

Mayor:  
Lee Hunt  
Councilmembers:  
Steve DeLapp  
Susan Dunn  
Dean Johnston  
Chuck Siedow

# Lake Elmo City Council

## Tuesday

### February 3, 2004

3800 Laverne Avenue No.  
Lake Elmo, MN 55042  
777-5510 777-9615 (fax)

**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**

**Pledge of Allegiance**

**1. Agenda**

**2. Minutes**

January 20, 2004

**3. PUBLIC INQUIRIES/INFORMATIONAL:**

**A. PUBLIC INQUIRIES:**

**B.**

**C.**

**Public Inquiries/Informational** 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.

**4. CONSENT AGENDA**

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

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.

**5. FINANCE**

**A.**

**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**

|   |   |
|---|---|
|   |   |
| <p><b>8. <u>CITY ENGINEER'S REPORT:</u></b><br/>                 A.</p>   | <p>Tom Prew</p>                         |
| <p><b>9. <u>PLANNING, LAND USE &amp; ZONING:</u></b><br/>                 A. OP Concept Plan – Whistling Valley<br/>                 Second Addition<br/>                 B. 2004 CDBG Project – Community<br/>                 Improvement Commission</p>                | <p>C. Dillerud</p>                      |
| <p><b>10. <u>CITY ATTORNEY'S REPORT:</u></b><br/>                 A.</p>  |   |
| <p><b>11. <u>CITY ADMINISTRATOR'S REPORT:</u></b><br/>                 A. Fire Dept. Officer Selection</p>  |   |
| <p><b>12. <u>CITY COUNCIL REPORTS:</u></b><br/>                 A. Mayor Hunt<br/>                 B. Council Member DeLapp<br/>                 C. Council Member Dunn<br/>                 D. Council Member Johnston<br/>                 E. Council Member Siedow</p> |   |
| <p>Employee and Volunteer Recognition Banquet,<br/>                 Friday, February 20<sup>th</sup>, Machine Shed</p>  | <p>BOARD OF REVIEW: May 7, 4-6 p.m.</p> |

# 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

**1. AGENDA:**

3D. Change March 2<sup>nd</sup> Council meeting, 11C. Save Local Control Action Plan, Workshop session with Marilyn Condon.  
M/S/P DeLapp/Johnston - to approve the January 20, 2004 City Council agenda, as amended. (Motion passed 5-0).

2. **MINUTES:** January 6, 2004

M/S/P DeLapp/Johnston - to approve the January 6, 2004 City Council minutes, as amended. (Motion passed 3-0-1:Abstain: Dunn).

3. **PUBLIC INQUIRIES/INFORMATIONAL:**

A. Big Brothers Big Sisters of the Greater Twin Cities: Scot Johnson

She reported that Big Brothers Big Sisters are looking for volunteers focusing on Lake Elmo Elementary and Crestview Elementary in Cottage Grove.

B. 2004 Board of Appeal and Equalization Meeting: May 5, 2004

Mayor Hunt announced that the Lake Elmo Board of Review will meet at City Hall on Wednesday May 5, 2004, between the hours of 4:00 and 6:00 p.m. for the purpose of reviewing the Assessors Market Value of said Real Estate for the year 2003.

C. Employee and Volunteer Recognition Banquet

Sharon Lumby reported that the Employee and Volunteer Recognition Banquet will be held at the Machine Shed, Pavilion Room, on Friday, February 2004. There will be Hors D'Oeuvres (cash bar) at 6:00 p.m. with dinner at 7 p.m. assisted by the generosity of the Lake Elmo Jaycees.

D. Reschedule March 2 Council Meeting

M/S/P DeLapp/Johnston - to reschedule the Council meeting to Monday, March 1<sup>st</sup> because of MN Precinct Caucus held on March 2<sup>nd</sup>. (Motion passed 4-0).

4. **CONSENT AGENDA:**

A. Memberships

(1) Greater Stillwater Chamber of Commerce

M/S/P DeLapp/Johnston - to approve the annual membership dues of \$325 for Greater Stillwater Chamber of Commerce. (Motion passed 4-0; DeLapp indicated even though he voted for approval, he felt there was a conflict of interest).

(2) Assoc. of Metropolitan Municipalities

M/S/P DeLapp/Johnston - to approve the Annual membership dues of \$2,422.00 for Association of Metropolitan Municipalities. (Motion passed 4-0).

(3) Sand Creek Group

M/S/P DeLapp/Johnston - to approve the Annual membership dues of \$750 for the Sand Creek Group. (Motion passed 4-0).

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).

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

**A. Maintenance Dept: Compact Wheel Loader: Replacement Purchase**

Mike Bouthilet reported that the Public Works Department has met with the Maintenance Advisory Commission regarding the CIP replacement of the backhoe/loader. The consensus and recommendation from the MAC and Public Works Department is to replace the backhoe/loader with a compact wheel loader. The 2004 CIP is budgeted for \$50,00 for this purchase.

|   |              |
|---|--------------|
| New Machine 2004-Case 321HS State Contact #430487 | \$63,047.00  |
| Trade In 1995 Ford 6555 D                         | - 32,750.00  |
| Difference  | 30,297.00    |
| Falls Plow and Hitch                              | 7,585.00     |
| Lights and Lettering                              | 800.00       |
| Taxes   | 2,514.33     |
| TOTAL   | \$ 41,196.33 |

M/S/P Dunn/Johnston - to approve City purchase of a 2004 Case 321HS loader (with trade-in of the City's 1995 Ford tractor backhoe) under CPV Contract #430487 for a net cost of \$41,196.33. (Motion passed 4-0).

**B. Update on Building Dept. Activities: Jim McNamara**

The Building Official reported in December there were no new residential or commercial permits issued. For the year of 2003, there were 38 new residential permits at a valuation of \$11,695,793.00 and 5 new commercial permits at a valuation of \$409,900.00.

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

Council member Johnston indicated despite all the safety precautions the City Engineer installed on 50<sup>th</sup> Street/CSAH 13, he had followed a van eastbound on 50<sup>th</sup> Street that took dangerous evasive action to avoid slowing to enter 50<sup>th</sup> Street. The Sheriff's Dept. will be notified to patrol 50<sup>th</sup> Street.

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

**A. OHV Setback Zoning Variance: Jeff Reed, 8056 Hill Trail**

The City Planner reported that at the December 16 meeting, Council members voiced concern as to whether the garage would be physically accessible if the 5 foot north driveway setback is to be enforced. They requested the applicant prepare a schematic demonstrating that vehicles could negotiate a driveway curvature that would result from applying the 50 foot setback. The focus of the Council's concern appeared to be avoiding the applicant returning at a later date for a driveway setback variance when they find the turning radius to be insufficient.

Jeff Reed requested that further consideration of this application be deferred pending their decision as to whether to proceed using the 5 foot driveway setback; or, reapply for 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

C. Prairie Ridge Office Park Final Plat

The City Planner reported that at its December 8, 2003 meeting, the Planning Commission recommended approval of the Final Plat/PUD Plan/Site Plan for the project to construct 7 office buildings on a site of 17 acres at Stillwater Blvd. and State Highway 5. The Final Plat, Declaration and Final Construction Plans have been reviewed by the appropriate parties; and, a Developers Agreement has been prepared by the City Attorney and executed by the applicant. The Planner noted that the delay in bringing this application to the Council has been the result of several modifications to utility plans requested by the City Engineer and, Oakdale's review of the amended water service agreement to enable this site to be served with Public water via the Lake Jane system.

M/S/P DeLapp/Johnston - to adopt Resolution No. 2004-010, approving the Final Plat/Final PUD Plan/Section 520 Site Plan of Prairie Ridge Office Park per plans staff dated November 24, 2003 (Site and Grading) and December 12, 2003 (Architectural Elevations); and, subject to conditions listed. (Motion passed 4-0.)

Council member Dunn asked the applicants if they could try to save some of the existing trees.

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

A. Update on Property Complaints

Attorney Filla reported on the properties on Hidden Bay, 37<sup>th</sup> Street, and two properties on Hudson Boulevard.

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

A. Personnel Policy and Flex Time

The Acting City Administrator again presented the amendments to the Personnel Policy regarding Flex Time for overtime exempt staff that had been tabled for further review by the Council at the last previous Council meeting

He explained that the Policy would provide that Exempt employees may accrue flex-time on a 1:1 ratio for attending various meetings outside of their normal work day. Exempt employees may use accrued flex-time as approved by their supervisor, but no more than 9 consecutive hours of flex time may be used. Exempt employees shall be compensated for no more than eighty hours of accrued flex-time upon termination.

M/S/P Johnston/DeLapp – to approve the draft "Flex Time" Policy for overtime exempt City staff. (Motion passed 4-0).



B. Sale of Leave Banks by Employees

At the suggestion of City Staff, the Acting City Administrator presented a Personnel; Policy amendment for sale to the City of extended Illness Leave Bank Balances, proposed to read as follows:

“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, whichever 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 put a barricade on the other side of the freeway as well; or, install 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 she and Council member Johnston attended the Metropolitan Airport Commission meeting regarding the expansion of runways at Oakdale Jr. H.S. on January 12. Representative Lipman and Senator LeClair were also attendance.

Meeting adjourn at 9 p.m.

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Respectfully submitted by Sharon Lumby, Deputy Clerk

Resolution No. 2004-008 Approve Claims

Resolution No. 2004-009 Approve a Shoreland Overlay district variance for Jeff Reed,  
8056 Hill Trail

Resolution No. 2004-010 Approve the Final Plat/Final PUD Plan/Section 520 Site Plan  
of Prairie Ridge Office Park

DRAFT

**MINUTES APPROVED: January 20, 2004**  
**LAKE ELMO CITY COUNCIL MINUTES**

JANUARY 6, 2004

1. AGENDA
2. MINUTES: December 16, 2003
3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. Public Inquiries
  - B. Lake Elmo Jaycees Proclamation
4. ORGANIZATIONAL MEETING:
  - A. Election of Acting Mayor
  - B. Designation of Legal Newspaper
  - C. Designation of Official Depositories for 2004
  - D. Appointment of City Engineer
  - E. Appointments of City Attorney (Civil and Criminal)
  - F. Appointment of Financial Advisor
  - G. Appointment of Auditing Firm
  - H. Planning Commission Appointments
  - I. Parks Commission Appointments
  - J. Community Improvement Commission Appointment
  - K. Cable Operator-Steve Press
  - L. IT: NextGenesis
  - M. Animal Control-Kathi Pelnar
5. CONSENT:
  - A. Resolution No. 2004-001 Approving Claims
  - B. Resolution No 2004-002 Final Payment for Eagle Point Blvd. I
  - C. Resolution No. 2004-003 Final Payment for Eagle Point Blvd II
  - D. Resolution 2004-004 Partial Payment for hill Trail N./50<sup>th</sup> Street
  - E. Final Payment for Painting and Repairs for Fire Station No. 1
  - F. Resolution No. 2004-005 Final Payment for 50<sup>th</sup> Street Reconstruction
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIR/BUILDING:
  - A. Update On Fire Dept. Activities: Chief Malmquist – Not In Attendance  
(1) Capitol City Mutual Aid Assoc. Agreement
8. CITY ENGINEER'S REPORT
9. PLANNING, LAND USE & ZONING:
10. CITY ATTORNEY'S REPORT:
  - A. Hazardous Structure on 37<sup>th</sup> Street
11. CITY ADMINISTRATOR'S REPORT:
  - A. Employee Pay Plan
  - B. Personnel Policy Amendment – (PTO)
  - C. Metropolitan Council

Mayor Hunt called the Council meeting to order at 7 p.m. in the Council chambers.

PRESENT: Siedow, Hunt, Johnston, DeLapp, City Attorney Filla, City Engineer Prew,  
Acting Finance Director Tom Bouthilet and Acting Administrator/Planner Dillerud.

ABSENT: Council member Dunn

1. **AGENDA**

Move to consent agenda Items C-J, ADD:Met Co. Appeal, Hidden Bay property and Update on former employee

M/S/P Siedow/DeLapp - to approve the January 6, 2004 City Council agenda, as amended. (Motion passed 4-0.)

2. **MINUTES:** December 16, 2003

M/S/P Siedow/Johnston – to approve the December 16, 2003 City Council minutes, as amended. (Motion passed 4-0).

3. **PUBLIC INQUIRIES/INFORMATIONAL:**

A. Public Inquiries None

B. Lake Elmo Jaycee Proclamation

MAYOR HUNT PROCLAIMED THE WEEK OF JANUARY 18-24, 2004, AS JAYCEE WEEK AND URGED ALL CITIZENS OF OUR COMMUNITY TO GIVE FULL REGARD TO THE PAST AND CONTINUING SERVICE OF THE JAYCEES.

4. **ORGANIZATIONAL MEETING:**

A. Election of Acting Mayor

M/S/P Johnston/DeLapp – to approve Council Member Susan Dunn as Acting Mayor for 2004. (Motion passed 4-0).

B. Designation of Legal Newspaper

Staff will use Lake Elmo Leader when turnaround time is available for legal notice, but will not double ads.

M/S/P DeLapp/Siedow – to designate the Lake Elmo Leader and the Stillwater Gazette as the City's legal newspapers for 2004. (Motion passed 4-0).

C. Designation of Official Depositories for 2004

M/S/P Johnston/DeLapp – to designate the Lake Elmo Bank, Wachovia Securities, Smith Barney Citigroup, and Northland Securities as the Cities' official depositories for 2004. (Motion passed 4-0).

D. Appointment of City Engineer

M/S/P Johnston/DeLapp – to appoint Tom Prew/TKDA as the City Engineer for 2004. (Motion passed 4-0).

E. Appointment of City Attorney (Civil and Criminal)

M/S/P Johnston/DeLapp – to appoint Jerry Filla, Peterson, Fram & Bergman as the City Attorney for 2004, both for criminal and civil matters. (Motion passed 4-0).

F. Appointment of Financial Advisor

M/S/P Johnston/DeLapp – to appoint Paul Donna, Northland Public Finance Group, as the City's Financial Advisor for 2004. (Motion passed 4-0).

G. Appointment of Auditing Firm

M/S/P Johnston/DeLapp – to appoint Steven R. McDonald, CPA, Abdo, Eick & Meyers, LLP as the City's Auditing Firm for 2004. (Motion passed 4-0).

H. Planning Commission Appointments

The terms of Commissioners Mark Deziel, Julie Ann Bunn, and Jennifer Pelletier expired on December 31, 2003. All three have requested reappointment.

M/S/P Johnston/DeLapp – to reappoint Mark Deziel, Julie Ann Bunn, and Jennifer Pelletier to the Planning Commission to 3-year terms that will expire on December 31, 2006. (Motion passed 4-0).

The terms of Old Village Special Projects Commissioners Todd Williams and Ann Bucheck expired on December 31, 2003. Todd Williams requested reappointment, but the City did not receive correspondence from Commissioner Bucheck.

M/S/P Johnston/DeLapp – to reappoint Todd Williams to the Old Village Projects Planning Commission to a 3-year term that will expire on December 31, 2006. (Motion passed 4-0).

I. Parks Commission Appointments

The terms of Commissioners Bob Schumacher, Steve Peterson, and John Heroff expired on December 31, 2003. Bob Schumacher and John Heroff have requested reappointment. Commissioner Boissonneault has moved out of Lake Elmo and resigned from the Parks Commission. Steve Peterson resigned after serving for approximately eleven years.

M/S/P DeLapp/Johnston – to reappoint Bob Schumacher and John Heroff to the Parks Commission to a 3-year term that will expire on December 31, 2006. (Motion passed 4-0).

Jim Lund was appointed First Alternate to the Parks Commission in 2003 and has indicated his preference to continue his role as an Alternate Member of the Parks Commission.

M/S/P DeLapp/Johnston – to reappoint Jim Lund as First Alternate Member of the Parks Commission. (Motion passed 4-0).

John Ames was appointed to the Parks Commission in 2003 as Second Alternate and should be granted status as a Full Voting Member, filling the position vacated by Steve Peterson.

M/S/P DeLapp/Johnston – to appoint John Ames as Full Voting Member of the Parks Commission to begin a 3-year term that commences in January 2004 and expires on December 31, 2006 for the position vacated by Steve Peterson. (Motion passed 4-0).

There are currently two openings on the Parks Commission. The City received an application from Todd Bruchu dated December 8, 2003.

M/S/P DeLapp/Johnston – to appoint Todd Bruchu as Full Voting Member of the Parks Commission to fill a position vacated by Eric Boissonneault for a 3-year term that expires on December 31, 2004. (Motion passed 4-0).

J. Community Improvement Commission Appointment

The City received applications from Anne Smith, 12153 Marquess Lane N., and Stacy Hawieson, Cimarron Park Office, 901 Lake Elmo Avenue.

M/S/P Johnston/DeLapp - to appoint Anne Smith and Stacy Hawieson to the Lake Elmo Community Improvement Commission. (Motion passed 4-0.)

K. Cable Operator: Steven Press

M/S/P Johnston/DeLapp – to reappoint Steve Press as the City’s Part-Time cable operator at \$10/Hr. for taping and broadcasting City meetings. (Motion passed 4-0).

L. IT: William Keran

M/S/P Johnston/DeLapp – to reappoint NextGenesis, William Keran, as the City’s computer service contractor. (Motion passed 4-0).

M. Animal Control: Kathi Pelnar

M/S/P Siedow/Johnston – to approve the Animal Control Contract between the City and Kathi Pelnar to provide Animal Control Services for 2004. (Motion passed 4-0.)

5. CONSENT:

A. Resolution No. 2004-001 Approving Claims

M/S/P Siedow/Johnston – to approve Claim Numbers 180, 181, DD84 through DD88, 24939 through 24953 that were used for Staff payroll dated December 23, 2003, and Claim Numbers 24954 through 24991 dated December 31, 2003 in the total amount of \$82,149.70. (Motion passed 4-0).

B. Resolution No. 2004-002 Final Payment for Eagle Point Blvd I

C. Resolution No. 2004-003 Final Payment for Eagle Pont Blvd II

M/S/P Siedow/Johnston – to adopt Resolution No. 2004-002 approving Compensating Change Order in the amount of \$63,648.66 and Final Payment for Eagle Point Boulevard Phase I in the amount of \$33,659.66 to Tower Asphalt verified by the City Engineer’s memo dated December 22, 2003. (Motion passed 4-0).

M/S/P Siedow/Johnston – to adopt Resolution No. 2004-003 Approving Compensating Change Order in the amount of (-)\$5,417.40 and Final Payment for Eagle Pint Boulevard Phase II in the amount of \$22,081.50 to Tower Asphalt, verified by the City Engineer's memo dated December 22, 2003. (Motion passed 4-0).

D. Resolution No. 2004-004 Partial payment for Hill Trail N./50<sup>th</sup> Street

M/S/P Siedow/Johnston – to adopt Resolution No. 2004-004 Approving Compensating Change Order No. 1 in the amount of (-)\$10,464.87 and Partial Payment No. 3 in the amount of \$62,278.41 for Hill Trail North and 50<sup>th</sup> Street North to T.A. Schifsky, verified by the City Engineer's memo dated December 23, 2003. (Motion passed 4-0).

E. Final Payment for Painting & Repairs for Fire Station No. 1

M/S/P Siedow/Johnston – to approve the Final Payment in the amount of \$22,522.00 to A.J. Spanjers Co., Inc. for exterior repairs for Fire Station No. 1, verified by T.Franzen's memo dated December 26, 2003. (Motion passed 4-0).

F. Resolution No. 2004-005 Final Payment for 50<sup>th</sup> Street Reconstruction

M/S/P Siedow/Johnston – to adopt Resolution No. 2004-005 Approving Compensating Change Order No. 1 in the amount of \$35,860.11 and Final Payment to T.A. Schifsky in the amount to \$26,085.55 for 50th Street North Construction, verified by the City Engineer in his memo dated December 30, 2003. (Motion passed 4-0).

**6. NEW BUSINESS:**

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

A. Update on Fire Department: Chief Malmquist (Not In Attendance)

The Capital City Mutual Aid Agreement was reviewed and approved by the City Attorney. The duration of the agreement is for the date of execution to December 31, 2006, or roughly a three-year period.

M/S/P Siedow/Johnston – to approve the Capital City Mutual Aid Agreement dated November 12, 2003. (Motion passed 4-0).

**8. CITY ENGINEER'S REPORT: None**

**9. PLANNING, LAND USE & ZONING: None**

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

Attorney Filla gave a brief summary of revenues compared to legal expenses. He reported the mediation meeting for former employee Mike Buckles will be Wednesday, January 7<sup>th</sup> at the League of MN Cities Office.

A. Hazardous Structure on 37<sup>th</sup> Street

Attorney Filla reported the trial is schedule for spring. He has had some contact with the property owner's attorney regarding things that have been done. Filla will have a report for the next Council meeting.

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

### **A. Employee Pay Plan**

The Acting Administrator provided a new 2004 Pay Plan that the Council was introduced to and discussed at the December 30, 2003 Workshop. The only change he made to the Plan since December 30 is to remove the words "Draft" and "New" from the title. He pointed out on December 30 that the shaded cells on the Plan represent where the respective City staff will be placed on the Plan. That placement is dictated by the respective 2003 salaries plus 2.1%, and then the next even step. All employees have received their 2003 Performance Evaluation and Step adjustment on or about their anniversary dates.

M/S/P Johnston/Siedow – to adopt Resolution No. 2004-006, adopting the new 2004 Employee Pay Plan. (Motion passed 4-0.)

### **B. Personnel Policy Amendment – Personal Time off (PTO)**

The Acting Administrator reported at the December 30 workshop the Council was introduced to and discussed a Personal Time Off (PTO) Policy that would replace the City's existing vacation and sick leave policies. He provided a policy with some modifications that were discussed at the workshop. Under the Extended Illness Bank paragraph, Dillerud suggested removal of the word "consecutive" and should read "...only after an employee has used 10 days of Paid Time Off."

Under the Exempt Employee Flex-Time Guidelines paragraph, the Council discussed the proposed Flex-time for exempt employees on a 1:1 ratio for attending various meetings outside of their normal work day. The Council postponed action on this item until the January 20<sup>th</sup> Council meeting.

M/S/P Johnston/Siedow – to adopt Resolution No. 2004-007, as amended, Amending the City's Personnel Policy by deleting the "Vacation" and "Sick Leave" sections in their entirety; and adding a new section entitled "Personal Time Off". (Motion passed 4-0).

The Acting Administrator reported the City received a single proposal for medical insurance. The current vendor doesn't mention anything of cafeteria strategy. This item will be brought up at the January 20<sup>th</sup> Council meeting.

### **C. Metropolitan Council**

M/S/P Johnston/DeLapp – to direct the staff to appeal the decision of the Appeals Court to the Supreme Court. (Motion passed 4-0.)

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

Council member DeLapp indicated there will be a meeting on Thursday, January 8, 7 p.m., at Century College with Rebecca Otto, who invited two former finance commissioners to talk about finances.

Council member Johnston reported AMM posted a link to the Court of Appeals decision in the Lake Elmo vs. Metropolitan Council case.



Council Adjourn the meeting at 7:50 p.m.

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Respectfully submitted by Sharon Lumby, Deputy Clerk

Resolution No. 2004-001 Approving Claims

Resolution No. 2004-002 Final Payment for Eagle Point Blvd I

Resolution No. 2004-003 Final Payment for Eagle Point Blvd II

Resolution No. 2004-004 Partial Payment for Hill Trail N./50<sup>th</sup> Street

Resolution No. 2004-005 Final Payment for 50<sup>th</sup> Street Reconstruction

Resolution No. 2004-006 2004 Employee Pay Plan

Resolution No. 2004-007 Personnel Policy Amendment – Personal Time Off (PTO)

4A.

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-011  
RESOLUTION APPROVING CLAIMS

BE IT RESOLVED THAT Claim Numbers 185, 186, DD98 through DD103, 25080 through 25091, were used for Staff, payroll dated January 22, 2004, Claim Numbers 25092 through 25131 dated February 03, 2004 in the total amount of \$132,315.79 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 3rd day of February, 2004.

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Lee Hunt  
Mayor

ATTEST:

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Charles E. Dillerud  
Acting City Administrator

# Accounts Payable Computer Check Proof List

User: administrator  
Printed: 01/30/2004 - 10:20 AM



| Invoice No      | Description  | Amount         | Payment Date             | Check Number                             | Reference       |
|-----------------|--|----------------|--------------------------|--|-----------------|
| Vendor: 10000   | 10,000 Lake Chapter<br>Training Seminar-Bldg Dept.                         | 60.00          | 02/03/2004               | 101-420-2400-44330                       | ACH Enabled: No |
|                 | Check Total:   | 60.00          |                          |  |                 |
| Vendor: ACEHARD | Ace Hardware<br>Paint Supplies-Public Works<br>Paint Supplies-Public Works | 67.94<br>21.25 | 02/03/2004<br>02/03/2004 | 101-430-3100-42230<br>101-430-3100-42230 | ACH Enabled: No |
|                 | Check Total:   | 89.19          |                          |  |                 |
| Vendor: AMPPLAN | American Planning Association<br>Annual Membership Dues                    | 115.00         | 02/03/2004               | 101-410-1910-44330                       | ACH Enabled: No |
|                 | Check Total:   | 115.00         |                          |  |                 |
| Vendor: ANCOM   | ANCOM COMMUNICATIONS, INC.<br>Radio Repair-3173                            | 97.40          | 02/03/2004               | 101-420-2220-43230                       | ACH Enabled: No |
|                 | Check Total:   | 97.40          |                          |  |                 |
| Vendor: ARAM    | Aramark<br>Linen City Hall   | 42.38          | 02/03/2004               | 101-410-1940-44010                       | ACH Enabled: No |
|                 | Check Total:   | 42.38          |                          |  |                 |
| Vendor: ASPENMI | Aspen Mills, Inc.<br>Uniforms-Fire Dept                                    | 213.30         | 02/03/2004               | 101-420-2220-44170                       | ACH Enabled: No |
|                 | Check Total:   | 213.30         |                          |  |                 |
| Vendor: ATTWI   | AT&T Wireless<br>Floater Phone-Fire Dept.                                  | 20.43          | 02/03/2004               | 101-420-2220-43210                       | ACH Enabled: No |
|                 | Check Total:   | 20.43          |                          |  |                 |

| Invoice No | Description | Amount | Payment Date | Check Number | Reference |
|------------|-------------|--------|--------------|--------------|-----------|
|------------|-------------|--------|--------------|--------------|-----------|

|  |              |       |  |  |  |
|--|--------------|-------|--|--|--|
|  | Check Total: | 20.43 |  |  |  |
|--|--------------|-------|--|--|--|

|                  |                                       |        |            |                    |                 |
|------------------|---------------------------------------|--------|------------|--------------------|-----------------|
| Vendor: AUTOMATI | Automatic Systems Co.                 |        |            |                    |                 |
| 15110S           | Lift Station Alarm Repair-34th Street | 368.44 | 02/03/2004 | 602-495-9450-44030 | ACH Enabled: No |
| 15497S           | Treatment Feed Pump Repair- Water     | 238.00 | 02/03/2004 | 601-494-9400-44030 |                 |
|                  | Check Total:                          | 606.44 |            |                    |                 |

|               |                        |       |            |                    |                 |
|---------------|------------------------|-------|------------|--------------------|-----------------|
| Vendor: BIFFS | BiFFs Inc.             |       |            |                    |                 |
| W212776       | Restrooms-Sunfish Lake | 70.26 | 02/03/2004 | 101-450-5200-44120 | ACH Enabled: No |
|               | Check Total:           | 70.26 |            |                    |                 |

|                |                                |          |            |                    |                 |
|----------------|--------------------------------|----------|------------|--------------------|-----------------|
| Vendor: BUBERL | Buberl Recycling & Compost Inc |          |            |                    |                 |
| 18654          | Snow Plowing-Nov. & Dec.       | 3,247.50 | 02/03/2004 | 101-430-3100-43150 | ACH Enabled: No |
|                | Check Total:                   | 3,247.50 |            |                    |                 |

|                |                    |        |            |                    |                 |
|----------------|--------------------|--------|------------|--------------------|-----------------|
| Vendor: C-AIRE | C-AIRE, Inc.       |        |            |                    |                 |
| 125883         | Compressor Repairs | 354.19 | 02/03/2004 | 101-430-3100-44040 | ACH Enabled: No |
|                | Check Total:       | 354.19 |            |                    |                 |

|                  |                                |        |            |                    |                 |
|------------------|--------------------------------|--------|------------|--------------------|-----------------|
| Vendor: CARQUEST | Car Quest                      |        |            |                    |                 |
| D32713           | Undercoating-Public Works      | 11.87  | 02/03/2004 | 101-430-3100-42150 | ACH Enabled: No |
| D327310          | Vehicle Batteries-Public Works | 118.45 | 02/03/2004 | 101-430-3100-42210 |                 |
|                  | Check Total:                   | 130.32 |            |                    |                 |

|              |                                   |        |            |                    |                 |
|--------------|-----------------------------------|--------|------------|--------------------|-----------------|
| Vendor: DVVS | DVVS Renewal                      |        |            |                    |                 |
|              | Registration Renewal-Parks        | 62.00  | 02/03/2004 | 101-450-5200-44300 | ACH Enabled: No |
|              | Registration Renewal-Bldg Dept.   | 29.00  | 02/03/2004 | 101-420-2400-44300 |                 |
|              | Registration Renewal-Public Works | 101.50 | 02/03/2004 | 101-430-3100-44300 |                 |
|              | Check Total:                      | 192.50 |            |                    |                 |

|                  |                            |          |            |                    |                 |
|------------------|----------------------------|----------|------------|--------------------|-----------------|
| Vendor: EMERGAPP | Emergency Apparatus Maint. |          |            |                    |                 |
| 16642            | Repair # 3173-Fire Dept.   | 1,285.89 | 02/03/2004 | 101-420-2220-44040 | ACH Enabled: No |
| 16779            | Repair # 3173-Fire Dept.   | 400.00   | 02/03/2004 | 101-420-2220-44040 |                 |
|                  | Check Total:               | 1,685.89 |            |                    |                 |

|               |                        |        |            |                    |                 |
|---------------|------------------------|--------|------------|--------------------|-----------------|
| Vendor: EXPAN | Expansets, Inc.        |        |            |                    |                 |
| 26739644      | Phone Maint. Agreement | 150.36 | 02/03/2004 | 101-410-1940-44040 | ACH Enabled: No |

Invoice No Description Amount Payment Date Check Number Reference

Check Total: 150.36

Vendor:FXL  
 FXL, Inc.  
 Assessing Services  
 Check Total: 1,700.00  
 1,700.00  
 02/03/2004  
 Check Sequence: 16  
 101-410-1550-43100  
 ACH Enabled: No

Vendor:GARELICK  
 33787  
 Garelick Steel Co, Inc  
 Steel for Parts-Public Works  
 Check Total: 73.99  
 73.99  
 02/03/2004  
 Check Sequence: 17  
 101-430-3100-42210  
 ACH Enabled: No

Vendor:GRTSTILL  
 158  
 Greater Stillwater Chamber  
 2004 Annual Membership Dues  
 Check Total: 325.00  
 325.00  
 02/03/2004  
 Check Sequence: 18  
 101-410-1320-44330  
 ACH Enabled: No

Vendor:Guests  
 Temain  
 Guest Services  
 Travel-Mike Temain-Fire Dept  
 Check Total: 115.30  
 115.30  
 02/03/2004  
 Check Sequence: 19  
 101-420-2220-43310  
 ACH Enabled: No

Vendor:Johnson  
 Johnson Construction  
 Storage Rental-Feb. 04 Fire Dept  
 Check Total: 90.00  
 90.00  
 02/03/2004  
 Check Sequence: 20  
 101-420-2220-44120  
 ACH Enabled: No

Vendor:LINDYENN  
 273904-0840  
 Lindquist & Vennun  
 Legal Fees-Appeal  
 Check Total: 10,139.94  
 10,139.94  
 02/03/2004  
 Check Sequence: 21  
 101-410-1940-43020  
 ACH Enabled: No

Vendor:MALMQ  
 GregMalmqvist  
 Cell Phone Per Diem  
 Check Total: 100.00  
 100.00  
 02/03/2004  
 Check Sequence: 22  
 101-420-2220-43210  
 ACH Enabled: No

Vendor:MESABI  
 H 60550  
 H&L Mesabi  
 Equipment Snow Plow Parts  
 Check Total: 926.02  
 926.02  
 02/03/2004  
 Check Sequence: 23  
 101-430-3100-42210  
 ACH Enabled: No

Vendor:METRO MU  
 605  
 ASSOCIATION OFMETROPOLITAN MUNICIPAL  
 2004 Membership Dues  
 2,422.00  
 02/03/2004  
 Check Sequence: 24  
 101-410-1110-44330  
 ACH Enabled: No

| Invoice No                       | Description  | Amount                     | Payment Date | Check Number                             | Reference       |
|----------------------------------|--|----------------------------|--------------|--|-----------------|
|                                  | Check Total:   | 2,422.00                   |              |  |                 |
| Vendor: NORTHTOO<br>561352204    | Northern Tool & Equipment<br>Welding Hamlet<br>Check Total:                      | 202.34<br>202.34           | 02/03/2004   | 101-430-3100-42400                       | ACH Enabled: No |
| Vendor: ODEGAARD<br>Permit 3562  | ODEGAARD CONSTRUCTION INC.<br>Rd Escrow Return-9461 Jane Road<br>Check Total:    | 1,000.00<br>1,000.00       | 02/03/2004   | 803-000-0000-22900                       | ACH Enabled: No |
| Vendor: PITP URCH<br>50937724206 | Purchase Power<br>Postage<br>Check Total:  | 514.44<br>514.44           | 02/03/2004   | 101-410-1320-43220                       | ACH Enabled: No |
| Vendor: PRESS                    | StevenPress<br>Cable Operator- 1/20 & 1/26<br>Check Total:                       | 80.00<br>80.00             | 02/03/2004   | 101-410-1320-44300                       | ACH Enabled: No |
| Vendor: QWEST<br>651414-2209456  | Qwest<br>Phone-Alarm System<br>Check Total:                                      | 36.52<br>36.52             | 02/03/2004   | 602-495-9450-43210                       | ACH Enabled: No |
| Vendor: RUD                      | DianePrince-Rud<br>Cleaning-City Hall 1/28<br>Cleaning Fire 1/29<br>Check Total: | 240.00<br>240.00<br>480.00 | 02/03/2004   | 101-410-1940-44010<br>101-420-2220-44010 | ACH Enabled: No |
| Vendor: S&T<br>011R4279          | S&T Office Products, Inc.<br>Office Supplies<br>Check Total:                     | 328.40<br>328.40           | 02/03/2004   | 101-410-1320-42000                       | ACH Enabled: No |
| Vendor: SANDCRK<br>87983         | Sand Creek Group, Inc.<br>2004-Annual Renewal<br>Check Total:                    | 750.00<br>750.00           | 02/03/2004   | 101-410-1320-44330                       | ACH Enabled: No |
| Vendor: STILLFOR<br>253649       | Stillwater Ford<br>Fire Vehicle Repairs  | 182.92                     | 02/03/2004   | 101-420-2220-44040                       | ACH Enabled: No |

Invoice No Description Amount Payment Date Acct Number Reference

Check Total: 182.92

Vendor: STILLGAZ  
 0003014  
 Stillwater Gazette  
 Legal Notice  
 Check Total: 52.50  
 52.50 02/03/2004  
 Check Sequence: 34  
 101-410-1320-43510  
 ACH Enabled: No

Vendor: TASCHE  
 32197  
 T. A. Schifsky & Sons  
 2003-Street Patch Program  
 Check Total: 32,494.70  
 32,494.70 02/03/2004  
 Check Sequence: 35  
 409-480-8000-45300  
 ACH Enabled: No

Vendor: TKDA  
 TKDA, Inc.  
 065898 882.00 02/03/2004 409-480-8000-43030 Check Sequence: 36  
 065899 1,373.57 02/03/2004 603-496-9500-43030  
 065899 3,132.25 02/03/2004 101-410-1930-43030  
 065899 97.60 02/03/2004 101-410-1910-43013  
 065899 97.60 02/03/2004 409-480-8000-43030  
 065899 48.81 02/03/2004 602-495-9450-43030  
 065899 367.06 02/03/2004 601-494-9400-43030  
 065899 341.63 02/03/2004 803-490-9070-43030  
 065899 925.68 02/03/2004 410-480-8000-43030  
 065899 753.94 02/03/2004 101-410-1910-43060  
 065900 732.09 02/03/2004 410-480-8000-45200  
 065901 200.60 02/03/2004 803-490-9070-43030  
 065902 244.00 02/03/2004 101-410-1930-43030  
 065903 200.00 02/03/2004 101-410-1930-43030  
 065910 870.06 02/03/2004 402-480-8000-43030  
 065912 828.82 02/03/2004 409-480-8000-43030  
 065930 97.60 02/03/2004 409-480-8000-43030  
 065936 813.98 02/03/2004 603-496-9500-43030  
 065941 359.00 02/03/2004 311-470-7000-45300  
 065942 1,318.72 02/03/2004 311-470-7000-45300  
 065950 707.65 02/03/2004 101-410-1910-43012  
 065951 585.00 02/03/2004 101-410-1910-43012  
 065971 5,180.85 02/03/2004 101-410-1910-43060  
 Check Total: 20,158.51

Vendor: TOWER  
 Cert # 3F  
 Tower Asphalt, Inc.  
 Eagle Point Blvd Phase 2 Final Payment  
 Check Total: 22,081.50  
 22,081.50 02/03/2004  
 Check Sequence: 37  
 402-480-8000-45300  
 ACH Enabled: No

425  
 430  
 435  
 440  
 445  
 450  
 455

| Invoice No | Description | Amount | Payment Date | Check Number | Reference |
|------------|-------------|--------|--------------|--------------|-----------|
|------------|-------------|--------|--------------|--------------|-----------|

|                           |   |                |            |  |                 |
|---------------------------|---|----------------|------------|--|-----------------|
| Vendor: TRKUTI<br>0121817 | Truck Utilities<br>Equipment Parts-Public Works<br>Check Total: | 46.75<br>46.75 | 02/03/2004 | Check Sequence: 38<br>101-430-3100-42210 | ACH Enabled: No |
|---------------------------|---|----------------|------------|--|-----------------|

|                            |  |                  |            |  |                 |
|----------------------------|--|------------------|------------|--|-----------------|
| Vendor: WORKWELL<br>057919 | Workwell Occupational Health<br>Physicals-Fire Dept.<br>Check Total: | 778.00<br>778.00 | 02/03/2004 | Check Sequence: 39<br>101-420-2220-43050 | ACH Enabled: No |
|----------------------------|--|------------------|------------|--|-----------------|

|                               |                             |                |            |  |                 |
|-------------------------------|-----------------------------|----------------|------------|--|-----------------|
| Vendor: XCEL<br>0073736544020 | Xcel Energy<br>Check Total: | 22.07<br>22.07 | 02/03/2004 | Check Sequence: 40<br>101-430-3160-43810 | ACH Enabled: No |
|-------------------------------|-----------------------------|----------------|------------|--|-----------------|

Total for Check Run: 102,176.06  
 Total Number of Checks: 40



|  |   |               |
|--|---|---------------|
| <b>Lake Elmo<br/>City Council<br/>February 3,<br/>2004</b> | <b>Agenda Section: Maintenance/Park/Fire/Building</b> | <b>No. 7A</b> |
|--|---|---------------|

**Agenda Item:** Request for Proposals – Trail System Plan

**Background Information for February 3, 2004:**

In 2002 the Park Commission embarked on a project to update the City's Trail System Plan. This task was deemed necessary to guide the City in the allocation of Park Dedication Fund resources that have been, for several years, annually allocated to Public Trail construction by the Capital Improvements Program, but never expended. A major hesitancy over recommending specific trail construction projects has been the result of the lack of a contemporary Trail System Plan that addresses Policy of the 2020 Comprehensive Plan; or, that recognizes the need to coordinate Public trail construction with the many miles of private trails that have been constructed in the Open Space Preservation neighborhoods since the last Trail Plan was prepared.

In late 2002 the Park 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 when the City Planner was called upon by the City Council to also take on the duties of Acting City Administrator on December 19, 2002. All work on the Trail Plan was suspended by City Staff at that time. When it became apparent early in 2003 that staff resources to continue work on the Plan would be unavailable indefinitely, 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 Proposals to solicit that work; and, City Staff agreed to place the work on the Capital Improvement Program project schedule for 2004. A "Trail Study" is in the approved CIP as a \$20,000 capital project in 2004.

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 officially adopted by the Council – which it was in December, 2003. The Draft RFP is hereby presented to the City Council for its approval to proceed.

|   |   |
|---|---|
| <p><b><u>Action items:</u></b><br/>Motion 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.</p> | <p><b><u>Person responsible:</u></b><br/>Acting City Administrator/Parks Superintendent</p> |
|---|---|

|   |                                      |
|---|--------------------------------------|
| <p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Draft Trail System Plan Request for Proposals</li> <li>2. Park Acquisition Fund Portion of the 2004-2008 CIP</li> </ol> | <p><b><u>Time Allocated:</u></b></p> |
|---|--------------------------------------|

# Request for Proposal

## Development of a Comprehensive Trail Plan Lake Elmo, Minnesota

### Overview

This document solicits proposals from qualified consultants to collaborate with a subcommittee of the Lake Elmo City Park Commission in the development of a comprehensive trail plan for the City of Lake Elmo.

### Background

In 1990, the City of Lake Elmo adopted a Comprehensive Park Plan designed to provide a blueprint for the development of parks within the city limits over the period 1990 through 2010. A key component of this plan is a comprehensive trailway system designed to "carry residents between neighborhoods, parks and throughout the city." This plan envisioned two types of trailways that could accommodate walkers, bikers, runners and a host of other activities: "community trails" and "neighborhood trails." Community trails were conceptualized as the "arterial framework of a trail system" and meant to carry traffic from park to park and neighborhood to neighborhood. Neighborhood trails, on the other hand, were seen as conveyances within a single neighborhood that connected neighborhoods to community trails.

For a variety of reasons, this 1990-vintage vision needs to be updated. Over the course of the past 13 years, the population of the City of Lake Elmo has risen by 30% (from 5,900 to 7,600), an additional 600 housing units have been built, 25 additional housing developments have been integrated into the city plan, and 6 new parks have been established or significantly expanded. These changes – together with the anticipated doubling of Lake Elmo's population by 2020 – suggest a strong need to revisit the citywide trail plan, develop new approaches to linking our city's parks, and establish a timetable for construction of the trail system.

### Description of Tasks

The consultant(s) retained by the City of Lake Elmo as a result of this request for proposal will collaborate with the Trails Subcommittee of the Lake Elmo City Parks Commission to:

- review existing plans and documents relating to the City's parks, trailway system, Old Village plans, and Comprehensive Plan in order to understand the context in which a new Comprehensive Trail Plan must be developed;
- create an overarching concept for trails that is consistent with the vision of the Trails Subcommittee of the Lake Elmo City Parks Commission (as informed by long-term plans for the city as iterated above), and use this concept to guide the development of a Comprehensive Trail Plan;
- develop a Comprehensive Trail Plan for review by the Lake Elmo City Parks Commission and make changes as deemed appropriate by that body. This Plan should include the following:
  - **maps** reflecting the position and course of the proposed trails;
  - **technical specifications** relating to the structure, dimensions, and materials of the trails; and,
  - **text** providing additional information on the overall approach to the Comprehensive Plan and any information relating to specific aspects of the Plan.

- present, in partnership with the Lake Elmo City Parks Commission, the Comprehensive Trail Plan in a public forum in which public reaction will be solicited;
- present, in partnership with the Lake Elmo City Parks Commission, the Comprehensive Trail Plan to the Planning Commission and City Council of the City of Lake Elmo;
- make changes to drafts of the Comprehensive Trail Plan as deemed necessary throughout this process.

### **Consultant Selection**

This Request for Proposal will be offered to a limited number of local consulting firms that are judged by City Staff to have the experience and personnel necessary to undertake the creative tasks proposed here. Selection of the consultant will be based upon the degree to which the applicant demonstrates its understanding of the tasks proposed here, its willingness to work with public advisory bodies and elected officials, and the competitiveness of the bid in terms of price committed. The consultant selection process will proceed as follows:

1. Request for Proposal will be mailed by the City of Lake Elmo to prospective consultants by [DATE HERE];
2. City staff will meet with interested firms as a group, with the Parks Commission invited to observe) – [DATE HERE]
3. Consulting firms will submit written proposals – [DATE HERE]
4. City staff will screen 3 finalist firms – [DATE HERE]
5. Parks Commission and City Council will interview 3 finalists – [DATE HERE]
6. Final selection of the consultant by the City Council – [DATE HERE]

Selection of the consultant will be based upon the sum of the following criteria:

1. Consultant's understanding of the tasks proposed above as reflected in the consultant's written proposal and oral interview before the Parks Commission and City Council;
2. Consultant's documented experience with the preparation of similar design studies relating to parks and trails;
3. The documented experience and qualifications of the consultant's professional staff that will be working on this project; and,
4. Consultant's proposals for fees and expenses to complete the proposed project.

Department  
Fund 404  
Parks Acquisition Fund

CITY OF LAKE ELMO  
CAPITAL SCHEDULE

CAPITAL IMPROVEMENTS

| ITEM             | \$ REQUESTED | YEAR | 2002    | 2003    | 2004    | 2005    | 2006    | 2007    | 2008    |
|------------------|--------------|------|---------|---------|---------|---------|---------|---------|---------|
| UND BALANCE      |              |      | 435,569 | 480,060 | 371,555 | 267,555 | 287,555 | 265,555 | 285,555 |
| ADDITIONS        |              |      |         |         |         |         |         |         |         |
| Parks Dedication |              |      | 119,080 | 70,000  | 70,000  | 70,000  | 70,000  | 70,000  | 70,000  |

|                        |  |  |         |        |        |        |        |        |        |
|------------------------|--|--|---------|--------|--------|--------|--------|--------|--------|
| <b>Total Additions</b> |  |  | 119,080 | 70,000 | 70,000 | 70,000 | 70,000 | 70,000 | 70,000 |
|------------------------|--|--|---------|--------|--------|--------|--------|--------|--------|

| PROJECT                        |        |      |  |        |        |  |        |  |        |
|--------------------------------|--------|------|--|--------|--------|--|--------|--|--------|
| Bridge Park                    |        |      |  |        |        |  |        |  |        |
| Ball & Soccer Field            | 35,000 | 2002 |  |        |        |  |        |  |        |
| Parking Lot                    | 8,000  | 2003 |  | 44,405 |        |  |        |  |        |
| Junfish Park Milling & Grading |        | 2003 |  | 4,000  |        |  |        |  |        |
| Rebble Park                    |        |      |  |        |        |  |        |  |        |
| ennis Ctr Resurface            | 20,000 | 2004 |  |        | 20,000 |  |        |  |        |
| Swingset                       | 2,500  | 2003 |  | 2,500  |        |  |        |  |        |
| Leid Park                      |        | 2004 |  |        |        |  |        |  |        |
| Parking Lot                    | 12,000 | 2004 |  |        | 12,000 |  |        |  |        |
| Playground Equipment           | 2,000  | 2004 |  |        | 2,000  |  |        |  |        |
| Ablyn Park                     |        | 2006 |  |        |        |  | 12,000 |  |        |
| Replace Equipment              | 12,000 | 2006 |  |        |        |  |        |  |        |
| LeMontreville                  |        |      |  |        |        |  |        |  |        |
| Avillion                       | 30,000 | 2006 |  |        |        |  | 30,000 |  |        |
| FW Park                        |        |      |  |        |        |  |        |  |        |
| Water Service                  | 5,000  | 2004 |  |        | 5,000  |  |        |  |        |
| Carriage Station               | 40,000 | 2003 |  | 39,987 |        |  |        |  |        |
| Playground Equipment           | 15,000 | 2004 |  |        | 15,000 |  |        |  |        |
| ions Park                      |        |      |  |        |        |  |        |  |        |
| Replace Equipment              | 12,000 | 2008 |  |        |        |  |        |  | 12,000 |

| Trail Study | Trail Improvements | Engineer Services | Transfer To Capital Acquisitions (Parks) | Expenses | BALANCE |
|-------------|--------------------|-------------------|--|----------|---------|
|             | 20,000             | 32,072            | 55,542                                   | 74,589   | 480,060 |
|             | 100,000            | 178,506           | 174,000                                  | 178,506  | 371,555 |
|             | 50,000             | 50,000            | 50,000                                   | 50,000   | 267,555 |
|             | 50,000             | 50,000            | 92,000                                   | 92,000   | 265,555 |
|             | 50,000             | 50,000            | 50,000                                   | 50,000   | 285,555 |
|             | 50,000             |                   |  |          | 293,555 |

Agenda Item: Street Sweeping

Background Information for February 2<sup>nd</sup>, 2004

Following several years of "force account" street sweeping, both the former Maintenance Supervisor and the present Acting Supervisor have recommended that the City suspend sweeping with City crews, and contract that work with a private firm – as is done in many other cities. This strategy was concurred in following review by the Maintenance Advisory Commission on October 29, 2003. The primary motivations 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.

For example, it is estimated that the Elgin sweeper the City purchased in 1999 has depreciated \$30-35,000 over the 4 years the City has owned it – even though the hours on the machine are minimal. In addition, the sweeper has required approximately \$2,500 per year in annual maintenance – brooms etc. That annual amount will increase as the machine ages. Finally, if the machine is to be properly cared for it must be garaged. New garage space has been recently quoted to the City at \$100,000 per housed machine + plus upkeep of the space.

The City has expended approximately 200 man hours annually to complete the Spring sweeping. At an average hourly scale + 27% salary burden, those man hours are costing the City about \$6,000 per year. Finally, the disposal of sweepings has been a problem over the years. The City stored many year's of sweepings on leased land until 2003. Upon lease termination the City expended about \$10,000 to find a (beneficial, as it turned out) permanent home for the sweepings. The City no longer has the leased site, so the sweepings must find a permanent home immediately in any case.

(Continued on Page 2)

Action items:

Motion to direct the City Administrator to Accept the proposals with 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.

Persons responsible:

M. Bouthilet/Acting City  
Administrator

**(Street Sweeping – Continued from Page 1)**

The Acting Maintenance Supervisor has solicited quotations from several private sweeping firms for the completion of the annual Spring clean up of salt/sand from City streets. All quotations are on an hourly basis (except sweepings disposal) since actual sweeping times are contingent on weather and amounts of residual sand. A 120 hour extension is used for all quotes.

| <b>Contractor<br/>Total</b> | <b>Hourly Sweeper</b> | <b>Hourly Tandem</b> | <b>120 Hour</b> |
|-----------------------------|-----------------------|----------------------|-----------------|
| Allied                      | \$68.00 (\$8,160)     | \$55.00 (\$6,600)    | \$14,760.00     |
| McPhillips                  | \$77.00 (\$9,240)     | \$55.00 (\$6,600)    | \$15,840.00     |
| Tower                       | \$87.00 (\$10,440)    | \$59.00 (\$7,080)    | \$17,520.00     |
| Crosstown                   | \$100.00 (\$12,000)   | None                 | \$12,000.00     |

Hourly prices for a water truck were also submitted, but the Public Works Department will truck the water for about 40 man hours.

Pricing for disposal of sweeping materials was also provided by two of the contractors (Allied at \$8/cubic yard, and McPhillips at \$6/cubic yard). Miller Excavating has provided a written quote to dispose the material locally for \$4.00/cubic yard. The Miller proposal will be used by the City even if "force account" sweeping continues.

It appears that the actual annual cost for the City to itself sweep could be imputed to be in the range of \$14,000 when labor (net of water), equipment depreciation, and equipment maintenance expense is totaled. At least for an average year, it appears that contract sweeping will cost the City no more than "force account"; permanently save the City 1 stall of equipment storage space; and allow recovery of an estimated \$60-70,000 of capital investment by sale of the sweeper.

It may be prudent to contract for 2004 Spring sweeping, but retain the sweeper until the actual costs for that 2004 project are determined. While there may be some additional depreciation loss, there will not be any annual maintenance costs since no additional hours would be on the sweeper. Should the contract approach not work out for any reason, the City could then reevaluate "force account" sweeping.

Dan reviewed replacing the 1986 Dump Truck with a tandem unit which has brought the cost on the CIP up to \$ 130 K from \$ 90K. He said he is checking into the cost of getting only a Chassis (Power Unit) with interchangeable bodies. This will allow us to have the advantage of many different type trucks without the costs. It will also save us money in insurance. Dan will get price comparisons and get back to us. He also reviewed the scheduled small loader in the CIP for 2006 and requesting it be moved back to 2005.

**A Motion** was made by Chuck S. and seconded by Dick G to recommend acceptance of the Public Works CIP with changes to be made of the removal of the Elgin Sweeper and replacing it with contract work. Moving the Small loader from 2006 to 2005 to replace the Back Hoe and the addition of a small bob cat Sweeper Attachment.  
The motion passed.

Dan also mentioned he plans to shrink-wrap some of the summer equipment so it can be stored outside this winter since we are so short of space. He said many other Cities are doing this.

Gregg M reviewed the Fire Dept CIP. With the new accounting system many items moved back to 2004 resulting in a large negative fund balance. We reviewed each item as to the possibility of moving it out to bring us more into balance. The end result was to move the Heavy Rescue, the imaging camera, and the generator to 2005 and to delete the Defibrillator in 2004. Gregg said they might be able to get an old generator unit from another City, but doesn't know if it will work. The remaining items should not be moved out for safety reasons, such as the turn-out gear.

There was a discussion as to the future of our city needs for fire protection. It was agreed we need to have a study done to insure we have adequate coverage without duplication. A professional study will cost us about \$ 20K but will perhaps save us money in the long run. It was agreed this should be added to the 2004 CIP.

**A Motion** was made by Chuck S and seconded by Bud T to recommend the Fire Dept CIP be accepted with the changes of moving the Heavy rescue unit, the Generator, and the Camera to 2005, and to add a Fire Dept Study at a cost of \$ 20,000 to 2004. Although the Fire Dept CIP has a negative fund balance for 2004 we recommend it be approved and some sort of alternative funding be looked at.

The Motion Passed.

Allied Blacktop Company  
10503 - 89th Avenue North  
Maple Grove, MN 55369

Phone: 763.425.0575  
Fax: 763.424.6791  
www.alliedblacktopmn.com

## Sweeping Proposal

City of Lake Elmo  
Michael Bouthilet  
3800 Laverne Avenue N.  
Lake Elmo, MN 55042

### PROJECT: 2004 Spring Sweeping Contract

We hereby submit specifications and a quotation on the following:

|  |                                 |
|--|---------------------------------|
| Elgin Pelican (Pick up style broom)        | \$ 68.00 per hour.              |
| Tandem Axle Dump Truck                     | \$ 55.00 per hour.              |
| Water Truck (If hydrants aren't available) | \$65.00 per hour.               |
| Disposal Fee Per 17 yd. Load               | \$ 150.00 per load. — \$06/yr 3 |

Other Details: Allied will deploy four Elgin Sweepers, two tandem dump trucks and one water truck. This has proven to be most cost effective. We will stockpile the sweepings at the cities public works facility until the sweeping is complete. Upon completion, Allied will haul the sweepings away in 17 cubic yard semi-end dumps and dispose of in a manor acceptable to the EPA

Allied Blacktop Company has been in the asphalt maintenance business for over fifty years. We employ skilled union professionals to operate and repair our equipment. We have, eleven Elgin Pelican Sweepers, eighteen tandem dump trucks and ten seventeen yard tractor trailer end dumps. Our shop is equipped with five full time mechanics and two mobile repair trucks equipped to complete just about any repair on site. Our crews will be set up to complete your cities spring sweeping in the most efficient cost effective manor possible.

Payment terms are net 30 days. Note: This proposal may be withdrawn if not accepted within 30 days. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Allied Blacktop Company to carry proper insurance including Workers Compensation.

Authorized Signature: Pete M. Capriotti

**Acceptance of Proposal:** The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: \_\_\_\_\_ Signature: \_\_\_\_\_

Please take notice: Any person or company supplying labor or materials for this improvement to your personal property may file a lien against your property if that person or company is not paid for the contributions. Under Minnesota law you have the right to pay persons who supplied labor or materials for this improvement directly and deduct this amount from our contract price, or withhold the amounts due them from us until 120 days after completion of the improvement unless we give you a lien waiver signed by persons who supplied any labor or materials for the improvement and who gave you timely notice.



*Mike*  
**McPHILLIPS, INC.**

*Sweeping • Snow Removal • Municipal Sewer Cleaning*

January 22, 2004

Mike Bouthilet  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

RE: Street Sweeping

Dear Mike:

I would like to place a bid to provide street sweeping services to the City of Lake Elmo. I propose to use Elgin Pelican sweepers to complete the street sweeping.

| <u>Equipment</u>       | <u>Rate Per Hour</u>                        |
|------------------------|---|
| Tandem-Axle Dump Truck | \$55.00                                     |
| Tri-Axle Dump Truck    | \$58.00                                     |
| Elgin Pelican Sweeper  | \$77.00                                     |
| Water Truck            | \$50.00                                     |
| Disposal               | \$4.00 (per ton) - <i>61 yd<sup>3</sup></i> |

Thank you for your time and consideration. Please feel free to call with any questions.

Sincerely,



Michael Edge  
Vice President



# TOWER ASPHALT, INC.

15001 HUDSON ROAD  
P.O. BOX 15001  
LAKELAND, MN 55043

OFFICE: (651) 436-8444  
FAX: (651) 436-6515



MEMBER  
NAPA

NATIONAL ASPHALT PAVEMENT ASSOCIATION

City of Lake Elmo  
Michael Bouthilet  
Acting/Public Works Supervisor  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

1/26/04

Re: Quote  
Street Sweeping

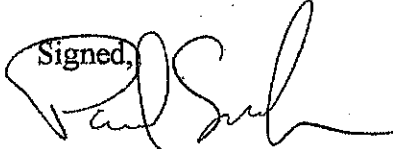
Dear Mr. Bouthilet,

The following are the rates you requested for performing the spring sweeping.  
There is no charge for the disposal of the material itself.

Elgin Pickup Broom w/Operator = \$87.00 per hour

Tandem Truck W/Operator = \$59.00 per hour

Should you have any questions or need any additional information please call.

Signed,  
  
Paul Schaefer



# CROSTOWN SWEEPING CORP.

PARKING AREA AND STREET SWEEPING

3445 HIAWATHA AVENUE · MINNEAPOLIS, MN 55406-2596 · (612) 729-2000 · FAX (612) 729-2600

## QUOTATION

Public Works Dept  
City of Lake Elmo  
3800 LaVerne Ave N  
Lake Elmo, MN 55042

January 20, 2004  
651.777-5510

2004 STREET SWEEPING AS DIRECTED:

Crosstown will provide:

- 1) Sweeper(s), operator(s), and fuel.
- 2) Certificate of insurance upon award of bid, if requested.
- 3) Daily copy of operators job report.

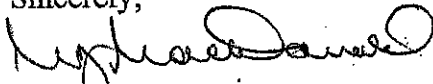
City will provide:

- 1) Hydrant access or other suitable water source for the sweeper(s).
- 2) Copies of City street map.
- 3) Daily supervision of areas to be swept and "No Parking" posting as necessary.
- 4) Home phone number of supervisor, to allow operator(s) to check on days of questionable weather.
- 5) Space at the City shop for overnight parking and routine maintenance of sweepers.
- 6) Truck(s), driver(s), and disposal of all collected debris.

**Elgin Pelican Street Sweeper      \$100 per hour**

If you have any questions, please call. We look forward to working with you.

Sincerely,



Mike MacDonald

CTYLKBLM.WPS

**KNOWN BY THE COMPANIES WE SWEEP**



**MILLER EXCAVATING, INC.**

"PETE" MILLER

*"Big or Small, We Do Them All!"*

(651) 439-1637 Fax (651) 439-1637

email: pmillerexc@aol.com  
www.millerexc.com

3636 Stagecoach Trail No.  
Stillwater, Minnesota 55082

January 28, 2004

Attn.: Mike Bouthliet  
City of Lake Elmo  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042

Fax: 651-777-6530

Project: Street sweeping haul out

Per Yard Rate to haul out street sweepings & dispose. \$4.00 yd.  
(Spring 2004)

Peter J. Miller, Pres.  
Miller Excavating, Inc.

|  |  |                      |
|--|--|----------------------|
| <b>Lake Elmo<br/>City Council<br/>February 3,<br/>2004</b> | <b>Agenda Section: Planning, Land Use &amp; Zoning</b> | <b><u>No.</u> 9A</b> |
|--|--|----------------------|

**Agenda Item:** OP Concept Plan – Whistling Valley Phase 2

**Background Information for February 3, 2004:**

At its meeting January 26, 2004 the Planning Commission unanimously (7-0) adopted a recommendation to approve this OP Concept Plan to create 18 SFD building lots on a site of 45 acres east of, and adjacent to, the Whistling Valley OP approved by the City in 2003. A Public Hearing was properly Noticed and conducted by the Commission. The approval recommendation is subject to several condition, the most significant of which are:

1. Reconfiguration of the street plans to mitigate the 3,000 foot cul-de-sac proposed by the Concept. Connection to the north stub street of Whistling Valley appears to be the most obvious response.
2. Lengthening of the private trail component to equal one foot of trail for each foot of street.
3. Approval by the City Council of a 4/5 OP Variance to permit an 85 foot OP Buffer for proposed Lot 1, Block 1 (extreme southwest lot).
4. Deletion of Outlot D as an "Emergency Access". The Outlot may be retained as a trail corridor to Keats Avenue, if approved by Washington County for that use.

While the applicant advised the Commission that he remains opposed to extending the north stub street of Whistling Valley to mitigate the proposed 3,000 foot cul-de-sac of Phase 2, he has indicated his willingness to construct a full cul-de-sac at the stub end of the existing street to replace the present "hammerhead". The City Planner suggested that there may be a way to provide alternative emergency access to Phase 2 utilizing an upgraded trail link between the two cul-de-sacs -- at least for police and ambulance access.

|   |  |
|---|--|
| <p><b><u>Action items:</u></b><br/>Motion to adopt Resolution #2004 - , approving the OP Concept Plan for Whistling Valley Phase 2 per plans Staff dated January 22, 2004 based on the recommendation of the Planning Commission as to the Findings and Conditions contained in the Approval Resolution.</p>                      | <p><b><u>Person responsible:</u></b><br/><br/>City Planner</p> |
| <p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Draft Resolution #2004 - Approving OP Concept Plan</li> <li>2. Location Map</li> <li>3. Draft Planning Commission Minutes of January 26, 2004</li> <li>4. Planning Staff Report of January 22, 2004</li> <li>5. Applicant's Documentation.</li> </ol> | <p><b><u>Time Allocated:</u></b></p>                           |

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-

A RESOLUTION APPROVING THE OPEN SPACE CONCEPT PLAN  
FOR WHISTLING VALLEY SECOND ADDITION

WHEREAS, Bald Eagle Development and David Sorenson have made application for an OP Concept Plan for Whistling Valley Second Addition to create 18 single family building sites on a parcel of 45 acres east of, and adjacent to, the Whistling Valley OP approved by the City in 2003.

WHEREAS, at its January 26, 2004 meeting, the Lake Elmo Planning Commission conducted a Public Hearing and reviewed and recommended approval of this application based on the following findings:

1. The Concept Plan is consistent with the goals, objectives and policies of the Comprehensive Plan.
2. The Concept Plan is consistent with the purpose of the Open Space Preservation Ordinance.
3. The Concept Plan, except as noted by the January 22, 2004, Planning Staff Report, complies with the development standards of the Open Space Ordinance.

WHEREAS, the Concept Plan of Whistling Valley Second Addition was presented to the City Council at its February 3, 2004 City Council Meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council does hereby approve and accept the Open Space Concept Plan of Whistling Valley Second Addition, per plans staff dated January 22, 2004 based on the recommendation of the Planning Commission as to the Findings and subject to the following conditions:

1. Reconfiguration of the street plans to mitigate the 3,000 foot cul-de-sac proposed by the Concept. Connection to the north stub street of Whistling Valley appears to be the most obvious response.
2. Lengthening of the private trail component to equal one foot of trail for each foot of street.
3. Approval by the City Council of a 4/5 OP Variance to permit an 85 foot OP Buffer for proposed Lot 1, Block 1 (extreme Southwest lot).

4. Deletion of Outlot D as an "Emergency Access". The Outlot may be retained as a trail corridor to Keats Avenue, if approved by Washington County for that use.

ADOPTED, by the Lake Elmo City Council this 3rd day of February, 2004.

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Lee Hunt, Mayor

ATTEST:

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Charles E. Dillerud, Acting City Administrator

**Public Hearing – WHISTLING VALLEY 2<sup>ND</sup> ADDITION - OP Concept Plan**

**DRAFT**

The City Planner reported that the proposed development is planned for the northwest quadrant of Keats Avenue and 10<sup>th</sup> Street North (CSAH 10) on a site of about 45 acres. It is across from Stonegate and east of Whistling Valley. There was once a Conditional Use Permit approved by the city to build a riding stable on this parcel. That CUP was renewed in 2000 and it has since expired. This use would replace that CUP.

He noted that OP standards require steep slopes be deducted from the original parcel size leaving a total of 44.8 acres. There are small Jurisdictional wetlands on the site, but no DNR Protected Wetlands.

He reported that the plan appears a bit short on trail length per OP standards. The Planner's primary concern for this Concept is the extensive length of the cul-de-sac, which is over 3,000 feet long. A clause in our subdivision code limits length of cul-de-sacs. There is a proposed access road for emergencies, but Washington County Transportation said that point of access along Keats will not be approved. He suggested an extension to 10<sup>th</sup> Street North in WHISTLING VALLEY. The County requires additional right-of-way dedication on 10<sup>th</sup> Street North, and will not approve the proposed private trail connection to the Regional Park or the proposed "emergency access" on Outlot D to Keats Avenue. He suggested that perhaps the "emergency" exit could instead become an alternative trail link to the park.

Finally, he noted that the most southwesterly lot would fail to meet the 100 feet of buffer setback, since the Concept suggests that the structure on that lot would be 85 feet from the common property line with an adjacent OP neighborhood. He suggested that this design feature may be a candidate for a City Council 4/5 OP Variance, since none of the other proposed lots would have less than a full 200 foot buffer setback to the adjacent OP property line.

**Findings and Recommendations:**

1. The Concept Plan is consistent with the goals, objectives and policies of the Comprehensive Plan.
2. The Concept Plan is consistent with the purpose of the Open Space Preservation Ordinance.
3. The Concept Plan, except as noted by the January 22, 2004, Planning Staff Report, complies with the development standards of the Open Space Ordinance.

**Conditions**

1. Reconfiguration of the street system to delete the proposed cul-de-sac and connect the north street leg with the north street leg of the WHISTLING VALLEY OP.
2. Deletion of Outlot D as an emergency access. Subject to conformation with Washington County, Outlot D should be considered as a trail link to Keats Avenue.
3. Increase in the centerline length of internal trails to correspond with the centerline length of streets – including street created by #1 above.
4. Compliance with the recommendations of the City Engineer, City Attorney and those of the Valley Branch Watershed District and Washington County found by the City to be reasonable and proper.

Commissioner Bunn asked why the county rejected the proposed trail link to the Regional Park.

The City Planner responded that the county appears to want to limit points of access to the park by private trails. The county has indicated a willingness to consider limited public trail access to the park.

Commissioner Berg advised that all wetlands in Minnesota are protected. He also reported that he had spoken with Washington County Parks Staff today regarding the trail access issue. The County Parks Commission will recommend that the County Board not allow any private trail access to any County



parks. They will recommend that public trail links can have access to the parks.

Commissioner Helwig noted the concerns expressed by the City Engineer regarding the road configuration that result from proposed Outlot G.

**DRAFT**

**Bob Close, Close Landscape Architecture**

WHISTLING VALLEY 2<sup>ND</sup> ADDITION is extending the concept of open space that was begun in Phase I. Contiguous open space and a contiguous trail system were the goals for this phase. Common septic is planned to be in the southeast corner of the site. Lots are sized from ¾ to about 1.25 acres. The plan calls for planting heavily for the lot in the southeast corner along the road with berms and such. The plan attempts to allow every lot to be connected to either open space or the park.

Commissioner Sedro asked if the applicant had considered an overpass or underpass for the road connection that is recommended by the City Planner between the two cul-de-sacs.

Mr. Close responded that they had considered that approach, but that it was expensive.

Commissioner Ptacek observed that there are several areas in Whistling Valley where the trails have to cross the road at grade, so that has not been considered a problem in the past.

Commissioner Pelletier suggested that in HOA documents developers should provide information on the wetlands and Preserved open space, to make sure new residents understand where the protected areas are.

The City Planner said he is looking at old OP projects to see about getting unobtrusive signs posted to clearly mark the boundaries of the protected lands. The City can pursue this approach since the City holds the conservation easements with the Minnesota Land Trust in all OP developments.

Commissioner Deziel stated that he would like to see the developer minimize paving while adding trail length, and also maintain the contiguous/continuous open space.

Chair Helwig observed that from his experience there is a safety issue with long cul-de-sacs for fire truck tankers being able to go back and forth with tanks full of water.

**THE CHAIR OPENED THE PUBLIC HEARING AT 7:41 P.M.**

**Jim Kaufel**

Mr. Kaufel's stated that his son owns the 10 acre property on the corner southeast of the OP site. He is concerned about viewing the houses facing his property and their view of his more rural property. He asked if his son may continue to do things on his land without neighbors complaining. He asked if the berms proposed at his son's property line will be high enough so people won't complain, and if noise will be filtered.

**THE CHAIR CLOSED THE PUBLIC HEARING AT 8:44 P.M.**

**Dave Sorenson, Anderson-Sorenson Homes**

The developers have not determined an exact height for the berms yet. He noted that the site has tree stock along 10<sup>th</sup> Street to relocate to these berms, and that there probably will also be some hardwoods planted on the berms. He suggested that the height of the berm will be about five to seven feet tapered, with plantings on the top.

Chair Helwig asked how far the proposed trail is from the entrance to the park.

**DRAFT**

Mr. Sorenson responded that it is very close.

Mr. Sorenson said he feels strongly about continuous open space. He is aware of potential problems with long cul-de-sacs and hammerheads. He would be willing to extend the street from Phase I and end it with a cul-de-sac to trade off for the connection of the road to this Concept Plan cul-de-sac.

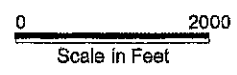
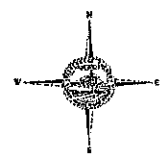
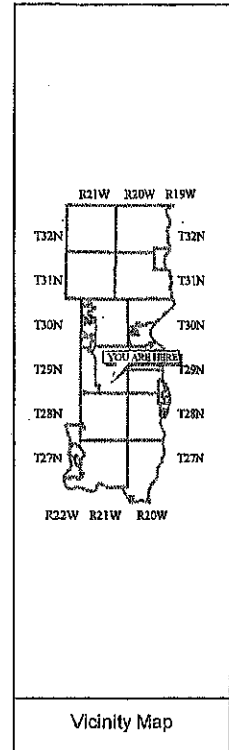
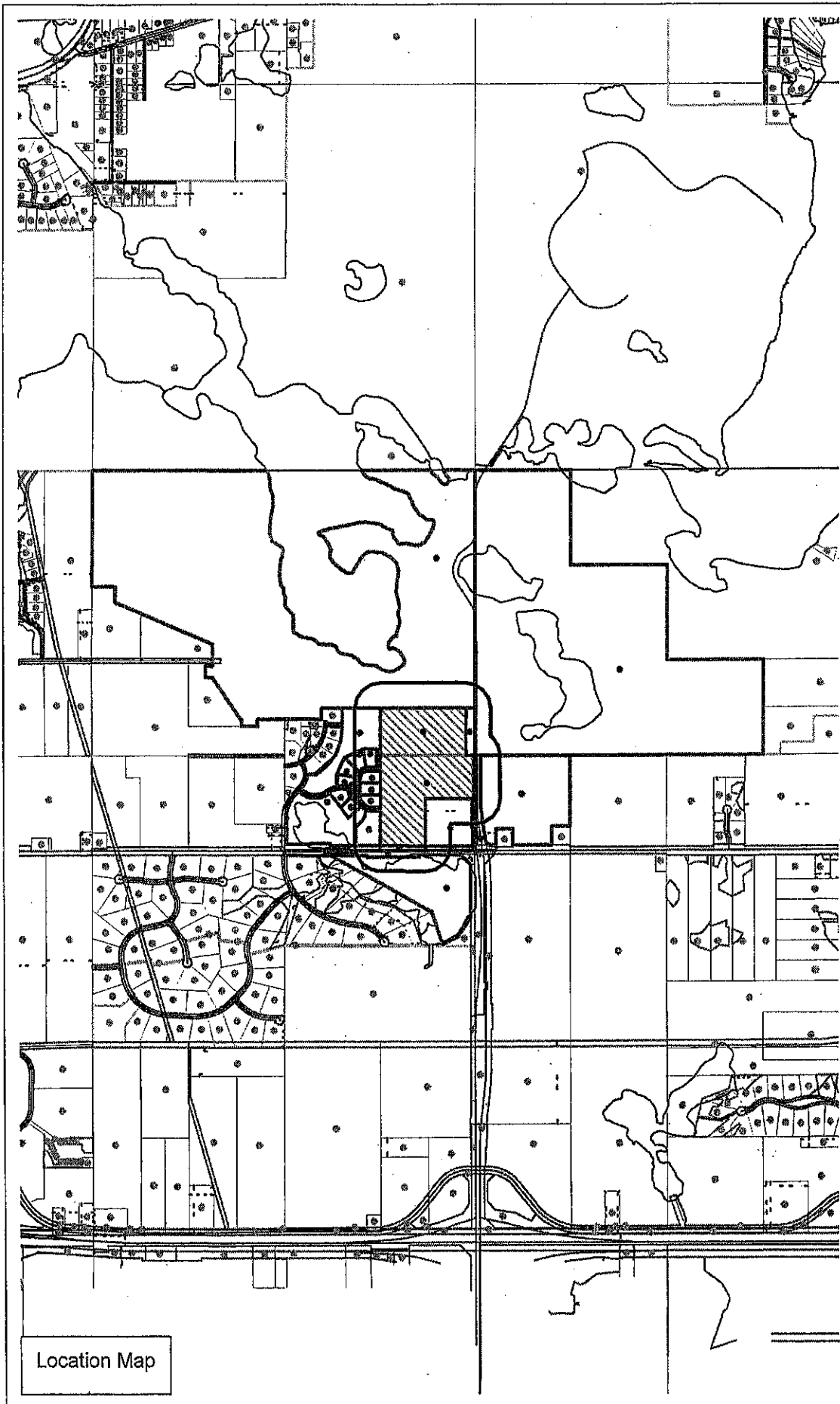
Commissioner Bunn observed that contiguous open space is desirable, but there are fire safety ramifications that must be considered in this case. She noted that fire trucks and tanker trucks can't even pass each other on this proposed narrow street.

Chair Helwig stated that speed is of the essence when there is a fire or there will be nothing left but ashes. He observed that there is difficulty for even an ambulance trying to pass fire trucks on a narrow street. He reported that firemen brought in 70 tankers full of water for the fire at his home.

Commissioner Ptacek stated that safety is most important. He also noted that he found it hard to turn around with just his truck on the existing WHISTLING VALLEY hammerhead. He concluded that connecting to the north road from Phase I would be a natural extension.

Commissioner Deziel observed that 85 feet of buffer rather than 100 feet is not a big deal, and that he would prefer to be more lenient with that issue than with the road extension issue.

M/S/P, Ptacek/Berg, To recommend approval by the City Council of the Concept Plan of WHISTLING VALLEY 2<sup>ND</sup> ADDITION as proposed per plan staff dated January 22, 2004, based on findings and subject to conditions of the Planning Staff Report, together with an OP Variance to allow an 85 foot buffer from the structure on proposed Lot 1, Block 1. **VOTE: 7:0.**



Location Map

This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any discrepancies.

Source: Washington County Surveyor's Office. Phone (651) 430-5876

Parcel data based on ABA00 information current through: November 30, 2003  
Map printed: January 12, 2004

**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** January 22, 2004 for the Meeting of January 26, 2004

**Applicant:** David Sorenson

**Location:** Northwest Quadrant of Keats Avenue and 10<sup>th</sup> Street North (CSAH 10)

**Requested Action:** OP Concept Plan

**Land Use Plan Guiding:** RAD

**Existing Zoning:** AG (Agricultural)

**Site History and Existing Conditions:**

This now vacant site of 45 acres is primarily open prairie/agricultural in character, with rolling terrain and about 35 feet of elevation from a low point at the northeast corner to a high point at the west center of the site. The resulting slopes in excess of 25% are minimal - .23 acres. Tree cover is found along 10<sup>th</sup> Street North as a planted evergreen grove; and in small natural groves at the east and west site peripheries. Two small Jurisdictional wetlands are located in upland areas of the south center of the site.

This site was the subject of several companion City Planning and Zoning actions in 1997 related to a proposed horse boarding use. A Conditional Use Permit was approved for that use by Resolution #97-5 on February 18, 1997, subject to a long list of conditions. In a companion action the City Council also approved rezoning of the site from OP (a district that no longer exists) to AG to accommodate the CUP action. There was also a companion application for a Minor Subdivision of the site that was considered by the Planning Commission, but later withdrawn prior to Council consideration.

No activity had commenced responsive to the approved CUP by late 2000. The property owner was advised that the CUP had expired in 1998 since no action had been taken to exercise those rights. At the property owner's request, the City Council renewed the CUP on November 8, 2000. There was no activity on the site responsive to that renewal by November, 1998 either, so the CUP again expired, and has not been renewed. There is no reason to assume that the 1997 zoning action to AG has expired, however.

**Discussion and Analysis:**

In a joint application, the property owner (Lambert, formerly Minor) and David Sorenson (developer of Whistling Valley - adjacent to the west), propose an OP Concept for the site that would result in 18 single family detached building lots and 8 outlots. Single family building lots would range in area from a minimum of .78 acres to a maximum of 1.48 acres. The neighborhood would be served by a common constructed wetlands wastewater treatment system (on Outlot C).

The Buildable Land Area of the site (less steep slopes - there are no Protected Wetlands) is 44.80 acres. The site is therefore eligible for  $(44.8/40)*16 = 17.92$  units (18 proposed); and, must provide  $44.8*.50 = 22.4$  acres of Preserved Open Space (23.39 acres proposed). The Preserved

Open Space is proposed by the applicant to be permanently secured by an easement to the Minnesota Land Trust – as is the Preserved Open Space of Whistling Valley to the west. The applicant proposes 2,792 center line feet of trails in response to 3,617 center line feet of new street. The Concept proposes boulevard and private lot tree counts responsive to OP standards, with boulevard trees grouped, as the Code permits.

The City has provided plans to (January 5, 2004) and invited the comments of the City Attorney, City Engineer, DNR, Washington County, and Valley Branch Watershed. As of this writing only Washington County has responded. A copy of those review comments is attached. Two County comments are notable in the review of this Concept Plan:

1. The applicant's proposal to provide an "emergency access road" on Outlot D is not supported by the County. This proposal was clearly in response to the overall length of the proposed cul-de-sac street, as an alternative to a north connection to the Whistling Valley street. That lack of County support for the Outlot D access is apparently backed up by a lack of access rights to Keats from this site – and will "stick".
2. Additional right-of-way along 10<sup>th</sup> Street North (CSAH 10) will be required by the County – we estimate 20 feet to meet the 92 feet from centerline County requirement.
3. The applicant's proposal to connect the interior trail system to the Regional Park is also objected to by the County. This issue will require further investigation by the City (including the Park Commission) and the applicant. City Staff has only recently been advised by Regional Park staff that they would entertain connection of the City trail system to and through the Regional Park at selected locations.

Planning Staff review of the proposed Concept finds the application to be consistent with the OP/City Code submission and design standards, except as follows:

1. There appears to be a deficiency in the proposed length of trails in response to the proposed length of new streets – 1:1 ratio required, so there appears to be an additional 825 feet of trail required.
2. The illustrative building pad of proposed Lot 1, Block 1 (extreme southwest lot) appears to be within 85 feet of the site property line. OP standards specify a 100 foot setback of proposed structures to a common property line with an adjacent site that is either developed as OP, or eligible to be so developed. Where the 100 foot standard is applied, the Code also provides that suitable screening of the structure be provided. All other illustrative structure locations on the Concept Plan meet the 200 foot setback standard. It should be here noted that the applicant could have submitted this OP as an extension of the previous Whistling Valley OP. In that case, no buffer setback would have been required. We suggest this to be a inconsistency with OP standards that would be a candidate for a "4/5 variance" at the City Council under these technical circumstances
3. Section 400 of the City Code (Subdivision Standards) specifies that no permanent cul-de-sac serving lots of less than 2.5 acres may be longer than 600 feet. "Temporary" cul-de-sacs are limited to 1,000 feet in length under the same lot area circumstances. Since (in most cases) the cul-de-sacs created in recent years that are longer than 600 feet have been "temporary" – subject to extension in the future – this issue has not been seriously raised in the recent past. The cul-de-sac proposed by this Concept Plan is about 3,000 feet in length, and, is not designed as temporary. Staff believes a connection to the north Whistling Valley street should be considered, regardless to what that may do to open space continuity.

We do not usually share Concept Plans with the Park Commission unless there is a clear indication on the Park or Trail System Plans that Public use dedication may be appropriate – and we have not in this case. We note, however, the applicant's concept of trail access to the Regional Park warrants further investigation by the City based on recent conversations of City Staff with Regional Park management at the County. This issue should be discussed by the Park Commission prior to consideration of the OP Development Stage Plan.

**Findings and Recommendations:**

The following Findings are recommended:

1. The Concept Plan is consistent with the goals, objectives and policies of the Comprehensive Plan.
2. The Concept Plan is consistent with the purpose of the Open Space Preservation ordinance.
3. The Concept Plan, except as noted by the January 22, 2004, Planning Staff Report, complies with the development standards of the Open Space Ordinance.

Staff recommends approval of the Concept Plan, subject to the following conditions:

1. Reconfiguration of the street system to delete the proposed cul-de-sac and connect the north street leg with the north street leg of the Whistling Valley OP.
2. Deletion of Outlot D as an emergency access. Subject to conformation with Washington County, Outlot D should be considered as a trail link to Keats Avenue.
3. Increase in the centerline length of internal trails to correspond with the centerline length of streets – including street created by #1 above.
4. Compliance with the recommendations of the City Engineer, City Attorney and those of the Valley Branch Watershed District and Washington County found by the City to be reasonable and proper.

Staff also recommends that the 85 foot setback from the illustrative structure pad on Lot 1, Block 1 be approved by a "4/5 variance" as prescribed by the OP Ordinance.

**Planning Commission Actions Requested:**

Motion to recommend approval of the OP Concept Plan of Whistling Valley Phase II per plans staff dated January 22, 2004, based on the Findings, and subject to the conditions specified by the Planning Staff Report of January 22, 2004.



Charles E. Dillerud, City Planner

**Attachments:**

1. Location Map
2. Washington County Review Letter
3. Valley Branch Review
4. Applicant's Documentation



**WASHINGTON COUNTY**  
**DEPARTMENT OF TRANSPORTATION**  
**& PHYSICAL DEVELOPMENT**  
11660 MYERON ROAD NORTH - STILLWATER, MINNESOTA 55082-9673  
651-430-4300 Facsimile Machine 651-430-4350

Donald C. Wierlewski, P.E.  
Director

Donald J. Thelsen, P.E.  
County Engineer/Deputy Director

James D. Luger, RLA  
Parks Director

Virginia S. Chace  
Administrative Services Division Manager

Michael J. Walling, PLS  
County Surveyor

Marvin Erickson  
Facilities Manager

January 9, 2004

Chuck Dillerud  
City Planner  
City of Lake Elmo  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042

**WHISTLING VALLEY 2<sup>ND</sup> ADDITION- ADJACENT TO WASHINGTON COUNTY STATE AID HIGHWAYS 10 (10<sup>TH</sup> STREET NORTH; CSAH 10) AND 19 (KEATS AVENUE NORTH; CSAH 19) AND LAKE ELMO PARK RESERVE, SECTION 26, TOWNSHIP 29 NORTH, RANGE 21 WEST**

Dear Mr. Dillerud:

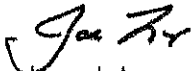
We have reviewed the concept plan of Whistling Valley 2<sup>nd</sup> Addition and have the following comments:

- The emergency access to Keats Avenue via Outlot D is unacceptable and will not be allowed. All rights of access along the east line of the subject property were deeded to Washington County in 1989. An exception was reserved at that time on the northerly 20 feet of the property for an easement for equestrian and pedestrian access but that reservation expired in 1992 because the easement was not conveyed to a public body or a horse owners group.
- Development adjacent to minor arterial highways, especially development with direct access to the arterial, creates travel demand that may eventually require expansion of the highway. We request dedication of additional right of way, for a total right of way width, measured from the south line of Section 26, of 92 feet. If the additional right of way is not platted, we will not issue an access permit for the proposed street.
- We would prefer a street system that could serve the development without direct access to CSAH 10. However, the proposed street access to CSAH 10 does meet our access spacing standards. We will issue a permit for it if: (1) right of way is dedicated, as discussed above, (2) a right-turn lane for westbound traffic and a bypass lane for eastbound traffic are constructed. We will provide geometric and pavement design criteria to the developer as part of the permit application review. (3) The proposed median may not exceed 20 feet in width and may not be located in County right of way. Lane configurations must be approved by the County Transportation Engineer.
- We cannot allow the trail extension into the Lake Elmo Regional Park that is shown through Outlot E. We would support a trail connection that intersects with the existing trail on the west side of Keats Avenue at a "T". The approval of the Parks and Open Space Commission would be required to make this connection. We would also need the approval of the County Board, since this is an access-controlled right of way.
- Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise

Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds. County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.

Please call me at 651-430-4312 if you have questions or comments. Questions on creating a connection to our trail system should be directed to John Elholm, Senior Parks Planner, at 651-430-4303.

Sincerely,



Joseph Lux  
Senior Transportation Planner

C: William McCully, Rehbein Companies  
Jim Luger, Washington County Parks Director  
John Elholm, Washington County Senior Parks Planner  
Mike Welling, Washington County Surveyor



January 21, 2004

Mr. Chuck Dillerud  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

**Re: Whistling Valley Phase II**

Dear Mr. Dillerud:

Thank you for submitting the concept plan for the Whistling Valley Phase II. On behalf of the Valley Branch Watershed District (VBWD), I have reviewed the information and this letter provides my preliminary comments. Because the project will require a VBWD permit, I will review the project more thoroughly once a VBWD permit application is submitted.

**Background**

The project site lies northeast of the north lobe of Goose Lake (the basin north of 10<sup>th</sup> Street North) and is within the Goose Lake and Eagle Point Lake watersheds.

**Water Quality**

Goose Lake has no public access, the lake is shallow (about 7.2 feet deep at the south lobe and 5.9 feet at the north lobe), and the lake's water chemistry data does not meet the VBWD draft guidelines to support fishing. 2003 VBWD water quality sampling of the north lobe of Goose Lake indicates an average summer Secchi disc transparency depth (the depth seen into the water) was only one foot. Total phosphorus and chlorophyll a concentrations of the water samples collected from the north lobe of Goose Lake were also higher than that VBWD draft guidelines for fishable water bodies.

The water quality of Eagle Point Lake varies, but in general, it is poor. It is also a shallow lake, and the historic water quality has not usually met the draft VBWD goals for fishable water bodies. The lake's average summertime Secchi disc transparencies are usually less than 2.3 feet, and the average summertime total phosphorus and chlorophyll a concentrations are typically quite high.

**Water Quantity**

The proposed development is well above the 100-year flood level of Goose Lake and Eagle Point Lake.

**Groundwater**

The development might lie within the groundwatershed of Valley Creek, a trout stream in Afton. The VBWD, Washington County, the Cities of Woodbury and Afton, and others are

currently developing a groundwater model of the area as part of a Legislative Commission on Minnesota Resources (LCMR) grant. The project will not only determine if proposed Woodbury municipal wells will impact Valley Creek, but it will also determine the long-term sustainability of the groundwater supply in the area.

### Concept Plan

The proposed concept plan appears to include some low-impact development techniques. Reducing impervious surfaces and encouraging infiltration practices will protect Goose Lake, Eagle Point Lake, and all water bodies from negative water quality impacts and "flashy" inflows. Infiltration will also recharge groundwater, which is needed to sustain a drinking water supply and support groundwater-dependent natural resources.

The plans appear to include quite a bit of good landscaping techniques that will encourage infiltration. The following techniques could be used to further reduce impervious surfaces on the site:

- Constructing narrower streets. The plans appear to show 24-foot wide streets. Reducing the street width from 34 feet to 22 feet (similar to the Fields of St. Croix development) would eliminate over 7,000 square feet of impervious surfaces.
- Reducing the width and/or changing the trail materials. The current proposal indicates that 6-foot wide paved trails with one-foot wide aggregate shoulders are planned. Since 3,484 feet of trail are proposed, reducing the width of the trail by just a small amount could reduce the amount of impervious surface by a fair amount. An alternative would be to change the trail material to porous pavement. The site's developer, Glenn Rehbein Companies, has quite a bit of experience with porous pavement. An example of a nearby parking lot with porous pavement is the Schmelz Countryside Volkswagen parking lot south of Highway 36 and east of the car dealership, in Maplewood.
- Requiring narrow driveways and/or porous pavement driveways.

Practices that would encourage more infiltration on this site include:

- X Constructing the site so that compaction in pervious areas is prevented
- X Requiring loosening of soils to a depth of 24 inches to a maximum compaction of 85% standard proctor density and tilling the upper 10 inches of soils prior to planting
- X Directing roof drains to pervious areas
- X Using pervious areas for snow storage
- X Planting trees that at maturity will canopy over at least 50% of the impervious surfaces
- X Planting deep-rooted trees, shrubs, wildflowers, and grasses in at least 25% of the project's green space

### Wetland Issues

The concept plans show impacts to wetlands and a proposed replacement site. The VBWD is the Local Government Unit responsible for administering the Wetland Conservation Act (WCA). The developer will need to follow all of the rules and regulations spelled in the WCA, and submit all of the necessary documentation. The VBWD will then review the information, forward the information to the appropriate agencies for comments, and ensure the proposal conforms to the WCA and other VBWD wetland rules and regulations.

The intent of the WCA is to avoid wetland impacts. Since the concept plans show wetland impacts, the developer will need to explain why the impacts must occur and how the impacts have been minimized. Any projects with wetland impacts take a minimum of five weeks from the time a complete permit

application is submitted until a permit can be obtained. All developers proposing wetland impacts are strongly encouraged to meet with a Barr Engineering Company wetland scientist and me before a VBWD permit is submitted.

The VBWD has not approved the wetland delineations conducted on the site.

**Permit Requirements**

The proposed project will require a permit from the VBWD. The landowner should submit a complete permit application packet to me. Permit application material can be obtained from the District's website, [www.vbwd.org](http://www.vbwd.org), or from me. Once a complete VBWD permit application is submitted, I will review the project for conformance to the District's rules and regulations, including:

- Stormwater rates
- Water quality treatment
- Flood levels and minimum floor elevations
- Wetland delineations and protection
- Erosion controls
- Potential downstream impacts

If you have any questions, please contact me at 952-832-2622.

Sincerely,

John P. Hanson, P.E.  
BARR ENGINEERING COMPANY  
Engineers for the District

c: David Bucheck, VBWD President  
William McCully, Glenn Rehbein Companies

# 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

January 9, 2004

Planning Commission Members  
City of Lake Elmo, Minnesota

Re: Concept Plan Review  
Whistling Valley 2nd Addition  
City of Lake Elmo, Minnesota  
TKDA Commission No. 11979-041

Dear Planning Commission Members:

I have reviewed the Concept Plan dated January 5, 2004, and have the following comments:

### *Streets:*

The turn-around feature at the north end of the plat has too tight of a radius for our snow plow equipment to operate. The turn-around should maintain the curvature shown in the City's standard cul-de-sac detail.

The traffic divider at Outlot G is somewhat cumbersome for larger vehicles and school buses. It may also be confusing for drivers. I would recommend a redesign of this divider. This might be a suitable location for a full roundabout. A long landscaped median, similar to the one at the entrance to the Project, could also be a nice feature.

The entrance road requires removing a wetland. Rather than mitigation, I would recommend redesigning the road to miss the wetland.

There is another small wetland near Lot 1, Block 5, which is in the roadway. In order to maximize open space and still have normally configured lots, it appears that this wetland will need to be mitigated.

Extension of the existing road in the 1st Addition will require platting of additional right-of way.

An entrance permit is needed from Washington County for the new street.

### *Septic Systems:*

A community wetland treatment system is proposed. A modification to the existing MPCA permit for Whistling Valley will be required because the new system is proposed to be within one mile of the existing system.

***Grading:***

The berm on Outlot B covers an existing wetland. This should be avoided. A series of rainwater gardens is proposed to reduce runoff prior to runoff entering the Regional Park via an existing drainageway. This will need to be carefully designed and constructed in order to work properly.

I would like to see the entire roadway drained to the low spot near Outlot D, so that all of the street runoff can flow thorough all of the rainwater gardens.

***Trails:***

The trail on Outlot E may not be allowed to cross into the Regional Park. In the past they have not allowed formal trail entrances into the park. It might be acceptable to them to connect to the trail along the entrance road, directly east of the Outlot.

A trail on Outlot D would serve both as a connection to the Regional Park entrance trail, and as a formal emergency entrance. This would also need approval by the Regional Park.

Sincerely,

Thomas D. Prew, P. E.  
City Engineer

TDP:art


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|--|--|----------------------|
| <b>Lake Elmo<br/>City Council<br/>February 3,<br/>2004</b> | <b>Agenda Section: Planning, Land Use &amp; Zoning</b> | <b><u>No.</u> 9B</b> |
|--|--|----------------------|

**Agenda Item:** 2004 CDBG Project – Community Improvement Commission

**Background Information for February 3, 2004:**

As its first recommendation to the City Council the new Community Improvement Commission has reviewed potential CDBG eligible projects that could be applied to the Cimarron Neighborhood – as Lake Elmo’s largest and most important affordable housing resource. The Committee has unanimously 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). 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 – hopefully not. The Commission also recommends 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.

Since the 2004 CDBG application was required to be submitted prior to the Committee having an opportunity to finalize its recommendation to the Council, staff has submitted an application in those terms to comply with the County’s application deadline. When the City has previously officially allocated the \$10,000 to a Cimarron project, it is necessary to officially adopt a Resolution regarding the 2004 component of the project – a copy of which will be provided the Council on February 2.

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| <p><b><u>Action items:</u></b><br/>Motion to adopt Resolution #2004 – approving the City’s 2002 CDBG application.</p> | <p><b><u>Person responsible:</u></b><br/><br/>City Planner/Council Member Johnston</p> |
| <p><b><u>Attachments:</u></b><br/>1. January 7, 2004 Community Improvement Commission Minutes</p>                     | <p><b><u>Time Allocated:</u></b></p>   |

City of Lake Elmo  
Community Improvement Commission meeting  
January 7, 2004

- I. The meeting was called to order at 7:00 PM by temporary chair Debbie Lyzenga.  
Members present: Debbie Lyzenga, Gary Rieder, Anne Smith, and Joan Ziertman  
Members absent: Stacy Howieson
- II. The Agenda was approved by a vote of 4-0.
- III. The minutes from the 2004-12-10 were approved after amending the date for the second meeting. Approved 4-0.
- IV. Selection of Chair and Vice-Chair. Debbie Lyzenga was nominated and approved as Chair by a vote of 4-0. Anne Smith was nominated and approved as Vice-Chair by a vote of 4-0.
- V. A. Community Development Block Grant  
Chuck Dillerud reviewed the results that he has done since our last meeting. He has requested quotes to determine the cost of evaluating the cost of the non-copper natural gas lines at Cimarron. The quotes have not been received; however, it appears that the current funding of \$10,000. will be required. The deadline for the application for the 2004 CDG is January 14.  
A motion was made to recommend that he 2004 CDBG application be written for the evaluation and correction of defective gas lines at Cimarron. Motion passed 4-0.  
B. Immediate Safety Concern regarding passing on the right on Highway 5 near Fields of St Croix I, Fields of St. Croix II, and 50<sup>th</sup> street. Motion was made to recommend to City Staff to request stronger enforcement at these three intersections from 4:00 PM to 6:00 PM on weekdays. Motion passed 4-0.
- VI. Future work plan. There was a broad discussion that included the status of the library, the new city hall, and youth activities including swimming, an athletic association, and a community center. It was agreed that more information was needed prior to taking any action on these subjects. NOTE: The next facilities committee meeting will be held Wednesday January 28.
- VII. Motion to adjourn was approved 4-0 at 8:00 PM.

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| <b>Lake Elmo<br/>City Council<br/>February 3,<br/>2004</b> | <b>Agenda Section: City Administrators Report</b> | <b>No. 11A</b> |
|--|---|----------------|

**Agenda Item:** Fire Department Officer Selection

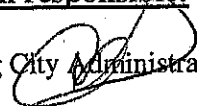
**Background Information for February 2, 2004:**

On December 2, 2003 the Council considered and 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 City 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 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. Since it had been earlier determined that those department By-laws are superceded by City Code as to City employee selection process, it was my understanding that the By-law amendment vote by the department staff was only “advisory” in nature, and does not bind the City Council, or modify Section 200 of the City Code in any manner.

I have been advised by Chief Malmquist 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 officer selection procedure – departmental election of officers remains in the department By-laws.

**(Fire Department Officers – Continued on Page 2)**

|   |  |
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| <p><b><u>Action items:</u></b><br/>Motion(s) of direction to the Acting City Administrator regarding Fire Department officer selection, with the following options:</p> <ol style="list-style-type: none"> <li>1. To direct Fire Department officer selections in compliance with the terms of Section 200.02 of the City Code</li> <li>2. To direct Fire Department officer selections by new City Policy proposed by the Fire Chief</li> <li>3. To direct Fire Department officer selections in the manner prescribed by Fire Department By-law (Departmental elections)</li> </ol> | <p><b><u>Person responsible:</u></b><br/>Acting City Administrator</p>  |
| <p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Council Minutes of December 2, 2003</li> <li>2. Chief's Policy Recommendation</li> <li>3. Acting Administrator's Memo to the Department</li> </ol>  | <p><b><u>Time Allocated:</u></b></p>   |



**(Fire Department Officers – Continued from Page 1)**

I am also advised that no Notice of Officer Elections, as required by the Fire Department By-laws, was posted, so no elections could take place on January 20 for officer terms that expired per the By-laws January 31, 2004. Following consultation with the City Attorney on this matter, I directed the attached Memo be posted at both Fire Stations as to the status of department officers.

As far as I am concerned, the Memo settles the question of officer tenure for now. There is no "emergency" in that regard. We may still have the Fire Department staff majority (at least the majority of those that voted on the By-law amendment) now planning on an election for officers in the near future based on By-laws that have no legal basis if they conflict with the City Code.

I continue to believe the fire department should not be subjected to the "political" turmoil that periodic officer election brings on. Fire department supervision and leadership should not be related to the popularity of its leaders/supervisors, but rather to experience, training and leadership ability. I also believe that the best way to assure those qualities in department officers is to carefully screen candidates, and make the appointments permanent, unless the Council decides to terminate an officer for cause, based on the recommendation of the City Administrator – just like would be the case with any other City supervisor.

The procedure proposed to the Council on December 2 would accomplish that end. In retrospect, however, they may not need to be a new Department or City Policy at all. Section 200.02, Subdivision 4C of the City Code clearly states that the City Administrator's duties include:

**"Supervises and manages the administration of all departments, offices and divisions of the City except as otherwise provided by law..."**

Note the words "all" (which includes the Fire Department) and "law" (which is not the same as Fire Department "By-laws").

Subdivision 5A and B of Section 200.02 provide that the City Administrator:

**"A. Acts as personnel officer, and is responsible for implementation of City personnel policies with the authority to effectively recommend employment, discipline, or removal of City employees for Council action.**

**B. Develops and issues all administrative rules, regulations and procedures necessary to ensure the proper functioning of all City departments, offices, and divisions as permitted by law and Council approval."**

I read no exceptions to the words "all departments" here either, nor any reference to exceptions resulting from Fire Department By-laws.



# LAKE ELMO FIRE DEPARTMENT POLICY

POLICY # 03-003

TITLE: HIRING OF OFFICERS - DRAFT

Effective January 1, 2004, the Lake Elmo Fire Department will no longer select Officers by election. Officers shall be appointed, based on qualifications, as stated in the Fire Department Policy, per the following procedure:

## **CHIEF**

Applications for the position of Fire Chief shall be reviewed and a selection made by a panel consisting of City Administrator, one member of the City Council and three Fire Chiefs from neighboring departments. Once selected, the Fire Chief shall be a member of the selection panel. Upon selection, the panel shall make a recommendation for hiring to the City Council.

**ASSISTANT CHIEFS** Applications for the position of Assistant Fire Chief shall be reviewed and a selection made by the panel as described above, including the Fire Chief. Upon selection, the panel shall make a recommendation for hiring to the City Council.

Upon completion of the Fire Chief and Assistant Chiefs selection, the duties of the hiring panel are complete. The selection of Captains will be done by the Chief Officers of the department.

## **CAPTAINS**

Applications for the position of Captain shall be reviewed and a selection made by the Chief Officers of the department. Upon selection, the Chief Officers shall make a recommendation for hiring to the City Council.

The application and selection process for the positions of Chief, Assistant Chief and Captains shall all be based on the applicant's ability to meet the requirements of the positions job description. As well as the applicants resume and interview.

Performance reviews shall be conducted annually for each position by the immediate supervisor.

UPON ADOPTION OF THIS DOCUMENT BY THE LAKE ELMO CITY COUNCIL,  
THE ELECTION PROCESS FOR FIRE DEPARTMENT OFFICERS SHALL BE STRIKEN  
FROM THE BYLAWS.

**MEMO**  
(January 27, 2004)

To: All Lake Elmo Fire Department Officers and Firefighters

From: Chuck Dillerud, Acting City Administrator

Subject: Elections/Officer Selection Process/Officer Tenure

I have been advised of the outcomes of the Fire Department Membership meeting of January 20, as follows:

1. The Membership voted to not amend the By-laws regarding the election of Officers.
2. The election for the several Officer positions with terms expiring January 31, 2004 was postponed due to improper Notice of the Election.

Based consultation with the City Attorney on the matters of Fire Department By-laws and election of Officers, I have concluded as follows:

1. The provisions of the City Code supercede and override any internal By-laws or Policy of any City department where the two may conflict – including the Fire Department..
2. All Fire Fighters and Officers of the Fire Department are City Employees, appointed by the City Council upon the recommendation of the City Administrator.

The City Council's 2003 decision to table consideration of a new process for selecting Fire Department Officers for appointment confirmation by the City Council was to allow Fire Department employees an opportunity address the appointment process proposed by Chief Malmquist through the By-law amendment process. It was (and remains) my understanding that this By-law amendment vote was "advisory" only, and not in any manner binding on the City Administrator or City Council.

It is my intention to now place the matter of Fire Department Officer selection for recommendation to the City Council for appointment back on the City Council Agenda for continued consideration. I will continue with my recommendation that the departmental election of Officers be discontinued; and, replaced with a process similar to that employed in the selection of other City staff members. Until that new process has approved by the City Council, all current Department Officers will continue to serve in their present positions.

M/S/P Johnston/Siedow – adopt Resolution No. 2003-100, A Resolution Adopting the 2004 General Fund Budget in the Amount of \$2,491,589.00. (Motion passed 5-0).

6. NEW BUSINESS:

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Fire Dept: Update, Grass Rig Purchase

The Maintenance Advisory Committee adopted a recommendation that the City proceed with the purchase of a replacement grass rig for Fire Department service. Both staff and the MAC recommend that the Council approve the purchase of the new grass rig as the following comments:

1. Chassis, Bed/Winch, Radio – State Contract = \$31,859.63
2. Bed rigging and equipment – Foreman Fire = \$45,744.40
3. Graphics – Grafix Shoppe = 400.00  
\$78,033.63

MAC also recommends that the present grass rig be sold to another department. This will close the gap to the CIP number even more.

M/S/P Johnston/DeLapp - to direct the staff to initiate the purchase of a replacement grass rig for the Fire Department at a total gross cost of \$78,033.63 based on the State Purchasing Contract, and bids by Foreman Fire Equipment and the Grafix Shoppe. Further that the Fire Chief be directed to coordinate the public sale of the 1985 grass rig by the appropriate process. (Motion passed 5-0).

B. Modifications to election of Officers for Fire Department

The process/procedure by which the Fire Chief, Assistant Fire Chiefs, and Fire Captains are selected has been addressed briefly by department, Council and City Administration several times in recent years. The department elected their officers by an internal process, with little input or involvement by City Administration or the City Council—beyond confirmation of the election results.

Chief Malmquist indicated that he and the majority of the department believe the time has arrived to take a step toward enhancing the professional structure of the department by replacing the election of fire department leadership and management with City Council appointment, based solely on candidate qualifications, as is the practice with other City operating departments, and as the City Code (Chapter 200) specifies for all City employees. The Chief prepared a draft policy describing how the new process would function.

Council member Johnston asked why we have to have two different procedures in hiring for the City. The Fire Chief said Lake Elmo has the only department that has elections. The hiring would be done from the inside. Johnston suggested as a substitute for the proposal adopt a common policy for hiring and promotion policy for the City.

The Acting Administrator stated the Council does all the hiring and appointing and the City Administrator does the recommendations. There is more accountability because these appointments will have annual reviews.

Council member Dunn asked that the appropriate language be added; such as inserting the word "review" and replace "hired" with "appointed".

M/S/ Johnston/DeLapp – to approve the Lake Elmo Fire Department Policy for Hiring of Officers with discussed rewritten wording.

Attorney Filla indicated the Fire Department By-Laws would need to be changed if policy is changed. The amendment is approved by the City Council and 2/3<sup>rd</sup> majority of the Fire Department called for that purpose by 27 days notice. Filla will draft a written format for a bylaw change and bring to a future meeting for approval.

M/S/P Johnston/DeLapp – to table the motion until the next Council meeting and the Acting Administrator will proceed ahead with the Fire Chief's assistance. (Motion passed 5-0).

Council member Dunn added that it is important that everyone is in concert with this because it is a big change to a current structure.

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

Update on Hill Trail Reconstruction. He is still working with the Acting Administrator on the drainage and will be getting a survey.

Highlands Trail: The City is waiting until we get the speed trailer.

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

##### **A. PUBLIC Hearing: Resolution No. 2003-096: Section 520 Site Plan and Variance – River Valley Christian Church**

At its November 10, 2003 meeting, the Planning Commission adopted a recommendation for approval of this application to expand the existing church parking area by 30 stalls. The applicants testified that the expansion is primarily to accommodate parking for special events when parking along Lake Elmo Avenue otherwise results. Prior to the meeting, but late for legal notice, the City Attorney advised staff that a variance from the Public Facilities buffer standard would be necessary if the expanded parking area is to be constructed as applied for. Since this parcel is just over a 5 acre buffer size threshold, a 100 foot buffer is required by the PF standards. That standard is met to the west, but is not met to the south (nor does the current parking area).

A Public Hearing notice was published on this matter before the City Council on December 2<sup>nd</sup>. While Staff did reference the buffer issue in the Planning Staff Report, he did not believe it to be a variance issue. The Commission made the observation that the power lines and towers passing through and south of this site tend to create a buffer that is as effective as anything the City would require.