

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

# Lake Elmo City Council

## Tuesday

### May 4, 2004

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

**Please read:**

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

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

## Agenda

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

**Pledge of Allegiance**

**1. Agenda**

**2. Minutes**

April 20, 2004

**3. PUBLIC INQUIRIES/INFORMATIONAL;**

**A. PUBLIC INQUIRIES:**

**Public Inquiries/Informational** is an opportunity for citizens to bring the Council's attention any items not currently on the agenda. In addressing the Council, please state your name and address for the record, and a brief summary of the specific item being addressed to the Council. To allow adequate time for each person wishing to address the Council, we ask that individuals limit their comments to three (3) minutes. Written documents may be distributed to the Council prior to the meeting or as bench copies, to allow a more timely presentation.

**4. CONSENT AGENDA**

**A. Water Ski Show: Joe Kiesling**

**B. Resolution No. 2004-037: Approve claims**

Those items listed under the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion under a Consent Calendar format. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the general order of business and considered separately in its normal sequence on the agenda.

**5. FINANCE**

**6. NEW BUSINESS**

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

**A. VFW Ball Field Lights**

**B. Update on Fire Dept. Activities: Chief Malmquist**

<p><b>8. <u>CITY ENGINEER'S REPORT:</u></b>  <b>A. Resolution No. 2004-038: Landscape Cul-de-sacs: Invitation to residents</b></p>	<p>Tom Prew</p>
<p><b>9. <u>PLANNING, LAND USE &amp; ZONING:</u></b>  <b>A. Resolution No. 2004-039: Section 520 Site Plan – 11343 39<sup>th</sup> Street North.</b>  <b>B. Resolution No. 2004-040: Conditional Use Permit Amendment/Site Plan Amendment – Country Sun Farm</b>  <b>C. OP Ordinance Setback Variance: Whistling Valley</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>  <b>A. Countywide Assessment Services</b>  <b>B. Resignation of Council member: Resolution No. 2004-041</b></p>	
<p><b>12. <u>CITY COUNCIL REPORTS:</u></b>  <b>A. Mayor Hunt</b>  <b>B. Council Member DeLapp</b>  <b>C. Council Member Dunn</b>  <b>D. Council Member Johnston</b></p>	
<p>BOARD OF REVIEW: May 5, 4-6 p.m.</p>	

LAKE ELMO CITY COUNCIL MINUTES

APRIL 20, 2004

1. AGENDA
2. MINUTES: April 6, 2004
3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. Audit Report: Steve McDonald, Abdo, Eick and Meyers
4. CONSENT AGENDA:
  - A. Resolution No. 2004-031: Approving Claims
  - B. Resolution No. 2004-035: Approve Claim
5. FINANCE:
  - A. Monthly Operations Report
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Parks Dept. – MN Orienteering Club: Informational
  - B. Building Dept. Update: Jim McNamara
  - C. Fire Dept.: Grass Rig Tires
  - D. Building Permit at 5699 Keats Avenue
8. CITY ENGINEER'S REPORT:
  - A. Update on VFW Ball Field Lights
  - B. Resolution No. 2004-032: Accept Bids for 2004 Overlay Project
9. PLANNING, LAND USE & ZONING:
  - A. Resolution No. 2004-027: Zoning Variance, 11094 35<sup>th</sup> Street, Eisele
  - B. Resolution No. 2004-033, OP Development Stage Plan/CUP/Preliminary Plat: Whistling Valley 2<sup>nd</sup> Addition
  - C. Resolution No. 2004-034: PUD Final Plan Amendment: United Properties Directional Sign
  - D. Interpretation and Process – Accessory Building Exterior Color
10. CITY ATTORNEY'S REPORT:
  - A. West Lakeland Township Joint Resolution for Orderly Annexation: Resolution No. 2004-036
11. CITY ADMINISTRATOR'S REPORT:
  - A. Lake Jane Landfill – Groundwater
  - B. Comprehensive Plan – Metropolitan Council
  - C. City Council E-mail Boxes
  - D. Human Resource Committee Workshop
12. CITY COUNCIL REPORTS:

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

**1. AGENDA**

M/S/P Johnston/Siedow - to approve the April 20, 2004 City Council agenda, as amended. (Motion passed 4-0).

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

M/S/P Johnston/DeLapp - to approve the April 6, 2004 City Council minutes, as amended. (Motion passed 5-0).

**3. PUBLIC INQUIRIES/INFORMATIONAL:**

**A. Audit Report: Steve McDonald, Abdo, Eick and Meyers**

Steve McDonald, Abdo, Eick and Meyers presented the 2003 Annual Financial Report and responded to Council inquiries. Council thanked Mr. McDonald for his assistance and congratulated Tom Bouthilet and Chuck Dillerud on a successful audit.

M/S/P Johnston/DeLapp - to accept the 2003 Annual Financial Report submitted by Steve McDonald, Abdo, Eick and Meyers. (Motion passed 4-0).

**4. CONSENT AGENDA:**

**A. Resolution No. 2004-031: Approving Claims**

M/S/P Johnston/Siedow - to adopt Resolution No. 2004-031, approving claim numbers 198, 199, DD139 through DD147, 25434 through 25468 that were used for staff payroll dated April 15, 2004 and Claim Numbers 25469 through 25504 dated April 20, 2004 in the total amount of \$99,759.60. (Motion passed 4-0).

M/S/P Johnston/Siedow - to adopt Resolution No. 2004-035, approving claim number 25505 that was used for testing services for firefighter class II training in the total amount of \$1150.00. (Motion passed 4-0).

**5. FINANCE:**

**A. Monthly Operations Report**

The Council received the Monthly Operating Review as of April 15, 2004.

**6. NEW BUSINESS:**

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

**A. Parks Dept. -- MN Orienteering Club: Informational**

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

The Building Official reported there was one new residential building permit issued and no new commercial building permits in March, 2004.

C. Fire Dept: Grass Rig Tires

Fire Chief Malmquist has reported that the new grass rig chassis was delivered under the State Contract with tires that are not suitable for the off-road use this vehicle will encounter. He recommended that more off-road suited tires be installed, which will increase the cost to the City for the vehicle over that which has been approved by the Council.

Two options were available: 1.) Trade the tires with a local tire dealer at a net cost of \$703.92 or 2.) Purchase another set of tires under the State Contract at an estimated cost of \$550 (and keep the tires now on the chassis as spare inventory). It was unclear as to what load range tire will be required and if that load range will be available under the State Contract. Staff recommended authorizing an increase in the total cost of the grass rig by not to exceed \$702.92, with the understanding that if the State Contract tires can be purchased at the proper load range at a lower cost, that is the option the Fire Chief will use instead. Council member Siedow didn't think we should have spare tires to store if we go with Option 2.

M/S/P Siedow/Johnston - to authorize an increase in the total cost of the grass rig by not to exceed \$750, with the understanding that if the State Contract tires can be purchased at the proper load range at a lower cost, that is the option of the Fire Chief will use instead. (Motion passed 4-0).

D. Building Permit at 5699 Keats Avenue:

Council member Johnston reported he had gone out and looked at the fence being built at the above address. He noted there are no current materials stated in the code for a fence and if the fence is over 6' in height it requires a building permit. Council member Siedow said it looks like a building is going up and not a fence. He said the property owner, who is a planning commission member, was working on the fence Monday night and has not gotten a permit. The Building Official said the property owner bermed around the area to be fenced. He said the maximum height from grade is 8', not roofed, not solid, and could be fabric material. Mayor Hunt said the direction of the Council has been to enforce our codes as best as can be defined. He asked the Building Official to make a list on what the code doesn't address. Council member Siedow asked the Building Official to get photographic proof that the fence is being worked on and then red tag it.

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

A. Update on VFW Ball Field Lights

The City Engineer reported that he had contacted the vendors, received revised costs which were listed in his memo dated April 14, 2004. The Engineer requested authorization to enter into a purchase agreement with MUSCO lighting for installation of the poles; and, authorize City staff to acquire an easement from the Hagbergs for a utility easement.

Council member Siedow said he thought the city was going to make a mistake by installing these lights since the neighborhood thinks that the lights would be similar to the lights located in Lions Park. The Council asked if the City Engineer could get a list of another ball field with similar lights so the council gets an idea of how bright the lights will be. Siedow said that there might not be many houses located near the VFW field now, but there will be in the old village plan. Johnston said the last discussion included the observation that lighted fields would be bringing more people to the downtown a positive consideration. He noted, however, that if there are neighborhood concerns, we should take a look at that. Mayor Hunt said he was a supporter of the lights.

M/S/P DeLapp/Siedow – to direct the staff to locate an existing ball field with the same lights as proposed for the VFW ball field that would be available for Council and neighborhood residents visit and determine the impact. The City would pay any fees that may be required to light the field for only Lake Elmo purposes. (Motion passed 4-0.) This will be added to the May 4<sup>th</sup> council agenda to consider the lighting impact on surrounding properties.

B. Resolution No. 2004-032 – Award Bid for the 2004 Overlay Project

In his memo dated April 14, 2004, Tom Prew recommended awarding the contract to the lowest bidder, Tower Asphalt, Inc., for their base bid of \$62,800. He asked the Council to make a decision if it wished to include the landscape cul-de-sac islands at a cost of \$11,475. The council decided to award the base bid and see if the neighbors want the landscape berm.

M/S/P DeLapp/Siedow – to adopt resolution 2004-032 award the bid for the 2004 overlay project at a base bid of \$62,800 to Tower Asphalt. (Motion passed 4-0.)

M/S/P Siedow/Johnston – to invite the neighbors around the cul-de-sac to the May 4 Council meeting to advise the City Council of their input regarding the landscaped cul-de-sac project alternative. (Motion passed 4-0.)

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

**A. Zoning Variance – 11094 35<sup>th</sup> Street**

The Planner reported that at its April 6<sup>th</sup> meeting, the Council tabled this application for side and front yard variance to enable the construction of a garage. The Council asked to have the applicant secure a new survey of the site depicting the proposed garage re-oriented to line up with the south wall of the house rather than setting the garage at an angle to reduce the amount of set back variance. The purpose of the request is to determine exactly what the resulting set back would be; and, to be able to specify the actual amount of the set back variance being considered.

Jon Eisele submitted a revised survey depicting the proposed garage reduced in width from 32 feet to 28 feet; reduced in length from 24/26 feet to 22/24 feet; and, with the rear of the garage in line with the south wall of the house. The side set back (south) becomes a minimum of 3 feet. The front set back (east) becomes a minimum of 18 feet. A

modified resolution reflecting this survey was provided for Council consideration. The fence did not appear on the survey, but the driveway configuration was changed.

M/S/P DeLapp/Johnson - to adopt Resolution No. 2004-027 approving side and front set back variances for construction of a garage at 1109 35<sup>th</sup> street per plans staff dated April 6, 2004. (Motion passed 4-0).

B. OP Development Stage Plan/CUP and Preliminary Plat – Whistling Valley 2nd Addition

The City Planner reported the Planning Commission recommended approval of the Development Stage/CUP and Preliminary Plat of this OP project to create 18 building lots on a site of 45 acres. The approval recommendation is subject to the condition of compliance with Engineer and Attorney requirements and those recommendations of outside agencies found by the City to be necessary and reasonable; and, second condition requires a slight enlargement of one of the lots to meet the 3.4 minimum lot area requirement. The Commission recommended the preliminary plat move forward, but that the rail access location is worked out with Washington County prior to Final Plat submission. The County staff had indicated to City staff that a resolution of the issue should be attainable once their Parks and Transportation people come to an internal agreement.

Jerry Marah, Oakdale Gun Club, asked to place covenants on their abstracts that there is an active firing range in the neighborhood, such as was added to the Stonegate development.

M/S/P DeLapp/Johnston - to adopt Resolution No. 2004-033 approving the OP Development Stage Plan, Conditional Use Permit, and Preliminary Plat of Whistling Valley 2<sup>nd</sup> Addition per plans Staff dated April 6, 2004, based on the Findings and the added condition that the applicant shall include a clause in the Covenants notifying prospective purchasers that pre-existing Conditional Use Permits (CUP) exist in the vicinity of Whistling Valley 2<sup>nd</sup> Addition, including, but not limited to Hammes Mining, Linder's Greenhouse, Oakdale Gun Club, and an airstrip for small aircraft. (Motion passed 4-0).

C. PUD Final Plan Amendment – United Properties

The City Planner reported Nordquist Sign Company has applied for a permit to install a permanent "directional sign" along Hudson Blvd. to replace the High Pointe Health temporary sign that has been located there for several years. The replacement sign would be sided to accommodate four directional messages. The sign design would be in keeping with the other Eagle Pointe Business Park signage. Since this sign was not a component of the Eagle Pointe PUD Master Sign Plan, and would otherwise not be a permitted sign, United Properties has requested an amendment to the Eagle Pointe PUD Final Plan (the Master Sign Plan portion) to include this sign.

Staff recommended approval of the requested PUD Final Plan amendment because it would both constitute an improvement in appearance (over the old temporary High Pointe directional), and, provide a measure of traffic safety by advising the motorists of who is where along a busy stretch of roadway.

M/S/P DeLapp/Siedow - to approve Resolution No. 2004-034, approving a Final PUD Plan amendment of the Eagle Pointe Business Park to permit a directional sign per plans staff dated April 20, 2004; subject to the conditions that the sign be set back not less than 15 feet from any property line and public street right-of-way. (Motion passed 4-0).

D. Interpretation and Process – Accessory Building Exterior Color

The City Planner reported a resident approached staff regarding the exterior color of an accessory building that has been completed, but is not as yet painted. The accessory structure has some of the architectural features of a barn and the resident desires to paint the accessory structure red to complete the barn theme. The Zoning Ordinance requires non-farm accessory structures to be of a similar color or match that of the principal structure on the site, or the exterior color is of an earthen tone. A light gray principal structure with a red accessory structure does not meet that standard.

Staff advised that relief from this code provision could only be provided by either an amendment to the zoning ordinance, or a zoning ordinance variance. Both processes would require a Hearing by the Planning Commission, and approved by the City Council. The City would need to address the hardship in the case of a variance and the variance process requires a \$620 application fee. If the Council originates the request for such an amendment to be considered on the basis of potential applicability to more than this case, no application fee would be chargeable.

M/S/P DeLapp/Siedow – that the Council determines that an amendment to the zoning ordinance may be appropriate to deal with the color of “Rural Character” styled accessory structures and to direct the staff to bring a Zoning Ordinance the amendment proposal regarding the color of accessory building of an agricultural appearance to the Planning Commission for a Public Hearing and recommendation for the May 18<sup>th</sup> City Council meeting. (Motion passed 4-0.)

**10. CITY ATTORNEY’S REPORT:**

**A. West Lakeland Township Joint Resolution for Orderly Annexation.**

M/S/P DeLapp/Johnston - to adopt Resolution No. 2004-036, A Joint Resolution for Orderly Annexation in the matter of the Joint Resolution of the City of Lake Elmo and the Township of West Lakeland Designating an Unincorporated Area as in Need of Orderly Annexation and Conferring Jurisdiction Over Said Area to the Department of Administration Pursuant to M.S. 414.0325. (Motion passed 4-0).



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

### **A. Lake Jane Landfill – Ground Water**

The Acting City Administrator reported that he had conversed with the "Closed Landfill" staff person at MPCA regarding the comments of Gloria Knoblauch as to potential Lake Jane Landfill groundwater contamination. He reported that although MPCA had no knowledge of any recent Lake Jane Landfill "evaluation", the MPCA staff will draw ground water samples from their monitoring wells south of the landfill within a week and conduct a full spectrum test on those samples. If suspicious findings result from the tests, MPCA will conduct the same tests on private wells immediately south of the landfill site at MPCA expense.

Gloria Knoblauch presented a memo received from other MPCA staff. The memo advised her of testing firms that the residents south of landfill could contract with, and the probably costs for such testing.

### **B. Comprehensive Plan – Metropolitan Council**

Council member Johnston observed that the Met Council has an incentive to negotiate with the City now that the Supreme Court has agreed to hear the City's appeal regarding the Met Council's rejection of the Lake Elmo Plan. He advised the Council that the City shouldn't close off that avenue. He suggested that the City continue talking with the Met Council to obtain a better definition of what they may be now suggesting as a compromise solution. He added that by that strategy the City at least hasn't walked away from that opportunity. Johnston also said that in order to prevail the City needs to assemble as many allies as possible supporting our cause. He suggested that it seems that it is bad practice that the City is not at last talking to the Met Council.

The Acting Administrator reported that during the council's discussion in the executive meeting, there were some hints that the Met Council may want to settle out of court, but he had nothing in writing.

Council Member DeLapp said he was concerned that the Met Council might think that the City wants to meet them half way, which, in his opinion, is not good for the City.

Mayor Hunt stated that, officially, there is nothing new on the table from the Met Council.

Council member Siedow said that the City just can't go with how one person thinks on this issue. He stated that he believes the City could meet the Met Council at some point.

The City Planner volunteered to work with the city's attorneys to contact the Met Council and find out for certain if there was a settlement offer.

M/S/P Siedow/DeLapp to direct the City Planner go through the City's attorneys inquire as to if there is a new settlement offer by the Met Council as has been communicated to the City by a third party and have them place it in writing and communicated to the Council. (Motion passed 4-0).

C. City Council E-mail Boxes

The Acting Administrator reported a resident recently criticized the City for no longer publishing on the City web site the personal Email addresses of City Council Members. A solution is to set up individual City Hall E-Mail Boxes for each City Council member. Those are the only addresses made available to the Public. The cost of doing this is \$65 per member for the software license and \$50 of labor to install.

M/S/P Johnston/Siedow approve – to direct the staff to check with Council member Dunn of her desires on this matter because she was not in attendance at the meeting and to set up City Hall E-Mail Boxes for those Council Members that desire them. (Motion passed 4-0.)

D. Human Resource Committee Workshop

Council member Johnston stated that he detects a problem with code and interpretation, but he doesn't know exactly if the problem is with code enforcement or interpretation. Johnston suggested that the City Human Resources Committee be requested to address the problems with Code enforcement that he perceives. It was the consensus of the Council that this matter be placed on the agenda of the May 18<sup>th</sup> Council meeting to gain the perspective of the new City Administrator on the issue.

**12. CITY COUNCIL REPORTS:**

Mayor Hunt reported that City Planner Dillerud had not received an evaluation or Pay Plan Step consideration at his employment anniversary date as City Planner/Assistant Administrator on June 15, 2003, since he was also serving as "Acting" in the position that would have otherwise performed that evaluation, and would have also directed the appropriate salary action. Hunt also observed that another employment anniversary date for Dillerud would occur on June 15, 2004. He suggested that it was proper the City Council's task to perform Performance Review and direct any base salary adjustments for Dillerud covering his job as City Planner/Assistant Administrator during two full employment years. Hunt reported that he had sent each Council Member a Performance Evaluation form and the Position Description for Planner/Administrator and City Administrator since Dillerud will have served in both positions for 16 months of the 24 months to be evaluated. Hunt said he would coordinate the individual evaluations of the Council for Council action for the May 18<sup>th</sup> Council meeting.

Mayor Hunt reported that he will attend a May 11th forum for east side mayors where they will discuss tax policy, budget, housing, and population. On Saturday, May 29, there is a memorial to the Veterans of World War II will be dedicated in Washington D.C. honoring the 16 million American servicepersons who served and died to preserve democracy. In tribute to their sacrifice and service, Bayport American Legion, Stillwater American Legion, Stillwater Veterans of Foreign Wars and Lake Elmo Veterans of

Foreign Wars are joining together to conduct a community celebration to honor the World War II Veterans in our area in a manner similar to the recognition at the Stillwater VFW.

Council member Dunn attended the Tri-Chamber luncheon where there was discussion on development issues on I94 and Highway 36. The next Tri-Chamber meeting will be at noon on June 8<sup>th</sup>. She attended the ribbon cutting ceremony with the Stillwater Area Ambassadors for the grand opening of Gathering Garden in Lake Elmo.

Council member DeLapp reported that he and Gloria Knoblauch had attended the Washington County recognition banquet for all the volunteers and County officials.

Council member Siedow inquired as to the progress toward purchase of a speed trailer purchase. Acting Administrator Dillerud reported that there had been no progress to date, but staff will proceed with this acquisition as time permits.

Council member DeLapp and Mayor Hunt suggested the City investigate an alternative vehicle speed advisory measure currently employed by 3M in its parking lots.

M/S/P DeLapp/Siedow – to direct the Community Improvement Committee to look into using the vehicular speed advisory signs that Hunt and DeLapp noted. (Motion passed 4-0).

Council Adjourn the meeting at 9:10 p.m.

DRAFT

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

APRIL 6, 2004

1. AGENDA
2. MINUTES: March 16, 2004 (Postponed)
3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. Public Inquiries
  - B. City Administrator
4. CONSENT AGENDA:
  - A. New Tractor Purchase
  - B. Resolution No. 2004-028 Garage Location Waiver, Bill/Pat Hagberg, 3060 Lake Elmo Avenue
  - C. Resolution No. 2004-030 Approving Claims
5. FINANCE:
  - A. Clean Up Day
  - B. Resolution No. 2004-029 Water Fund Rate Recommendation
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Parks Dept.
    - (1) Seasonal Help
    - (2) VFW Ball Field Lights
  - B. Update on Fire Dept. Activities: Chief Malmquist (Not In Attendance)
  - C. Building Department Vehicle Purchase
8. CITY ENGINEER'S REPORT:
  - A. Received Quotes for 34<sup>th</sup> Street Lift Station
9. PLANNING, LAND USE & ZONING:
  - A. Resolution No. 2004-026 Site Plan Amendment and Temporary Office – Hiner Development
  - B. Resolution No. 2004-027 Zoning Variance, Eisele, 11094 35<sup>th</sup> Street
  - C. Amendment of Zoning Ordinance Fence Standards
  - D. Cimarron CDBG Project – Vendor Selection
  - E. Ordinance No. 97-127 Old Village Development Moratorium
  - F. Water Service and Fire Sprinklers – Prairie Ridge Office Park
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
  - A. Seminar Attendance – City Planner
  - B. Countywide Assessment
  - C. Employee Benefits Progress
  - D. Brookfield II Building
  - E. Met Council Issues
12. CITY COUNCIL REPORTS:
  - A. Council Workshop on Strategic Planning
  - B. Building Size

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 Jim McNamara, Acting Finance Director Tom Bouthilet and Acting City Administrator/Planner Dillerud.

**1. AGENDA**

ADD: Update on Benefits Program, Set workshop date with Fire Dept. 9C. Negotiation with Chad Simich, Update on status of city hall purchase, Update on Met Council and discussion on potential workshop with attorneys under City Administrator's Report. Move 11C. City Admin recruitment under Public Informational as Item B.,

M/S/P Siedow/Johnston – to approve the April 6, 2004 City Council agenda, as amended. (Motion passed 5-0).

**2. MINUTES: March 16, 2004 (Postponed)**

Mayor Hunt indicated he would prepare the draft minutes of the April 3, 2004 City Administrator Interviews.

**3. PUBLIC INQUIRIES/INFORMATIONAL:**

**A. Public Inquiries**

Gloria Knoblauch explained that out of the 21 houses located on 31<sup>st</sup> Street, since 1972 nine people have died of cancer and two are in remission. She reported that she has not researched it fully, but believed it was more than a coincidence that the number of cancer related deaths was so large. She questioned if the plume of contamination from the Lake Jane Landfill was affecting the water in this neighborhood served by private wells. The Council suggested Ms. Knoblauch contact Jim Kelly, MN Health Dept.; and, that the residents in her neighborhood should have their water tested. The Council asked that an MPCA representative be invited to the April 20<sup>th</sup> Council meeting for an update on the recent evaluation of the Lake Jane Landfill.

**B. City Administrator**

Mayor Hunt announced that the Council interviewed three candidates April 3<sup>rd</sup> and council made a selection and announced that Martin J. Rafferty will start on May 10, 2004 as City Administrator. A draft of the contract had been reviewed by all council members.

M/S/P DeLapp/Johnston - to authorize the Mayor to sign the approved contract with Martin J. Rafferty as Lake Elmo's City Administrator with a start date of May 10, 2004. (Motion passed 5-0).

#### 4. CONSENT AGENDA:

##### A. New Tractor Purchase

The Acting Finance Director reported that on October 7, 2003, the City Council approved the purchase of a new tractor with mowers, snow plow and lettering for 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 was determined his 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. The new revised total price of \$48,852.34 is still under the \$50,000 Capital Budget for this purchase.

M/S/P DeLapp/Dunn - to approve the revised tractor purchase price for a total amount of \$48,852.34. (Motion passed 5-0)

##### B. Resolution No. 2004-028 Garage Location Waiver – Bill/Pat Hagberg, 3060 Lake Elmo Avenue

Bill and Pat Hagberg propose replacement of an existing garage with a new 3-car detached garage on this 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 closer to the property line than the principal structure.

Staff recommended approval of the application since the proposed garage would be located nearly 250 feet from the street, and would replace a garage now essentially in the same location.

M/S/P DeLapp/Dunn - to adopt Resolution No. 2004-028, A Resolution 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. (Motion passed 5-0)

##### C. Resolution No. 2004-030 A Resolution Approving Claims

M/S/P DeLapp/Dunn - to approve Resolution No. 2004-030, to approve Claim Numbers 193, 194, DD124 through DD132, 25337 through 25372 that were used for Staff/Fire payroll dated March 18, 2004 and Claim Numbers 195, 196, DD133 through DD138, 25374 through 25380 that were used for staff payroll dated April 1, 2004 and Claim Numbers 25381 through 25433 dated April 6, 2004 in the total amount of \$140,758. (Motion passed 5-0).

**5. FINANCE:**

A. Clean Up Day, May 22, 2004, 8:00 a.m. to Noon

The Acting Finance Director indicated that due to increased labor costs and removal services, consideration should be given to increase the rates. He reported that in past years, the City was able to offset some of these expenses through the Washington County Recycle Grant Program, but due to a reduction in funding and limitations on how the grant money is used; the City's portion of the expense will increase. A Clean Up Day flyer was provided with the recommended rates.

M/S/P Dunn/Johnston - to approve the 2004 Clean Up Day Rates as recommended by the Acting Finance Director. (Motion passed 5-0).

B. Water Fund Rate Recommendations

The Acting Finance Director provided a copy of the 2004 proposed Water Enterprise Fund Budget and Water Rate schedule. He noted that the budget based on his forecast of the volume of water that will be sold in 2004 indicates a possible \$14,925 shortfall in the operating portion of the Water Enterprise Fund - with the recommended increase included in the operating revenue.

M/S/P DeLapp/Dunn - to adopt Resolution No. 2004-029 approving the 2004 Water Enterprise Fund Budget and Water Rate Structure for the Old Village and the Lake Jane Area. (Motion passed 5-0).

**6. NEW BUSINESS:**

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

A. Parks Dept.

(1) Seasonal Help

Staff recommended the rehiring of four returning seasonal employees: John Eder, Michael Wagner, William Leary and Virgil Niemann at \$10.50/hour. The Parks Superintendent indicated at a later time he may be hiring a college student.

M/S/P DeLapp/Dunn - to authorize the hiring of John Eder, Michael Wagner, William Leary and Virgil Niemann as Parks/Public Works "seasonal employees" at \$10.50 per hour pay rate. (Motion passed 5-0).

(2) VFW Ball Field Lights

Parks Superintendent Bouthilet reported that, at their March 15, 2004 meeting, the Parks Commission recommended the City Council re-address the lighting at the VFW ball field. The consensus of the Commission was that lighting the field would still be a valuable asset and does not conflict with the current "Old Village" concept plan. Bouthilet reported that this purchase would be on the State Cooperative Purchasing

Venture. Parks Chair Bob Schumacher explained the commission has done its homework on this. He noted that the lights will only be used when the field is in use and won't turn on automatically. He advised the Council that, by adding the lights, the use of the field could double, since two games could be played in the evening time.

Council member Siedow asked Todd Bruchu, Lake Elmo Baseball, if he contacted the entire park's surrounding neighbors to see if any had an objection to lighting the field. He didn't believe the neighborhood was aware of the full extent of the lighting project the City is proposing. Mr. Bruchu responded they did not receive any objections. The lights are high school standard, and the lights will be contained on the site, and not spill out onto the neighborhood.

The Assistant Administrator explained the City's Capital Improvement Program would need to be amended because the light project was not included in the 2004 CIP.

Council member DeLapp stated he thinks the City needs to do this lighting project, but we need to do other things as well, such as adding additional trails.

M/S/P Johnston/DeLapp - to proceed ahead with the 2003 proposal to purchase and install lighting at the VFW ball field at an estimated cost of \$138,846 to come from the Park Dedication Fund; and, to modify the 2004 Capital Improvements Program to include the lighting project. (Motion passed 5-0).

#### B. Update on Fire Dept. Activities: Chief Malmquist (Not In Attendance)

The Acting Administrator reported that at the February 17 meeting, the Council asked that a workshop be scheduled with the Fire Department. He reminded the Council that the Council wanted to get feedback as far as appointed Fire officers versus elected fire officers. Attorney Filla stated he has concluded the intent of the Fire Department bylaws is to have officers in place; and, if new ones are not elected, those serving would continue to serve until some other process was in place or elections held.

M/S/P Siedow/Johnston - to direct the staff to look at the week of April 26<sup>th</sup> with the availability of a large number of firefighters attending, for a Council and Fire Department workshop. (Motion passed 5-0.)

#### C. Building Department Vehicle Purchase

The Acting Administrator reported that the Building Official Jim McNamara and the Maintenance Advisory Committee had analyzed the options available for this purchase. He reported that, at its meeting March 31, the MAC adopted a recommendation to the 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 for a total cost of \$16,200. He advised the Council that the 2004 CIP budgeted \$20,000 for this purchase.



The Acting Administrator recommended that the City dispose of the Inspection Department Ford Victoria by sale to the highest bidder---first offering internally to staff, with NASDA "wholesale" the minimum bid (reserve). If no internal bidders at or above the sthe vehicle would be offered to the Public on the same basis.

M/S/P Siedow/Dunn - 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, and lettering. Further, that the Ford Victoria be sold by the City to the highest bidder. (Motion passed 4-1: DeLapp: The cost is incredibly low, but preferred purchase of a smaller car with better gas mileage.)

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

##### **A. Receive quotes for 34th Street Lift Station Repair**

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.

M/S/P Dunn/Johnston - to award the contract for the 34<sup>th</sup> Street Lift Station Repair to Meyer Contracting in the amount of \$18,700.00, per the City Engineer's memo dated April 1, 2004. (Motion passed 5-0).

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

##### **A. Site Plan Amendment and Temporary Office – Hiner Development**

The City Planner reported that, at it's meeting of March 29, 2004, the Planning Commission 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 City Planner reported 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 otherwise essentially complete facility to open for business while the permanent structures are under construction.

M/S/P Johnston/Siedow - to adopt Resolution No. 2004-026 approving amendments to the Hiner Development Site Plan, per plans staff-dated March 25, 2004, as recommended by the Planning Commission. (Motion passed 5-0.)

M/S/P Johnston/Siedow – to approve the 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. (Motion passed 5-0).

##### **B. Zoning Variance – Eisele, 11094 35<sup>th</sup> Street N**

The City Planner reported that, at its meeting of March 29, 2004, the Planning Commission held a public hearing and recommended approval of the variance application to construct a garage that would encroach on both front and side yard required setbacks. The Planning Commission recommendation was subject to three conditions; 1.) 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 set back , and not less than a 20 foot front setback. 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. As an alternative, the increased side setback could be accomplished by sliding the garage northerly 2 feet. The Planner advised the Council that the Commission did not specify garage dimensions, but rather maximum setback variances. He also noted that the Commission recommended a slight modification to the staff-recommended condition regarding a 5 foot driveway setback.

Council member DeLapp provided a site plan providing for straightening of the south wall to the garage wall with align with the house wall.

Mr. Eisele verbally agreed with the DeLapp modification and also agreed to submit new drawings.

M/S/P DeLapp/Siedow - to modify the Resolution No. 2004-027 to align the south garage wall as discussed. (Motion passed 5-0).

M/S/P Johnston/Siedow – to postpone this agenda until the April 20 Council meeting subject to new drawings with proposed modifications submitted by Mr. Eisele. (Motion passed 5-0.)

### C. Amendment of Zoning Ordinance Fence Standards

The City Planner reported that the Council has been provided a final draft of the new fence standards section of the City Code, as recommended by the Planning Commission after several hours of discussion.

Council member Johnston handed out his changes to the fence ordinance and a fence drawing.

Council member Siedow stated that he felt that one size fence doesn't fit all the lots, but that questions as to what is a large lot or a small lot, what is a short fence or a tall fence required answers. Siedow said he thought chain link fences should be allowed by right, and not as Special Exceptions.

Council member DeLapp thought that the City should be more specific with the covenants for a new development, as to how fences are regulated.

In response to Council Member Siedow's question, Attorney Filla advised that the City does have the right to make property owners replace a non-conforming fence.

M/S/P DeLapp/Johnston – to direct the staff to set up a workshop to discuss the fence ordinance and invite the Planning Commission either from 6 to 7 before the Commission meeting, or recess the planning Commission meeting early, and then hold the workshop. (Motion passed 5-0).

Council member Johnston explained that Mr. Simich had previously said he would be willing to work out a solution to his non-conforming fence with the City, and he would like staff to proceed with that direction.

M/S/ Johnston/Siedow – to authorize the City Attorney to negotiate resolution of the fence non-conformance issue involving Mr. Simich

The Acting Administrator stated he needed to know how he should be negotiating. Councilmember Johnston said we can only support the existing code. It was the consensus of the Council – on a question from the Acting City Administrator – that he negotiating team will comprise of the appropriate City staff, city attorney, homeowner Chad Simich, Homeowners Association officer, if they want to be involved; and, City Council member if they should chose.

M/S/P – to amend the motion to authorize negotiation of a resolution of the non-conformance fence issue involving Chad Simich by a negotiating team comprised of the appropriate City staff, City Attorney Filla, homeowner Chad Simich, a Homeowners Association officer if they want to be involved; and, a City Council member if he/she should chose. (Motion passed 5-0).

Chad Simich asked the Council to address his fence issue exclusively, and consider grandfathering other fences in Carriage Station that are nonconforming.

#### D. Cimarron CDBG Project – Vendor Selection

The City Planner reported 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 grants (\$10,000); and, also funded by the 2003 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.

He reported that City staff solicited potential vendors in February, 2004 by a Request for Proposals. Two inspection firms responded to the RFP, and the Commission selected the proposal of Mobile Home Improvement Service as the most responsive to the program design, and in the best overall interests of the City. He advised that Staff has met with the firm to structure a slightly revised strategy for the inspection program that has been recommended by the Community Improvement Commission.

M/S/P Johnston/DeLapp - to authorize the Acting City Administrator to execute a letter agreement with Mobile Home Improvement Service for gas service line inspection in Cimarron at a two-level cost:

1. Initial Inspections - \$45 per unit per the proposal dated March 30, 2004.
2. Complete Inspections - \$165 per unit per the proposal staff dated March 30, 2004. (Motion passed 5-0).

#### E. Old Village Development Moratorium

Planner Dillerud provided drafts of the Community Water System Plan and the Traffic Plan completed by TKDA. Dillerud reported there are no major issues that appeared in the Water Supply or Traffic Reports beyond the need for elevated water storage and the need for traffic signal improvements to Highway 5 at three locations. He advised the Council that the Surface Water report by TKDA has not been completed.

The Planner stated that the present Old Village Development Moratorium will expire prior to the next City Council meeting. He noted that 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, but there had been prior interest on behalf of the three of the property owners (Hutchinson, Abbott, and Lynsky). A draft ordinance that would extend the Moratorium, with the length of the extension unspecified was provided for Council review.

M/S/P Dunn/Johnston – to adopt Ordinance No. 97-127, Extending the Old Village Moratorium for 60 days. (Motion passed 4-1:Siedow: He does not believe in moratoriums.)

Mr. Sreaton stated he doesn't have a problem with the Moratorium extension; but, that he has questions as to how transfer of development rights would work.

#### F. Water Service and Fire Sprinklers – Prairie Ridge Office Park

The City Planner reported that the proposal from Oakdale is to agree to extend the Lake Jane System 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 an annual increased cost to the City by this proposed rate structure could amount to \$10,000. The City Planner recommended 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. The Planner suggested that the Prairie Ridge buildings should have fire protection sprinklers. He reported that the applicants now object to that improvement based on the much higher cost for the sprinklers served by private wells than if served by Public water – as had been assumed would be the case. He reported that he had spoken with the applicants today; and, suggested the applicant be required to install a dry sprinkling system until such time there is public water service may become available to the site on better terms.

Council member DeLapp responded that the applicant concurred they would put a fully functional sprinkler system in the buildings.

Mayor Hunt asked the City Engineer if the developers could also place the pipe in the ground in anticipation of water coming in. The City Engineer said it isn't a wise investment for pipe to sit unused for as much as the 10 years that may be involved in this case.

Peter Tacheney said the State doesn't know the city has adopted the new sprinkler code because the City has not sent their ordinances to the state.

M/S/P Dunn/Siedow – that since City water is not made available to this site as previously assumed, a dry stand pipe sprinkling system may be used by the applicant for the Prairie Ridge Office Park. (Motion passed 5-0.)

M/S/P DeLapp/Johnston – To request the Mayor to inquire of Oakdale's elected leaders if the Master Water Agreement with Lake Elmo can be amended in keeping with the original Lake Elmo proposal in a reasonable amount of time. (Motion passed 5-0).

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

Attorney Filla reported that the property owner on Hidden Bay will meet the Phase 1 improvements. The improvement stage deadline is August 15. If the property owner does not meet the deadline; the City can get a judgment.

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

##### **A. Seminar Attendance – City Planner**

The City Planner requested attendance at Land Use Management Seminar at the UW, Madison on May 3-5-, 2004 with an anticipated cost of about \$1,000. He reported that the Planning Department 2004 budget is \$2,500 for Conferences and Training, and he will not be attending the APA National Conference this year.

M/S/P DeLapp/Johnston – to approve the attendance of the City Planner at the Land Use Management Seminar at UW, Madison, May 3-5, 2004 at a cost of approximately \$1,000. (Motion passed 5-0).

##### **B. Assessment Services**

Kevin Corbid, Washington County Director, reported that the Washington County Board of Commissioners has placed the issue of countywide assessment on its priority list for 2004. He provided a memo outlining the process, the reasons behind the possible change, and the financial impacts. He reported that there are 9 cities in Washington County hat now have contract local assessors.

Council member Dunn voiced concern with the loss of local government control of the assessment function and the assessor.

Mayor Hunt had a concern with how future budget cuts the county may have and how it would affect assessment services.

Council member Siedow stated that he would like to know what the financial implications of a countywide assessment might be to the taxpayer in Lake Elmo.

No Council action was taken. The Acting Administrator agreed that this matter will be added to a future agenda for discussion once the financial implications have been received from the County

#### C. Employee Benefits Progress

The Acting Administrator reported the Council approved an enhanced pay plan with the promise of a modified benefit plan. He advised that the staff continues to have difficulties with benefit plan modifications because the City employee group is too small to qualify for the benefits flexibility required for a cafeteria plan.

M/S/P DeLapp/Dunn - to direct the staff to proceed with efforts to get modified the employee benefits in place through the second quarter, with City contributions to insurance premiums for employees to remain as present through that period. (Motion passed 5-0.)

#### D. Brookfield II Building

The Acting Administrator reported the City ordered and has received an appraisal of the property after the City Attorney and the Acting Administrator initially met with the owners several weeks ago where the prospective sellers requested the City's appraisal before potential asking price would be suggested. He reported that the Brookfield II owners have submitted the City's appraisal to their appraiser; and, the City does not expect to hear back from the sellers until April 15. He also reported that Staff has continued to talk with the owner of Lake Elmo Chrysler as a potential alternative purchase option should the Brookfield II asking price exceed the City's appraisal. He noted that the City already has a complete value appraisal on Lake Elmo Chrysler.

#### E. Met Council Issues

Mayor Hunt suggested a workshop with the City's attorney to discuss strategy used at Supreme Court and the possibility of a settlement. If possible, this workshop could be held at the end of the Code Enforcement Workshop, 5:30 or 6 p.m., on April 13<sup>th</sup> – depending on the availability of the attorney.

M/S/P Johnston/DeLapp – to hold a workshop on Met Council litigation with Attorney Knowlin, if available, at 5:30 or 6 p.m. on April 13. (Motion passed 5-0).

## 12. CITY COUNCIL REPORTS:

### A. Council Workshop on Strategic Planning

Mayor Hunt announced that the first half hour of the meeting would be discussion on working together and would include the new employee and then the remainder of the workshop would be discussion on strategic planning.

### B. Building Size

Council member DeLapp asked the City to check into the legality of limiting house size. He noted that the State requires a minimum of 900 sq.ft. house, but no maximum. He suggested that one possible way to limit house size is to specify in a development approval what amount of homes of various sized\ a development would have. He suggested that the Council would need to define what they want staff to do in this regard. This will be a future agenda item.

Council member Dunn reported that the signal lights on Highway 36 and CSAH are in process of being installed.

Council member Johnston reported that he has submitted his name for nomination to the AMM Board of Directors. He also reported that the City can have more than one member on each committee; and, he suggested that Mr. Dillerud serve on the Metropolitan Government committee, if he is willing. He encouraged like-minded cities to also appoint members to that committee.

The Mayor Adjourned the meeting at 10 p.m.

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Respectfully by Sharon Lumby, Deputy Clerk

Resolution No. 2004-026 Amendments to the Hinder Development Site Plan  
Resolution No. 2004-027 Zoning Variance Eisele (Postponed until April 20, 2004)  
Resolution No. 2004-028 Garage Location, Bill/Pat Hagberg  
Resolution No. 2004-029 2004 Water Enterprise Fund Budget and Water Rate Structure  
Resolution No. 2004-030 Approving Claims  
Ordinance No. 97-127 Extending the Old Village Moratorium for 60 days

<p>Lake Elmo City Council May 4, 2004</p>	<p>Agenda Section: CONSENT AGENDA</p>	<p><u>No. 4A.</u></p>
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**Agenda Item: Water Ski Show: Joe Kiesling**

**Background Information for May 4, 2004:**

Joe Kiesling, Tri-Lakes Assoc., is requesting Council approval of a Water Surface Use Permit for the Annual Water Ski Show on Lake Jane, August 14, from 1-5 p.m. The Tri-Lakes Assoc. has secured the appropriate insurance coverage and the Sheriff's Department will sign off on the permit pending Council approval. The Fire Department will be contacted to provide an emergency vehicle.

**Action Item:**

M/S/ to approve the permit request of Joe Kiesling, on behalf of the Tri-Lakes Association, to hold a Water Ski Show on Lake Jane, August 14, 2004, from 1-5 p.m. based on the submittal of the appropriate information and on past favorable requests.

**Person responsible:**

S.Lumby

**Attachments:**

1. Water Surface Use Permit
2. Insurance certificate





# WASHINGTON COUNTY

## OFFICE OF THE SHERIFF

LAW ENFORCEMENT CENTER

15016 62ND STREET NORTH • P.O. BOX 9801 • STILLWATER, MINNESOTA 55082-3801

(651) 430-7600

Facsimile Machine: (651) 430-7608

*Commitment to Excellence*



JAMES J. FRANK  
SHERIFF

STEVEN F. POTT  
CHIEF DEPUTY

### APPLICATION FOR WATER SURFACE USE PERMIT

To place a raft, buoy, or other structure on or in the waters of this county pursuant to Minnesota Rules 6110.1800

Name: Joe Kiesling Home Phone: \_\_\_\_\_  
Address: 9359 Jane Rd. Work Phone: 651 430-2550  
LAKE ELMO, MN 55042

Body of water where structure will be located: LAKE JANE  
Type of structure: U.S.A. WATER SKI August 14, 1-5 p.m.  
Installation of structure from \_\_\_\_\_ to \_\_\_\_\_ Practices Tues + Wed. from July 6th.

**Permit requirements:**

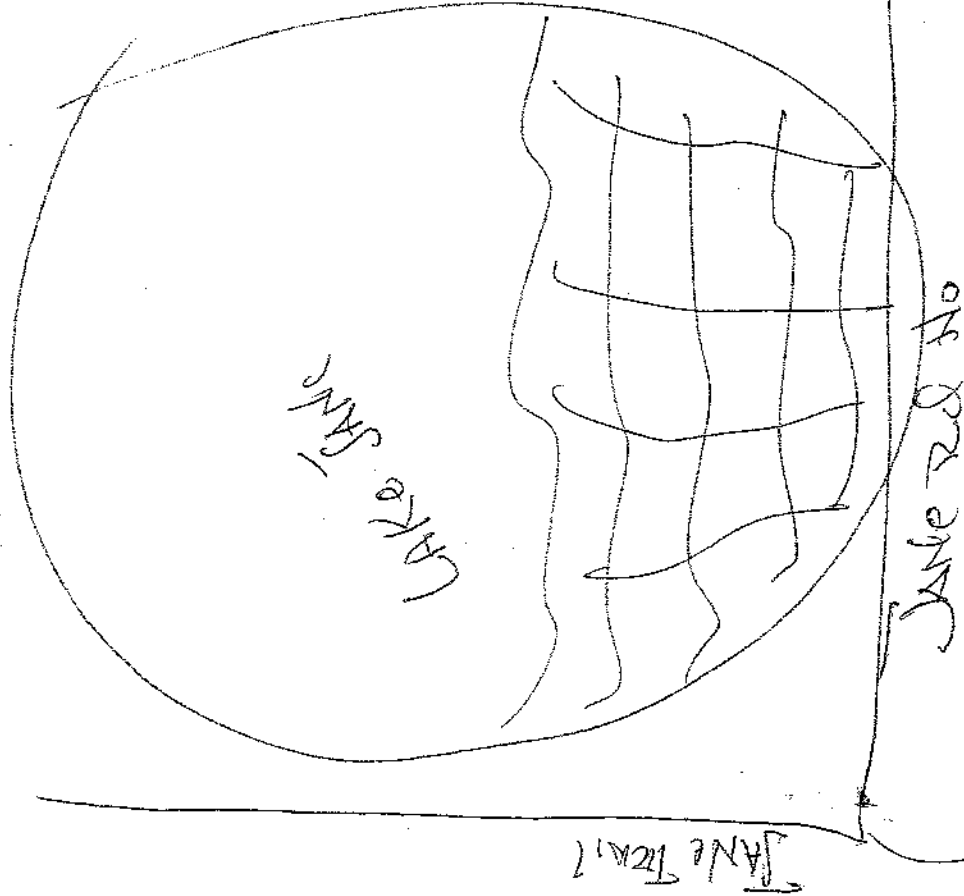
1. Diagram of water surface showing placement of structure, include the depth of the water at the location of the structure.
2. Permit must be issued before structure is placed on or in the water.
3. Floating rafts, swim buoys and mooring buoys must be placed between the permit holder's property lines as they extend into the lake. These structures must be within 100 feet of shore.
4. Structure must display proper reflective material as described in Minnesota State Rule 6110.1800.
5. Permit number must be displayed on the structure using numbers that are at least two inches high and a contrasting color to the area where they are attached.
6. Permanent water ski slalom courses and water ski jumps must be approved by a representative of the City or Township where the course will be located. Slalom courses cannot exceed 900 feet in length and must display permit number on the end floats. Surface floats must be submerged or removed when the course is not in use. Property owners which the course directly affects must give written permission. Slalom courses and ski jumps cannot be a navigational hazard. Water ski jumps must be lighted during the hours of darkness.

City/Township Representative printed name: Sharon Lumby  
Signature: Sharon Lumby  
Date: 4-26-04

Signature of Applicant: Joe Kiesling  
Date: \_\_\_\_\_



July 14-2004



Joe Kiesling  
9259 Jane Rd No  
Lake Elmwood  
651-430-2550 (w)

# CERTIFICATE OF INSURANCE

03-30-04

This is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverages afforded by the policy below.

This is to certify that the policy of insurance listed below has been issued to the insured named below for the policy period indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policy described herein is subject to all the terms, exclusions and conditions of such policy.

Insured:

USA WATER SKI  
TRI LAKES ASSOCIATION  
6045 LAKE ELMO AVENUE  
STILLWATER, MN 55082

Producer:

Sullivan & Strauss Agency, Inc.  
One Hollow Lane  
Lake Success, NY 11042  
Tel: 800-225-6560 Fax: 516-365-3615

Policy #: D064L00819

Ins. Co.: U.S. Fidelity & Guaranty

Effective Date:

January 1, 2004

Expiration Date:

January 1, 2005

## TYPE OF INSURANCE

Commercial General Liability  
(Per Occurrence Form)  
Products & Completed Operations  
Personal and Advertising Injury  
Damage to Premises Rented to You  
Medical Expense  
Participant Legal Liability

## LIMITS (in thousands)

General Aggregate Limit	\$ 5,000
Each Occurrence Limit	\$ 1,000
Aggregate Limit	\$ 1,000
Each Occurrence Limit	\$ 1,000
Any One Premises	\$ 50
Any one person	Excluded
	Included

## ADDITIONAL INFORMATION/RESTRICTIONS/SPECIAL ITEMS:

The Certificate Holder is only an Additional Insured with respect to liability caused by the negligent acts or omissions of the Named Insured.

OWNED WATERCRAFT LIABILITY EXCLUDED

Certificate Holder:

Additional Insured 843-00004

CITY OF LAKE ELMO AND  
WASHINGTON COUNTY  
3800 LAVERNE AVENUE  
LAKE ELMO, MN

55042

## CANCELLATION

Should the above policy be cancelled before the date of expiration, the issuing company will endeavor to mail 30 days written notice to the named certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

Authorized Representative:

*David A Harris*

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

**RESOLUTION NO. 2004-037  
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 200, 201, DD148 through DD153  
25506 through 25518, were used for Staff, payroll dated April 29, 2004,  
Claim Numbers 25519 through 255557 dated May 04, 2004 in the total amount  
of \$118,663.94 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the Fourth day of May, 2004.

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

ATTEST:

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

# Accounts Payable Computer Check Proof List

User: administrator  
Printed: 04/30/2004 - 8:03 AM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: ACEHARD 3567	Ace Hardware Nozzle	15.95	05/04/2004	101-430-3100-42150	ACH Enabled: No
	Check Total:	15.95			
Vendor: ALLBLAC 7181	Allied Blacktop Co. Street Sweeping	14,482.00	05/04/2004	101-430-3100-43150	ACH Enabled: No
	Check Total:	14,482.00			
Vendor: AMDAHL 694	ChrisAmdahl Repair Lock on Park Shelter Door	193.00	05/04/2004	101-450-5200-44010	ACH Enabled: No
	Check Total:	193.00			
Vendor: ANCOM 38213A	ANCOM COMMUNICATIONS, INC. Two-way Radio-New Fire Grass Rig	698.00	05/04/2004	410-480-8000-45800	ACH Enabled: No
	Check Total:	698.00			
Vendor: ARAM 629-5454667	Aramark Linen City Hall	42.78	05/04/2004	101-410-1940-44010	ACH Enabled: No
	Check Total:	42.78			
Vendor: ATTWI 2750230	AT&T Wireless Floater Phone-Fire Dept.	23.42	05/04/2004	101-420-2220-43210	ACH Enabled: No
	Check Total:	23.42			
Vendor: AVAYA 2718161893	AVAYA Inc. Phone Maint - April	150.36	05/04/2004	101-410-1940-44040	ACH Enabled: No
	Check Total:	150.36			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: BIFFS W217760	BiFF's Inc. Portable Restrooms-Sunfish Lake Park Check Total:	70.26 70.26	05/04/2004	Check Sequence: 8 101-450-5200-44120	ACH Enabled: No
Vendor: BOUTHM Claim	MichaelBouthm Lodging-for Water School Conference Check Total:	271.00 271.00	05/04/2004	Check Sequence: 9 601-494-9400-43310	ACH Enabled: No
Vendor: BOYER 27700SP 510431	Boyer Ford Trucks Equipment Part-Circuit Breaker Repair Unit 98-2 Public Works Check Total:	5.72 171.06 176.78	05/04/2004	Check Sequence: 10 101-430-3100-42210 101-430-3100-44040	ACH Enabled: No
Vendor: CENTPOW 17297	Century Power Equipment Hoses-Public Works Check Total:	13.62 13.62	05/04/2004	Check Sequence: 11 101-430-3100-42210	ACH Enabled: No
Vendor: EMERGAPP 17715	Emergency Apparatus Maint. Repair Foam Pump Unit 3173 -Fire Dept. Check Total:	847.26 847.26	05/04/2004	Check Sequence: 12 101-420-2220-44040	ACH Enabled: No
Vendor: F.I.R.E. 0450	Fire Instruction &Rescue Education Inc Inspection-2925 Klondike-Reimbursable Check Total:	350.00 350.00	05/04/2004	Check Sequence: 13 101-420-2220-44300	ACH Enabled: No
Vendor: Foreman 04033	Foreman FireService & Repair New Grass Rig-Fire Dept. Check Total:	45,774.00 45,774.00	05/04/2004	Check Sequence: 14 410-480-8000-45500	ACH Enabled: No
Vendor: FOUR 23-036094	Four Seasons Service Supplies-City Hall Check Total:	61.50 61.50	05/04/2004	Check Sequence: 15 101-410-1940-44300	ACH Enabled: No
Vendor: FXL	FXL, Inc. Assessing Services-May 2004 Check Total:	1,700.00 1,700.00	05/04/2004	Check Sequence: 16 101-410-1550-43100	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:Johnson	Johnson Construction				
	Rental-Storage Unit-Fire Dept.	90.00	05/04/2004	101-420-2220-44120	ACH Enabled: No
	Check Total:	90.00			
Vendor:LESCO	Lesco, Inc.				
10748584	Landscape Material-Public Works	58.31	05/04/2004	101-430-3100-42250	ACH Enabled: No
	Check Total:	58.31			
Vendor:LINDVENN	Lindquist & Vennum				
279567-0840	Comp Plan Amendment Appeal	24,455.72	05/04/2004	101-410-1940-43020	ACH Enabled: No
	Check Total:	24,455.72			
Vendor:MALMQ	GregMalnquist				
Claim	Film/Lunch-Training Drill	122.69	05/04/2004	101-420-2220-44300	ACH Enabled: No
	Check Total:	122.69			
Vendor:MASTER G	MASTER GAS FITTERS				
Permit 3995	Permit Refund-Address not in Lake Elmo	50.50	05/04/2004	101-420-2400-44300	ACH Enabled: No
	Check Total:	50.50			
Vendor:MENARDSO	Menards - Oakdale				
21283	Paint & Misc Supplies-Parks	68.93	05/04/2004	101-450-5200-44010	ACH Enabled: No
	Check Total:	68.93			
Vendor:METROCA	Metrolcall				
01471709	Fire Dept. Pagars	83.21	05/04/2004	101-420-2220-43210	ACH Enabled: No
	Check Total:	83.21			
Vendor:MEYERSEW	Meyer Sewer Service, Inc				
39510	Septic Tank Pumped-City Hall	125.00	05/04/2004	101-410-1940-44040	ACH Enabled: No
	Check Total:	125.00			
Vendor:MTI	MTI Distributing				
1006736-99	MTI/TORO Service School	100.00	05/04/2004	101-430-3100-44370	ACH Enabled: No
	Check Total:	100.00			
Vendor:Natl Wat	National Waterworks				
1233232	Water Meter	122.48	05/04/2004	601-494-9400-42300	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	122.48			
Vendor:NEXTEL 761950227-013	Nextel Communications Cell Phone	87.11	05/04/2004	Check Sequence: 27 101-420-2400-43210	ACH Enabled: No
761950227-013	Cell Phone	77.14	05/04/2004	101-430-3100-43210	
761950227-013	Cell Phone	39.99	05/04/2004	101-450-5200-43210	
761950227-013	Cell Phone	42.73	05/04/2004	101-410-1940-43210	
	Check Total:	246.97			
Vendor:NORTHTS 24-8492	Northern Traffic Supply Inc. Park Rules Sign	90.53	05/04/2004	Check Sequence: 28 101-450-5200-44030	ACH Enabled: No
24-8492	Park Rules Sign	44.73	05/04/2004	101-430-3100-44030	
	Check Total:	135.26			
Vendor:OakPark 7721	Oak Park Auto Inc. Injectors for Truck-Bldg Dept.	495.64	05/04/2004	Check Sequence: 29 101-420-2400-44040	ACH Enabled: No
	Check Total:	495.64			
Vendor:PITNEYSU 929798	Primey Bowes Supplies Ink-Postage Machine	145.68	05/04/2004	Check Sequence: 30 101-410-1320-43220	ACH Enabled: No
	Check Total:	145.68			
Vendor:PRESS	StevenPress Cable Operator	80.00	05/04/2004	Check Sequence: 31 101-410-1320-44300	ACH Enabled: No
	Check Total:	80.00			
Vendor:QWEST 6517142209456	Qwest Phone-Hudson Lift Station	36.02	05/04/2004	Check Sequence: 32 602-495-9450-43210	ACH Enabled: No
	Check Total:	36.02			
Vendor:RUJD	DianePrince-Rud Cleaning-City Hall Cleaning-Fire Hall Cleaning Supplies	240.00	05/04/2004	Check Sequence: 33 101-410-1940-44010	ACH Enabled: No
	Check Total:	492.38		101-420-2220-44010 101-410-1940-42110	
Vendor:S&T 01IX7565 01Y5481	S&T Office Products, Inc. Office Supplies Office Supplies	312.74	05/04/2004	Check Sequence: 34 101-410-1320-42000	ACH Enabled: No
	Check Total:	405.07	05/04/2004	101-410-1320-42000	



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	717.81			
Vendor: SCHAFKIM Claim	Schaffel, Kimberly Travel-Septic Seminar Check Total:	129.20 129.20	05/04/2004	Check Sequence: 35 602-495-9450-44370	ACH Enabled: No
Vendor: SENSUS ZZ50000588	SENSUS Water Meter Software Support Check Total:	1,000.00 1,000.00	05/04/2004	Check Sequence: 36 601-494-9400-43810	ACH Enabled: No
Vendor: STILLGAZ 00003245 00003268 00003281	Stillwater Gazette Legal Publish-Ordinance Public Hearing Notice Legal Notice-Board of Review Check Total:	79.80 67.20 25.20 172.20	05/04/2004 05/04/2004 05/04/2004	Check Sequence: 37 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510	ACH Enabled: No
Vendor: WASCTY 25433 94572	Washington County 1/2 SW Watershed Dist. Payment Assessmen 1/2 SW Watershed Dist. Payment Assessmen Check Total:	318.70 48.96 367.66	05/04/2004 05/04/2004	Check Sequence: 38 101-410-1320-44330 101-410-1320-44330	ACH Enabled: No
Vendor: XCEL 0073736544110	Xcel Energy Check Total:	22.00 22.00	05/04/2004	Check Sequence: 39 101-430-3160-43810	ACH Enabled: No
	Total for Check Run: Total Number of Checks:	94,187.59 39			

<b>Lake Elmo City Council May 4, 2004</b>	<b>Agenda Section: CITY ENGINEER'S REPORT</b>	<u><b>No 8A.</b></u>
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**Agenda Item: 2004 Overlay Project – Landscaped Cul-de-Sacs**


**Background Information for May 4, 2004:**

On April 20 the City Engineer reported to the Council that he received four bids for the 2004 Overlay Project. A complete tabulation of bids was enclosed in his memo dated, April 14, 2004.

The City Engineer recommended awarding the contract to the lowest bidder, Tower Asphalt, Inc., for their base bid of \$62,800; and the Council did so by Resolution #2004-32. The Engineer advised the Council will have to make a decision if its wishes to include the landscaped cul-de-sac islands bid alternative.

The Council directed staff to contact the property owners involved; invite them to view the cul-de-sac landscaping plans; and, solicit their opinions as to whether that cul-de-sac project alternate should be undertaken by the City. Attached is a copy of the letter that was sent to all affected property owners (and even some that may not be directly involved). As of Wednesday, April 28, we have had no responses to this letter. We expect, however, that we will have some responses for the Council to consider by May 4.

We have attached a draft Resolution awarding the cul-de-sac asphalt removal ; and related construction tasks. This contract does not include landscape materials, however. Should the Council award the alternate, decisions regarding type of cul-de-sac landscaping to install will be required in the near future.

<p><b><u>Action Items:</u></b></p> <p>Motion:           , Second           , to adopt Resolution No. 2004- , A Resolution Awarding the cul-de-sac asphalt removal bid alternate for the 2004 Overlay Project.</p>	<p><b><u>Person responsible:</u></b> T.Prew</p> 
---	---

<p><b><u>Attachments:</u></b> Letter from Tom Prew dated April 14, 2004 Resolution 2004-</p>	
--	--

RECEIVED  
APR 16 2004

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1500 Piper Jaffray Plaza  
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Saint Paul, MN 55101-2140

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(651) 292-0083 Fax  
www.tkda.com

April 14, 2004

Honorable Mayor and City Council  
City of Lake Elmo, Minnesota

Re: 2004 Overlays  
City of Lake Elmo, Minnesota  
TKDA Commission No. 12996-02

Dear Mayor and City Council:

Bids for the referenced project were received on April 15, 2004, with the following results. A complete Tabulation of Bids is enclosed for your information.

Contractor	Base Bid	Alternate Bid	Total Bid
Tower Asphalt, Inc.	\$62,800	\$14,250	\$77,050
T.A. Schifsky & Sons, Inc.	\$64,705	\$26,640	\$85,345
Hardrives, Inc.	\$64,955	\$21,600	\$86,555
North Valley, Inc.	\$71,475	\$22,605	\$94,080
Engineer's Estimate	\$62,950	\$12,000	\$74,950

The alternate bid is for the proposed cul-de-sac islands. Based on the low bid, the actual net cost, after deducting for the bituminous that would not be needed if the islands were constructed is \$11,475.00, or \$3,825.00 each. This does not include plantings.

***City Council Action Requested***

1. Award the Contract to the lowest bidder, Tower Asphalt, Inc., for their base bid of \$62,800.
2. Decided if you wish to include the cul-de-sac islands. You may wish to hold a neighborhood meeting before deciding on this alternate bid. If this is the case, I would ask the Contractor to delay starting the Project.

Sincerely,



Thomas D. Prew, P.E.  
Project Manager

TDP:art  
Enclosure

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

**RESOLUTION NO. 2004-**

**A RESOLUTION AWARDED THE CUL-DE-SAC ASPHALT REMOVAL  
ALTERNATE BID FOR THE 2004 OVERLAY PROJECT**

WHEREAS, pursuant to an advertisement for bids for the CUL-DE-SAC ASPHALT REMOVAL ALTERNATE BID FOR THE 2004 OVERLAY PROJECT, bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

<u>Contractor</u>	<u>Base Bid</u>	<u>Alternate Bid</u>	<u>Total Bid</u>
Tower Asphalt	\$62,800	\$14,250	\$77,050
T.A. Schifsky & Sons, Inc.	\$64,705	\$26,640	\$85,345
Hardrives, Inc.	\$64,955	\$21,600	\$86,555
North Valley, Inc.	\$71,475	\$22,605	\$94,080
Engineer's Estimate	\$62,950	\$12,000	\$74,950

AND WHEREAS, Tower Asphalt, Inc. is the lowest responsible bidder.

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

1. The mayor and clerk are hereby authorized and directed to enter into a contract with Tower, Asphalt, Inc. in the name of the City of Lake Elmo for the cul-de-sac asphalt removal alternate bid for the 2004 Overlay Project, according to the plans and specifications therefore approved by the City Council and on file in the office of the city clerk.
2. The city clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

ADOPTED, by the Lake Elmo City Council this 4<sup>th</sup> day of May, 2004.

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

ATTEST:

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



## City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

April 26, 2004

Dear Lake Elmo Property Owner:

As you may already know, the City will be constructing an overlay of asphalt on your street this season. The street will be first "milled" to remove some of the deteriorating asphalt and to level the surface; and, a thin new coating of asphalt will then be applied. The result of the project will not only be a street surface that appears "new", but the structural "life" of the street will be extended as well. The City resurfaces a portion of the existing street system each year, based on the elapsed years since the street was constructed. By this strategy the costly total reconstruction of the street (such as nearly completed in the Hill Trail neighborhood) can be avoided for many years.

One project option that the City is considering for the cul-de-sac portion of your street is to cut out the center of the cul-de-sac circle to create a landscaped "island". This measure will not only reduce the amount of street hard surface (and resulting rapid rain water run-off), but will also function as an infiltration basin for some of the run-off from the remaining hard surface of the cul-de-sac. Landscape islands can also become attractive improvements to the neighborhood. As of now, the Council is not contemplating charging abutting property owners an additional assessment if the landscape islands alternative is pursued – even though there will be added project costs to do so.

The City Council is interested in the comments of those that live around the existing cul-de-sacs that are being considered for this "island" modification as to their interest in this strategy. The Council will again be considering the project at its meeting of May 4, 2004. You are cordially invited to attend that meeting, or provide you comments/observations in advance. Sketches of how the landscape islands would appear are posted in the lobby of City Hall, 3800 Laverne Avenue.

Sincerely yours,  
City of Lake Elmo

Charles E. Dillerud  
Acting City Administrator  
651-777-5510

[Chuck.Dillerud@LakeElmo.org](mailto:Chuck.Dillerud@LakeElmo.org)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

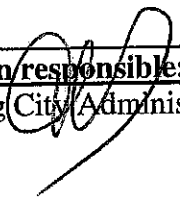
Friedrich & Iwona T. Srienc  
4955 Jerome Avenue N.  
Lake Elmo, MN 55042  
10-029-21-21-0023

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

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

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

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

<b>Lake Elmo City Council May 4, 2004</b>	<b>Agenda Section: Maintenance/Parks/Fire/Building</b>	<b>No. 7A</b>
<b>Agenda Item:</b> VFW Ball Field Lights		
<p><b><u>Background Information for May 4, 2004:</u></b></p> <p>On April 20, 2004 the City Council deferred awarding the contracts for the VFW ball park lights to provide the Council and neighbors to the park an opportunity to view that specific model of lights in service at another location. City Engineer Prew was advised by the light manufacturer that the same model is installed at the Bielenberg Sports Center in Woodbury. The Council and neighbors to the VFW park have been informed of evenings during which those lights will be on – and have been invited to visit and observe those lights.</p> <p>The award of the contracts is hereby placed back on the Council’s table for consideration. Hopefully Council Members and neighbors have taken the opportunity to observe the Bielenberg lights. A decision as to adding the “additional light spill control” alternative</p>		
<p><b><u>Action items:</u></b></p> <p>Motion to authorize City Staff to enter into a purchase agreements for the completion of the VFW Ball Field Lights Project as detailed by the City Engineer’s letter of April 14, 2004, (<b>including or excluding</b>) the alternative for additional light spill control.</p>	<p><b><u>Person responsible:</u></b> Acting City Administrator</p> 	
<p><b><u>Attachments:</u></b></p> <p>1. City Engineer’s Letter of April 14, 2004</p>	<p><b><u>Time Allocated:</u></b></p>	

# TKDA

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444 Cedar Street  
Saint Paul, MN 55101-2140

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(651) 292-0083 Fax  
www.tkda.com

April 14, 2004

Honorable Mayor and City Council  
City of Lake Elmo, Minnesota

Re: VFW Ball Field Lighting  
City of Lake Elmo, Minnesota  
TKDA Commission No. 11979-034

Dear Mayor and City Council:

As directed, we have started up the VFW Ball Field Lighting Project which we initially received quotes for last summer. I have contacted the vendors and have listed below the revised costs.

It appears that the Project would be completed in 6 weeks.

Lights, poles foundations, and 10-year maintenance contract (Joint purchase agreement with City of Rogers)	\$ 88,000.00
Tax on pole purchase	\$ 5,720.00
Electrical service equipment and fixture wiring	\$ 28,927.00
Power supply by Xcel Energy	\$ 8,998.00
Engineering design and inspection	<u>\$ 10,000.00</u>

Total System Cost \$141,645.00

Additional cost for additional light spill control \$ 7,542.00

### *City Council Action Requested*

1. Authorize City staff to enter into purchase agreement with MUSCO lighting for installation of the poles.
2. Accept quote from Arcade Electric for the electrical wiring and cabinet work.
3. Authorize City staff to acquire easement from the Hagbergs for a utility easement.

Sincerely,

Thomas D. Prew, P.E.  
City Engineer

TDP:tlb





## City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

April 27, 2004

Dear Lake Elmo Resident:

The Lake Elmo Park Commission has recommended the installation of lights on the VFW ball field in your neighborhood. On April 20 the Lake Elmo City Council received a plan and updated (from 2003) cost estimates for a particular style of ball field lighting for the VFW Park that is reported to be more "neighbor friendly" than those typically found in City ball fields.

The City Council remains somewhat concerned as to just how "neighbor friendly" the new VFW lights will be. They desire to actually see the lights before making a final decision to purchase then for VFW Park. We are advised by the manufacturer of the lights that the Bielenberg Sports Center in Woodbury has the same model of lights on its ball field that Lake Elmo is contemplating installing at the VFW field.

The Woodbury Park Department has advised us that those Bielenberg lights will be on between approximately 7:45 PM and 9:30 PM on Sunday, May 2. You are hereby invited and encouraged to visit Bielenberg Sports Center on Sunday to view the lights; and, advise the City as to any concerns you may have as a result. Bielenberg is at 4125 Tower Drive in Woodbury – near the intersection of Radio Drive (which is the same as Inwood Avenue in Lake Elmo) and Bailey Road.

You may certainly contact your City Council Members with your observations/comments, or you may also contact me at 651-777-5510, or at [Chuck.Dillerud@LakeElmo.org](mailto:Chuck.Dillerud@LakeElmo.org). I will be placing this matter back on the City Council Agenda for May 4.

Sincerely yours,

City of Lake Elmo

  
Charles E. Dillerud

Acting City Administrator

Jon Place  
Lake Elmo Banquet Hall  
3712 Layton Avenue North  
Lake Elmo, MN 55042

Nancy Carlsen  
3699 Laverne Avenue North  
Lake Elmo, MN 55042

Mildred Buetel  
P. O. Box 203  
Lake Elmo, MN 55042

Adrian Thompson  
P. O. Box 203  
Lake Elmo, MN 55042

Richard Wier  
3645 Laverne Avenue North  
Lake Elmo, MN 55042

Pat Mielke  
3631 Laverne Avenue North  
Lake Elmo, MN 55042

David Faint  
3617 Laverne Avenue North  
Lake Elmo, MN 55042

Bill Wacker  
P. O. Box 167  
Lake Elmo, MN 55042

Stephen Continenza  
3686 Layton Avenue North  
Lake Elmo, MN 55042

C. A. Gerbitz  
11299 Stillwater Boulevard  
Lake Elmo, MN 55042

Bill Hagberg  
P. O. Box 179  
Lake Elmo, MN 55042

Peter Schiltgen  
10880 Stillwater Boulevard  
Lake Elmo, MN 55042

Joe Rogers  
5412 Lake Elmo Avenue  
Lake Elmo, MN 55042


Charles Siedow  
3585 Laverne Avenue North  
Lake Elmo, MN 55042

Melanie Dittman  
3624 Layton Avenue North  
Lake Elmo, MN 55042

Norbert Schiltgen  
3664 Layton Avenue North  
Lake Elmo, MN 55042

Gayl Tollard  
3646 Layton Avenue North  
Lake Elmo, MN 55042

Walter Webster  
3604 Layton Avenue North  
Lake Elmo, MN 55042

<p>Lake Elmo City Council May 4, 2004</p>	<p>Agenda Section: Planning, Land Use &amp; Zoning</p>	<p><u>No.</u> 9A</p>
<p><b>Agenda Item:</b> Section 520 Site Plan – 11343 - 39<sup>th</sup> Street North</p>		
<p><b><u>Background Information for May 4, 2004:</u></b></p> <p>At its meeting of April 26, 2004 the Planning Commission unanimously (9-0) adopted a recommendation for approval of this Section 520 Site Plan application for a 4,000 square foot addition to the existing structure at the southeast corner of Laverne Avenue and 39<sup>th</sup> Street North. The addition will be to the east side of the existing building and be of the same architecture and exterior materials as the existing structure. The Commission's recommendation includes the applicant's proposal to <u>construct</u> on the north side of the site only 4 of the 20 off street parking spaces that the Zoning Ordinance requires for 4,000 square feet of office use. The remaining 16 parking spaces are shown as "proof of parking" on the west side of the site.</p> <p>It was observed by the Commission that the addition may encroach on the secondary (back-up) drain field location. We have asked the applicant to move that secondary drain field location a few feet east to assure a full 20 foot set back to the structure addition – assuming suitable soils.</p>		
<p><b><u>Action items:</u></b> Motion to approve the Section 520 Site Plan for an addition to the structure at 11343 – 39<sup>th</sup> Street North per plans staff dated April 22, 2004, and subject to a condition that the secondary drain field be modified as to location to be not less than 20 feet from the structure.</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 Planning Commission Minutes of April 26, 2004</li> <li>2. Planning Staff Report of April 22, 2004</li> <li>3. Applicant's Graphics</li> </ol>	<p><b><u>Time Allocated:</u></b></p>	

**EXCERPT of DRAFT Planning Commission Minutes of April 26, 2004  
520 Site Plan – Retail Construction**

**520 SITE PLAN – ADDITION TO BUILDING – RETAIL CONSTRUCTION**

The Planner said the proposal before the commission is to add 4,000 square feet onto the building situated one block north of city hall, along with parking and proof of parking. He observed that although proof of parking is in the plan, there is no provision for additional landscape islands should that parking ever be constructed. The Planner suggested that this plan is a minor addition to the existing facility, and a motion for approval would be in order. He reported that the applicant advises that the addition will look like the same as the existing building.

Commissioner Deziel asked about the drainfield location, and if it might be too close to the building. He asked if it would be adequate, and would the backup drainfield be compromised.

The Planner said he will look into it.

M/S/P, Johnson/Sessing, To recommend approval of the addition of 4,000 square feet to the building located at 11343 39<sup>th</sup> Street North. **VOTE: 9:0.**

DRAFT

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-

A RESOLUTION APPROVING A SITE PLAN FOR AN ADDITION  
TO RETAIL CONSTRUCTION

WHEREAS, George Middleton, Excel Partners, (Retail Construction), has made application for a Section 520 Site Plan for a 4,000 square foot addition to the existing structure at the southeast corner of Laverne Avenue and 39<sup>th</sup> Street North,

WHEREAS, at its April 26, 2004 meeting, the Lake Elmo Planning Commission recommended approval of the 520 Site Plan for an addition to the structure at 11343 39<sup>th</sup> Street North per plans staff dated April 22, 2004,

WHEREAS, at its May 4, 2004 meeting, the Lake Elmo City Council reviewed the application for a 4,000 square foot addition to the existing structure located at 11343 39<sup>th</sup> Street North.

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council approves the application of a Section 520 Site Plan application made by George Middleton, Excel Partners, (Retail Construction), for a 4,000 square foot addition to the existing structure at 11343 39<sup>th</sup> Street North, per plans staff dated April 22, 2004, subject to the following condition:

1. That the secondary drain field be modified as to location to be not less than 20 feet from the structure.

ADOPTED, by the Lake Elmo City Council on the 4<sup>th</sup> day of May, 2004.

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

ATTEST:

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

**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

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

**Applicant:** Retail Construction Services, Inc.

**Location:** 11343 39<sup>th</sup> Street North

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

**Land Use Plan Guiding:** Commercial

**Existing Zoning:** GB (General Business)

**Site History and Existing Conditions:**

City Records indicate that a Site Plan was approved to construct an 8,000 square foot office/business building on this 3 acre site in 1996. A building permit was issued shortly thereafter, and the approved structure has been constructed. No other City actions of consequence are recorded for this site since then.

**Discussion and Analysis:**

The applicant proposes a 4,000 square foot addition to the structure., together with the addition of four constructed parking spaces, and sixteen "Proof of Parking" designations. In addition, the applicant proposes an extension to the existing primary drain field area to accommodate the new wastewater generation that would result from the building addition.

Review of the drawings for this proposal has been somewhat difficult due to inexact scale, and some lines in incorrect locations. We have referred to the original 1996 Site Plan (which is attached) to gain our "bearings" regarding this 2004 proposal. Also, the Site Plan drawing references a 5,000 square foot addition in one place, and a 4,000 square foot addition in another. The addition appears to scale at 4,000 square feet, as described in the written application.

The proposed addition and both the contracted and "Proof of Parking" appear to comply with setback standards of the GB District. Refer to the 1996 Site Plan for a more accurate reflection of the setback envelope of this site. In addition, the site will continue to comply with the 45% maximum impervious surface standard for a site of this area in the GB district. It appears that the 35% coverage calculated on the 2004 Site Plan may be somewhat higher than what is actually the case.

While no architectural elevations have been submitted for the addition, it is the understanding of Staff that the architecture and exterior surfacing of the existing building will be replicated on the addition. The addition is below the percentage at which the new exterior surfacing standards apply. No additional landscape islands are proposed, nor does that seem practical for 4 new constructed spaces.

**Findings and Recommendations:**

Staff finds that the Site Plan application for a 4,000 square foot addition to the building at 11343 39<sup>th</sup> Street North generally complies with the Site Plan standards of Section 520 of the City Code, and the General Business standards of the Zoning Ordinance.; and, approval of the Site Plan is recommended.

**Planning Commission Actions Requested:**

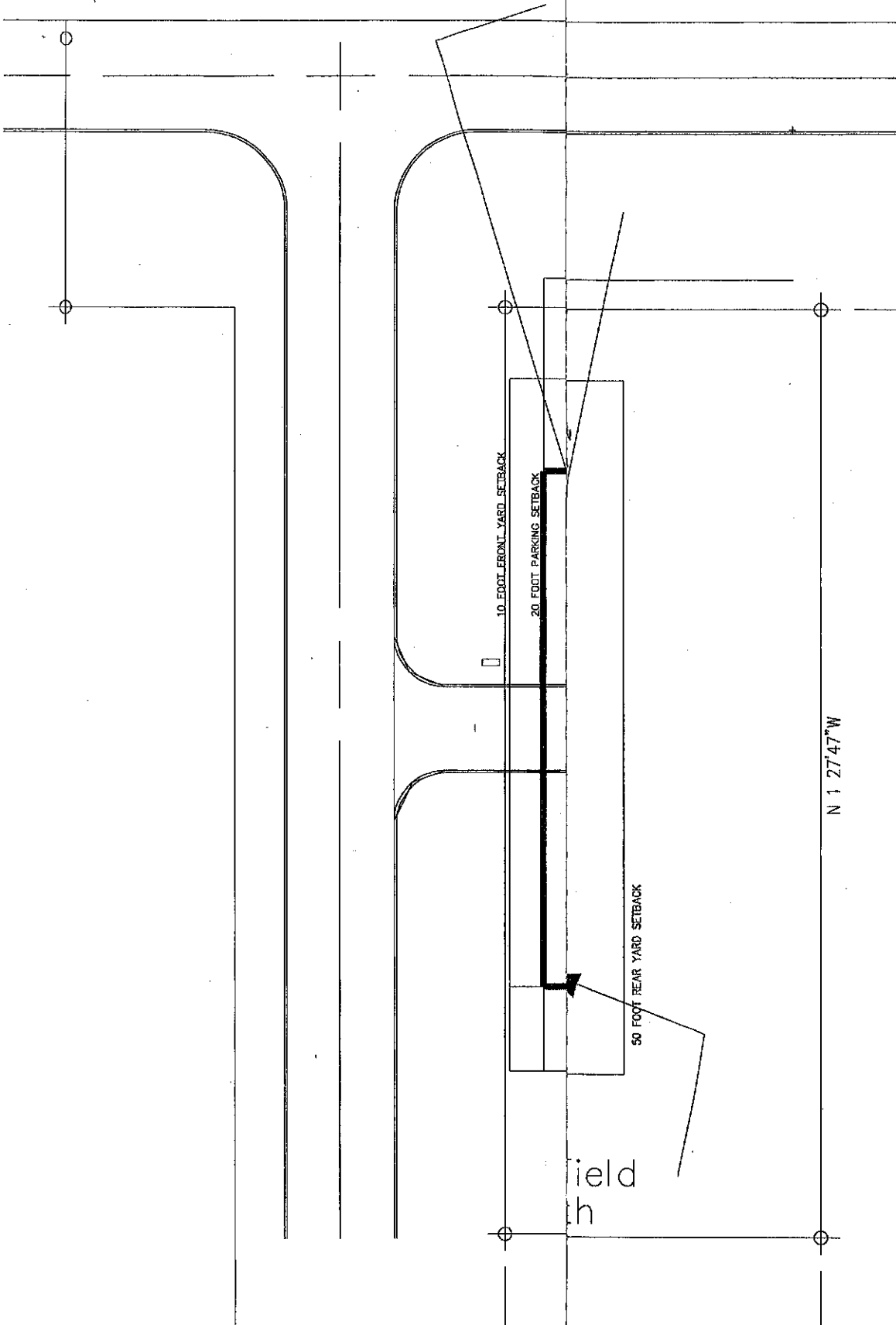
Motion to recommend approval of the application of Retail Services, Inc. for a Site Plan for a 4,000 square foot addition to the building at 11343 39<sup>th</sup> Street North.



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

**Attachments:**

1. 1996 Site Plan/Elevation
2. 2004 Site Plan



I hereby certify that these plans were prepared by me or under my direct supervision and that I am a duly registered ARCHITECT in the state of MINNESOTA

Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Registration Number \_\_\_\_\_

Project Number: \_\_\_\_\_  
 Drawn By: \_\_\_\_\_  
 Checked By: \_\_\_\_\_  
 Issued: \_\_\_\_\_  
 Revised: \_\_\_\_\_

# RETAIL CONSTRUCTION SERVICES

LAVERN AVE. AND 39TH ST. NORTH  
 LAKE ELMO, MN

N 1 27'47" W

RECEIVED  
 APR 08 2004



NORTH

**SITE PLAN**

**AI**



1 SCALE 1" = 20'



RECEIVED

JUN 14 1996

**BUILDING DATA**

CITY OF LAKE ELMO

TOTAL GROSS SQ FT	8,000 SQ FT
TOTAL NET SQ FT	7,300 SQ FT
OCCUPANT LOAD	200 PEOPLE

**PARKING DATA**

TOTAL SPACES	42 CARS
40 - 10' x 20' SPACES	
2 - VAN ACCESSIBLE HC SPACES	

PARKING AND DRIVE AREA  
23,425 SQ FT

INTERNAL LANDSCAPED ISLAND  
2,375 SQ FT (10%)

**LANDSCAPING DATA**

14 NORTHWOOD RED MAPLE TREES  
60 DWARF RED DOGWOOD BUSHES  
SEED AND SOD  
PRAIRIE RESTORATION

New Office Building for  
**RETAIL CONSTRUCTION SERVICES**

13 JUNE 1996

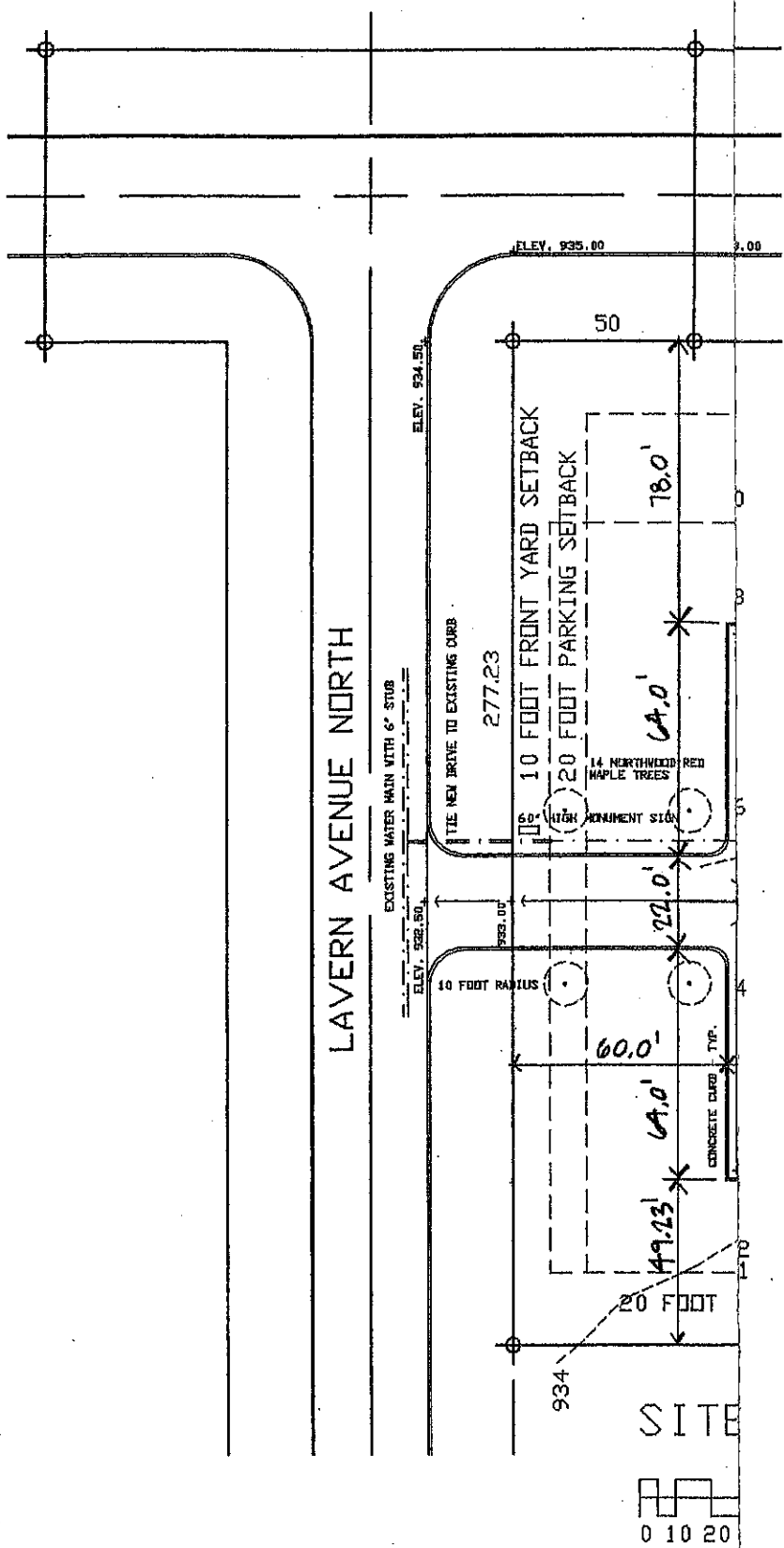
**RAPSON ARCHITECTS**

409 Cedar Avenue South  
Minneapolis, MN 55454

333-4561

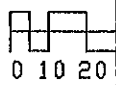
FAX 333-4318

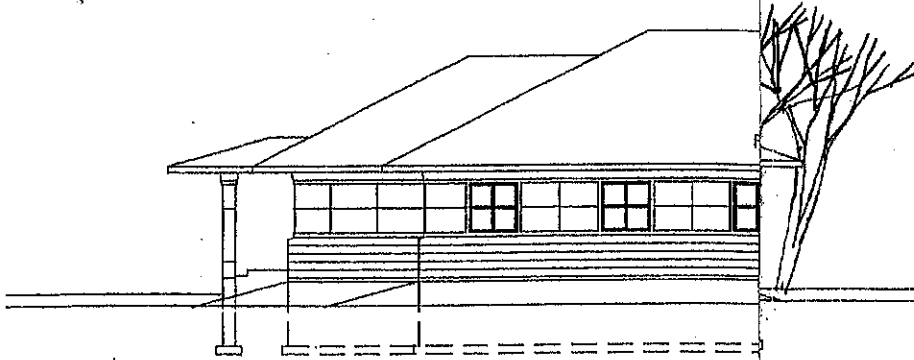
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36  
ST. No.*



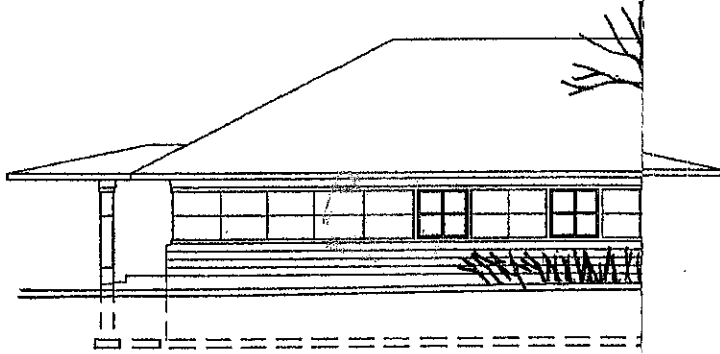
LAVERN AVENUE NORTH

SITE

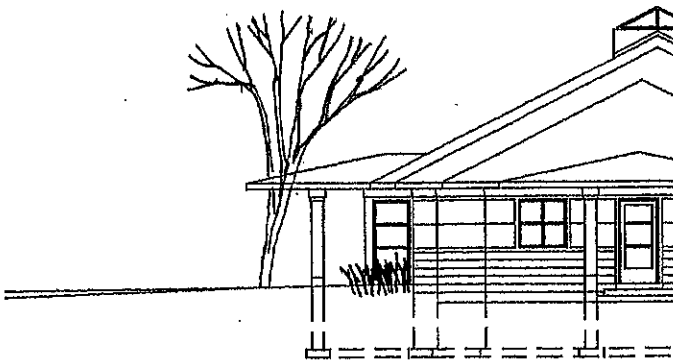




EAST ELEVATION



ENTRY - WEST ELEVATION




SOUTH ELEVATION

New Office Building for  
**UTION SERVICES**  
13 JUNE 1996

S  
h  
4  
1  
8

3

<p>Lake Elmo City Council May 4, 2004</p>	<p>Agenda Section: Planning, Land Use &amp; Zoning</p>	<p>No. 9B</p>
<p><b>Agenda Item:</b> Conditional Use Permit Amendment/Site Plan Amendment – Country Sun Farms</p>		
<p><b>Background Information for May 4, 2004:</b></p> <p>At its April 26 meeting, following a duly Noticed Public Hearing, the Planning Commission adopted a recommendation to approve this application to amend the existing Conditional Use Permit and Site Plan of Country Sun Farms. The Commission vote on the recommendation was 5-3-1 (Sessing, Van Pelt and Sedro opposed; and Pelletier abstained) to recommend approval of both the Amended Conditional Use Permit. The basis of the dissenting votes appeared to vary from a simple objection to the east setback to a more general concern with the nature of the use that may result from the structural expansion as proposed.</p> <p>The attached draft resolution includes Findings in support of the CUP Amendment that were developed by the Commission at the table.</p>		
<p><b>Action items:</b></p> <p>Motion to adopt Resolution #2004 - approving an Amended Conditional Use Permit and Site Plan for two additions to the retail sales building of approximately 2,000 square feet each, per plans staff dated April 22, 2004, and based on the Findings recommended by the Planning Commission.</p>	<p><b>Person responsible:</b></p> <p>City Planner </p>	
<p><b>Attachments:</b></p> <p>040</p> <ol style="list-style-type: none"> <li>1. Draft Resolution #2004 - , Approving CUP Amendment and Site Plan</li> <li>2. Draft Planning Commission Minutes of April 26, 2004</li> <li>3. Applicant's Hearing Testimony</li> <li>4. Planning Staff Report</li> <li>5. Applicant's Documentation</li> </ol>	<p><b>Time Allocated:</b></p>	

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-040

A RESOLUTION AMENDING THE COUNTRY SUN FARM GREENHOUSE  
CONDITIONAL USE PERMIT AND APPROVING THE SECTION 520 SITE PLAN

WHEREAS, Richard Bergman, Country Sun Farm Greenhouses, at 11211 60<sup>th</sup> Street North, has made application to amend their Conditional Use Permit to add green house structures of 1,920 square feet (each) to either end (east and west) of the existing retail structure.

WHEREAS, at its April 26, 2004 meeting, the Planning Commission recommended approval of Richard Bergman's request to amend the Conditional Use Permit for the addition of two green houses at Country Sun Farm based on the following Findings:

1. Although the additional growing function at this facility may also result in additional retail function, the traffic safety concern is mitigated by the traffic light that is about to be installed at Highway 36 and Lake Elmo Avenue.
2. The planned addition to the facility will be used as a growing space, though it may have a duplicate retail use
3. The applicants are a family whose business is deeply rooted in agriculture. They are trying to pass on an agricultural business from one generation to another, and with the hope to pass it on t the next generation in the future. Their business is primarily growing and the sale of agricultural products grown on site.

WHEREAS, at its May 4, 2004 meeting, the Lake Elmo City Council reviewed the application for a Section 520 Site Plan amendment of Richard Bergmann and Country Sun Farm, plans staff dated April 22, 2004.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council approves the application of Richard Bergman, Country Sun Farm Green houses, to amend the Conditional Use Permit and Site Plan for two additions to the retail sales building of approximately 2,000 square feet each, per plans staff dated April 22, 2004, and based on the Findings recommended by the Planning Commission.

ADOPTED by the Lake Elmo City Council on the 4<sup>th</sup> day of May, 2004.

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Lee Hunt, Mayor

ATTEST:

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Charles E. Dillerud  
Acting City Administrator

## EXCERPT of DRAFT Planning Commission Minutes for April 26, 2004, Country Sun Farm

### PUBLIC HEARING: CUP AMENDMENT – COUNTRY SUN FARM

The Planner presented the applicant's plans for an expansion of the CUP to add two greenhouses to the retail structure at Country Sun Farm. He reported that the applicant proposes to add a greenhouse to the east and a greenhouse to the west of the existing sales facility; and that there is significant history on this site dating back to at least the early 1980's, when the city approved the first Conditional Use Permit. He noted that he could not determine the basis of approval of the CUP with a retail sales structure included, since the Zoning Ordinance appears to only allow "Open Sales Lots" in the AG zone in which this site is located.

The Planner explained that this proposal would effectively result in an addition to the retail facility, since customers circulating through them. He observed that allowing continued retail growth on this site may be creating a *de facto* retail zone. If the landscape material growing use ever ended, it might be difficult to prevent another type of retail use of this site in the future.

The Planner said that another issue is access off of Highway 36. He reported that Mn/DOT would like to see that Highway 36 access disappear some day due to safety considerations. He also suggested to the Commission that increasing volumes of retail use on this site will compound the traffic safety consideration, while noting that the signalization of Highway 36/Lake Elmo Avenue may mitigate one safety problem created by 'U-Turns' by westbound traffic on Highway 36 to access the site.

The Planner noted that when the AG Minor Subdivision Cluster Development was recently approved for this site, the side setback standard was effectively reduced from 200 feet to 10 feet, resulting in the proposed 37.5 side setback for the east expansion becoming Code compliant.

The Planner said the city allowed a retail structure on this site in 1984, but now staff suggests it might be wise to recommend denial of the CUP amendment based on the *de facto* increase in the retailing function that would result in the AG zoning district, and the potential for the expanded facility to attract more retail traffic, compounding the Highway 36 safety problems. He observed that, if greenhouses were instead placed elsewhere on this 47 acre site, the retail would not be functionally expanded while the growing function would be.

Commissioner Bunn asked if the city has any other retail outlet on Highway 36. The Planner replied that there is Lauseng Stone, but none others that access Highway 36.

Commissioner Bunn asked about plans for this intersection. The Planner said that between 694 and the river, limited access is allowed, but most will be closed to access over time. Grant and Lake Elmo received the Highway 36 Study from Mn/DOT, and neither adopted that report. The plan said that some intersections along Highway 36 might become overpasses.

Commissioner Bunn asked if the city knows the proportion of retail products sold at this site from off-site sources versus what is grown and sold on-site. The Planner said the applicant grows most of what is sold, and sells some collateral products related to the growing business.

Commissioner Berg pointed out that the Site Plan was a little bit thin in details. He asked about the increased safety that could be expected from the new traffic signal at 36 and Lake Elmo Avenue. The Planner said that with the improvements at that intersection, it will be safer for motorists.

### Keith Bergmann, Owner

Keith, Chad, Troy, Eileen, and Richard Bergmann were all in attendance. Keith Bergmann prepared a response to the staff report, and that was distributed to the commission. He read that response to the commission. That response is attached to these minutes.

Commissioner Van Pelt said he is supportive of what the family is trying to do. He said he appreciates how nice everything looks at the site. He noted that the applicant presented an eloquent case for

**EXCERPT of DRAFT Planning Commission Minutes for April 26, 2004, Country Sun Farm**

additional growing space, but he said it appears that the Bergmanns started out with an expansion plan that was not for growing at all. Keith Bergmann explained that the original plan was to add a greenhouse to the west side, and on the east side add to the hard building with an expansion of bathrooms for the customers, a larger break room, and a small office. He continued that the City Planner told the applicants that such a plan might not get approved, so they changed their plans. He advised the Commission that less than one-half of that original expansion plan was for retail.

**THE CHAIR OPENED THE PUBLIC HEARING AT 7:38 P.M.**

The Planner said the city received a call from an adjoining property owner to the east, Leroy Rossow, indicating he had no objection to the proposal. He reported that Mr. Rossow owns about 56 acres, and is the adjacent property owner on that side of the applicants' site where the setback is proposed to be 10 feet.

**Ron Weber**

Mr. Weber said he owns property adjacent to Bergmann's on the west side, on Lake Elmo Avenue, and he has no problem with the proposal.

**Doug Dahlbloom**

Mr. Dahlbloom said his property is adjacent on the south end, west side. The Bergmanns run a clean operation. He has no problem with their proposal.

**Bill Lundquist**

Mr. Lundquist said he lives across the street, and he said he practically does not know what goes on there at all. The Bergmanns' operation does not affect him at all.

**THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:42 P.M.**

Commission Deziel said there is an inevitable nature with what the commission is dealing with. He said that if the city is going to preserve AG uses and allow greenhouses as an AG use, a family business is going to need some marginal growth. The applicant has articulated well what those reasons are. There are concerns but we have to balance them, and this proposal is well within the balance. Traffic is dealt with. The only remaining issues are inevitable with growth. He asked if the City is going to clamp down on home grown businesses, or let them make it in the marketplace.

Commission Sedro asked if retail use fits in requirements for Alternate AG use.

The Planner replied that there are specific ground coverage and CUP area requirements with Alternative AG. He said the site is large enough to qualify for Alternative AG, but suggested that the CUP Area would be difficult to define, and may already exceed the percentage of total site area specified in Alternative AG standards.

Commissioner Sedro said Alternative AG might be a nice compromise.

Commission Berg wondered if retail comes with the product or the facility.

Keith Bergmann said the quantity and size of what is grown there will increase. He said they also sell pottery, chemicals, and fertilizers. If there is a 10% increase in flower sales, hard good sales will probably also increase by 10%.

Commissioner Berg said he lived where there was AG use, and when a dairy barn was added, that did not increase the scale of AG use. Keith said if the greenhouse was placed elsewhere on the site, they would still have the same amount of product flowing through the doors.

## EXCERPT of DRAFT Planning Commission Minutes for April 26, 2004, Country Sun Farm

Commissioner Van Pelt said he had no strong opinion, but this proposal appears to have started out with a different purpose and intent. The original design was a material increase in retail space, and nominal greenhouse increase. Only if the City is comfortable with an increase in retail, should the City approve this CUP amendment.

Chairman Helwig suggested that anyone making a motion should strongly state the reasons - especially around the retail issues - in order to put the issue to sleep for twenty years more.

Commissioner Bunn said this site accommodates both a commercial retail space and the growing of small plants. Growing and sales are duplicated within the proposed space. Originally she was leaning toward the staff position because of the Comprehensive Plan for this site. Listening to the response by the applicant about the intended use of the space, she said she is now leaning completely in the other direction. She observed that the applicant grows most or all of their product at the facility. She suggested that if Lake Elmo wants agriculture to succeed at all, we have to grow a superior product. She said she would like to see the city support that goal. She would be comfortable with either this proposal or the original proposal. A public restroom might be a desirable thing. She would be willing to look at a portion of this plan being a hard building addition, since most of the use is Alternate AG use, and retail sales are consistent with AG use.

Commissioner Berg explained that he comes from a family farm, and has a bias in favor of preserving AG in Lake Elmo. He said he would be comfortable with trying to find a way for the applicant and City to work something out. He would be willing to table until the applicant talks to Mn/DOT regarding prohibiting "U-Turns" at Highway 36 and Lake Elmo Avenue.

Keith Bergmann said that the problem with tabling is that the contractor needs a firm date before June 1.

Commissioner Sessing asked the Planner if he knew what the original CUP said. He said the intensity of use is probably higher today because that is what things grow into. He suggested that slipping the structure farther to the east is a concern, since the intensity of this use in AG really shouldn't go with the Cluster Development setback. He said he would like to see 50 foot setback for the greenhouse. He noted that the normal AG side yard setback standard is 200 feet today.

The Planner said the Commission could recommend an alternative side setback for this plan because it is a Conditional Use Permit Amendment, where any relevant condition can be added.

Commissioner Sedro said she believes the applicant wants to keep their family farm going, but based on the City's incremental actions over time, the City may lose control over the true function of the site.

Commission Pelletier said he appreciates the family business, but is very concerned with the safety issue on Highway 36. She is not comfortable without knowing what Mn/DOT is planning.

The Planner said the applicant could join the city requesting a "No U-Turn" sign at that intersection.

Keith Bergmann said he would be glad to also ask the State for the sign, but he thinks it will be a better situation when the signal light is constructed.

Chairman Helwig asked the applicant to consider maintaining 50 feet setback, and balance the resulting building addition on both sides.

Keith Bergmann said they would rather not do that.



## EXCERPT of DRAFT Planning Commission Minutes for April 26, 2004, Country Sun Farm

Commissioner Deziel said he does not wish to redesign without a site plan. He said the additions as planned mean that there is a lot less use of heating and cooling than if the greenhouse additions were in a different location. He said it is better to put them together with the existing retail building for energy efficiency. He observed that there might be a solar gain with this design; and, that the applicant has done a good job planning it.

Commissioner Van Pelt said there are potential precedents created by approval of this proposal including retail point-of-sale and relationship to on site-growth. He questioned which other properties in the City might see this proposal as a precedent?

The Planner stated that he could not think of others beyond the Lindner facility.

Commissioner Van Pelt said his reservations relate to use and its relationship to the present zoning. He asked if there is any latitude to rezone the property in order to call a duck a duck.

The Planner said the Commission can recommend a Comp Plan Amendment, and rezoning after appropriate hearings. The city does not do that often. The Planner said the more money that is invested in retail-capable structures on a site like this; the tougher it will be to say, "No more," some day.

Commission Van Pelt said that if the desire is 4000 square feet more of greenhouse, is there a problem if the applicant extended the greenhouses more to the south.

Keith Bergmann said they are now located six feet from a large NSP easement to the south. He said he doubted that the power company would permit structural encroachment on that easement. He said it would be easier for the family to operate the business if this plan is approved.

Commissioner Deziel said the Commission is looking at a CUP, not zoning. He observed that the applicant reported that bathroom facilities are inadequate for a retail facility. He noted that accommodating agriculture is a key point of the City's Comp Plan; and, the City has to anticipate that agriculture may not take the same forms in the future. He concluded that, therefore, the City has to make some accommodation for those changes. He stated that he is confident that this plan will happen exactly as the applicant expressed it.

Commission Pelletier said she would abstain, since it is difficult to differentiate between retail and growing. She noted that the applicant reported that, if the new greenhouses are relocated elsewhere on the site, there are the issues of a water source and power lines; and, that she did not necessarily concur with the City Planner's suggestion that moving the new greenhouse elsewhere on the site would mitigate the "retailing" issue.

**M/S/P, Bunn/Johnson, To recommend approval of the application to amend the Conditional Use Permit for the addition of two greenhouses at Country Sun Farm with the following Alternative Findings:**

1. Although the additional growing function at this facility may also result in additional retail function, the traffic safety concern is mitigated by the traffic light that is about to be installed at Highway 36 and Lake Elmo Avenue.
2. The planned addition to the facility will be used as a growing space, though it may have a duplicate retail use.
3. The applicants are a family whose business is deeply rooted in agriculture. They are trying to pass on an agriculture business from one generation to another, and with the hope to pass it on to the next generation in the future. Their business is primarily growing and the sale of agricultural products grown on site.

**EXCERPT of DRAFT Planning Commission Minutes for April 26, 2004, Country Sun Farm**

Commissioner Berg said he is supportive but asked for another condition of a fifty foot structure setback to the east. He asked the Planner if precedence concerns could be overcome by Finding that the retail uses is tied to an AG use, or performed only in certain locations.

The Planner said the commission can make that an additional finding, and they can add a condition to the CUP regarding the east setback.

Commissioner Bunn said she does not support the fifty foot setback suggestion.

**VOTE: 5:3:1** (Nay: Van Pelt/Sedro/Sessing), (Abstain: Pelletier).

Commissioner Sessing would like to see 50 feet of setback. Commissioner Sedro said her oppositions are the setback and that the word "primarily" in Finding #3 is not definitive enough.

Commissioner Van Pelt said that while he feels the plan is great, he also feels that the retail portion is inconsistent with AG zoning.

M/S/P, Berg/Sessing, To direct the applicant to engage the City, County and Mn/DOT in discussion to see about whether a "No U-turn" sign would be a good idea at the intersection of Highway 36 and Lake Elmo Avenue.

Commissioner Johnson said that said a traffic light may already meet the safety concerns at Highway 36 and Lake Elmo Avenue.

Commissioner Bunn said a U turn at the light with a left turn arrow might even be safer.

Commissioner Berg said that is why Mn/DOT is being consulted. They are the experts.

**VOTE: 9:0.**

DRAFT

Rec'd 4/26/04  
AD

## RESPONSE TO STAFF REPORT REGARDING COUNTRY SUN FARM

In the staff report's section labeled Discussion and Analysis, the staff comments that we met with the city on several occasions to discuss the expansion of our facility. At the time of these discussions we discussed putting on an addition to the east side of our current building, and building a greenhouse structure on the west side of the building. The purpose of these additions was to one increase our growing space to the west with the addition of a greenhouse structure, and two to make our current sales building more capable to manage our businesses and customer's needs. The proposed addition to the building was primarily to allow for the addition of a public men's and women's bathroom facilities, which we currently do not have, to allow for a larger break room for our employees and to incorporate a small office into the structure, which is currently housed in one of our residences. After being told by the staff that such a "hard building" would be unallowable, but that a greenhouse growing facility would be permissible, we changed our plans to include a greenhouse structure to the east as well, and to continue to use portable toilets for our customers, our small employee break room, and our current home office.

The staff writer continues in the report that "should the present AG use of the site (growing) for any reason cease, the City could be faced with substantial commercial structures on the site, and intense economic pressure to convert the site (or at least the north portion) to commercial zoning for any commercial use." This should not be an issue for the city seeing that we currently must operate our agriculture business under a conditional use permit, which is why we are here tonight. To change our facility to a commercial zone, would require the city to change our zoning to a commercial status, which obviously the city has the power to approve or deny, and which is not being asked for today. This is merely conjecture to what one individual may foresee in the future. As for our plans, we are a family business deeply rooted in agriculture, and what we are trying to do is pass on an agriculture business from one generation to another, and hopefully on from there to my own children. We clearly have no intention of changing our business structure and becoming a car dealer or clothing store, and do not feel that our business should be stifled due to the possible future scenarios played out by the city staff, when our plans do not entail any such changes. Merely a continuation of what we already do.

The report then goes on to discuss "an issue of traffic safety related to this site and the direct access to Highway 36." Even the report states that these are "issues today for only a limited portion of the year." We feel that any access to any roadway is going to have inherent traffic issues. If we did not have any cars on the road there would not be any traffic problems anywhere, but this is not and cannot be the case in our society. We also feel that most of the traffic problems associated with State Highway 36 will soon be alleviated with the addition of traffic lights on the intersection of Lake Elmo Ave. and 36, located just ¼ mile to the west of our facility. The addition of these traffic signals will greatly reduce the speed at which cars will be able to travel past our facility, and will

allow measured and controlled breaks in the traffic thereby alleviating many traffic concerns.

The staff report then claims that after we discussed our original plans with the city and were told that the city "would undoubtedly recommend denial of a CUP amendment for this site that proposed expansion of the floor area for retail sales," that we then, "possibly in response to that advice ... proposed 'greenhouse' additions of nearly 2,000 square feet to either end of the existing retail sales structure." The report then goes on to insinuate that what we are really trying to do is find a back door way into creating a commercial sales facility, and that we may actually not be a facility engaged in the growing of agriculture products, and that the city may need to "monitor the percentage of plants/landscape products sold on the site that are actually grown on the site to determine whether this remains a 'true' AG use or not." We would be more than happy to have the city come and inspect our facility to determine what percentage of our plants are actually grown on site, because as the head grower of our facility, I can undeniably tell you that each and every plant sold at our business has been personally seeded by me or started from a cutting by one or another of the members of my family. If in fact the contrary were true, there would be no need to add to our facility. We could merely just place orders with other growers every time our own supply dwindled, and thereby utilize a much smaller greenhouse facility. In the long run, this approach could prove more profitable as we would have less stock to maintain for the 4 months it takes to grow the plants before they are ready to sell, and we would not need to spend quite as much money on fuel to heat these buildings during the dead of winter. But then we would not be an agricultural growing business, we would be a sales lot. If the staff report was accurate in assuming that we merely want to increase our space for retail hard goods which we would buy in and then resell, then again there would be no need for additional space. 22,000 square feet of greenhouse space would be more than enough room for a showroom to display and sell someone else's product, but it is not enough space to attempt to grow more of an agricultural product which requires time, space and sunlight to produce. All of which are impossible to achieve in a warehouse style structure. We also need this additional space to grow in because our industry is continuing to change. These structures we propose require less energy to operate, and hold the potential to grow a more superior product. These buildings allow for passive ventilation via vents which open on the sides and roof, thereby reducing our reliance on fans to pull cool air through the structure. They allow moist humid air to escape through the roof giving us a better growing environment, which requires less chemical use to prevent molds and bacterial wilts from destroying our crops, and through a solid roof, and in floor heat will require less energy costs to maintain a temperature conducive to raising our product. Likewise, the container size of our products have increased over the years as the industry dictates. At one time all of our baskets were an 8" or 10" size, the industry and consumer now demand 10", 12", 16", and even larger sizes up to 48" for hanging baskets. This means fewer plants per square foot, which results in less overall income even though there is a marginal increase in the cost of the product. Even the standard pot size has changed. At one time the majority of our product was sold in flats with a count of 72 plants in an 11" by 21" flat, now the majority of plants are sold in a 4 1/2" by 4 1/2" pot. An increased square footage of over 632% would then be required to even maintain the same number

of plants grown. So you can see that our request for a 10% overall addition is meager at best. Will customers walk through these buildings? Yes. Will plants in these buildings be for sale? Yes. But both of these activities already exist in our existing structures. The staff report states "that retail sales from a structure did not appear to be contemplated by the Zoning Ordinance, even though the existing retail sales facility was approved by the City 20 years ago." This is possibly the result of the specific requirements of a greenhouse grown product. When our product is ready for sale, the weather is not always willing to allow us to present it to the public in an "open sales lot" as described by the city's code. It is my opinion that it is because of this that the city approved the facility 20 years ago. It would be much like saying that you can sell a fragile product like eggs but that you are not allowed to package them in a manner to prevent them from spoiling or breaking. Our buildings could be thought of as a sort of packaging without which our product would surely perish. We will never know the actual reasons or thoughts behind the City's decision 20 years ago to approve our facility though, as the City itself has lost all of this information, information which would be of most benefit to us to present our case to you.

The staff report then goes on to outline the rules on the setback of our proposed structure. Again the city seems to be unsure of the setback requirements at first, although "there must have been a variance approval, however, since the greenhouse is located 50 feet from the east property line today." Although none of this information can be found, or has somehow been lost. The report then goes on to add that the "requirement has become 10 feet" and that there is not a need for a setback variance. The report then seems to insinuate that we knew of a Cluster setback provision and that even though "this is probably not the intent of the Zoning Ordinance" it is the outcome, as if we are again trying to perform some type of back door maneuver. In all reality, we called the city before we started the plans for this project, and were informed that the setback was only 10 feet, while what we are proposing is a setback of 37 feet, well beyond the requirements of the code.

In the Findings and Recommendations of the staff report, it is again insinuated that this growing structure is really a retail structure, and that there will again be "albeit a seasonal traffic safety issue" as a result of "'U-turns' by westbound vehicles to gain access to this site" at the Lake Elmo Avenue/Highway 36 intersection. Again we feel that this problem will be alleviated by the State of Minnesota with the addition of the traffic lights at said intersection. If however these traffic lights do not solve such a problem, then we would be more than happy to approach the state with the city, and ask that a no U-turn sign be placed at the intersection. It could also be possible for us to open up a driveway access already existing on Lake Elmo Avenue. While we are not opposed to this, and we do in fact use this driveway on occasion for customer access, we are not sure that this will not in itself cause more traffic problems. This driveway is located within the turn lane on Lake Elmo Avenue, and would cause vehicles heading South Bound, just crossing the intersection to stop and cross over not only the lane of traffic heading North Bound but to also squeeze between the cars waiting in the turn lane heading East Bound. Also these South Bound vehicles would have to stop just after crossing the intersection to make this turn, and could quite possibly cause a back up of traffic within the intersection itself and

the lanes of East Bound traffic. The other traffic issue this presents is one that we have always found to be evident whenever this driveway is left open. Vehicles heading North Bound on Lake Elmo Avenue prefer to avoid the congestion of the Highway 36 intersection, and enter our driveway, drive through our facilities and then exit our driveway on Highway 36, essentially bypassing the states intersection and new traffic control measures. These cars also pose a danger to us and our customers, as their only intent is to beat some rush hour traffic, and as a result speed down our driveway with only one goal in mind. Getting somewhere fast.

The report then goes on to state that "If one accepts the premise that, by approving the CUP Amendment, the commercial (as opposed to agricultural) character of the use of the site will effectively increase," then this would lead to a question as to the "purpose and intent . . . of the Comprehensive Plan." First of all this assumes that this is a commercial building being built, which it is not, as can be shown by the fact that it was within the code when the City approved the original sales building and greenhouse structures. The exact facts of which we again can not be sure of because the City has lost this information. Clearly these structures fell within the bounds of the Cities plans as approval was granted for them. We are not asking for any type of change in any of the Cities Comprehensive Plans, or any type of rezoning. We only request the approval of an addition to a structure which already falls under the cities plan. Not much unlike an individual asking to make a 10% addition to their home in a residential area, no rezoning is required, and no questions are raised as to the purpose of adding on another bedroom because a family has expanded.

Finally the staff report states that if this proposed addition were to take place at a different site on this 47 acre site, then "the foregoing Findings would likely be mitigated." But that "present Planning Staff can not speak to the reasoning in support of the allowance by the City of a retail structure on this AG zoned site in 1984," because the City has lost this reasoning for the allowance. Reasoning which would only be beneficial to us in making our argument that what we propose to build are agricultural buildings which have been approved by the City in the past. Also if we were forced to build greenhouses in a location separate from our current facility this would require another well to get water for the plants, and another Electrical supply being run in for an addition of only 4,000 square feet at a facility already 44,000 square feet in size. Another problem with such a plan is that due to the Excel energy easement running through the property, this building would have to be located in an entirely new area of the property currently being used to raise farm crops.

In conclusion what we are trying to say is that we need a small addition to our current facility. We are not requesting any variances or rezoning. Our business has existed in this location since 1984, was approved by the city then, and is in no way materially changing in the products that it sells, or in the way it operates. Traffic concerns have been raised, and are being dealt with. Neither we nor the State of Minnesota thought that Highway 36 would carry as many cars as it now does today, but plans have been implemented to alleviate these problems. We are willing to work with the city on any

concerns that it may have, and we hope to remain an agricultural facility in the City of Lake Elmo.

**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

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

**Applicant:** Richard Bergmann/Country Sun Farm Greenhouses

**Location:** 11211 60<sup>th</sup> Street North

**Requested Action:** Amend Conditional Use Permit for the Addition of Two Green Houses

**Land Use Plan Guiding:** RAD

**Existing Zoning:** AG

**Site History and Existing Conditions:**

Records regarding this site date back to only 1979. At that time the owners were advised that the greenhouse business they had conducted on the site for some years prior would require a Conditional Use Permit under the (then) new zoning ordinance – the same ordinance we have today. While we can not locate a copy of the original Resolution approving the first CUP, CUP's were annually renewed until recent years, and we have attached a copy of the 1988 renewal Resolution, which likely reads the same as the original – except for dates.

It appears that the legal description for the "CUP Area" was amended by City action in 1984 to expand the area from the former 8 acres to approximately 11 acres. It appears that amendment was to incorporate the new easterly green houses and the retail sales area. In September, 2003 the City Council approved multiple applications that resulted in the enlargement of the "CUP Area" to approximately 47 acres; and, adding the sale of food items in the retail store as an allowable use under the CUP

Today there appears to be the following structures within the "CUP Area" as we understand it to now be described:

1. Approximately 22,000 square feet of west greenhouses.
2. What appears to be (from aerial photography) a warehouse of approximately 6,000 square feet.
3. Approximately 22,000 square feet of east greenhouses.
4. A retail structure of approximately 2,000 square feet attached to the east greenhouses.
5. The ornamental Halloween structure of approximately 500 square feet.

The applicant now proposes to add green house (growing) structures of 1,920 square feet (each) to either end (east and west) of the existing retail structure, requiring an amendment to the Conditional Use Permit. The applicant has submitted a revised site plan with this application as well. In recent years the City has required a Section 520 Site Plan application be processed when new structures for commercial use are proposed with a new Conditional Use Permit, or an Amended Conditional Use Permit. While the site plan drawing here submitted falls short as to the detail the City normally requires on a Section 520 Site Plan we have continued the processing of the CUP application based on the information available.



## Discussion and Analysis:

With the CUP Area now encompassing 47 + acres, issues raised in earlier years regarding how much CUP use was reasonable - given the site size - have been mitigated in large measure. The applicant's proposal to increase the scale of growing structures on the site by approximately 10% is not inconsistent with the AG underlying zoning of the site - "growing" (even if in a greenhouse structure) does equal "agriculture" by the terms of the zoning ordinance.

Prior to the filing of this application, Staff met with the applicants on several occasions. Initial conversations centered on the applicant expanding the retail sales facility. Staff advised the applicants that retail sales from a structure did not appear to be contemplated by the Zoning Ordinance, even though the existing retail sales facility was approved by the City 20 years ago. We explained that, at some point, the City must address the issue of when a CUP use in the AG zone actually becomes *de facto* commercial zoning - particularly when that CUP in the AG zone fronts, and has access to, a major highway with 5 figure daily traffic counts.

Staff has also explained to the applicant that, should the present AG use of the site (growing) for any reason cease, the City could be faced with substantial commercial structures on the site, and intense economic pressure to convert the site (or at least the north portion) to commercial zoning for any commercial use. While that circumstance is surely not contemplated by the applicant today, who really knows about tomorrow? By the City approving periodic CUP amendments that increase the scale of retail structures/use on the site, the City could face a difficult "back door" (and unintended) commercial land use and zoning situation in future years - in some ways, self imposed. You can bet that a land use attorney would go in that direction.

In addition to the zoning/use structure issues, there is today an issue of traffic and safety related to this site and the direct access to Highway 36. Due to the seasonal nature of the existing retail operations, these are issues today for only a limited portion of the year. Virtually any other use that could function out of retail structures on this site (should the previously described chain of events take place) would introduce those traffic and safety issues year round.

Staff advised the applicants that we would undoubtedly recommend denial of a CUP amendment for this site that proposed expansion of the floor area for retail sales, based on the foregoing concerns with the potential integrity of the zoning on the site. Possibly in response to that advice, the applicant has instead here proposed "greenhouse" additions of nearly 2,000 square feet to either end of the existing retail sales structure. By the appearance (translucent walls/roof), and the applicant's representation as to the intended use, these are certainly "growing" structures.

At the same time, however, these proposed additions are physically an extension of the retail sales building - as are the "east" 1984 greenhouses located in the rear of the retail sales building. The floor plans would appear to anticipate retail customers circulating into the "greenhouses" in the same manner as they would a retail sales structure. How much of the function of these additions is really "growing" and how much is expanded retail sales? When does a growing operation with incidental retail sales become primarily a garden store with some growing on the same site? Will it become necessary for the City to, in some way, monitor the percentage of plants/landscape products sold on the site that are actually grown on the site to determine whether this remains a "true" AG use or not?

The application proposes that the greenhouse added to the east of the existing retail sales structure be located 37 feet from the east property line. The 1984 City action that permitted construction o f

the "east" greenhouse behind the retail sales structure assumed that the AG zone setback standards should be applied – 100 feet at that time. While we find reference in the City Records to the need for a zoning setback variance since a 50 foot setback to the east property line was proposed for the "east" greenhouse, we find no evidence of the variance being processed or approved. There must have been a variance approval, however, since the greenhouse is located 50 feet from the east property line today.

The AG section of the Zoning Ordinance has been amended since 1984 to increase the required side setback for structures to 200 feet. Due, however, to the 2003 Minor Subdivision approval including the CUP site, using the Cluster Development provisions of the AG Zoning District, it could be argued that the side setback requirement has become 10 feet. (see a copy of Section 300.07, Subd. 4 of the Zoning Ordinance). Based on the applicant's knowledge of that Cluster setback provision, no setback variance is applied for – nor does it appear one is required. This is probably not the intent of the Zoning Ordinance, but appears to be the outcome.

### **Findings and Recommendations:**

Section 300.06, Subd. 4A of the City Code (copy attached) specifies the considerations (which could also be Findings) the Planning Commission must address in its advice and recommendations to the City Council regarding a Conditional Use Permit application. We believe those same considerations (Findings) apply equally for an Amended Conditional Use Permit. While many of the considerations specified would be clearly complied with by this proposal, Staff suggests that there are some that may not be, as follow:

1. If one accepts the premise that the proposed "greenhouse" additions to the existing retail structure will increase the "retail" use of the site to at least as much, or even more, than the "growing" function of the site, the Finding regarding "anticipated traffic conditions" is of consequence with this application. Increased retail use of the site without mitigation of what has become – albeit a seasonal – traffic safety issue will only compound what traffic safety issues that have been observed by Staff at the Lake Elmo Avenue/Highway 36 intersection as a result of "U-turns" by westbound vehicles to gain access to this site.
2. If one accepts the premise that, by approving the CUP Amendment, the commercial (as opposed to agricultural) character of the use of the site will effectively increase, the "purpose and intent...of the Comprehensive Plan" regarding this site could be questioned. The site is land use guided by the Comprehensive Plan as "Rural Agricultural Density" (RAD), not commercial. Should a Comprehensive Plan amendment be considered rather than a Conditional Use Permit Amendment? The Conditional Use Permit process should not function as a "back door" Comprehensive Plan Amendment and rezoning.

Present Planning Staff can not speak to the reasoning in support of the allowance by the City of a retail structure on this AG zoned site in 1984. Perhaps the Zoning Ordinance read differently then. Today only "open seasonal sales lots" are permitted in the AG zone. If the applicant would propose to construct greenhouses exclusively for growing, at a location on this 47 acre site not related to the existing retail facility, the foregoing Findings would likely be mitigated. As the applicant here proposes to locate those greenhouses, Staff suggests that this CUP Amendment proposal does not respond to those two Findings, and there are, therefore, reasons for denial.

**Planning Commission Actions Requested:**

Should the Commission concur with Staff by accepting the premises and resulting Findings suggested above, a Motion is in order to recommend denial of the application to amend the Conditional Use Permit of Richard Bergmann and Sun Country Farms for structural additions to the retail structure, based on those Findings; and/or others as determined by the Commission.

Should the Commission disagree with the Findings suggested by Staff, a Motion could be in order to recommend approval of the application to amend the Conditional Use Permit of Richard Bergmann and Sun Country Farms for structural additions to the retail structure, based on a conclusion that all findings prescribed by the City Code to support approval of a Conditional Use Permit are met. Further, a recommendation that the Section 520 Site Plan amendment of Richard Bergmann and Sun Country Farms, also be approved per plans staff dated April 22, 2004.



---

Charles E. Dillerud, City Planner

**Attachments:**

1. Code Citations
2. Location Map
3. Applicant's Documentation

- b. Private garages, carports, screen houses, conservatories, playhouses, swimming pools and storage buildings, as defined in Section 150, for use by occupants of the principal structure;
- c. Home Occupations.

4. **Minimum District Requirements.**

Agricultural Zoning District	Farm Dwellings and Related Structures and Activities and Non-Farm Dwellings if not Clustered	Non-Farm Dwellings and Activities if Clustered
Lot Size	Nominal 40 acres A forty acre parcel not reduced by more than ten percent (10%) due to road rights-of-way and survey variations	1 1/2 acres (If Clustered)
Lot Width	300 feet	125 feet
Primary Building setback from property lines: <i>(Also see Section 300.11)</i>		
Front:	<del>100</del> 200 feet <sup>1</sup>	30 feet
Side: (Interior)	<del>100</del> 200 feet	10 feet
Rear:	<del>100</del> 200 feet	40 feet
Side Corner:	<del>100</del> 200 feet	25 feet
Arterial Street:	<del>100</del> 200 feet	50 feet
Primary Building Height <i>(Also see Section 300.12)</i>	35 feet	35 feet
Off Street Parking <i>(Also see Section 300.13, Subd. 6)</i>	N/A	3 spaces per dwelling unit
Accessory Building or Structure setback from property lines: <i>(Also see Section 300.13, Subd. 3 and Subd. 4.)</i>		
Front:	<del>100</del> 200 feet	30 feet
Side: (Interior)	<del>100</del> 200 feet	10 feet
Rear:	<del>100</del> 200 feet	40 feet
Side Corner	<del>100</del> 200 feet	25 feet
Arterial Street	<del>100</del> 200 feet	50 feet
Setback for all animal buildings, feedlots, and manure storage sites shall be as follows: <i>(Also see Section 300.13 Subd. 3. and Subd. 4.)</i>		N/A
Any property line	<del>100</del> 200 feet	N/A
Any existing well, or residential structure on the same parcel	50 feet	N/A
Any existing well, or residential structure on an adjacent or nearby parcel.	200 feet	N/A
Any body of seasonal or year-round surface water	200 feet	N/A

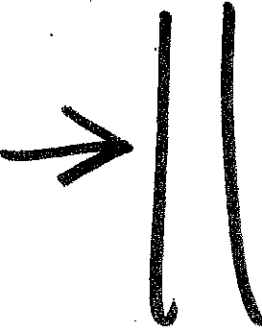
<sup>1</sup> Amended Ordinance 97-57 on 07-18-00

~~2. A certified copy of any order issued by the Board of Adjustment and Appeals acting upon any appeal from an decision, order, requirement, or determination of an administrative officer, may be filed with the County Recorder or Registrar of Titles for recording. The filing may be made by the Zoning Administrator as soon as is reasonably possible after the filing of the order with the Zoning Administrator.~~

~~K. Decision, Appeals:~~

~~1. All decisions of the Board of Adjustment and Appeals acting upon an appeal from an order, requirement, decision, or determination by an administrative officer or upon an application for a variance shall be final except that any aggrieved person may have any decision or order of the board reviewed for an appropriate remedy in district court as provided by law;~~

Subd. 4 Conditional Use Permits (Special Use Permits, SUP).

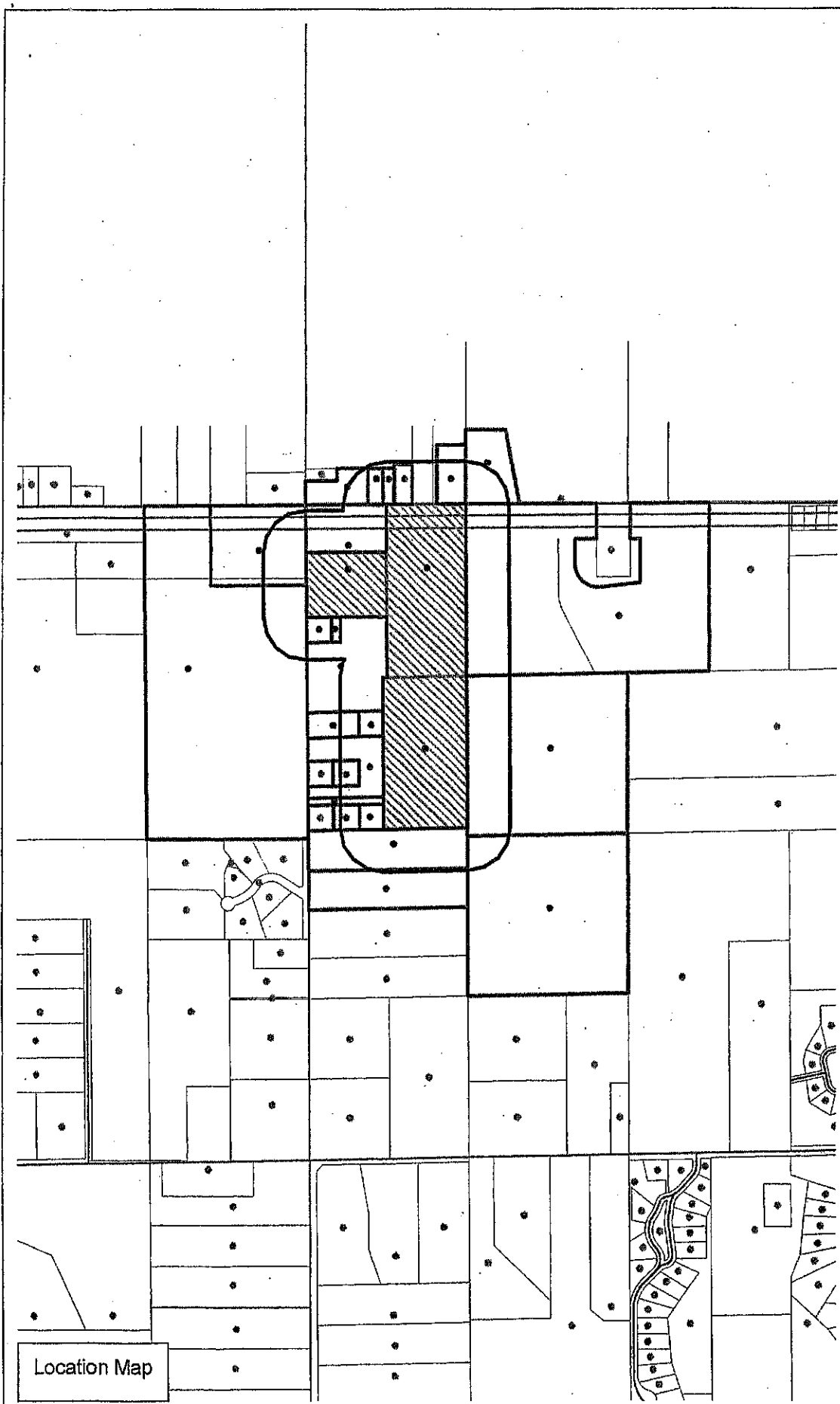


A. Conditional Use Permits may be granted or denied in any district by action of the governing body according to the standards for that district. In granting a conditional use permit, the governing body shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals, convenience, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, the effect on utility and school capacities, the effect on property values of property in the surrounding area, and the effect of the proposed use on the Comprehensive Plan. If it determines that the proposed use will not be detrimental to the health, safety, convenience, morals, or general welfare of the community nor will cause serious traffic congestion, nor hazards, nor will seriously depreciate surrounding property values, and that the use is in harmony with the general purpose and intent of this section and the Comprehensive Plan, the Council may grant the permits.

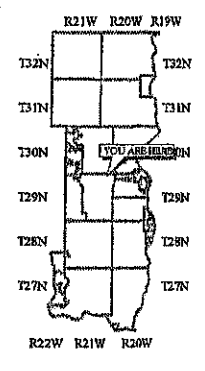
B. The Zoning Administrator shall maintain a record of all applications and all conditional use permits issued including information on the use, location, conditions imposed by the community, time limits, review dates, and such other information as may be appropriate.

C. Application for a conditional use permit shall be filed with the Zoning Administrator. The application shall be accompanied by development plans for the proposed use showing such information as may be reasonably required by the administrator, including but not limited to those things listed below. The plans shall contain sufficient information for the community to determine whether the proposed development will meet all applicable development standards.

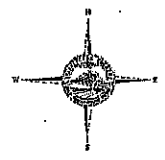
1. Site plan drawn to scale showing parcel and existing topography.
2. Location of all buildings and their size, including square footage.
3. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks.



Location Map



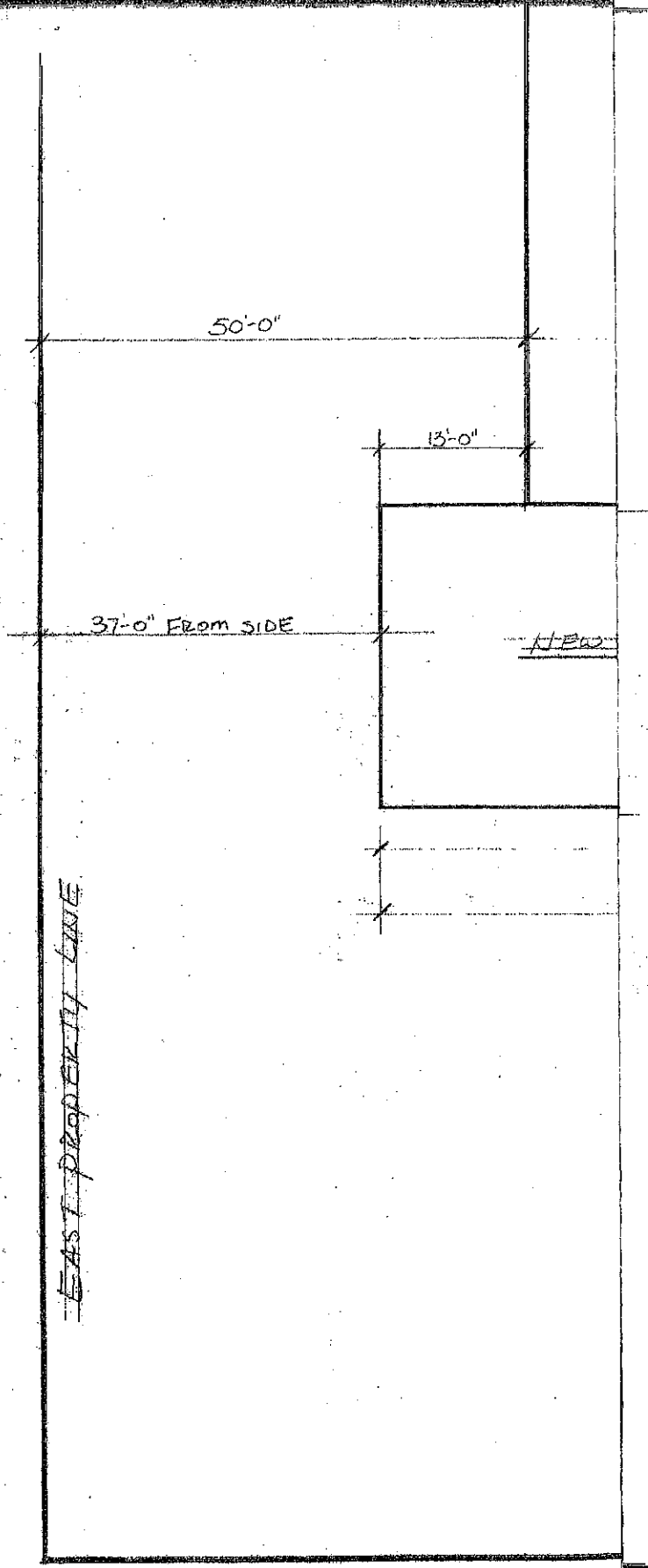
Vicinity Map



This drawing is the result of a correlation 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 (615) 423-9976

Parcel data based on AERIS information current through May 31, 2003.  
Map printed July 21, 2003



RECEIVED  
APR 13 2004



**J.P. BUSH HOMES**  
 DESIGNERS & BUILDERS  
 3557 LAKE BELMO AVENUE, LAKE BELMO, MN 55047  
 OFFICE: 612-777-6162 FAX: 612-777-6194

*COUNTRY SUN ROOM*  
 11/1/03  
 11/1/03

© J.P. BUSH HOMES  
 Where architectural photos of new homes  
 are used, they are the property of J.P. Bush Homes  
 and are not to be used in any other way  
 without the express written consent of J.P. Bush Homes  
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JOB NO.	REVISIONS
DRAWN BY	
DESIGNED BY	
SHEET NO.	

<b>Lake Elmo City Council May 4, 2004</b>	<b>Agenda Section: Planning, Land Use &amp; Zoning</b>	<b>No. 9C</b>
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**Agenda Item:** OP Ordinance Setback Variance – Whistling Valley

**Background Information for May 4, 2004:**

The Council may recall that when the OP Plan for Whistling Valley (First Addition) was approved last year, a 100 foot buffer setback to the east was permitted since OP development of the lands to the east was possible due to parcel size. The Whistling Valley developer also provided a landscape plan for this east property line, as is required where a 100 foot buffer is substituted for a 200 foot buffer.

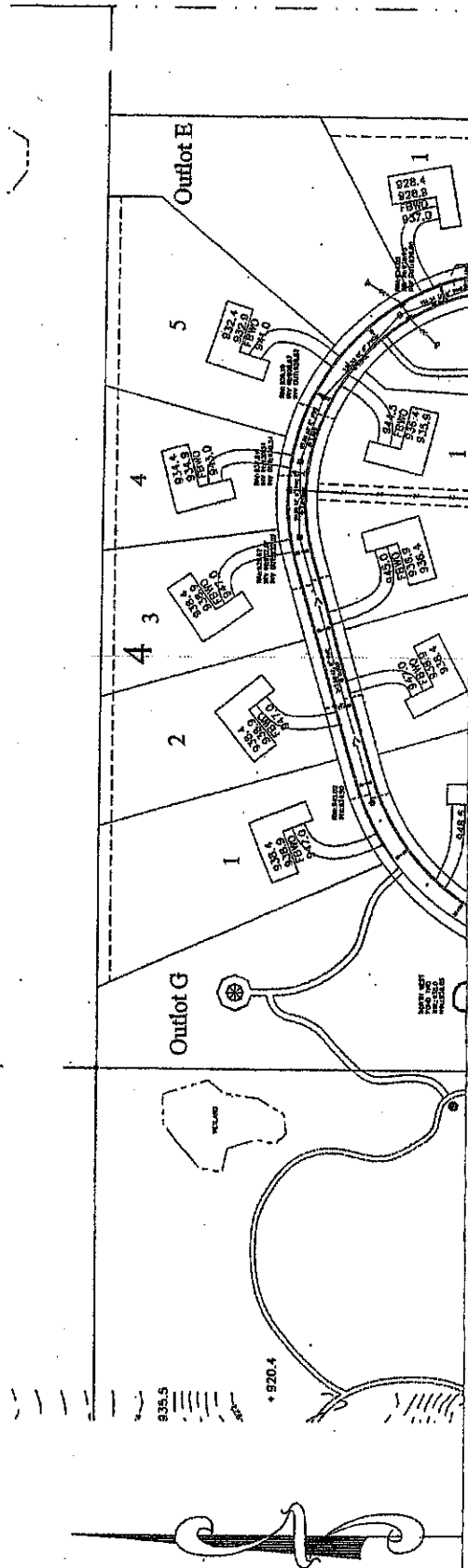
As predicted, the land to the east is being developed as an OP – Whistling Valley 2<sup>nd</sup> Addition. The approved development plan/plat for Whistling Valley 2<sup>nd</sup> Addition features a sizable outlot of Preserved Open Space abutting the eastern-most lots of Whistling Valley (side yard of Lot 4, Block 5; and rear yards of Lot 1-3, Block 6, Whistling Valley). The developer has requested a 4/5 OP Variance to eliminate the 100 foot east buffer of Whistling Valley since the approved design of Whistling Valley 2<sup>nd</sup> Addition will result in no homes in proximity to those yards side/rear yards. This will enable some additional flexibility as to house location on those 4 lots in Whistling Valley.

Section 301.06 of the City Code provides that, “OP Developments shall comply with the... minimum standards unless modified by four-fifths (4/5) affirmative votes of the City Council.”. Since specific findings in support of the “4/5” OP Variance are no longer required by the Code, staff can not discern any good reason not to approve the OP Variance here requested. It appears the purpose and intent of the buffer standards are met in this case by the compatible designs of Whistling Valley/Whistling Valley 2<sup>nd</sup> Addition.

<p><b><u>Action items:</u></b></p> <p style="text-align: center;">042</p> <p>Motion to adopt Resolution #2004 - , Approving an OP 4/5 Variance for Whistling Valley to eliminate the 100 foot buffer requirement on Lot 4, Block 5; and, Lots 1-3, Block 6.</p>	<p><b><u>Person responsible:</u></b></p> <p>City Planner </p>
<p><b><u>Attachments:</u></b></p> <p style="text-align: center;">042</p> <ol style="list-style-type: none"> <li>1. Draft Resolution #2004 – Approving 4/5 OP Variance</li> <li>2. Graphics</li> </ol>	<p><b><u>Time Allocated:</u></b></p>



# PRELIMINARY UTILITY PLAN



SEPTIC TANKS

HOMES TO HAVE INDIVIDUAL WELLS FOR DOMESTIC WATER SUPPLY

**ANDERSON & SCHENCK**  
 500 White River Parkway  
 White River Falls, WI 53110  
 Tel: 608-493-7829  
 Fax: 608-429-3762  
 Contact: Dawn Kozlowski

**REBEIN**  
 2000 W. Hwy. 66, Suite 200  
 Appleton, WI 54912  
 Engineering: William McCully  
 Surveying: Dan Szymon

**Engineering and Surveying**  
 27 1/2 East 4th St. Suite 610  
 Street Park WI 53101  
 Phone: 608-222-7077  
 Fax: 608-222-7077  
 www.cabotandbrink.com  
 Contact: Bob Clark

**North American Welland Engineering, P.A.**  
 20 North Lake Street  
 Appleton, WI 54912  
 Phone: 608-252-2000  
 Fax: 608-252-2000  
 Email: Minnesota@na-we.com  
 Contact: Chad Crow

**Christopher Collopy**  
 Lake Elmo, Minnesota

No.	Date	Description
1	12/20/04	Preliminary Plat Submitted

**Project # 03520**  
 I HEREBY CERTIFY THAT THIS PLAN, SPECIFIC TO THIS PROJECT, 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.  
**NAME: William A.J. McCully**  
**DATE: LICENSE # 23133**

**SHEET NAME**  
**C2**

<b>Lake Elmo City Council May 4, 2004</b>	<b>Agenda Section: City Administrator's Report</b>	<b>No. 11A</b>
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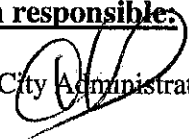
**Agenda Item:** Countywide Assessment Services

**Background Information for May 4, 2004:**

On April 6, 2004 the City Council heard a tentative concept of Washington County to institute countywide assessment services. This would mean that the 9 local units of government in the County that continue to individually contract for assessment services would instead have those services provided through the County.

Following a presentation by Director Kevin Corbid of Washington County Taxpayer Services, the Council requested information from Mr. Corbid as to the real property tax impact to Lake Elmo property owners that would result from the City no longer levying for the assessor contract, but the County instead levying to support county-wide assessment services. Mr. Corbid has reported that the impact of the respective assessment services strategies is about a "wash". What the Lake Elmo taxpayer would save on the City levy would instead appear on the County levy. No real tax savings would result to the Lake Elmo taxpayer - just a change in the taxing entity.

Since April 6 I have been supplied letters to Washington County from 5 of the 9 local government units that now contract locally for assessment services. All 5 local units have expressed opposition to the countywide assessment services concept proposed by the County. I have attached copies of those letters, some of which provide reasons for the opposition expressed. To date, the Lake Elmo Council has not taken a position on this County concept. It appears the County Board is expecting the City to do so.

<p><b><u>Action items:</u></b></p> <p>Motion advising Washington County of the position of Lake Elmo regarding the concept of countywide assessment services.</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. Opposition Letters</li> <li>2. April 6 Agenda Items</li> </ol>	<p><b><u>Time Allocated:</u></b></p>



# TOWN OF NEW SCANDIA

14727 209th St. North, P.O. Box 128  
Scandia, Minnesota 55073  
(651) 433-2274

April 8, 2004


Mr. Kevin Corbid, Director  
Assessment, Services and Elections Department  
Government Center  
14949 62<sup>nd</sup> Street North  
P.O. Box 6  
Stillwater, MN 55082-0006

Dear Mr. Corbid:

The New Scandia Town Board unanimously passed a motion at their April 6, 2004 meeting opposing the issue of countywide assessment. The Town Board agreed that a county wide system would be less efficient, cost the taxpayer more, and reduce the level of services to our citizens.

New Scandia Township has had two local assessors in the last fifty-eight (58) years. This system has worked well with no problems. The New Scandia Town Board would like to retain their local control.

Sincerely,

  
Dolores Peterson  
New Scandia Township Clerk

cc: Mr. Dennis Hegberg, Washington County Commissioner  
Mr. Bill Pulkrabek, Washington County Commissioner  
Mr. Nile Kriesel, Washington County Commissioner  
Ms. Myra Peterson, Washington County Commissioner  
Mr. Dick Stafford, Washington County Commissioner

**CITY OF MARINE ON ST. CROIX  
BOX 250  
MARINE ON ST. CROIX, MN 55047**

651-433-3636

City Council Members

Glen Mills 433-5879 Win Miller 433-3403 Sherrill Reid 433-3033  
Robin Brooksbank 433-5569 Bill Miller 433-5354

April 13, 2004

Mr. Kevin Corbid, Director  
Assessment, Services and Elections Department  
Government Center  
14949 62<sup>nd</sup> Street North, Box 6  
Stillwater, MN 55082

Dear Mr. Corbid,

At the April 8<sup>th</sup>, 2004 City Council meeting, a motion was unanimously passed by the Marine on St. Croix City Council strongly opposing the issue of countywide assessments.

The City of Marine on St. Croix has been contracting with our current local assessor since 1979, and wishes to continue to do so. The Council believes relinquishing the contracting of assessments to the County would decrease the level of service to our residents, and in the future, increase the cost to the taxpayers.

Sincerely,



Lynette Peterson,  
Marine on St. Croix City Clerk

CC: Mr. Dennis Hegberg, Washington County Commissioner  
Mr. Bill Pulkrabek, Washington County Commissioner  
Mr. Dick Stafford, Washington County Commissioner  
Ms. Myra Peterson, Washington County Commissioner  
Mr. Nile Kriesel, Washington County Commissioner

Please cc to the county commissioners

# CITY OF MAHTOMEDI

600 Stillwater Road  
Mahtomedi, Minnesota 55115

~~651-426-3344~~

April 21, 2004

Mr. Kevin Corbid, Director  
Washington County  
Assessment Services and Elections Department  
14949 62<sup>nd</sup> Street North  
P.O. Box 6  
Stillwater, MN 55082-0006

Dear Mr. Corbid:

The Mahtomedi City Council voted at their April 20, 2004 meeting to oppose a countywide assessment and to retain local control of their assessing services.

In addition, the City would lose their close working relationship with their assessor and the level of services provided to the City and its residents. Some examples of these services are:

1. Estimating the tax impact on special projects.
2. Working on and attending meetings on T.I.F. feasibility projects.
3. Working with the County on the classification and appraisal of complex properties.
4. Working with the Finance Director during the budget process to assist in estimating tax rates, tax capacities, and market value growth.
5. Availability to taxpayers in the evening and weekends for home inspection and revaluation requests.

On behalf of the City Council, I appreciate your consideration of this matter.

Sincerely,

Judson Marshall  
Mayor

*Richard W. Copeland*

*Attorney at Law*

(651) 429-3323 • FAX: (651) 429-2387

4524 Highway 61

White Bear Lake, Minnesota 55110-3492

Mr. Kevin Corbid, Director  
Assessment, Washington County Taxpayer Services  
14949 62<sup>nd</sup> St. No.  
P.O. BOX 6  
Stillwater, MN 55082

**DRAFT  
COPY**

RE: Countywide Assessment

Dear Mr. Corbid:

I represent the City of Dellwood. At the Council meeting on April 13<sup>th</sup>, the Council members reviewed and discussed your letter of March 9<sup>th</sup> regarding the proposed changes to Countywide Assessments.

The Council asked me to write to you expressing their concerns and objections to the proposal.

At the present time, and for the past 17 years, Mr. Frank Langer has acted as the local assessor for Dellwood.

For some time prior to 1987, Dellwood had arranged for the County Assessor's Office to do the assessing in Dellwood. This arrangement proved to be unsatisfactory to the City Council and to Dellwood residents. The City then terminated that arrangement and hired William Park as its local assessor.

In 1987, Frank Langer took over those duties. The City has experienced no complaints or problems with the assessment procedure.

Mr. Langer is uniquely familiar with and qualified to address the assessments in Dellwood. By reason of his experience, the City has been able to adequately answer the questions and concerns expressed from time to time by its residents.

Dellwood wishes to retain local control of the assessment process within the City. The Council members all agreed that a local assessor is what the residents want.

Some residents have expressed a concern that allowing the County Board to have control of the local assessments, and at the same time having control of the County budget, could lead to conflicting situations.

The City of Dellwood believes the current system of assessment is working well, and that we have no reason to believe that the Countywide Assessment proposal will result in any substantial benefit to the residents of Dellwood.

Very truly yours,

Richard W. Copeland

RWC:kb

# *City of Hugo*

*14669 Fitzgerald Avenue North*

*Hugo, MN 55038-9367*

*PHONE: (651) 762-6300 FAX: (651) 426-2859 EMAIL: info@ci.hugo.mn.us*

*Fran Miron, Mayor  
Becky Petryk, Council Member Ward 1  
Frank Puleo, Council Member Ward 2  
Chuck Haas, Council Member Ward 3  
Mike Granger, Council Member at Large*

April 21, 2004

Mr. Kevin Corbid, Director  
Assessment, Services, and Elections Department  
Government Center  
14949 62<sup>nd</sup> Street North  
P.O. Box 6  
Stillwater, MN 55082-0006

Dear Kevin:

At its April 19, 2004 meeting, the Hugo City Council unanimously voted to retain its local control of the assessment system. The City Council carefully considered the county's proposal and concurred that the City and its residents are better served with the current system. The Council believes that a county system would cost more and reduce the level of service to the City and its taxpayers.

Mr. Frank Langer has been the Hugo assessor since 1979. He has provided excellent service to the City with no problems. He has worked closely with the City and with numerous Washington County assessors for many years, providing them with all available information from the City when major valuation questions or projects arise. This helps assure the mutual protection of the tax base and a more accurate appraisal of property, including the larger, more difficult commercial and industrial properties.

Frank has worked closely with the City staff on many special projects, including, but not limited to:

- TIF district projects
- Eminent domain meetings regarding acquisition of property for City park land, City Hall land, and residential property along Highway 61
- Transfer of development rights (TDR)
- Special assessment benefit meetings for sewer and water projects
- Zoning meetings



Mr. Kevin Corbid

April 21, 2004

Page 2

As you can see, there are many services that the City assessor provides beyond the valuation and classification of property. The City considers the local assessor to be an important and necessary part of city government and that a change to a county system would not be in the best interest of the City and its taxpayers.

Please advise me of any scheduled county meetings on this subject so that the City may have representation. Thank you for the opportunity to consider the county's proposal.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael A. Ericson".

Michael A. Ericson  
City Administrator

C: Dennis Hegberg, Washington County Commissioner  
Bill Pulkrabek, Washington County Commissioner  
Nile Kriesel, Washington County Commissioner  
Myra Peterson, Washington County Commissioner  
Richard Stafford, Washington County Commissioner  
Honorable Mayor and City Council



Copied CC.  
4-8-04

April 8, 2004

To: Lake Elmo City Council  
Mr. Chuck Dillerud, Acting Administrator

From: Kevin Corbid

Re: Financial Implications of Countywide Assessment

Thank you for the opportunity to present to your council last Tuesday evening. I have prepared more information related to the impact on taxpayers in Lake Elmo as you requested.

If the County Board decides to pursue countywide assessment it would not become effective until January 2, 2006. Because we do not know what the taxable market values on property in Lake Elmo and countywide for Pay 2006 will be, I have made the calculations based on this years tax and cost estimates. I have then used estimates of taxable value growth for the City and the County based on historic growth patterns to make an estimate of the 2006 financial implications.

Under this scenario, the City would no longer need to levy the roughly \$35,000 per year it pays to its local assessor. It is estimated that in 2006, the County would need to raise its levy in total by \$800,000 to absorb the costs countywide.

If this was in place in 2004 here are the cost implications for Lake Elmo residents. Of the additional \$800,000 levy, \$36,000 would have been paid by Lake Elmo residents. Again, this estimate is using the estimated levy increase for 2006, but the values and rates in place for 2004.

When we calculate an estimate using the projected value countywide in 2006 and the projected City total taxable value in 2006, it shows that the city taxpayers would be paying almost exactly the \$35,000 currently being paid. I am not familiar with the billing history of the local assessor, but if the cost of the local assessor's services were increasing each year this would also affect the calculations.

So, in summary, I think it is a fair assumption to say that the financial implication of moving to countywide assessment is a wash for the taxpayers of the City of Lake Elmo. If we are able to capture some of the operational efficiencies we believe we can gain under countywide assessment, then I would argue it will have a positive financial implication on your property owners.

<b>Lake Elmo City Council April 6, 2004</b>	<b>Agenda Section: City Administrators Report</b>	<b>No. 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>
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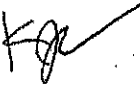
<p><b><u>Attachments:</u></b> 1. Kevin Corbid Memo of March 9, 2004</p>	<p><b><u>Time Allocated:</u></b></p>
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## MEMORANDUM

Date: March 9, 2004

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

From: Kevin Corbid, Director 

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:*

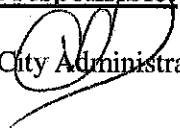
- ✓ We believe there are many benefits of having the County as the provider of services in all areas.
- ✓ The law currently provides that the County, through the County Assessor, is ultimately responsible for the quality of the assessment. However, in locally assessed areas, the County has little or 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.

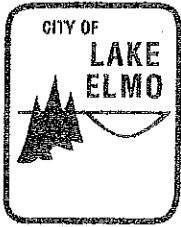
*Financial implications:*

- ✓ 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.

<p>Lake Elmo City Council May 4, 2004</p>	<p>Agenda Section: City Administrators Report</p>	<p>No. 11B</p>
<p><b>Agenda Item:</b> City Council Resignation – Chuck Siedow</p>		
<p><b><u>Background Information for May 4, 2004:</u></b></p> <p>By his letter to the Mayor &amp; Council dated April 27, 2004 Council Member Chuck Siedow has resigned from the Lake Elmo City Council. Mr. Siedow has purchased a home in Wisconsin, and will be moving there soon.</p> <p>City Attorney Filla has prepared the attached Resolution of the City Council accepting Mr. Siedow's resignation, and declaring the vacancy of the Council seat – as required by State Statute. The League's "Handbook for Minnesota Cities" advises statutory cities regarding the vacancy:</p> <p><b>"The council may appoint any individual who is eligible for election to that office. The council is not obligated to appoint any candidate previously defeated in an election for the office. The city council should fill the vacant office as soon as possible."</b></p> <p>The message appears to be that the Council should appoint an appropriate party to serve the remainder of Mr. Siedow's term – the balance of 2004. Upon adoption of the attached Resolution declaring the Council vacancy, the Council may wish to determine exactly how they will proceed with regard to the vacancy.</p>		
<p><b><u>Action items:</u></b></p> <p style="text-align: center;">041</p> <ol style="list-style-type: none"> <li>1. Motion to adopt Resolution #2204 - , declaring a vacancy on the City Council.</li> <li>2. Motion(s) either appointing an eligible party to fill the Council vacancy; or, establishing the process by which the Council will proceed with filling the vacancy.</li> </ol>	<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. Siedow Letter of April 27, 2004</li> <li>2. Draft Resolution #20004 – Declaring City Council Vacancy</li> </ol>	<p><b><u>Time Allocated:</u></b></p>	



## City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

April 27, 2004

Mayor Lee Hunt  
And  
Lake Elmo City Council Members

Ladies and Gentlemen:

I have decided to move my residence to the State of Wisconsin and anticipate closing on my new home during the first week in May, 2004. Therefore, I reluctantly submit my resignation as a Lake Elmo City Council Member effective immediately. I would like to express my appreciation to the citizens of Lake Elmo for giving me the opportunity to serve as a council member.

Very truly yours,

Chuck Siedow

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-041

A RESOLUTION ACCEPTING THE RESIGNATION OF CHARLES SIEDOW  
AS LAKE ELMO CITY COUNCIL MEMBER

WHEREAS, Council Member Charles Siedow has submitted his resignation from the Lake Elmo City Council as City Council Member,

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council accepts the resignation of Charles Siedow and declares a vacancy for the Council seat formerly held by Charles Siedow.

ADOPTED by the Lake Elmo City Council on this 4<sup>th</sup> day of May, 2004.

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

ATTEST:

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