

<b>Mayor:</b> Lee Hunt <b>Councilmembers:</b> Steve DeLapp Susan Dunn Dean Johnston Chuck Siedow	<h1>Lake Elmo City Council</h1> <h2>Tuesday</h2> <h3>April 6, 2004</h3>	3800 Laverne Avenue No. Lake Elmo, MN 55042 777-5510 777-9615 (fax)
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**Please read:** Since the City Council does not have time to discuss every point presented, it may appear that decisions are preconceived. However, staff provides background information to the City Council on each agenda item in advance; and decisions are based on this information and experience. In addition, some items may have been discussed at previous council meetings.

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

## Agenda

### City Council Meeting Convenes 7:00 PM

<b>Pledge of Allegiance</b>	
<b>1. Agenda</b>	
<b>2. Minutes</b>	March 16, 2004 (Postponed)
<b>3. PUBLIC INQUIRIES/INFORMATIONAL:</b> <b>A. PUBLIC INQUIRIES:</b> <b>B.</b>	<b>Public Inquiries/Informational</b> is an opportunity for citizens to bring the Council's attention any items not currently on the agenda. In addressing the Council, please state your name and address for the record, and a brief summary of the specific item being addressed to the Council. To allow adequate time for each person wishing to address the Council, we ask that individuals limit their comments to three (3) minutes. Written documents may be distributed to the Council prior to the meeting or as bench copies, to allow a more timely presentation.
<b>4. CONSENT AGENDA</b> <b>A. New Tractor Purchase</b> <b>B. Resolution No. 2004-028 Garage Location Waiver – Bill/Pat Hagberg, 3060 Lake Elmo Avenue</b> <b>C. Resolution No. 2004-030 Approving Claims</b>	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.
<b>5. FINANCE</b> <b>A. Clean Up Day</b> <b>B. Resolution No. 2004-029 Water Fund Rate Recommendation</b>	
<b>6. NEW BUSINESS</b>	

<p><b>7. <u>MAINTENANCE/PARK/FIRE/BUILDING:</u></b></p> <p><b>A. Parks Dept.:</b></p> <p>    (1) Seasonal Help,</p> <p>    (2) VFW Ball Field Lights</p> <p><b>B. Update on Fire Dept. Activities: Chief Malmquist</b></p> <p><b>C. Building Department Vehicle Purchase</b></p>	
<p><b>8. <u>CITY ENGINEER'S REPORT:</u></b></p> <p><b>A. Received Quotes for 34<sup>th</sup> Street Lift Station</b></p>	<p>Tom Prew</p>
<p><b>9. <u>PLANNING, LAND USE &amp; ZONING:</u></b></p> <p><b>A. Resolution No. 2004-026 - Site Plan Amendment and Temporary Office – Hiner Development</b></p> <p><b>B. Resolution No. 2004-027 - Zoning Variance – Eisele, 11094 35th Street</b></p> <p><b>C. Amendment of Zoning Ordinance Fence Standards</b></p> <p><b>D. Cimarron CDBG Project – Vendor Selection</b></p> <p><b>E. Ordinance No. 97-127 - Old Village Development Moratorium</b></p> <p><b>F. Water Service and Fire Sprinklers - Prairie Ridge Office Park</b></p>	<p>C. Dillerud</p>
<p><b>10. <u>CITY ATTORNEY'S REPORT:</u></b></p>	
<p><b>11. <u>CITY ADMINISTRATOR'S REPORT:</u></b></p> <p><b>A. Seminar Attendance – City Planner</b></p> <p><b>B. Countywide Assessment</b></p> <p><b>C. City Administrator Recruitment</b></p>	
<p><b>12. <u>CITY COUNCIL REPORTS:</u></b></p> <p><b>A. Mayor Hunt</b></p> <p><b>B. Council Member DeLapp</b></p> <p><b>C. Council Member Dunn</b></p> <p><b>D. Council Member Johnston</b></p> <p><b>E. Council Member Siedow</b></p>	
<p><b><u>Code Enforcement Workshop,</u></b>  <b>Council and Staff,</b>  <b>April 13, 4:30 p.m.</b></p> <p><b><u>Community Improvement</u></b>  <b>Commission, April 14, 7 p.m.</b></p> <p><b><u>Environmental Commission,</u></b>  <b>April 21, 7 p.m.</b></p>	<p><b>BOARD OF REVIEW: May 7, 4-6 p.m.</b></p>

**TO: Lake Elmo City Council**

**FROM: Sharon Lumby, Deputy Clerk**

**SUBJECT: March 16, 2004 City Council Minutes**

**Due to a "use it or lose it" situation, I enjoyed a long, relaxing vacation, Consequently, I am unable to provide you with a DRAFT copy of the above minutes. The March 16<sup>th</sup> minutes will be submitted for your approval at the April 20<sup>th</sup> council meeting.**

MINUTES APPROVED: MARCH 16, 2004  
LAKE ELMO CITY COUNCIL MINUTES

MARCH 1, 2004

1. AGENDA
2. MINUTES: February 17, 2004
3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. Public Inquiries - None
  - B. Lake Elmo Jaycees Charitable Gambling License Renewal: Resolution No. 2004-018
  - C. Request from Lake Elmo Curves Owner
4. CONSENT AGENDA:
  - A. Resolution No. 2004-019 Approving Claims
5. FINANCE:
  - A. Software/Server Upgrade
  - B. Storm Water Utility First Billing
  - C. Code Enforcement on Fence located on Marquess
  - D. Role of the Council
  - E. Council Direction to Planning Commission Regarding Solid Fences
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Update on Fire Dept. Chief Malmquist -- Not In Attendance
8. CITY ENGINEER'S REPORT:
  - A. Public Hearing: 2004 Overlay Project: Resolution 2004-020 Authorize Preparation of Plans and Specifications
  - A. Proposed Annexation of Manning Trail
9. PLANNING, LAND USE & ZONING:
  - A. Prairie Ridge Office Park Building Permit: Resolution No. 2004-021
10. CITY ATTORNEY'S REPORT:
  - A. Hazardous Structure on 37<sup>th</sup> Street
11. CITY ADMINISTRATOR'S REPORT:
12. CITY COUNCIL REPORTS:

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

**1. AGENDA**

M/S/P Johnston/DeLapp - to approve the March 1, 2004 City Council agenda, as amended. (Motion passed 5-0).

C. Code enforcement on fence located on Marquess, D. Role of the Council: oversight in preventing these problems in the future, E. Direction to the Planning Commission regarding solid fences. Move 9A to 3E, Add: Marilyn Condon workshop, 3C. Request from Lake Elmo Curves for temporary sign.

2. **MINUTES:** February 17, 2004  
M/S/P Siedow/Johnston - to approve the February 17, 2004 City Council minutes, as corrected. (Motion passed 5-0).

3. **PUBLIC INQUIRIES/INFORMATIONAL:**

A. Public Inquiries - None

B. Lake Elmo Jaycees Charitable Gambling License Renewal:

Resolution No. 2004-018

The Lake Elmo Jaycees requested renewal of its Lawful Gambling License. The Jaycees operate its lawful gambling at the Twin Point Tavern located at 11199 Stillwater Blvd..

M/S/P DeLapp/Dunn - to adopt Resolution No. 2004-018, A Resolution Granting Permission to the Lake Elmo Jaycees to Conduct Charitable Gambling at the Twin Point Tavern. (Motion passed 5-0).

C. Request from Lake Elmo Curves Owner

Mayor Hunt reported the owner of Lake Elmo Curves, 11240 Stillwater Blvd., is requesting permission to place a reader board sign in front of the building from March 3 -- March 15, 2004. Per the owner, the City has allowed her to do this in the past, approximately 3-4 times in 2003. The reader board is to announce a promotion called "Food for Friends" which waives the service fees for new members if they bring in a bag of groceries or a \$25 donation for the local foods shelves. The Building Official approved the permit; however, in the absence of the City Planner, the Council must also approve the permit.

M/S/P Dunn/DeLapp - to grant a temporary advertising sign from March 3-15, 2004 to be placed in front of the building at 11240 Stillwater Blvd., provided there is no safety siting problems. (Motion passed 5-0.)

4. **CONSENT AGENDA:**

A. Resolution No. 2004-019 Approving Claims

Claim of \$90 for Johnson Construction Storage Rental-Fire Dept.

Council member Johnston asked if this is an approved storage facility or are we supporting something that is illegal. Council member DeLapp asked that this \$90 claim for Johnson Construction Storage Rental-Fire Dept. be pulled from the claim list until the Council gets the information and the Acting Administrator can be in attendance.

M/S/P Dunn/Siedow - to adopt Resolution No. 2004-019 for claim numbers 189, 190, DD113 through DD117, 25209 through 25223 that were used for Staff payroll dated February 19, 2004 and claim numbers 25224 through 25263 dated March 1, 2004 in the total amount of \$83,991.48. (Motion passed 5-0)

## 5. FINANCE:

### A. Software/Server Upgrades

Bill Keran, Vice President of Next Genesis Productions, reported following a series of outside hacking incidences and virus issues with the City's circa 2000 computer server and fire wall software during 2003, staff has requested a proposal from our computer service firm to upgrade our server, operating software and fire wall software. Staff recommended that the server software upgrades proposed be acquired. While the total purchase price, \$17,459 is less than the threshold for City Council purchase approval, the use of a single source vendor for this purchase should be approved by the City Council.

M/S/P DeLapp/Dunn - to approve purchase and installation of updated computer software and computer server from Next Genesis Productions per their proposal of January 2, 2004 for a total purchase price of \$17,459. (Motion passed 5-0).

### B. Storm Water Utility First Billing

The Surface Water Utility billing system is ready to activate and the first invoices to property owners (for the 2003 Surface Water fees) will be mailed the first week of March. A draft letter to all property owners that would be included with the first invoice was provided for council consideration. Mayor Hunt said he will sign the letter if the following wording is added "On behalf of the entire City Council and the City of Lake Elmo".

M/S/P Johnston/Siedow - to approve the letter insert to the initial Surface Water Utility billing, as amended, Add: "On Behalf of the entire City Council and the City of Lake Elmo". (Motion passed 5-0).

### C. Code Enforcement On Fence Located on Marquess :

Council Member Johnston brought up the enforcement issue on 6' tall opaque fences. He said it was clear to him that we don't want 6' opaque fences in the City so he sees no reason why we don't enforce our fence ordinance and should give that direction to staff. The Planning Commission is looking where they want the city to go and sees nothing that would not make this action unnecessary.

Mayor Hunt stated if the Council is going to take action then the parties involved that appeared before us should be notified. Council member Johnston said there may be more than one fence that is not conforming, and we should take a step to the enforcement issue and direct staff to take enforcement action. Council member DeLapp noted the city should at least notify the people that they have an illegal fence.

Attorney Filla explained the typical code enforcement procedure is that a letter goes out indicating the violation and what they need to do, and if not complied with within a reasonable amount of time, then a citation will be sent. Mayor Hunt said the message passed along to the Planning Commission is that it is the Councils intent to deal with this on the March 16 council agenda and if they have any comments pass them to the administrator or ask the Chairman to appear at the meeting and listen to what the Council is discussing.

Attorney Filla asked, to be clear, the direction is for staff not to suspend fence height violations until the 16<sup>th</sup>, and we are going to wait until both parties involved in Carriage Station are notified. Staff will proceed and issue letters to property owners with nonconforming fences.

M/S/P Johnston/Siedow – to place the question of code enforcement on fence height city wide, including Carriage Station, on the March 16 Council agenda. (Motion passed 5-0.)

Council member Johnston said it seemed reasonable to him that the Building Official would go out and look at the fences in Carriage Station and determine which ones are nonconforming and advise those property owners this will be a discussion topic at the March 16 meeting.

Mayor Hunt suggested holding an enforcement workshop with the Building Official, Acting City Administrator, Washington County Deputy and Attorney Filla to talk about how the Council want items investigated and the code enforced. This could possibly be discussed at the Marilyn Condon workshop.

D. Role of the Council: Oversight and Preventing Problems in the Future:

Council member Johnston explained in his opinion the problem facing the council is balancing micromanaging versus its responsibility for oversight. He said one of the reasons this fence issue has become a problem is the homeowner, whose fence is in question, maintains he had consulted with the city and told by city staff that the fence was okay to build. This is not the first time that those kinds of claims were made to the City. Johnston raised the questions if these claims get documented, followed up on, investigated, and if they are accumulated for performance reviews? He asked what happens when we get this kind of problem and how do we keep it from happening again.

Mayor Hunt stated we could bring these questions up to the City Administrator. Johnston added based on what the homeowner has provided the Council in writing, a City official was on the site at least three different times and is a good example for troubleshooting the process. Mayor Hunt responded that now we have a fence permit process, and we will not have problems any more.

Council member DeLapp stated we should go back and get code compliance enforcement. He pointed out the city has a strict code on driveways, and there are driveways put in without permits and totally outside of city specs. This item would be placed on the agenda for the code enforcement workshop.

E. Council Direction to Planning Commission Regarding Solid Fences:

Council member Johnston said the current code talks about no solid fences that are over 4' high. He read the Planning Commission minutes where they are now considering 6' opaque fences. He asked if the Council wanted opaque fences 6 feet high and if so pass this along to the Commission. Council member Siedow said we should not have a one size fence fits all...a 2.5 acre lot could have a larger fence and a three-quarter of an acre

should have a smaller fence. Council member DeLapp said there should be consideration when some time these fences screen garbage cans, play areas, businesses when trees cannot do the screening right away. Could we allow exceptions to the rule? Dunn said fences should fit the size lots.

Mayor Hunt said we should set general guidelines, but he would not say no to 6' fences because the City should consider lot size and configuration. He would like to see the Planning Commission comments.

M/S/P DeLapp/Johnston – to give direction to the Planning Commission as they are considering fence heights and opaqueness, they should consider the size of a fence and how it fits into the various lot sizes, as a form of performance zoning, ....when is a fence a barrier or a screen. (Motion passed 5-0.)

**6. NEW BUSINESS:**

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

A. Update on Fire Dept. Chief Malmquist - Not In Attendance

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

A. Public Hearing: 2004 Overlay Project: Resolution 2004-020 Authorize Preparation of Plans and Specifications

At the February 17<sup>th</sup> meeting, the Council accepted the Feasibility Report and ordered a public hearing for the 2004 Overlay Project. The public hearing was published in the Stillwater Gazette and hearing notices were mailed to the affected property owners.

The City Engineer gave a brief summary of the 2004 Overlay Project.

Mayor Hunt opened up the Public Hearing at 8:05 pm  
There were no comments on this issue.  
Mayor Hunt closed the Public Hearing at 8:06 pm

Council member DeLapp provided three illustrations showing narrower streets with 8' cut off on one side of the street, streets with asphalt curbs, pinch points and a landscape cul-de-sac island. He said in the book entitled Residential Streets it states 32' wide road is a collector road and this is a dead end road requiring 24' wide. Mayor Hunt asked if the Council wanted the City Engineer to get cost estimates to make changes and come back in two weeks.

Council member Siedow stated he did would not want to retrofit the old streets. Council member Johnston stated the Council paid attention to how 50<sup>th</sup> Street was reconstructed and already the cars are driving through the mud and ignoring the pinch points at the intersection of 50<sup>th</sup> and CSAH13. Mayor Hunt would not consider changes unless he heard from the residents.



M/S/P DeLapp/Siedow - to adopt Resolution No. 2004-020, A Resolution Ordering Improvement and Preparation of Plans for the 2004 Overlay Project with the City Engineer reporting back at the March 16 council meeting with the costs for the added alternate for cul-de-sacs configuration with center islands and plans and specs to be reviewed with the City Council. (Motion passed 5-0).

**B. Proposed Annexation of Manning Trail**

The City Engineer explained the proposed annexation is to officially transfer the right-of-way for the northern part of Manning Trail from West Lakeland Township to the City. Since Manning Avenue was rerouted in 1986, the City has plowed, seal coated, and striped the entire section between Manning Avenue and 20<sup>th</sup> Street, even though the north third of this section is within the Township.

MnDOT has requested that the City place this section of Manning Trail on our Municipal State Aid street system. The City cannot do this until the entire route is within the City. The City will receive funding from Mn/DOT for maintenance and future repair work once the entire route is on our system.

M/S/P Siedow/Johnston - to adopt the petition for Annexation of Unincorporated property (northern portion of Manning Trail) to the City by Director Order contingent on a positive response from West Lakeland Township. (Motion passed 5-0.)

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

**A. Prairie Ridge Office Park Building Permit: Resolution No. 2004-021**

The Building Official reported that Prairie Ridge Office Park is requesting a building permit for one building. Resolution 2004-010 that was approved by the Council required that no release of building permits until the amended Water Service Agreement with Oakdale has been executed by both cities.

Attorney Filla noted he would have a problem if the development contract was not signed because the applicant is taking a risk in proceeding on the premise that the joint powers will be amended and if not amended, that means the applicants would have to install a commercial well. Filla asked that approval would be conditioned on the development agreement being signed. Mr. Tacheney said he will put a commercial well system and everything else that is required. When the applicant comes in for the second permit, they will have to make plans as to what will be done with the onsite system. Council member DeLapp noted that the only issue for the applicant is the cost of putting in the sprinkling system for fire protection.

M/S/P DeLapp/Siedow – to adopt Resolution No. 2004-0021, amending Resolution 2004-010 by removing Condition No. 5, on the condition that the development contract is executed. (Motion passed 5-0.)

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

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

Jim McNamara, Building Official gave his findings stated in the affidavit prepared after reviewing the property on 37<sup>th</sup> street. Attorney Filla recommended based on the Building Official's report; the Council adopts a motion determining there is a hazardous and unsafe structure at 8691 37<sup>th</sup> Street.

M/S/P Johnston/Dunn - that the City finds that there is a hazardous and unsafe structure at 8691 37<sup>th</sup> Street in Lake Elmo. (Motion passed 5-0.)

Attorney Filla said there are three options: 1. That the City try to reach an agreement with the property owner, but the property owner is without funds to do anything about this. 2. That the City could condemn the property, but he is not sure what is on the property. Once the process is started the City would have to clean the site and if there is hazardous substances that we would be responsible to get rid of them in a safe manner. 3. That the City would issue an abatement order.

Attorney Filla recommended issuance of an abatement order, and he would come back with an abatement order for Council review and approval at the next meeting. If that is approved, then it would be served on the property owner and they would have a certain number of days to respond. If there is no response, the City could get a default judgment. If they did respond, it would be tried as a civil case. Before the process is started, Filla could get an estimate of costs for cleaning up the property, which will be substantial, and likely the City will never sell the property for sufficient money to cover our costs.

M/S/P Johnston/DeLapp – to direct the staff to proceed with an abatement order and come back for Council review and approval of the abatement order at the March 16 Council meeting. (Motion passed 5-0.)

In regard to the Hidden Bay Trail property, Attorney Filla reported they did sign the settlement order and they had met the first goal which was to provide a structural engineering report. Their attorney sounds positive that his client will achieve the second goal which is to have a good part of the exterior done by April 2<sup>nd</sup>.

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

**12. CITY COUNCIL REPORTS:**

Mayor Hunt reported that he received available dates from Marilyn Condon for a workshop and will get an agenda and dates out to the Council. The fee for the workshop is \$1,000; \$3250 was spent out of the authorized \$6,000 budget for her consulting services.

Mayor Hunt announced that our local bill (H.F. 1737) if signed into law, means that the Metropolitan Council will not be able to force the city to construct a sewer system was passed out of the subcommittee of Local Government and Metropolitan Affairs Committee, and the City's petition for further review of the decision of the Court of Appeals by the Supreme Court was accepted.

Council member DeLapp asked for information on local lodging tax and what the proceeds from this tax must be used for.

M/S/P DeLapp/Hunt – to direct staff to find out information and regulations on local lodging tax. (Motion passed 5-0.)

Council member Dunn reported the Baytown Township well report will be on March 15, from 5 to 7 pm at Oakland Jr. H.S., 7 p.m. presentation with discussion until 9 p.m..

The Council adjourn the meeting at 8:55 p.m.

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Respectfully submitted by Sharon Lumby, Deputy Clerk

Resolution No. 2004-018 Lake Elmo Jaycees Charitable Gambling License Renewal  
Resolution No. 2004-019 Approve Claims  
Resolution No. 2004-020 Authorize Preparation of Plans and Specs for 2004 Overlay  
Resolution No. 2004-021 Amending Resolution 2004-10 Prairie Ridge Office Park

Lake Elmo  
City Council  
04-06-2004

Agenda Section: CONSENT AGENDA

No. 4A

**Agenda Item: New Tractor Purchase**

**Background Information for April 06, 2004:**

On October 07, 2003, meeting City Council approved the purchase of a new tractor with mowers, snow plow and lettering in the total amount of \$47,337.52. The approved amount was based on the former Public Works Director providing the labor to install the plow. However for warranty and liability considerations it has been determined that this work had to be completed by the factory. The total cost of the tractor (without lettering) is \$ 48,319.84. The estimated cost for the lettering as provided in the original bid was \$532.50. Please note the new revised total price of \$48,852.34 is still under the \$ 50,000 Capital Budget for this purchase


**Action Items:**

1. Motion to approve Revised Tractor Purchase price in total amount of \$48,852.34

**Person responsible:**

Tom Bouthilet

**Attachments:**

<p>Lake Elmo City Council April 6, 2004</p>	<p><b>Agenda Section: Consent Agenda</b></p>	<p><b>No. 4B</b></p>
<p><b>Agenda Item:</b> Garage Location Waiver – Bill/Pat Hagberg, 3060 Lake Elmo Avenue</p>		
<p><b><u>Background Information for April 6, 2004:</u></b></p> <p>The applicants propose replacement of an existing garage with a new 3 car detached garage on this secluded (from public streets) lake front site in the R-1 zoning district. The proposed garage would be located nearer the front lot line than the house – as is the present garage. Section 300.13, Subd. 3C of the City Code provides that the Council must approve any application to construct a detached garage in the R-1 District that would be neared the front property line than the principal structure.</p> <p>Since the proposed garage would be located nearly 250 feet from the street, and would replace a garage now in essentially the same location, staff recommends Council approval of this application.</p>		
<p><b><u>Action items:</u></b></p> <p>Motion to adopt Resolution 2004 - <sup>028</sup>, approving the location of a detached garage nearer the front property line than the principal structure at 3060 Lake Elmo Avenue, per plans staff-dated March 15, 2004.</p>	<p><b><u>Person responsible:</u></b></p> <p>City Planner </p>	
<p><b><u>Attachments:</u></b></p> <p>1. Applicants' Graphics</p>	<p><b><u>Time Allocated:</u></b></p>	

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

**RESOLUTION NO. 2004-028**

**A RESOLUTION APPROVING THE PLACEMENT  
OF AN ACCESSORY STRUCTURE IN  
FRONT OF THE PRIMARY STRUCTURE  
AT 3060 LAKE ELMO AVENUE**

**WHEREAS**, pursuant to Section 300.13, Subd. 31 of the Lake Elmo Municipal Code, William and Patricia Hagberg, the property owners, have requested approval to place a detached garage in front of the primary structure at 3060 Lake Elmo Avenue, in accordance with plans staff dated March 15, 2004, and based on the physical condition of the lot.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council for the City of Lake Elmo hereby grants permission for construction of a garage in front of the principal structure at 3060 Lake Elmo Avenue.

**ADOPTED**, by the Lake Elmo City Council on the 6<sup>th</sup> day of April, 2004.

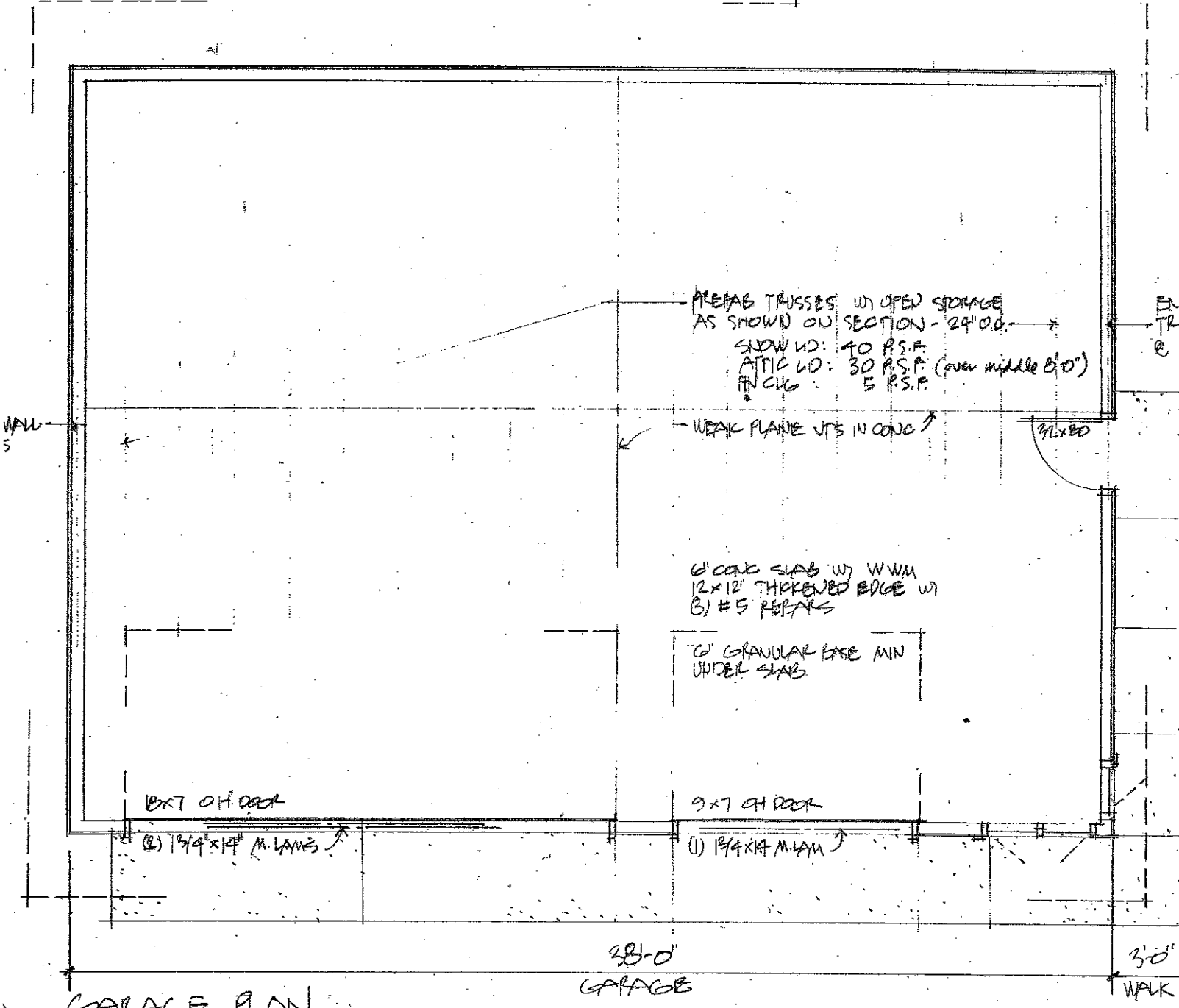
\_\_\_\_\_  
Lee Hunt, Mayor

ATTEST:

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

(2) 2x10's ON 4x4 POSTS

2x6's @ 24" O.C.



PRECAST TRUSSES W/ OPEN STORAGE  
AS SHOWN ON SECTION - 24" O.C.  
SLOW WD: 40 P.S.F.  
ATTIC WD: 30 P.S.F. (over middle 8'-0")  
FIN CHG: 5 P.S.F.

WEAK PLANE JTS IN CONC

6" CONC SLAB W/ W/M  
12x12" THICKENED EDGE W/  
3) #5 REBARS

6" GRANULAR BASE MIN  
UNDER SLAB

13x7 OH DOOR

9x7 OH DOOR

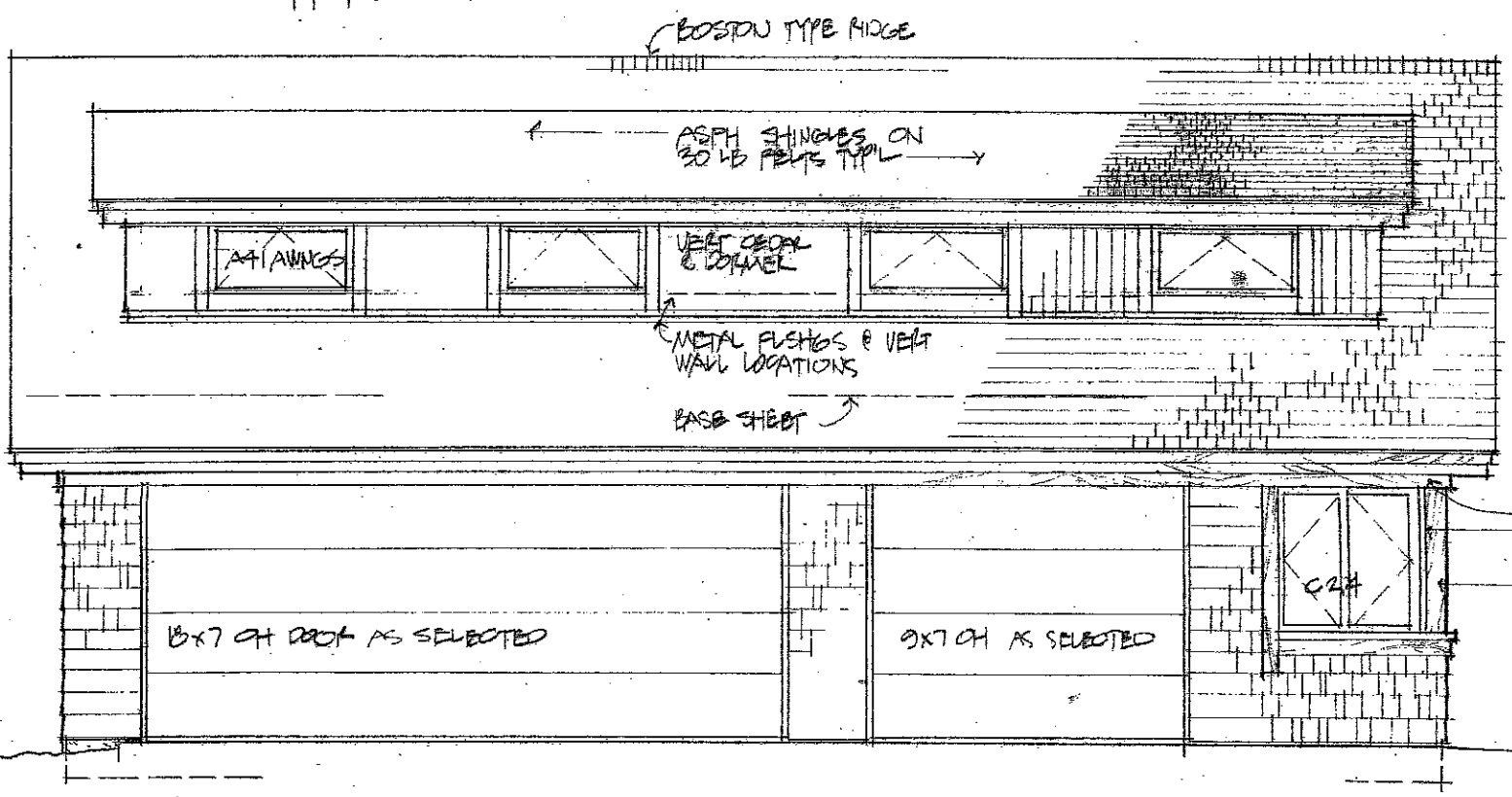
(2) 1 1/4" x 1 1/4" M. LAMS

(1) 1 1/4" x 1 1/4" M. LAM

28'-0"  
GARAGE

3'-0"  
WALK

GARAGE PLAN  
14'-10"



BOSTON TYPE RIDGE

ASPH SHINGLES ON  
30 LB FELT TYP

ATTAINING

VENT SCOP  
& COLLAR

METAL FLUSHES & VENT  
WALL LOCATIONS

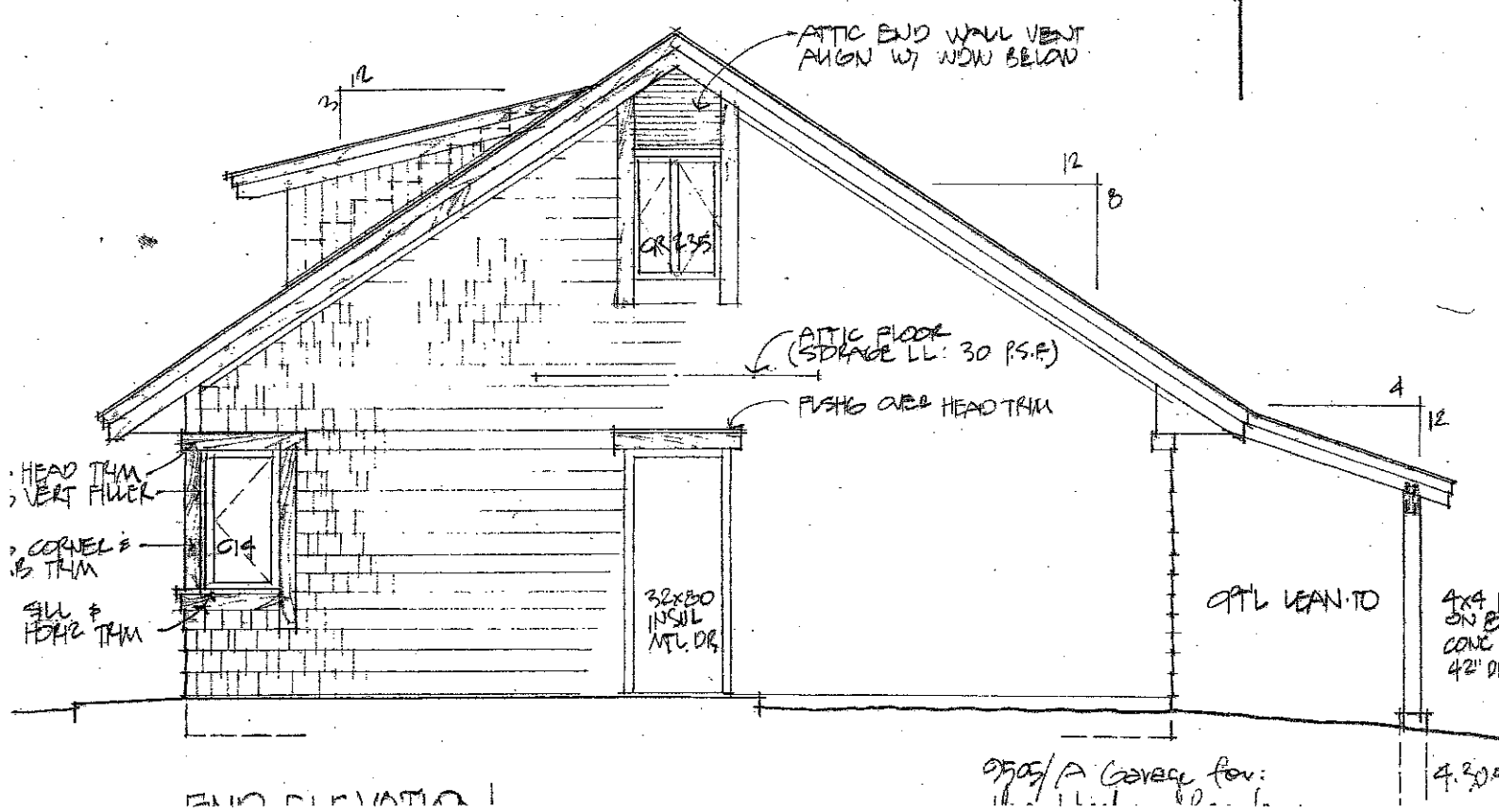
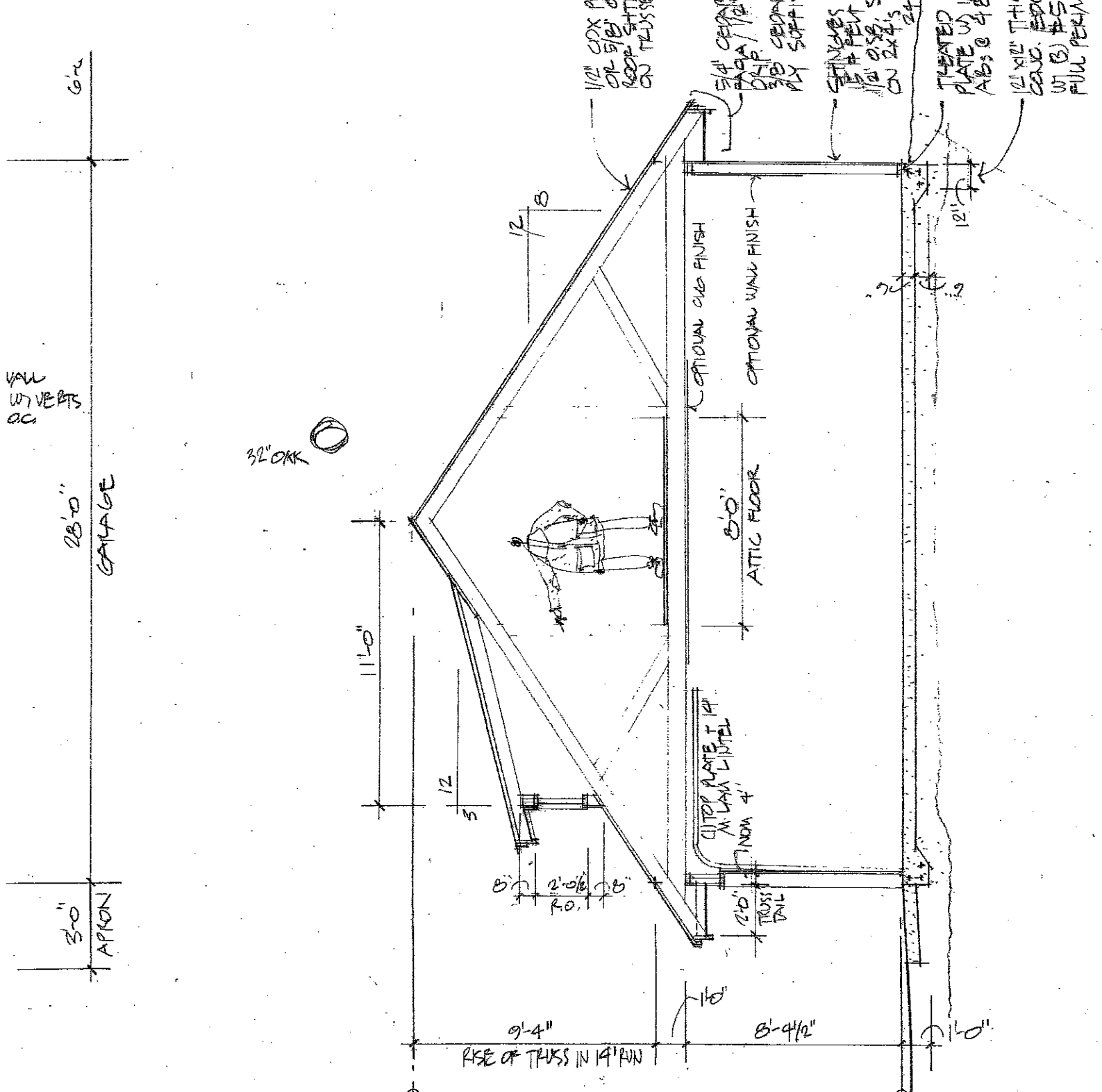
BASE SHEET

13x7 OH DOOR AS SELECTED

9x7 OH AS SELECTED

9x7

FRONT ELEVATION



6'0"

28'0" GARAGE

3'0" APRON

WALL W/ VENTS ON

3/2" OKK

1/2" CIPX PLY ON TRUSSES

1/2" CIPX PLY ON ROOF GIRTTS

3/4" CEILING FINISH 1/2" X 1/2" X 1/2" CIPX PLY SUBPIT

SHIMMERS ON 1/2" X 1/2" X 1/2" CIPX PLY ON 2x4's

TREATED 9" PLATE W/ 1/2" X 1/2" X 1/2" CIPX PLY

10' MIN THICK COND. RESURF W/ (B) #5'S FULL PERIMETER

OPTIONAL CIG FINISH

OPTIONAL WALL FINISH

8'0" ATTIC FLOOR

CLIP PLATE 1/4" X 1/2" L X 1/2" W MINOM 4"

2x4 TRUSS DAIL

12

5

8'0" 2'-0" 2'-0" RO.

9'-4" RISE OF TRUSS IN 14' RUN

8'-4 1/2"

15"

11'0"

ATTIC END WALL VENT ALIGN W/ WINDOW BELOW

ATTIC FLOOR (S/DRAPE LL: 30 P.S.F.)

PUSHING OVER HEAD TRIM

HEAD TRIM VERT FILLER

CORNER & BS TRIM

SILL & HEAD TRIM

32x30 INSUL MTL. DR.

OPT. LEAN-TO

4x4 P.C. ON 8' CONC. P. 42" DEE

9'0" / A Garage for:

4.200x

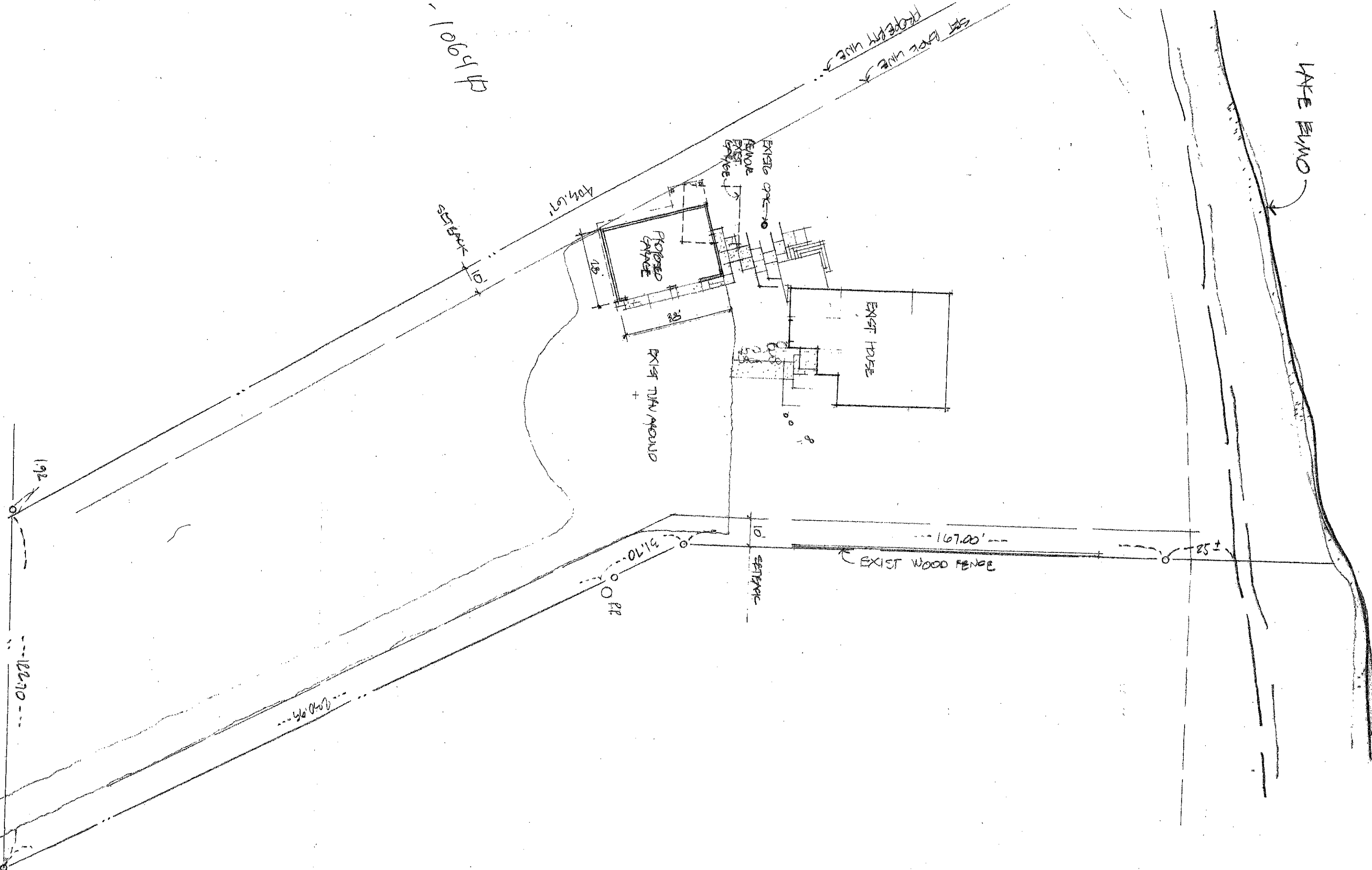
END ELEVATION 1



2-10644

ST BACK LINE  
PROPERTY LINE

LAKE EUNO



10' SETBACK

404.60'

PROPOSED GARAGE

EXIST TURN AROUND

EXIST HOUSE

EXIST OPEN FENCE EXIST DRIVE

EXIST WOOD FENCE

192

122.70

66.00

31.70

10' SETBACK

167.00'

25 ±

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

**RESOLUTION NO. 2004-030  
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 193, 194, DD124 through DD132, 25337 through 25372, were used for Staff/Fire payroll dated March 18, 2004.

BE IT FURTHER RESOLVED that Claim Numbers 195, 196, DD133 through DD138, 25374 through 25380 were used for staff payroll dated April 01, 2004 and Claim Numbers 25381 through 25433 dated April 06, 2004 in the total amount of \$140,758.00 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 6th day of April, 2004.

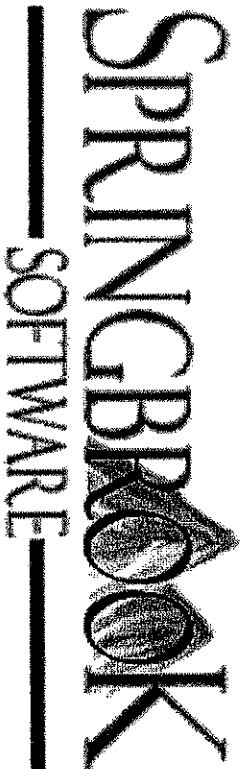
\_\_\_\_\_  
Lee Hunt  
Mayor

ATTEST:

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

# Accounts Payable Computer Check Proof List

User: administrator  
Printed: 04/02/2004 - 12:32 PM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: ARAM 629-5428052 629-5437270	Aramark Linen City Hall Linen City Hall Check Total:	42.78 42.78 85.56	04/06/2004 04/06/2004	101-410-1940-44010 101-410-1940-44010	Check Sequence: 1 ACH Enabled: No
Vendor: ASPENMI 54782	Aspen Mills, Inc. Uniforms-Fire Dept Check Total:	284.40 284.40	04/06/2004	101-420-2220-44170	Check Sequence: 2 ACH Enabled: No
Vendor: ATTWI 2750230	AT&T Wireless Floater Phone Fire Dept Check Total:	20.43 20.43	04/06/2004	101-420-2220-43210	Check Sequence: 3 ACH Enabled: No
Vendor: AVAYA 2717897752	AVAYA Inc. Acct # 0102117126-Phone Maint. Agreement Check Total:	150.36 150.36	04/06/2004	101-410-1940-44040	Check Sequence: 4 ACH Enabled: No
Vendor: BIFFS W215923	BiFFs Inc. Restroom-Sunfish Lake Park Check Total:	70.26 70.26	04/06/2004	101-450-5200-44120	Check Sequence: 5 ACH Enabled: No
Vendor: COLLYA Claim	BonnieCollyard Travel For Training-Fire Dept. Check Total:	367.67 367.67	04/06/2004	101-420-2220-43310	Check Sequence: 6 ACH Enabled: No
Vendor: CRYSTEEL F18057	Crystal Truck Equipment Platform for New Fire Vehicle	4,675.91	04/06/2004	410-480-8000-45500	Check Sequence: 7 ACH Enabled: No

Invoice No Description Amount Payment Date Acct Number Reference

Check Total: 4,675.91

Vendor: EXCELLCO  
 11000000110  
 EXCELLCOM  
 Cell Phone Repair  
 Check Total: 86.94  
 04/06/2004  
 Check Sequence: 8  
 101-430-3100-44040  
 ACH Enabled: No

Vendor: Foreman  
 04015  
 Foreman FireService & Repair  
 Compartment Door & Teesquirt Repairs  
 Check Total: 606.00  
 04/06/2004  
 Check Sequence: 9  
 101-420-2220-44040  
 ACH Enabled: No

Vendor: FOUR  
 23-035767  
 Four Seasons Service  
 Supplies-City Hall  
 Check Total: 33.90  
 04/06/2004  
 Check Sequence: 10  
 101-410-1940-44300  
 ACH Enabled: No

Vendor: FXL  
 FXL, Inc.  
 Assessing Services-April 04  
 Check Total: 1,700.00  
 04/06/2004  
 Check Sequence: 11  
 101-410-1550-43100  
 ACH Enabled: No

Vendor: GENESIS  
 1418  
 Next Genesis Productions  
 Server Upgrade  
 E-Mail Search  
 17 4" Flat Panel Monitor  
 Virus & Computers Clean-up  
 Rebuild 2 Computers-Fire Dept  
 Check Total: 9,878.46  
 04/06/2004  
 Check Sequence: 12  
 410-480-8000-45700  
 101-410-1320-44300  
 101-410-1320-43090  
 101-410-1320-43090  
 101-410-1320-43090  
 ACH Enabled: No

Vendor: ICC  
 0334340  
 International Code Council  
 Annual Membership Dues  
 Check Total: 100.00  
 04/06/2004  
 Check Sequence: 13  
 101-420-2400-44330  
 ACH Enabled: No

Vendor: JCRAPT  
 34153  
 J-Craft Inc  
 Snow Plow-New Tractor  
 Check Total: 8,058.86  
 04/06/2004  
 Check Sequence: 14  
 410-480-8000-45800  
 ACH Enabled: No

Vendor: JEFFER  
 105463  
 Jefferson Fire & Safety  
 Fire Equipment  
 Check Total: 164.05  
 04/06/2004  
 Check Sequence: 15  
 101-420-2220-44040  
 ACH Enabled: No

Invoice No Description Amount Payment Date Acct Number Reference

Vendor: Johnson  
 Johnson Construction  
 Storage Rental-April Fire Dept.  
 Check Total: 90.00  
 90.00 04/06/2004  
 Check Sequence: 16  
 101-420-2220-44120  
 ACH Enabled: No

Vendor: LEAGUE  
 League of Minnesota Cities  
 League of Min Cities Workshop-Admin  
 League of Min Cities Workshop-Finance  
 Safety Seminar  
 Check Total: 60.00  
 20.00 04/06/2004  
 20.00 04/06/2004  
 20.00 04/06/2004  
 Check Sequence: 17  
 101-410-1320-44370  
 101-410-1520-44370  
 101-420-2220-44370  
 ACH Enabled: No

Vendor: League12  
 League of Minnesota Cities Insurance Trust  
 Claim Deductible  
 Check Total: 500.00  
 500.00 04/06/2004  
 Check Sequence: 18  
 101-410-1320-43610  
 ACH Enabled: No

Vendor: LINDVENN  
 278081-0840  
 Lindquist & Vennun  
 Legal Services-Comp. Plan Appeal  
 Check Total: 11,894.07  
 11,894.07 04/06/2004  
 Check Sequence: 19  
 101-410-1940-43020  
 ACH Enabled: No

Vendor: LUHMAN  
 003  
 Cathy Luhman  
 Storm Water Utility Software Set-up  
 Check Total: 4,050.00  
 4,050.00 04/06/2004  
 Check Sequence: 20  
 603-496-9500-43180  
 ACH Enabled: No

Vendor: MARONEY'S  
 036417  
 036417  
 036417  
 Maroney's Sanitation, Inc  
 Refuse Removal-City Hall  
 Refuse Removal-Public Works  
 Refuse Removal-Parks  
 Check Total: 375.74  
 95.89 04/06/2004  
 95.89 04/06/2004  
 183.96 04/06/2004  
 375.74  
 Check Sequence: 21  
 101-410-1940-43840  
 101-430-3100-43840  
 101-450-5200-43840  
 ACH Enabled: No

Vendor: MARSHALL  
 Aaron Marshall  
 Oak Mill Program  
 Check Total: 1,315.00  
 1,315.00 04/06/2004  
 Check Sequence: 22  
 404-480-8000-43050  
 ACH Enabled: No

Vendor: MCLEOD  
 4192296  
 4192296  
 4192296  
 4192296  
 4192296  
 4192296  
 McLeod USA  
 Phone Service  
 Phone Service  
 Phone Service  
 Phone Service  
 Phone Service  
 Phone Service  
 Check Sequence: 23  
 101-410-1940-43210  
 101-420-2220-43210  
 101-420-2220-43210  
 101-430-3100-43210  
 101-430-3100-43210  
 101-410-1940-43210  
 602-495-9450-43210  
 ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Check Number	Reference
4192296	Phone Service	106.22	04/06/2004	601-494-9400-43210	
4192296	Phone Service	67.36	04/06/2004	101-450-5200-43210	
	Check Total:	876.31			
Vendor:METROCA					
01398744	Metrocall	88.20	04/06/2004	Check Sequence: 24	ACH Enabled: No
	Pagers-Fire Dept.	88.20		101-420-2220-43210	
	Check Total:	88.20			
Vendor:MNSTATEC					
	Minnesota State Community & Technical College	80.00	04/06/2004	Check Sequence: 25	ACH Enabled: No
	Training School-B. Collyard - Fire Dept.	80.00		101-420-2220-44370	
	Check Total:	80.00			
Vendor:NEXTEL					
731950227-012	Nextel Communications	84.78	04/06/2004	Check Sequence: 26	ACH Enabled: No
731950227-012	Cell Phones-Bldg	75.08	04/06/2004	101-420-2400-43210	
731950227-012	Cell Phones-Public Works	55.62	04/06/2004	101-420-2400-43210	
731950227-012	Cell Phones-Parks	39.29	04/06/2004	101-420-2400-43210	
	Cell Phone-City Hall	254.77			
	Check Total:	254.77			
Vendor:NORTHTOO					
09646209	Northern Tool & Equipment	32.91	04/06/2004	Check Sequence: 27	ACH Enabled: No
	Tools-Public Works	32.91		101-430-3100-42400	
	Check Total:	32.91			
Vendor:OAKDALE					
1000039700	City of Oakdale	7,069.29	04/06/2004	Check Sequence: 28	ACH Enabled: No
1000046000	Water-North System	2,324.96	04/06/2004	601-494-9400-43820	
	Water-South System	9,394.25		601-494-9400-43820	
	Check Total:	9,394.25			
Vendor:PEPIN					
Claim	DougPepin	155.13	04/06/2004	Check Sequence: 29	ACH Enabled: No
	Travel for Training-Fire Dept. (Pepin)	155.13		101-420-2220-43310	
	Check Total:	155.13			
Vendor:PETTYCI					
	Petty Cash	6.00	04/06/2004	Check Sequence: 30	ACH Enabled: No
	Keys Made	5.11	04/06/2004	101-410-1940-42230	
	Plumbing Supplies	20.00	04/06/2004	101-410-1940-42230	
	Shortage in Petty Cash	31.11		101-410-1320-44300	
	Check Total:	31.11			

Invoice No	Description	Amount	Payment Date	Check Number	Reference
Vendor: PINKY 37003	Pinky's Sewer Service, Inc. Septic Pumping & Cleaning-Public Works Check Total:	250.00 250.00	04/06/2004	Check Sequence: 31 101-430-3100-44010	ACH Enabled: No
Vendor: PITNEY 2817997-MR04	Pitney Bowes Postage Machine-1st Qtr Check Total:	693.00 693.00	04/06/2004	Check Sequence: 32 101-410-1940-44010	ACH Enabled: No
Vendor: POLFUS 197112	Polfus Implement, Inc Mower Attachments for new Tractor Check Total:	19,996.44 19,996.44	04/06/2004	Check Sequence: 33 410-480-8000-45400	ACH Enabled: No
Vendor: PRESS	StevenPress Cable Operator Check Total:	120.00 120.00	04/06/2004	Check Sequence: 34 101-410-1320-44300	ACH Enabled: No
Vendor: QWEST 6517142209456	Qwest Alarm-Hudson Lift Station Check Total:	35.56 35.56	04/06/2004	Check Sequence: 35 602-495-9450-43210	ACH Enabled: No
Vendor: Reagal Permit 3549	REGAL BUILDERS & REMODELERS Rd Escrow Return-9186 Jamaica Ct. Check Total:	1,000.00 1,000.00	04/06/2004	Check Sequence: 36 803-000-0000-22900	ACH Enabled: No
Vendor: REED 2549461	Reed Business Information Advertiser for Bids 2004 Street Overlay Check Total:	122.24 122.24	04/06/2004	Check Sequence: 37 101-410-1320-43510	ACH Enabled: No
Vendor: Reserve 20313037	Pitney BowesReserve Account Postage Check Total:	1,000.00 1,000.00	04/06/2004	Check Sequence: 38 101-410-1320-43220	ACH Enabled: No
Vendor: RUD	DianePrince-Rud Cleaning-City Hall Cleaning-Fire Hall Check Total:	360.00 360.00 720.00	04/06/2004 04/06/2004	Check Sequence: 39 101-410-1940-44010 101-420-2220-44010	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Check Number	Reference
Vendor: SOUTH CE 00035936	South Central Tech College Training-Yausso Fire Dept. Check Total:	80.00 80.00	04/06/2004	Check Sequence: 40 101-420-2220-44370	ACH Enabled: No
Vendor: STILLFOR 257782	Stillwater Ford 1-Ton Maintenance-Service-Public Works Check Total:	27.58 27.58	04/06/2004	Check Sequence: 41 101-430-3100-44040	ACH Enabled: No
Vendor: STILLGAZ 00003185	Stillwater Gazette Legal Publish-Environmental Comm. Check Total:	33.60 33.60	04/06/2004	Check Sequence: 42 101-410-1320-43510	ACH Enabled: No
Vendor: Streiche 418355	STREICHER'S Name Tags-Fire Dept. Check Total:	317.27 317.27	04/06/2004	Check Sequence: 43 101-420-2220-44170	ACH Enabled: No
Vendor: SURPLUS 00004706 00004706	Surplus Services Water-Fire Dept. Water-Parks Dept. Check Total:	66.00 66.00 132.00	04/06/2004 04/06/2004	Check Sequence: 44 101-420-2220-44300 101-450-5200-44300	ACH Enabled: No
Vendor: TASCHE 32451	T.A. Schifsky & Sons Asphalt -Public Works Check Total:	99.20 99.20	04/06/2004	Check Sequence: 45 101-430-3100-42240	ACH Enabled: No
Vendor: UW	University of Wisconsin-Madison Planning Conference Check Total:	595.00 595.00	04/06/2004	Check Sequence: 46 101-410-1910-44370	ACH Enabled: No
Vendor: WAS-AG	Washington Cty Agricultural So Wash. Co. Fairground -Clean-Up Day Check Total:	50.00 50.00	04/06/2004	Check Sequence: 47 101-430-3100-44380	ACH Enabled: No
Vendor: WASCOUNT 39400	Washington County Truth n Taxation Notices Check Total:	491.01 491.01	04/06/2004	Check Sequence: 48 101-410-1320-44300	ACH Enabled: No



# Clean-up Day!

For Lake Elmo Residents Only!

Saturday, May 22 ~ 8:00 am to Noon  
Washington County Fairgrounds

## NOT ACCEPTED!

- Brush
- Propane/LP Tanks
- Construction Material
- Batteries
- Paints
- Fluorescent Bulbs

## ACCEPTED!

- Household Items
- Carpet
- Furniture
- Lawn Mowers
- Bicycles
- Mattresses
- Appliances

Hazardous Waste should be taken to the Washington County Hazardous Waste Facility—1900 Hadley Ave. N.—Oakdale 430-6655

The **FEE** is **\$25 PER TRIP** (Staff reserves the right to charge extra for unusual and hard to dispose of items, and for vehicle loads which are not level.) For speed and efficiency, please, have your check ready-payable to the CITY OF LAKE ELMO or have exact change.

### **ONE FREE APPLIANCE PER RESIDENCE.**

Extra Appliances .....	\$15.00
Air Conditioners .....	\$30.00

**TIRES: Limit SIX passenger or light tires (13-16.5"). NO FOAM-FILLED TIRES!**

#### Additional Tires:

Passenger: 13-15".....	\$2.00
Light Duty: 16-16.5".....	\$2.50
Medium Duty: 18.25/20-1100/20 bias or radial.....	\$7.00
Semi-truck: 1200 Series.....	\$8.00
Tractor: Up to 8-ply 24" and 25" .....	\$35.00

**ONE** Entrance will be open—**ENTER** off of HIGHWAY 5.

Lake Elmo  
City Council  
04-06-2004

Agenda Section: FINANCE

No . 5B

**Agenda Item: Water Fund Rate Recommendation**

**Background Information for April 06, 2004:**

Attached, please find a draft copy of the 2004 proposed Water Enterprise Fund Budget and Water Rate Schedule. The Budget indicates a \$14,925 shortfall in the operating portion of the Water Enterprise Fund with the recommended increase included in the operating revenue. It should be noted that the operating "Bottom" line may vary depending on the water usage. The 2003 had a net favorable variance of \$ 39,483 however we also had a record-breaking year in terms of water consumption. At this point it is somewhat difficult to determine a base line for calculating water usage due to growth in recent years and the unusual dry season last year. With this in mind, I have take a somewhat "middle of the road" approach in coming up with this year's revenue.

You may recall that the base charge rate was designed for the purpose of infrastructure repairs and upgrades. I have not allocated any of those funds for Capital Improvements and it does not appear to be the case in past budgets. The current base and per gallon charges goes to covering operational expenses. This issue should be addressed in future budgets.

The attached proposed water rate schedule represents a less than 3% average increase over our existing rates. I anticipate to help offset some of the overhead expenses with this moderate increase.

**Action Items:**

1. Motion to adopt Resolution 2004-029 approving the 2004 Water Rate Structure.

**Person responsible:**

Tom Bouthilet

**Attachments:**

1. Draft 2004 Water Enterprise Fund Budget
2. Draft 2004 Water Rate Structure
3. Resolution No. 2004-029

City of Lake Elmo 2004 Budget

Account Number	Account Description	2003 Budget	2003 Actual	2004 Dept. Request	Comments
<b>Charges for Services</b>					
601-000-0000-37100	Water Sales	120,000	227,500	162,640	
601-000-0000-37150	Water Connections - Municipal	50,000	44,600	34,000	
601-000-0000-37155	Water Connections - Oakdale	50,000	0		
601-000-0000-37170	Water Sales (Water Enterprise)	28,000	7,746	5,500	
	Water Permits		0	2,500	
	<b>Subtotal Charges for Services</b>	<b>248,000</b>	<b>279,846</b>	<b>204,640</b>	
<b>Other Revenue</b>					
601-000-0000-23110	Bond proceeds (Water Bonds)	0			
601-000-0000-36210	Interest on Investments (Water Enterprise)	0			
601-000-0000-37160	Penalties (Water Enterprise)	0			
601-000-0000-37180	Tower Rent (Water Enterprise)	18,000	29,500	29,500	
	<b>Subtotal Other Revenue</b>	<b>18,000</b>	<b>29,500</b>	<b>29,500</b>	
	<b>Total Water</b>			<b>234,140</b>	
<b>Water Enterprise Project</b>					
601-000-0000-16300	Water Improvements	65,000	15,337	3,000	
601-000-0000-23110	Bond Principal	25,000	25,000	39784	
601-494-9400-46110	Bond Interest	30,255	30,255	14784	
601-494-9400-46200	Fiscal Agent Fees	1,500	1,500	1500	
	Transfer Out (Repayment of Loan)			64752	
	<b>Subtotal Water Enterprise Project</b>	<b>121,755</b>	<b>72,092</b>	<b>123,820</b>	
<b>Water Enterprise Operating</b>					
601-494-9400-41010	Full-time Salaries	59,525	48,272	61,939	
	Part-time Salaries	275	0	0	
601-494-9400-41210	PERA Contributions	3,300	2,578	3,425	
601-494-9400-41220	FICA Contributions	3,700	3,066	3,840	
601-494-9400-41230	Medicare Contributions	870	717	898	
601-494-9400-41300	Health/Dental Insurance	7,500	5,967	9,171	
601-494-9400-41510	Workers' Compensation	1,325	2,588	890	
601-494-9400-42000	Office Supplies	100	145	100	
601-494-9400-42030	Printed Forms	550	253	1,050	
71-494-9400-42160	Chemicals	2,000	1,171	2,000	
494-9400-42270	Utility System Maintenance	2,000	1,719	1,200	

City of Lake Elmo 2004 Budget

Account Number	Account Description	2003 Budget	2003 Actual	2004 Dept. Request	Comments
601-494-9400-42300	Water Meters & Supplies	22,000	20,564	16,000	
601-494-9400-42400	Small Tools & Minor Equipment	250	548	197	
601-494-9400-43030	Engineering Services	1,000	20,708	2,500	
601-494-9400-43180	Software Support	2,000	2,825	4,000	
601-494-9400-43210	Telephone	750	1,271	2,000	
601-494-9400-43220	Postage	650		650	
601-494-9400-43230	Radio	0	0	0	
601-494-9400-43310	Travel Expense	0	228	600	Karl & Dan License
601-494-9400-43610	Insurance	2,000	2,069	2,380	15% Increase
601-494-9400-43810	Electric Utility	6,000	13,370	12,000	Well 2, 10% Increase Heavy Water Usage
601-494-9400-43820	Water Utility	38,000	52,521	44,425	
601-494-9400-43830	Gas Utility	0	0	0	
601-494-9400-44030	Repairs/Maint Imp Not Bldgs	5,000	1,180	1,000	
601-494-9400-44300	Miscellaneous	2,000	5,860	5,000	
601-494-9400-44370	Conferences & Training	150	397	500	Water Testing, State Permits
601-494-9400-45800	Other Equipment	0	0	1,800	
	<b>Subtotal Water Enterprise</b>	<b>160,945</b>	<b>188,017</b>	<b>177,565</b>	
	<b>Total Water Revenue</b>		<b>320,751</b>	<b>234,140</b>	
	<b>Total Water Expenditures</b>		<b>315,823</b>	<b>301,385</b>	
	<b>Variance</b>		<b>4,928</b>	<b>-67,245</b>	
	<b>Total Operating Revenue</b>	<b>120,000</b>	<b>227,500</b>	<b>162,640</b>	
	<b>Total Operating Expenditure</b>	<b>160,945</b>	<b>188,017</b>	<b>177,565</b>	
	<b>Variance</b>	<b>-40,945</b>	<b>39,483</b>	<b>-14,925</b>	
	<b>Total Non-Operating Revenue</b>	<b>118,000</b>	<b>74,100</b>	<b>71,500</b>	
	<b>Total Non-Operating Expenditure</b>	<b>121,755</b>	<b>72,092</b>	<b>123,820</b>	
	<b>Variance</b>	<b>-3,755</b>	<b>2,008</b>	<b>-52,320</b>	

**Proposed 2004 Water Rate Structure**

	<b>2003</b>	<b>2004 (Proposed)</b>
<b>I. Residential Water Rate</b>		
Base Rate (Quarterly)	\$21.00	\$21.50
Rate Per 1000 Gallons	\$1.65	\$1.70
<b>II. Commercial</b>		
Base Rate (Quarterly)	\$21.00	\$21.50
Rate Per 1000 Gallons	\$2.30	\$2.44

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

**RESOLUTION NO. 2004-029  
RESOLUTION SETTING WATER FEES FOR 2004**

WHEREAS, the 1997 Lake Elmo Municipal Code empowers the City Council to set fees for various development, building and other services provided by the City through resolution approved by a majority of the City Council; and

NOW, THEREFORE BE IT REOLVED, that the Lake Elmo City Council hereby adopts the 2004 Water Fee Schedule as presented.

ADOPTED, by the Lake Elmo City Council on the 6th day of April, 2004.


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Lee Hunt  
Mayor

ATTEST:

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Charles E. Dillerud  
Acting City Administrator

<b>Lake Elmo City Council April 6<sup>th</sup>, 2004</b>	<b>Agenda Section: MAINTENANCE/PARK/FIRE/BUILDING</b>	<b>NO. 7 A(1)</b>
<b><u>Agenda Item:</u> Seasonal Help</b>		
<b><u>Background Information for April 6<sup>th</sup>, 2004</u></b>  Staff recommends the re-hire of four returning seasonal employees: John Eder, Michael Wagner, William Leary and Virgil Niemann at \$10.50/hour. All are able to work flexible hours, been dependable, and are familiar with both the Public Works and Park operations.  All summer help is budgeted and monitored to stay within budget.  <b>Acting Administrator concurs.</b>		
<b><u>Action items:</u></b> Motion authorizing hiring of John Eder, Michael Wagner, William Leary and Virgil Niemann as Parks/Public Works "seasonal employees" at a \$10.50 per hour pay rate.	<b><u>Person responsible:</u></b> M. Bouthilet  	
<b><u>Attachments:</u></b>	<b><u>Time Allocated:</u></b>	

<p>Lake Elmo City Council April 6<sup>th</sup>, 2004</p>	<p>Agenda Section: MAINTENANCE/PARK/FIRE/BUILDING</p>	<p>NO. 7A(2)</p>
<p><b>Agenda Item:</b> VFW Ball Field Lights</p>		
<p><b>Background Information for April 6<sup>th</sup>, 2004</b></p> <p>At their March 15<sup>th</sup>, 2004 meeting the Parks Commission passed a motion which recommends the City Council re-address the lighting at the VFW ball field. The consensus was that lighting the field would still be a valuable asset and does not conflict with the current "Old Village" concept plan.</p> <p>This purchase would be on the State Cooperative Purchasing Venture, and this lighting offering is still active until August of 2004.</p> <p><b>Acting Administrator's Comments:</b></p> <p>I have attached my report to the Council on this matter from August, 2003, along with the August 5 Council Minutes that reflect the Council's discussion and action; and, the draft Park Commission Minutes of March 15, 2004. As of now, I can not see that anything has really changed since August, 2003. The project cost remains the same; and, the City may be closer to an adopted Old Village Plan, but still does not have one – nor the details of Plan implementation that would suggest exactly what park facilities will be included. The VFW lighting project was not included by staff, the Park Commission, the Planning Commission or the City Council as a 2004 CIP Project. If the Council decides to proceed in 2004, the CIP must be amended as well.</p>		
<p><b>Action items:</b> Motions directing staff regarding the VFW field lighting proposal.</p>	<p><b>Person responsible:</b> M. Bouthilet B. Schumacher</p> 	
<p><b>Attachments:</b></p> <ol style="list-style-type: none"> <li>1. Draft Park Commission Minutes of March 15, 2004</li> <li>2. City Administrator's Memo for August 5, 2003</li> <li>3. City Council Minutes of August 5, 2003</li> <li>4. 2004-2008 Park CIP</li> </ol>	<p><b>Time Allocated:</b></p>	



# DRAFT

## VFW Lights update

The Parks Superintendent said he was asked to answer the following question, "Versus \$120,000 for lights in VFW Park, how much trail would it get us?" A six-foot asphalt cross section without easements, etcetera, would mean about two miles of trail. That is just construction cost, not improvement of grades or acquiring easements.

M/S/P, Wagner/Ames, To put up the lights in VFW Park.

Commissioner Bruchu said these plans were stalled because of the Old Village Plan and the Met Council debate over the Comprehensive Plan. He said 13 teams share the parks this summer. The baseball season begins the 1<sup>st</sup> week of May. He said that more capacity means more games, and more youth activity.

Commissioner Wagner said that lights would help the Jaycees in Huff-N-Puff. She said some games are being played out of town now, and with lights we could move them back to Lake Elmo.

Commissioner Ames said the Parks Commission thought that we might have to move the field if the Old Village Plan is put into effect, but it looks like we will just move the lights.

The Parks Superintendent said one item that could be a factor is that the estimate was a state contract deal that may have expired.

Commissioner Bruchu asked if those lights could be installed by May. Superintendent Bouthilet said probably not. The City will have to get new bids if that one has expired.

Commissioner Wagner said we should ask ourselves the reasons people come to the Old Village. She said it would be nice to have some sort of entertainment in the evenings and to have this community event. She said it will bring people back to the City to watch a game.

Commissioner Ekern said that if we get five years use out of these lights, she would be happy. **VOTE: 5:0.**

# DRAFT

<b>Lake Elmo City Council August 5, 2003</b>	<b>Agenda Section: Maintenance/Park/Fire/Building</b>	<b>No. 7A(2)</b>
<b>Agenda Item:</b> VFW Ball field Lights		
<p><b><u>Background Information for August 5, 2003:</u></b></p> <p>As directed by the City Council on May 20, 2003 the City Engineer has secured multiple quotations for the installation and electrical work related to the VFW ball field lighting. It has been previously determined that the light fixtures can be acquired without formal bids by the City utilizing a joint powers agreement with the City of Rogers combined with an existing State Contract. The Acting City Administrator has secured the verbal agreement of Hagbergs for an easement to bring power across the rear of their land from the closest high voltage source to VFW Park. No formal easement has been prepared yet, however.</p> <p>The Park Commission will be meeting on August 5, 2003 to review these quotes – and the overall resulting project cost. They had requested review of the costs if the electrical quotes exceed the \$25,000 estimated by the City Engineer on May 16, 2003, with the implication that the Commission may recommend postponing the project. Since the quotes for that work total \$35,126 we have brought the matter back to the Commission for its further review and recommendation. Note also that the City Engineer’s letter of July 28, 2003 regarding total project costs includes “Engineering Design and Inspection” at \$15,000, while the TKDA contract for those services entered into in March is for \$10,000, making the <b>actual total project cost \$138,846.</b></p> <p>Should the Commission recommend that the project proceed - and the Council concurs – the \$138,846 total project cost would be funded from the Park Dedication Fund, which had a 12/31/02 audited balance of \$480,060; and, has an estimated current balance of \$550,060 plus 2003 accrued interest.</p>		
<p><b><u>Action items:</u></b>  Motion to proceed with the VFW ball field lights project as presented by the July 28, 2003 letter of the City Engineer and accept the quotes of Xcel Energy and _____ for the electrical components thereof. Approval subject to reduction of the “Engineering Design and Inspection” component from \$15,000 to \$10,000 consistent with the March, 2003 contract with TKDA.</p>	<p><b><u>Person responsible:</u></b>  Parks Superintendent and City Engineer</p>	
<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. City Engineer’s Letter of July 28, 2003</li> <li>2. City Council Minutes of May 20, 2003</li> <li>3. City Engineer’s letter of May 16, 2003</li> </ol>	<p><b><u>Time Allocated:</u> 15 Minutes</b></p>	

B. Brown's Creek Watershed District Board Appointment

The Council discussed whether or not it was a conflict of interest for Mr. Freeman, who is a surveyor and brings forth new development plats and then serves on the Brown's Creek Watershed Board which gives plat approval. The Council noted that Mr. Freeman was professional, and looked out for the best interest of the Watershed and would remove himself if a plat was in conflict with the Watershed guidelines.

M/S/P Siedow/Dunn - to direct staff to advise Washington County that the City desires Tim Freeman to be considered for reappointment to the Browns Creek Watershed District Board; and that the City encourages and supports the reappointment of Mr. Freeman. (Motion passed 5-0).

5. FINANCE

6. NEW BUSINESS:

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Parks Department : Mike Bouthilet - Recommendations from Parks Commission on:

- (1) Resolution No. 2003-067 Awarding Bid for Carriage Station & Park Ridge

Bob Schumacher, Chair of the Parks Commission, reported the Parks Commission recommended the Council reject the bid for Carriage Station because they would be spending 31 percent of the parks budget for an exclusionary park. It was suggested to separate the \$45,000 from the bid for contracting improvements for Ridge Park. If the contractor doesn't accept the amendment to the bid, then the City would have to rebid.

M/S/P DeLapp/Dunn - to adopt Resolution No. 2003-067 awarding the contract for improvements to Ridge Park to Hoffman and McNamara Co. in the amount of \$45,003.50 as recommended by the City Engineer and Parks Commission with the funding source to be the Park Dedication Fund. (Motion passed 5-0).

Chairman Schumacher stated the Parks commission is in favor of developing the Carriage Station into a tot lot. Park Supervisor Bouthilet noted that the City has fill stored on the Olinger property which could be used and covered with topsoil. The price would be higher if we didn't have the fill.

(2.) VFW Ballfield Lights

Chairman Schumacher stated lights would take out 25 percent of the park budget. The Parks Commission recommended that this wait until the Old Village Neighborhood Study, which should be completed in 30 days, because the plan calls for both VFW and Lions Park being resituated to the east of their present location. It did not make sense to put the lights to bid if the park might not remain where it is today.

M/S/P DeLapp/Siedow - to postpone consideration of the VFW ball field light project until the proposed Old Village Neighborhood plan is completed. (Motion passed 5-0). Council member DeLapp indicated he has not seen anything to justify moving the VFW field anywhere else. Council member Siedow said he was not in favor of moving Lions nor VFW.

B. Fire Department: Update on Fire Dept. Chief Malmquist

Chief Malmquist reported the Dept. will have their pancake breakfast during Huff'N Puff. They would have 2 or 3 crews out for National Night Out and that he would like to see the City get more involved and take a more proactive approach.

M/S/P DeLapp/Dunn - to reschedule the first meeting in August to Wednesday so the Council can participate in National Night Out. (Motion passed 5-0).

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

A. Deer Pond Trail Drainage - Claim

In 2002 the Council directed corrections to street drainage involving the property at 8206 Deer Pond Trail. Those corrections have been completed by the City at its own expense. Philip Simonet has submitted a claim for repairs to his drainfield that he advises were required as the result of the drainage problems that have not been corrected.

M/S/P Siedow/DeLapp - to refer the claim to the City's insurance carrier for investigation pending outcome of granting a release of claims. (Motion passed 5-0).

M/S/P DeLapp/Siedow - to Move Item 9B. to be discussed. (Motion passed 5-0).

9B. Amendments to the ATV Ordinance

The Council referred a list of citizen-suggested amendments to the ATV Ordinance to the Planning Commission for consideration and recommendations. The Commission considered these suggested amendments and voted 5-3 to advise the Council that the commission does not believe that the suggested amendment to the ATV ordinance should be considered; and, that the Council should take no further action with regard to the suggested amendments.

Mayor Hunt suggested that a group of concerned citizens on both sides of the issue get together and see if a compromise could be reached. The City has used a citizen group to create a compromise ordinance in the past. It reached a compromise when some residents were concerned about water skiing on local lakes.

Two Residents from the Fields of St. Croix Open Space Development were in favor of some restrictions citing issues with noise and property damage. Council member Dunn pointed out the Washington County Board will consider restrictions on ATV use in county highway right of way.

CITY OF LAKE ELMO  
CAPITAL SCHEDULE

CAPITAL IMPROVEMENTS

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

Total Additions			119,080	70,000	70,000	70,000	70,000	70,000	70,000
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PROJECT

Ridge Park									
Ball & Soccer Field	35,000	2002		44,405					
Parking Lot	8,000	2003							
Sunfish Park Milling & Grading		2003		4,000					

Pebble Park									
Tennis Ctr Resurface	20,000	2004			20,000				
Swingset	2,500	2003		2,500					
Reid Park		2004							
Parking Lot	12,000	2004			12,000				
Playground Equipment	2,000	2004			2,000				
Tablyn Park		2006					12,000		

DeMonteville									
Replac Equipm	12,000	2006					30,000		
Pavillion	30,000	2006							

VFW Park									
Water Service	5,000	2004			5,000				
Carriage Station	40,000	2003		39,987					
Playground Equipment	15,000	2004			15,000				
Lions Park									
Replac Equipm	12,000	2008							12,000

Trail Study					20,000				
Trail Improvements					100,000				
Engineer Services				32,072					
Transfer To Capital Acquisitions (Parks)				55,542					
Total Expenses			74,569	178,506	174,000	50,000	92,000	50,000	62,000

FUND BALANCE			480,060	371,555	267,555	287,555	265,555	285,555	293,555
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<b>Lake Elmo City Council April 6, 2004</b>	<b>Agenda Section: Maintenance/Park/Fire/Building</b>	<b>No. 7C</b>
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**Agenda Item:** Building Department Vehicle Purchase

**Background Information for April 6, 2004:**

The approved 2004 Capital Improvements Program includes the purchase of a new vehicle in the Inspection Department. Currently, the Building Official uses a 1999 Chev S-10 FWD pick-up; and the Building Inspector uses the ex-Fire Chief/ex-County squad Ford Victoria. While the S-10 has 43,000 miles on it (and plenty of useful life remaining); the old Ford now has 155,000 miles, and is (predictably) beginning to be a high cost vehicle to keep on the road. The assumption in the 2004 CIP was that the Building Official's S-10 would replace the Building Inspector's Ford; and, a new FWD pick-up would be purchased for the Building Official.

Jim McNamara and the Maintenance Advisory Committee have analyzed the options available for this purchase. At its meeting March 31 the MAC adopted a recommendation to the City Council to purchase a 2004 Chevrolet Colorado FWD extended cab pick-up under the State Contract for \$15,500 plus tax, delivery, and safety/identification items (no stripes this time). It appears that the total cost will be about \$16,200. The 2004 CIP budgeted \$20,000 for this purchase.

MAC did not address the disposition of the old Ford. I recommend that we dispose of it by sale to the highest bidder – first offering internally to staff, with NADA “wholesale” the minimum bid (reserve). If no internal bidders (at or above the reserve) appear, the vehicle would be offered to the Public on the same basis.

<p><b><u>Action items:</u></b></p> <p>Motion to approve the recommendation of the Maintenance Advisory Committee for City purchase of a 2004 Chevrolet Colorado pick-up on the State Purchasing Contract from Hinckley Chevrolet for a purchase price of \$15,500 plus tax and delivery. Further that the Ford Victoria be sold by the City to the highest bidder, with City staff provided the initial bidding opportunity.</p>	<p><b><u>Person responsible:</u></b></p> <p>Acting City Administrator </p>
<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Draft MAC Minutes of March 31, 2004</li> <li>2. Excerpt from 2004 CIP</li> </ol>	<p><b><u>Time Allocated:</u></b></p>

**CITY of LAKE ELMO  
MAINTENANCE ADVISORY COMMITTEE**

Minutes of  
March 31, 2004

Present: Dick Gustafson, Chuck Stanley, Bud Talcott, Jim McNamara  
Absent: George Dege

The meeting was called to order at 6:35pm at the City Hall by Bud Talcott.

The minutes of October 29<sup>th</sup> were reviewed and a motion to accept was made by Chuck S and seconded by Dick G. The motion passed.

Jim reviewed the need for a new pickup for the building department. The existing pickup is up for replacement on the CIP, it is a 2000 S10 and still in fairly good shape, but needs a tune up as it is hard starting at times. Jim suggested it should be moved down to Carl Horning for his use. The old car Carl is now using has seen it better days. It started as a Police vehicle and was purchased used for the Fire Dept and now is for the City's general use.

Jim reviewed the information he received on the Trucks currently approved on the State contract, which include the Chevy Colorado, Ford Ranger and the Dodge Dakota. He reviewed the features and prices of each unit. The small basic Chevy is only a 4 cylinder so it was not even considered, only the larger 5cyl unit. All of the vehicles offer basically the same features, 4-wheel drive, Extended cab, Auto Trans, Air Cond and AM/FM radio. The larger Chevy is a 5 cly at \$15,500, the Ford is a V6 at \$17,100 and the Dodge is a 6cy at \$ 15,649. Jim stated we have money in the CIP budget for this purchase.

Jim said the State contract for the Chevy Colorado is only good until April 16, but the one for the Ford Ranger is good until June 1.

Chuck ask what our experience has been with trucks, we all agreed that we know our Chevy and Ford units have given us good service in the Maintenance, Parks and Building departments, but we have never had a Dodge. Based on this we all agreed we should drop the Dodge and go either with the Ford or Chevy.

**DRAFT**

Page 2  
MAC meeting March 31, 2004

Bud asked about signs and lights, Jim said they never did purchase a safety beacon for the last truck and the signs were about \$350-\$400. It was agreed that for safety reasons for the driver and liability reasons for the City the Truck should be equipped with a rotating beacon, even a portable one to be used when parked on roadways.

**A Motion** was made by Chuck Stanley and seconded by Dick Gustafson to recommend the purchase of the 5 cylinder Chevy Colorado Truck from Hinkley Chevy on the State contract for \$15,500 plus tax and plus delivery of \$400, if the approval and paper work can be done by the 4/16/04 contract deadline. If not we recommended the purchase of the Ford Ranger 6 cyl from C&M Ford of Hallock for the State contract price of \$17,100 plus tax and plus delivery of \$400. It is also recommended to purchase City Signs for the doors and a rotating safety beacon at a cost of approximately \$500. It is recommended the old S10 Truck be passed down to Carl Horning for his use in performing his duties.  
The Motion Passed.

Hearing no objections the meeting was adjourned at 7:45pm

Respectfully submitted

Bud Talcott  
Secretary,  
Acting Chairman

**DRAFT**



11/19/2003

Department Building Dept.  
Fund 410

CITY OF LAKE ELMO  
CAPITAL ACQUISITION-Building Dept.

CAPITAL ACQUISITION -Building Dept.

ITEM	Amount	REPLACE YEAR	2003	2004	2005	2006	2007	2008
FUND BALANCE ADDITIONS			18,125	23,125	8,125	13,125	-3,875	1,125
			5,000	5,000	5,000	5,000	5,000	5,000
<b>Total Additions</b>			5,000	5,000	5,000	5,000	5,000	5,000

Vehicle	20,000	2004						
Vehicle	22,000	2006				22,000		

<b>Total Expenses</b>			0	20,000	0	22,000	0	0
<b>FUND BALANCE</b>			23,125	8,125	13,125	-3,875	1,125	6,125

<p>Lake Elmo City Council April 6, 2004</p>	<p>Agenda Section: CITY ENGINEER'S REPORT</p>	<p><u>No. 8A.</u></p>
<p><u>Agenda Item:</u> 34<sup>th</sup> Street Lift Station Repair</p>		
<p><u>Background Information for April 6, 2004:</u></p> <p>In his memo dated April 1, 2004, the City Engineer reported he received four quotes for the 34<sup>th</sup> Street Lift Station Repair project. This project was included in the City's 2004 CIP for an estimated cost of \$10,000.00. The City Engineer's estimate was off the mark.</p> <p>The City Engineer recommends awarding the contract for the project to Meyer Contracting in the amount of \$18,700.00.</p>		
<p><u>Action Items:</u> M/S/ to award the contract for the 34<sup>th</sup> Street Lift Station Repair to Meyer Contracting in the amount of \$18,700.00</p>		<p><u>Person responsible:</u> T.Prew</p>
<p><u>Attachments:</u> Tom Prew's letter of April 1, 2004</p>		

# 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

April 1, 2004

Honorable Mayor and City Council  
City of Lake Elmo, Minnesota

Re: 34 Street Lift Station Repair  
City of Lake Elmo, Minnesota  
TKDA Commission No. 12995-01

Dear Mayor and City Council:

We mailed out six proposals to qualified area contractors for work on the 34th Street Lift Station Repair project. We received the following four quotes:

Meyer Contracting	\$18,700.00
Lametti and Sons	\$21,794.00
Penn Contracting	\$22,900.00
Jay Brothers	\$29,800.00

This project was included in our 2004 CIP for an estimated cost of \$10,000.00. Obviously this estimate was off the mark. However, the quotes we did receive indicate this low bid is a fair price.

***City Council Action Requested***

Award the contract for the 34th Street Lift Station Repair to Meyer Contracting in the amount of \$18,700.00.

Sincerely



Thomas D. Prew, P.E.  
City Engineer

TDP:tlb


<b>Lake Elmo City Council April 6, 2004</b>	<b>Agenda Section: Planning, Land Use &amp; Zoning</b>	<b><u>No.</u> 9A</b>
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**Agenda Item:** Site Plan Amendment and Temporary Office – Hiner Development

**Background Information for April 6, 2004:**

At its meeting March 29, 2004 the Planning Commission unanimously recommended approval of an amendment to the Mulligan Master Site Plan; and , also recommended that Hiner Development be granted permission to place a portable structure on the site during the 2004 season.

The Site Plan amendment rearranges the location of structures on the site; and, adjusts the sizes/uses of those structures. The request for a temporary structure is to enable the other wise essentially complete facility to open for business while the permanent structures are under construction.

<p><b><u>Action items:</u></b></p> <ol style="list-style-type: none"> <li>1. Motion to adopt Resolution 2004 - <sup>026</sup>, approving amendments to the Hiner Development Site Plan, per plans staff-dated March 25, 2004, as recommended by the Planning Commission.</li> <li>2. Motion to approve location of a temporary structure on the Mulligan Masters site per plans Staff-dated March 25, 2004, and subject to the condition that the temporary structure be removed by October 31, 2004.</li> </ol>	<p><b><u>Person responsible:</u></b></p> <p>City Planner </p>
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<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Draft Resolution 2004 - <sup>026</sup> Approving Site Plan Amendment</li> <li>2. Draft Planning Commission Minutes of March 29, 2004</li> <li>3. Planning Staff Report and Attachments</li> </ol>	<p><b><u>Time Allocated:</u></b></p>
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CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-026

A RESOLUTION APPROVING A SITE PLAN AMENDMENT  
FOR THE HINER DEVELOPMENT

WHEREAS, at its March 29<sup>th</sup> meeting, the Lake Elmo Planning reviewed and recommended approval of an amendment of the Site Plan Amendments for Mulligan Masters located at 400 Keats Avenue, submitted by the Hiner Development/MM Golf One, LLC.

WHEREAS, at its April 6<sup>th</sup> meeting, the Lake Elmo City Council reviewed the site plan amendment for Mulligan Masters which rearranges the location structures on the site; and adjusts the sizes and uses of these structures

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council approves the amendments to the Hiner Development Site Plan and the location of a temporary structure on the Mulligan Masters site, per plans staff dated March 25, 2004, as recommended by the Planning Commission subject to the following conditions:

1. Exterior surfacing of the maintenance structure shall continue to be consistent with the plans approved for this site in 2002.
2. The temporary office structure, as depicted by submitted plans, will be removed from the site by October 31, 2004. No extension of this approval will be considered by the City.

ADOPTED BY THE LAKE ELMO CITY COUNCIL on the 6<sup>th</sup> day of April, 2004.

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Lee Hunt, Mayor

ATTEST:

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Charles E. Dillerud, Acting Administrator

MulliganMastersSitePlan

**Amended Site Plan for Hiner Development – Mulligan Masters**

The Planner said that last year the Planning Commission approved rezoning to AG with a CUP for commercial recreation, in order to construct a golf practice facility on a 40 acre site. Most grading and landscaping, irrigation, etc., is finished, but structures originally planned have not as been constructed.

The Planner reported that the applicant has submitted a proposal to modify the approved site plan. Ponds have been enlarged and deepened, and some other adjustments have occurred within the site. The clubhouse plans show it is reduced significantly in size and no longer a two-story. The maintenance facility has increased in size, perhaps because of the clubhouse reduction.

The Planner said the applicant would like to locate a temporary office facility at the west end of the site. It will be used for ticket issuing and as a temporary office until the other buildings are constructed. He reported that the Zoning Ordinance does not address a temporary mobile office facility in the AG Zone. The Planner suggested the Commission address this issue, and provide the City Council with a recommendation on whether to allow a temporary structure. The applicant would like the temporary structure on-site until the end of the season.

**Applicant, John Means, Director of Mulligan Masters**

Mr. Means displayed a three-dimensional model of the site. He said the ponds were changed because the water drained a certain way. After the winter, the ponds are full. The developers tried to come up with a way to make golf more attractive to women and children. There will be a daycare facility and a kids' club. He said their goal is to make Mulligan Masters a year-round facility. The entire facility is done except for the first tee box, and the maintenance shed. The clubhouse is not done. Mr. Means said that the SBA Loan was a problem at the end of the building season last year. The proposed temporary structure would be needed in the next couple of months. The developers have not abandoned the plan for the clubhouse. They are not sure just what balance of services will work best. The proposed temporary structure is made by GE Capital, and an awning will be made. He said the structure measures 12 X 44. He said their goal is to have the two structures built by June 6, and move the temporary building to the south end of the site by the kids' area for the summer until school starts.

Commissioner Deziel asked what happens to the kids' club next season. Mr. Means said they will build a small facility for a bathroom and check in.

Commissioner Pelletier asked if the equipment building is larger, will the clubhouse possibly be the original size. Mr. Means said the clubhouse wouldn't be any bigger.

The Planner noted that he had incorrectly labeled that structure on one of the graphics attachments as the clubhouse, but it is the check-in building.

Commissioner Sessing asked if there would be individual septic areas for the two buildings. Mr. Means said they would be combined in one system.

The Planner said the city normally requires construction of a primary structure before an accessory structure, but he is not bothered by this proposal because there has been a huge investment already. He said he does not think this will be an issue.

DRAFT

DRAFT

DRAFT

**M/S/P**, Ptacek/Sessing, to recommend to the City Council the approval of the Site Plan Amendments for Hiner Development/MM Golf One, LLC at 400 Keats Avenue, per plans staff dated March 25, 2004, and based on the following conditions:

1. Exterior surfacing of the maintenance structure shall continue to be consistent with the plans approved for this site in 2002.
2. A temporary office trailer, as depicted by submitted plans, is approved, but shall be removed from the site by October 31, 2004. No extension of this approval will be considered by the City. **VOTE: 7:0.**

**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** March 25, 2004 for the Meeting of March 29, 2004

**Applicant:** Hiner Development/MM Golf One, LLC

**Location:** 400 Keats Avenue

**Requested Action:** Section 520 Site Plan Amendment

**Land Use Plan Guiding:** RAD

**Existing Zoning:** AG (Subject to CUP for Commercial Recreation)

**Site History and Existing Conditions:**

This 38 acre site was created and approved for a golf practice facility by City Council actions on December 18, 2001 (Lot Division), and February 5, 2003 (Comp Plan Amendment, Rezoning to AG, and CUP). On May 7, 2002 the City Council also approved a Section 520 Site Plan for the improvements and structures on the site. The extensive grading, turf establishment, and landscaping of the site for the approved facility have been essentially completed. Structure construction has not been completed. The site grading and pond construction was required to be modified significantly during construction to address drainage issues. As a result, the actual golf practice area is somewhat smaller than as approved, and the ponds are somewhat larger and deeper.

**Discussion and Analysis:**

The developer/applicant is now requesting an amendment to the approved site plan that will result in both a reduction in scale, and relocation within the site of the "clubhouse" facility. It is our understanding that the functions/uses of the "clubhouse" will no longer be as broad as those previously anticipated - including golf school, snack bar and pro shop. Approved for all those uses was a two story structure of over 2,500 square feet. The "clubhouse" structure will now only serve as the check-in facility for the use, and be single a level of 600 square feet. The clubhouse is proposed to be relocated to a site somewhat west of where depicted on the approved site plan.

To off-set the facility maintenance and storage areas lost by the reduction in the clubhouse scale, the applicant proposes to enlarge the maintenance structure located off the west end of the parking lot from the previously depicted 1,500 square feet to 2,400 square feet. The location of this structure would not change. The "video" structure and the gazebo are no longer proposed to be constructed.

The applicants have also requested approval to locate a temporary office on the site pending the construction of the club house structure. It is proposed that a commercial office trailer would be located at the west end of the parking lot, near where the maintenance structure would be located. The City Code does not directly address temporary accommodations for business purposes in the same manner it does for residential trailer homes. The only provisions that appear to apply are those of the "temporary construction office". Such accommodations are permitted for a specified duration, and must be removed within 30 days of that specified duration.



Given the uncertainty of the Code in this regard, we are processing the applicants' request for the temporary office accommodations along with the Site Plan Amendment request. Given the extensive site improvements already completed – the facility grounds are ready for the intended golf practice use – and the remote location at which the temporary structure would be located, staff does not believe there would be a problem with this request. We do, however, suggest that a date certain for the removal of the temporary office be specified. We would suggest October 31, 2004 to coincide with the probable conclusion of the facility's season.

**Findings and Recommendations:**

The relocated and modified scale of the structures proposed for the site continue to comply with zoning ordinance standards as to set backs, and related dimensional features. In addition the exterior surfacing of the modified clubhouse is consistent with that approved in 2002; and, we have concluded that will be the case with the enlarged maintenance facility as well. We recommend approval of the Section 520 Site Plan amendment.

While we can not cite a specific Code provision, we suggest that, under the circumstances presented by this site (extensive site improvements already constructed and functional for the intended use), approval of a temporary office structure for this site, to be removed by October 31, 2004 is reasonable and proper.

**Planning Commission Actions Requested:**

Motion to recommend to the City Council the approval of the Site Plan Amendments for Hiner Development/MM Golf One, LLC at 400 Keats Avenue, per plans staff dated March 25, 2004, and based on the following conditions:

1. Exterior surfacing of the maintenance structure shall continue to be consistent with the plans approved for this site in 2002.
2. A temporary office trailer, as depicted by submitted plans, is approved, but shall be removed from the site by October 31, 2004. No extension of this approval will be considered by the City.



Charles E. Dillerud, City Planner

**Attachments:**

1. Location Map
2. Approved 2002 Site Plan
3. Applicants' 2004 documentation

Grant Township

City of Lake Elmo

Bayton

West I

Site

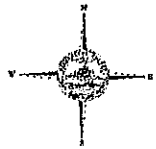
Keats Avenue

1784

T27N

R22W

Vicinity Map



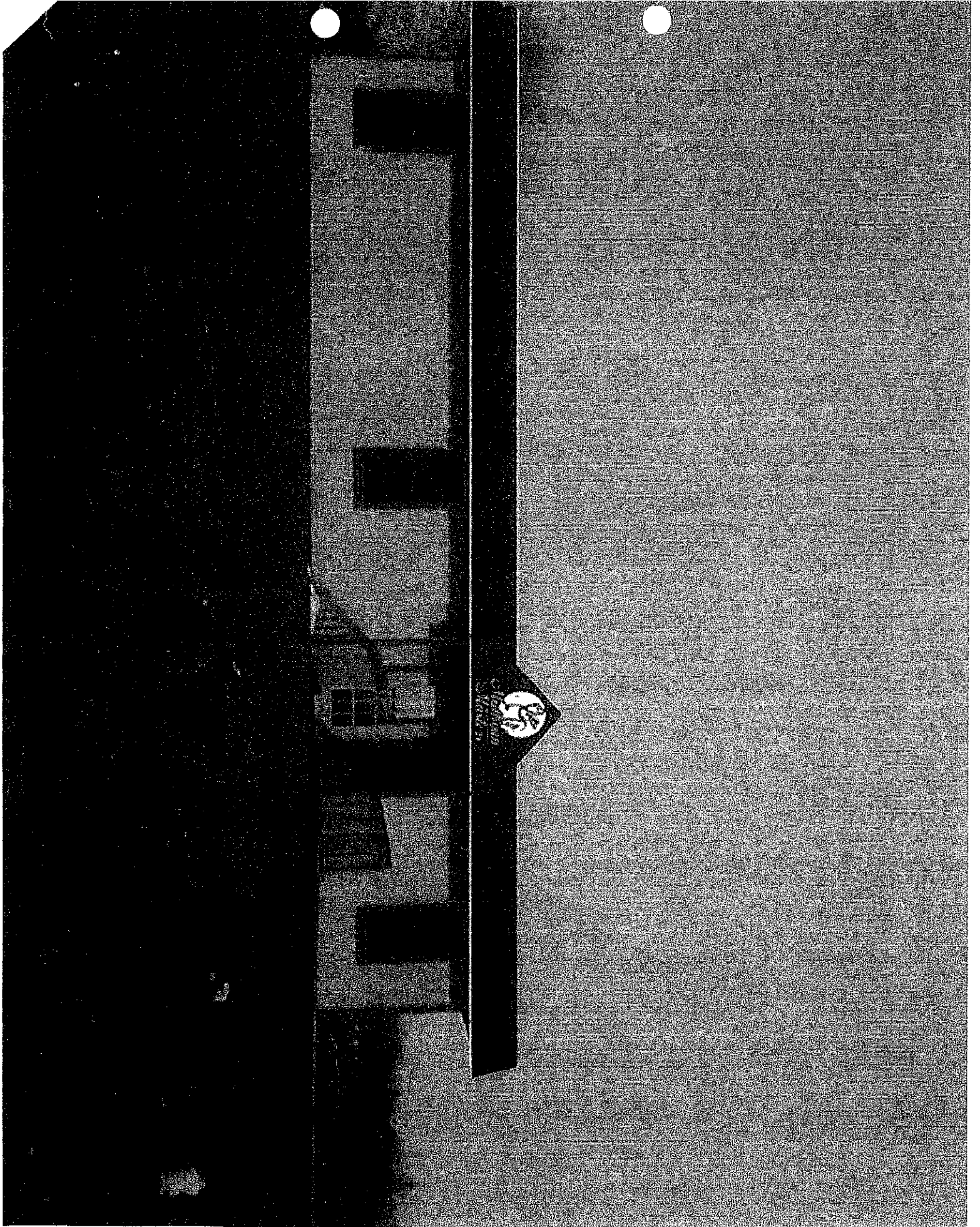
0 7514  
Scale in Feet

Location Map

This drawing is the result of a compilation and reproduction of the 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 inaccuracies.

Source: Washington County Surveyor's Office, File No. 0811 025-0875

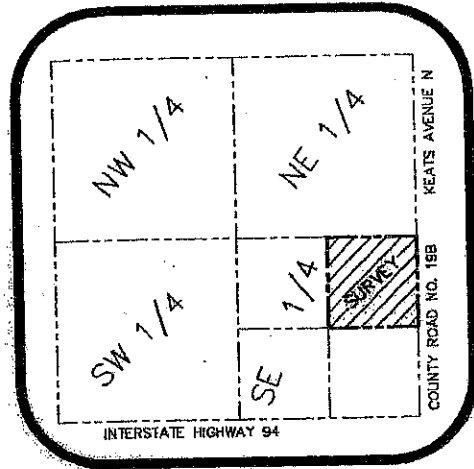
Parcel data based on ARIOD information current through February 28, 2002. Map dated: April 25, 2002.



# PRELIMINARY SITE PLAN

MULLIGAN MASTERS  
Lake Elmo, Minnesota

## 2002 Approved Plan



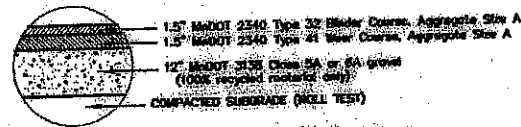
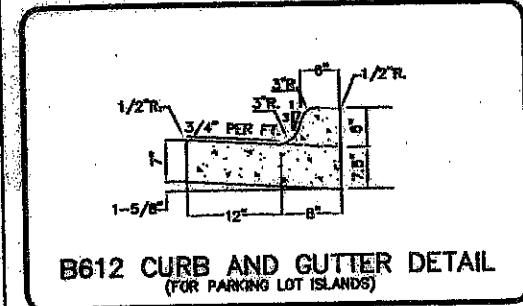
No Scale

### VICINITY MAP

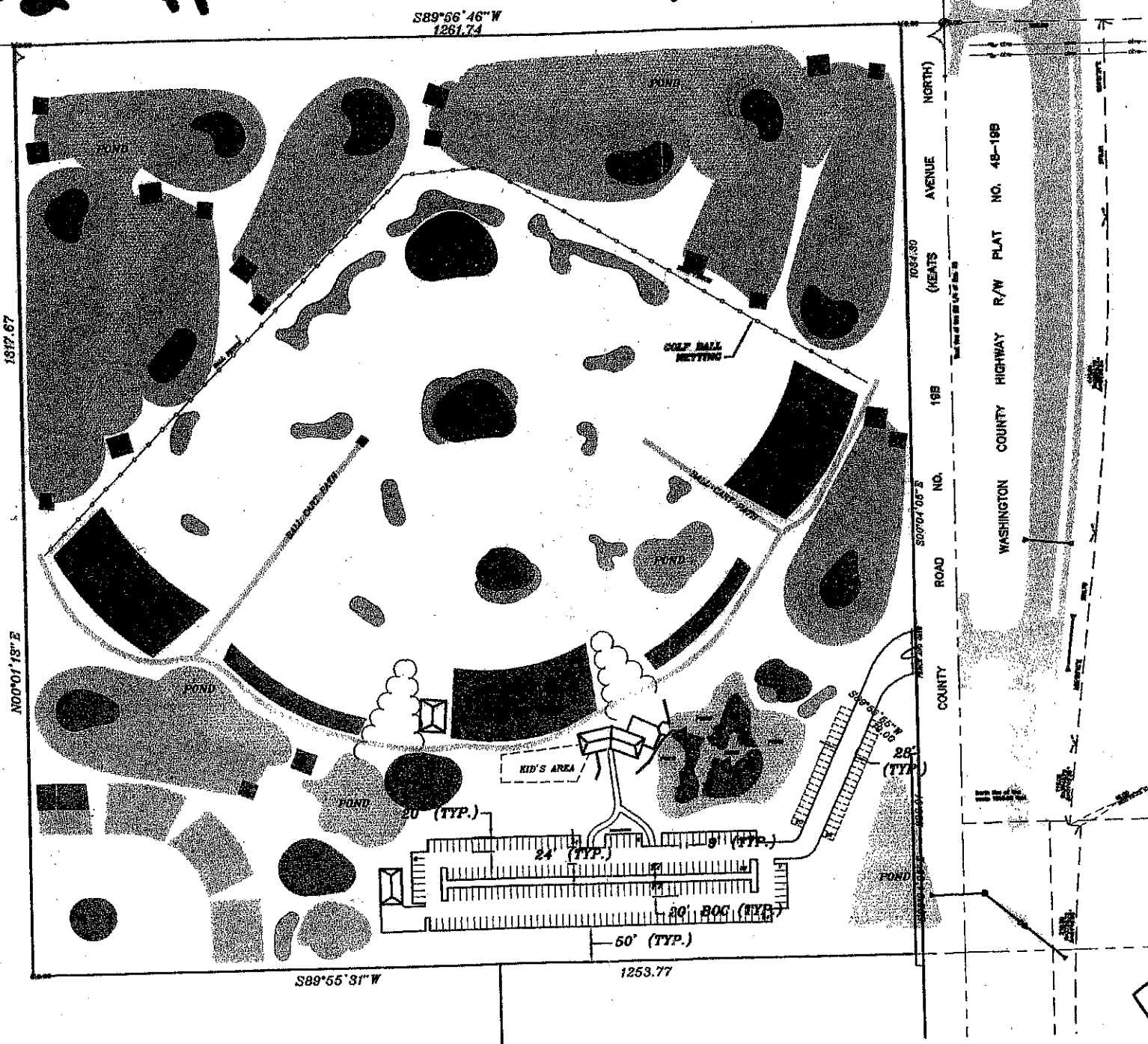
Section 34, Twp. 29, Rge. 21  
Washington County, Minnesota

### PROPERTY DESCRIPTION

(No title work furnished to surveyor.)  
West part of the Northwest Quarter of the Southeast Quarter of Section 34,  
Township 29, Range 21, Washington County, Minnesota, being westerly of  
WASHINGTON COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 48-198.  
Subject to a Northern States Power Company easement as described in  
Book 277 of Books, page 553.



9-TON DESIGN  
(GRAVEL EQUIVALENCY OF 17.5%)  
BASED ON SOIL FACTOR OF 100%  
**PAVEMENT SECTION**



### SITE NOTES:

#### SETBACKS

<b>BUILDING SETBACKS:</b>	
FRONT	100 FT
SIDE	50 FT
SIDE (STREET)	100 FT
REAR	50 FT
ANY LINE ADJACENT TO A RESIDENTIAL ZONE	150 FT

#### PARKING SETBACKS:

FRONT	30 FT
SIDE	10 FT
REAR	10 FT
ANY LINE ADJACENT TO A RESIDENTIAL ZONE	100 FT

#### AREAS

TOTAL AREA	1,683,597 S.F. (38.19 AC)
POND AREA	144,300 S.F. (3.31 AC)
IMPERVIOUS AREA	102,900 S.F. (2.36 AC)
BUILDING AREA	5800 S.F. (0.13 AC)
BITUMINOUS AREA/PATHS	97,100 S.F. (2.29 AC)
PERCENT IMPERVIOUS	6.2%
CURRENT PARKING PROVIDED	210 STALLS

DESIGNED	REVISIONS
C.G.S.	3/16/02 REVISED SITE PLAN
DRAWN	
A.G.	
CHECKED	
C.G.S.	

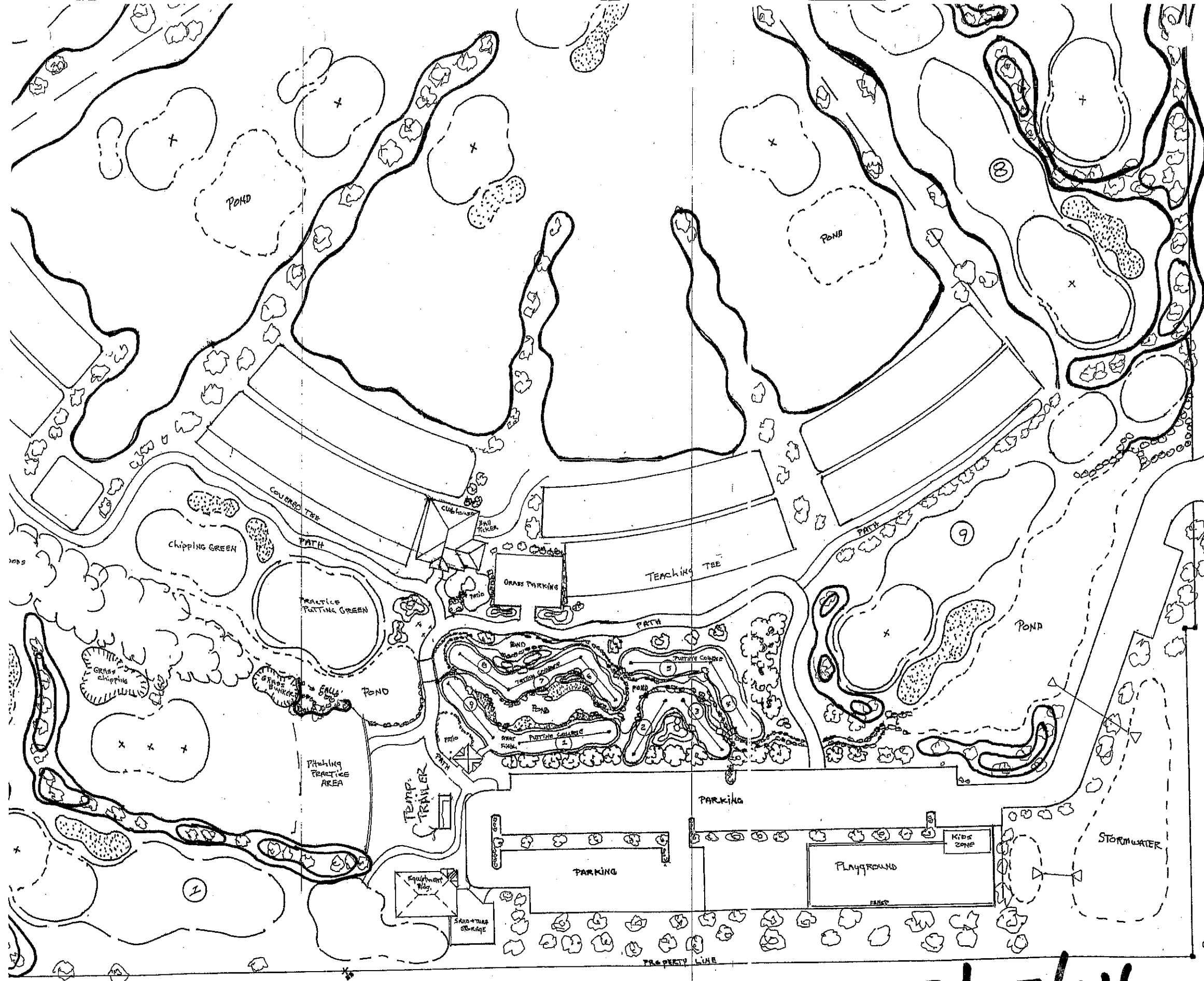
SITE PLANNING ENGINEERING  
**PLOWE ENGINEERING, INC.**  
9180 LEONARD AVENUE N.E.  
CIRCLE PINES MINNESOTA 55014-3025  
TEL: (763) 786-1043 FAX: (763) 786-8007

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional engineer under the laws of the State of Minnesota.  
CRAG G. SCHLICHTING  
DATE: 3/16/02 LIC. NO. 41295

PREPARED FOR:  
**HINER DEVELOPMENT**  
244 LION LANE  
SHOREVIEW MN 55126-2130  
(851) 483-8844

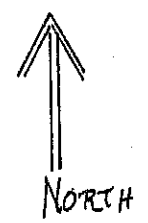
**PRELIMINARY SITE PLAN**

DATE 12/12/01  
SHEET 1



400 KEATS AVE LAKEELM

CITY Rd 19



HINER DEVELOPMENT INC.  
651-483-8844

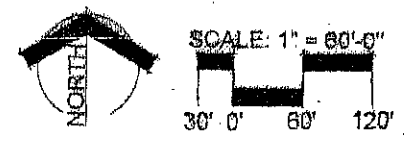
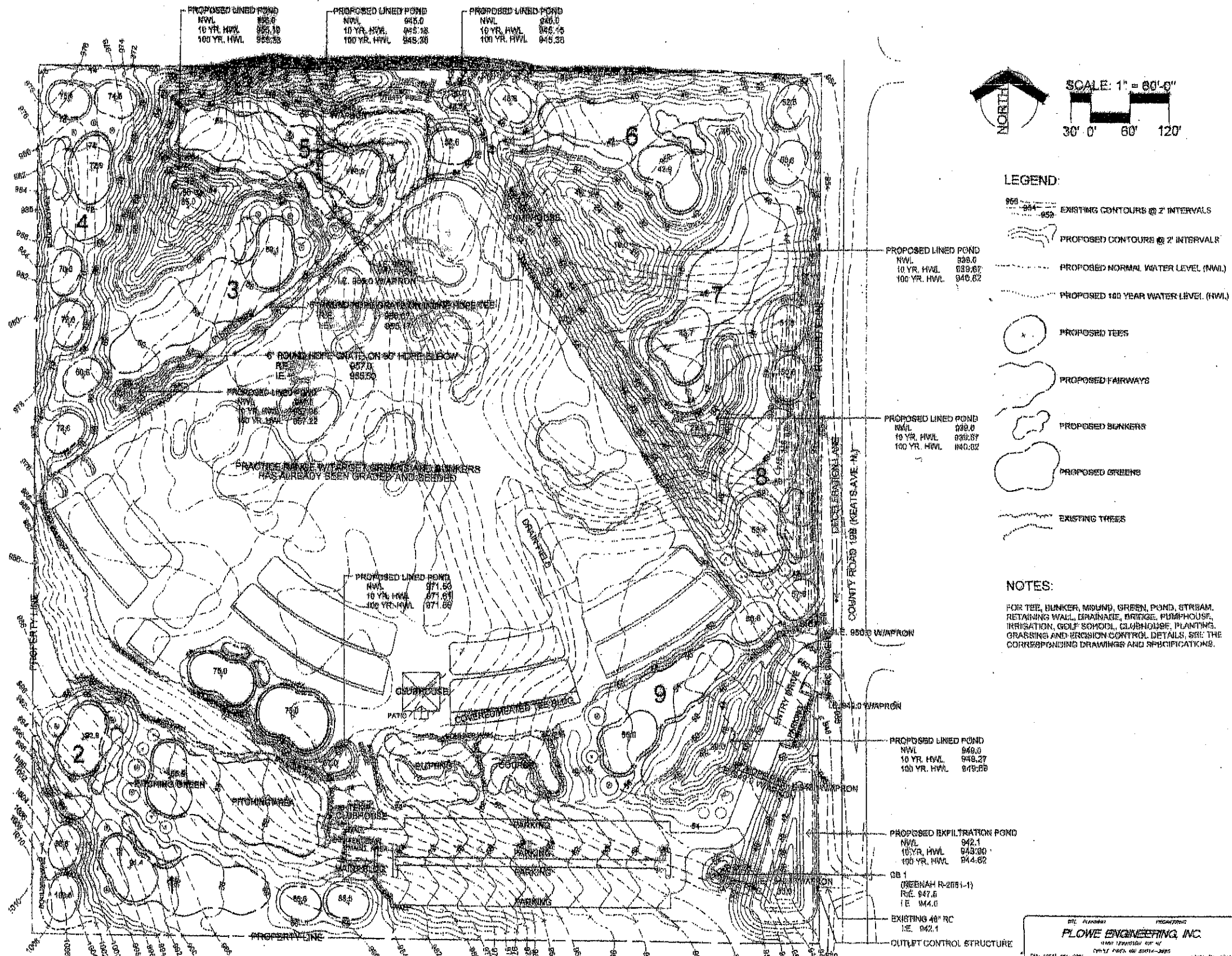
1" = 40'  
JAN 25, 04

MULLIGAN MASTERS  
GOLF PRACTICE FACILITY 651-777-4653

3/25/04  
CAR



# MULLIGAN MASTERS FAMILY GOLF CENTER: GRADING PLAN



- LEGEND:**
- EXISTING CONTOURS @ 2' INTERVALS
  - PROPOSED CONTOURS @ 2' INTERVALS
  - PROPOSED NORMAL WATER LEVEL (NWL)
  - PROPOSED 100 YEAR WATER LEVEL (HWL)
  - PROPOSED TEES
  - PROPOSED FAIRWAYS
  - PROPOSED BUNKERS
  - PROPOSED GREENS
  - EXISTING TREES

**NOTES:**

FOR TEE, BUNKER, MOUND, GREEN, POND, STREAM, RETAINING WALL, DRAINAGE, BRIDGE, PUMPHOUSE, IRRIGATION, GOLF SCHOOL, CLUBHOUSE, PLANTING, GRASSING AND EROSION CONTROL DETAILS, SEE THE CORRESPONDING DRAWINGS AND SPECIFICATIONS.

3/25/04  
CJD

DEVELOPER: HINER DEVELOPMENT INC., 244 LION LANE, SHOREVIEW, MN 55126, (651) 483-8844  
 GOLF COURSE ARCHITECT: MARK MITCHELL, PLAN NO.: 0212 GP, MAY 12, 2003

FORWARD: PRELIMINARY AND NOT FINAL

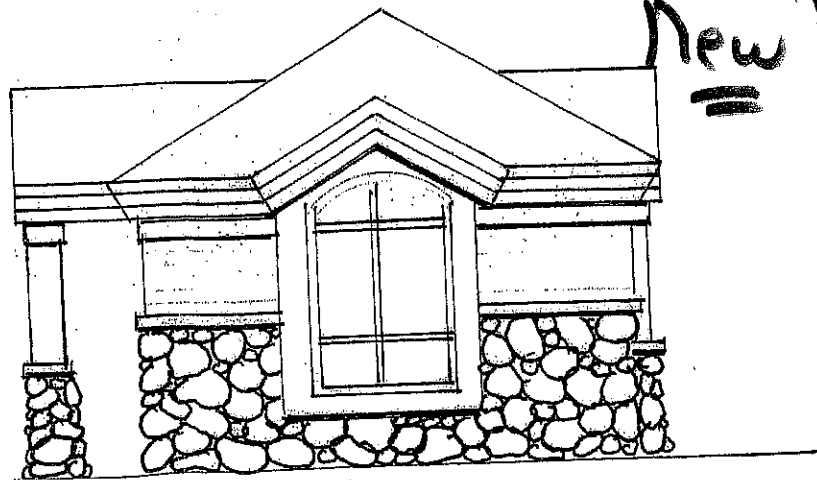
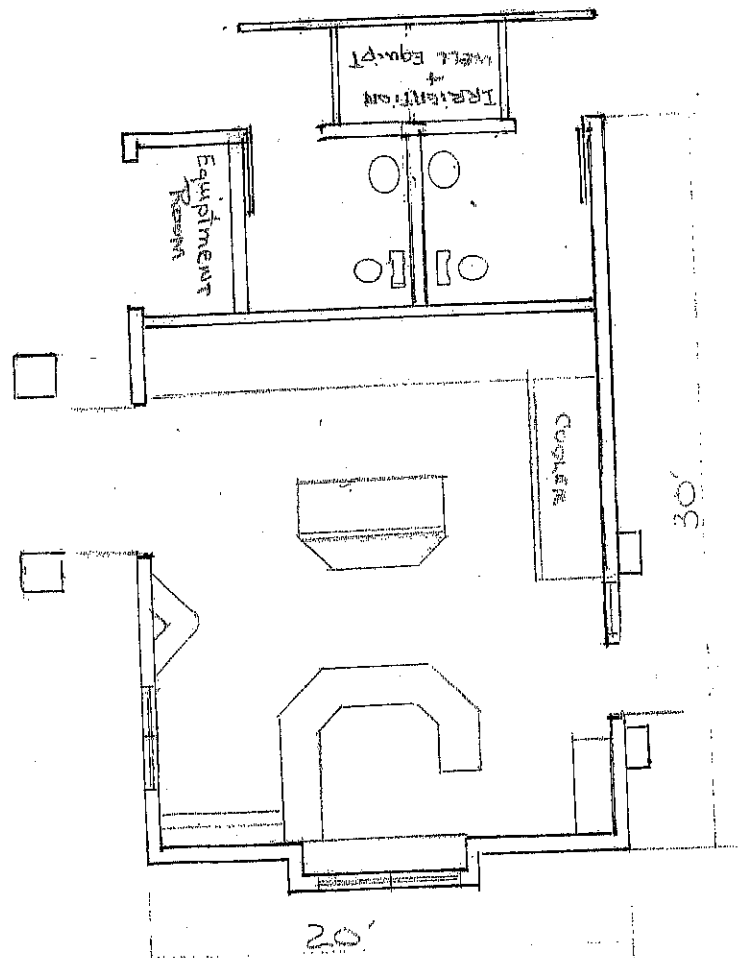
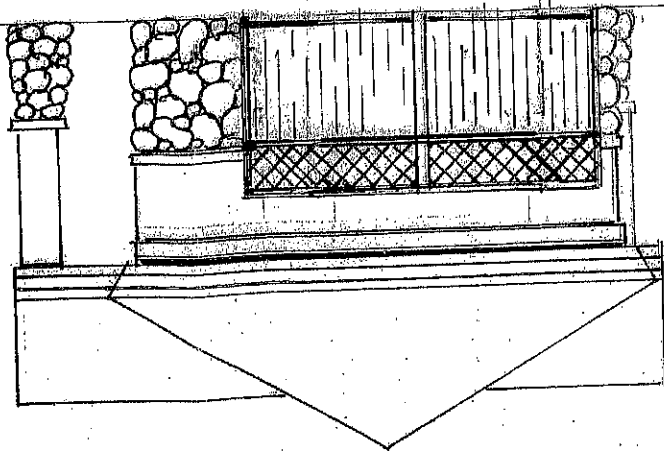
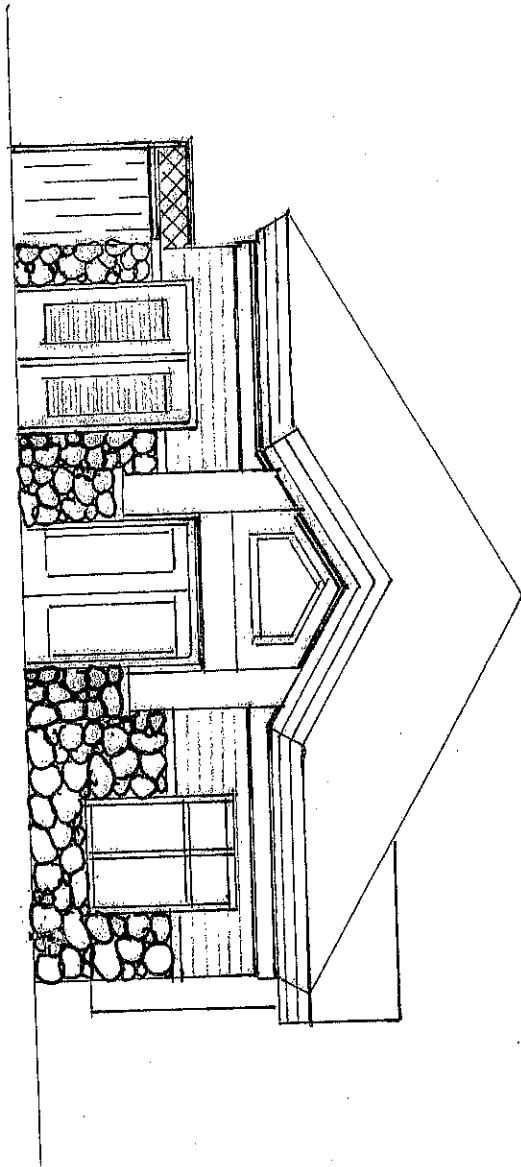
THIS PLAN WAS PREPARED BY THE ENGINEER AND ARCHITECT FOR THE DEVELOPER AND IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF THE ENGINEER AND ARCHITECT.

DATE: 5/12/03

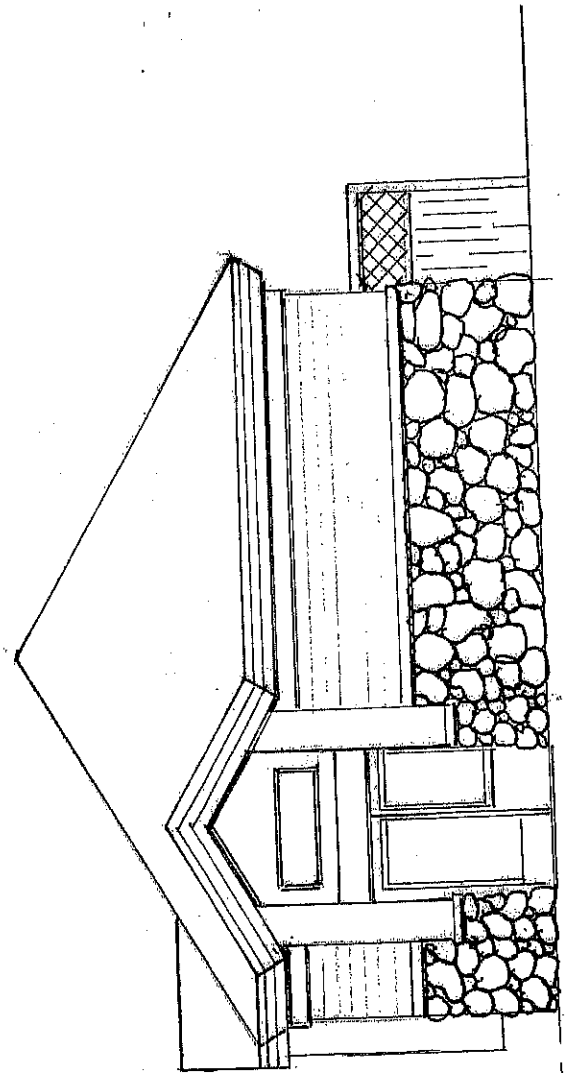
**FLOWE ENGINEERING, INC.**  
 1100 12TH AVENUE NW  
 DENVER, COLORADO 80202-3205  
 TEL: (303) 733-8800 FAX: (303) 733-8801

**GOLF DESIGN ASSOCIATES**  
 GOLF COURSE ARCHITECTS/LAND PLANNERS  
 313 WEST GROVE ROAD  
 HUDSON, WISCONSIN 54016 USA  
 TEL: 715-381-8100 FAX: 715-381-3100  
 EMAIL: info@golfdesign.com

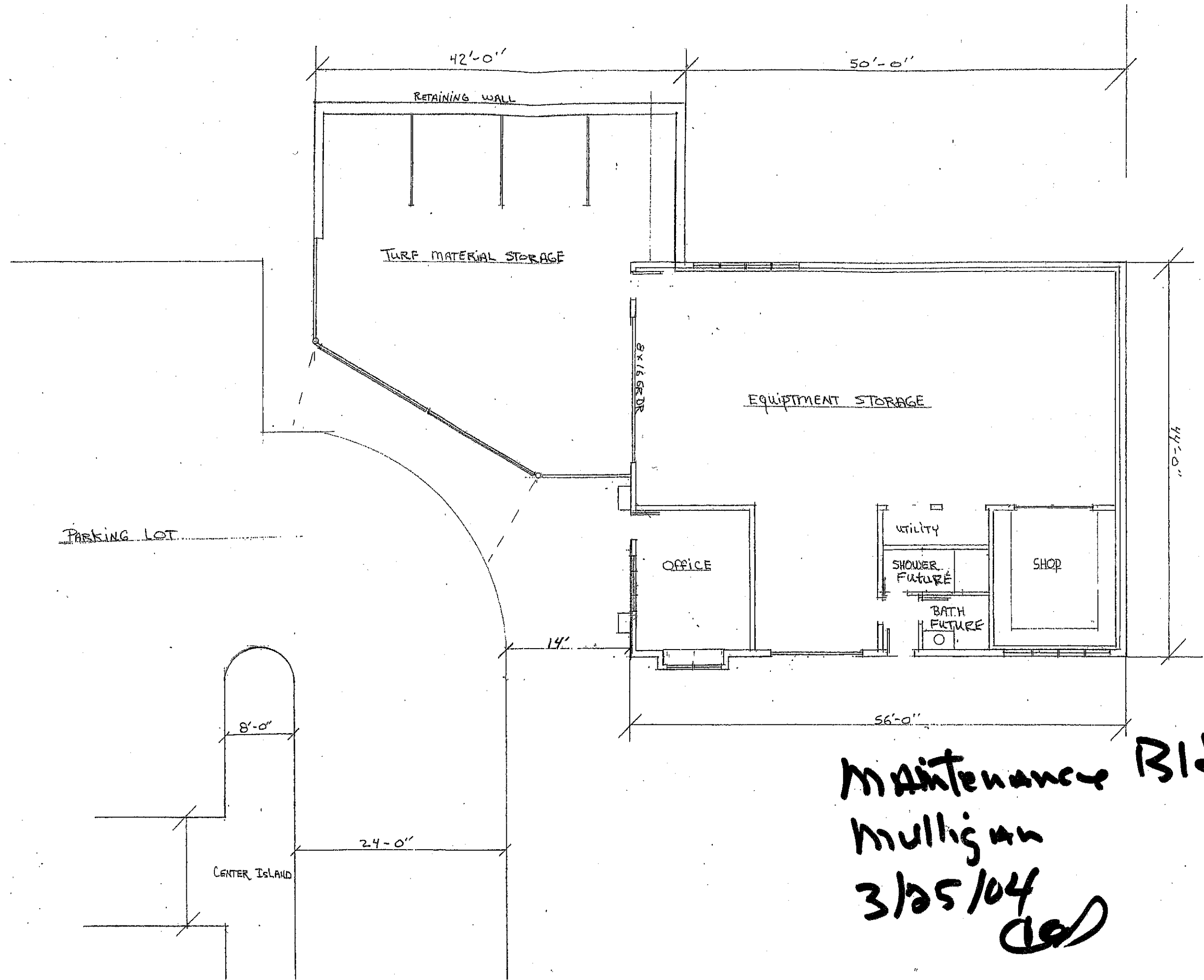
SOUTH SIDE



NORTH SIDE



New Registration Bldg.  
 3/25/04  
 [Signature]



Maintenance Bldg.  
Mulligan  
3/25/04  
[Signature]



<b>Lake Elmo City Council April 6, 2004</b>	<b>Agenda Section: Planning, Land Use &amp; Zoning</b>	<b>No. 9B</b>
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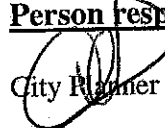
**Agenda Item:** Zoning Variance – Eisele, 11094 35<sup>th</sup> Street North

**Background Information for April 6, 2004:**

At its meeting March 29, 2004 the Planning Commission conducted the required Public Hearing and adopted a recommendation for approval of this variance application to construct a garage that would encroach on both front and side yard required setbacks. The Planning Commission recommendation is subject to three condition, the most significant of which is that the garage structure be reduced in size and/or its location be adjusted to result in not less than a 6 foot setback to the side property line (a 4 foot setback had been requested), and not less than a 20 foot front setback (16 feet had been requested. This condition would reduce the width of the garage from 32 feet to 28 feet; and reduce the depth of the garage from 24/26 feet to 22/24 feet. The increased side setback could also be accomplished by sliding the garage northerly 2 feet. The Commission did not specify garage dimensions, but rather maximum setback variances.

The Commission also recommends a slight modification to the staff-recommended condition regarding a 5 foot driveway setback. The applicant advised the Commission that the present driveway straddles the north property line of the parcel – a factor not evident from casual field inspection. Due the width of the easement to this parcel extending from the end of 35<sup>th</sup> Street to the east property line of the parcel, a 5 foot setback to the north property will not be possible as the driveway enters the parcel. The Commission recognized that circumstance, and specified the 5 foot setback only where physically possible. It appears that the Commission decided to delegate that determination to the Building Official.

The attached draft approval Resolution includes the recommendations of the Planning Commission.

<p><b><u>Action items:</u></b>          Motion to adopt Resolution #2004 - <sup>027</sup>, approving side yard and front yard setback variances at 11094 35<sup>th</sup> Street North, per the graphics staff-dated March 25, 2004, and subject to conditions, including modification of the variance degree.</p>	<p><b><u>Person responsible:</u></b>            City Planner</p>
<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Draft Resolution 2004 - <sup>027</sup> approving Variances</li> <li>2. Draft Planning Commission Minutes of March 29, 2004</li> <li>3. Planning Staff Report and Attachments</li> </ol>	<p><b><u>Time Allocated:</u></b></p>

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-027

A RESOLUTION APPROVING ZONING VARIANCES FOR  
JON AND SHELLIE EISELE LOCATED AT 11094 35<sup>TH</sup> STREET NORTH

WHEREAS, Jon and Shellie Eisele, 11094 35<sup>th</sup> Street, have made application for a zoning variance from side and front setbacks to construct a two-stall garage.

WHEREAS, at its March 29<sup>th</sup> meeting, the Planning Commission reviewed and recommended approval of the side yard and front yard setback variances at 11094 35<sup>th</sup> Street, per the graphics staff dated March 25, 2004 based on the following findings:

1. The property cannot be put to reasonable use without granting the variance requested. Reasonable use must be defined in the context of contemporary housing standards and design. The proposed garage addition is in keeping with both.
2. The variance requested results from circumstances unique to properties where principal structures were constructed prior to adoption of current zoning regulations; and the circumstances of the variance were not solely created by the applicant.
3. Granting of the variance will not change the essential character of the neighborhood.

WHEREAS, at its April 6<sup>th</sup> meeting, the Lake Elmo City Council reviewed the zoning variance from side and front setbacks to construct a two-stall garage requested by Jon and Shellie Eisele, located at 11094 35<sup>th</sup> Street.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council approves the variances for side yard setback and front yard setback for Jon and Shellie Eisele at 11094 35<sup>th</sup> Street North, per the graphics staff-dated March 25, 2004, subject to the following conditions:

1. No driveway or turning area shall be located closer than five feet from any property line where adequate easement width permits.
2. No "privacy fence" as depicted on the applicant's survey is hereby approved. The applicant shall make separate application for a fence permit and comply with fence standards of the City Code.

3. The minimum side yard set back shall be no less than 6 feet; and, the minimum front yard set back shall be no less than 20 feet. Plans shall be modified to reflect this condition.

ADOPTED BY THE Lake Elmo City Council the 6<sup>th</sup> day of April, 2004.

---

Lee Hunt, Mayor

ATTEST:

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Charles E. Dillerud, Acting City Administrator

EiseleVariance

**Public Hearing – Variance – Eisele**

The Planner reported that he worked with the applicant to figure out where to place a garage structure on the site without a variance. The Planner said that because of the irregularity of the parcel boundaries and the location of the septic drainfield, the applicant has chosen the east side of the parcel to locate the proposed garage. The applicant has requested a variance for a side yard setback of four feet where ten are required; and a front yard set back of sixteen feet where thirty feet is required.

Staff suggested the following findings:

1. The property cannot be put to reasonable use without granting the variance requested. Reasonable use must be defined in the context of contemporary housing standards and design. The proposed garage addition is in keeping with both.
2. The variance requested results from circumstances unique to properties where principal structures were constructed prior to adoption of current zoning regulations; and the circumstances of the variance were not solely created by the applicant.
3. Granting of the variance will not change the essential character of the neighborhood.

The Planner recommended approval of the variances requested with the following conditions:

1. No driveway or turning area shall be located closer than five feet from any property line.
2. No "privacy fence" as depicted on applicants' survey is hereby approved. The applicant shall make separate application for a Fence Permit, and comply with fence standards of the City Code.

The Planner said that notice was sent to surrounding property owners; and, that two neighbors have expressed no objections. Two additional observations were made by others: the size of the garage at 32 X 26 is very large, and 29% of the site would be covered by impervious surface. He noted that while there are no impervious standards in the R-1 District, that issue might also be addressed.

Commissioner Deziel asked if there is a requirement for width of driveways. The Planner responded that the requirement is at the curb cut, and there is no curb cut here.

Commissioner Sedro remarked that there are similarities to a variance recently requested in the Tri-Lakes neighborhood. The Planner said the cases are similar.

Commissioner Deziel noted that this variance request is a side yard to rear yard situation, and the rear setback standard is forty feet. In the other case the structures were much closer together as side yard top side yard. The neighbor in this case is much farther away. The existing picture window on the front of the house would be blocked by moving the garage further north.

**Mr. Eisele, Applicant**

Eisele noted that stakes for the property are found in the center of the present gravel driveway. The Eiseles have an easement across the two other properties north and east for ingress and egress.

Commissioner Deziel asked about the size of the turnaround in the driveway.

Mr. Eisele said they will eliminate the turnaround portion of the driveway if necessary.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:43 PM

Nobody came forward to speak.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:44 PM

Commissioner Sessing asked how far from the northeast corner does the gravel road come before it turns in toward the house?

DRAFT

DRAFT

DRAFT

Mr. Eisele replied that the driveway travels along his entire north line. He would remove five feet off the turnaround to help the situation.

Commissioner Ptacek suggested that the garage size could be scaled down to a minimum variance request.

Commissioner Deziel said the applicant has a modest sized house, and it shouldn't count against him. He does not see a problem with the size of the garage. He said it is a reasonable compromise and solution in terms of uniqueness of the situation.

Chairman Helwig said it is a big garage and only four feet of setback. He would be inclined to a garage sized around 24 feet wide and 22 feet deep, to get that side setback up to six feet.

Commissioner Sedro asked if the standard of minimum variance that would mitigate the hardship is still in the State Statute. The Planner said it is.

M/S/P, Ptacek/Sedro, To recommend approval based upon the Findings in the Staff Report dated March 24, 2004, and with an additional condition: To reduce the side setback variance two feet (allowing a 6 foot side setback) and the front setback variance four feet (allowing a 20 foot front setback), and the five feet driveway setback should be maintained to the maximum degree practicable to maintain access.

Commissioner Ptacek said the project is in tune with the scale of the neighborhood.

Commissioner Deziel asked the applicant if the project was still doable or would the conditions destroy their plan.

The Planner said the Commissioners have the right to recommend modification of the variance in accordance with the ordinance and their functions. The modifications proposed by the Motion would also reduce impervious coverage.

The applicant said he understands it is tight quarters, and if it helps, he will redraw his plans to meet the setbacks specified by the Motion.

**VOTE: 7:0.**

**DRAFT**

**DRAFT**

**DRAFT**

**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** March 24, 2004 for the Meeting of March 29, 2004

**Applicant:** Jon & Shellie Eisele

**Location:** 11094 35<sup>th</sup> Street North

**Requested Action:** Zoning Variance from Side and Front Setbacks

**Land Use Plan Guiding:** SRD

**Existing Zoning:** R-1

**Site History and Existing Conditions:**

The site is a lot reported to be of 13,215 square feet containing an existing 2 story house with a reported site footprint of 952 square feet. The present owner (also applicant) reports that he understands that this lot was once larger than it appears today. The size of the lot has apparently been reduced over many years by one or more partial land sales to adjoining property owner(s). The City has no record(s) of those sales, or City approval of land divisions. We assume those transactions predate the current zoning standards – or City zoning of any description. The site does not have a garage today, although there may have been an attached garage on the house at some time in the distant past.

The City Address File on the site reveals an addition to the house in 1997; and reconstruction of the septic drain field in 1999. City water service was also completed to the house in 1998.

The relationship of the lot to a public street is unusual. It appears that 35<sup>th</sup> Street North effectively terminates at the east property line of the lot, with the existing driveway loading directly off the end of 35<sup>th</sup> Street North. As such, the “least public street frontage” of the lot is to the east, and that then defines the east line of the lot as the “front” – regardless of how the house entrance is oriented.

**Discussion and Analysis:**

The applicants propose construction of a two stall attached garage addition, extending off the east side of the house. Staff has met with the applicants over the past year to review various other options that could be available to applicants for constructing garage space – primarily focusing on site areas west of the existing house. Because of the location of the septic drain field in the south west portion of the lot, coupled with the irregular shape of the lot there does not appear to be other garage locations that would eliminate a setback variance situation of some description.

.The applicant’s present 32 foot by 26 foot attached garage proposal would result in a variance from Front Yard setback to allow 16 feet where 30 feet is required; and, in a variance from Side Yard setback to allow 4 feet where 10 feet is required. Due to the unusual layout of this neighborhood, the legal Front Yard actually functions more to that of a Side Yard. As such, while the degree of variance could be reduced by reducing the width of the garage (32 feet of width is oversized for a two stall garage), the actual impact on adjoining property to the east by reducing the garage width would be minimal.

The maximum proposed garage depth of 26 feet is somewhat over that usually seen as well. (22-24 feet as more typical) for garage stall depth. Since, however, only a portion of the garage is proposed to be 26 feet in depth (the easterly 13 feet), and that extra (2 feet) of depth is added to the north end of the proposed garage the degree of variance requested for a 24 foot depth does not differ from that which would be requested for a 26 foot garage depth. No significant reduction to the requested side yard variance could result without further encroachment on the house entry corridor – but that would still be possible.

As has been the case with several preceding variance applications involving additions or new construction of garage facilities to existing homes, staff continues to suggest that residences located in personal vehicle-dependent and cold weather areas such as Lake Elmo should have covered vehicle storage. The 21st Century life style in such areas usually dictates multiple vehicles at each residence. Indeed, few new residences are constructed in Lake Elmo today without three garage stalls. Reasonable updating a residence constructed during less vehicle-dependent times certainly does not constitute an excess.

We are unable to determine by field inspection how the existing gravel driveway location relates to the north property line. We note, however, that the applicant's survey depicting the proposed garage addition place the driveway/turning area to the site/proposed garage at the north property line. There would appear to be sufficient room on the site to relocate the driveway/turn area the Code required 5 feet off the north property line.

**Findings and Recommendations:**

Based on the foregoing discussion/analysis, Staff recommends the following Findings regarding this application:

1. The property can not be put to reasonable use without the granting of the variance requested. Reasonable use must be defined in the context of contemporary housing standards and design. The proposed garage addition is in keeping with both.
2. The variance requested results from circumstances unique to properties where principal structures were constructed prior to adoption of current zoning regulations; and, the circumstances of the variance were not solely created by the applicant.
3. Granting of the variance will not change the essential character of the neighborhood.

Based on these Findings, Staff recommends approval of the variances requested upon the following conditions:

1. No driveway or turning area shall be located closer than 5 feet from any property line.
2. No "privacy fence" as depicted on applicants' survey is hereby approved. The applicant shall make separate application for a Fence Permit, and comply with fence standards of the City Code

**Planning Commission Actions Requested:**

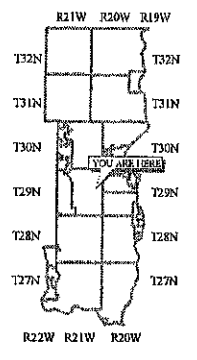
Motion to recommend to the City Council approval of the application of Jon & Shellie Eisele for front and side setback variances to construct a garage addition to the residence at 11094 - 35<sup>th</sup> Street, per plans Staff Dated March 24, 2004, based on the Findings and subject to the conditions specified by the Planning Staff Report of March 24, 2004.



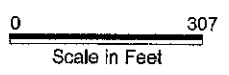
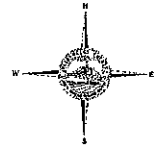
Charles E. Dillerud, City Planner

**Attachments:**

1. Location Map
2. Air Photo
3. Applicants' Documentation



Vicinity Map



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 inaccuracies.

Source: Washington County Surveyor's Office.  
Phone: (651) 430-6875

Parcel data based on AS400 information current through January 31, 2004.  
Map printed: March 16, 2004



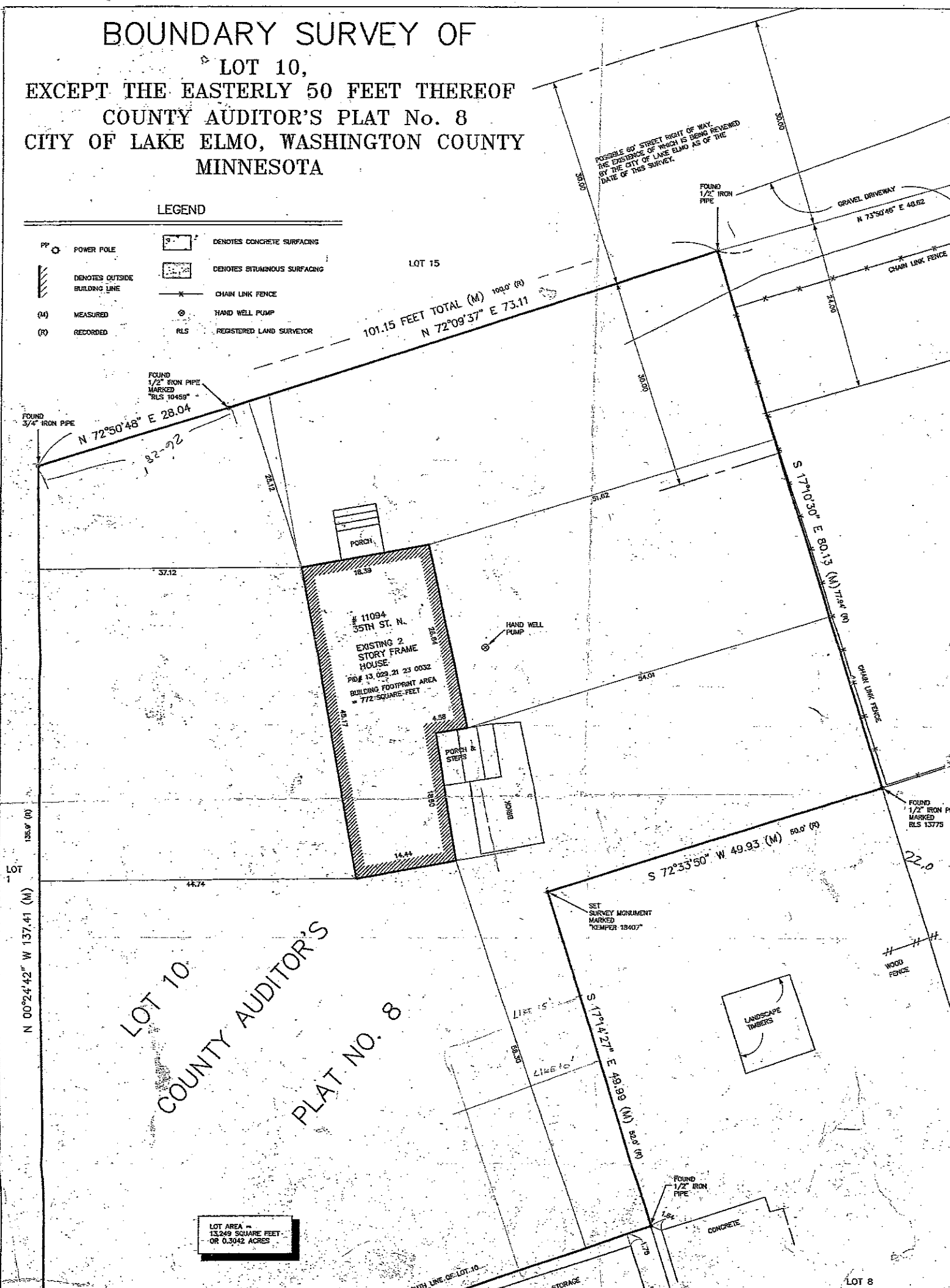
# BOUNDARY SURVEY OF

## LOT 10, EXCEPT THE EASTERLY 50 FEET THEREOF

### COUNTY AUDITOR'S PLAT No. 8 CITY OF LAKE ELMO, WASHINGTON COUNTY MINNESOTA

#### LEGEND

PP ○	POWER POLE		DENOTES CONCRETE SURFACING
	DENOTES OUTSIDE BUILDING LINE		DENOTES BITUMINOUS SURFACING
(M)	MEASURED	— X —	CHAIN LINK FENCE
(R)	RECORDED	⊙	HAND WELL PUMP
		RLS	REGISTERED LAND SURVEYOR

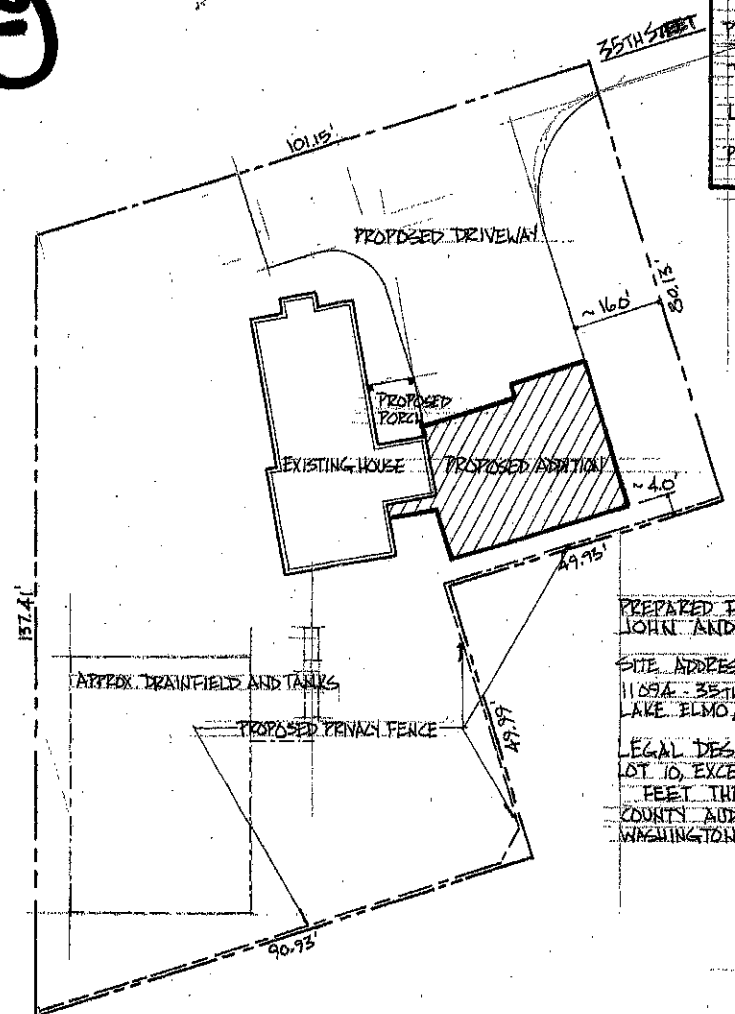


LOT AREA =  
13,249 SQUARE FEET  
OR 0.3042 ACRES

RECEIVED  
MAR 16 2004

*Handwritten:* 50/90/00  
25

LOT COVERAGE	
EXISTING HOUSE	952 SF
PROPOSED PORCH	90 SF
PROPOSED ADDITION	792 SF
PROPOSED DRIVEWAY	2072 SF
TOTAL COVERAGE	3906 SF
LOT SIZE	13,215 SF
PERCENT OF COVERAGE	29.6%



PREPARED FOR:  
JOHN AND SHELLEY ISLEY

SITE ADDRESS:  
1109A - 35TH STREET  
LAKE ELMO, MN 55042

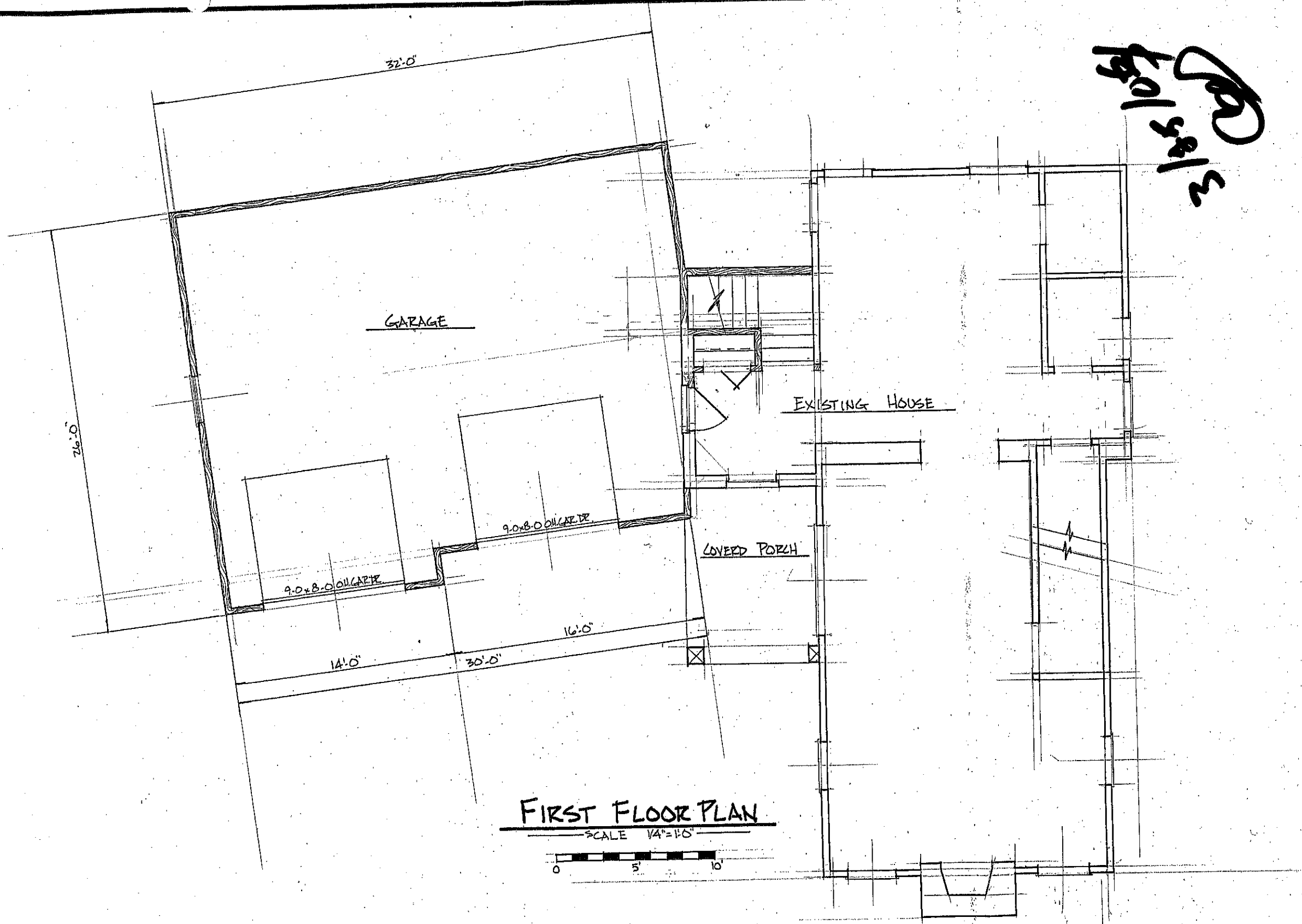
LEGAL DESCRIPTION:  
LOT 10, EXCEPT THE EASTERN 50  
FEET THEREOF  
COUNTY AUDITORS PLAT #8  
WASHINGTON COUNTY, MINNESOTA

**SITE PLAN**  
SCALE 1" = 20.0'

 <b>T.C.O. DESIGN</b> Drafting & Home Design 9380 Thomas Avenue North Brooklyn Park, MN 55444 (763) 424-2676 Fax (763) 424-2679	<b>DESIGNED FOR:</b> JOHN AND SHELLEY ISLEY	<b>SETS/REVISIONS DATE</b> PRELIM 3-15-04
	<b>DATE:</b> _____ <b>DRAWN:</b> _____ <b>CHECKED:</b> _____ <b>DESIGN NO:</b> TLO24609 <b>SHEET:</b> 1 OF 3	

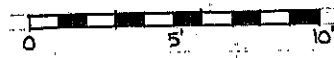
RECEIVED  
MAR 16 2004


*Jon Isley*



**FIRST FLOOR PLAN**

SCALE 1/4" = 1'-0"

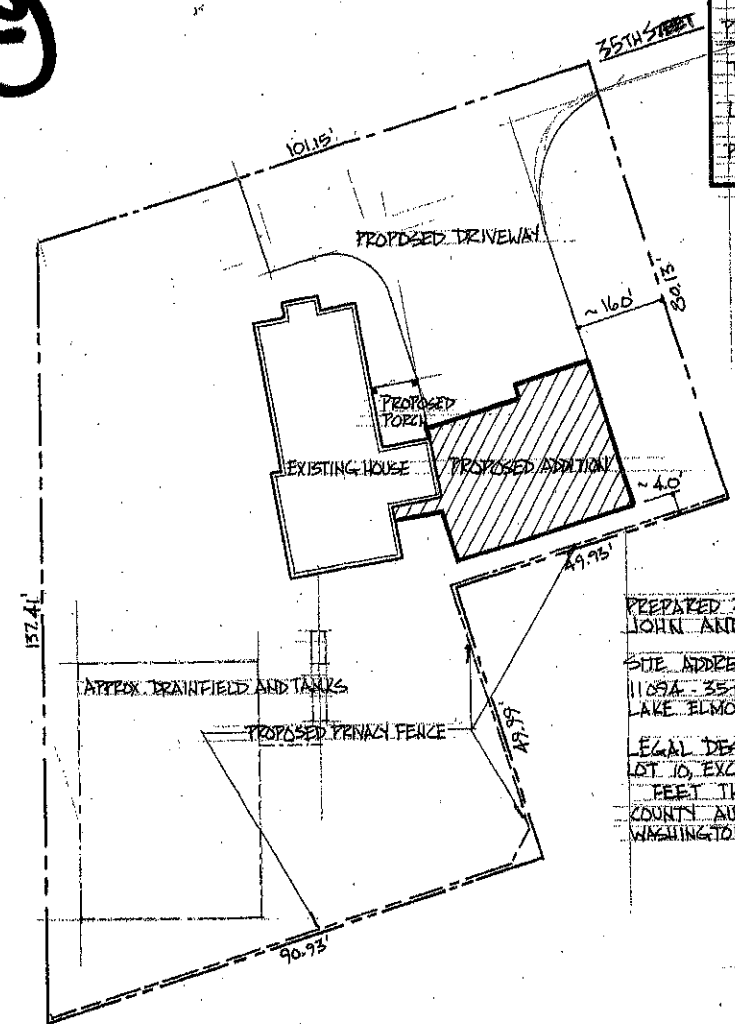


 <b>T.C.O. DESIGN</b> Drafting & Home Design 8030 Thornlee Avenue North Brooklyn Park, MN 55444 (763) 424-5676 fax (763) 424-8879 <small>dedication to excellence</small>	<b>DESIGNED FOR:</b> <u>JON AND SHELLEY ISLEY</u>	<b>SETS/REVISIONS/DATE</b>
	DATE: _____ DRAWN: _____ CHECKED: _____	PRELIM. 3-15-04
	<b>DESIGN NO:</b> <u>TCO 24009</u>	<b>SHEET:</b> <u>3</u> OF <u>3</u>

RECEIVED  
MAR 16 2004

*Handwritten:* 50/94/2  
C/O

LOT COVERAGE	
EXISTING HOUSE	952 SF
PROPOSED PORCH	90 SF
PROPOSED ADDITION	792 SF
PROPOSED DRIVEWAY	2012 SF
TOTAL COVERAGE	3906 SF
LOT SIZE	13,215 SF
PERCENT OF COVERAGE	29.6%



PREPARED FOR:  
JOHN AND SHELLEY ISLEY

SITE ADDRESS:  
1109A 35TH STREET  
LAKE ELMO, MN 55042

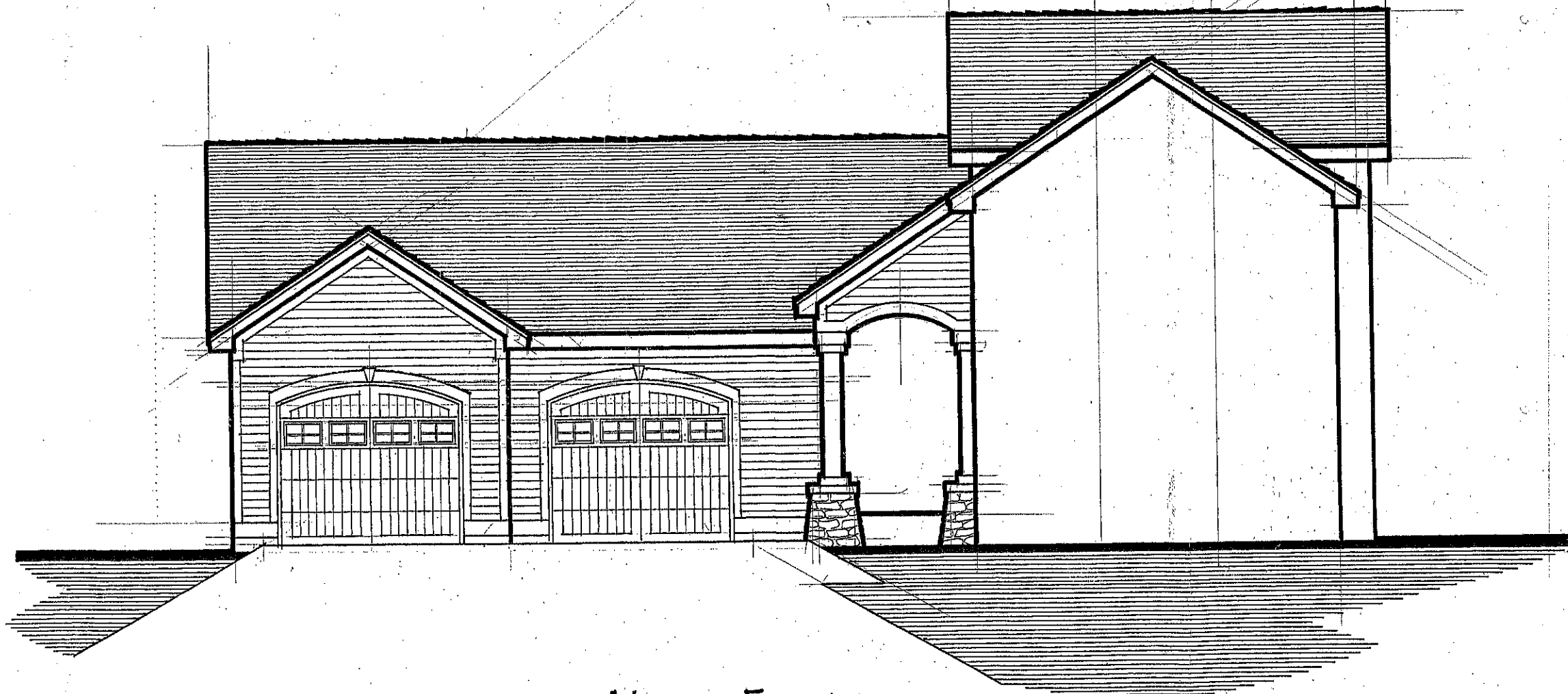
LEGAL DESCRIPTION:  
LOT 10, EXCEPT THE EASTERN 50  
FEET THEREOF  
COUNTY AUDITORS PLAT #8  
WASHINGTON COUNTY, MINNESOTA

**SITE PLAN**  
SCALE 1" = 20.0'

<p>T.C.O. DESIGN Drafting &amp; Home Design</p> <p>3330 Thomas Avenue North Brooklyn Park, MN 55444</p> <p>(763) 424-3676 Fax (763) 424-3678</p>	<p>DESIGNED FOR: <b>JOHN AND SHELLEY ISLEY</b></p>	<table border="1"> <thead> <tr> <th>SETS/REVISIONS</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>PRELIM</td> <td>3-15-04</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	SETS/REVISIONS	DATE	PRELIM	3-15-04						
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PRELIM	3-15-04											
<p>DATE:                      DRAWN:                      CHECKED:</p> <p>DESIGN NO: <b>TLO24609</b>      SHEET: <b>1 OF 3</b></p>	<p>dedication to excellence</p>											


RECEIVED  
MAR 16 2004

Jon Isley



**NORTH ELEVATION**

SCALE 1/4" = 1'-0"

 T.C.O. DESIGN Drafting & Home Design 8820 Thomas Avenue North Brooklyn Park, MN 55444 (763) 424-5676 fax (763) 424-5678 dedication to excellence	<b>DESIGNED FOR:</b> JON AND SHELLEY ISLEY		<b>SETS/REVISIONS/DATE</b>
	DATE: _____ DRAWN: _____ CHECKED: _____		PRELIM. 3.15.04
	<b>DESIGN NO:</b> JLO 2A009	<b>SHEET:</b> 2 OF 3	

<b>Lake Elmo City Council April 6, 2004</b>	<b>Agenda Section: Planning, Land Use &amp; Zoning</b>	<b><u>No.</u> 9C</b>
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**Agenda Item:** Amendment of Zoning Ordinance Fence Standards

**Background Information for April 6, 2004:**

On March 16, 2004 the City Council tabled consideration of reported violations of the present City Code fence standards pending receipt of the Planning Commission's recommendations as to amendment of those fence standards. The Commission had completed their recommendations regarding fence standards on March 15, but their final modifications were not yet incorporated on March 16.

I have attached the final draft of a totally new fence standards section for the City Code. This began as a recommended approach from the City's zoning consultant, Lane Kendig. While some of Kendig's proposal remains, the Commission made substantial modifications to the original text. The draft is not here presented in the formal ordinance format of the City Code at this point, but rather in the less formal format of the new zoning ordinance that the Planning Commission is working on. The graphics that demonstrate the basic fence standards would be a component part of the ordinance, but likely will appear on a single page in the final ordinance.

At this point, staff requests the Council's direction as to their concurrence with the basic standards as recommended by the Planning Commission. This will both enable conversion of the text/graphics into more formal ordinance form without further future modifications; and, provide direction as to the enforcement strategy regarding existing fences that has been tabled.

**Action items:**

1. Motion directing staff to convert the draft amendment to the City Code regarding fence standards into formal ordinance format, including modifications to the Planning Commission recommendations, as follow: (List)
2. Motion(s) providing direction to staff regarding actions to address violations of the existing fence ordinance standards.



**Attachments:**

1. Draft Fence Standards Amendment
2. Related Planning Commission Minutes
3. Related City Council Minutes

**Time Allocated:**

C. **Fences.** Fences or walls , not to exceed 6 feet in height measured from adjacent grade, may be permitted to enclose rear yards subject to the provisions of this section. In addition, fences or walls that comply with the specific design standards found below may be permitted in street front yards and street side yards

1. When fence materials and structure present differing degrees of finish and quality one-side-to-the-other, the side of the fence presenting the highest degree of finish and quality shall face all neighboring property and public streets. Fences exceeding three feet in height shall be of a design that is not less than 75% open to air and light for that portion of the fence in excess of 3 feet in height, but not in excess of 6 feet, above the adjacent grade. (Figure 03.210 A and B).
2. Fences along street yards that are also rear yards shall be permitted only if specified in the landscaping plan and final plat in subdivisions subject to this Code.
3. No fence less than 75% open to air and light shall be allowed in the sight triangle of a corner lot. The sight triangle is defined as the area of the lot encompassed by a triangle with 2 legs not less than 30 feet in length, measured from the intersection of the street right-of-way line in each direction from the intersection; and, a third leg connecting the two first described legs. (Figure 03.210C)
3. Atrium and Patio parcels are exempt from sub-sections 1.and 2. above since they must have walls. In atrium houses, the maximum wall height shall not exceed the lowest point on the roof. Patio houses shall have the wall heights specifically approved as part of the site plan review in conjunction with architectural drawings if the wall or fence is to exceed six feet in height. The review should ensure that the yards that can be shaded by a higher wall will not lack for light and air.
4. Maintenance. Where fences are mandatory, the maintenance requirements of the fence materials shall be reviewed and the homeowners association shall have the responsibility of maintaining all the fences and be required to repair all damaged fences. The developer shall be responsible for creating a fence maintenance fund so that funds will be available when fence maintenance is needed. This fund should be funded in the first years of the homeowners association's existence.
5. Chain link fencing, not to exceed 6 feet in height from adjacent grade, is permitted in rear yards and interior side yards. Chain link fencing may be permitted in street side yards, and street front yards only by Special Use Permit. (Figure 03.210D)

**(Insert Figures 03.210 A,B,C and D)**

#### **SECTION 15.240 PATIO AND ATRIUM DWELLING UNITS**

The wall enclosing these lots may be eliminated or reduced in height or opacity where the unit faces open space. The street yard should be varied to avoid monotony. The following rules govern wall modulation:

- A. Where the wall abuts open space within the development, it may be reduced in height, length, or opacity in accordance with Table 15.240.

- B. A patio or atrium dwelling unit's street face (where applicable) may be articulated to avoid monotony. The wall requirement shall be eliminated in favor of some combination of the wall and one or more of the following techniques shown in Figure 15.240: evergreen hedges, privet hedges, landscaped berm, ornamental fences (wrought iron and masonry, for example), or a combination of these types.

Table 15.240 MAXIMUM PERCENT REDUCTION IN TOTAL AREA OF WALL				
Type of Cover	Width of Open Space			
	30-40 ft. <sup>1</sup>	41-60 ft. <sup>1</sup>	61-100 ft.	101 ft. +
Lawn	10%	15%	30%	40%
Old Field	30%	40%	60%	80%
Young Woodland	50%	70%	90%	100%
Mature Woodland	60%	80%	100%	100%

Note:  
1. If a trail or walk is present, add ten feet to width.

FIGURE 15.240  
TECHNIQUES FOR ARTICULATING PATIO AND  
ATRIUM STREET FACE WALLS

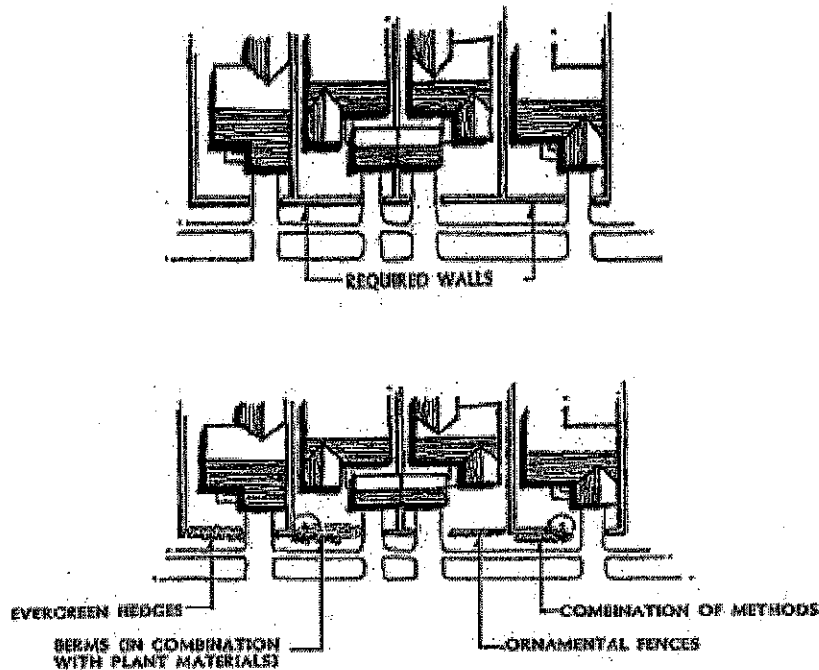




Figure 03.210A  
SOLID WALL FENCING

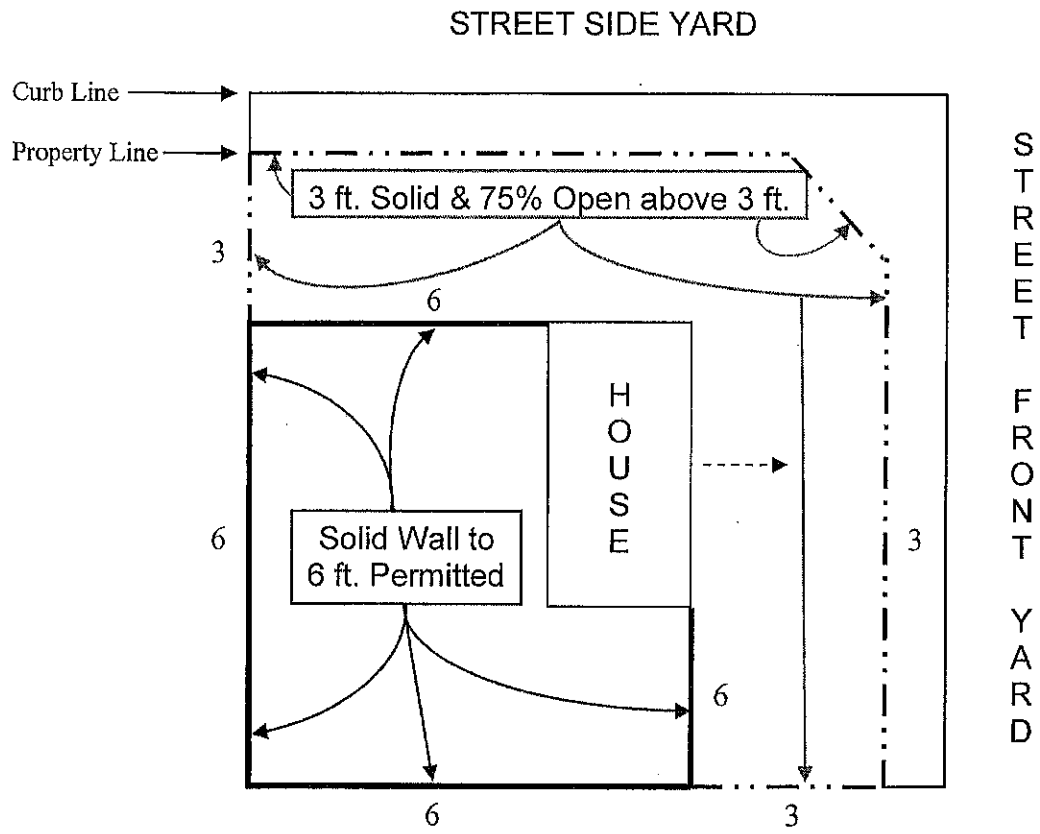


Figure 03.210B  
SOLID WALL FENCING  
REAR YARD TO SIDE YARD NEIGHBORS

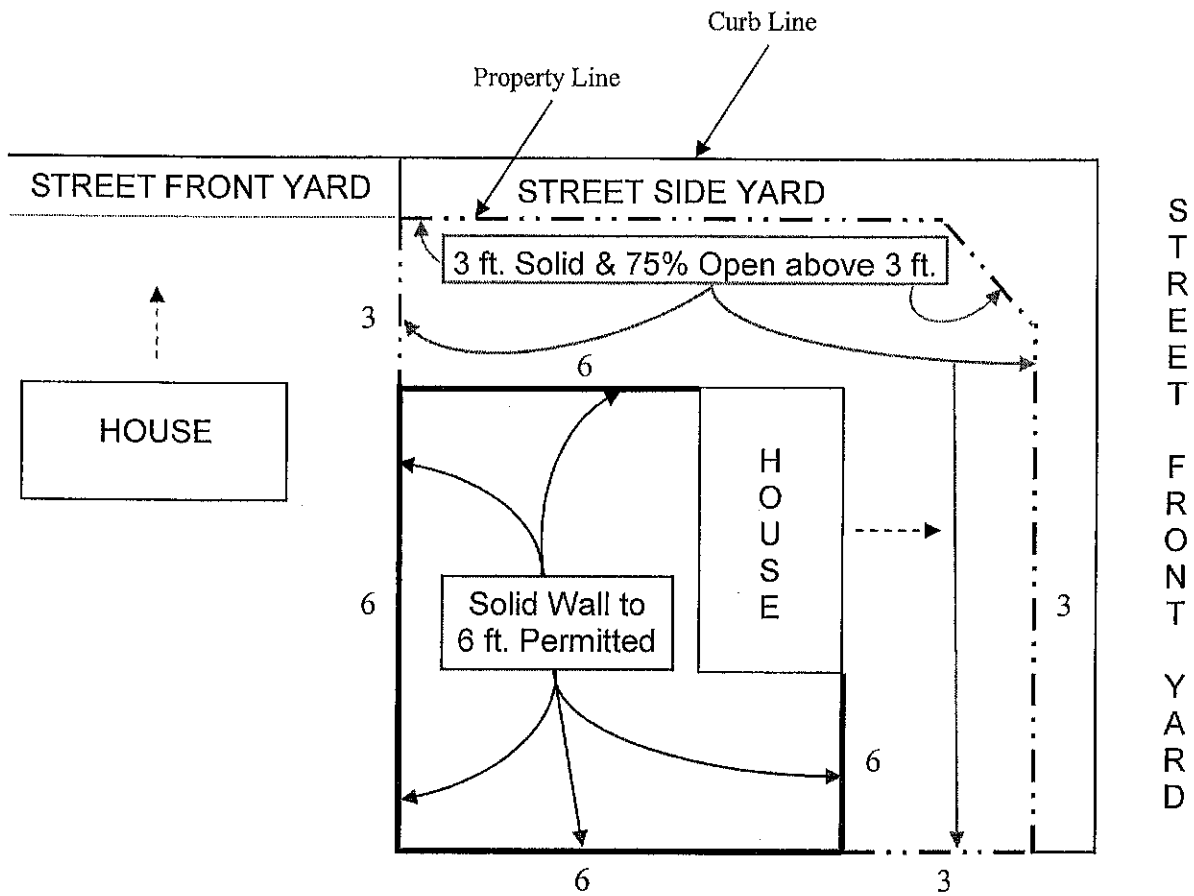



Figure 03.210C  
SIGHT TRIANGLE

 Denotes:  
Sight Triangle

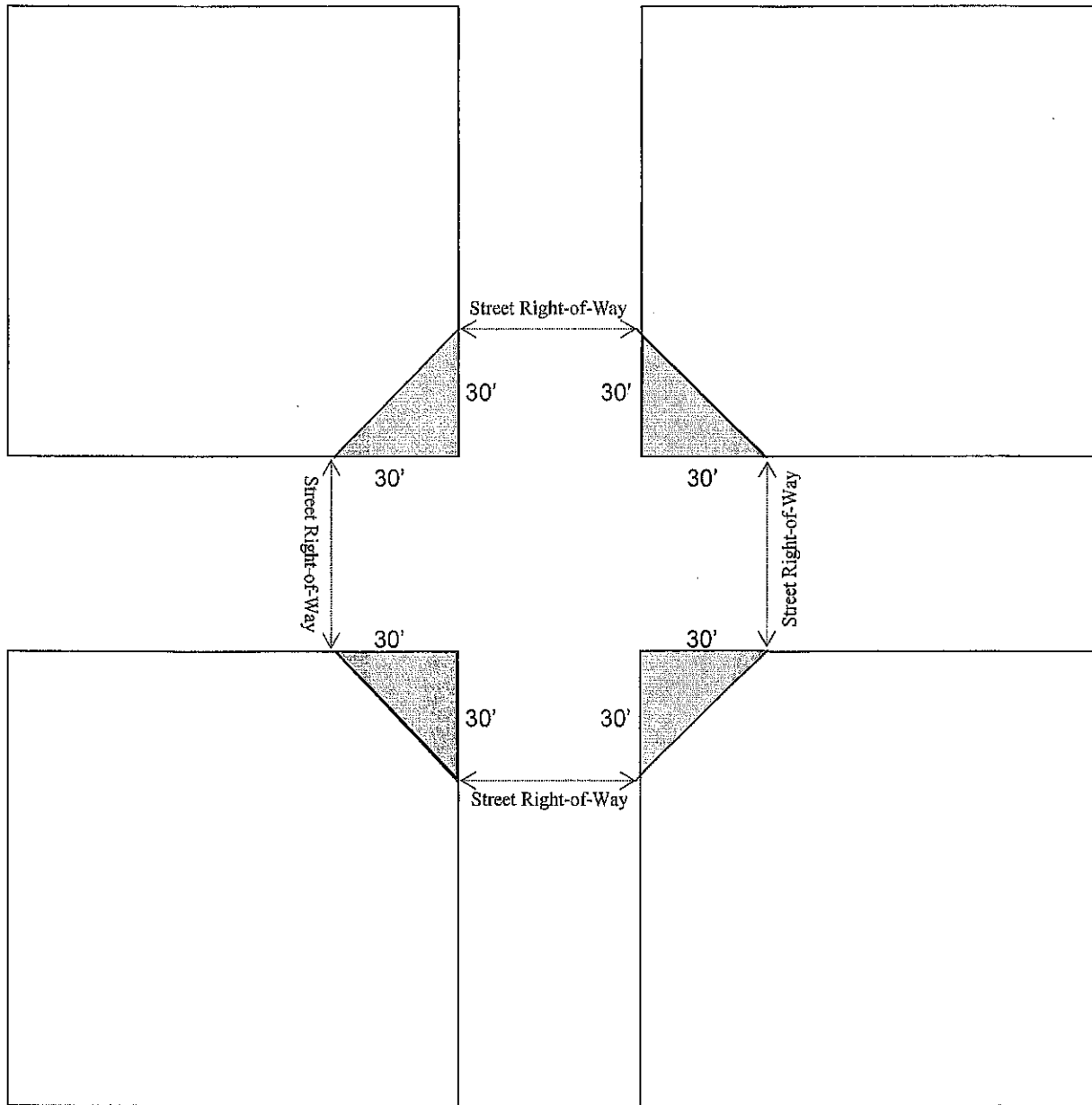
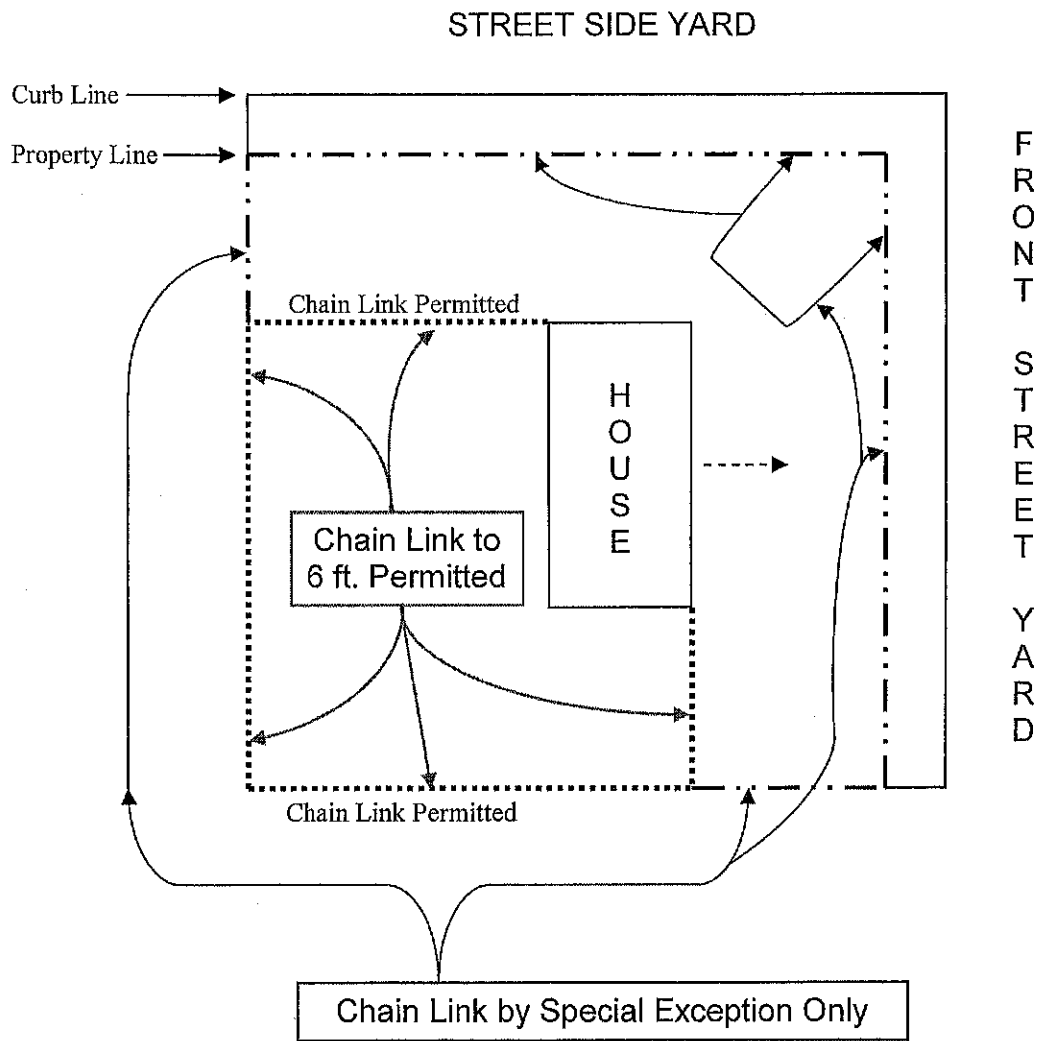


Figure 03.210D  
CHAIN LINK FENCING



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of March 15, 2004**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission.  
COMMISSIONERS PRESENT: Sessing, Sedro, Deziel, Johnson, Bunn, Pelletier.  
COUNCILMEMBER PRESENT: Dean Johnston. STAFF PRESENT: City Planner Dillerud  
and Recording Secretary Schaffel.

**Agenda**

M/S/P, Johnson/Sessing, To accept the Agenda as presented. **VOTE: 7:0.**

**Minutes of February 23, 2004**

Commissioner Deziel said that in Diagram One, the solid fencing diagram, left out the corner sight triangle. M/S/P, Deziel/Helwig, Change the final motion to read, "Eliminate the sight triangle only if the fence is 75% open to air and light from the ground up." **VOTE: 5:0:2** (Abstain: Sessing/Sedro).

M/S/P, Deziel/Johnson, To approve the Minutes of February 23, 2004 as amended. **VOTE: 5:0:2** (Abstain: Sessing/Sedro).

The Planner provided a new version of Lane Kendig's Fence Ordinance in the packet with the amendments he said he believed the Commission requested. The City Council discussed fencing at the March 2 meeting with direction to the Planning Commission to consider another perspective of fence heights in relationship to lot size. In other words, higher fences allowed in larger lots and lower height allowed in smaller lots. The question the Planner posed was: What if an owner wants more privacy on a smaller lot? He asked the Commissioners what they think of those issues.

The Planner also asked the Commission to consider several items:

- What is meant by fences only being constructed of "fence materials"?
- Which direction should the finished side of a fence face? He reported that most ordinances say it has to face out.
- With regard to grade, there might be yards where one is much higher than a neighbor's. That may not be an issue very often in Lake Elmo.
- The Planner said the City Attorney recommended a fence setback from property lines for maintenance.

Councilmember Johnston said the Commission should be talking about three to four foot fences on smaller lots, and higher fences on larger lots, but the Council never discussed any fence taller than six feet. Large and small lots were not defined, but left to the Planning Commission.

Commissioner Bunn said she thinks a six foot fence might be necessary in those areas where lots are ¼ or 1/3 acre to contain and shield animals and children.

Commissioner Pelletier said six feet is excessive, and she likes this plan.

Commissioner Deziel said that a swimming pool may require a privacy fence of six feet in height.

Commissioner Helwig asked if the Commission wanted to differentiate between small and large lots. He said it might be a good compromise. He said that six foot fences in front yards would be excessive.

**M/S/P, Deziel/ Sedro,** In the new Fence Code, heights will apply evenly across all lot sizes except for patio and atrium dwellings. **VOTE: 7:0.**

Fence materials were reviewed. Commissioner Deziel said we should not eliminate any materials.

Commissioner Sessing said there are many materials that could be used. He said he does not believe the Commission wants to get into personal taste.

Commissioner Bunn said the Code could say, "Materials expressly designed for walls."

The Planner suggested a list of exclusions instead.

Commissioner Deziel suggested excluding unfinished (cinder) block walls.

Sedro suggested fence material qualities that will not hold up during the freeze thaw cycle.

**M/S/P, Sedro/Deziel,** To accept the ordinance as written except remove the first sentence of number C1.

"Designed or intended for"

**VOTE: 5:2** Bunn/Pelletier.

**M/S/P, Sessing/Johnson,** Fences must be constructed with the Finish Side out, on the neighbor's side, and the structural portion on the owner's side. **VOTE: 7:☺.**

The Commission decided that grade is not an issue.

Commissioner Deziel suggested that if the city requires a survey with the fence permit application, that the Code should not require a fence setback. He observed that, with a 2 foot fence set back required multiple facing fences will have channels four feet wide between them.

**M/S/P, Sessing/Deziel,** No setbacks from property lines will be required for fences. **VOTE: 7:☺.**

Commissioner said property line fences, road fences, and screening fences should require a survey. To avoid major disputes between property owners over fence locations, the City should require surveys with fence permit applications.

**M/S/F, Sedro/Deziel,** No surveys will be recommended to build a fence. **VOTE: 2:5.**

Commissioner Bunn said the word, "Opacity," in the ordinance should be replaced with, "Open to air and light." She suggested that at the beginning of the first paragraph, first and second

sentences, where it reads, "...the specific design standards found below," the Commission should include that fences may be solid to three feet but cannot exceed six feet in height.

The Planner said in paragraph C1 for street yards, we could add, "But not in excess of six feet."

M/S/P, Bunn/Sedro, Correct the language in the second line of the first paragraph to set a limit of six feet in height. **VOTE: 7:☺.**

The Planner said if we send the code to the City Council as it is drafted, when we don't have Special Exceptions/Special Use Permits in our ordinance yet, it may have to be changed temporarily to Conditional Use Permit. Conditional Use Permit Applications come to the Planning Commission. Special Use Permit Applications are administrative in the draft zoning ordinance.

M/S/P, Sedro/Sessing, Send the draft Fence Code to the City Council as amended, with language to include "Walls as fences". **VOTE: 7:☺.**

#### **CITY COUNCIL UPDATE**

The Planner reported that the Supreme Court accepted the City's appeal regarding the Metropolitan Council for review. He also reported that the bill for Lake Elmo authored by Rep. Lipman passed the House by sizable majority. The city is now waiting to get a hearing in the Senate.

The Planner said the Commission may discuss the Zoning Ordinance on March 29, if he is comfortable with the complete draft by that time.

ADJOURN 8:25 PM.

Respectfully submitted,



Kimberly Schaffel  
Recording Secretary

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of February 23, 2004**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission. COMMISSIONERS PRESENT: Van Pelt, Ptacek, Meldahl, Deziel, Helwig, Berg, Johnson, Bunn, Pelletier. STAFF PRESENT: City Planner Dillerud and Recording Secretary Schaffel.

Commissioner Ptacek suggested we add Representative Lipman's Bill as item 5a on the Agenda. M/S/P, Ptacek, Johnson, To accept the Agenda as amended. VOTE: 9:0.

Commissioner Johnson pointed out a typographical error in the minutes on page two, third paragraph from the bottom. M/S/P, Johnson, Deziel, Approve Minutes of February 9, 2004 as amended. VOTE: 6:0:3 (Abstain: Bunn Pelletier, Ptacek).

The Planner provided a new version of Lane Kendig's Fence Ordinance in the packet with the amendments he said he believed the Commission requested.

The Planner suggested that "Open to air and light," is a better term used in place of the word opacity. If you insert open to air and light into number 5 of the draft language, for fences over three feet in height, it sounds much better. Graphics were difficult to find but hopefully this language describes what the Planning Commission means.

Commissioner Van Pelt thought chain link on a street facing yard should only be through a permit for Special Exception.

The Planner said that in street yards that are also side yards, there would be no fence allowed. If you allow chain link in side yards, that might not work.

Commissioner Van Pelt said he did not intend for all chain link fences to have to have Special Exceptions.

Commissioner Johnson thought we included chain link in back yards. She suggested we remove the second sentence in item one of the draft language and incorporate it in number five where we are dealing with Special Exceptions in front yards. We may not have to address it in the second sentence of number one.

The Planner said that front yards, by common definition, would extend from the house to the street in front.

Commissioner Deziel suggested we make a distinction for street facing rather than just front yards.

The Planner said solid fencing would only be allowed in rear yards. All street yards would be treated the same whether front, side, or rear.



Commissioner Bunn thought street and side yards were treated the same if facing a street. She recommended that no chain link should be allowed at all in those situations except with Special Exceptions for security purposes. Traditional back yards could have chain link fencing.

Commissioner Van Pelt said that points five and six as written are okay because they are treating both in a common fashion.

Commissioner Bunn likes what number five says about front and street yards.

The Planner said the diagram in the draft ordinance, number 3, allows any kind of fence on an inside lot line. He asked if the commission wants that for all four sides of a lot with the sight triangle as our current ordinance allows now. He asked if fences should be no taller than three feet in front yards.

**M/S/P, Bunn/Johnson, To allow solid fences up to the heights indicated on Diagram One, as drawn by the Planner. VOTE: 9:0.**

The Planner reported that according to our current code, solid fences cannot be more than four feet except from the rear of the house back. The Planner asked if the commission would change anything for cyclone/chain link fencing.

Commissioner Bunn said that no fence facing a street can be chain link without a Special Exception permit, but allow six feet of any allowable fencing in a rear yard as in diagram 1, as drawn by the Planner. She said that chain link is inconsistent with other materials requirements. It looks commercial. We regulate all kinds of materials.

Commissioner Ptacek said that where six foot fences are allowed, they can be chain link. Three foot fences must be decorative/open air fencing.

Commissioner Meldahl said new chain link is not like the old style that turns rusty.

Commissioner Van Pelt said diagram two, as drawn by the Planner, is a compromise allowing adequate fencing to meet the needs of the residents and meet the spirit of the city. He said the commission regularly deals with aesthetics in materials. **M/S/P, Ptacek, Van Pelt, To adopt the changes made by the Planner to the fence ordinance with the diagram, and to allow chain link fencing by Special Exception only as shown in diagram two, as drawn by the Planner. VOTE: 8:0:1 (Abstain: Deziel).**

**M/S/P, Deziel/Johnson, To adopt diagram three, as drawn by the Planner, for fences over three feet in front yards. Those fences may be as tall as six feet as long as all that portion above three feet is at least 75% open to air and light. VOTE 9:0.**

Commissioner Deziel suggested that if fencing above three feet at a sight corner is 75% or more open to air and light we don't have to worry about those triangles. **M/S/P, Ptacek /Van Pelt, To recommend that if a fence is 75% open to air and light from the**

ground up at a street corner, then the sight triangle provision may be eliminated. **VOTE 9:0.**

M/S/P, Johnson/Berg, To eliminate the second sentence in number one of the draft ordinance that says, "Chain link fences may be allowed only by Special Use Permit," and add it to number five of the draft ordinance. **VOTE: 9:0**

The Planner said he will eliminate the old graphics and add the new ones created tonight in the next draft.

#### **CITY COUNCIL UPDATES**

The Planner reported that the City Council received first of four studies for Old Village Plan – wastewater treatment. The study was received and the item was tabled until the others are completed. He reported that the water supply draft came today from TKDA.

The Planner reported that the Minor subdivision and clustering for the The Olsons was approved without changes by the City Council.

ADJOURN 8:03 PM.

Respectfully submitted,



Kimberly Schaffel  
Recording Secretary

## Fences

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

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

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

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

Commissioner Deziel questioned whether the term "hazardous" would include height or a fence too close to right-of-way. The Planner said the hazardous law dealing with structures might not allow us to go that far. The Planner will ask the City Attorney and the City Engineer about the sight triangle. A hazardous fence might come under the nuisance section of the Code.

Chairman Helwig asked about trees or corn in the sight triangle. The Planner said clearing those trees would be troublesome and bring much opposition. The Planner noted that at several intersections in the City, the City has had to ask the county to trim trees in the right-of-way.

The Commission discussion then continued regarding draft fence standards proposed by Lane Kendig for inclusion in the new zoning ordinance. He noted that the language in Lane Kendig's proposal is very different from other city ordinances the Commission has seen. He referred Commissioners to e-mails Commissioners Pelletier and Bunn submitted regarding the Kendig fence ordinance draft.

The Planner observed that Mr. Kendig is suggesting a more aggressive approach in new development design so the Commissioners will look at fence plans for an entire neighborhood when a plat is under review by the City.

Commissioner Van Pelt asked about Kendig's examples of fencing for double front lots. The Planner said the city does not have many instances of double front lots, as such design is not usually found with the larger lots that are predominant in Lake Elmo. The Planner observed that Carriage Station has some unique fencing issues compared to most new Lake Elmo neighborhoods, but that there will be more developments with similar fencing issues – particularly if the Old Village areas develops as now contemplated.

Commissioner Deziel said Mr. Kendig's suggestion regarding fences along rights of way in existing neighborhoods based on percentages does not seem to direct the Planner to draft the language to a fence. The Planner suggested that Kendig is addressing consistency of neighborhood character with the percentage approach.

Chairman Helwig said he likes the idea of new developments having to show their plans for fencing, and he would like to see the purposes of fencing defined. Helwig continued that he thought that Lane Kendig's ordinance specifically points out one type of fence that would not be allowed (chain link), and that does not seem fair.

The Planner agreed with Helwig that Kendig is making an aesthetic value judgment regarding chain link fences in front yards. Commissioner Johnson noted that she is concerned regarding a licensed daycare not being able to have a chain link fence in both the rear and front yards.

Commissioner Deziel said he wants to stay away from choosing fence materials and design, and he noted that he also dislikes the elimination of slats in chain link fencing.

Commissioner Van Pelt said he thought this proposal eliminates all fences in the front yard except in the VR District when approved for a subdivision within that district. The Planner said he reads it the same way.

Commissioner Deziel said that he liked the idea of ornamental fences such as wrought iron in front yards.

Chairman Helwig suggested that picket fences and wrought iron in Stillwater front yards look very nice, and he suggested that maybe the Commission should not eliminate any fences except barbed wire.

Commissioner Van Pelt said he would be less prone to shy away from exercising restraint, and we should address the materials issue because the city strictly enforces signs and other issues.

The Planner asked for a consensus about allowing front yard fencing, and whether the Commission should address materials, and front yard fence height.

**M/S/P, Deziel/Johnson, to direct the Planner to draft the language to allow front yard fencing, allowing opaque fences up to three feet in height, but to set a standard for the fence opacity above three feet. VOTE: 6:0.**

Commissioner Van Pelt asked that, if the City has a new permit process for fencing, would the City be in the position of having to grant variances? The Planner said the way to deal with exceptions is to use CUP's or Special Exceptions. **M/S/P, Van Pelt/Deziel, to prohibit chain link fencing except through Special Exception. VOTE: 3:1:2 (Abstain: Sedro, Deziel).** Commissioner Johnson said Licensed Daycare should be one example that should qualify for a Special Exception.

Commissioner Johnson stated that she is concerned with some of the subjective language in Kendig's fence standards ordinance proposal. **M/S/P, Johnson/Van Pelt, to direct staff to rewrite the sections of Kendig's fence ordinance proposal that address subjective decision processes, and come back to the Planning Commission with a draft VOTE: 6:0.**

**M/S/P, Deziel/Van Pelt, to direct staff to remove item three from Kendig's fence ordinance proposal as unnecessary. VOTE: 6:0.**

**M/S/P, Van Pelt/Deziel, to direct staff to eliminate item five 5 from Kendig's fence ordinance proposal. VOTE: 6:0.** Commissioner Van Pelt said that design and materials will have to be addressed, especially in tighter densities where neighborhood character will be a factor. Commissioner Deziel said he would agree if there is enough variety.

### City Council Update

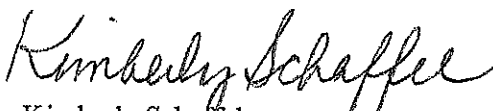
The Planner reported that the Parks Commission had approved an RFP for a new Trails Plan. The Trails Plan would be more of an expansion of prior trail planning documents than a replacement of that earlier work.

The Planner said the Concept Plan for Whistling Valley II was modified immediately after the PZ meeting based on the four recommendations made at the Planning Commission, and the Council has approved the Concept Plan unanimously.

The Planner said he received the complete draft of the Zoning Ordinance last Friday. The Commission will meet in March to discuss the Zoning Ordinance.

Adjourn 8:42 p.m.

Respectfully submitted,



Kimberly Schaffel

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of January 12, 2004**

Commissioner Helwig called to order the Lake Elmo Planning Commission Meeting at 7:00 p.m.  
COMMISSIONERS PRESENT: Ptacek, Johnson, Sedro, Johnson, Bunn, Deziel, Van Pelt. STAFF  
PRESENT: Chuck Dillerud, City Planner and Kimberly Schaffel, Recording Secretary.

**Pledge of Allegiance**

**ELECTION OF OFFICERS**

Commissioner Helwig relayed the message that Jeff Berg would like to keep the Vice Chair position he held last year.

M/S/P, Deziel/Johnson, to nominate and elect Commissioner Helwig as Chairman. VOTE: 6:0:1 (Helwig).

M/S/P, Ptacek/Van Pelt, to nominate and elect Commissioner Berg as Vice Chairman. VOTE: 7:0.

M/S/P, Ptacek/Johnson, to nominate and elect Commissioner Bunn as Secretary. VOTE: 6:0:1 (Bunn).

**AGENDA**

M/S/P, Bunn/Sedro, to accept the Agenda as presented. VOTE: 7:0.

**MINUTES OF DECEMBER 8, 2003**

Edit Minutes on page 3 under Commissioner Bunn, and at the Motion. Commissioner Bunn will supply written changes. Commissioner Ptacek asked to change the last paragraph, deleting the last sentence.

M/S/P, Ptacek/Johnson, to accept the Minutes as amended. VOTE: 7:0.

**2004 MEETING SCHEDULE**

M/S/P, Ptacek/Bunn, to accept the 2004 Meeting Schedule as presented. VOTE: 7:0.

**2004 WORK PLAN**

M/S/P, Ptacek/Johnson, to approve the 2004 Work Plan with the amendment of adding Old Village Streetscapes. VOTE: 7:0.

**REVIEW AND AMEND FENCE STANDARDS**

The City Planner reported that the City Council has asked the Planning Commission review the Fence Ordinance, and come up with an amendment that makes some sense.

The Planner passed out three ordinances from various other communities: Schaumburg, Illinois; Long Grove, Illinois; and Plymouth, Minnesota.

He reported that on smaller lot subdivisions, our ordinance can present a problem, especially on a corner lot where one person's rear yard backs up to somebody else's front yard. Fence composition is another issue not squarely addressed by our present ordinance.

The Planner asked the commission to review the side/rear height, the setback from street on both streets for a corner lot, and the possibility of a reduced height or no fence at all on those street and sight distance areas. He noted that another issue will be existing fences that are or could become non-conforming.

Commissioner Bunn pointed out that if a corner lot situation were reversed, and the neighbor built their fence under our current ordinance, that neighbor would be limited to a fence of four feet in height. She suggested we take up the issue of fences with our new Zoning Ordinance.

The Planner reported that the Council voted unanimously to appeal the Met Council Court of Appeals decision to the Minnesota Supreme Court. First notice is to be presented to the Court by Friday, January 14, although the Court has the option not to hear the case. The Council is pursuing legislative remedies too. They will share this story with other cities in the seven county area , and other cities outside the seven county metropolitan area within the four county ring.

The Planner reported that Planning Commissioners whose terms had expired were all reappointed. The Council is now advertising for a City Administrator. He reported that by Friday he must decide whether to bring a recommendation to the Council on the 20<sup>th</sup> regarding hiring an Assistant Planner.

Regarding the Reed variance, he reported that the Council had tabled the application; and, that the Reeds have not yet come back to the Council.

ADJOURN 8:21 P.M.

Respectfully submitted,



Kimberly Schaffel  
Recording Secretary

DRAFT

Bill Keran, Vice President of Next Genesis Productions, reported following a series of outside hacking incidences and virus issues with the City's circa 2000 computer server and fire wall software during 2003, staff has requested a proposal from our computer service firm to upgrade our server, operating software and fire wall software. Staff recommended that the server software upgrades proposed be acquired. While the total purchase price, \$17,459 is less than the threshold for City Council purchase approval, the use of a single source vendor for this purchase should be approved by the City Council.

M/S/P DeLapp/Dum - to approve purchase and installation of updated computer software and computer server from Next Genesis Productions per their proposal of January 2, 2004 for a total purchase price of \$17,459. (Motion passed 5-0).

B. Storm Water Utility First Billing

The Surface Water Utility billing system is ready to activate and the first invoices to property owners (for the 2003 Surface Water fees) will be mailed the first week of March. A draft letter to all property owners that would be included with the first invoice was provided for council consideration. Mayor Hunt said he will sign the letter if the following wording is added "On behalf of the entire City Council and the City of Lake Elmo".

M/S/P Johnston/Siedow - to approve the letter insert to the initial Surface Water Utility billing, as amended, Add: "On Behalf of the entire City Council and the City of Lake Elmo". (Motion passed 5-0).

\* C. Code Enforcement On Fence Located on Marquess :

Council Member Johnston brought up the enforcement issue on 6' tall opaque fences. He said it was clear to him that we don't want 6' opaque fences in the City so he sees no reason why we don't enforce our fence ordinance and should give that direction to staff. The Planning Commission is looking where they want the city to go and sees nothing that would not make this action unnecessary.

Mayor Hunt stated if the Council is going to take action then the parties involved that appeared before us should be notified. Council member Johnston said there may be more than one fence that is not conforming, and we should take a step to the enforcement issue and direct staff to take enforcement action. Council member DeLapp noted the city should at least notify the people that they have an illegal fence.

Attorney Filla explained the typical code enforcement procedure is that a letter goes out indicating the violation and what they need to do, and if not complied with within a reasonable amount of time, then a citation will be sent. Mayor Hunt said the message passed along to the Planning Commission is that it is the Councils intent to deal with this on the March 16 council agenda and if they have any comments pass them to the administrator or ask the Chairman to appear at the meeting and listen to what the Council is discussing.

DRAFT

DRAFT

DRAFT

**EXCERPT FROM THE MARCH 16, 2004  
CITY COUNCIL MINUTES:**

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

**A. Fence Ordinance Violations**

The Lake Elmo Planning Commission was directed to develop new fence ordinance for the City Council's consideration. Planner Dillerud reported to the Council that the Planning Commission decided not to impose height restrictions on solid fences based on lot sizes because commissioners found taller, solid fences could be installed for legitimate reasons, such as around a swimming pool or tennis court for safety and privacy.

The Planner also reported that the Building Official went through the city and identified at least 25 fences that do not conform to the city's ordinance. Because the City did not require fence permits until February, Dillerud said it would be difficult to determine the age of the fences. If a fence was built before the city adopted its ordinances, it would be a legally non-conforming fence. If it was constructed after the ordinance was adopted and does not meet the requirements, it would be an illegal fence.

Council member Johnston stated that staff was never asked to look at the whole community. Now the city has to deal with 25 non-conforming fences rather than just one fence. Attorney Filla responded that because he felt it could be discrimination if the city enforced the fence ordinance only in one section of the city, the building inspector was asked to look at the entire city.

Attorney Filla said the burden of proof would be on the residents with the non-conforming fences because the time period for which the fence was built would be a defense. He also said residents should be able to easily prove when the fence was built without going to court. All they would need is an invoice from the lumber company that provides the wood.

Council member DeLapp noted that the rule we have been following has been, if there is a complaint then we look into it and correct the problem and do not canvass the entire city. Council member Siedow said he didn't want to go down the road and find fences not in compliance, just deal with the fence in question. Attorney Filla stated the city doesn't have to continue to make the same mistake year after year.

Chad Simich, Carriage Station resident, told the Council he was open to working with the city and his neighbors to come up with a solution to his non-conforming fence. It wasn't his intent to break any ordinances. He was in contact with the Homeowners Association and the Building Official and that is why the fence took the shape it is. Planner Dillerud said he would work with Mr. Simich to see if a compromise or appropriate solution can be found.



Jason Silinski, Carriage Station resident, said he is very concerned that the city may start enforcing its fence ordinance because he has \$12,000 invested in his fence. He said that his wife called the city and was told that they could install a fence as long as it was not chain link or over 6 feet tall. If he planted trees around his entire lot, his lot would be filled up with foliage. He asked what is the definition of a solid fence...his definition is concrete.

Nancy Bielenburg, Carriage Station resident, asked the City to consider the safety factor of tall, solid fences while reviewing the new ordinance. She said she cannot see her 13-year old son behind the tall fences in Carriage Station and worries that a small child may run out and get hit by a car. She added that the lots in Carriage Station are beginning to look like pieces to a jigsaw puzzle because the lots have unusual shapes and some homeowners have built fences while some have not.

M/S/F Johnston/DeLapp - to direct the staff to modify the Planning Commission proposal to disallow solid wall fences over 4' in height. (Motion passed 1-4: Siedow, Dunn, Hunt, DeLapp: They did not want to override a decision by the Planning Commission before they saw the new ordinance.)

M/S/P Johnston/Dunn - to delay enforcement on the fence ordinance until the Council receives the newly revised fence ordinance. (Motion passed 4-1: DeLapp voted against the motion because he said it was the same motion the council made last year.)

The Council will hold a Code Enforcement workshop on April 13<sup>th</sup> at 4:30 p.m. Council member DeLapp indicated he may not be in attendance because of a county meeting.

Attorney Filla asked, to be clear, the direction is for staff not to suspend fence height violations until the 16<sup>th</sup>, and we are going to wait until both parties involved in Carriage Station are notified. Staff will proceed and issue letters to property owners with nonconforming fences.

M/S/P Johnston/Siedow – to place the question of code enforcement on fence height city wide, including Carriage Station, on the March 16 Council agenda. (Motion passed 5-0.)

Council member Johnston said it seemed reasonable to him that the Building Official would go out and look at the fences in Carriage Station and determine which ones are nonconforming and advise those property owners this will be a discussion topic at the March 16 meeting.

Mayor Hunt suggested holding an enforcement workshop with the Building Official, Acting City Administrator, Washington County Deputy and Attorney Filla to talk about how the Council want items investigated and the code enforced. This could possibly be discussed at the Marilyn Condon workshop.

D. Role of the Council Oversight and Preventing Problems in the Future:

Council member Johnston explained in his opinion the problem facing the council is balancing micromanaging versus its responsibility for oversight. He said one of the reasons this fence issue has become a problem is the homeowner, whose fence is in question, maintains he had consulted with the city and told by city staff that the fence was okay to build. This is not the first time that those kinds of claims were made to the City. Johnston raised the questions if these claims get documented, followed up on, investigated, and if they are accumulated for performance reviews? He asked what happens when we get this kind of problem and how do we keep it from happening again.

Mayor Hunt stated we could bring these questions up to the City Administrator. Johnston added based on what the homeowner has provided the Council in writing, a City official was on the site at least three different times and is a good example for troubleshooting the process. Mayor Hunt responded that now we have a fence permit process, and we will not have problems any more.

Council member DeLapp stated we should go back and get code compliance enforcement. He pointed out the city has a strict code on driveways, and there are driveways put in without permits and totally outside of city specs. This item would be placed on the agenda for the code enforcement workshop.

E. Council Direction to Planning Commission Regarding Solid Fences:

Council member Johnston said the current code talks about no solid fences that are over 4' high. He read the Planning Commission minutes where they are now considering 6' opaque fences. He asked if the Council wanted opaque fences 6 feet high and if so pass this along to the Commission. Council member Siedow said we should not have a one size fence fits all...a 2.5 acre lot could have a larger fence and a three-quarter of an acre

should have a smaller fence. Council member DeLapp said there should be consideration when some time these fences screen garbage cans, play areas, businesses when trees cannot do the screening right away. Could we allow exceptions to the rule? Dunn said fences should fit the size lots.

Mayor Hunt said we should set general guidelines, but he would not say no to 6' fences because the City should consider lot size and configuration. He would like to see the Planning Commission comments.

M/S/P DeLapp/Johnston – to give direction to the Planning Commission as they are considering fence heights and opaqueness, they should consider the size of a fence and how it fits into the various lot sizes, as a form of performance zoning, ....when is a fence a barrier or a screen. (Motion passed 5-0.)

**6. NEW BUSINESS:**

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

A. Update on Fire Dept. Chief Malmquist - Not In Attendance

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

A. Public Hearing: 2004 Overlay Project: Resolution 2004-020 Authorize Preparation of Plans and Specifications

At the February 17<sup>th</sup> meeting, the Council accepted the Feasibility Report and ordered a public hearing for the 2004 Overlay Project. The public hearing was published in the Stillwater Gazette and hearing notices were mailed to the affected property owners.

The City Engineer gave a brief summary of the 2004 Overlay Project.

Mayor Hunt opened up the Public Hearing at 8:05 pm

There were no comments on this issue.

Mayor Hunt closed the Public Hearing at 8:06 pm

Council member DeLapp provided three illustrations showing narrower streets with 8' cut off on one side of the street, streets with asphalt curbs, pinch points and a landscape cul-de-sac island. He said in the book entitled Residential Streets it states 32' wide road is a collector road and this is a dead end road requiring 24' wide. Mayor Hunt asked if the Council wanted the City Engineer to get cost estimates to make changes and come back in two weeks.

Council member Siedow stated he did would not want to retrofit the old streets. Council member Johnston stated the Council paid attention to how 50<sup>th</sup> Street was reconstructed and already the cars are driving through the mud and ignoring the pinch points at the intersection of 50<sup>th</sup> and CSAH13. Mayor Hunt would not consider changes unless he heard from the residents.

<b>Lake Elmo City Council April 6, 2004</b>	<b>Agenda Section: Planning, Land Use &amp; Zoning</b>	<b>No. 9D</b>
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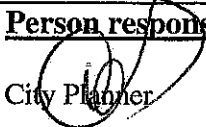
**Agenda Item:** Cimarron CDBG Project – Vendor Selection

**Background Information for April 6, 2004:**

The Council has previously approved the recommendations of the Community Improvement Commission regarding a gas line service inspection program for Cimarron that would be partially funded by the Cimarron component of the 2000-2003 CDBG grant (\$10,000); and, also funded by the 2004 CDBG Lake Elmo allocation (\$48,000). The Commission's goal by this program is to detect any problems with gas service line installations to the individual Cimarron manufactured housing units that could prove hazardous to the unit – and neighboring units. This Commission goal is responsive to the City's often stated policy of assuring the continued viability of the Cimarron neighborhood as an important housing resource for the community.

Based on a general concept of how the program would work (as determined by the Commission), City Staff solicited potential vendors in early February, 2004 by a Request for Proposals. Two qualified inspection firms respond to the RFP, and the Commission selected the proposal Mobile Home Improvement Service as the most responsive to the program design, and in the best overall interests of the City. The Commission concurrently asked staff to meet with the firm to structure a slightly revised strategy for the inspection program. That strategy revision would entail some minimal "first impression" inspections (but no testing etc.) of a portion of the Cimarron units to gain a better understanding of how extensive a complete inspection program (including testing etc.) needs to be. These minimal inspections would be \$45 each, rather than the \$165 each the full (with testing) inspections will be.

Council approval to retain Mobile Home Improvement Service for the Cimarron Gas Service Inspection project is hereby respectfully requested.

<p><b><u>Action items:</u></b></p> <p>Motion to authorize the Acting City Administrator to execute a letter agreement with Mobile Home Improvement Service for gas service line inspections in Cimarron at a two-level cost:</p> <ol style="list-style-type: none"> <li>1. Initial Inspections - \$45 per unit per the proposal dated 3/30/04.</li> <li>2. Complete inspections - \$165 per unit per the proposal staff dated 3/30/04.</li> </ol>	<p><b><u>Person responsible:</u></b></p> <p> City Planner</p>
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<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Mobile Home Improvement Service Proposals</li> <li>2. Related Community Improvement Commission Minutes</li> </ol>	<p><b><u>Time Allocated:</u></b></p>
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**Mobile Home Improvement**  
**1181 80<sup>th</sup> St. E.**  
**Inver Grove Heights, MN. 55077**  
**(651) 451-1297**

3/30/04  
CD

City of Lake Elmo  
3800 Laverne Ave. No.  
Lake Elmo, MN. 55042  
Attn.: Charles E. Dillerud  
Acting City Administrator

Dear Mr. Dillerud,

In response to your letter about gas line inspections at Cimarron manufactured housing neighborhood.

Our inspection consist of:

- 1) Turning off all gas valves at furnace, water heater, and range.
- 2) Go under home and visually inspect all gas lines for rust and corrosion especially where piping runs along and is fastened to the inside steel perimeter frame, and making sure piping is still properly secured to framing.
- 3) At this time while we are under home, we will also check for cross framing beams, especially on the Movilla's, to see if the beams are twisting and rusting and loosing there strength and causing interior sagging and structural failure.
- 4) Hook up air gage at entry at gas meter to the main manifold and air test at 20lbs for 10 minutes, if system holds pressure, we will turn on gas and relight appliances.

For this test coordinating with community office and city inspector and the homeowner and the provided paperwork, our bid is \$165.00 per home.

In the event that there are needed repairs that immediately need attention:

3/30/04  
ROE

- 1) If in direct code violation example: non rated water heater for manufactured home, we will report in our paperwork and will advise homeowner on repair or replacement needed.
- 2) We will need more information from the community office and city on how we proceed with repairs needed.

Please call with questions.

Sincerely,



Rodger O. Espeseth  
Owner/pres

3-30-04

Mobile Home Improvement  
1181 80<sup>th</sup> St. E.  
L.G.H., MN. 55077  
(651) 451-1297

City of Lake Elmo  
3800 Laverne Ave. N.  
Lake Elmo, MN. 55042  
Attn: Charles E. Dillerud  
Acting City Administrator

Dear Mr. Dillerud,

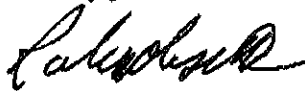
In response to our meeting on 3-26-04, regarding the cost factor for a visual inspection on gas lines and service connections on individual units in the Cimarron manufactured neighborhood.

We have visually inspected three units, and calculating time spent and paperwork one copy sent to the city and one copy sent to Cimarrons office, and keeping one copy ourselves,  
This would also include coordinating with Cimarrons management.

The inspection of 25 to 30 of the oldest units at a time included in phase one of the project to be completed by May 1<sup>st</sup>, 2004, a cost factor of \$45.00 per unit.

We look forward to working with the City of Lake Elmo and Cimarron manufactured housing neighborhood on this project.

Sincerely yours,



Rodger O. Espeseth  
Owner/president

**LAKE ELMO  
COMMUNITY IMPROVEMENTS COMMISSION  
MINUTES**

**MARCH 10, 2004**

The meeting was called to order at 7:00 PM on March 10, 2004. Commission members in attendance were Stacy Howieson, Debbie Lyzenga, Anne Smith, and Joan Ziertman. Commission member Gary Rieder was absent. Councilmember Dean Johnston, and acting City Administrator Chuck Dillerud were also present. The minutes from the February 11, 2004 meeting were accepted.

Jill Anderson, from The Lake Elmo Jaycees, became a new member of the Commission, and was at attendance for this meeting.

Update on CDBG Funds and Cimarron Gas Line Inspection Program

The Commission updated Mr Dillerud and Mr. Johnston about the discussion at our last meeting. That discussion involved the physical implementation of the gas line inspections, as well as how payment should be assessed and collected.

The Commission received two bids for the Cimarron gas line inspection program. The bids were from Mobile Home Improvement, and Inspections Plus Inc. The Commission concluded that the bid from Mobile Home Improvement was beyond the scale of what was intended. The Commission further concluded that the bid from Inspections Plus Inc. was not comprehensive enough.

The Commission then discussed the possibility of dividing the inspection program into two separate phases. Phase 1 would be a visual inspection of gas lines from the gas meter to the point at which the gas line entered the homes. It was proposed that all the homes in Cimarron would receive this inspection. This visual inspection would further provide an inventory of homes that would best be served by a more thorough inspection, in Phase 2. The Commission recommended that all the cost of the Phase 1 inspections be paid for out of the remaining 2003 CDBG funds. Should more funding be needed, than is remaining from the 2003 Grant, then 2004 CDBG funds would be used to pay the difference. The Commission recommended that homes requiring further, and more intensive inspections be grouped into the Phase 2 inspection program, and that the individual homeowners would be responsible for paying for those inspections. Homeowners with a demonstrable financial need could apply for assistance through the CDBG Program, for the additional inspection and required repairs.

Given the re-definition of the program into two phases, the Commission recommended that Mobile Home Improvement be asked to resubmit a bid reflecting the dual inspection format proposed. Their initial bid suggested that they had the experience to conduct both phases of the inspections, as well as the ability to affect the needed repairs. The Commission concluded that working with the same company for all these needs would be most cost effective and efficient to the whole program. Consequently a motion was



passed directing Mr. Dillerud to ask Mobile Home Improvement to prepared a second bid, reflecting both phases of the inspection program.

Mr. Dillerud informed the Commission that the City had no power, at present, to enforce the gas line inspection program on the residents of Cimarron. Mr. Dillerud recommended introducing a new ordinance that would give the City the ability to enter Cimarron for the purpose of inspecting. The Commission asked Mr. Dillerud to be specific in the wording of the ordinance, and restrict it to "gas line inspections" only. The Commission passed a motion directing Mr. Dillerud to present before the City Council the proposal for a new ordinance allowing the City to enforce gas line inspection in Cimarron.

The Commission also discussed the feasibility of future inspection requirements for residents of Cimarron, similar to Truth in Housing inspections. Mr. Dillerud said that he would research how other communities in the Metro Area handle consumer protection issues in the reselling of manufactured homes. This topic will be discussed at future meetings.

### Traffic Concerns

The Commission reported to Mr. Dillerud their efforts to gain media coverage of the traffic problems on Hwy. 5. Gary Rieder was not at the meeting and did not present a draft letter recommended at the last CIC meeting. Mr. Dillerud informed the Commission that Councilmember Sue Dunn was involved with a group at MNDOT that was looking into that problem. He recommended that the Commission contact Sue Dunn to get more information about that group, before proceeding any further on this issue.

### New Business

Commission member Joan Ziertman initiated a discussion regarding animal control within the City. She was specifically interested in ways to prevent animals from becoming "at large", and potentially becoming dangerous. She wanted to discuss a possible change to the City ordinance to include some form of restraint for an animal when on the owner's property. It was also stated that the City's code, as it pertains to "dangerous and potentially dangerous" dogs, is good and complete as it is regulated by state statute. Joan presented the Commission members with a copy of the City's Municipal Regulations pertaining to this subject. Rather than discuss the topic at length at this meeting, Joan suggested that we postpone it until the next CIC meeting. This was agreed upon by the members. Mr. Dillerud suggested inviting the City's Animal Control Officer, Kathy Pelnar, to the next CIC meeting. He indicated that he would extend an invitation to her to speak to the topic at the next meeting.

The Commission agreed to a future meeting date of Wednesday, April 14, 2004 at 7:00 PM.

Meeting adjourned at 8:00 PM

Meeting minutes by Deborah Lyzenga

Community Improvements Commission Chair

**LAKE ELMO  
COMMUNITY IMPROVEMENTS COMMISSION  
MINUTES**

**FEBRUARY 11, 2004**

The meeting was called to order at 7:00 PM on February 11, 2004. Commission members in attendance were Debbie Lyzenga, Gary Rieder, Anne Smith, and Joan Ziertman. Commission member Stacy Howieson was absent. The minutes from the January 28, 2004 meeting were accepted.

New Member Application

This topic on the agenda was deferred until the next meeting.

Update on CDBG Grant Application

The Commission received a memo from Chuck Dillerud indicating that the Request for Proposals had been mailed to two firms, and he anticipated receiving bids for the gas line inspections on or before February 27, 2004.

The Commission discussed revising the criteria for selecting homes to be inspected, as well as how the funds would be allocated to cover the expense of such inspections. It was the conclusion of the members that all the homes in Cimmaron should be subject to the inspection, with the exception of newer homes for which records could be obtained showing that new gas lines had been installed. The cut off date for what constitutes a "newer home" needs further definition. It was further the conclusion of the Commission that the expense for the inspections should be the responsibility of the individual homeowners, with the provision that homeowners with a demonstrable financial need could apply for assistance through the CDBG Grant Fund. The Commission felt that "selective inspections" created a potential problem when it came to defining how the selection process would be exercised. This method of inspection appeared to the Commission to stretch the CDBG Funds, and create a more complete and comprehensive inspection program.

The Commission also discussed the physical aspects of the inspection program. One concern was accessibility to the crawl spaces of the older homes during the winter/early spring months. Many of the homes are only accessible through "hatches" that are frozen shut during the winter months. The cost of snow removal and ground thawing seems prohibitive. Therefore the program could not begin until the frost has left the ground. Another physical aspect discussed was the potential discovery of other problems not directly related to the gas lines, but potentially involved in repair work. One example was deteriorating gas lines attached to deteriorating structural components on the homes. It was agreed that a more detailed discussion regarding such anticipated problems should be pursued with Chuck Dillerud at the next Commission meeting.

A motion was made that should any CDBG Funds remain after the gas line inspection program is completed, that they be used to provide address signage for homes throughout the city to assist the Fire Department when responding to emergency calls.

Update on Highway 5 Traffic Awareness

Anne Smith reported that she spoke to the editor of the Stillwater Gazette regarding media coverage of traffic incidents along Highway 5. The Commission agreed to extend an invitation to the Stillwater Gazette to attend one of our Commission meetings and provide media coverage about our ongoing concern with traffic along Highway 5, as well as Manning Avenue, and Highway 36. Gary Rieder agreed to draft a letter to the Stillwater Gazette editor requesting coverage of a meeting.

Discussion of Fencing Ordinance Enforcement

The Commission agreed that the Planning Commission would continue to address this issue, rather than the Community Improvements Commission.

New Business

The Commission discussed the possibility of the members participating in an "Open House" event at some time in the future, so as to raise awareness in the City of the Commissions activities.

The Commission agreed to a future meeting date of Wednesday, March 10, 2004 at 7:00 PM.

Meeting adjourned at 8:00 PM

Meeting minutes by Deborah Lyzenga  
Community Improvements Commission Chair

**LAKE ELMO  
COMMUNITY IMPROVEMENT COMMISSION  
MINUTES**

**JANUARY 28, 2004**

The meeting was called to order at 7:00 PM on January 28, 2004. All the current Commission members were in attendance; Stacy Howieson, Debbie Lyzenga, Gary Rieder, Anne Smith, and Joan Ziertman. Acting City Administrator Chuck Dillerud and Washington County Sheriff Bill Harrell were also present.

Status of the CDBG Grant Application:

Chuck Dillerud distributed copies of the grant application the City submitted to Washington County for their consideration and approval. The application is specifically for funding Cimarron Neighborhood Gas Service Inspections, and requests that the full grant amount of \$48,645 for 2004 be applied towards this project. Although the application was already submitted to meet required deadlines, the application will be formally presented to the full City Council on Tuesday, February 3, 2004 for their approval. Chuck Dillerud requested that a member(s) of this Commission attend that Council meeting. Stacy Howieson and Debbie Lyzenga said that they would attend.

Discussion of Traffic Problems on Hwy.5:

Ideas were exchanged regarding how best to draw public attention and awareness to the ongoing traffic hazards present on the stretch of Hwy. 5 between Manning Avenue and Hwy. 36 in Stillwater. Specifically, the issue of the illegal use of the shoulder for passing was believed to be the biggest concern. Washington County Sheriff Bill Harrell reported that all efforts were being made to provide enforcement, to the extent that it is feasible, and that tickets were being issued. We discussed the possibility of involving the press (both written and broadcast) to do a follow up story involving the various serious automobile accidents that have occurred in the past year along this stretch of road. Commission members agreed to research what access to the press the City may have, and to get specific information regarding a fatal accident occurring approximately one year ago.

Privacy Fences in Carriage Station:

Anne Smith distributed copies of the packet she prepared for the Planning Commission regarding enforcement of the fencing ordinance. The members agreed to review the packet and discuss the matter further at the next Community Commission meeting.

Future Meeting Schedule:

Members discussed the frequency of future meetings and agreed that one meeting per month, on the second Wednesday of the month would be acceptable. It was agreed to schedule the next meeting for Wednesday, February 11, 2004 at 7:00 PM. Chair Debbie Lyzenga will contact Sharon Lumby to confirm this date and request publication of the announcement of this meeting. Chuck Dillerud clarified that it will be the responsibility of Commission members to schedule meetings, prepare meeting minutes, and submit meeting agendas. All this communication will occur between the Commission and Deputy Clerk Sharon Lumby.

Meeting adjourned at 8:00 PM

Meeting minutes by Debbie Lyzenga  
Community Improvement Commission Chair

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 the 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.

<b>Lake Elmo City Council April 6, 2004</b>	<b>Agenda Section: Planning, Land Use &amp; Zoning</b>	<b>No. 9E.</b>
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**Agenda Item:** Old Village Development Moratorium

**Background Information for April 6, 2004:**


On February 17 the Council extended the Old Village Development Moratorium for 60 days to accommodate completion of the infrastructure designs related to the Old Village Plan now being considered for adoption. As of today the status of those infrastructure reports is as follows:

**Wastewater** – NAWE – Completed.  
**Water Supply** – TKDA – Draft completed, and minor revisions in progress.  
**Traffic** – TKDA – Draft received by staff the week of March 29. Being reviewed.  
**Surface Water** – TKDA – Not completed.

As the Council can see, we still are not “there”. I can report that no major issues appeared in the Water Supply or Traffic Reports beyond the need for elevated water storage (which is already the case); and the need for improvements to Highway 5 (including signalization).

The present Moratorium will expire prior to the next City Council meeting. The Council should decide on April 6 whether to again extend the Moratorium or allow it to expire. Staff has not been contacted in recent months by any land owners or developers regarding a desire to immediately proceed with projects within the Moratorium area. We know, however, that there has been prior interest on behalf of three of the property owners (Hutchinson, Abbott, and Lynsky). We have only recently (March 31) met with the planner hired by Schiltgen. Obviously they are just getting started with the work they are doing for this property owner.

We have attached a draft ordinance that would again extend the Moratorium, with the length of the extension unspecified. We are clearly very close to completing the infrastructure reports. Beyond 30 days, the length of any extension will be based on how much time the Council believes it needs to review the impacts forecasted by the reports, and then address the Old Village Comp Plan amendment.

<p><b><u>Action items:</u></b></p> <p>Motion to either adopt Ordinance 97 - <sup>127</sup>, extending the Old Village Moratorium for _____ days; or, no action – thereby allowing the Moratorium to expire on April 17, 2004.</p>	<p><b><u>Person responsible:</u></b></p> <p> City Planner</p>
<p><b><u>Attachments:</u></b> <sup>127</sup></p> <p>1. Draft Ordinance 97 - , extending Old Village Moratorium</p>	<p><b><u>Time Allocated:</u></b></p>

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

**ORDINANCE NO. 97-127**

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

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

**301.150        Development Moratorium.**

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



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

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

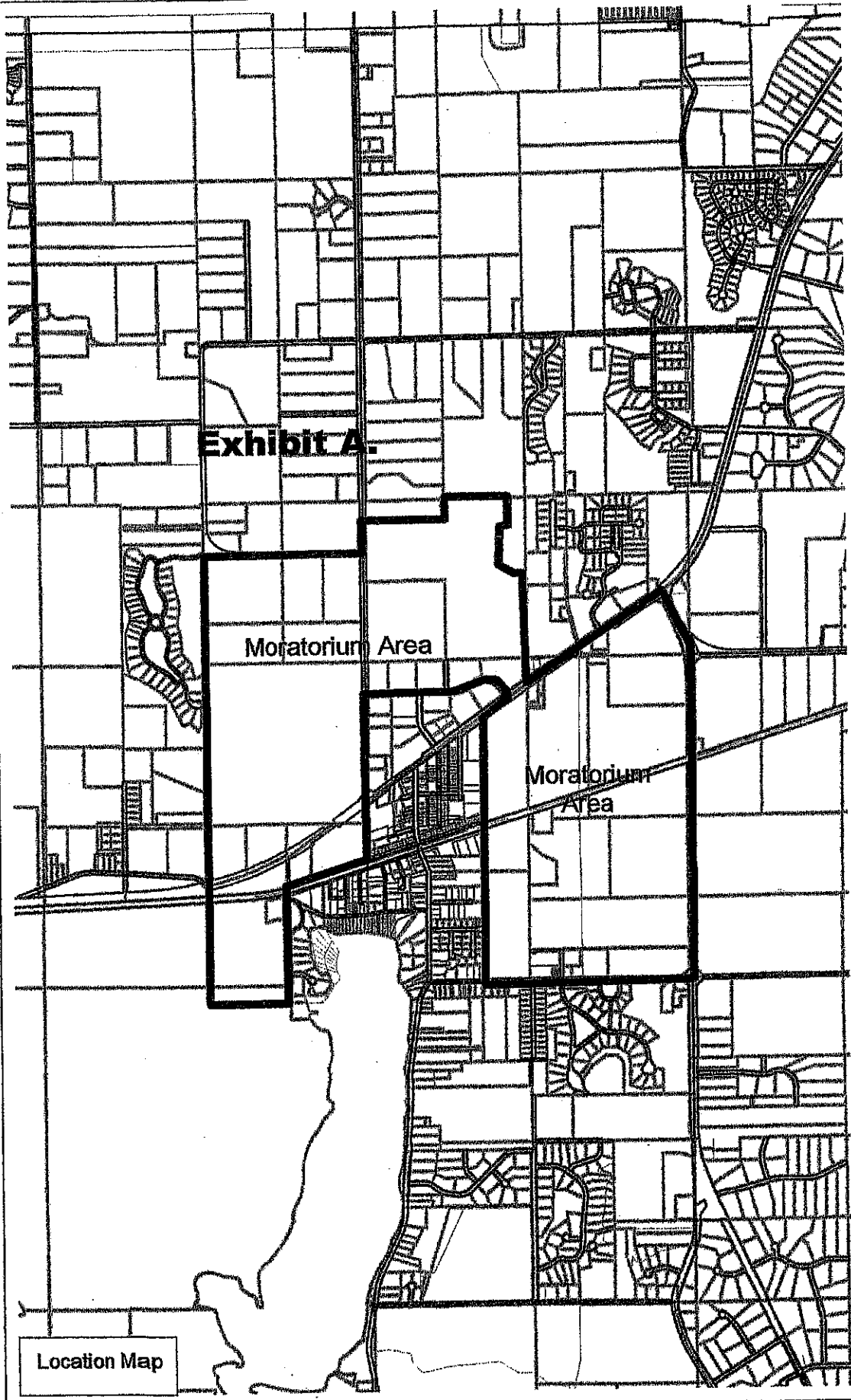
**Adoption Date:** Passed by the City Council of Lake Elmo the 6th day of April, 2004.

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

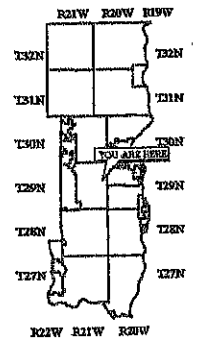
ATTEST:

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

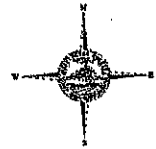
**Publication Date.** This Ordinance or an approved Summary thereof was published on the \_\_\_\_\_ in the Stillwater Gazette.



Location Map



Vicinity Map



This document is the result of a computerized and reproduction of data records as they appear in records of Washington County records. The accuracy cannot be used for reference purposes only. Washington County is not responsible for any errors or omissions.

Source: Washington County Surveyors Office.  
 Project: 0011-030-0075  
 Parcel data based on A1950 information  
 current through February 28, 2003  
 Map printed: April 11, 2003

<b>Lake Elmo City Council April 6, 2004</b>	<b>Agenda Section: Planning, Land Use &amp; Zoning</b>	<b><u>No.</u> 9F</b>
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**Agenda Item:** Water Service and Fire Sprinklers – Prairie Ridge Office Park

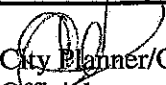
**Background Information for April 6, 2004:**

The City Engineer has been delegated the task of securing an amendment to the Lake Elmo/Oakdale Lake Jane Water Supply Agreement to extend the service area in Lake Elmo to include the Prairie Ridge Office Park at Highway 5/Stillwater Blvd. Discussions between the two cities (our City Engineer and Oakdale's Public Works Director) extended over a 2 month period. The City Engineer reports that the proposal from Oakdale (which took some time for them to present) is to agree to extend the service area as we have requested, but only if the Master Agreement is also amended to substitute Oakdale's commercial water rates charged to the Lake Jane system for the residential rates called for in the present Agreement. The Acting Finance Director projects that annual increased cost to Lake Elmo by this proposed rate structure could amount to \$10,000. – a sizable amount to spread over a small number of system customers.

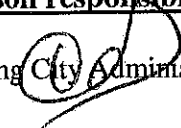
Based on this latest proposal staff recommends discussion with Oakdale regarding including Prairie Ridge Office Park on the Lake Jane system be terminated; and, that Prairie Ridge proceed with private water wells.

Should the Council concur with staff's recommendation regarding Prairie Ridge water source, a secondary issue arises. Staff has assumed that fire sprinklers would be installed in these buildings since they meet the 5,000 square foot threshold of the City Code. The Prairie Ridge developers have advised staff that they now do not desire to install fire sprinklers in the office buildings of the complex, since the expense of doing so on a well is significantly higher than it would be on City water.

They have advised staff that they both challenge the City's present 5,000 square foot threshold for required sprinklers (based on some State rules), and they also suggest that their solution would be to construct 4,999 square foot buildings – which, of course would require an amended Site Plan. We have advised the developers that only the City Council can authorize relief from the 5,000 square foot threshold. That relief could be based on the lack of City water to the site.

<p><b><u>Action items:</u></b>  Motions providing direction to staff on the following:</p> <ol style="list-style-type: none"> <li>1. As to amending the Lake Jane Water Agreement on the terms proposed by Oakdale.</li> <li>2. As to relief to the Prairie Ridge developers regarding provision of fire sprinklers to 5,000 square foot structures not served by City water.</li> </ol>	<p><b><u>Person responsible:</u></b>    City Planner/City Engineer/Building Official</p>
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<p><b><u>Attachments:</u></b>  None</p>	<p><b><u>Time Allocated:</u></b></p>
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<b>Lake Elmo City Council April 6, 2004</b>	<b>Agenda Section: City Administrator's Report</b>	<b><u>No.</u> 11A</b>
<b><u>Agenda Item:</u> Seminar Attendance -- City Planner</b>		
<p><b><u>Background Information for April 6, 2004:</u></b></p> <p>The City has annually budgeted for the City Planner to attend the National APA Conference, and such other local APA and other related functions/seminars as may be in the City's best interests. As with many prior years I have reviewed the agenda for the 2004 APA National Conference, and find nothing of any particular value to the City. I will not be attending.</p> <p>I have, however, received Notice of a seminar to be conducted May 3-5 at UW, Madison that would be of value. Not only is the faculty top notch (including attorney Bob Freilich of Kansas City who we heard would be hired by METC to defend the Lake Elmo case – he wasn't), but the subject matter is relevant as well. I anticipate the total cost (tuition, transportation, meals, lodging) will be about \$1,000. The Planning Department budget is \$2,500 for "Conferences and Training".</p> <p>Council's approval of the City Planner attendance at the UW seminar is requested.</p>		
<p><b><u>Action items:</u></b></p> <p>Motion to approve attendance of the City Planner at the Land Use Management Seminar at UW, Madison on May 3-5, 2004.</p>	<p><b><u>Person responsible:</u></b></p> <p>Acting City Administrator </p>	
<p><b><u>Attachments:</u></b></p> <p>1. Course Outline</p>	<p><b><u>Time Allocated:</u></b></p>	

## Nationally Recognized Instructors

**Dr. Michael Chandler** is the principal of Chandler Planning, Richmond, Virginia. He has more than 30 years of experience as a planning educator including sponsorship of the award-winning Virginia Certified Board of Zoning Appeals and Virginia Certified Planning Commissioners Programs. He has presented planning commissioners training programs in more than 40 states. He is a member of the American Planning Association (APA) national board of directors.

**Robert G. Davis FIES** is a senior instructor of architectural engineering at the University of Colorado-Boulder. Prior to joining the faculty at the University of Colorado-Boulder, he was technology group leader and research assistant professor at the Lighting Research Center (LRC), Rensselaer Polytechnic Institute, Troy, New York. He holds MS and BS degrees in architectural engineering from Pennsylvania State University.

**Dr. Robert H. Freilich** is a partner in the law and planning firm Freilich, Leitner & Carlisle, Kansas City, Missouri. He is a member of the executive committee of the Planning and Law Division, American Planning Association. Dr. Freilich is the author of several books on planning and law. His newest book is *From Sprawl to Smart Growth, Successful Legal, Planning and Environmental Systems*. He received his AB degree from the University of Chicago and holds a JD from Yale Law School, a master's degree in international planning from Columbia University School of Public Administration, and an LL.M and SJD from Columbia University School of Law.

**John LaMotte** is cofounder of the Lakota Group, Chicago, Illinois. He has more than 23 years of experience in land-use planning, urban design and economic development. He has served as a senior member of two international architecture/engineering firms and in the City of Chicago Department of Economic Development. He has directed a wide range of planning projects and programs, including an 8,000-acre new town plan. He holds a master's degree in urban and regional planning from the University of Wisconsin-Madison and a bachelor's degree in urban planning/geography from the University of Utah.

**Michael Lauer AICP** is a principal of Planning Works, LLC. He has developed and helped implement successful growth management programs for more than 50 cities and counties throughout the United States. His award-winning, results-oriented approach to growth management planning builds consensus for action on a foundation of rigorous environmental, fiscal, demographic and character analysis. He holds an MS degree in community and regional planning and a BA degree in natural sciences from the University of Texas at Austin.

**Janet Muchnik** is the village manager of the Village of Park Forest, Illinois. She has more than 24 years of experience in local government planning, economic development and management. She leads the redevelopment efforts that are transforming the former Park Forest Plaza Shopping Center into a mixed-use downtown. Ms. Muchnik has served as national director of the American Planning Association. She holds an MA in public administration from Governors State University and a BA in education and social sciences from the University of Maryland.

Douglas Pauln LC is principal of Lighting Forensics, Inc., Egg Harbor, Wisconsin. He assists municipalities with lighting issues and development of lighting ordinances. He has more than 30 years of experience in the lighting industry, having worked for several outdoor lighting manufacturers. He is chair of the Wisconsin Section of the International Dark Sky Association. He holds a BA degree in experimental psychology from California State University-Los Angeles.

**Michael Slavney FAICP** is director of the planning services division for Vandevalle & Associates, Madison, Wisconsin. He has more than 23 years of experience in planning as a consultant and local government planner. He is nationally recognized for his work in planning, development regulation and public participation. He holds a BS degree in economic geography and urban sociology from the University of Wisconsin-Madison and an MS degree in city and regional planning from the University of North Carolina at Chapel Hill.

**S. Mark White AICP** is a partner in the firm Freilich, Leitner & Carlisle, Kansas City, Missouri. Mr. White's expertise includes zoning and subdivision law, housing and growth management. He is the author of numerous articles on affordable housing and growth management. Mr. White holds a master's degree in regional planning and a JD from the University of North Carolina at Chapel Hill.

## Course Outline

### Monday

#### 7:30 Registration

May 3 in Madison, Wisconsin:  
The Lowell Center  
610 Langdon Street

June 28 in Boulder, Colorado:

Millennium Harvest House Boulder  
1345 28th Street  
Boulder, Colorado

#### 8:15 Introduction

Benjamin J. Jordan  
Program Director  
University of Wisconsin-Madison

#### 8:30 Visioning the Future of Your Community

- Implementing visioning in planning
- Visioning models and processes
- Visioning challenges

#### 10:00 Break

#### 10:30 Traditional Neighborhood Developments and Ordinances

- Facilitating traditional neighborhood development (TND)
- Implementing TND in ordinances and plans
- Commercial component of TND

#### 12:00 Lunch

#### 1:00 TND and Mixed Use Status Report

- What is working?
- What isn't?
- Factors for success
- TND trends

#### 3:00 Break

#### 3:30 TND Project Case Studies

#### 5:00 Adjourn

### Tuesday

#### 8:30 Two Years After Tahoe—Key Legal Issues

- Moratoria and interim controls
- Exclusionary zoning
- Public purpose limitations
- Consistency
- "Contracting" zoning

#### 10:00 Break

#### 10:30 Smart Growth from Smart Plans

- Strategies for growth management
- Consistent plans and codes
- Plan implementation programs
- Links to capital plans

#### 12:00 Lunch

#### 1:00 Regulating Big Box Development

- Impacts
- Ordinances regulating big boxes
- Planning for reuse/development

#### 3:00 Break

#### 3:30 Public Involvement

- Techniques to foster meaningful public involvement
- Examples of successful public involvement

#### 5:00 Adjournment

### Wednesday

#### 8:30 Redeveloping Grey Boxes and Grey Fields - Giving New Life to Obsolete Shopping Centers

- Zoning ordinance issues
- Identifying uses that fit the market
- Identifying community needs
- Mixed-use approaches

#### 10:15 Break

#### 10:45 Case Studies in Redeveloping Grey Boxes and Grey Fields

#### 12:00 Lunch

#### 1:00 Implementing Lighting Ordinances

- Lighting basics
- Light trespass and skyglow
- Model ordinances
- Examples of implemented ordinances
- Keys to an effective enforceable ordinance

#### 3:00 Final Adjournment

## Need to Know More?

Call toll free 800-462-0876 and ask for

Program Director:

Benjamin J. Jordan  
jordan@epd.engr.wisc.edu

Or e-mail [custserv@epd.engr.wisc.edu](mailto:custserv@epd.engr.wisc.edu)

### For Related Course Descriptions

<http://epdweb.engr.wisc.edu/catalogs/codes.lasso>

<b>Lake Elmo City Council April 6, 2004</b>	<b>Agenda Section: City Administrators Report</b>	<b><u>No.</u> 11B</b>
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**Agenda Item:** Assessment Services

**Background Information for April 6, 2004:**


I have attached a recent memorandum from Kevin Corbid at Washington County regarding a County proposal to take over market value assessment services County-wide. Kevin has agreed to attend the Council meeting April 6 to directly respond to any questions the Council may have regarding the proposal.

The City's 2004 General Fund Budget has forecasted contract payments to our local assessor Frank Langer of \$35,000. It is my understanding from Kevin (and Frank) that, should the County proposal be adopted, Frank would continue as the Lake Elmo Assessor, but be under contract to (and paid by) the County instead of the City. This would continue until Frank retires (not far off), but the City would have no say as to who would provide assessing services to the City. It is my further understanding that the City could continue to hold a local Board of Review regarding market valuation.

While this may seem like an obvious plus for any City budget and local levy financially (2% of Lake Elmo's 2004 levy, for instance), it is my understanding that at least some of the 9 cities in Washington County that now have contract local assessors are less than enthusiastic regarding the County proposal. It is my further understanding that the concerns raised by those cities go to the issue of "control" of the assessment function, and the assessor. Apparently it is the practice in some cities to exercise "control" over the assessor to a much greater degree than we do in Lake Elmo. I do not recall the former administrator attempting to influence Mr. Langer's work (to the benefit of the City, or any individual property owner) to any degree, and I certainly have not done so over the past 16 months.

I tend to view property appraisal and the job of the market value assessor to be strictly factual and professional. Mr. Langer has always provided a professional response to any questions raised regarding valuations by me – and I expect that has been the experience of the Council, as the Board of Review. The only disturbing trend I have seen with tax valuation assessing (elsewhere, not from Mr. Langer) has been a tendency by some assessing departments to substitute in-office computer modeling for field appraisal as a cost saving measure. I would expect the County is already moving in that direction, but I know Mr. Langer actually completes his requires annual percentage of field inspections.

At this point it appears that all the County is requesting is the City's comments and general reaction to the County assuming assessment services County-wide. I would guess that the communities now contracting with the County for those services on a fee basis (notably, Woodbury) would be thrilled to have the very same service they are now getting, but with the cost on the County levy, not their own. I would not be surprised to find that to be one of the primary (quiet) motivators of the proposal.

<p><b><u>Action items:</u></b> Motion(s) indicating the Council's position regarding the County assuming assessment services on a County-wide basis.</p>	<p><b><u>Person responsible:</u></b> Acting City Administrator </p>
<p><b><u>Attachments:</u></b> 1. Kevin Corbid Memo of March 9, 2004</p>	<p><b><u>Time Allocated:</u></b></p>



## MEMORANDUM

Date: March 9, 2004

To: Mayors, City Councils, Town Board Chairs, Town Supervisors, Administrators & Clerks

From: Kevin Corbid, Director *KJC*

Re: Countywide Assessment

The Washington County Board of Commissioners has put the issue of countywide assessment on its priority list for 2004. I have called each city and township that currently utilizes the services of a local contract appraiser to make them aware of the issue and possible change. A number of jurisdictions requested that I put together a memo outlining the process, the reasons behind the possible change, and the financial impacts. As I mentioned in my calls, I would be more than willing to meet with any city or town official or the council/board at any time. Please call me at 430-6182 if you have any questions related to the information I have provided.

*Process:*

- ✓ Minnesota law allows a County, by board resolution, to elect to provide assessment services for all property within the County. If a board resolution was passed during this year, the law says the election becomes effective on January 2, 2006.
- ✓ The County Board has asked me to communicate with each city and township related to this issue and report back to them the comments or concerns raised by the local governments.
- ✓ I, along with the County Assessor, have met or will be meeting with each of the local assessors to discuss this possible structure change.
- ✓ Currently 9 communities use a local assessor. Local assessors appraise roughly 30% of the total parcels in the County, with the County appraising the remaining 70%.

*Why are we pursuing this change:*

- ✓ We believe there are many benefits of having the County as the provider of services in all areas.
- ✓ The law currently provides that the County, through the County Assessor, is ultimately responsible for the quality of the assessment. However, in locally assessed areas, the County has little or no control over the work being done by the local assessors.
- ✓ In order to provide a quality assessment countywide, the equality of the assessment between local jurisdictions must occur. Consistency in grading property and quality of construction and consistent procedures need to be in place in order for mass appraisal to be effective. This has become increasingly important as we become more reliant on computerized appraisal systems.
- ✓ Countywide assessment will provide efficiencies in the technical support of the assessment and the assessment itself that will be beneficial to all taxpayers in Washington County.



*Financial implications:*

- ✓ If a County elects to have countywide jurisdiction over the assessment, the County also becomes responsible for the entire cost of providing the service.
- ✓ In areas now paying a local appraiser, they would no longer employ or contract with that individual and the cost would cease to exist. The County, through its levy, would pick up the costs.
- ✓ In areas currently contracting with the County, they would similarly discontinue paying the County for those costs and it would be absorbed within the County's levy.
- ✓ In effect, the cities and towns would lose the costs, while the County's levy would increase to absorb the costs. The net impact would be neutral to the taxpayers, with the financial benefits accruing to the taxpayers with the efficiencies we are able to create.
- ✓ The County would provide services to the local jurisdictions through its employees, or through contracting for services with current appraisers who are working in the County.

I hope the information I have provided is helpful. As I mentioned above, I am available to meet with or talk with any council or board members or city or township staff related to this issue. I will follow up with a phone call in the next couple of weeks to get input from each community so I am able to report back to the County Board.

Thanks for your time.