible:**

City Planner

**Attachments:**

**Time Allocated:**

**STATE OF MINNESOTA  
COUNTY OF WASHINGTON  
CITY OF LAKE ELMO**

**ORDINANCE NO.**

**AN ORDINANCE RELATING TO A  
DEVELOPMENT MORATORIUM IN THE VILLAGE AREA**

**The Lake Elmo City Council ordains that Section 301.150 and its subdivisions shall be added to the Lake Elmo Municipal Code to read as follows:**

**301.150      Development Moratorium.**

- A. The City of Lake Elmo is in the process of studying planning concepts relating to the Village Area as shown on Exhibit "A", and authorized and directed by the City Council. A Village Plan for the area will be prepared in order to guide land use, design and capital improvements in the Village area.
- B. The City will be conducting informational meetings with the Public, Planning Commission and City Council, as drafted plan documents are prepared. The City will conduct public hearings in order to obtain public input prior to the adoption of any required changes to its Comprehensive Plan and Official Controls.
- C. Pending the completion of the public hearings and the adoption of amendments to its Comprehensive Plan and Official Controls, the Lake Elmo City Council had determined that it would be in the public interest to impose a rezoning and development moratorium on those parcels of land which will be impacted by the proposed amendments.
- D. In order to achieve the above objectives, there is hereby imposed, except as hereinafter provided, the following limited rezoning and development moratorium, pursuant to the provision of M.S. 462.355, Subd. 4, on all property in the Village area as defined on Exhibit "A".
  1. No Village area property may be rezoned except land zoned to (AG) Agricultural and those lands within the Railroad right-of-way. As an example; no property may be rezoned from one residential use category to another residential use category or from one commercial category to another commercial category or from a residential category to a commercial category.
  2. No applications shall be accepted for processing by the City including any land within the moratorium area, including, but not limited to rezoning, subdivision into parcels of less than 10 acres, Conditional Use Permit, Open Space Development Project, Site Plan, and Zoning Variances.

3. Property may not be further subdivided, except as specifically provided below hereafter.
  4. Vacant lots in a residential subdivision, which has already been approved by the City Council, may be developed consistent with the City's current zoning and building regulations.
  5. In Residential Zoning Districts, new construction and additions to existing structures may occur.
  6. No expansion of existing structures or new construction which would require a variance will be permitted.
- E. This moratorium shall not apply to subdivisions resulting in parcels of ten acres or greater; nor shall it apply to subdivisions where necessary to allow for minor lot line adjustments.
- F. This moratorium will be in effect for \_\_\_\_\_ from the date of publication unless terminated by City Council action.
- G. The City Council may, by amendment to this Ordinance, remove specific parcels from the area of this moratorium, or repeal the moratorium in its entirety.

**Effective Date:** This Ordinance shall be effective the day following its publication.

**Adoption Date.** Passed by the City Council of Lake Elmo the 17th day of February, 2004.

\_\_\_\_\_  
Lee Hunt, Mayor

ATTEST:

\_\_\_\_\_  
Charles E. Dillerud, Acting City Administrator

**Publication Date.** This Ordinance or an approved Summary thereof was published on the \_\_\_\_\_ in the Stillwater Gazette.

<b>Lake Elmo City Council February 17, 2004</b>	<b>Agenda Section: City Administrators Report</b>	<b><u>No.</u> 11A</b>
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**Agenda Item:** Fire Department Officer Selection Process


**Background Information for February 17, 2004:**

As directed by the Council at its last meeting, the City Attorney has prepared drafts of amendments to both the City Code and the Fire Department By-laws that would change the process of Department officer selection and recommendation to the Council for appointment from departmental elections to a process similar to that employed for selection other management level City staff. The City Attorney recommends the Council address any such change with three separate actions:

1. By Motion, amend the Fire Department By-laws – which the Council may do, with or without the concurrence of the fire department staff.
2. By adoption of an Ordinance to amend Chapter 215 of the City Code to provide for fire officer selection by City Policy.
3. By adopting a City Policy by Resolution setting forth the officer selection process.

All three steps must be taken to accomplish the change – and drafts of the necessary actions are attached (as prepared by the City Attorney).

It is my understanding that the Council desires to conduct an “interactive” workshop with Fire Department personnel prior to moving forward with these actions.

<p><b><u>Action items:</u></b>          Either adoption of all three actions recommended by the City Attorney (a Motion, an Ordinance, and a Resolution) to be effective immediately (or, perhaps, effective <u>after</u> the Workshop has been conducted); <b><u>or,</u></b> a Motion to Table consideration of all three actions until after a workshop with Fire Department Personnel.</p>	<p><b><u>Person responsible:</u></b>          Acting City Administrator/City Attorney</p> 
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<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Draft Motion to Amend By-laws</li> <li>2. Draft Ordinance to Amend City Code</li> <li>3. Draft Resolution to Establish City Policy</li> </ol>	<p><b><u>Time Allocated:</u></b></p>
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## MOTION

Motion By:: \_\_\_\_\_

Seconded By: \_\_\_\_\_

To Amend Section VII and Section XI of the Fire Department By-Laws to read as follows:

### **"VII. MEETINGS/TRAINING SESSIONS.**

Annual Meeting. The Annual meeting of the fire department will be held in the month of January.

Regular Meetings: The regularly scheduled meetings (business and training) of the fire department shall be held on the second, third and fourth Tuesdays of every month. The first Tuesday of every month shall be devoted to the Officers of the Department Meetings shall begin at 7:00 p.m., alternate times and scheduling may occur as needed.

Business Meetings: Business meetings shall be held bi-monthly, in odd numbered months (January, March, May, July, September and November) on the third Tuesday. Business meetings shall be presided by the President of the Relief Association and shall be conducted in the following manner:

1. Call to Order
2. Roll Call
3. Reading of the Minutes
4. Secretary's Report
5. Treasurer's Report
6. Committee Reports
7. Officers Reports
8. Old Business
9. New Business
10. Announcements/Good of the Association
11. Adjournment

Equipment Maintenance: The third Tuesday of each even numbered month (February, April, June, August, October and December) shall be devoted to committee meetings and truck maintenance. This shall be subject to change."

"XI. **AMENDING THE BY-LAWS.**

The fire chief shall make recommendations to the City Council regarding By-law amendments. Three (3) affirmative votes of the City Council are required to approve amendments."



**CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA**

**AN ORDINANCE RELATING TO THE  
SELECTION OF FIRE DEPARTMENT OFFICERS**

Lake Elmo City Council hereby ordains that Section 215.01 of the City Code is amended to read as follows:

"Section 215.01 The fire chief and fire department officers shall be approved and appointed pursuant to the fire department officer selection and appointment policy adopted by the City Council. In addition, up to twenty-eight (28) firefighters between the ages of 18 and 65 shall be approved by the City Council."

**ADOPTION DATE:** Passed by the Lake Elmo City Council on the \_\_\_\_ day of \_\_\_\_\_, 2004.

**EFFECTIVE DATE:** This Ordinance shall be effective the day following its publication.

Dated: \_\_\_\_\_, 2004

\_\_\_\_\_  
Lee Hunt, Mayor

ATTEST:

\_\_\_\_\_  
Charles Dillerud, Acting City Administrator

**PUBLICATION DATE:** Published on the \_\_ day of \_\_\_\_\_, 2004.

**CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA**

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION RELATING TO THE SELECTION AND APPOINTMENT  
OF THE CHIEF OF THE FIRE DEPARTMENT  
AND THE OFFICERS OF THE FIRE DEPARTMENT**

**WHEREAS:** the Lake Elmo City Council has determined that it would be in the best interest of the City to revise the process for selecting and appointing the fire chief and the officers of the Fire Department:

**NOW, THEREFORE,** be it resolved that the following policy is hereby adopted:

**Fire Department Officers  
Selection/Appointment Process**

**Fire Department Officers:**

- 1.0 **Fire Chief.** Applications for the position of fire chief shall be reviewed and a selection made by a panel consisting of the City Administrator, one member of the City Council and three (3) fire chiefs from neighboring fire departments. Upon selection, the panel shall make a recommendation to the City Council for appointment of the fire chief. The fire chief shall be appointed for a two (2) year term commencing on January 1 in even numbered years.
  
- 2.0 **Assistant Fire Chiefs.** Applications for the position of assistant fire chief shall be reviewed and a selection made by a panel consisting of the City Administrator, one member of the City Council, three (3) fire chiefs from neighboring fire departments, and the fire chief selected for recommended

appointment pursuant to Section 1.0. Upon selection, the panel shall make a recommendation to the City Council for the appointment of assistant fire chiefs. The assistant fire chief for Station #1 shall be appointed to a two (2) year term commencing on January 1, in odd numbered years. The assistant fire chief for Station #2 shall be appointed to a two (2) year term commencing on January 1 in even numbered years.

3.0 Fire Captains. Applications for the position of fire captain shall be reviewed and a selection made by the fire chief and assistant fire chief(s) of the fire department. Upon selection, the fire chief and assistant fire chief(s) shall make a recommendation to the City Council for the appointment of fire captains. Four (4) fire captains shall be appointed for (2) year terms commencing on January 1. Each station shall have one (1) fire captain appointed in an odd year numbered year and one (1) fire captain appointed in an even numbered year.

4.0 Station Captain. The fire chief shall appoint station captains for two (2) year terms commencing on January 1 in odd numbered years.

5.0 Training Officer. The training officer shall be appointed by the fire chief.


**EFFECTIVE DATE:** This Policy shall be effective the \_\_\_ day of \_\_\_\_\_, 2004.

Date: \_\_\_\_\_, 2004.

\_\_\_\_\_  
Lee Hunt, Mayor

ATTEST:

\_\_\_\_\_  
Charles Dillerud, Acting City Administrator

<b>Lake Elmo City Council February 17, 2004</b>	<b>Agenda Section: Public Inquiries/Informational</b>	<b><u>No.</u> 11B</b>
<b><u>Agenda Item:</u> Resolution Endorsing Legislation Regarding CRT Recycling</b>		
<p><b><u>Background Information for February 17, 2004:</u></b></p> <p>I have attached a letter and attachments recently received from Washington County Board Chairman Stafford regarding legislation the County is asking the City to support that involves enhanced regulations on the recycling of CRT's - T.V's and computer monitors. Due to the content of Hazardous materials in those appliances the legislation essentially would take them out of the Public waste stream; and, place the burden back on the manufactures to dispose of them properly. This would be somewhat the same as the service stations now being required to accept oil wastes.</p> <p>This appears to be good legislation from an environmental perspective, and worthy of the City's support. I recommend adoption of the attached Resolution.</p>		
<p><b><u>Action items:</u></b> Motion to adopt Resolution #2004 - , supporting legislation for the recycling of CRT's.</p>	<p><b><u>Person responsible:</u></b> Acting City Administrator </p>	
<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Draft Resolution #2004 - 117</li> <li>2. County Documents</li> </ol>	<p><b><u>Time Allocated:</u></b></p>	

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-117

A RESOLUTION SUPPORTING LEGISLATION FOR THE RECYCLING OF CRTs

WHEREAS, technological advances in the areas of computers and televisions has created an inadvertent environmental problem when electronic products need to be disposed; and

WHEREAS, this waste stream, called E-waste, includes old TV's and computer monitors that have picture tubes or cathode ray tubes containing 2 to 8 pounds of lead per tube, and

WHEREAS, these items contribute to lead in our water, air, and soil when disposed with other mixed wastes, and

WHEREAS, the City of Lake Elmo supports efforts to ensure a long-term and sustainable system to ensure the proper management of old TVs and computers without reliance on government-only solutions.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lake Elmo supports the Solid Waste Management Coordinating Board's legislative initiative incorporating manufacturer responsibility, reliable and convenient collection options, responsible recycling of CRTs, a mechanism to address the backlog of CRTs, and a preference for advance recycling fees without reliance on local government for management of CRTs, effective July 1, 2005.

ADOPTED by the Lake Elmo City Council on the 17<sup>th</sup> day of February, 2004.

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Lee Hunt, Mayor

ATTEST:

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Charles E. Dillerud, Acting City Administrator



Dennis C. Hegberg  
District 1

Bill Pulkrabek  
District 2

Nile L. Kriesel  
District 3

Myra Peterson, *Vice Chair*  
District 4

R.H. Stafford, *Chair*  
District 5

February 10, 2004

Dear City Mayors/Township Board Chairs:

Washington County is requesting your support of the attached legislation regarding the management of products with CRT's (cathode ray tubes). The Solid Waste Management Coordinating Board, in which Washington County is a member, has drafted a legislative initiative on managing CRTs (cathode ray tubes) in certain electronic products like TV's and computer monitors. TVs and computer monitors can contain from 2-8 pounds of lead as well as mercury, cadmium and PCBs. More than 3.5 million TVs are in Minnesota homes today and another 2 million computer monitors are in Minnesota homes and businesses.

In the 2003 the State Legislature prohibited the disposal of cathode ray tubes in TV's and computers in mixed waste effective July 1, 2005. The SWMCB has developed the attached draft bill which incorporates manufacturer responsibility with:

- reliable and convenient collection options
- recycling of CRT's
- a mechanism to address backlog of CRT's and
- a preference for advance recycling fees without reliance on local government management.

Since the legislative session will move quickly, we would appreciate your adoption of the draft resolution within the month. Judy Hunter, Department of Public Health and Environment is available to meet with you or answer any questions. Please provide copies of adopted resolutions and/or coordinate any response with Judy at 651-430-6668 or [judy.hunter@co.washington.mn.us](mailto:judy.hunter@co.washington.mn.us). Also attached for background information is a Fact Sheet on CRT's.

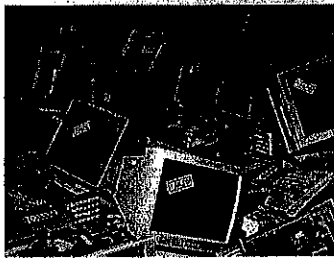
Thank you very much for your support.

Sincerely,

Handwritten signature of R.H. Stafford in cursive.

R.H. Stafford, *Chair*  
Washington County Board of Commissioners

c: Jim Schug, County Administrator  
Mary McGlothlin, Department Director  
John Kaul, Legislative Liaison  
Judy Hunter, Senior Program Manager  
City Administrators and Clerks



# A Growing Problem: Discarded TVs and Computers

TVs and computer monitors contain lead

Would you throw 2 pounds of lead in your garbage? Probably not.

Yet when someone disposes of a TV or computer monitor in the garbage, they do just that.

- TVs and computer monitors can contain from 2 to 8 pounds of lead as well as mercury, cadmium and PCBs. TVs and computer monitors are considered the largest single source of lead in Minnesota's garbage.

*Lead and other heavy metals can cause damage to health and the environment. According to the Minnesota Department of Health, lead poisoning can cause learning, behavioral and health problems in young children and high blood pressure, kidney damage and damage to the reproductive organs in adults.*

New Technologies  
= more obsolete  
units discarded

There are a lot of TVs and computer monitors in Minnesota homes that people will want to get rid of eventually.

- More than 3.5 million TVs are in Minnesota homes today, and another 2.0 million computer monitors are in Minnesota homes and businesses. Changes in technology such as digital broadcast television and flat screens shorten the useful lives of electronic devices and promise to increase the amount of electronics that will be discarded in the future.

Old TVs  
and computer  
monitors should be  
recycled

If not in the garbage can, where should old TVs and computer monitors go?

- These wastes do not belong in the garbage with other mixed wastes. In the 2003 session, the State Legislature prohibited the disposal of cathode ray tubes found in TVs and computer monitors in mixed wastes, effective July 1, 2005. Discarded TVs and computer monitors can and should be recycled. Nearly all of the component parts, including the lead and glass, can be recycled or recovered.
- In 2002, news of shipment of old TVs and computers to countries such as China became widely known. Old electronic equipment from the U.S. was being broken down in unsafe conditions and seriously contaminated local waters. We need to work hard to be sure that this method of disposal of our wastes does not happen. (For more information, go to <http://www.computertakeback.com>)

Currently, recycling  
options for residents  
are not adequate

It's not easy at this time for Minnesota residents to get their discarded electronics recycled.

While residents frequently store old TVs and monitors after they are no longer useful, there comes a point in time when these items become a nuisance.

- Many waste haulers do not pick up TVs and computer monitors, and those who do often charge a fee.
- Recycling options that exist are not always conveniently located or open at times that are convenient for residents.
- Recyclers that take old TVs and computer monitors charge fees that some residents consider too expensive.

# A Growing Problem: Discarded TVs and Computers

Convenient and  
affordable options  
are needed  
for citizens to  
recycle discarded  
electronics

Getting Industry  
to Help

What can  
I do about  
this problem?

Who is responsible for addressing this growing problem?

Government alone cannot be responsible for the growing volume of discarded electronics and associated costs.

- At an average cost of \$10 - \$15 per unit to disassemble and recycle a TV or computer monitor, the cost to Minnesota taxpayers could be \$3,000,000 per year or more.

Metropolitan counties are joining efforts to get manufacturers to participate in solving this problem.

- It's called "product stewardship" - asking manufacturers to share responsibility for products they sell when those products reach the end of their useful lives.
- Product stewardship efforts relating to electronics are in place in Europe, Japan and Canada, but progress in the United States has been slow, and the problem remains unsolved.
- Some manufacturers have initiated voluntary programs, but so far, not enough has been done. It remains difficult for citizens to find out how to recycle of TVs and computers, with inconvenient locations, few hours of operation, and fees for recycling.

Become informed. Go to the SWMCB web site to learn more:

[www.swmcb.org/TVcomputers](http://www.swmcb.org/TVcomputers).

Also consider:

- Contacting manufacturers to let them know about your concerns.
- Asking your local retailer to support manufacturer responsibility for recycling old TVs and computers.
- Supporting legislative efforts to get manufacturers to help solve the problem.

Information and suggestions about these actions can also be found at

[www.swmcb.org/TVcomputers](http://www.swmcb.org/TVcomputers)





1 A bill for an act

2 relating to the environment; establishing a process for the  
3 collection, transportation, and reuse or recycling of video  
4 display devices from households; providing immunity for  
5 certain anticompetitive conduct for manufacturers that  
6 participate in collection and management programs for video  
7 display devices; establishing a state standard for collection  
8 and recycling of video display devices; proposing coding for  
9 new law in Minnesota  
10 Statutes, chapter 115A.

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

13 Section 1. [115A.9566] [RECOVERY AND RECYCLING OF WASTE  
14 ELECTRONIC PRODUCTS.]

15 Subdivision 1. [DEFINITIONS.] For the purpose of this section,  
16 the following definitions shall apply.

17 (a) "Cathode-ray tube" or "CRT" means a vacuum tube or  
18 picture tube used to convert an electronic signal into a visual image.

19 (b) "Video display device" means an electronic product  
20 containing a cathode-ray tube, a flat panel screen, or any other  
21 similar video display device with a screen size that is greater than  
22 four inches in size measured diagonally, but does not include an  
23 automobile or other vehicle.

24 (c) "Manufacturer" means a person who manufactures a video  
25 display device that is sold in this state or a person who sells a video  
26 display device under its own brand label.

1        Subd. 2. [MANUFACTURER RESPONSIBILITY.] Effective July 1, 2005,

2        all manufacturers of video display devices sold in Minnesota, including  
3        video display devices sold by means of distance communication, shall:

4        (1) establish permanent programs in Minnesota for the collection,  
5        transportation, and reuse or recycling of video display devices from  
6        Minnesota households; such programs must provide convenient access for  
7        all households in Minnesota;

8        (2) ensure that the costs of collection, transportation, and  
9        reuse or recycling of video display devices from households are not  
10       recovered through an end-of-life fee to the generator; and

11       (3) clearly inform each purchaser of a video display device of  
12       the program and opportunities for reuse or recycling of end-of-life  
13       video display devices.

14       (4) ensure that video display devices or their component parts  
15       are not exported to other countries unless (i) importation is not  
16       prohibited by the country of destination and the import is conducted in  
17       accordance with all applicable laws; (ii) the export is conducted in  
18       accordance with applicable international law; (iii) the management of  
19       the exported waste will be handled within the country of destination in  
20       accordance with applicable rules, standards, and requirements adopted  
21       by the Organization for Economic Co-operation and Development for the  
22       environmentally sound management of electronic waste; and (iv) the  
23       device is being exported for the purpose of reuse or recycling.

24       A manufacturer may fulfill its responsibilities under this subdivision  
25       through a representative organization of manufacturers.

1        Subd. 3. [MANUFACTURER REGISTRATION AND CERTIFICATION.]

2        (a) On and after July 1, 2005, it shall be unlawful sell a video  
3 display device in this state unless the commissioner has determined (i)  
4 that the manufacturer of the video display device has registered with  
5 the agency and (ii) that the manufacturer has established a program in  
6 compliance with subdivision 2.

7        (b) By December 31, 2004, and each year thereafter, each  
8 manufacturer of a video display device sold in Minnesota shall submit a  
9 registration to the commissioner. Registration shall include but not  
10 be limited to a listing of all brand labels owned by the manufacturer,  
11 its subsidiaries or any companies acquired by the manufacturer. The  
12 registration shall also specify the entity that will be responsible for  
13 implementing the manufacturer's permanent program as specified in  
14 subdivision 2. The commissioner may charge a registration fee to cover  
15 the agency's costs of administering the registration and certification  
16 program.

17        (c) By December 31, 2004, and each year thereafter, each  
18 manufacturer of a video display device sold in Minnesota shall submit a  
19 written certification, signed by an official of the manufacturer, that  
20 the manufacturer has established a program in compliance with the  
21 requirements in subdivision 2. The commissioner may accept the  
22 certification as prima facie evidence that the manufacturer has  
23 established a program in compliance with subdivision 2.

24        (d) By March 31, 2005, and each year thereafter, the commissioner  
25 shall publish in the State Register and on the agency's Web site a list

1 of video display device manufacturers and all brand labels for which  
2 the commissioner has received registrations and determined are in  
3 compliance with subdivision 2.

4 Subd. 4. [CONTRACTS WITH THE STATE OR POLITICAL SUBDIVISIONS.] A  
5 manufacturer or a representative organization of manufacturers may  
6 contract with the state or a political subdivision to provide  
7 collection, transportation, and reuse or recycling services under this  
8 section. The manufacturer or organization shall reimburse the state or  
9 political subdivision for contractual services rendered under this  
10 subdivision.

11 Subd. 5. [MANUFACTURER REPORTING.] By October 1, 2006 and each  
12 year thereafter, a manufacturer of video display devices or its  
13 representative organization shall provide information to the office  
14 that specifies the following information regarding video display  
15 devices from Minnesota households:

16 (1) the location and hours that the manufacturer or organization  
17 provides permanent collection in the state for the video display  
18 devices;

19 (2) the total number and pounds of video display devices  
20 collected during the preceding year, together with the total number and  
21 pounds of video display devices reused or refurbished for reuse, and  
22 the total number and pounds of video display devices recycled or  
23 resold; and

24 (3) the processes and methods used to recycle, refurbish or reuse  
25 the video display devices and any disassembly, physical recovery

1 operation, or other operation that was used and the location where  
2 these activities occurred.

3 If a manufacturer fulfills its responsibilities under subdivision  
4 2 through a representative organization of manufacturers, the reporting  
5 requirements in this subdivision may be satisfied by the representative  
6 organization.

7 Subd. 6. [PERFORMANCE STANDARDS.] It is the goal of the state to  
8 ensure that all video display devices discarded by households are  
9 collected, and reused or recycled. In order to meet this goal, the  
10 state hereby establishes the following minimum performance standards  
11 for the programs established under subdivision 2:

12 (a) by July 1, 2006, the aggregated amount of video display  
13 devices collected from households for reuse or recycling equals 0.050  
14 video display devices per resident of the state;

15 (b) by July 1, 2007, the aggregated amount of video display  
16 devices collected from households for reuse or recycling equals 0.055  
17 video display devices per resident of the state; and

18 (c) by July 1, 2008, the aggregated amount of video display  
19 devices collected from households for reuse or recycling equals 0.060  
20 video display devices per resident of the state.

21 Subd. 7. [OFFICE OF ENVIRONMENTAL ASSISTANCE REPORT.] By  
22 December 1, 2006 and each year thereafter, the office shall assess the  
23 progress of manufacturers in meeting the performance standards set  
24 forth in subdivision 6. By December 1, 2007 and every two years  
25 thereafter, the office shall submit a report to the legislature

1 evaluating the manufacturers' programs established under subdivision 2  
2 and their progress in meeting the state performance standards set forth  
3 in subdivision 6. If the office determines that manufacturers have  
4 failed to meet the performance standards set forth in subdivision 6,  
5 the office shall recommend point-of-sale or advance recycling fees, or  
6 other methods for ensuring that the state performance standards are  
7 met. The report shall include an assessment of the ratio of discarded  
8 CRTs to other discarded video display devices, and a recommendation for  
9 the minimum performance standards for 2009 and 2010. The office shall  
10 also publish its assessment and evaluation of video display device  
11 collection, transportation, and reuse or recycling programs in the  
12 state on the office's Web site and through any of its other regular  
13 methods of providing public information.

14 Subd. 8. [ANTICOMPETITIVE CONDUCT.] A manufacturer or  
15 organization of manufacturers and its officers, members, employees, and  
16 agents who participate in projects or programs to collect, transport,  
17 and reuse or recycle electronic products are immune from liability  
18 under state law relating to antitrust, restraint of trade, unfair trade  
19 practices, and other regulation of trade or commerce for activities  
20 related to the collection and management of video display devices  
21 required under this section.

22 Subd. 9. [ENFORCEMENT.] This provision may be enforced under  
23 sections 115.071 and 116.072.

24 Subd. 10. [EXPIRATION.] The requirements under subdivisions 1 to  
25 9 expire 30 days after the office publishes a notice in the State

1 Register that a national program for effectively collecting,  
2 transporting, and reusing or recycling waste video display devices is  
3 established and implemented throughout the state.

4  
5  
6

1/8/2004 Version

DRAFT