

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

Lake Elmo City Council

Tuesday

May 18, 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.

6:30 p.m. Board of Review (Continuation)

Agenda

City Council Meeting Convenes 7:00 PM

Pledge of Allegiance

1. Agenda

2. Minutes

May 4, 2004

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. PUBLIC INFORMATIONAL:

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

4. CONSENT AGENDA

A. Resolution No. 2004-042: Approve claims

B. Resignation of Planning Commission Member

C. Resolution No. 2004-044: Authorizing Signature for Payments of Funds from the Lake Elmo Bank

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

5. FINANCE

A. Monthly Operations Report: Informational

Tom Bouthilet

6. NEW BUSINESS

A. Single Sort Residential Recycling

Tom Bouthilet

<p>7. <u>MAINTENANCE/PARK/FIRE/BUILDING:</u></p> <p>A. Carriage Station Play Set</p> <p>B. Update on Building Dept. Activities: Building Official</p>		
<p>8. <u>CITY ENGINEER'S REPORT:</u></p>	<p>Tom Prew</p>	
<p>9. <u>PLANNING, LAND USE & ZONING:</u></p> <p>A. Resolution No. 2004-043:Drainfield Setback Variance: Gary Webster, 3604 Layton Avenue</p> <p>B. Zoning Ordinance Amendment:Accessory Structures</p> <p>C. Consultant Selection Trail System Plan</p> <p>D. Fence Moratorium</p> <p>E. Variance Performance Process</p>	<p>C. Dillerud</p>	
<p>10. <u>CITY ATTORNEY'S REPORT:</u></p>		
<p>11. <u>CITY ADMINISTRATOR'S REPORT:</u></p> <p>A. City Council Appointment-Mayor Hunt</p> <p>B. Strategic Planning Session-Mayor Hunt</p>		
<p>12. <u>CITY COUNCIL REPORTS:</u></p> <p>A. Mayor Hunt</p> <p>B. Council Member DeLapp</p> <p>C. Council Member Dunn</p> <p>D. Council Member Johnston</p>		
<p>CLEAN-UP Day, May 22, 8-Noon, Washington County Fairgrounds</p>		

LAKE ELMO CITY COUNCIL MINUTES

MAY 4, 2004

1. AGENDA
2. MINUTES: APRIL 20, 2004
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. Public Inquiries
4. CONSENT AGENDA:
 - A. Water Ski Show: Joe Kiesling
 - B. Resolution No. 2004-037: Approve claims
5. FINANCE:
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. VFW Ball Field Lights
 - B. Update on Fir Dept. Activities: Chief Malmquist
8. CITY ENGINEER'S REPORT:
 - A. Resolution No. 2004-:Landscape Cul-de-Sacs:Invitation to residents NOT APPROVED
9. PLANNING, LAND USE & ZONING:
 - A. Resolution No. 2004-038:Section 520 Site Plan, 11343 39th Street N.
 - B. Resolution No. 2004-039: Conditional Use Permit Amendment/Site Plan Amendment – Country Sun Farm
 - C. Resolution No: 2004-040:OP Ordinance Setback Variance: Whistling Valley
10. CITY ATTORNEY'S REPORT
11. CITY ADMINISTRATOR'S REPORT:
 - A. Countywide Assessment Services
 - B. Resignation of Council Member:Resolution No. 2004-041
12. CITY COUNCIL REPORTS

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

1. AGENDA

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

2. MINUTES: APRIL 20, 2004

M/S/P Johnston/DeLapp - to approve the April 20, 2004 City Council minutes, as amended. (Motion passed 3-0-1Abstain:Dunn).

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. Public Inquiries

Mark Kimball, Lake Elmo resident, introduced himself and noted he is running for state legislature in District 56A, which covers Lake Elmo. He thanked the Council for standing up for this community with the Met Council.

4. CONSENT AGENDA:

A. Water Ski Show: Joe Kiesling

Joe Kiesling, Tri-Lakes Assoc., requested Council approval of a Water Surface Use Permit for the Annual Water Ski Show on Lake Jane, August 14, from 1-4:30 p.m. The Tri-Lakes Association has secured the appropriate insurance coverage, and the Sheriff's Department will sign off on the permit pending Council approval. The Fire Department will provide an emergency vehicle.

M/S/P DeLapp/Johnston – 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 1-4:30 p.m., based on the submittal of the appropriate information and on past favorable request. (Motion passed 4-0).

B. Resolution No. 2004-037: Approve Claims

M/S/P DeLapp/Johnston – to adopt Resolution No. 2004-037 approving claim numbers 200, 201, DD148 through DD153 15506 through 25518 that were used for staff payroll dated April 29, 2004 and claim numbers 25519 through 25557 dated May 4, 2004 in the total amount of \$118,663.94. (Motion passed 4-0).

5. FINANCE:

6. NEW BUSINESS:

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. VFW Ball Field Lights

The staff mailed out invitations to the neighborhood around the VFW ball field to visit the Bielenberg Sports Center in Woodbury, which has the same model of lights on its ball field that Lake Elmo is contemplating installation at the VFW field. The letter noticed the neighbors that this matter will be placed on the City Council agenda for May 4th.

Bob Schumacher, Parks Commission Chair, reported the Commission looked at cost efficiency of the lights, weighed the facts, and recommended approval. Council member DeLapp visited Bielenberg Sports Center in Woodbury and used a light meter to measure the amount of light generated and was concerned that there would be lighter than the manufacturer estimated.

Council member Johnston said he also visited the Woodbury Sports Center and made the observation that it was too dark to drive through the parking lot and was amazed how quickly the lighting fell off a short distance from the field. Council member Dunn said she was concerned with the containment of the lights and wanted to make sure they were controlled to one area.

Council member DeLapp stated he will vote for approval because no one from the neighborhood came forth with objections, and it will take sometime for the old village plan to be completed. Mayor Hunt stated the residents had a chance to advise the Council of their concerns and no one came. He supported the ball field light proposal.

Council member DeLapp asked that a condition be added that MUSCO lighting test and meet the foot candles shown on the drawings and have the lights turned off as soon as they are no longer necessary on the field and replaced with lower level lights for people to leave the field and get to their vehicles.

Mr. Schumacher said that placing some exit lighting in the area would be an extra cost. He said he would check if exit lighting is necessary.

M/S/P DeLapp/Dunn – to authorize City Staff to enter into a purchase agreement with MUSCO Lighting for installation of the poles for VFW Ball Field Lights Project as detailed by the City Engineer's letter of April 14, 2004, to accept the quote from Arcade Electric for the electrical wiring and cabinet work, and including the alternative for additional light spill control provided that the lights meet the performance specifications provided by MUSCO lighting before final payment is made, and to add alternate lighting for safe exit when lights are turned off and to acquire an easement from the Hagbergs for a utility easement. (Motion passed 4-0.)

B. Update on Fire Dept. Activities: Chief Malmquist

Chief Malmquist and the Lake Elmo Fire Department were in attendance to demonstrate the airpicks and masks bought with grants for each fire fighter and the new helmets purchased with raffle proceeds. The Chief announced that each firefighter has taken and passed the Firefighter II exam. Firefighters Durrow, Somner, Tremain have passed the hazardous waste materials class funded through Washington County.

Fire Fighter Bruce Cohen reported the Fire Department is forming a Fire Explorer Scout Post. Post membership is open to youths who live, work, or attend school in Lake Elmo. Those interested in learning more about the Fire Explorer Scout Program are invited to an open house from 7 p.m. to 9 p.m. on Sunday, May 16 at Lake Elmo Station One.

Chief Malmquist asked for Council approval to remove as probationary members and place as Fire Fighters, Brian Hauser, Lee Olson, Dan Lavasseur, Steve Rutowski.

M/S/P Dunn/Johnston – to take off probation and promote to Fire Fighter status: Brian Hauser as Fire Fighter #77, Lee Olson as Fire Fighter #78, Dan Lavoisier as Firefighter #79, and Steve Rutowski as Fire Fighter #80. (Motion passed 4-0).

8. CITY ENGINEER'S REPORT:

A. Resolution No. 2004-038:Landscape Cul-de-Sacs:Invitation to residents

At the April 20th meeting, the Council awarded the contract for the 2004 Overlay Project to the lowest bidder, Tower Asphalt for their base bid of \$62,800. The Engineer advised the Council will have to make a decision if its wishes to include the landscape cul-de-sacs 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 options as to whether that cul-de-sac project alternate should be undertaken by the City.

Tom Prew gave a brief presentation of examples of landscaped islands. He noted that it would be the homeowner's responsibility for maintaining the islands.

Jim Trevis, 4850 Jerome Avenue N., said he loves the look of the landscape cul-de-sacs, but was opposed to the idea because of potential problems with snow removal. People play ball in this area. They don't have a homeowner's association so it would be him and his wife maintaining the plantings.

Joan Porcher, 4990 Jasper Avenue N., voiced her concern on the width of the street for not being wide enough for vehicles, such as a recycling truck, to get through. Also, children ride their bikes and play basketball in this area.

Monique Kolb, 9387 Jane Circle N., had a concern on the safety issue for children playing and it would make it difficult for them to backup their boat. The landscaping would be difficult to maintain and there must be other things to spend the money on.

Paula Wood, 9389 Jane Circle N., said there are only two houses on the cul-de-sac and the landscape island would obstruct the view. She said it would be up to her and her neighbor to maintain the plantings, which did not interest them. She also had a concern on ease for snowplowing.

M/S/P Dunn/Johnston – that the Council will not adopt the draft resolution awarding the cul-de-sac asphalt removal bid alternate for the 2004 Overlay Project based on the objections of the property owners involved. (Motion passed 4-0).

9. PLANNING, LAND USE & ZONING:

A. Resolution No. 2004-038:Section 520 Site Plan, 11343 39th Street N.

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 11343 39th Street N. 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 Planning

Commission recommended that the proposal to construct 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. The applicant was asked to move the secondary drain field location a few feet east to assure a full 20 foot setback to the structure addition, assuming suitable soils.

M/S/P DeLapp/Johnston – to adopt Resolution No. 2004-038, approving the Section 520 Site Plan for an addition to the structure at 11343 39th 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. (Motion passed 4-0.)

B. Resolution No. 2004-039: Conditional Use Permit Amendment/Site Plan Amendment – Country Sun Farms

Richard Berman, Country Sun Farm Greenhouses, at 11211 60th Street North, has made application to amend its 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. At its April 26 meeting, the Planning Commission recommended approval of this application. There was some objection to the east setback and with the nature of the use that may result from the structural expansion as proposed.

Council member DeLapp indicated the lighting is not shielded and the signage is 6' feet and does not meet the code and asked that conditions be added for signage, lighting, berms for screening, parking be added to the Resolution.

Mayor Hunt said there were no objections from the neighbors, the business is of a seasonal nature, and the new signal light at the intersection of CSAH17 and Hwy 16 will help.

Council member DeLapp responded that the neighbors have no effect in this. The Bergmans are great people who have lived in the City and had their agricultural business for a long time, but the Conditional Use Permit should stand on its own merits.

M/S/P Dunn/Johnston – to adopt Resolution No. 2004-039, 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. (Motion 4-0.)

C. OP Ordinance Setback Variance: Whistling Valley

When the City Council approved Whistling Valley (First Addition) in 2003, a 100 foot buffer setback to the east was permitted since OP development of the land to the east was possible due to parcel size. Bald Eagle Development provided a landscape plan for his east property line as is require where a 100 foot buffer is substituted for a 200 foot buffer. The land to the east is being developed as a OP-Whistling Valley 2nd Addition which

features a sizeable 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).

Bald Eagle Development has required a four-fifths OP variance to eliminate the 100 foot east buffer of Whistling Valley since the approved design of Whistling Valley 2nd Addition will result in no homes in proximity to those side/rear yards which will enable additional flexibility as to house location on the 4 lots in Whistling Valley.

M/S/P DeLapp/Johnston – to adopt Resolution No. 2004-040, Approving an OP 4/5th variance for Whistling Valley to eliminate the 100 foot buffer requirement on Lot 4, Block 5; and Lots 1-3, Block 6. (Motion passed 4-0.)

10. CITY ATTORNEY'S REPORT:

Hill Trail Property

Council member Johnston explained a resident on Hill Trail, who received Council approval for a variance to build a garage, has removed trees and vegetation. He noted the Building Official inspected the property on Sunday (5/2) and the silt fence was not installed and still not installed as of this meeting. Johnston added that this resident told council members that he would preserve the trees and vegetation. A submittal of a landscape plan was not a condition of the variance approval because they took the resident's word. In order to prevent this situation from happening again, the Council said it would have to be very careful to add all conditions for approval. A landscape plan and performance bond should be required.

Discussion on the process of variance performance will be added as an agenda item under Planning, Land Use and Zoning for the May 18th Council agenda.

Fence on Marquess

Attorney Filla reported he talked to Chad Simich who agreed to get a quote to bring the segment on the street side into City compliance. Midwest Fence provided an estimate which includes cost of replacing the existing 72" high fence section along the street (including the existing double drive gate) and full cost recovery for the 72" fence running perpendicular from the street to the rear of the house which will be torn down. Mr. Simich wanted to be assured that craftsmanship and materials will be of consistent quality and design standard with the rest of the fence.

Council member Johnston said this is a shared responsibility on both sides and would be amenable to pay up to half the cost of the fence replacement. Chad Simich responded a simple telephone call from the City would have prevented this situation. He said the design change he made to the fence was made because of the input of the City and that this input affected not only him, but was repeated to his neighbor and the Homeowner's Association. He said the Building Official visited his property and had walked the fence line.

Mayor Hunt said he would be willing to cover the cost because the City should share in the cost because of the confusion of the interpretation of the ordinance.

M/S/P Johnston/Dunn -- to approve the replacement of the fence segment for Chad Simich, 12167 Marquess Lane Cove N., per the quote from Midwest Fence, per quote received by Attorney Filla, not to exceed \$2,280 with submittal of the paperwork to the City. (Motion passed 4-0).

Council member DeLapp asked if Mr. Simich's homeowner's insurance would cover issues like this. Mr. Simich said at this point it is a voluntary action on his part, and he would not file a claim against his insurance. Mr. Simich added we have a current interpretation of the solid fence so he was making the assumption he was done with the fence issue and will not be before this council again. Attorney Filla said this is no doubt the least expensive solution in this matter.

11. CITY ADMINISTRATOR'S REPORT:

A. Countywide Assessment Services

The City has received 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. The County is expecting the Council to take a position on this County concept.

Council member Dunn said she did not like the Countywide assessment services because it reduced the level of services to our residents, not beneficial to the City, and it would end up costing the taxpayers more. The remainder of the Council agreed with Council member Dunn's reasons and was opposed to the countywide assessment services.

M/S/P Dunn/DeLapp - to direct the Acting City Administrator to write a letter, consistent with examples of letters received and expressing Council member's Dunn reasons that the position of Lake Elmo was not in favor of the concept of countywide assessment services. (Motion passed 4-0.)

B. Resignation of Council Member: Resolution No. 2004-041

The Council received a letter of resignation from the Lake Elmo City Council from Chuck Siedow because he has purchased a home in Wisconsin and will be moving there soon. A resolution of the City Council accepting Mr. Siedow's resignation and declaring the vacancy of the Council seat was provided for Council approval.

The Council discussed the options of either appointing a person to serve out the rest of Siedow's term, which expires at the end of the year, leave the seat open, or hold a special election. Council member Johnston suggested that they chose someone who wouldn't be running for City Council this November since it might give them an unfair advantage. Former Council member Wyn John was a possibility. Other Council members disagreed with that suggestion. They agreed that they wanted to appoint an experienced person or someone who was up to speed on city issues.

Council member DeLapp said they should choose someone who was in support of the City's Comprehensive Plan.

Mayor Hunt said anyone interested in the position can e-mail him. Council members will also submit names of possible candidates. These names will be brought to the May 18th Council meeting when they will decide if they will hold interviews with each of the candidates before appointing someone.

M/S/P Johnston/Dunn – to adopt Resolution No. 2004-041, Accepting the resignation of Charles Siedow and Lake Elmo City Council Member and declaring a vacancy for the Council seat formerly held by Charles Siedow. (Motion passed 4-0).

Fence Moratorium

Attorney Filla provided a draft moratorium ordinance on fences which the Council will add to the May 18th Council agenda.

12. CITY COUNCIL REPORTS

Mayor Hunt reported he, Council members Johnston and Dunn attended the Fire Department workshop and decided to wait until the City Administrator came on board. On Tuesday, May 11, he will attend the East Metro mayor's Forum. He received, and will not be able to attend, a regional policy conference on Wednesday, May 16, convened by the Met Council, the University of MN and the McKnight Foundation. Deadline is May 12. Peter Bell, Chair of the Met Council will be the moderator for many of the conference items. The Council indicated that it definitely needed someone to attend and then would ask the Acting City Administrator to coordinate attendance.

Council member Dunn announced that City Pages, the On-Line News & Arts Weekly of the Twin Cities, announced Lake Elmo Mayor Lee Hunt as the best mayor.

Council member Johnston reported that AMM has chosen a council member from Hugo to serve on the Board of Directors.

The City of Afton will have a forum on June 3rd on development. Mayor Hunt will give 20 minutes of remarks on Open Space developments in harmony with the environment.

Council Adjourn meeting at 9:10 p.m.

Respectfully submitted by Sharon Lumby, Deputy Clerk

Resolution No. 2004-037 Approve Claims

Resolution No. 2004-038 Section 520 Site Plan, Retail Construction

Resolution No. 2004-039 CUP/Site Plan Amendment-Country Sun Farms

Resolution No. 2004-040 Approve an OP 4/5ths variances for Whistling Valley

Resolution No. 2004-041 Accept resignation of Charles Siedow as City Council Member

MINUTES APPROVED: May 4, 2004
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 35th Street, Eisele
 - B. Resolution No. 2004-033, OP Development Stage Plan/CUP/Preliminary Plat: Whistling Valley 2nd 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 and 2004-035: 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 as 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 4th 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 35th Street

The Planner reported that at its April 6th 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 35th 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 2nd 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 2nd 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 18th 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 Comprehensive Plan. He suggested that the City shouldn't close off that avenue and that the City continue talking with the Met Council to obtain a better definition of what they may be prepared to entertain 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, would destroy the City as we know it today because of the population shift that would result in urban development throughout the City in any undeveloped land that could potentially have access to sewer.

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 18th 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 18th 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 service 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.

Mayor Hunt and 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 8th.

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.

Respectfully submitted by Sharon Lumby, Deputy Clerk

Resolution No. 2004-027 Zoning Variance, 11094 35th Street, Eisele

Resolution No. 2004-031 Approve Claims

Resolution No. 2004-032 Accept Bids for 2004 Overlay Project

Resolution No. 2004-033 OP Development Stage Plan/CUP Preliminary Plat: Whistling Valley 2nd Addition

Resolution No. 2004-034 PUD Final Plan Amendment: United Properties Directional Sign

Resolution No. 2004-035 Approve Claim

Resolution No. 2004-036 West Lakeland Township Joint Resolution for Orderly Annexation

4A.

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

**RESOLUTION NO. 2004-042
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 202, 203, DD154 through DD163 25558 through 25590, were used for Fire/ Staff, payroll dated May 13, 2004, Claim Numbers 25591 through 25640 dated May 18, 2004 in the total amount of \$116,333.88 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 18th day of May, 2004.

Lee Hunt
Mayor

ATTEST:

Charles E. Dillerud
Acting City Administrator

Accounts Payable
Computer Check Proof List

User: administrator
Printed: 05/13/2004 - 3:53 PM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:ABDO 214510	Abdo Eick & Meyers Year-End Audit Services Check Total:	5,895.41 5,895.41	05/18/2004	Check Sequence: 1 101-410-1530-43010	ACH Enabled: No
Vendor:ARAM 629-5463881	Aramark Linen City Hall Check Total:	42.78 42.78	05/18/2004	Check Sequence: 2 101-410-1940-44010	ACH Enabled: No
Vendor:BRYAN 15038	Bryan Rock Products, Inc. Baseball Field Agg. Check Total:	391.98 391.98	05/18/2004	Check Sequence: 3 101-450-5200-42250	ACH Enabled: No
Vendor:BURBBLAC 4993	Burberl Black Dirt, Inc. Black Dirt Check Total:	143.78 143.78	05/18/2004	Check Sequence: 4 101-430-3100-42250	ACH Enabled: No
Vendor:CAPCITMU	Capital City Mutual Aid Assn Annual Membership Dues Check Total:	50.00 50.00	05/18/2004	Check Sequence: 5 101-420-2220-44330	ACH Enabled: No
Vendor:CARQUEST D337244 D339351	Car Quest Equipment Part-Parks Equipments Parts-Parks Check Total:	4.04 18.70 22.74	05/18/2004 05/18/2004	Check Sequence: 6 101-450-5200-42210 101-450-5200-42210	ACH Enabled: No
Vendor:COPYIMAG 47268	Copy Images, Inc. Supplies for Copy Machine	99.63	05/18/2004	Check Sequence: 7 101-410-1940-44040	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	99.63			
Vendor:DILLERUD Claim	CharlesDillerud Travel-Planning Seminar Check Total:	399.75 399.75	05/18/2004	Check Sequence: 8 101-410-1910-43310	ACH Enabled: No
Vendor:ELMOLUM 0125276 0125277 0125733 0125823	Elmo's Lumber & Plywood Floor Dry & Light Bulbs-Fire Drill Bits, Drill & Sockets-Parks Supplies-Fire Wire Crimper Parks Check Total:	22.44 18.79 14.02 20.54 75.79	05/18/2004 05/18/2004 05/18/2004 05/18/2004	Check Sequence: 9 101-420-2220-42230 101-450-5200-42400 101-420-2220-42230 101-450-5200-42400	ACH Enabled: No
Vendor:FARMERS 141352 141372	Farmers Union Co-Op Oil Fuel-Fire Dept. Fuel-Bldg Dept. Check Total:	46.50 49.00 95.50	05/18/2004 05/18/2004	Check Sequence: 10 101-420-2220-42120 101-420-2400-42120	ACH Enabled: No
Vendor:FIREEQUI 3625	Fire Equipment Specialties 12 Sets of Turnout Gear-Fire Dept. Check Total:	15,857.92 15,857.92	05/18/2004	Check Sequence: 11 410-480-8000-45800	ACH Enabled: No
Vendor:GENUINE 404283	Genuine Parts Co. Vehicle Battery-Fire Dept. Check Total:	65.98 65.98	05/18/2004	Check Sequence: 12 101-420-2220-42210	ACH Enabled: No
Vendor:GRAFIX 35296	Grafix Shoppe Vehicle Marking Unit 3178-Fire Dept. Check Total:	400.00 400.00	05/18/2004	Check Sequence: 13 410-480-8000-45500	ACH Enabled: No
Vendor:HAGBERGS	Hagbergs Country Market Refreshments-Training Meeting-Fire Dept. Rolls-Administrator Interview Meetings Check Total:	39.95 8.97 48.92	05/18/2004 05/18/2004	Check Sequence: 14 101-420-2220-44300 101-410-1110-44300	ACH Enabled: No
Vendor:KUPFERS	Raleane R.Kupferschmidt Repairs due Legion Station Lift Failed	75.00	05/18/2004	Check Sequence: 15 602-495-9450-44030	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	75.00			
Vendor:LEOIL B01203 S01203 S01208	Lake Elmo Oil, Inc. Bulk Fuel Public Works Fuel-Fire Dept. Fuel-Parks Deot. Check Total:	841.84 234.77 28.41 1,105.02	05/18/2004 05/18/2004 05/18/2004	Check Sequence: 16 101-430-3100-42120 101-420-2220-42120 101-450-5200-42120	ACH Enabled: No
Vendor:LUMBY Claim	SharonLumby Dinners-Board of Review Meeting Check Total:	48.00 48.00	05/18/2004	Check Sequence: 17 101-410-1520-44300	ACH Enabled: No
Vendor:MARONEYS 044999 044999 044999	Maroney's Sanitation, Inc Refuse Removal-City Hall Refuse Removal-Public Works Refuse Removal-Parks Check Total:	95.89 95.89 183.96 375.74	05/18/2004 05/18/2004 05/18/2004	Check Sequence: 18 101-410-1940-43840 101-430-3100-43840 101-450-5200-43840	ACH Enabled: No
Vendor:MCLEOD 4643237 4643237 4643237 4643237 4643237 4643237 4643237 4643237 4643237 4643237	McLeod USA Line Service-Public Works Line Service-Well #1 Line Service-Lift Station Line Service-Well House #2 Line Service-Lift Station Line Service-Parks Line Service-City Hall Line Service-Fire Line Service-Fire Check Total:	129.14 60.40 60.40 47.39 58.79 67.32 284.27 50.22 113.33 871.26	05/18/2004 05/18/2004 05/18/2004 05/18/2004 05/18/2004 05/18/2004 05/18/2004 05/18/2004 05/18/2004	Check Sequence: 19 101-430-3100-43210 601-494-9400-43210 602-495-9450-43210 601-494-9400-43210 602-495-9450-43210 101-450-5200-43210 101-410-1940-43210 101-420-2220-43210 101-420-2220-43210	ACH Enabled: No
Vendor:MENARDST 85550	Menards - Stillwater Sprinkler Repairs Check Total:	41.01 41.01	05/18/2004	Check Sequence: 20 101-430-3100-42230	ACH Enabled: No
Vendor:MES 213934	Municipal Emergency Services Equipment Tool - Fire Dept. Check Total:	54.00 54.00	05/18/2004	Check Sequence: 21 101-420-2220-42400	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: MILLEREX 9371	Miller Excavating, Inc. Grade Gravel Roads Check Total:	863.50 863.50	05/18/2004	Check Sequence: 22 101-430-3100-44030	ACH Enabled: No
Vendor: MINNCHEM 284496	MINNESOTA CHEMICAL CO. Gear Washer-Fire Deot. Check Total:	3,572.54 3,572.54	05/18/2004	Check Sequence: 23 410-480-8000-45800	ACH Enabled: No
Vendor: Natl Wat 1233396	National Waterworks Wire Connectors-Water Reading Equip. Check Total:	32.56 32.56	05/18/2004	Check Sequence: 24 601-494-9400-42300	ACH Enabled: No
Vendor: NFPA 1047690	NFPA National Fire Code Subscription Renewal Check Total:	695.00 695.00	05/18/2004	Check Sequence: 25 101-420-2220-44330	ACH Enabled: No
Vendor: NORTHTOO 09953696 09995922	Northern Tool & Equipment Transfer Pump Tow Strap & Booster Cables Check Total:	21.29 47.90 69.19	05/18/2004 05/18/2004	Check Sequence: 26 101-430-3100-42400 101-430-3100-42400	ACH Enabled: No
Vendor: OAKDALE 1000039700 1000046000	City of Oakdale Water-North Water-South Check Total:	1,771.73 3,595.62 5,367.35	05/18/2004 05/18/2004	Check Sequence: 27 601-494-9400-43820 601-494-9400-43820	ACH Enabled: No
Vendor: OFFICEMA	OfficeMax Office Chair-Receptionist Check Total:	159.74 159.74	05/18/2004	Check Sequence: 28 101-410-1320-42000	ACH Enabled: No
Vendor: ONECALL 4040486	Gopher State One-Call One Call Concepts, Inc Line Locates-April Check Total:	143.75 143.75	05/18/2004	Check Sequence: 29 101-430-3100-44300	ACH Enabled: No
Vendor: PELNAR April 04	KathiPelnar Animal Control Services-April 04 Check Total:	1,152.39 1,152.39	05/18/2004	Check Sequence: 30 101-420-2700-43150	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:PETERSO 11135M	Peterson Fram & Bergman Legal Services-Administration	2,346.98	05/18/2004	Check Sequence: 31 101-410-1610-43040	ACH Enabled: No
11140M	Legal Services-Criminal Prosecutions	3,964.04	05/18/2004	101-410-1610-43045	
11145M	Legal Services-Public Improvement	88.00	05/18/2004	410-480-8000-43040	
11155M	Legal Services-Civil Litigation	654.43	05/18/2004	101-410-1610-43040	
11161M	Legal Services-Auto Forfeiture	109.00	05/18/2004	101-410-1610-43045	
	Check Total:	7,162.45			
Vendor:PINKY 35111	Pinky's Sewer Service, Inc. Pumping-Lift Station Failure-Resident	150.00	05/18/2004	Check Sequence: 32 602-495-9450-44300	ACH Enabled: No
35112	Pumping-Legion Lift Station	150.00	05/18/2004	602-495-9450-44300	
	Check Total:	300.00			
Vendor:PRESS	StevenPress Cable Operator	80.00	05/18/2004	Check Sequence: 33 101-410-1320-44300	ACH Enabled: No
	Check Total:	80.00			
Vendor:REDWING	RED WING FIRE CONVENTION FUND MSFDA Fire Conference-Collyard	185.00	05/18/2004	Check Sequence: 34 101-420-2220-44370	ACH Enabled: No
	Check Total:	185.00			
Vendor:Reserve	Pitney BowesReserve Account Postage - Mailing of Surface Water Utilit	500.00	05/18/2004	Check Sequence: 35 101-410-1320-43220	ACH Enabled: No
	Check Total:	500.00			
Vendor:ROGERS 11482	Rogers Printing Services Printing-Water Invoices	69.23	05/18/2004	Check Sequence: 36 601-494-9400-42030	ACH Enabled: No
11482	Printing-Bldg Forms	298.20	05/18/2004	101-420-2400-42030	
	Check Total:	367.43			
Vendor:RUD	DianePrince-Rud Cleaning-City Hall	240.00	05/18/2004	Check Sequence: 37 101-410-1940-44010	ACH Enabled: No
	Cleaning-Fire Hall	240.00	05/18/2004	101-420-2220-44010	
	Check Total:	480.00			
Vendor:SATELLIT 24180608	Satellite Shelters, Inc. Bldg Office Rental	319.50	05/18/2004	Check Sequence: 38 101-420-2400-44120	ACH Enabled: No
	Check Total:	319.50			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: TRISTATE S07260	Tri State Bobcat, Inc. Bobcat Trade-in Check Total:	1,917.00 1,917.00	05/18/2004	Check Sequence: 44 410-480-8000-45400	ACH Enabled: No
Vendor: TWINCIT 196	Twin City Water Clinic, Inc. Water Analysis-April 2004 Check Total:	20.00 20.00	05/18/2004	Check Sequence: 45 601-494-9400-43030	ACH Enabled: No
Vendor: USBANK 33404800	US Bank Trust N.A. Water Revenue Bond Payment Check Total:	14,783.75 14,783.75	05/18/2004	Check Sequence: 46 601-494-9400-46110	ACH Enabled: No
Vendor: USPOST	United States Postal Service Postage for Newsletters & Septic Mailing Check Total:	500.00 500.00	05/18/2004	Check Sequence: 47 101-410-1320-43220	ACH Enabled: No
Vendor: VISA	Visa Planning Seminar Sewer Seminar Check Total:	40.36 61.32 101.68	05/18/2004 05/18/2004	Check Sequence: 48 101-410-1910-44370 602-495-9450-44370	ACH Enabled: No
Vendor: VISIONAR 36671	Visionary Systems, Ltd. Software Support Annual Renewal-Fire Dep Check Total:	700.00 700.00	05/18/2004	Check Sequence: 49 101-420-2220-44330	ACH Enabled: No
Vendor: XCEL 0044445749119 0084044646118 0176825022118 0417949252118 0446544592118 0573240678118 0592147254119 0614943270118 0777146175118 1278842757119 1427822590119 1577643354118 1684846045117 1957348187118	Xcel Energy	23.76 226.78 17.40 304.48 19.80 74.57 7.41 26.00 7.41 398.12 40.63 211.87 11.81 12.97	05/18/2004 05/18/2004 05/18/2004 05/18/2004 05/18/2004 05/18/2004 05/18/2004 05/18/2004 05/18/2004 05/18/2004 05/18/2004 05/18/2004 05/18/2004 05/18/2004	Check Sequence: 50 101-450-5200-43810 101-430-3100-43810 101-430-3160-43810 101-410-1940-43810 101-430-3160-43810 101-450-5200-43810 101-450-5200-43810 101-430-3160-43810 101-450-5200-43810 601-494-9400-43810 602-495-9450-43810 101-450-5200-43810 602-495-9450-43810 602-495-9450-43810	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
2045967139120		453.83	05/18/2004	601-494-9400-43810	
2175049940118		93.26	05/18/2004	101-450-5200-43810	
2332806007122		1,520.20	05/18/2004	101-430-3100-43810	
	Check Total:	<u>3,450.30</u>			
	Total for Check Run:	85,198.19			
	Total Number of Checks:	50			

Suite 300
50 East Fifth Street
St. Paul, MN 55101-1197

PETERSON,
FRAM & BERGMAN
PROFESSIONAL ASSOCIATION

(651) 291-8955
(651) 228-1753 facsimile
Federal Tax ID #41-0991098

CITY OF LAKE ELMO
3800 Laverne Avenue North
Lake Elmo MN 55042

Page: 1
04/30/2004
ACCOUNT NO: 11135M

	FEES	EXPENSES	ADVANCES	BALANCE
11135-030008 SIMICH FENCE	275.00	0.32	0.00	\$275.32
11135-040003 MANNING TRAIL ANNEXATION	44.00	0.00	0.00	\$44.00
11135-040004 NORTHERN NATURAL GAS - PIPELINE	33.00	0.00	0.00	\$33.00
11135-920001 Administration	1,972.50	1.61	20.55	\$1,994.66
	<u>2,324.50</u>	<u>1.93</u>	<u>20.55</u>	<u>\$2,346.98</u>

101-410-1610-43040

THIS STATEMENT IS DUE AND PAYABLE TO THE END OF THE MONTH.
PAYMENTS RECEIVED AFTER THE LAST DAY OF THE MONTH WILL BE CREDITED TO THE NEXT MONTH'S STATEMENT.
PLEASE RETURN ONE COPY OF STATEMENT WITH PAYMENT.

Suite 300
50 East Fifth Street
St. Paul, MN 55101-1197

PETERSON,
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

(651) 291-8955
(651) 228-1753 facsimile
Federal Tax ID #41-0991098

CITY OF LAKE ELMO
3800 LAVERNE AVENUE NORTH
LAKE ELMO MN 55042

Page: 1
04/30/2004
ACCOUNT NO: 11135-030008M
STATEMENT NO: 4

SIMICH FENCE

	HOURS	
04/09/04 JPF Telephone conference with Ms Simich; Johnston re: meeting dates.	0.30	33.00
04/12/04 JPF Telephone conference with adm; Simich re: meetings.	0.30	33.00
04/13/04 JPF Conference with Adm; bldg inspec; Johnson; Simich re: fence compliance.	1.30	143.00
04/14/04 JPF Letter to Simich re: status.	0.30	33.00
04/30/04 JPF Telephone conference with Simich re: status of quotes for fence revisions.	0.30	33.00
Jerome P. Filla	2.50	275.00
FOR CURRENT SERVICES RENDERED	2.50	275.00
Photocopies		0.30
TOTAL EXPENSES THRU 04/30/04		0.30
SALES TAX ON EXPENSES		0.02
TOTAL CURRENT WORK		275.32
BALANCE DUE		<u>\$275.32</u>

THIS STATEMENT IS DUE AND PAYABLE TO THE END OF THE MONTH.
PAYMENTS RECEIVED AFTER THE LAST DAY OF THE MONTH WILL BE CREDITED TO THE NEXT MONTH'S STATEMENT.
PLEASE RETURN ONE COPY OF STATEMENT WITH PAYMENT.

Suite 300
50 East Fifth Street
St. Paul, MN 55101-1197

PETERSON,
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

(651) 291-8955
(651) 228-1753 facsimile
Federal Tax ID #41-0991098

CITY OF LAKE ELMO
3800 LAVERNE AVENUE NORTH
LAKE ELMO MN 55042

Page: 1
04/30/2004
ACCOUNT NO: 11135-040003M
STATEMENT NO: 2

MANNING TRAIL ANNEXATION

	HOURS	
04/09/04 JPF Revise JT resol; tele and corr Prew.	0.40	44.00
Jerome P. Filla	0.40	44.00
FOR CURRENT SERVICES RENDERED	0.40	44.00
TOTAL CURRENT WORK		44.00
BALANCE DUE		<u>\$44.00</u>

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CITY OF LAKE ELMO
3800 LAVERNE AVENUE NORTH
LAKE ELMO MN 55042

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04/30/2004
ACCOUNT NO: 11135-040004M
STATEMENT NO: 2

NORTHERN NATURAL GAS - PIPELINE

	HOURS	
04/20/04 JPF Telephone conference with Land Trust re: consv esmt; landscaping request to NN Gas.	0.30	33.00
Jerome P. Filla	0.30	33.00
FOR CURRENT SERVICES RENDERED	0.30	33.00
TOTAL CURRENT WORK		33.00
BALANCE DUE		<u>\$33.00</u>

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CITY OF LAKE ELMO
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04/30/2004
ACCOUNT NO: 11135-920001M
STATEMENT NO: 148

Administration

	HOURS	
04/06/04 JPF Review council agenda; tele adm.	0.60	66.00
JPF Prepare for and attend council meeting.	3.10	341.00
04/07/04 JPF Review proposed personnel reg revisions; tele clerk.	1.10	121.00
04/09/04 JPF Review PC agenda.	0.30	33.00
JPF Telephone conference with Prew re: Hagberg esmt.	0.20	22.00
04/13/04 JPF Prepare for code enforcement workshop.	0.90	99.00
JPF Telephone conference with adm re: Simich; re: Zafte investigation; re: animal cruelty investigation.	0.30	33.00
JPF Telephone conference with Hunt re: Johnson memo.	0.30	33.00
04/14/04 JPF Review Moris, Blackford, Dev K, esmt and esmt vacation; tele planner and clerk.	1.10	121.00
04/16/04 JPF Review city maps re: Morris ppty esmts; conf clerk and planner.	0.80	88.00
04/19/04 JPF Review agenda; tele planner.	0.50	55.00
04/20/04 JPF Review Martins subp; release form; rev personnel file; conf Tom B; tele and corr Atty Bowsfield re: records and depo; research workers comp regs.	2.10	231.00
JPF Prepare for and attend council meeting.	2.20	242.00
04/21/04 JPF Review Cimarron Gas Service inspec agreement; tele planner re: revisions.	0.50	47.50
04/22/04 JPF Telephone conference with Atty Anastasi re: city esmts, Morris ppty.	0.40	44.00
04/23/04 JPF Review PC agenda, history of use, old city files.	0.80	88.00

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CITY OF LAKE ELMO

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04/30/2004

ACCOUNT NO: 11135-920001M

Administration

STATEMENT NO: 148

	HOURS	
04/26/04 JPF Telephone conference with L. Hardy re: code enforcement.		
JPF Telephone conference with Adm re: code enforcement.	0.30	33.00
	0.30	33.00
04/27/04 JPF Telephone conference with Siedow re: resign corr.	0.20	22.00
04/28/04 JPF Telephone conference with clerk re: liquor regs; review.	0.50	55.00
04/30/04 JPF Telephone conference with clerk re: resol accept Seidow resignation and appt process.	0.30	33.00
JPF Telephone conference with planner; rev fence regs; draft moratorium; corr to planner.	1.20	132.00
Jerome P. Filla	<u>18.00</u>	<u>1,972.50</u>
FOR CURRENT SERVICES RENDERED	<u>18.00</u>	<u>1,972.50</u>
Fax Charge - Local		1.50
TOTAL EXPENSES THRU 04/30/04		<u>1.50</u>
SALES TAX ON EXPENSES		0.11
04/20/04 Messenger Service - CITYSPRINT		20.55
TOTAL ADVANCES		<u>20.55</u>
TOTAL CURRENT WORK		1,994.66
BALANCE DUE		<u><u>\$1,994.66</u></u>

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CITY OF LAKE ELMO
3800 Laverne Avenue North
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Page: 1
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ACCOUNT NO: 11140M

	FEEES	EXPENSES	ADVANCES	BALANCE
11140-030001 Misc Prosecutions	2,735.00	26.54	0.00	\$2,761.54
11140-030012 Magee, Robert H. Reckless driving, leave scene of accident	22.50	0.00	0.00	\$22.50
11140-030110 Jerry, Michael Dennis 5th degree domestic assault Violate OFF	5.00	0.00	10.00	\$15.00
11140-030170 Kuehn, James	430.00	0.00	0.00	\$430.00
11140-030205 Horning, Erick Paul DAS	5.00	0.00	0.00	\$5.00
11140-030219 Zafft, Marsha Ann criminal damage to property	22.50	0.00	0.00	\$22.50
11140-030243 Burch, Kenneth Milton test refusal, 3rd degree DUI	22.50	0.00	0.00	\$22.50
11140-040032 Langseth, Cindy Lee domestic assault	5.00	0.00	10.00	\$15.00

101-410-1610-43045 3964.04

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CITY OF LAKE ELMO

Page: 2
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	FEEES	EXPENSES	ADVANCES	BALANCE
11140-040036 Pilquist, John Walfred 3rd degree DUI	45.00	0.00	0.00	\$45.00
11140-040051 Post, Daniel Christopher DAS	5.00	0.00	0.00	\$5.00
11140-040052 Simonton, William James Christian 3rd degree DUI	30.00	0.00	0.00	\$30.00
11140-040058 Vang, Cheng Johnny school bus arm violation	27.50	0.00	0.00	\$27.50
11140-040060 Luger, Tyson DAR, no insurance	5.00	0.00	0.00	\$5.00
11140-040072 Conterras, Luis Enrique Tapia no insurance, open bottle	5.00	0.00	0.00	\$5.00
11140-040074 Friedrich, Andrea Mary 4th degree DUI, unsafe change of course	5.00	0.00	0.00	\$5.00
11140-040076 Hulbert, Martin J. DAR	5.00	0.00	0.00	\$5.00
11140-040080 Graham, Daniel Joseph revoked plates, open bottle, no insurance	10.00	0.00	0.00	\$10.00

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CITY OF LAKE ELMO

Page: 3
04/30/2004
ACCOUNT NO: 11140M

	FEES	EXPENSES	ADVANCES	BALANCE
11140-040081 Berg, Roberta Joseph GM-school bus arm violation	67.50	0.00	0.00	\$67.50
11140-040082 Fredrickson, Adam Gregory 4th degree DUI, allow open bottle	37.50	0.00	0.00	\$37.50
11140-040083 Belluzzo, Jennifer Lynn 2nd degree DUI	172.50	0.00	0.00	\$172.50
11140-040084 Berrisford, James GM-interfere with 911 call, domestic assault	5.00	0.00	0.00	\$5.00
11140-040085 Hendrickson, Josh Eugene no proof of insurance, no insurance	5.00	0.00	0.00	\$5.00
11140-040086 Johnson, Dustin James no proof of insurance, no insurance	5.00	0.00	0.00	\$5.00
11140-040087 Paine, Douglas Spaulding DAS	5.00	0.00	0.00	\$5.00
11140-040088 Lee, Matthew James Violate Court Order	5.00	0.00	0.00	\$5.00
11140-040089 Erickson, Lisa Lorraine trespassing	5.00	0.00	0.00	\$5.00

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CITY OF LAKE ELMO

Page: 4
04/30/2004

ACCOUNT NO:

11140M

	FEEES	EXPENSES	ADVANCES	BALANCE
11140-040090 Stromberg, Alex Gregory DAR	5.00	0.00	0.00	\$5.00
11140-040091 Gray, Angela inattentive driving	5.00	0.00	0.00	\$5.00
11140-040092 Jones, Robert Charles 4th degree DUI, possess drug paraphenilia, small amt of mj in mv	10.00	0.00	0.00	\$10.00
11140-040093 Johnson, Jeffrey Michael DAS, illegal turn	5.00	0.00	0.00	\$5.00
11140-040094 Vorhies, Christopher W. small amout of marijuana in m.v, possess drug paraphenilia	5.00	0.00	0.00	\$5.00
11140-040095 Washburn, Dale Eugene DAS	5.00	0.00	0.00	\$5.00
11140-040096 Schuckert, Mark DAR	5.00	0.00	0.00	\$5.00
11140-040097 Olson, Delores Hattie forged check	35.00	0.00	0.00	\$35.00
11140-040098 Mechtel, Kirk James GM-DAC-IPS, small amount of marijuana in motor vehicle	67.50	0.00	0.00	\$67.50

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CITY OF LAKE ELMO

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11140M

ACCOUNT NO:

	FEEES	EXPENSES	ADVANCES	BALANCE
11140-040099 Bubb, Jason Earl DAS	5.00	0.00	0.00	\$5.00
11140-040100 Dickman, Amber M. no insurance	5.00	0.00	0.00	\$5.00
11140-040101 Kamas, Gabriel Anthony DAS, fail to obey stop sign	5.00	0.00	0.00	\$5.00
11140-040102 Gifford, Robert E. DAR, no insurance	5.00	0.00	0.00	\$5.00
11140-040103 Schrachta, Teresa M. no proof of insurance, marijuana in a motor vehicle	5.00	0.00	0.00	\$5.00
11140-040104 Rodriguez, Ramon James Violation of Protection Order	27.50	0.00	0.00	\$27.50
11140-040105 Rychlik, Waclaw Andrew 2nd degree DUI	5.00	0.00	0.00	\$5.00
11140-040106 Yang, Jay DAR	5.00	0.00	0.00	\$5.00
11140-040107 Watson, Michael Robert DAR, expired registration	5.00	0.00	0.00	\$5.00

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CITY OF LAKE ELMO

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ACCOUNT NO: 11140M

	FEES	EXPENSES	ADVANCES	BALANCE
11140-040108 Driehorst, Ryan Allan DAR	5.00	0.00	0.00	\$5.00
11140-040109 Ajuchan, Carlos no insurance, no MN DL, fail to yield to emergency vehicle	5.00	0.00	0.00	\$5.00
11140-040110 Bierbrauer, George A. III DAR, cracked windshield	5.00	0.00	0.00	\$5.00
	<u>3,917.50</u>	<u>26.54</u>	<u>20.00</u>	<u>\$3,964.04</u>

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CITY OF LAKE ELMO
3800 LAVERNE AVENUE NORTH
LAKE ELMO MN 55042

ACCOUNT NO:

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11145M

	FEEES	EXPENSES	ADVANCES	BALANCE
11145-040002 HAGBERG - VFW BALL FIELD EASEMENT	88.00	0.00	0.00	\$88.00
	<u>88.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$88.00</u>

410-480-8000-43040

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CITY OF LAKE ELMO
3800 LAVERNE AVENUE NORTH
LAKE ELMO MN 55042

ACCOUNT NO: 11145-040002M
STATEMENT NO: 1

HAGBERG - VFW BALL FIELD EASEMENT

	HOURS	
04/14/04 JPF Review eng memo; draft esmt for utilities on VFW field; corr to Prew.	0.80	88.00
Jerome P. Filla	0.80	88.00
FOR CURRENT SERVICES RENDERED	0.80	88.00
TOTAL CURRENT WORK		88.00
BALANCE DUE		<u>\$88.00</u>

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CITY OF LAKE ELMO
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Page: 1
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ACCOUNT NO: 11155M

	FEEES	EXPENSES	ADVANCES	BALANCE
11155-030003 LAKE ELMO VS. BODZIAK	654.00	0.43	0.00	\$654.43
	<u>654.00</u>	<u>0.43</u>	<u>0.00</u>	<u>\$654.43</u>

101-410-1610-43040

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CITY OF LAKE ELMO
3800 LAVERNE AVENUE NORTH
LAKE ELMO MN 55042

ACCOUNT NO: 11155-030003M
STATEMENT NO: 10

LAKE ELMO VS. BODZIAK

	HOURS	
04/06/04 JPF Telephone conference with bldg insp; clerk of ct re: status.	0.40	54.00
04/12/04 JPF Telephone conference with Atty Olson re: stip, judgment, PT; tele adm same.	0.40	54.00
04/13/04 JPF Review proposed conf of judgment; tele Atty Allan; revise.	0.90	121.50
04/14/04 JPF Telephone conference with Atty Olson; revise conf of judgment.	0.30	40.50
04/15/04 JPF Telephone conference with clerk of ct; Atty Olson re: conf of judgment.	0.30	33.00
04/16/04 JPF Attend PT; conf Judge and deft atty re: settlement.	1.10	148.50
04/21/04 JPF Telephone conference with Atty Olson; prep stip of disp; corr to Olson and clerk of ct.	1.10	148.50
04/30/04 JPF Letter to Judge Maas re: stip, disp w/o prejudice; conf of judgment.	0.40	54.00
Jerome P. Filla	4.90	654.00
FOR CURRENT SERVICES RENDERED	4.90	654.00
Photocopies		0.40
TOTAL EXPENSES THRU 04/30/04		0.40
SALES TAX ON EXPENSES		0.03

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CITY OF LAKE ELMO

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04/30/2004

ACCOUNT NO: 11155-030003M

STATEMENT NO: 10

LAKE ELMO VS. BODZIAK

TOTAL CURRENT WORK

654.43

BALANCE DUE

\$654.43

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	FEEES	EXPENSES	ADVANCES	BALANCE
11161-040001 Belluzzo, Jennifer Lynn vehicle forfeiture	104.00	0.00	0.00	\$104.00
11161-040002 Rychlik, Waclaw Andrew vehicle forfeiture	5.00	0.00	0.00	\$5.00
	<u>109.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$109.00</u>

101-410-1610-47045

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Page: 1
04/30/2004
ACCOUNT NO: 11161-040001M
STATEMENT NO: 1

Belluzzo, Jennifer Lynn
vehicle forfeiture

	HOURS	
04/02/04 JPF Letter to WCS re: forfeiture of car.	0.30	33.00
04/07/04 JPF Telephone conference with suspect; WCS re: release of car; tele deft atty; corr to WCS.	0.60	66.00
Jerome P. Filla	0.90	99.00
04/06/04 CLE Open file and prepare status sheet.	0.10	5.00
Connie L. Egge	0.10	5.00
FOR CURRENT SERVICES RENDERED	1.00	104.00
TOTAL CURRENT WORK		104.00
BALANCE DUE		<u>\$104.00</u>

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Page: 1
04/30/2004
ACCOUNT NO: 11161-040002M
STATEMENT NO: 1

Rychlik, Waclaw Andrew
vehicle forfeiture

	HOURS	
04/30/04 CLE Open file and prepare status sheet.	0.10	5.00
Connie L. Egge	0.10	5.00
FOR CURRENT SERVICES RENDERED	0.10	5.00
TOTAL CURRENT WORK		5.00
BALANCE DUE		<u>5.00</u>

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Mayor Lee Hunt Councilmembers Steve DeLapp Susan Dunn Dean Johnston	No. 4B Agenda Section: Consent Agenda Agenda Item: Planning Commission Resignation Date: May 18, 2004
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Background Information for May 18, 2004.

Planning Commissioner Julie Bunn resigned her commission on May 13, 2004. The Planning Commission now has one opening and three applications on file. The City Council interviewed the three applicants on January 27, 2003. Those applicants were Gloria Knoblauch, LeRoy Rossow, and Charles Schneider.

Ms. Bunn became a Full Voting Member of the Planning Commission on June 3, 2002. The City Council accepts her resignation, and thanks her for her service to the residents of Lake Elmo.

Motion _____, Second _____, to accept the resignation of Planning Commissioner Julie Bunn, and to send a letter of appreciation for her contributions to the residents of the City of Lake Elmo.

The Planning Commission now has eight Full Voting Members, and two alternates. First Alternate Planning Commissioner Jim Van Pelt should be appointed as a Full Voting Member to finish the term of Julie Bunn that expires on December 31, 2006.

Motion _____, Second _____, to appoint Jim Van Pelt as Full Voting Member of the Planning Commission to finish a term that expires on December 31, 2006.

Second Alternate Planning Commissioner Elizabeth Johnson should be appointed as First Alternate.

Motion _____, Second _____, to appoint Elizabeth Johnson as Full Voting Member of the Planning Commission.

Julie A. Bunn, Ph.D

juliebunn_us@yahoo.com

(651) 748-1448

2986 Lake Elmo Ave. N.
Lake Elmo, MN 55042

May 13, 2004

City Council
Lake Elmo, MN

Dear Mayor Hunt and Council Members Delapp, Dunn and Johnston,

I am writing to you to respectfully submit my resignation from the Lake Elmo Planning Commission. I have recently made a decision to take on a significant professional commitment over the next two years that requires that I redirect my time and mental energies almost entirely in its direction. Hence, while I greatly enjoy involvement in civic life and have long been devoted to public service, for a couple of years at least, while I explore this new direction, I am limiting my outside commitments.

I appreciate having had the opportunity to serve the City and our community as a Planning Commissioner these past three and one-half years. I hope that my skills as an economist and policy analyst were helpful to the Commission's deliberations. I tried to play a thoughtful, constructive and positive role as we tackled some challenging planning topics. I am particularly proud of our work on providing feedback to the drafting of the facilities and staffing report, and our extensive work related to the Old Village Housing Study.

The Commission experience has also led me to have great respect for the Council's and the Planning Commission's devotion to serving our community. Even the day-to-day leadership and oversight tasks require a tremendous commitment of volunteer time. On top of this, as we all know, the City has faced, and will continue to face great challenges, as the City grows and changes (even if in accordance with our own Comprehensive Plan). Despite this, and the heated debate that sometimes occurs because of it, I am continually impressed by the good intentions that those on all sides of the debate harbor for our City.

As a new resident in 2000, I learned a great deal about our community through the Planning Commission experience, and greatly enjoyed meeting all of you, my fellow Commissioners, and the City staff. I look forward to maintaining many of those relationships.

I thank you for allowing me to serve, and for your many years of service to the City.

Sincerely,

Julie A. Bunn

Cc: Chuck Dillerud, City Planner, and Bob Helwig, Chair Planning Commission

**City of Lake Elmo
PLANNING COMMISSION
Attendance - 2004**

2004 Planning Commission		FVM	EXP	JAN		FEB		MAR		APR		MAY		
				12	26	9	23	15	29	12	26	10	24	
Bob Helwig -Chair	JAN. 94	2005		1	1	1	1	1	1	1	1	1	1	100.0%
Jeff Berg - Vice Chair	JAN. 96	2004		0	1	0	1	0	1	1	1	1	1	66.7%
Todd Ptacek	SEP. 98	2004		1	1	0	1	0	1	1	0	1	1	66.7%
Rodney Sessing	AUG. 97	2004		0	0	0	0	1	1	1	1	1	1	55.6%
Kathy Sedro	SEP. 98	2005		1	1	1	0	1	1	0	1	1	1	77.8%
Mark Deziel	APR. 02 (Mandel)	2006		1	1	1	1	1	1	0	1	1	1	88.9%
Julie Ann Bunn - Secretary	02 (Herber)	2006		1	1	0	1	1	0	1	1	1	1	77.8%
Jennifer Pelletier	JAN. 03 (Taylor:Brass)	2006		0	1	0	1	1	1	1	1	1	1	77.8%
Thomas Meldahl	JAN. 03 (Armstrong)	2005		0	0	1	1	0	0	0	0	0	0	22.2%
Jim Van Pelt, 1st Alt		2/4/2003		1	0	1	1	0	0	1	1	0	0	55.6%
Liz Johnson, 2nd Alt		2/4/2003		1	0	1	1	1	0	1	1	1	1	77.8%
				7	7	6	9	7	7	8	9	9	0	
Old Village Special Projects														
Todd Williams	Jan. 2001	2006												0.0%
Wyn John														0.0%
David Herreid														0.0%

2004 ATTENDANCE CALCULATED

1 = Attended, 0 = Absent

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

**RESOLUTION NO. 2004-44
RESOLUTION AUTHORIZING SIGNATURE FOR PAYMENTS
OF FUNDS FROM THE LAKE ELMO BANK**

WHEREAS, the City has designated the Lake Elmo Bank as the official depository for the funds of the City of Lake Elmo; and

WHEREAS, Martin Rafferty was appointed City Administrator by the City Council.

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

Martin Rafferty to sign checks and orders for payments of money and withdraw funds on deposits with the Lake Elmo Bank.

ADOPTED, by the Lake Elmo City Council on the 18th day of May, 2004.

Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

Monthly Operating Report

5A

As of 5/14/2004 (Periods 1-5)

	2004	2004	2004	
Description	Budget	Per Range Amt	Variance	Comments
Mayor & Council				
Part-time Salaries	\$12,100.00	\$0.00	\$12,100.00	
FICA Contributions	\$750.00	\$232.50	\$517.50	
Medicare Contributions	\$176.00	\$54.35	\$121.65	
Travel Expense	\$450.00	\$3,750.00	-\$3,300.00	Administrator Search-Brimeyer Group - \$ 12,684
Miscellaneous	\$4,000.00	\$13,021.40	-\$9,021.40	Assoc. of Metro. Municipalities Dues - \$ 2422.00, Human Rights -\$ 55.00
Dues & Subscriptions	\$5,500.00	\$2,477.00	\$3,023.00	
Conferences & Training	\$5,000.00	\$0.00	\$5,000.00	
Sub Total	\$27,976.00	\$19,535.25	\$8,440.75	
Administration				
Full-time Salaries	\$124,020.00	\$34,273.82	\$89,746.18	
PERA Contributions	\$6,858.00	\$1,430.11	\$5,427.89	
FICA Contributions	\$7,689.00	\$2,133.29	\$5,555.71	
Medicare Contributions	\$1,798.00	\$499.01	\$1,298.99	
Health/Dental Insurance	\$21,834.00	\$4,057.40	\$17,776.60	
Workers Compensation	\$1,688.00	\$0.00	\$1,688.00	
Office Supplies	\$7,000.00	\$2,102.33	\$4,897.67	
Printed Forms	\$800.00	\$0.00	\$800.00	
Newsletter/Website	\$14,000.00	\$2,252.77	\$11,747.23	
Postage	\$9,500.00	\$3,810.12	\$5,689.88	
Travel Expense	\$1,500.00	\$135.00	\$1,365.00	
Legal Publishing	\$6,000.00	\$1,231.88	\$4,768.12	
Insurance	\$27,360.00	\$29,581.00	-\$2,221.00	Annual Premiums Paid
Miscellaneous	\$6,000.00	\$2,444.20	\$3,555.80	
Dues & Subscriptions	\$1,500.00	\$1,567.66	-\$67.66	
Books	\$500.00	\$0.00	\$500.00	
Conferences & Training	\$2,500.00	\$20.00	\$2,480.00	
Transfer Out	\$70,500.00	\$0.00	\$70,500.00	
Sub Total	\$311,047.00	\$85,538.59	\$225,508.41	
Elections				
Part-time Salaries	\$7,000.00	\$0.00	\$7,000.00	
Office Supplies	\$100.00	\$0.00	\$100.00	
Printed Forms	\$300.00	\$0.00	\$300.00	
Travel Expense	\$50.00	\$0.00	\$50.00	
Miscellaneous	\$800.00	\$340.00	\$460.00	
Sub Total	\$8,250.00	\$340.00	\$7,910.00	

Description	2004 Budget	2004 Per Range Amt	2004 Variance	Comments
Finance				
Full-time Salaries	\$41,432.00	\$8,224.37	\$33,207.63	
PERA Contributions	\$2,569.00	\$427.97	\$2,141.03	
FICA Contributions	\$2,291.00	\$510.23	\$1,780.77	
Medicare Contributions	\$601.00	\$119.31	\$481.69	
Health/Dental Insurance	\$7,318.00	\$691.54	\$6,626.46	
Office Supplies	\$800.00	\$0.00	\$800.00	
Printed Forms	\$1,000.00	\$0.00	\$1,000.00	
Software Support	\$4,000.00	\$350.00	\$3,650.00	
Hardware Support	\$2,000.00	\$0.00	\$2,000.00	
Software Programs	\$3,000.00	\$500.00	\$2,500.00	
Travel Expense	\$1,000.00	\$5.00	\$995.00	
Miscellaneous	\$200.00	\$118.00	\$82.00	
Books	\$200.00	\$0.00	\$200.00	
Conferences & Training	\$1,000.00	\$20.00	\$980.00	
Sub Total	\$67,411.00	\$10,966.42	\$56,444.58	
Accounting Services	\$24,000.00	\$18,485.69	\$5,514.31	2003 Annual City Audit
Assessing Services	\$35,000.00	\$6,800.00	\$28,200.00	
Legal Services				
Legal Services	\$15,000.00	\$11,603.87	\$3,396.13	
Civil Attorney Criminal	\$45,000.00	\$14,230.49	\$30,769.51	
Sub Total	\$60,000.00	\$25,834.36	\$34,165.64	
Planning & Zoning				
Full-time Salaries	\$75,586.00	\$24,303.61	\$51,282.39	
PERA Contributions	\$4,180.00	\$1,998.64	\$2,181.36	
FICA Contributions	\$4,686.00	\$1,518.37	\$3,167.63	
Medicare Contributions	\$1,096.00	\$355.08	\$740.92	
Health/Dental Insurance	\$11,686.00	\$2,297.32	\$9,388.68	
Workers Compensation	\$847.00	\$0.00	\$847.00	
Office Supplies	\$500.00	\$36.75	\$463.25	
Printed Forms	\$500.00	\$0.00	\$500.00	
Zoning Ordinance Dev - CDBG	\$0.00	\$6,923.43	-\$6,923.43	Expense will be offset by Revenue Funds
Cimarron Study - CDBG	\$10,000.00	\$0.00	\$10,000.00	
Comprehensive Planning	\$10,000.00	\$0.00	\$10,000.00	
Engineering Services	\$2,500.00	\$0.00	\$2,500.00	
Legal Services	\$1,000.00	\$0.00	\$1,000.00	
Old Village Tax Abatement	\$73,148.00	\$20,504.25	\$52,643.75	
Travel Expense	\$2,000.00	\$584.75	\$1,415.25	
Miscellaneous	\$200.00	\$0.00	\$200.00	
Dues & Subscriptions	\$500.00	\$115.00	\$385.00	
Books	\$200.00	\$0.00	\$200.00	
Conferences & Training	\$2,500.00	\$635.36	\$1,864.64	
Sub Total	\$201,129.00	\$59,272.56	\$141,856.44	

	2004	2004	2004	
Description	Budget	Per Range Amt	Variance	Comments
Engineering Services	\$26,000.00	\$6,503.75	\$19,496.25	
Attorney Fees	\$100,000.00	\$48,411.49	\$51,588.51	
Gov't Buildings				
Cleaning Supplies	\$500.00	\$39.30	\$460.70	
Building Repair Supplies	\$500.00	\$85.62	\$414.38	
Telephone	\$6,500.00	\$1,368.24	\$5,131.76	
Electric Utility	\$5,000.00	\$2,054.11	\$2,945.89	
Refuse	\$2,040.00	\$383.56	\$1,656.44	
Repairs/Maint Contractual Bldg	\$8,000.00	\$3,909.62	\$4,090.38	
Repairs/Maint Contractual Eqpt	\$6,000.00	\$1,997.27	\$4,002.73	
Miscellaneous	\$400.00	\$217.41	\$182.59	
Sub Total	\$28,940.00	\$10,055.13	\$18,884.87	
Law Enforcement Contract	\$322,000.00	\$157,791.08	\$164,208.92	
Fire				
Full-time Salaries	\$17,434.00	\$3,472.95	\$13,961.05	
Part-time Salaries	\$93,850.00	\$51,668.17	\$42,181.83	
PERA Contributions	\$964.00	\$189.04	\$774.96	
FICA Contributions	\$5,583.00	\$3,418.69	\$2,164.31	
Medicare Contributions	\$1,306.00	\$799.57	\$506.43	
Health/Dental Insurance	\$3,127.00	\$348.87	\$2,778.13	
Workers Compensation	\$2,469.00	\$0.00	\$2,469.00	
Office Supplies	\$1,500.00	\$0.00	\$1,500.00	
Printed Forms	\$750.00	\$0.00	\$750.00	
EMS Supplies	\$2,000.00	\$0.00	\$2,000.00	
Fire Prevention	\$4,000.00	\$0.00	\$4,000.00	
Fuel	\$4,500.00	\$693.29	\$3,806.71	
Equipment Parts	\$0.00	\$348.00	-\$348.00	
Building Repair Supplies	\$1,000.00	\$50.07	\$949.93	
Small Tools & Equipment	\$1,200.00	\$54.00	\$1,146.00	
Physicals	\$2,000.00	\$2,123.00	-\$123.00	
Telephone	\$4,600.00	\$1,061.54	\$3,538.46	
Radio	\$7,500.00	\$97.40	\$7,402.60	
Travel Expense	\$2,000.00	\$798.90	\$1,201.10	
Vehicle Insurance	\$11,792.00	\$12,908.00	-\$1,116.00	Annual Premiums Paid
Electric Utility	\$4,400.00	\$2,456.06	\$1,943.94	
Repairs/Maint Contractual Bldg	\$7,000.00	\$2,040.00	\$4,960.00	
Repairs/Maint Contractual Eqpt	\$23,000.00	\$2,084.94	\$20,915.06	
Rentals - Building	\$1,080.00	\$360.00	\$720.00	
Uniforms	\$9,500.00	\$2,012.53	\$7,487.47	
Miscellaneous	\$1,300.00	\$617.72	\$682.28	
Dues & Subscriptions	\$2,300.00	\$1,958.45	\$341.55	

Description	2004	2004	2004	Comments
	Budget	Per Range Amt	Variance	
Books	\$200.00	\$0.00	\$200.00	
Conferences & Training	\$15,000.00	\$4,465.00	\$10,535.00	
Pension Contribution	\$41,000.00	\$0.00	\$41,000.00	
Fire State Aid	\$25,000.00	\$0.00	\$25,000.00	
Equipment	\$10,000.00	\$233.85	\$9,766.15	
Transfer Out	\$60,000.00	\$0.00	\$60,000.00	
Sub Total	\$367,355.00	\$94,260.04	\$273,094.96	
Building Inspections				
Full-time Salaries	\$113,365.00	\$40,476.15	\$72,888.85	
PERA Contributions	\$6,292.00	\$2,033.60	\$4,258.40	
FICA Contributions	\$7,029.00	\$2,515.70	\$4,513.30	
Medicare Contributions	\$1,644.00	\$588.36	\$1,055.64	
Health/Dental Insurance	\$23,588.00	\$5,336.93	\$18,251.07	
Workers Compensation	\$616.00	\$0.00	\$616.00	
Office Supplies	\$1,000.00	\$370.62	\$629.38	
Printed Forms	\$1,500.00	\$298.20	\$1,201.80	
Fuel	\$3,000.00	\$151.13	\$2,848.87	
Engineer Serv Utility Permits	\$3,000.00	\$0.00	\$3,000.00	
Plan Review Charges	\$5,000.00	\$0.00	\$5,000.00	
Surcharge Payments	\$13,500.00	-\$2,110.52	\$15,610.52	
Telephone	\$0.00	\$511.44	-\$511.44	
Travel Expense	\$1,000.00	\$100.00	\$900.00	
Insurance	\$877.00	\$872.00	\$5.00	Annual Premiums Paid
Repairs/Maint Contractual Eqpt	\$500.00	\$963.92	-\$463.92	
Rentals - Building	\$4,000.00	\$1,597.50	\$2,402.50	
Uniforms	\$600.00	\$87.16	\$512.84	
Miscellaneous	\$200.00	\$79.50	\$120.50	
Dues & Subscriptions	\$300.00	\$405.00	-\$105.00	
Books	\$300.00	\$0.00	\$300.00	
Conferences & Training	\$2,500.00	\$275.00	\$2,225.00	
Transfer Out	\$5,000.00	\$0.00	\$5,000.00	
Sub Total	\$194,811.00	\$54,551.69	\$140,259.31	
Civil Defense				
	\$9,000.00	\$0.00	\$9,000.00	
Animal Control				
Printed Forms	\$500.00	\$0.00	\$500.00	
Contract Services	\$5,600.00	\$3,004.19	\$2,595.81	
Impounding	\$6,000.00	\$0.00	\$6,000.00	
Miscellaneous	\$400.00	\$0.00	\$400.00	
Sub Total	\$12,500.00	\$3,004.19	\$9,495.81	

	2004	2004	2004	
Description	Budget	Per Range Amt	Variance	Comments
Public Works				
Full-time Salaries	\$106,087.00	\$33,852.03	\$72,234.97	
Part-time Salaries	\$0.00	\$900.00	-\$900.00	
PERA Contributions	\$5,867.00	\$1,767.35	\$4,099.65	
FICA Contributions	\$6,577.00	\$2,154.62	\$4,422.38	
Medicare Contributions	\$1,538.00	\$503.91	\$1,034.09	
Health/Dental Insurance	\$24,607.00	\$3,817.13	\$20,789.87	
Workers Compensation	\$3,773.00	\$0.00	\$3,773.00	
Office Supplies	\$300.00	\$0.00	\$300.00	
Fuel	\$8,500.00	\$5,248.44	\$3,251.56	Fuel rates increased more than budgeted
Shop Materials	\$2,500.00	\$550.51	\$1,949.49	
Equipment Parts	\$10,000.00	\$1,686.53	\$8,313.47	
Building Repair Supplies	\$1,000.00	\$573.88	\$426.12	
Street Maintenance Materials	\$22,500.00	\$168.21	\$22,331.79	
Landscaping Materials	\$2,500.00	\$202.09	\$2,297.91	
Sign Repair Materials	\$4,000.00	\$376.21	\$3,623.79	
Sand/Salt	\$20,000.00	\$4,808.16	\$15,191.84	
Small Tools & Minor Equipment	\$1,500.00	\$458.71	\$1,041.29	
Engineering Services	\$2,000.00	\$0.00	\$2,000.00	
Contract Services	\$22,500.00	\$20,972.00	\$1,528.00	
Telephone	\$3,750.00	\$763.38	\$2,986.62	
Radio	\$200.00	\$0.00	\$200.00	
Travel Expense	\$500.00	\$0.00	\$500.00	
Insurance	\$11,265.00	\$13,603.00	-\$2,338.00	Annual Premiums Paid
Electric Utility	\$6,500.00	\$3,618.02	\$2,881.98	
Refuse	\$250.00	\$383.56	-\$133.56	
Repairs/Maint Contractual Bldg	\$2,000.00	\$412.00	\$1,588.00	
Repairs/Maint Imp Not Bldgs	\$1,500.00	\$1,411.17	\$88.83	
Repairs/Maint Contractual Eqpt	\$4,500.00	\$3,581.99	\$918.01	Springs Replaced - Public Works Truck - \$1935.00
Rentals - Buildings	\$1,500.00	\$0.00	\$1,500.00	
Uniforms	\$900.00	\$695.62	\$204.38	
Miscellaneous	\$2,000.00	\$821.66	\$1,178.34	
Dues & Subscriptions	\$500.00	\$0.00	\$500.00	
Conferences & Training	\$500.00	\$100.00	\$400.00	
Clean-up Days	\$9,500.00	\$50.00	\$9,450.00	
Other Equipment	\$12,250.00	\$0.00	\$12,250.00	
Transfer Out	\$78,693.00	\$0.00	\$78,693.00	
Sub Total	\$382,057.00	\$103,480.18	\$278,576.82	
Street Lighting	\$16,800.00	\$5,045.00	\$11,755.00	

Description	2004 Budget	2004 Per Range Amt	2004 Variance	Comments
Sanitation				
Recycling Supplies	\$6,000.00	\$0.00	\$6,000.00	
Newsletter	\$5,000.00	\$0.00	\$5,000.00	
Miscellaneous	\$7,100.00	\$0.00	\$7,100.00	
Sub Total	\$18,100.00	\$0.00	\$18,100.00	
Parks				
Full-time Salaries	\$58,215.00	\$16,308.76	\$41,906.24	
Part-time Salaries	\$23,550.00	\$5,656.44	\$17,893.56	
PERA Contributions	\$3,219.00	\$1,048.08	\$2,170.92	
FICA Contributions	\$5,069.00	\$1,363.41	\$3,705.59	
Medicare Contributions	\$1,186.00	\$318.92	\$867.08	
Health/Dental Insurance	\$9,916.00	\$1,329.28	\$8,586.72	
Workers Compensation	\$2,819.00	\$0.00	\$2,819.00	
Office Supplies	\$250.00	\$0.00	\$250.00	
Fuel	\$2,200.00	\$176.18	\$2,023.82	
Shop Materials	\$1,000.00	\$105.96	\$894.04	
Chemicals	\$500.00	\$0.00	\$500.00	
Equipment Parts	\$4,000.00	\$559.51	\$3,440.49	
Building Repair Supplies	\$1,000.00	\$38.51	\$961.49	
Landscaping Materials	\$10,000.00	\$391.98	\$9,608.02	
Small Tools & Minor Equipment	\$1,000.00	\$45.49	\$954.51	
Telephone	\$1,500.00	\$399.55	\$1,100.45	
Travel Expense	\$0.00	\$25.00	-\$25.00	
Insurance	\$2,900.00	\$3,084.00	-\$184.00	Annual Premiums Paid
Electric Utility	\$6,050.00	\$2,708.91	\$3,341.09	
Refuse	\$2,400.00	\$735.84	\$1,664.16	
Repairs/Maint Contractual Bldg	\$2,000.00	\$1,060.93	\$939.07	
Repairs/Maint Imp Not Bldgs	\$5,000.00	\$90.53	\$4,909.47	
Repairs/Maint Contractual Eqpt	\$1,000.00	\$6.38	\$993.62	
Rentals - Buildings	\$2,500.00	\$281.04	\$2,218.96	
Uniforms	\$400.00	\$52.37	\$347.63	
Miscellaneous	\$100.00	\$128.00	-\$28.00	
Dues & Subscriptions	\$100.00	\$0.00	\$100.00	
Conferences & Training	\$400.00	\$0.00	\$400.00	
Transfer Out	\$16,500.00	\$0.00	\$16,500.00	
Sub Total	\$164,774.00	\$35,915.07	\$128,858.93	
Total General Fund	\$2,182,339.00	\$691,238.80	\$1,491,100.20	

Description	2004 Budget	2004 Per Range Amt	2004 Variance	Comments
Water Enterprise Operating				
Full-time Salaries	\$61,939.00	\$23,716.18	\$38,222.82	
PERA Contributions	\$3,425.00	\$1,226.82	\$2,198.18	
FICA Contributions	\$3,840.00	\$1,472.88	\$2,367.12	
Medicare Contributions	\$898.00	\$344.42	\$553.58	
Health\Dental Insurance	\$9,171.00	\$2,279.56	\$6,891.44	
Workers Compensation	\$890.00	\$0.00	\$890.00	
Office Supplies	\$100.00	\$0.00	\$100.00	
Printed Forms	\$1,050.00	\$202.36	\$847.64	
Chemicals	\$2,000.00	\$0.00	\$2,000.00	
Utility System Maintenance	\$1,200.00	\$831.37	\$368.63	Water Main Clamps
Water Meters & Supplies	\$16,000.00	\$1,326.52	\$14,673.48	
Small Tools & Minor Equipment	\$197.00	\$0.00	\$197.00	
Engineering Services	\$2,500.00	\$2,162.81	\$337.19	
Software Support	\$4,000.00	\$379.00	\$3,621.00	
Telephone	\$2,000.00	\$428.12	\$1,571.88	
Postage	\$650.00	\$0.00	\$650.00	
Travel Expense	\$600.00	\$311.00	\$289.00	
Insurance	\$2,380.00	\$2,985.00	-\$605.00	
Electric Utility	\$12,000.00	\$4,760.36	\$7,239.64	
Water Utility	\$35,000.00	\$20,518.67	\$14,481.33	
Repairs\Maint Imp Not Bldgs	\$1,000.00	\$448.00	\$552.00	
Miscellaneous	\$5,000.00	\$623.00	\$4,377.00	
Conferences & Training	\$500.00	\$110.00	\$390.00	
Other Equipment	\$1,800.00	\$0.00	\$1,800.00	
Sub Total	\$168,140.00	\$64,126.07	\$104,013.93	
Sewer Enterprise Operating				
Full-time Salaries	\$17,594.00	\$5,333.36	\$12,260.64	
PERA Contributions	\$973.00	\$275.38	\$697.62	
FICA Contributions	\$1,091.00	\$331.32	\$759.68	
Medicare Contributions	\$255.00	\$77.51	\$177.49	
Health\Dental Insurance	\$2,375.00	\$462.31	\$1,912.69	
Workers Compensation	\$328.00	\$0.00	\$328.00	
Utility System Maint Supplies	\$524.00	\$0.00	\$524.00	
Small Tools & Minor Equipment	\$200.00	\$0.00	\$200.00	
Engineering Services	\$1,500.00	\$710.33	\$789.67	
Telephone	\$1,150.00	\$505.56	\$644.44	
Travel Expense	\$0.00	\$10.00	-\$10.00	
Electric Utility	\$1,225.00	\$718.26	\$506.74	
Repairs\Maint Imp Not Bldgs	\$1,000.00	\$1,876.75	-\$876.75	
Miscellaneous Expenses	\$0.00	\$300.00	-\$300.00	
Conferences & Training	\$0.00	\$318.40	-\$318.40	
Sub Total	\$28,215.00	\$10,919.18	\$17,295.82	

Description	2004 Budget	2004 Per Range Amt	2004 Variance	Comments
Surface Water Operating				
Full-time Salaries	\$24,751.00	\$0.00	\$24,751.00	
PERA Contributions	\$1,369.00	\$0.00	\$1,369.00	
FICA Contributions	\$1,535.00	\$0.00	\$1,535.00	
Medicare Contributions	\$359.00	\$0.00	\$359.00	
Health/Dental Insurance	\$4,771.00	\$0.00	\$4,771.00	
Workers' Compensation	\$340.00	\$0.00	\$340.00	
Office Supplies	\$500.00	\$0.00	\$500.00	
Utility System Maint Supplies	\$2,162.00	\$0.00	\$2,162.00	
Small Tools & Minor Equipment	\$1,000.00	\$0.00	\$1,000.00	
Engineering Services	\$4,500.00	\$7,130.15	-\$2,630.15	
Erosion Control	\$2,100.00	\$0.00	\$2,100.00	
Software Support	\$1,000.00	\$4,050.00	-\$3,050.00	
Postage	\$1,576.00	\$0.00	\$1,576.00	
Contract Services	\$2,000.00	\$0.00	\$2,000.00	
Repairs/Maint Not Bldg	\$2,000.00	\$0.00	\$2,000.00	
Miscellaneous Expenses	\$0.00	\$348.26	-\$348.26	
Transfer Out	\$30,315.00	\$0.00	\$30,315.00	
Sub Total	\$80,278.00	\$11,528.41	\$68,749.59	
Total Operating Funds	\$276,633.00	\$86,573.66	\$190,059.34	
Grand Total	\$2,458,972.00	\$777,812.46	\$1,681,159.54	

Lake Elmo
City Council
May 18, 2004

Agenda Section: NEW BUSINESS

No 6A.

Agenda Item: Single Sort Residential Recycling

Background Information for May 18, 2004:

Gary Boyum, Waste Management, Inc., gave a presentation to the Environmental Commission of a program his firm offers for single sort residential recycling. Residents would simply put all their recyclable materials into a container similar to the one provided by Waste Management for regular refuse collection. WM will do the separating at their Blaine processing facility.

This service will be offered to Lake Elmo customers only if the City code is amended to allow bi-weekly pick up of recycling rather than the weekly pickup requirement. The Environmental Commission favored the single sort process as it would likely encourage an increase in recycling activity for those that did not participate due to the time and trouble of sorting.

A code amendment has been provided for consideration.

Action Items:

Motion/Second to approve the single sort residential recycling program provided by Waste Management, Inc.

And

Motion/Second to adopt Ordinance No. 97-127, Amending Section 800.02, Subd. 19

Person responsible:

T.Bouthilet/S.Lumby

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-127
AN ORDINANCE AMENDING THE LAKE ELMO MUNICIPAL CODE
SECTION 800-SOLID WASTE AND ENVIRONMENT

Section 1. Amendment: Section 800.02, Subd. 19, of the Lake Elmo Municipal Code is hereby amended to read as follows; to wit:

800.02 Frequency of Collections

Each licensed hauler shall make collections of garbage and refuse, and recyclables at least weekly, or more often as sanitary conditions warrant as determined by the Code Enforcement Officer. Single-Sort Residential Recycling shall be collected at least bi-weekly.

Section 2. Effective Date: This ordinance shall become effective upon its passage and publication according to law.

ADOPTED, by the Lake Elmo City Council on the 18th day of May, 2004.

Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty,
City Administrator

Single Sort Advantages

Cart size gives homeowners more than 700 annual gallons of recycling capacity

Less wear and tear on streets – less truck traffic

Easy systems – everything co-mingled in one container

Every other week service decreases challenges of snowplowing or street cleaning around carts.

Less possibility of recycling blowing out of bins – carts are covered

Commodity is dry – lids on carts

Participation rate vastly improved – ease of process (75 to 90% participation)

Better, more reliable service with lower driver turnover.

60 gallon cart has the same foot print as recycling bin, except for height

Currently Over 140,000 Homes On This Program Including Homes In:*

Bloomington, MN	Brooklyn Center, MN
Brooklyn Park, MN	Burnsville, MN
Coon Rapids, MN	Crystal, MN
Eagan, MN	Eden Prairie, MN
Hastings, MN	Hopkins, MN
New Hope, MN	Richfield, MN
Robbinsdale, MN	Savage, MN

*Complete list available upon request

The Heart of our system is:

Our 118,000 square foot recyclery at 1800 Broadway N.E., Minneapolis, MN.

State-of-the-art new sorting equipment allows us to sort the commodities rather than the home owner.

More Than 94% Recovery Rate.*

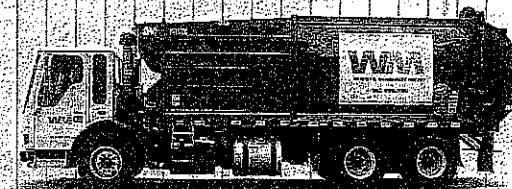
Consistent product quality has resulted in consistent markets for material.

* Report available upon request.

For more information or for a tour of our recyclery please contact:

952-890-1100

WWM
WASTE MANAGEMENT



Single-Sort Residential Recycling



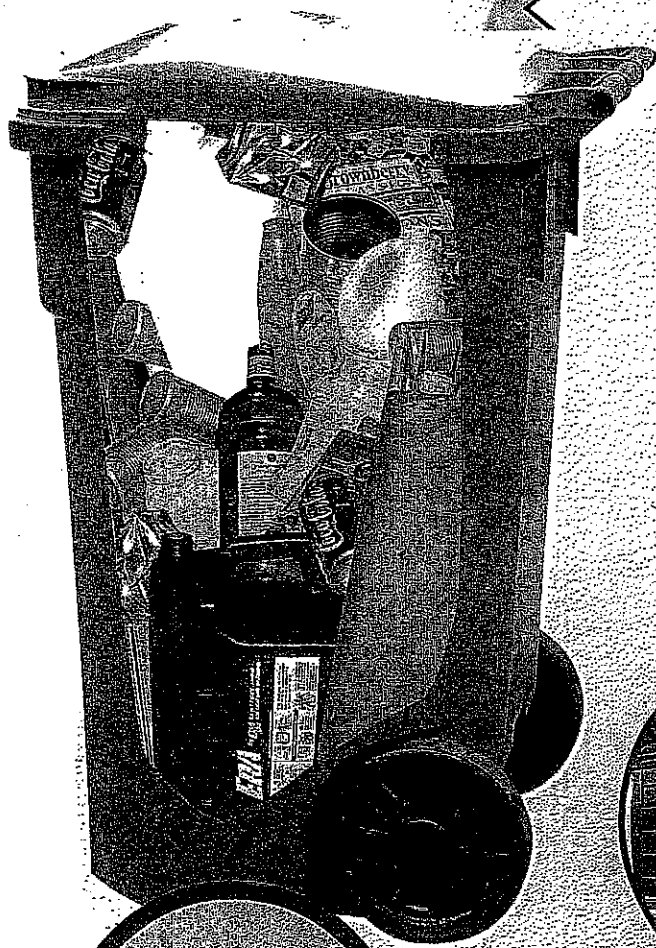
ALL RECYCLABLES IN ONE GREEN CART WITH A GOLD LID

WWM
WASTE MANAGEMENT

952-890-1100

SINGLE-SORT RESIDENTIAL RECYCLING

Complete, easy-to-read, recycling instructions printed on top of the lid of every green can.



WHAT TO INCLUDE

HOW TO PREPARE

CANS & PLASTIC



- Aluminum cans
- Tin cans
- Plastic milk & water jugs
- Mixed plastic bottles & Containers with neck
- Glass bottles & jars



GLASS



- Pickle jars
- Juice Bottles
- Jelly jars
- Any color glass, bottle or jar
- Loose newspaper
- Paper board
- Cereal boxes (no liner)
- Cake boxes
- Chip Boxes

PAPER



- Cardboard
- Magazines
- Office paper and junk mail
- Corrugated boxes
- Brown grocery bags
- Glossy paper



- Stationery & envelopes
- Binder paper
- Notebook paper – any color
- Adhesive backed or sticky paper

- Remove caps
- Rinse

REMEMBER flattening your materials saves space and energy!

NO PLASTIC BAGS OR STYROFOAM

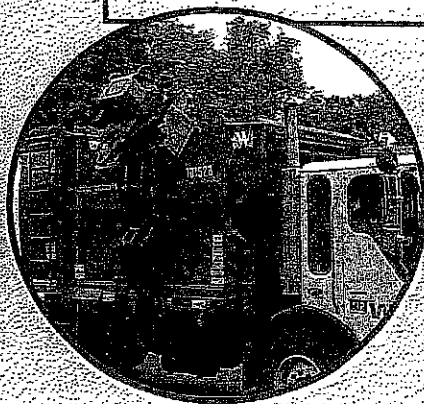
- Remove bottle caps and jar lids and place in green & gold container.

No need to remove labels!

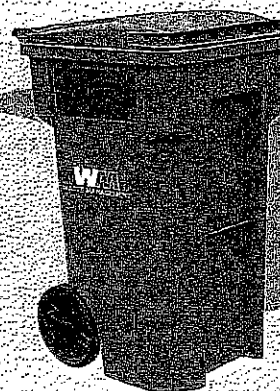
PLEASE HELP!

FLATTEN CARDBOARD & PAPERBOARD BOXES

Cardboard sections must be no larger than 2 feet by 2 feet to fit into our green & gold cart. We appreciate your help.



No more separating when you recycle. You simply put all your recyclable materials into the same green can...and we do the separating for you.



GREEN CONTAINER

For household garbage only.

Please place one on each side of driveway



GREEN CART WITH GOLD LID

For recyclables only.

<p>Lake Elmo City Council May 18th, 2004</p>	<p>Agenda Section: MAINTENANCE/PARK/FIRE/BUILDING</p>	<p>NO. 7A.</p>
<p>Agenda Item: Carriage Station Play Set</p>		
<p>Background Information for May 18th, 2004</p> <p>At its April 19th, 2004 meeting the Parks Commission reviewed play set proposals for the park at Carriage Station. Six plans from manufactures pre-approved by the Parks Supervisor were evaluated. The consensus of the Commission was to purchase a play set (B) from Landscape Structures, but they asked the Parks Supervisor to request a modification. If the modification, specifically the addition of the "Thunder Climber", could not be added, the recommendation was to purchase play set (A) for \$13,751.00.</p> <p>Administrator Comments:</p> <p>I have reviewed and support the recommendation from the Parks Commission and the Park's Superintendent for the new play equipment at Carriage Station. The project as proposed meets budget expectation.</p>		
<p>Action items: Motion to approve the Park Commission recommendation to purchase the selected play equipment, Landscape Structures, from Earl F. Anderson for the Carriage Station Park in the amount of \$13,751.00.</p>	<p>Persons responsible: R.Schumacher M. Bouthilet</p>	
<p>Attachments:</p>	<p>Time Allocated:</p>	

Summary Building Report

April-2004			Year to Date		
	Permits Issued	Valuation		Permits Issued	Valuation
New Residential	0	\$0.00	New Residential	2	\$1,082,500.00
New Commercial	2	\$500,000.00	New Commercial	2	\$500,000.00
Other Residential	45	\$552,238.00	Other Residential	83	\$1,024,167.00
Other Commercial	1	\$29,000.00	Other Commercial	14	\$420,783.00
Total	48	\$1,081,238.00	Total	101	\$3,027,450.00

Total Building Fees Collected	\$16,968.66	Total Building Fees Collected	\$44,534.58
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Summary Plumbing Report

Plumbing	7	\$28,500.00
Total Plumbing Fees Collected		\$653.50

Summary Plumbing Report

Plumbing	26	\$154,801.00
Total Plumbing Fees Collected		\$2,067.25

Summary HVAC Report

HVAC	10	\$21,073.00
Total HVAC Fees Collected		\$705.00

Summary HVAC Report

HVAC	39	\$145,473.00
Total HVAC Fees Collected		\$2,573.25

Summary Grand Total Fees

Summary Grand Total Fees	\$18,327.16
Surcharge Fee Paid to State	\$538.28
SAC Fees Paid to Met Council	
WAC Fees Paid to Oakdale	
Misc. Expenses	
Total Fees Retained	\$17,788.88

Summary Grand Total Fees

Summary Grand Total Fees	\$49,175.08
Surcharge Fee Paid to State	\$1,514.48
SAC Fees Paid to Met Council	\$0.00
WAC Fees Paid to Oakdale	\$0.00
Misc. Expenses	\$0.00
Total Fees Retained	\$47,660.60

Credit Fees to Bldg	\$17,788.88
Credit Fees to Water	
Credit Fees to Sewer	

Credit Fees to Bldg	\$47,660.60
Credit Fees to Water	\$0.00
Credit Fees to Sewer	\$0.00

Building Permit Detail Summary

April 01, 2004 Through April 30, 2004

Occupancy

Class Of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4025	Basement finish (includes plmg&htg)	4/29/2004	Single Family Dwelling	28,000
Totals for Class Of Work: Remodel		Number of Permits = 1		Sum of Valuation = 28,000

Totals for Occupancy:		Number of Permits = 1		Sum of Valuation = 28,000
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Occupancy

Class Of Work: Repair

Permit #	Description of Work	Date Issued	Use of Building	Valuation
3999	reroof	4/15/2004	Commercial	29,000
Totals for Class Of Work: Repair		Number of Permits = 1		Sum of Valuation = 29,000

Totals for Occupancy:		Number of Permits = 1		Sum of Valuation = 29,000
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Occupancy B

Class Of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4020	Sign	4/28/2004	Office Building	2,500
Totals for Class Of Work: Add		Number of Permits = 1		Sum of Valuation = 2,500

Class Of Work: New

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4033	Commercial	4/30/2004	Office Building	250,000
4030	Commercial	4/30/2004	Office Building	250,000
Totals for Class Of Work: New		Number of Permits = 2	Sum of Valuation =	500,000

Totals for Occupancy: B	Number of Permits = 3	Sum of Valuation =	502,500
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Occupancy U-1**Class Of Work: Add**

Permit #	Description of Work	Date Issued	Use of Building	Valuation
3992	Garage	4/8/2004	Accessory Building	35,000
4008	Garage	4/23/2004	Accessory Building	12,000
4027	Garage	4/29/2004	Accessory Building	15,500
Totals for Class Of Work: Add		Number of Permits = 3	Sum of Valuation =	62,500

Class Of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4021	Basement	4/28/2004	Single Family Dwelling	20,000
Totals for Class Of Work: Remodel		Number of Permits = 1	Sum of Valuation =	20,000

Totals for Occupancy: U-1	Number of Permits = 4	Sum of Valuation =	82,500
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Occupancy R-3

Class Of Work: Add

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
4018	addition & remodel	4/27/2004	Single Family Dwelling	30,000
4005	other	4/22/2004	Single Family Dwelling	4,500
3981	Deck	4/1/2004	Single Family Dwelling	11,682
4001	driveway	4/20/2004	Single Family Dwelling	4,895
4013	swimming pool	4/26/2004	Single Family Dwelling	20,000
3993	addition	4/8/2004	Single Family Dwelling	30,000
4006	other	4/22/2004	Single Family Dwelling	4,500
3983	Garage	4/1/2004	Single Family Dwelling	25,244
4029	mobile home setup	4/30/2004	Single Family Dwelling	5,000
3985	Deck	4/5/2004	Single Family Dwelling	3,500
4026	Fireplace	4/29/2004	Single Family Dwelling	2,300
3997	addition & remodel	4/15/2004	Single Family Dwelling	16,000
Totals for Class Of Work: Add	Number of Permits = 12		Sum of Valuation =	157,621

Class Of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation
3990	window replacement	4/6/2004	Single Family Dwelling	18,720
3998	window replacement	4/15/2004	Single Family Dwelling	2,473
3982	window replacement	4/1/2004	Single Family Dwelling	1,577
3989	finish basement (includ plmg and hvac)	4/6/2004	Single Family Dwelling	24,500
4000	Roof Replacement	4/19/2004	Single Family Dwelling	6,350
4004	reroof	4/21/2004	Mobile Home	2,000
3984	window replacement	4/5/2004	Single Family Dwelling	11,700
4009	Basement	4/23/2004	Single Family Dwelling	28,000
4032	Roof Replacement	4/30/2004	Single Family Dwelling	6,000
4034	Roof Replacement	4/30/2004	Single Family Dwelling	11,975
4012	other	4/26/2004	Single Family Dwelling	12,000
4014	window replacement	4/26/2004	Single Family Dwelling	16,810
4031	Roof Replacement	4/30/2004	Single Family Dwelling	11,312
4024	Basement finish (includes plmg&htg)	4/29/2004	Single Family Dwelling	20,000
4023	Remodel	4/29/2004	Single Family Dwelling	5,000
4022	Basement finish (includes plmg&htg)	4/28/2004	Single Family Dwelling	30,000
Totals for Class Of Work: Remodel		Number of Permits = 16	Sum of Valuation =	208,417

Class Of Work: Repair

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
4019	reroof	4/27/2004	Single Family Dwelling	12,800
4028	Roof Replacement	4/30/2004	Single Family Dwelling	2,500
3988	driveway	4/6/2004	Single Family Dwelling	3,000
3991	stucco	4/6/2004	Single Family Dwelling	2,000
4007	reroof	4/22/2004	Single Family Dwelling	1,200
3996	Siding	4/14/2004	Single Family Dwelling	35,000
4003	reroof	4/20/2004	Single Family Dwelling	10,000
Totals for Class Of Work: Repair		Number of Permits = 7	Sum of Valuation =	66,500

Class Of Work: Alter

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
4010	fence	4/23/2004	Single Family Dwelling	400
Totals for Class Of Work: Alter		Number of Permits = 1	Sum of Valuation =	400

Class Of Work: Demolition

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
4016	demolition	4/26/2004	Single Family Dwelling	2,100
4015	demolition	4/26/2004	Mobile Home	2,100
4017	demolition	4/26/2004	Mobile Home	2,100
Totals for Class Of Work: Demolition		Number of Permits = 3	Sum of Valuation =	6,300

Totals for Occupancy: R-3	Number of Permits = 39	Sum of Valuation =	439,238
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Grand Total for All Permits Issued:

Number of Permits 48

Total Valuation = 1,081,238

*City of Lake Elmo
Building Department*

Plumbing Permit Detail Summary

April 01, 2004 Through April 30, 2004

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Valuation</i>
3986	commercial plumbing alter	4/5/2004	2,500
3987	Septic exsisting	4/5/2004	5,500
4009	alter resd plmg	4/23/2004	4,500
4018	alter resd plmg	4/27/2004	4,000
4021	alter resd plmg	4/28/2004	2,000
4030	New Commercial	4/30/2004	5,000
4033	New Commercial	4/30/2004	5,000

<i>Number of Permits 7</i>	<i>Total Valuation = 28,500</i>
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*City of Lake Elmo
Building Department*

HVAC Permit Detail Summary

April 01, 2004 Through April 30, 2004

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Valuation</i>
3993	alter resd hvac	4/8/2004	1,500
3994	replace furnace	4/14/2004	2,500
3995	Gasline	4/14/2004	500
4002	alter resd hvac	4/20/2004	2,258
4009	alter resd hvac	4/23/2004	1,200
4011	alter resd hvac	4/23/2004	315
4018	alter resd hvac	4/27/2004	2,000
4021	alter resd hvac	4/28/2004	800
4030	New Commercial	4/30/2004	5,000
4033	New Commercial	4/30/2004	5,000

<i>Number of Permits 10</i>	<i>Total Valuation = 21,073</i>
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*City of Lake Elmo
Building Department*

Building Permit Fees

April 01, 2004 Through April 30, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>	<i>Plan Review</i>	<i>Other</i>	<i>Investigation</i>	<i>SAC Fee</i>	<i>Sewer Fee</i>	<i>WAC Fee</i>	<i>Meter</i>	<i>Sales Tax</i>
4/1/2004	3981	\$209.25	\$5.84	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/1/2004	3982	\$57.05	\$0.79	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/1/2004	3983	\$401.85	\$12.62	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/5/2004	3984	\$209.25	\$5.85	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/5/2004	3985	\$97.25	\$1.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/6/2004	3988	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/6/2004	3989	\$391.25	\$12.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/6/2004	3990	\$307.25	\$9.36	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/6/2004	3991	\$69.25	\$1.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/8/2004	3992	\$492.75	\$17.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/8/2004	3993	\$442.25	\$15.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/14/2004	3996	\$492.75	\$17.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/15/2004	3997	\$265.25	\$8.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/15/2004	3998	\$83.25	\$1.24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/15/2004	3999	\$432.15	\$14.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/19/2004	4000	\$139.25	\$3.18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/20/2004	4001	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/20/2004	4003	\$181.25	\$5.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/21/2004	4004	\$69.25	\$1.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/22/2004	4005	\$111.25	\$2.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/22/2004	4006	\$111.25	\$2.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/22/2004	4007	\$44.85	\$0.60	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

*City of Lake Elmo
Building Department*

Building Permit Fees

April 01, 2004 Through April 30, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>	<i>Plan Review</i>	<i>Other</i>	<i>Investigation</i>	<i>SAC Fee</i>	<i>Sewer Fee</i>	<i>WAC Fee</i>	<i>Meter</i>	<i>Sales Tax</i>
4/23/2004	4008	\$209.25	\$6.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/23/2004	4009	\$422.05	\$14.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/23/2004	4010	\$23.50	\$0.20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/26/2004	4012	\$209.25	\$6.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/26/2004	4013	\$321.25	\$10.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/26/2004	4014	\$279.25	\$8.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/26/2004	4015	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/26/2004	4016	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/26/2004	4017	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/27/2004	4018	\$442.25	\$15.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/27/2004	4019	\$223.25	\$6.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/28/2004	4020	\$0.00	\$0.00	\$0.00	\$75.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/28/2004	4021	\$321.25	\$10.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/28/2004	4022	\$442.25	\$15.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/29/2004	4023	\$111.25	\$2.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/29/2004	4024	\$321.25	\$10.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/29/2004	4025	\$422.05	\$14.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/29/2004	4026	\$83.25	\$1.15	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/29/2004	4027	\$265.25	\$7.75	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/30/2004	4028	\$83.25	\$1.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/30/2004	4029	\$0.00	\$0.00	\$0.00	\$75.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/30/2004	4030	\$1,833.75	\$125.00	\$1,191.94	\$301.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

*City of Lake Elmo
Building Department*

Building Permit Fees

April 01, 2004 Through April 30, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>	<i>Plan Review</i>	<i>Other</i>	<i>Investigation</i>	<i>SAC Fee</i>	<i>Sewer Fee</i>	<i>WAC Fee</i>	<i>Meter</i>	<i>Sales Tax</i>
4/30/2004	4031	\$209.25	\$5.66	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/30/2004	4032	\$125.25	\$3.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/30/2004	4033	\$1,833.75	\$125.00	\$1,191.94	\$301.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4/30/2004	4034	\$209.25	\$5.99	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals:		\$12,999.00	\$529.78	\$2,383.88	\$1,056.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Grand Total of Building Related Fees Collected: \$16,968.66

*City of Lake Elmo
Building Department*

Plumbing Permit Fees

April 01, 2004 Through April 30, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
4/5/2004	3986	\$150.00	\$0.50
4/5/2004	3987	\$50.00	\$0.50
4/23/2004	4009	\$50.00	\$0.50
4/27/2004	4018	\$50.00	\$0.50
4/28/2004	4021	\$50.00	\$0.50
4/30/2004	4030	\$150.00	\$0.50
4/30/2004	4033	\$150.00	\$0.50
Totals:		\$650.00	\$3.50

Grand Total of Plumbing Fees Collected: \$653.50

*City of Lake Elmo
Building Department
HVAC Permit Fees*

April 01, 2004 Through April 30, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
4/8/2004	3993	\$50.00	\$0.50
4/14/2004	3994	\$50.00	\$0.50
4/14/2004	3995	\$50.00	\$0.50
4/20/2004	4002	\$50.00	\$0.50
4/23/2004	4009	\$50.00	\$0.50
4/23/2004	4011	\$50.00	\$0.50
4/27/2004	4018	\$50.00	\$0.50
4/28/2004	4021	\$50.00	\$0.50
4/30/2004	4030	\$150.00	\$0.50
4/30/2004	4033	\$150.00	\$0.50
Totals:		\$700.00	\$5.00

Grand Total of HVAC Fees Collected: \$705.00

<p>Lake Elmo City Council May 18, 2004</p>	<p>Agenda Section: Planning, Land Use & Zoning</p>	<p><u>No.</u> 9A</p>
<p>Agenda Item: Drainfield Setback Variance – Webster, 3604 Layton Avenue</p>		
<p><u>Background Information for May 18, 2004:</u></p> <p>At its meeting May 10, 2004 the Planning Commission conducted the required Hearing and adopted (6-3 Deziel, Johnson & Bunn Opposed) a recommendation for denial of this application to place a new septic drainfield within 5 feet of a property line (10 feet required), and within 12 feet of a structure (20 feet required). The variance application is responsive to a 2003 amendment to Section 700 of the City Code that establishes a variance procedure for septic standards that is identical to the Zoning Ordinance variance procedure – including required Findings.</p> <p>The majority of the Commission concurred with the Findings for denial suggested by staff. Those Commissioners opposed primarily observed that the denial will not, in fact, preserve a backup drainfield site, since the applicant could instead build a garage on the site proposed for the new drainfield without a zoning variance.</p>		
<p><u>Action items:</u></p> <p>Motion to approve Resolution #2004 - ⁰⁴³, for denial of septic setback variances at 3604 Layton Avenue based on Findings and the recommendation of the Planning Commission.</p>	<p><u>Person responsible:</u></p> <p>City Planner</p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Draft Resolution 2004 - ⁰⁴³, Denying Variance 2. Draft Planning Commission Minutes of May 10, 2004 3. Planning Staff Report of May 6, 2004 4. Applicant's Graphics and Documentation 	<p><u>Time Allocated:</u></p>	

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-043

A RESOLUTION DENYING A SEPTIC SETBACK VARIANCE
REQUESTED BY GARY WEBSTER

WHEREAS, Gary Webster, 3604 Layton Avenue N., has requested a variance to place a new septic drain field within 5 feet of a property line and within 12 feet of a structure.

WHEREAS, at its May 10, 2004 meeting, the Lake Elmo Planning Commission conducted the public hearing and recommended denial of the septic setback variances at 3604 Layton Avenue based on the following findings:

1. The property can be put to reasonable use – as defined by the circumstances of this particular case – if used under the conditions of the Chapter 700 of the City Code. The site currently has a functioning drain field that poses no imminent health threat, and complies with drain field setback standards.
2. The plight of the present land owner – small site land area; present drain field location; and lack of a garage, were known to the present land owner (Applicant) as existing conditions upon site acquisition. The variance applicant is sole the result of the land owner/applicant deciding to construct a garage, not a result of total drain field failure. The public health and safety protection accorded by the prescribed drain field setbacks outweigh any property owner hardship resulting from having no garage on the site.
3. The variances, if granted, will not alone change the essential character of the neighborhood.

WHEREAS, at its May 18, 2004 meeting, the Lake Elmo City Council reviewed Gary Webster's application at 3604 Layton Avenue N. to place a new septic drain field within 5 feet of a property line (10 feet required), and within 12 feet of a structure (20 feet required).

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council denies the application of Gary Webster, 3604 Layton Avenue N., to place a new septic drain field within 5 feet of a property line and within 12 feet of a structure based on the Findings and the recommendation of the Planning Commission.

ADOPTED, by the Lake Elmo City Council on the 18th day of May, 2004.

Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty
City Administrator

PUBLIC HEARING

Variance to Side Yard and Structure Setback to Construct a Septic System - WEBSTER

The Planner presented the first application for a variance under Chapter 700, the city's septic system ordinance. He advised the Commission that Chapter 700 by reference adopts Minnesota Rule 7080 - the State Rules governing standards for septic systems. He continued that Minnesota Rule 7080 allows a city to adopt a variance procedure, which Lake Elmo did in August, 2003.

The City Planner reported that this application requests a variance from setbacks from a structure and property lines to construct a drainfield 5 feet from a property line and 12 feet from the house, where 10 feet and 20 feet are required.

The City Planner suggested the following Findings be adopted regarding the Webster variance application:

1. The property can be put to reasonable use – as defined by the circumstances of this particular case – if used under the conditions of the Chapter 700 of the City Code. The site currently has a functioning drain field that poses no imminent health threat; and complies with drain field setback standards.
2. The plight of the present land owner – small site land area; present drain field location; and lack of a garage, were known to the present land owner (applicant) as existing conditions upon site acquisition. The variance application is sole the result of the land owner/applicant deciding to construct a garage, not a result of total drain field failure. The Public health and safety protections accorded by the prescribed drain field setbacks outweigh the any property owner hardship resulting from having no garage on the site.
3. The variances, if granted, will not alone change the essential character of the neighborhood.

The Planner recommended denial, but suggested that if the Planning Commission recommends approval, the new septic system will need monitoring by a state certified septic inspector. The Planner suggested that if the City grants this variance for an alternative system, the City may be creating another administrative burden.

Commissioner Deziel asked about the timeframe to connect the Old Village to a community system.

The Planner said it might be 2 to 10 years.

Commissioner Deziel said that surface water might cause those higher water indicators in the soil. This might contribute to the problem.

Gary Webster

The applicant said that the MPCA created new codes in 1996, and that in 1997, when the existing system was constructed, the installation did not meet that new code. He reported that the proposed drainfield site is the only place on the lot that percolates.

Commissioner Sedro asked where the original septic system was located.

Mr. Webster said he thinks it was under the one that exists now.

Commissioner Bunn said that even if the garage was placed on the north side, there would be no access into the kitchen of this house from the outside.

Mr. Webster said he could comply with any conditions attached to approval.

Chairman Helwig asked the Planner if this lot has to have two drain field sites.

The Planner said this lot predates the second drain field provision of the Code, but that the Building Official is still concerned there is no secondary drain field site on this parcel if the existing (functioning) drain field site is relocated as proposed.

Commissioner Pelletier asked the applicant if the east side of the house is the front of the house.

Mr. Webster said that the east side is the front of the house; and, that a garage added to the east side of the house would cover the front of the house, and would require the removal of the mature trees.

Commissioner Deziel pointed out that the proposed drainfield site could become the location for a new garage as well; and then there will be no secondary site for a septic system. He then asked whether or not those issues were considered. He said the lot is open to the west, and while the existing system is not an imminent threat, the proposed septic site is the right place for the drainfield for more than one reason. He pointed out that a garage on the west side of the lot would be more aligned with the other garages on the alley. He then asked what would happen if the existing system does fail. He said it is his inclination was that the Planning Commission would then recommend approval of a variance for new septic system on the site now proposed.

THE CHAIR OPENED THE PUBLIC HEARING AT 8:16 P.M.

No testimony was offered.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:17 P.M.

Commissioner Deziel said the applicant needs a garage and a drainfield, and what the applicant is proposing may be the best plan for both by maintaining the streetscape, and being respectful of vegetation. He said this is a good example of a drainfield variance.

Commissioner Bunn said the public safety concern is an issue at time of failure, and the proposed new system is an alternative while waiting for the Old Village Plan wastewater solution. She observed that the time frame for implementation of the plan and this alternative set together is a combination that might make a case for a variance. She said the failing drainfield site is a good location for a garage, and the proposed drainfield location is okay. She concluded that this is a unique situation.

Commissioner Deziel said it seems the location for the new drainfield is ideal; the Commission should approve the only potentially viable drainfield on the lot; and, the proposed drain field site is a substantial distance to the next door structure.

Mr. Webster distributed letters from his neighbors supporting his variance application.

The Planner said the Building Official classified the existing system as a "technically failing" system, but that the system is functioning, and is not an imminent threat to Public Health.

M/S/F, Deziel/Bunn, To recommend approval for a variance to the side yard setback to the property line and the setback to the house because of an existing drainfield that has been classified as a Failing System by the Building Official and an expert, in order to allow the construction of a new drainfield on the only area of the property, according to the applicant, that percolates. According to the expert, the front yard is unsuitable for a drainfield.

Commissioner Ptacek expressed sympathy for the applicant's problem but said the commission should not establish a precedent of granting variances to construct new septic systems when the existing system still functions. The commission should not base their decisions on what the lot looks like or what the neighbors think of the plan. Commissioner Berg said that public health and safety is the issue to be concerned about.

VOTE: 2:7 – FAILED (Deziel/Bunn).

M/S/P, Ptacek/Sessing, Based upon the Findings in the staff report dated May 6, 2004, to recommend denial of the application by Gary Webster for a variance from side yard and structure setback for the construction of a drainfield.

Commissioner Bunn said that a vote to deny this variance is a vote for no backup system. The applicant can build a garage on the only part of the parcel that percolates, without a variance.

VOTE: 6:3 – PASSED (Deziel/Bunn/Johnson). Commissioner Johnson said she did not originally understand that the planned garage can be built on the secondary septic system site without a variance.

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: May 6, 2004 for the Meeting of May 10, 2004

Applicant: Gary Webster

Location: 3604 Layton Avenue North

Requested Action: Septic Drain Filed Setback Variance

Land Use Plan Guiding: SRD

Existing Zoning: R-1

Site History and Existing Conditions:

The subject site is an "old platting" lot of 7,500 square feet. City records extend back to about 1990, and include reference to three prior owners. Other than a Nuisance notification from the City in 1992 (yard storage), all file references regarding this site address the septic system. Following several years of problems with a very old septic system on the site, a new tank and drain field was constructed in 1997. An inspection of the new system in 2003 revealed a lack of the required separation between the drain field and the high water table. The system was found by the Building Official to be "failing", but "not an imminent health threat".

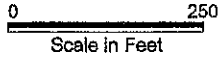
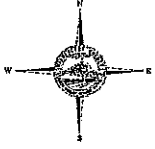
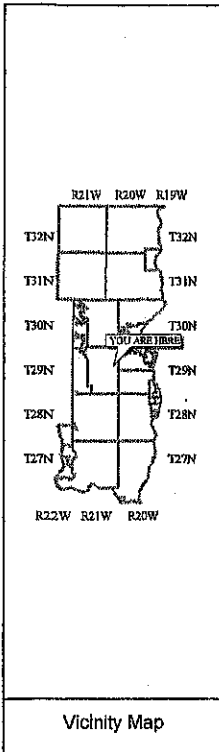
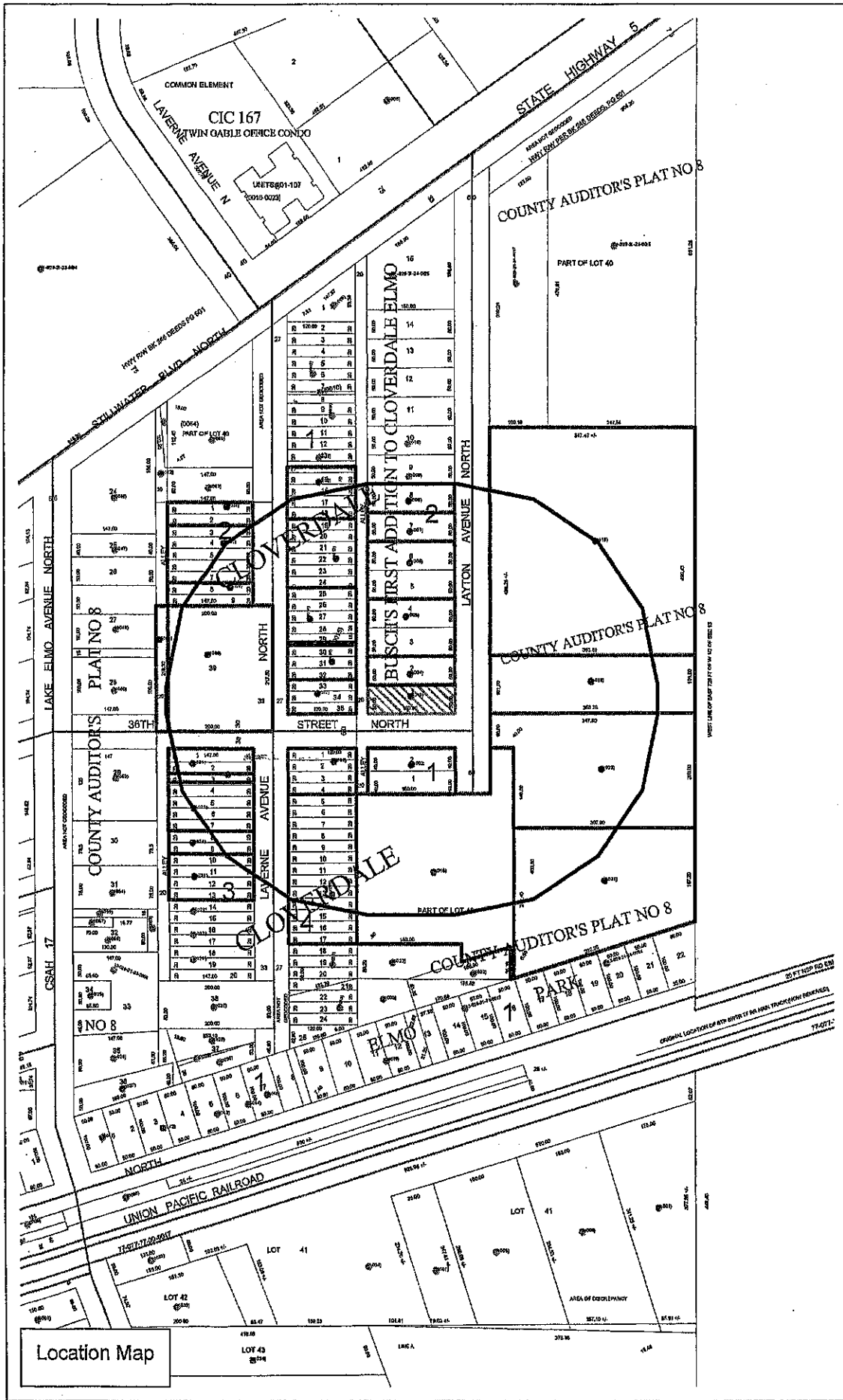
In mid 2003 the applicant approached the City with a plan to relocate the drain field component of the septic system from the west side of the house to the north side of the house. The new proposed drain field location would be 5 feet from the north property line of the lot (10 feet required) and 12 feet from the applicant's house (20 feet required). No permit could be issued on that design; and, no variance process had been included in Chapter 700 of the City Code.

Recognizing the necessity for some variance/appeal process from the septic standards of Chapter 700 of the City Code (and MPCA Rules Chapter 7080 by reference), the City Council amended Chapter 700 in August, 2003 to provide a variance process that parallels the zoning variance process in Chapter 300 of the City Code – Hearing before the Planning Commission, and a recommendation to the City Council. The same "hardship" standards/Findings as with a zoning variance apply as well.

Discussion and Analysis:

Responsive to the Code amendment, the applicant now applies for variances from the Chapter 7080 drain field setback standards consistent with the system design proposed in 2003. The new drain field would be located within 5 feet of the north property line (10 feet required); and within 12 feet of the applicant's house (20 feet required). It should be noted that the new drain field would be of a special design allowed by MPCA Rules to overcome the observed compaction of the soils and the high water table at the location proposed. The drain field design would require periodic monitoring and reports to the City (much like with the Constructed Wetlands Wastewater Systems).

The applicant's "hardship" argument centers on his desire to construct a garage on the property. The applicant maintains that the only available site for a garage on this lot is where the existing drain field is located. No specific garage plans have, as yet, been submitted to the City.



Location Map

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

Source: Washington County Surveyor's Office, Phone (503) 438-8375

Plat data based on AS430 information current through June 30, 2003

Map printed: August 20, 2003

Since, other than the inspection ports, a drain field is essentially invisible above grade it is reasonable to address the Public Purpose of the drain field setback standards of Chapter 7080. Planning staff has been advised by those knowledgeable in septic system design that the primary (and perhaps, only) purpose of the drain field setback standards is to create a horizontal buffer area in case of drain field failure. Saturated soil from a drain field failure could (and often does) result in surface run off of effluent. Even when there is no surface run off, below grade saturation could extend horizontally to contaminate basement walls. The prescribed drain field setbacks are to provide a measure of safety to the homeowner's house and the neighbor's property in case of drain field failure.

It appears that at least three related questions can be posed with this proposal:

1. Is a garage necessary?
2. Is there an alternative location for a garage on this site?
3. Is there an alternative location on this site for a new drain field - in addition to the existing location, and the proposed location for which variances are necessary?

In numerous preceding variance applications staff has been supportive of the reasonable necessity in this climate for a garage of some description. It would appear, however, that at least two other options may exist on this lot to construct a garage without the need for variances - either zoning or septic. While neither option is ideal, both are physically possible, as follow:

1. The existing north house setback (where the new drain field is proposed) is reported to be 33 feet. That would be a side setback in the R-1 zone, which permits structures at a 10 foot setback. An attached garage north of the house - accessed from Layton Avenue - could be over 20 feet in width and depth.
2. The required R-1 setback to Layton Avenue is 30 feet, with a 50 foot setback from property line to the existing house reported by the applicant. If the 50 foot setback is accurately reported, a 20 foot garage structure would fit within setbacks. There would be mature trees lost, and the building line along Layton would be altered as a result. It is also doubtful that the house layout is set up for an attached garage on the Layton side - but it could be done.

With respect to an alternative drain field location, we again look to the Layton Avenue setback as a possibility. The existing mature trees could be a problem; and the pipe run from the septic tank would be lengthy. We are assuming that the applicant's septic designer investigated and rejected that option. We will know that for certain by May 10.

The Lake Elmo Building Official (a Certified Septic Inspector) advises as follows:

1. The soils in this area of the City are uniformly poor for drain fields, with a historically high ground water level.
2. The proposed new drain field appears (subject to confirmation) to be the only remaining location on the lot for a back up drain field should the existing drain field fail. There is a real concern with a property owner "using up" his only alternative drain field site for purposes other than to replace an existing drain field that has failed.
3. The proposed new drain field is an "other" design per MPCA standards. The property owner is required to have that drain field monitored by a Certified Septic Inspector on a periodic basis, with a report to the City as to system performance. Does the City wish to assume that responsibility - making sure the inspections are completed? A variance approval must include a condition as to proper conduct of monitoring of the new system - beyond the City's ISTS pumping system.

Findings and Recommendations:

Septic system drain field setbacks address concerns for Public health and safety, rather than the aesthetic and community character issues associated with many of the zoning setback cases heard by the Commission. We suggest that those Public health and safety concerns outweigh the applicant's claimed hardship. We also suggest that there may be alternative locations for a garage that would not require abandonment of a functioning drain field.

Staff recommends that the Commission consider the following Findings in this case:

1. The property can be put to reasonable use – as defined by the circumstances of this particular case – if used under the conditions of the Chapter 700 of the City Code. The site currently has a functioning drain field that poses no imminent health threat; and complies with drain field setback standards.
2. The plight of the present land owner – small site land area; present drain field location; and lack of a garage, were known to the present land owner (applicant) as existing conditions upon site acquisition. The variance application is sole the result of the land owner/applicant deciding to construct a garage, not a result of total drain field failure. The Public health and safety protections accorded by the prescribed drain field setbacks outweigh the any property owner hardship resulting from having no garage on the site.
3. The variances, if granted, will not alone change the essential character of the neighborhood.

Based on the foregoing, staff recommends denial the variances requested.

Planning Commission Actions Requested:

Motion to recommend denial of the application of Gary Webster, 3604 Layton Avenue, for variances to allow construction of a septic drain field 5 feet from a property line where 10 feet is required; and, 12 feet from a structure, where 20 feet is required based on the Findings of the Planning Staff Report dated May 6, 2004.

Should the Commission instead conclude that Findings can be made to recommend approval of the requested variances; such approval recommendation should include the following conditions:

1. The property owner shall contract with a State Certified Septic Inspector to regularly monitor the drain field, as prescribed by MPCA Rule 7080 and report the findings to the City. The property owner shall annually provide the City written evidence that a monitoring contract is in place.



Charles E. Dillerud, City Planner

Attachments:

1. Location Map
2. Applicant's Documentation
3. Chapter 700 Code Amendment - 2003

CITY OF Lake Elmo
ORDINANCE NO. 97-124

**AN ORDINANCE RELATING TO THE PROCESS FOR REVIEWING
ADMINISTRATIVE DECISIONS AND VARIANCE REQUESTS IN CONNECTION
WITH THE CITY'S INDIVIDUAL AND COMMUNITY SEWER SYSTEM
REGULATIONS**

The Lake Elmo City Council hereby ordains that Sections 700.05 Subd. 1(C)(1) and 700.05 Subd. 1(C)(2) are hereby amended to read as follows:

Sec. 700.05. Subd. 1

(C)(1) An aggrieved party may appeal the Zoning Administrator's decision regarding the interpretation or application of the provisions of City Code Section 700 and its subdivisions. Appeals shall be reviewed and determined by the City's Board of Adjustment and Appeals.

(C)(2) Request for variances to the provisions of Section 700 and its subdivisions shall be reviewed pursuant to the procedures and standards contained in Section 300.06 Subd. 3.

**THE LAKE ELMO CITY COUNCIL HEREBY ORDAINS THAT SECTION 700.05,
SUBD. 1(C)(3) IS REPEALED**

Adoption Date. Passed by the City Council of the City of Lake Elmo on the 18th day of Nov., 2003.

Lee Hunt, Mayor

ATTEST:

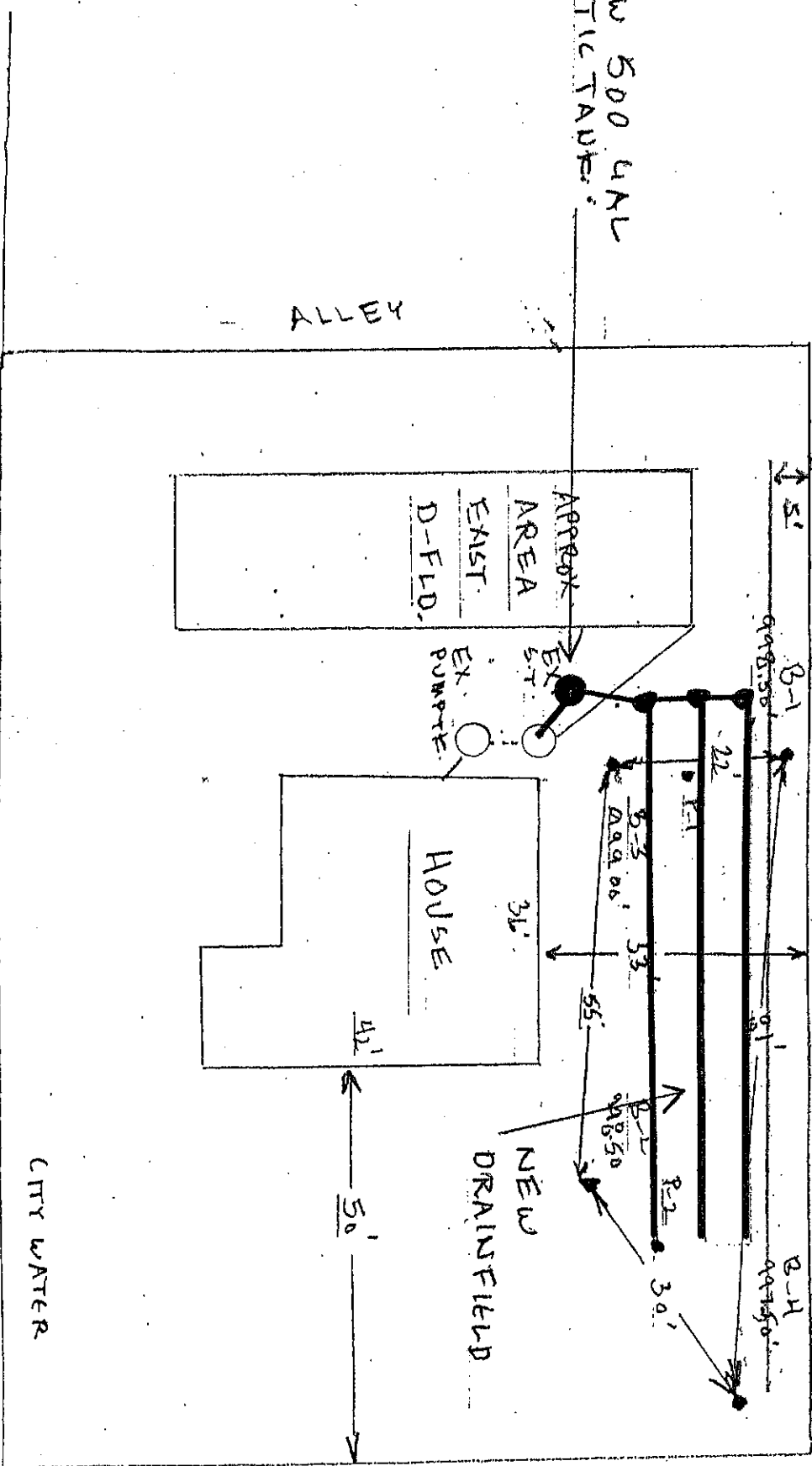
Charles Dillerud, Acting City Administrator

Publication Date. This Ordinance or an approved Summary thereof was published on the 28 of Nov., 2003.

NEW DESIGN LAY-OUT

1" = 20'

NORTH ↑



36 TH ST

27x 20x17

PROP. LINE

City of Lake Elmo
DEVELOPMENT APPLICATION FORM

- Comprehensive Plan Amendment
- Variance * (See below)
- Residential Subdivision Preliminary/Final Plat
 - 01 - 10 Lots
 - 11 - 20 Lots
 - 21 Lots or More
- Zoning District Amendment
- Minor Subdivision
- Excavating & Grading Permit
- Text Amendment
- Lot Line Adjustment
- Appeal
- PUD
- Flood Plain C.U.P. Conditional Use Permit
- Residential Subdivision Sketch/Concept Plan
- Conditional Use Permit (C.U.P.)
- Site & Building Plan Review

APPLICANT: GARY WEBSTER 3604 LAYTON AVE LAKE ELMO MN. 55042.
(Name) (Mailing Address) (Zip)

TELEPHONES: _____ 651-329-8653. _____
(Home) (Work) (Mobile) (Fax)

FEE OWNER: Same as above.
(Name) (Mailing Address) (Zip)

TELEPHONES: _____ _____ _____
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): 3604 LAYTON AVE
LAKE ELMO MN. 55042.

DETAILED REASON FOR REQUEST: This request for a drain field variance is directly related and necessary to building a garage. The location of new garage to be proposed, is exactly on top of the existing drain field.

*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:
The request for this variance is needed to build a garage. As I understand it, it is a hardship in Minnesota not having a garage. Obviously I cannot build on top of a drain field.

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Gary Webster _____
Signature of Applicant Date

Walter D. Webster
Mark J. Webster _____
Signature of Applicant Date

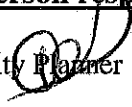
Lake Elmo City Council May 18, 2004	Agenda Section: Planning, Land Use & Zoning	<u>No.</u> 9B
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Agenda Item: Zoning Ordinance Amendment – Accessory Structures

Background Information for May 18, 2004:

On April 20, 2004 the Council referred the issue of existing accessory structure exterior surfacing provisions of the Zoning Ordinance to the Planning Commission for Hearing and recommendation. A resident had voiced concern regarding provisions of the Zoning Ordinance that preclude the option of red surfacing of an accessory structure since the principal structure (house) is light gray. The Code provides that all accessory structures must be of color similar to the principal structure or “earth tone”.

At its meeting May 10, 2004 the Planning Commission conducted a Noticed Public Hearing and unanimously adopted a recommendation to not amend the present Zoning Ordinance provisions regarding the exterior surfacing of accessory structures. Planning staff had observed that by allowing “agricultural appearing” accessory structures to depart from the present Code provisions would create a definitional dilemma – what is “agricultural appearing”? The Commission observed that to repeal the similarity provisions could open the door to abuse; and, that the inclusion of the similarity provisions had been thoroughly discussed by the Planning Commission at the time of adoption.

<p><u>Action items:</u></p> <p>If the Council concurs with the Planning Commission recommendation, no specific Council actions are required. Should the Council, however, disagree with the Commission’s recommendation, further direction to Staff/Commission by Motion is requested.</p>	<p><u>Person responsible:</u></p> <p>City Planner </p>
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<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Draft Planning Commission Minutes of May 10, 2004 2. Staff memo and Attachments 	<p><u>Time Allocated:</u></p>
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VOTE: 2:7 – FAILED (Deziel/Bunn).

M/S/P, Ptacek/..., Based upon the Findings in the staff report dated May 6, 2004, to recommend denial of the application by Gary Webster for a variance from side yard and structure setback for the construction of a drainfield.

Commissioner Bunn said that a vote to deny this variance is a vote for no backup system. The applicant can build a garage on the only part of the parcel that percolates, without a variance.

VOTE: 6:3 – PASSED (Deziel/Bunn/Johnson). Commissioner Johnson said she did not originally understand that the planned garage can be built on the secondary septic system site without a variance.

THE CHAIR CALLED FOR A FIVE MINUTE RECESS, AND RECONVENED AT 7:40 P.M.

PUBLIC HEARING **Accessory Structures**

The Planner explained that at a recent City Council Meeting a resident spoke regarding an accessory structure that they wished to be painted a barn red while their principal structure (house) is a light grey. He said that at least two areas of the code specify that accessory structures must be of similar surfacing and color as the principal structure, or at least earth tone. The Council observed that this provision of the code might not be in keeping with architectural rural character goals; and directed staff to establish a hearing date to consider modifying the code in some fashion to allow some latitude as to color of accessory structures under certain circumstances.

THE CHAIR OPENED THE PUBLIC HEARING AT 8:42 P.M.

Terry Most, 978 Lake Elmo Avenue North

She said she and her husband purchased their home in September. She said the code specifies materials and colors must be similar or of an earthen tone, and reds are an earthen tone. She said she and her husband made an effort to design a structure that looks like an old barn to match their 90-year old home. She said there is a red barn further north, up the road in a development of new houses. She presented photographs (attached) to the Commission.

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

Commissioner Bunn asked for clarification regarding whether these standards apply to specific zoning districts.

The Planner said this section of code applies to all zoning districts except for AG, where ongoing agricultural operations exist.

Mrs. Most said her lot is a 2.5 acre site.

Commissioner Johnson said that lots on the stretch of road near the Most residence appear large. She said that the red barn Ms. Most referred to is an historic barn in a development of brand new structures that do not match that barn. She suggested that larger lots should get approval for historic colors.

The Planner asked where the city would draw the line. He said that small accessory buildings under 160 square feet are not regulated.

Commissioner Helwig said he was involved years ago with this section of the zoning ordinance, and that the Planning Commission worked hard and diligently on the design. He also said that there were members on the Council then, who still are, that agreed with this section of the code. He said the Most accessory building does not look like a barn because the roof is A-frame, and the siding is vertical. He said he could support white for this structure since there are several white barns that have a hip roof, horizontal siding, etc. in the City.

Commissioner Ptacek said that changing the code might allow lots to have a hot pink garage, and he supports the Chairman that we do not change the ordinance.

Commissioner Johnson said the city's existing barns coincide with rural character and so does a barn-like building. She said the Commission providing guidance that barn-like structures may only be red might be a Pandora' Box.

Commission Sedro said she has no strong preference, and does not wish the City to be the style police. She would prefer not to see this as a variance application before the Planning Commission.

Commissioner Deziel said he has a measure of anxiety about the ordinance. He said if you are going to license paintbrushes there are other areas the city could be tougher on. The city should accept some difference in taste and variety in order to allow creativity and freedom.

Commissioner Pelletier said she agrees with earthen tone. However, she asked how open to interpretation earthen tone is. Who picks the colors?

The Planner said judgment is exercised, which is why he prefers that the term, "Earthen Tone" was not in the ordinance, and in his opinion, a red accessory structure is not earthen tone.

Terry Most said the ordinance said an accessory structure must match the primary structure, under those conditions neon green or blaze orange could be approved for both a house and garage.

Commissioner Ptacek said some of the concern is that this code applies to residential areas, not rural. He said that and property values are why we do not allow a yellow pole building next to a stucco home. He said there is a difference between barn-like versus barns. He said there are not enough situations existing that we should change the code.

M/S/P, Ptacek/Sedro, To recommend to the City Council that it is not necessary to amend the code with regard to the color of accessory structures. **VOTE: 7:1:1** (Nay: Deziel, Abstain: Sedro).

~~CITY COUNCIL UPDATE~~

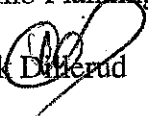
~~The Planner said the city has sent out its first Stormwater Utility Billing, that \$8,000.00 will be collected into the utility account, all the other communities are doing this so far, and that staff has perceived only one difficulty so far - multiple tax parcels that make up a homestead. He said those residents are being told to combine their parcels.~~

~~Commissioner Bunn said she will be writing a letter of resignation and will send it to the City Council because she wants to work on a project that will consume several years. She said she had enjoyed the process, learned a great deal, and is very proud of the work the Commission performed on the Old Village and the Community and Staffing Study. She said she is hopeful those plans will go forward in the next several years.~~

~~The Planner said the Old Village Plan is still in the hands of the City Council for now. He said the city needs to find the money to do the streetscapes. He said the Wastewater Report was received and it would work, the Public Water was received and revealed that it would work but that the city needs more storage.~~

MEMO
(May 6, 2004)

To: Lake Elmo Planning Commission

From: Chuck  Ditterud

Subject: Accessory Building Color – Zoning Ordinance Amendment

On April 20, 2004 the City Council directed the staff to initiate; and the Planning Commission to consider /recommend a proposal to amend Section 300.13, Subdivision 3 of the Zoning Ordinance with respect to the exterior materials and color of the accessory structure.

Several paragraphs of the referenced Subdivision specify that an accessory structure must be either “match” or “be similar to” the materials and color of the principal structure on the site. I am not aware of any issues regarding these provisions over the 6 years I have been with the City.

The issue has surfaced now, however, as the result of a proposal by a property owner in the RR zoning district to paint an accessory structure “barn red” even though the principal structure is light grey. The accessory structure is already constructed, but unpainted as of now. Some of the architectural features of accessory structure suggest a classic “barn”, but the scale is much smaller than a barn. The property owner has suggested to the City Council that the City’s vision of “rural character” is inconsistent with a zoning ordinance requirement that this “barn appearing” accessory structure is not permitted to be painted red – unless, of course, the house is red as well.

Staff has Noticed a Public Hearing for the Planning Commission to consider amending Section 300.13 to overcome the apparent conflict between zoning standards and community vision. I have not addressed any specific language as of this writing, but will have some suggestions available for the Public and Commission to consider on May 10. I have attached copies of the Code paragraphs of concern, and I invite the Commission to individually consider how the City might address the apparent conflict in the Code.

- B. No cellar, garage, recreational vehicle or trailer, basement with unfinished exterior structure above, or accessory building shall be used at anytime as a dwelling unit.
- C. All principal buildings hereafter erected on unplatted land shall be so placed as to avoid obstruction of future street or utility extensions and shall be so placed as to permit reasonably anticipated future subdivisions and land use.
- D. All principal buildings shall meet or exceed the minimum standard of the Minnesota State Building Code, the Minnesota State Uniform Fire Code, the Minnesota Department of Health, the Minnesota Pollution Control Agency, and the City's on-site sewage treatment ordinance.

Subd. 3 Accessory Buildings and Structures.

- A. **Types of Accessory Buildings** - storage or tool sheds; detached residential garage; detached rural storage building; detached domesticated farm animal buildings; agricultural farm buildings. The accessory buildings are defined as follows:

1. **Storage or Tool Shed.** A one story accessory building of less than one hundred sixty (160) square feet gross area with a maximum roof height of twelve (12) feet and exterior colors or materials matching the principal structure or utilizing earthen tones. No door or other access opening in the storage or tool shed shall exceed twenty-eight (28) square feet in area.

2. **Detached Residential Garage.** A one-story accessory building used or intended for the storage of motor driven passenger vehicles regulated in Section 300.13, Subd. 4. with a maximum roof height of twenty (20) feet. No door or other access opening shall exceed fourteen (14) feet in height. The exterior color, design, and materials shall be similar to the principal structure.


3. **Detached Rural Storage Building.** A one story accessory building used or intended for the storage of hobby tools, garden equipment, workshop equipment, etc. Exterior materials shall match the principal structure in exterior color or be of an earthen tone. The gross area of the building shall not exceed one thousand (1,000) square feet in gross area on a parcel of between two (2) and ten (10) acres and not more than two thousand (2,000) square feet in gross area on a parcel of greater than ten (10) acres.

4. **Detached Domesticated Farm Animal Building.** A one story accessory building used or intended for the shelter of domestic farm animals and/or related feed or other farm animal supportive materials. The building shall require a Minnesota Pollution Control Agency feedlot permit and site and building plan approval and shall not exceed 2,000 square feet in gross area for a parcel between ten (10) and twenty (20) acres and not more than one-thousand (1000) square feet in gross area on a parcel of less than ten (10) acres.

5. **Agricultural Farm Building.** An accessory building used or intended for use on an active commercial food producing farm operation of more than twenty (20) acres. A Minnesota Pollution Control Agency permit may be required.

Lake Elmo Municipal Code
Chapter 3 -Zoning
Section 300 -Zoning Ordinance

- B. A tool shed as defined in this section may be placed on any lot in addition to the permitted number of accessory buildings.
- C. No accessory building shall be constructed nor accessory use located on a lot until a building permit has been issued for the principal building to which it is accessory.
- D. No accessory building used or intended for the storage of passenger automobiles shall exceed one thousand (1,000) square feet of gross area nor shall any access door or other opening exceed the height of ten (10) feet, nor shall any structure exceed one story in height except when the garages are located in Business, Industrial or Planned Unit Developments. On parcels of twenty thousand (20,000) square feet in area or less, no detached accessory building or garage shall exceed the size of the principal building in gross floor area.
- E. An accessory building shall be considered as an integral part of the principal building if it is located six (6) feet or less from the principal building. The exterior design and color shall be the same as that of the principal building or be of an earthen tone; the height shall not exceed the height of the principal structure unless more restrictive portions of this section prevail.
- F. No accessory building in a commercial or industrial district shall exceed the height of the principal building.
- G. No accessory buildings in apartment developments shall exceed the height of the principal building.
- H. Accessory buildings in the commercial and industrial districts may be located to the rear of the principal building, subject to the Building Code and fire zone regulations.
- I. No detached garages or other accessory buildings in residential districts shall be located nearer the front lot line than the principal building on that lot, except in AG, RR, and R-1 districts where detached garages may be permitted nearer the front lot line than the principal building by resolution and written approval by adjacent property owners to be submitted to the Zoning Administrator, and except in planned unit developments or cluster developments.
- J. Accessory structures located on lake or stream frontage lots may be located between the public road and the principal structure provided that the physical conditions of the lot require such a location and a resolution is issued. In no event shall the structure be located closer than twenty (20) feet to the public right-of-way.
- K. All accessory buildings over thirty-five (35) square feet in area shall have a foundation, concrete slab or wind anchor. Buildings larger than one hundred (100) square feet shall require a building permit regardless of improvement value. Roof loads and wind loads shall conform to requirements as contained in the Building Code.
- L. The required rear yard setbacks for detached residential garages, and storage, boat, and tool sheds shall be a distance equal to the required side yard setback for each zoning district, except on through lots when the required rear yard setback in each zoning district shall apply.

Lake Elmo City Council May 18, 2004	Agenda Section: Planning, Land Use & Zoning	<u>No.</u> 9C
<u>Agenda Item:</u> Consultant Selection – Trail System Plan		
<p><u>Background Information for March 18, 2004:</u></p> <p>The 2004 Capital Improvements Program includes an appropriation for the completion of an updated and expanded Trails System Plan for the City – as was recommended by the Park Commission in 2002. With the guidance of the Park Commission staff has prepared and circulated a Request for Proposals to qualified consulting firms. Proposals from six firms were received by the City by April 2, and screened to three Finalist firms by the Parks Superintendent and Acting City Manager by April 9. The three Finalist firms were then interviewed by the Parks Commission (with the City Council also invited to attend) on April 19. Those firms were: Howard R. Green, SEH, and TKDA.</p> <p>Following the interviews and extensive discussion, the Park Commission unanimously adopted a motion recommending the SEH firm to the City Council as the contractor to prepare the City’s Trails System Plan update and expansion. The SEH proposal includes a lump sum fee of \$16,000 to complete the Plan per the “Scope of Services” presented by their proposal of April 2, 2004. The 2004 Capital Improvements Program appropriated up to \$20,000 for this task.</p> <p>Council concurrence in the Commission’s recommendation is respectfully requested.</p>		
<p><u>Action items:</u> Motion to approve retaining the firm SEH to prepare the City Trails System Plan per their proposal dated April 2, 2004, as recommended by the Parks Commission. Further, that the Mayor and City Administrator are authorized and directed to enter into a contract with SEH for Trails Plan preparation services.</p>	<p><u>Person responsible:</u> City Planner </p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. SEH Proposal of April 2, 2004 2. Request for Proposals 	<p><u>Time Allocated:</u></p>	

DRAFT

DRAFT

3. RFP Trail Plan Interviews

Before the interviews were started the Commission discussed and developed an informal list of standard questions to propose to each Consultant Group.

Commissioner Steele suggested the Consultants describe a particular problem or obstacles they had to resolve and how it was accomplished. He also wished to ask what the consultants considered the biggest challenges and opportunities they envisioned in trail development in Lake Elmo. Commissioner Ames wished to the consultants to give a vision for the plan based on previous experience. Administrator Dillerud suggested they ask them to describe a city wide trail plan that they accomplished recently.

The Commission interviewed:

- Howard R. Green
- Short, Elliot, Hendrickson
- TKDA

The consensus of the Commission was none of the firms had a clear advantage in regards to experience. The Commission then ranked each firms, first, second and third choice. TKDA was ranked either last or second by all members and so was removed from the selection process. The Commission then ranked the HRG and SEH and was evenly split 4 to 4. Each Commission member then gave a brief summary of why they chose who they did. Commission members universally agreed that both firms were close in ranking, could accept either, but made their choices by:

- Creativity
- Organization Size
- Personnel

Chuck Dillerud and Mike Bouthilet were then polled as to their choice, and both had ranked SEH first.

M/S/P Heroff/Wagner To recommend to the City Council that Short, Elliot, Hendrickson be contracted to develop a Comprehensive Trail Plan. (8-0)

DRAFT

DRAFT

Request for Proposal

Development of a Comprehensive Trail Plan Lake Elmo, Minnesota

Overview

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

Background

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

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

Description of Tasks

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

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

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

Consultant Selection

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

1. Request for Proposal will be mailed by the City of Lake Elmo to prospective consultants by February 20, 2004;
2. City staff will meet with interested firms as a group, with the Parks Commission invited to observe – March 16, 2004
3. Consulting firms will submit written proposals – April 2, 2004
4. City staff will screen to 3 finalist firms – April 9, 2004
5. Parks Commission and City Council will interview 3 finalists – April 19, 2004
6. Final selection of the consultant by the City Council – May 3, 2004

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

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

Please hold your questions regarding this RFP for the March 16, Q&A meeting. We would sincerely appreciate your indication of interest in this contract by advising the City of your interest by Email at Kim.Schaffel@LakeElmo.org.

Thank you for your interest in assisting the City of Lake Elmo.

Charles E. Dillerud

Lake Elmo
City Council
May 18, 2004

Agenda Section: Planning, Land Use & Zoning

No. 9E

Agenda Item: Variance Performance Process

Background Information for May 18, 2004:

State Statute (MSA 462.357, Subd. 1) provides, "The...governing body ...may impose conditions in granting of variances to insure compliance and to protect adjacent properties.". The City can mandate landscape improvements, prohibit existing landscape removal, and insure those mandates are accomplished by requiring financial security - as long as those conditions of are responsive to "insure compliance" and "protect adjacent properties". It would be wise to review any proposed variance conditions against those criteria before attaching them to an approval resolution.

The Council should also understand that the mandating of specific site improvement conditions to variance approval will often result in on-going staff involvement to determine if the conditions are complied with. While this on-going staff involvement will be of little significance with commercial site variances (since Section 520 Site Plan inspections are necessary already), it will become new territory for staff on residential variances - where compliance with conditions will be more difficult to attain, I suspect.

The "to insure compliance" provision of the Statute clearly opens the door for the City to require financial security by applicants to guarantee the specific improvements or retentions (such as trees and survivability of new site landscaping) that would be conditions of variance approval. Again, while we do this routinely with Section 520 Site Plans, it will be a new arena for residential variances. As with commercial site plans, the financial guarantee can not go on forever. For instance, we now require two "growing seasons" of continued financial security at 100% of the landscape architect's estimated landscape value to insure plant/tree survivability on commercial site plans. Once the two years have passed, the leverage expires.

No new ordinance language appears to be required for the City to precede with both specific site improvement and financial guarantee conditions on variance approvals. I recommend prudence be exercised as such conditions are crafted, however, to not move beyond the Statutory purposes of those conditions; and, to not try to make a goose out of a duck by site redesign with variance conditions clearly beyond the capability of the applicant to reasonably accomplish and/or the staff to monitor.

Action items:

None Required.

Person responsible:


City Planner

Attachments:

None

Time Allocated: