

Mayor:  
Lee Hunt  
Councilmembers:  
Stevé DeLapp  
Susan Dunn  
Wyn John  
Dean Johnston

# Lake Elmo City Council

## Tuesday

### June 15, 2004

*File*

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

**Please read:**

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

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

## Agenda

### City Council Meeting Convenes 7:00 PM

**Pledge of Allegiance**

**1. Agenda**

**2. Minutes**

June 1, 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. Parks and Planning Commission Appointments**

**B. Resolution No. 2004-048: Approve claims**

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

**5. FINANCE**

**A. Monthly Operations Report: Informational**

**B. Reimbursement Resolution *REMOVED***

Tom Bouthilet

**6. NEW BUSINESS**

**A.**

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

**A. Update on Building Dept. Activities: Building Official**

<p><b>8. CITY ENGINEER'S REPORT:</b>  <b>A. Release of Security: Gorman's Restaurant</b></p>	<p>Tom Prew</p>
<p><b>9. PLANNING, LAND USE &amp; ZONING:</b>  <b>A. Resolution No. 2004-046: Zoning Setback Variances, 8017 50<sup>th</sup> Street N. (Isaacson)</b>  <b>B. Public Hearing: Vacation of unimproved portion of Highlands Trail: Resolution No. 2004-049</b>  <b>C. Rezoning - MFC Properties: Ordinance No. 97-132</b>  <b>D. Fence Moratorium Amendment: Ordinance No. 97-133</b></p>	<p>C. Dillerud</p>
<p><b>10. CITY ATTORNEY'S REPORT:</b></p>	
<p><b>11. CITY ADMINISTRATOR'S REPORT:</b>  <b>A. Council Committee Reorganization</b>  <b>B. Highway 5 and 31<sup>st</sup> Street Traffic Issue</b></p>	
<p><b>12. CITY COUNCIL REPORTS:</b>  <b>A. Mayor Hunt</b>  <b>B. Council Member DeLapp</b>  <b>C. Council Member Dunn</b>  <b>D. Council Member John</b>  <b>E. Council Member Johnston</b></p>	

LAKE ELMO CITY COUNCIL MINUTES

JUNE 1, 2004

1. AGENDA
2. MINUTES: May 18, 2004
3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. Public Inquiries
4. CONSENT AGENDA:
  - A. Resolution No. 2004-045: Approve Claims
5. FINANCE:
  - A. Budget Calendar
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Update on Fire Dept. Activities: Chief Malinquist
8. CITY ENGINEER'S REPORT:
  - A. Update on Hill Trail Reconstruction Project
9. PLANNING, LAND USE & ZONING:
  - A. Resolution No. 2004-046: Zoning Setback Variances, 8017 50<sup>th</sup> Street N. (Isaacson)
  - B. Ordinance No. 97-130: Old Village Development Moratorium
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
  - A. City Staff Organizational Chart: Resolution No. 2004-047
  - B. Council Organization: Ordinance No. 97-131
  - C. Strategic Planning Meeting
12. CITY COUNCIL REPORTS:

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

City Administrator Martin Rafferty administered the Oath of Office to newly appointed Council Member Wyn John.

**1. AGENDA:**

Add: 8A. Request for Update on Second lift on Hill Trail North  
M/S/P Dunn/Johnston - to approve the June 1, 2004 City Council agenda, as amended.  
(Motion passed 5-0).

**2. MINUTES: May 18, 2004**

M/S/P Johnston/DeLapp - to approve the May 18, 2004 City Council minutes, as amended. (Motion passed 3-0-2: Abstain: Dunn, John).

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

#### **A. Public Inquiries**

Roger Linnell, Stillwater Blvd., alerted the Council of traffic safety problems on Highway 5 at 31<sup>st</sup> Street where four lanes are reduced to two lanes. Mr. Linnell said because of the excessive speed and passing on the shoulder on the two lane section he has had to jump into the ditch many times when cutting his lawn. Council member Dunn said she has been working with MnDOT on safety improvements, and they are doing preliminary work, but she will bring this up again. Mayor Hunt asked that the City Administrator contact the Washington County Sheriff's Department and MnDOT officials to find out what proactive strategies can be done to address this issue.

Gloria Knoblauch explained the Oakdale-Lake Elmo Historical Society has monetary needs and requested a \$1,000 donation for their one-room school house that was located on the Eder farm in Lake Elmo and donated to the Oakdale Lake Elmo Historical Society for restoration and preservation. The restoration was made possible through monetary donations. The inside of the school house is furnished with memorabilia from the late 1800's and early 1900's. Mayor Hunt will be invited to the School Open House on June 10.

M/S/P John/Johnston – to approve the \$1000 donation to the Oakdale-Lake Elmo Historical Society for preservation of the one-room school house; subject to the City Administrator checking if it is appropriate in the budget. (Motion passed 4-1: DeLapp:He would rather look into alternatives to what items the Oakdale-Lake Elmo Historical Society might be looking for, but noted it is a wonderful volunteer project.)

Informational: Wyn John received an e-mail from Pat Connelly who advised that the Washington County Board appointed Ms. White, a Lake Elmo resident, to the County Library Board.

### **4. CONSENT AGENDA:**

#### **A. Resolution No. 2004-045: Approve Claims**

M/S/P DeLapp/Johnston - to adopt Resolution No. 2004-045, A Resolution approving claim numbers 204, 205, DD164 through DD171 25642 through 25656, that were used for staff, payroll dated May 27, 2004, Claim Numbers 25641 dated May 19, 2004 and 25657 through 25693 dated June 1, 2004 in the total amount of \$71,673.43. (Motion passed 5-0).

### **5. FINANCE:**

#### **A. Budget Calendar**

The Acting Finance Director provided a proposed 2005 Budget calendar. He said the Budget process for Fiscal Year 2005 starts in early June with the intention of receiving guidance though the upcoming Council Strategy Workshop.

**6. NEW BUSINESS:**

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

**A. Update on Fire Dept. Activities: Chief Malmquist – NOT IN ATTENDANCE**

Council requested an article in the Newsletter educating residents of the different siren tones for the tornado season. Planner Dillerud said the warning sirens had been placed on the backburner. He will work on coordinating warning sirens for the entire region.

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

**A. Update on Hill Trail Reconstruction Project**

The City Engineer reported he will check out the inquiry from a resident who received grass seed and wanted sod replanted, and there are also a few repairs needed before they do the paving. Prew stated he sent in the necessary permit, one part contractor and one part city, but the contractor sent his part in late. He said the City has all the easements required for drainage, and the City would pave the last couple of gravel driveways. The water level of the larger pond on 50<sup>th</sup> Street will be checked this week. In response to the question if there will be vegetation in the smaller holding pond, Prew said he could get the costs for planting vegetation and let the Council decide.

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

**A. Resolution No. 2004-046: Zoning Setback Variance, 8017 50<sup>th</sup> Street N., (Isaacson)**

Planner Dillerud reported the Planning Commission considered an application by Mr. Isaacson for side and front setback variances to accommodate construction of an attached two stall garage. The Hearing was conducted on May 10, 2004, at which time the Commission tabled the application to allow the applicant to consider amending the scale of the request. On May 20 the applicant submitted an amended application that reduced the requested side setback variance from 8.5 feet to 4 feet; and, increased the requested front setback variance from 6 feet to 10 feet.

On May 24 the Commission reviewed the amended proposal and recommended approval of the variances requested by the May 20 drawings. Dillerud noted that the Commission found that a physical hardship does exist for the applicant due to the unusual size of the parcel; the amended request permits the reasonable use of the property; and there is no impact from the variances on surrounding properties.

Mayor Hunt asked for the exact placement of the drainfield and where a secondary drainfield would be located. He said the City cannot alternate on drain field requests. Council member DeLapp agreed and voiced his concern if there was indeed enough area that could accommodate a secondary drain field site. Bill Isaacson said his original system was a dry wall system. The septic system sits 50' back from the edge of the road. When he built in 1997, he kept the same exact footprint of the home and was asked to move the house 10' from the side property line. Planner Dillerud explained there was no

secondary drain field site shown on the 1997 plans. He would talk to the Building Official regarding location of an alternate drain field site

Attorney Filla indicated the hardship is reasonable use and that is subjective on the part of the Council, who should apply the same law to similar facts.

M/S/P DeLapp/John - to postpone until June 15 Council meeting per the consent of Bill Isaacson in order for the staff to get more information on an alternate drain field site for location of a septic system (Motion passed 5-0).

**B. Ordinance No. 97-130:Old Village Development Moratorium**

Planner Dillerud reported the Old Village Development Moratorium will again expire on June 9, 2004. He indicated that the Surface Water Drainage Report has not been completed by TKDA

Dillerud stated he has been contacted by both the representative of the Hutchinson Estate and by Mr. Lynsky. The Hutchinson family is interested in again entertaining offers from potential developers for their property within the moratorium area. Mr. Lynsky is interested in moving forward with PUD application for the platted General Business site north of 39<sup>th</sup> Street. Dillerud added that if the Council extended the Development Moratorium; the option is open to exclude the Lynsky property from the Moratorium coverage based on the existence of a previously tabled development application. Since approval of a PUD Plan is a discretionary action by the City, compliance of that PUD Plan with completed Old Village work could become a factor of PUD review/approval by the City of the Lynsky proposal. The remaining surface water issues do not directly impact the Lynsky site. Council member DeLapp stated he was strongly in favor of a unified plan. Council member Dunn had a real concern on the surface water drainage of the Old Village.

M/S/P Dunn/John - to adopt Ordinance No. 97-130, An Ordinance Relating to an Extended Development Moratorium in the Village Area for 90 days, with the acknowledgement that this item could come back to Council at an earlier date.(Motion passed 5-0).

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

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

**A. City Staff Organizational Chart:Resolution No. 2004-047**

Administrator Rafferty reported he has interviewed and evaluated the capabilities of key staff presently performing identified functions and responsibilities in an "Acting or Deputy" capacity designation. He has come to the conclusion that the individuals in those positions are well suited to be officially designated as the leadership for those areas. The following recommendations were made: 1) Promote Acting Superintendent Mike Bouthilet to Superintendent of Public Works and hire an additional maintenance worker

assuring the City's capability to provide the defined service responsibilities, 2) Promote Acting Finance Director Tom Bouthilet to Finance Director/City Treasurer; 3) Promote Sharon Lumby from Deputy Clerk to City Clerk and 4) Move the Planner's position as Planner/Assistant City Administrator with specific organizational reporting changes that includes building inspections and engineering. He noted that the proposed organizational chart is within the budget. He added that he has talked to the employees regarding health care issues, and the employees will be paying a share. He will continue to look at alternatives in the future.

M/S/P Dunn/DeLapp – to approve Resolution No. 2004-047, A Resolution Adopting the Administrative Organizational Structure of the City, as presented. (Motion passed 5-0).

B. Council Committee Reorganization: Ordinance No. 97-131

The Administrator provided an organizational chart for the creation of three specific Council Committees. The purpose of the creation of the committees is to develop ongoing scheduled council work sessions; in specific subject areas, where each of the established ad hoc committees created by Council may report progress on mission and tasks and make recommendations that can be reviewed by the established council committee. The Planning Commission would continue to report their recommendations and findings directly to the Council as a whole.

Each committee would be composed of two Council members, the Mayor and the City Administrator or staff designee. The Administrator suggested that the Mayor would annually appoint two Council members to each committee and designate one as the Chair of the committee. Meetings would be scheduled, at a minimum of, monthly on the preceding week of the last Council meeting scheduled in a month.

The Council determined that the selection and makeup of Council Committee members be approved by the full City Council. The Council will indicate their interest in a primary and secondary committee they would like to serve on.

M/S/P DeLapp/Johnston - to approve Ordinance No. 97-131, as amended (4<sup>th</sup> Whereas: No 1. That the selection and makeup of Council Committee members will be approved by the full City Council. The Council will indicate their interest in a specific committee by submittal of their name to the City Administrator. (Motion passed 5-0).

C. Strategic Planning Meeting

The Council will hold a Strategic Planning Meeting with the Department Heads on Saturday, June 12, 8:30 until Noon at the Wildwood Lodge.

**12. CITY COUNCIL REPORTS:**

Planner Dillerud reported the City will be heard on Wednesday, June 12, 9 a.m., by the Minnesota Supreme Court at the State Capital.

Council Member DeLapp reported he participated in the meeting sponsored by McKnight Foundation on regional planning.

Council member Johnston commented on the insightful presentation given by the keynote speaker at the Brooks Institute.

Council adjourns the meeting at 8:25 p.m.

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Respectfully submitted by Sharon Lumby, Deputy Clerk

Resolution No. 2004-045 Approve Claims  
Resolution No. 2004-046 Postponed  
Resolution No. 2004-047 City Organizational Chart  
Ordinance No. 97-131 Council Organization

DRAFT



MINUTES APPROVED: June 1, 2004  
LAKE ELMO CITY COUNCIL MINUTES

MAY 18, 2004

1. AGENDA
2. MINUTES: May 4, 2004
3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. Public Informational
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
5. FINANCE:
  - A. Monthly Operations Report: Informational
6. NEW BUSINESS:
  - A. Single Sort Residential Recycling: Ordinance No. 97-128
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Carriage Station Play Set
  - B. Update on Building Dept. Activities: Building Official
8. CITY ENGINEER'S REPORT:
9. PLANNING, LAND USE & ZONING:
  - A. Resolution No. 2004-043: Drainfield Setback Variance: Gary Webster, 3604 Layton Avenue
  - B. Zoning Ordinance Amendment: Accessory Structures:
  - C. Consultant selection Trail System Plan
  - D. Fence Moratorium – Ordinance No. 97-129
  - E. Variance Performance Process
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
  - A. City Council Appointment- Mayor Hunt
  - B. Strategic Planning Session-Mayor Hunt
12. CITY COUNCIL REPORTS:

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

1. AGENDA

M/S/P Johnston/DeLapp - to approve the May 18, 2004 City Council agenda, as amended. (Motion passed 3-0).

B. Resignation of Planning Commission Member

Planning Commissioner Julie Bunn resigned her commission on May 13, 2004. Ms. Bunn became a Full Voting Member of the Planning Commission on June 3, 2002.

M/S/P Johnston/DeLapp - 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. (Motion passed 3-0).

The Planning Commission 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.

M/S/P Johnston/DeLapp - to appoint Jim VanPelt as a Full Voting Member of the Planning Commission to finish a term that expires on December 31, 2006. (Motion passed 3-0).

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

M/S/P Johnston/DeLapp - to appoint Elizabeth Johnson as first alternate of the Planning Commission. (Motion passed 3-0).

M/S/P DeLapp/Hunt - to appoint Charles Schneider as Second Alternate to the Lake Elmo Planning Commission. (Motion passed 2-1: Johnston said he voted against the appointment because of the appointment procedure based on dates of application and did not vote against the person. Council member DeLapp stated he voted for the applicant solely on qualifications. Mayor Hunt said he consistently supported appointments based on dates of application and likes the diversity.

Planner Dillerud said Commissioner Bunn will be missed because she was a good commissioner.

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

M/S/P Johnston/DeLapp - to adopt Resolution No. 2004-044, A Resolution Authorizing Martin Rafferty Signatory for Payments of Funds from the Lake Elmo Bank. (Motion passed 3-0).

5. FINANCE:

A. Monthly Operations Report: Informational

B. Update on Building Dept. Activities: Building Official

The Building Official reported there were new no residential building permits and two new commercial building permits issues in the month of April, 2004. He said Prairie Ridge Office Park has started construction on their first office building. The Building Official advised that a lawn sprinkler system requires an installation permit and can be dangerous if not installed correctly so Gopher One should be called for locates.

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

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

A. Resolution No. 2004-043:Drainfield Setback Variance:Gary Webster, 3604 Layton Avenue

The City Planner reported that at its May 10<sup>th</sup> meeting, the Planning Commission conducted a public hearing and recommended denial of Gary Webster's application, at 3604 Layton Avenue, 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). Planner Dillerud reported 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.

Dillerud noted that those Planning Commissioners opposed primarily observed that the denial will not preserve a backup drain field site. A garage could be constructed where the new drainfield is proposed – thereby using up the secondary site – without a variance.

Mr. Webster said the 2-10 year plan for sewerage the Old Village does not do him any good. If there is a 30-year life span of a septic system, then why should there be a problem. The layout of the house would not allow for a garage to the north side.

Council members indicated it would be a bad precedent to move a functioning drain field system.

M/S/P Johnston/DeLapp - to approve Resolution No. 2004-043, A Resolution denying the septic setback variances at 3604 Layton Avenue based on Findings and the recommendation of the Planning Commission. (Motion passed 3-0).

B. Zoning Ordinance Amendment: Accessory Structures

Planner Dillerud reported the Council referred the issue of existing accessory structure exterior surfacing provisions of the Zoning Ordinance to the Planning Commission for a public hearing and recommendation. A resident has voiced concern regarding provisions of the Zoning Ordinance that precludes 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.

M/S/P DeLapp/Johnston – to approve the firm Short, Elliot, Hendrickson 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. (Motion passed 3-0).

#### D. Fence Moratorium

Planner Dillerud reported at the May 10, 2004 workshop, the City Council discussed modifications to the existing fence regulations of the Zoning Ordinance. Dillerud provided a summary of what he believed to be general direction of the Council to staff and the Planning Commission from the discussion notes, and the graphics placed on the board during the Workshop. The Council concurred with the summary responses.

Don Gustafson, Tablyn Park resident, said he doesn't like fences, but is surrounded by fences. He never worried about the property line and the homeowner saying you cannot play there. He suggested the City require a survey if a fence is being built.

M/S/P Johnston/DeLapp – to direct the city planner to take the information contained in staff memo dated May 13, 2004 to the Planning Commission for a public hearing on a draft zoning ordinance amendment. (Motion passed 3-0).

The Council discussed adopting a Fence Moratorium for fence construction in the City until the council can determine what it wants its new fence ordinance to state.

M/S/P Johnston/DeLapp – to modify Ordinance No. 97-129, Item D. Add “except for those fences required by the State Building Code for safety purposes.” (Motion passed 3-0).

M/S/P Johnston/DeLapp – to adopt Ordinance No. 97-129, as modified, An Ordinance Adopting a Development Moratorium Relating to the Construction of Fences. (Motion passed 3-0).

#### E. Variance Performance Process

Planner Dillerud reported State Statute (MSA 462.257, Subd. 1) provides “The governing body...may impose conditions in granting of variances to insure compliance and to protect adjacent properties”. He suggested that this means that 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 are responsive to insuring compliance, and protecting adjacent properties. Dillerud added it would be wise to review any proposed variance conditions against those criteria before attaching them to an approval resolution.

Council member Johnston said he did not vote against Charles Schneider, but against the procedure of appointment based on dates of applications.

OLD BUSINESS LIST was provided to the City Council.

Council adjourned the meeting at 9:00 p.m.

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Respectfully submitted by Sharon Lumby, Deputy Clerk

Resolution No. 2004-042 Approve Claims

Resolution No. 2004-043 Denial of Drain field Setback Variance for Gary Webster

Resolution No. 2004-044 Authorizing Martin Rafferty Signature for Payment of Funds

Ordinance No. 97-128 Amend Section 800.02, Single Sort Residential Recycling

Ordinance No. 97-129 Fence Moratorium

<b>Mayor</b> Lee Hunt	<b>No. 4.A</b>
<b>Councilmembers</b> Steve DeLapp Susan Dunn Dean Johnston Wyn John	<b>Agenda Section: Organizational</b> <b>Agenda Item: Parks and Planning Commission Appointments</b> <b>Date: June 15, 2004</b>

**Background Information for June 15, 2004.**

**Parks Commission**

The city has received a letter of resignation from Mike Tate who has served on the Parks Commission since September 5, 2000. Mike also served on the Trails Plan Sub-committee.

**Motion \_\_\_\_\_, Second \_\_\_\_\_, to accept the resignation of Mike Tate from the Parks Commission, and to direct the administrator to send a letter of gratitude for his service to the city and its residents.**

There are now two vacancies on the Parks Commission. The web site and newsletter have advertised for months for service on the Parks Commission without an application being received.

**Planning Commission**

Commissioner Thomas Meldahl has a temporary scheduling conflict this summer between his work and Planning Commission meetings. He has expressed a strong desire to remain on the Planning Commission. With the understanding that consistent attendance at meetings is necessary for a Full Voting Member, Commissioner Meldahl has requested to be appointed as First Alternate Member of the Planning Commission. If the council agrees, the following action(s) may be taken.

**Motion \_\_\_\_\_, Second \_\_\_\_\_, to accept the request of Thomas Meldahl to be removed as a Full Voting Member of the Planning Commission, and be given the appointment of First Alternate Member of the Planning Commission.**

Elizabeth Johnson is currently serving the Planning Commission as First Alternate Member. If the previous action was taken, then Commissioner Johnson should be made Full Voting Member of the Planning Commission to finish the term of Thomas Meldahl which expires on December 31, 2005.

**Motion \_\_\_\_\_, Second \_\_\_\_\_, to appoint Elizabeth Johnson Full Voting Member of the Planning Commission to finish the term of Thomas Meldahl which expires on December 31, 2005.**

**Kimberly Schaffel**

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**From:** Mike Tate [mtate@maguireagency.com]  
**Sent:** Monday, June 07, 2004 11:32 AM  
**To:** Kimberly Schaffel  
**Subject:** Resignation-Park Board

Dear Kim,

This is my notice of resignation from the Park Board.

My calendar and rescheduled/cancelled meetings have not allowed my attendance on a regular basis. Because of my absences I have not felt "engaged" with committee issues and want to pass on my appreciation for the opportunity to have worked with good folks on the committee.

Mike Tate

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

**RESOLUTION NO. 2004-048  
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 206, 207, DD172 through DD182, 25694 through 25732, were used for Council/ Fire/ Staff, payroll dated June 10, 2004, Claim Numbers 25733 through 25782 dated June 15, 2004 in the total amount of \$236,004.17 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 15th day of June, 2004.

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

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty  
City Administrator



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: COPYMAG 48468	Copy Images, Inc. Copy Machine Maint. Check Total:	255.60 255.60	06/15/2004	Check Sequence: 7 101-410-1940-44040	ACH Enabled: No
Vendor: CORPEXPR 52320428	Corporate Express Office Supplies-Admin Check Total:	44.28 44.28	06/15/2004	Check Sequence: 8 101-420-2220-42000	ACH Enabled: No
Vendor: EARLANDE 0060020-IN	Earl F. Andersen, Inc. Street Sign-Public Works Check Total:	88.25 88.25	06/15/2004	Check Sequence: 9 101-430-3100-42260	ACH Enabled: No
Vendor: FARMERS 141352	Farmers Union Co-Op Oil Fuel-Fire Dept. Check Total:	17.50 17.50	06/15/2004	Check Sequence: 10 101-420-2220-42120	ACH Enabled: No
Vendor: FIRSTQUA 1591	First Quality Fence, Inc Fence- Ridge Parks-Parks Dept. Check Total:	1,600.00 1,600.00	06/15/2004	Check Sequence: 11 410-480-8000-45300	ACH Enabled: No
Vendor: FIRSTTIR 38658	First State Tire Recycling Clean-Up Day - Tires Check Total:	344.00 344.00	06/15/2004	Check Sequence: 12 101-430-3100-44380	ACH Enabled: No
Vendor: GENESIS 1442	Next Genesis Productions 2-Printers & County GIS upgrade Check Total:	1,058.50 1,058.50	06/15/2004	Check Sequence: 13 101-410-1520-43185	ACH Enabled: No
Vendor: HAGBERGS	Hagbergs Country Market Supplies-Admin Supplies-Fire Dept. Check Total:	10.96 5.91 16.87	06/15/2004 06/15/2004	Check Sequence: 14 101-410-1320-44300 101-420-2220-44300	ACH Enabled: No
Vendor: IAFC	IAFC Conference-Registration Check Total:	590.00 590.00	06/15/2004	Check Sequence: 15 101-420-2220-44370	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:Johnson	Johnson Construction Storage Rental Check Total:	90.00 90.00	06/15/2004	Check Sequence: 16 101-420-2220-44120	ACH Enabled: No
Vendor:Kremer INV0003891	Kremer Spring Inc. Heavy Duty Springs-New Fire Vehicle Check Total:	833.63 833.63	06/15/2004	Check Sequence: 17 410-480-8000-45500	ACH Enabled: No
Vendor:LEADER 1000056653	Lake Elmo Leader Annual Subscription Check Total:	28.00 28.00	06/15/2004	Check Sequence: 18 101-410-1320-44330	ACH Enabled: No
Vendor:LEOIL S01203 S01208	Lake Elmo Oil, Inc. Fuel-Fire Dept. Fuel-Parks Check Total:	230.11 32.85 262.96	06/15/2004 06/15/2004	Check Sequence: 19 101-420-2220-42120 101-450-5200-42120	ACH Enabled: No
Vendor:LESKO 10798732	Lesco, Inc. Seed & Fertilizer-Public Works Check Total:	123.70 123.70	06/15/2004	Check Sequence: 20 101-430-3100-42250	ACH Enabled: No
Vendor:MALMQ Claim	GregMalmquist Air Fare for Annual Fire Conference Check Total:	317.20 317.20	06/15/2004	Check Sequence: 21 101-420-2220-43310	ACH Enabled: No
Vendor:MARONEYS 045637 045637 045637	Maroney's Sanitation, Inc Refuse Removal-City Hall Refuse Removal-Public Works Refuse Removal-Parks & Fire Check Total:	95.89 95.89 183.96 375.74	06/15/2004 06/15/2004 06/15/2004	Check Sequence: 22 101-410-1940-43840 101-430-3100-43840 101-450-5200-43840	ACH Enabled: No
Vendor:MCLFOD 5097618 5097618 5097618 5097618 5097618 5097618 5097618	McLeod USA Monthly Phone Service-City Hall Monthly Phone Service-Fire Monthly Phone Service-Fire Monthly Phone Service-Public Works Monthly Phone Service-Lift Station Monthly Phone Service-Lift Station Monthly Phone Service-Lift Station	284.79 50.27 113.54 133.88 60.47 60.47 58.84	06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004	Check Sequence: 23 101-410-1940-43210 101-420-2220-43210 101-420-2220-43210 101-430-3100-43210 602-495-9450-43210 602-495-9450-43210 601-494-9400-43210	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
5097618	Monthly Phone Service-Lift Station	47.43	06/15/2004	601-494-9400-43210	
5097618	Monthly Phone Service-Parks	67.39	06/15/2004	101-450-5200-43210	
	Check Total:	877.08			
Vendor: MENARDST 90894	Menards - Stillwater Caution Tape-Public Works	19.85	06/15/2004	Check Sequence: 24 101-430-3100-42260	ACH Enabled: No
	Check Total:	19.85			
Vendor: MFAPC	MFAPC	35.00	06/15/2004	Check Sequence: 25 101-420-2220-44330	ACH Enabled: No
	Membership Dues	35.00			
	Check Total:	35.00			
Vendor: MID-MN W INV0400491	MID-MINNESOTA WIRE & MFG Fire Equipment-Fire Dept.	653.27	06/15/2004	Check Sequence: 26 410-480-8000-45800	ACH Enabled: No
	Check Total:	653.27			
Vendor: MNIAAI	Minnesota Chapter IAAI Annual Membership Renewal	25.00	06/15/2004	Check Sequence: 27 101-420-2220-44330	ACH Enabled: No
	Check Total:	25.00			
Vendor: NEXTEL 761950227-014	Nextel Communications Cell Phones-Building Dept	87.11	06/15/2004	Check Sequence: 28 101-420-2400-43210	ACH Enabled: No
761950227-014	Cell Phones-Public Works	79.17	06/15/2004	101-430-3100-43210	
761950227-014	Cell Phones-Parks	38.57	06/15/2004	101-450-5200-43210	
761950227-014	Cell Phones-Admin	42.60	06/15/2004	101-410-1940-43210	
	Check Total:	247.45			
Vendor: NORTHTS 24-8734	Northern Traffic Supply Inc. Various Signs-Public Works	302.46	06/15/2004	Check Sequence: 29 101-430-3100-42260	ACH Enabled: No
	Check Total:	302.46			
Vendor: PELNAR	KathiPelnar Animal Control Services-May	523.03	06/15/2004	Check Sequence: 30 101-420-2700-43150	ACH Enabled: No
	Check Total:	523.03			
Vendor: PITPURCH 5093-7724-20-6	Purchase Power Postage-Storm Water Utility Billing	515.00	06/15/2004	Check Sequence: 31 603-496-9500-43220	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	515.00			
Vendor: PLUNKETT 286512	Plunkett's Pest Control Pest Control Services Check Total:	55.38 55.38	06/15/2004	Check Sequence: 32 101-410-1940-44010	ACH Enabled: No
Vendor: PRESS	StevenPress Cable Operator Check Total:	80.00 80.00	06/15/2004	Check Sequence: 33 101-410-1320-44300	ACH Enabled: No
Vendor: Reserve	Pitney Bowes Reserve Account Postage Check Total:	500.00 500.00	06/15/2004	Check Sequence: 34 101-410-1320-43220	ACH Enabled: No
Vendor: RUD	Diane Prince-Rud Cleaning City Hall Cleaning-Fire Dept. Cleaning Supplies Check Total:	315.00 315.00 10.33 640.33	06/15/2004 06/15/2004 06/15/2004	Check Sequence: 35 101-410-1940-44010 101-420-2220-44010 101-410-1940-42110	ACH Enabled: No
Vendor: S&T 01JA5188 01JB5897	S&T Office Products, Inc. Office Supplies Office Supplies Check Total:	252.52 9.32 261.84	06/15/2004 06/15/2004	Check Sequence: 36 101-410-1320-42000 101-410-1320-42000	ACH Enabled: No
Vendor: SATELLIT 24180609	Satellite Shelters, Inc. Office Rental-Bldg Dept. Check Total:	319.50 319.50	06/15/2004	Check Sequence: 37 101-420-2400-44120	ACH Enabled: No
Vendor: Sherm Claim Voucher	Robert Sherman Mileage - Vehicle Transfers-Fire Dept. Check Total:	30.75 30.75	06/15/2004	Check Sequence: 38 101-420-2220-43310	ACH Enabled: No
Vendor: STILLGAZ 00003406 00003427 00003428	Stillwater Gazette Legal Publish Code Legal Notice Public Hearing Legal Notice Public Hearing	33.60 16.80 42.00	06/15/2004 06/15/2004 06/15/2004	Check Sequence: 39 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	92.40			
Vendor: TASC 32974	T. A. Schifsky & Sons Street Patch 33 & Lake Elmo Ave Check Total:	1,667.00 1,667.00	06/15/2004	Check Sequence: 40 101-430-3100-43150	ACH Enabled: No
Vendor: TKDA	TKDA, Inc.			Check Sequence: 41	ACH Enabled: No
067569		152.22	06/15/2004	409-480-8000-43030	
067570		558.14	06/15/2004	404-480-8000-43030	
067571		659.62	06/15/2004	803-490-9070-43030	
067572		50.74	06/15/2004	101-410-1930-43030	
067573		471.48	06/15/2004	101-410-1930-43030	
067573		50.74	06/15/2004	409-480-8000-43030	
067573		413.40	06/15/2004	603-496-9500-43030	
067573		101.48	06/15/2004	101-410-1910-43030	
067573		783.75	06/15/2004	803-490-9070-43030	
067573		991.10	06/15/2004	602-495-9450-43030	
067574		721.75	06/15/2004	402-480-8000-43030	
067589		200.00	06/15/2004	101-410-1930-43030	
067608		996.87	06/15/2004	409-480-8000-43030	
067612		518.84	06/15/2004	603-496-9500-43030	
067613		832.83	06/15/2004	311-470-7000-43030	
067615		1,785.40	06/15/2004	311-470-7000-43030	
067616		1,627.79	06/15/2004	101-410-1910-43012	
067635		225.75	06/15/2004	101-410-1910-43012	
067651		101.48	06/15/2004	101-410-1910-43060	
067652		1,916.76	06/15/2004	602-495-9450-43030	
067653		832.99	06/15/2004	409-480-8000-43030	
	Check Total:	3,324.75 17,317.88	06/15/2004	409-480-8000-43030	
Vendor: TRIP 23430	TRI STATE PUMP & CONTROL INC. Lift Station Repairs Check Total:	207.04 207.04	06/15/2004	Check Sequence: 42 602-495-9450-44030	ACH Enabled: No
Vendor: TRISTATE S07462	Tri State Bobcat, Inc. Bobcat Snow Blower Trade-up Check Total:	975.54 975.54	06/15/2004	Check Sequence: 43 410-480-8000-45400	ACH Enabled: No
Vendor: TWINCIT 274	Twin City Water Clinic, Inc. Water Analysis	20.00	06/15/2004	Check Sequence: 44 601-494-9400-43030	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	20.00			
Vendor: USBANK 33402400	US Bank Trust N.A. G.O. Bond Interest Payment Check Total:	5,713.75 5,713.75	06/15/2004	Check Sequence: 45 309-480-8000-46110	ACH Enabled: No
Vendor: VASKO 000795	Vasko Rubbish Removal Clean-up Days Check Total:	10,788.74 10,788.74	06/15/2004	Check Sequence: 46 101-430-3100-44380	ACH Enabled: No
Vendor: VISA 442672010200978 442672010200978 442672010200978	Visa Bar Code Scanning Software UPS Shipping Mail Box Fire Dept. Check Total:	95.00 9.75 79.00 183.75	06/15/2004 06/15/2004 06/15/2004	Check Sequence: 47 601-494-9400-42400 101-420-2220-42000 101-420-2220-42000	ACH Enabled: No
Vendor: WEARGUA 54114836-1 54114836-1	Wear Guard Uniforms-Bldg Dept. Uniforms-Public Works Check Total:	17.99 65.73 83.72	06/15/2004 06/15/2004	Check Sequence: 48 101-420-2400-44170 101-430-3100-44170	ACH Enabled: No
Vendor: XCEL 0044445749148 0084044646147 0176825022147 0417949252147 0446544592147 0573240678147 0592147254148 0614943270147 0777146175147 1278842757148 1427822590148 1577643354147 1684846045146 1808181287118 1808181287147 1957348187147 2045967139149 2175049940147 2332806007153	Xcel Energy	94.31 140.29 17.76 293.34 20.32 61.83 12.05 26.63 7.41 449.34 40.28 131.59 11.50 18.29 26.00 12.78 494.77 35.05 1,557.28	06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004 06/15/2004	Check Sequence: 49 101-450-5200-43810 101-430-3100-43810 101-430-3160-43810 101-410-1940-43810 101-430-3160-43810 101-450-5200-43810 101-430-3160-43810 101-420-2220-43810 101-494-9400-43810 602-495-9450-43810 101-420-2220-43810 602-495-9450-43810 602-495-9450-43810 101-450-5200-43810 602-495-9450-43810 601-494-9400-43810 101-450-5200-43810 101-430-3160-43810	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	3,450.82			
Vendor: XCELNSP	Xcel Energy				
	Underground Cable to Ballfield	8,997.74	06/15/2004	404-480-8000-45300	ACH Enabled: No
	Check Total:	8,997.74			
	Total for Check Run:	189,911.34			
	Total Number of Checks:	50			

Description	2004		2004 Per Range Amt	2004 Variance	Comments
	Budget				
<b>Mayor &amp; Council</b>					
Part-time Salaries	\$12,100.00	\$5,667.00		\$6,433.00	
FICA Contributions	\$750.00	\$583.85		\$166.15	
Medicare Contributions	\$176.00	\$136.54		\$39.46	
Travel Expense	\$450.00	\$3,750.00		-\$3,300.00	
Miscellaneous	\$4,000.00	\$14,191.40		-\$10,191.40	
Dues & Subscriptions	\$5,500.00	\$2,477.00		\$3,023.00	
Conferences & Training	\$5,000.00	\$12.00		\$4,988.00	
<b>Sub-Total</b>	<b>\$27,976.00</b>	<b>\$26,817.79</b>		<b>\$1,158.21</b>	
<b>Administration</b>					
Full-time Salaries	\$124,020.00	\$45,214.80		\$78,805.20	
PERA Contributions	\$6,858.00	\$1,844.42		\$5,013.58	
FICA Contributions	\$7,689.00	\$2,814.68		\$4,874.32	
Medicare Contributions	\$1,798.00	\$658.34		\$1,139.66	
Health/Dental Insurance	\$21,834.00	\$5,259.34		\$16,574.66	
Workers Compensation	\$1,688.00	\$0.00		\$1,688.00	
Office Supplies	\$7,000.00	\$2,364.17		\$4,635.83	
Printed Forms	\$800.00	\$0.00		\$800.00	
Newsletter/Website	\$14,000.00	\$3,412.56		\$10,587.44	
Postage	\$9,500.00	\$4,362.32		\$5,137.68	
Travel Expense	\$1,500.00	\$184.00		\$1,316.00	
Legal Publishing	\$6,000.00	\$1,324.28		\$4,675.72	
Insurance	\$27,360.00	\$29,581.00		-\$2,221.00	Annual Premiums Paid
Miscellaneous	\$6,000.00	\$2,982.16		\$3,017.84	
Dues & Subscriptions	\$1,500.00	\$1,432.66		\$67.34	
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	
<b>Sub-Total</b>	<b>\$311,047.00</b>	<b>\$101,454.73</b>		<b>\$209,592.27</b>	
<b>Elections</b>					
Part-time Salaries	\$7,000.00	\$191.67		\$6,808.33	
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	
<b>Sub-Total</b>	<b>\$8,250.00</b>	<b>\$531.67</b>		<b>\$7,718.33</b>	



Description	Budget	Per Range Amt	Variance	Comments
<b>Finance</b>				
Full-time Salaries	\$41,432.00	\$10,112.08	\$31,319.92	
PERA Contributions	\$2,569.00	\$525.31	\$2,043.69	
FICA Contributions	\$2,291.00	\$627.59	\$1,663.41	
Medicare Contributions	\$601.00	\$146.79	\$454.21	
Health/Dental Insurance	\$7,318.00	\$936.89	\$6,381.11	
Office Supplies	\$800.00	\$0.00	\$800.00	
Printed Forms	\$1,000.00	\$0.00	\$1,000.00	
Software Support	\$4,000.00	\$1,200.00	\$2,800.00	
Hardware Support	\$2,000.00	\$1,058.50	\$941.50	
Software Programs	\$3,000.00	\$500.00	\$2,500.00	
Travel Expense	\$1,000.00	\$10.00	\$990.00	
Miscellaneous	\$200.00	\$118.00	\$82.00	
Books	\$200.00	\$0.00	\$200.00	
Conferences & Training	\$1,000.00	\$20.00	\$980.00	
<b>Sub-Total</b>	<b>\$67,411.00</b>	<b>\$15,255.16</b>	<b>\$52,155.84</b>	
Accounting Services	\$24,000.00	\$18,485.69	\$5,514.31	
Assessing Services	\$35,000.00	\$8,500.00	\$26,500.00	
Legal Services	\$15,000.00	\$11,603.87	\$3,396.13	
Civil Attorney Criminal	\$45,000.00	\$14,230.49	\$30,769.51	
<b>Sub-Total</b>	<b>\$60,000.00</b>	<b>\$25,834.36</b>	<b>\$34,165.64</b>	
<b>Planning &amp; Zoning</b>				
Full-time Salaries	\$75,586.00	\$31,995.20	\$43,590.80	
PERA Contributions	\$4,180.00	\$2,450.92	\$1,729.08	
FICA Contributions	\$4,686.00	\$1,995.56	\$2,690.44	
Medicare Contributions	\$1,096.00	\$466.65	\$629.35	
Health/Dental Insurance	\$11,686.00	\$3,449.01	\$8,236.99	
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	\$8,776.97	-\$8,776.97	Expense offset by Grant received from County \$49,666
Cimarron Study - CDBG	\$10,000.00	\$0.00	\$10,000.00	
Comprehensive Planning	\$10,000.00	\$7,138.50	\$2,861.50	
Engineering Services	\$2,500.00	\$101.48	\$2,398.52	
Legal Services	\$1,000.00	\$0.00	\$1,000.00	
Old Village Tax Abatement	\$73,148.00	\$13,467.23	\$59,680.77	
Travel Expense	\$2,000.00	\$589.75	\$1,410.25	
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	
<b>Sub-Total</b>	<b>\$201,129.00</b>	<b>\$71,218.38</b>	<b>\$129,910.62</b>	

Description	Budget	Per Range Amt	Variance	Comments
Engineering Services	\$26,000.00	\$7,225.97	\$18,774.03	
Attorney Fees	\$100,000.00	\$58,140.73	\$41,859.27	
Gov't Buildings				
Cleaning Supplies	\$500.00	\$49.63	\$450.37	
Building Repair Supplies	\$500.00	\$85.62	\$414.38	
Telephone	\$6,500.00	\$1,695.63	\$4,804.37	
Electric Utility	\$5,000.00	\$2,347.45	\$2,652.55	
Refuse	\$2,040.00	\$479.45	\$1,560.55	
Repairs/Maint Contractual Bldg	\$8,000.00	\$4,605.56	\$3,394.44	
Repairs/Maint Contractual Eqpt	\$6,000.00	\$2,836.20	\$3,163.80	
Miscellaneous	\$400.00	\$247.01	\$152.99	
<b>Sub-Total</b>	<b>\$28,940.00</b>	<b>\$12,346.55</b>	<b>\$16,593.45</b>	
Law Enforcement Contract	\$322,000.00	\$157,791.08	\$164,208.92	
Fire				
Full-time Salaries	\$17,434.00	\$4,543.37	\$12,890.63	
Part-time Salaries	\$93,850.00	\$56,963.98	\$36,886.02	
PERA Contributions	\$964.00	\$248.22	\$715.78	
FICA Contributions	\$5,583.00	\$3,813.70	\$1,769.30	
Medicare Contributions	\$1,306.00	\$891.94	\$414.06	
Health/Dental Insurance	\$3,127.00	\$476.21	\$2,650.79	
Workers Compensation	\$2,469.00	\$0.00	\$2,469.00	
Office Supplies	\$1,500.00	\$133.03	\$1,366.97	
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	\$940.90	\$3,559.10	
Equipment Parts	\$0.00	\$348.00	-\$348.00	Mics. Parts purchased direct ie. Lamps, Filters
Building Repair Supplies	\$1,000.00	\$50.07	\$949.93	
Small Tools & Equipment	\$1,200.00	\$486.27	\$713.73	
Physicals	\$2,000.00	\$2,344.00	-\$344.00	
Telephone	\$4,600.00	\$1,416.00	\$3,184.00	
Radio	\$7,500.00	\$97.40	\$7,402.60	
Travel Expense	\$2,000.00	\$1,151.85	\$848.15	
Vehicle Insurance	\$11,792.00	\$12,908.00	-\$1,116.00	Annual Premiums Paid
Electric Utility	\$4,400.00	\$2,595.06	\$1,804.94	
Repairs/Maint Contractual Bldg	\$7,000.00	\$2,595.00	\$4,405.00	
Repairs/Maint Contractual Eqpt	\$23,000.00	\$2,084.94	\$20,915.06	
Rentals - Building	\$1,080.00	\$540.00	\$540.00	
Uniforms	\$9,500.00	\$2,012.53	\$7,487.47	

Description	Budget	Per Range Amt	Variance	Comments
Miscellaneous	\$1,300.00	\$721.45	\$578.55	
Dues & Subscriptions	\$2,300.00	\$2,218.45	\$81.55	
Books	\$200.00	\$0.00	\$200.00	
Conferences & Training	\$15,000.00	\$5,055.00	\$9,945.00	
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	\$711.89	\$9,288.11	
Transfer Out	\$60,000.00	\$0.00	\$60,000.00	
<b>Sub-Total</b>	<b>\$367,365.00</b>	<b>\$105,347.26</b>	<b>\$262,007.74</b>	
<b>Building Inspections</b>				
Full-time Salaries	\$113,365.00	\$50,334.73	\$63,030.27	
PERA Contributions	\$6,292.00	\$2,437.52	\$3,854.48	
FICA Contributions	\$7,029.00	\$3,127.26	\$3,901.74	
Medicare Contributions	\$1,644.00	\$731.40	\$912.60	
Health/Dental Insurance	\$23,588.00	\$6,772.38	\$16,815.62	
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	\$598.55	-\$598.55	
Travel Expense	\$1,000.00	\$105.00	\$895.00	
Insurance	\$877.00	\$872.00	\$5.00	
Repairs/Maint Contractual Eqpt	\$500.00	\$963.92	-\$463.92	Vehicle repairs & Maintenance \$957.00
Rentals - Building	\$4,000.00	\$1,917.00	\$2,083.00	
Uniforms	\$600.00	\$105.15	\$494.85	
Miscellaneous	\$200.00	\$191.91	\$8.09	
Dues & Subscriptions	\$300.00	\$741.47	-\$441.47	Account Code Misclassification- \$276.00 to Fire 295.00 to Bldg Training
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	
<b>Sub-Total</b>	<b>\$194,811.00</b>	<b>\$67,882.72</b>	<b>\$126,928.28</b>	
<b>Civil Defense</b>	<b>\$9,000.00</b>	<b>\$0.00</b>	<b>\$9,000.00</b>	
<b>Animal Control</b>				
Printed Forms	\$500.00	\$0.00	\$500.00	
Contract Services	\$5,600.00	\$3,527.22	\$2,072.78	
Impounding	\$6,000.00	\$0.00	\$6,000.00	
Miscellaneous	\$400.00	\$0.00	\$400.00	
<b>Sub-Total</b>	<b>\$12,500.00</b>	<b>\$3,527.22</b>	<b>\$8,972.78</b>	

Description	2004 Budget	2004 Per Range Amt	2004 Variance	Comments
<b>Public Works</b>				
Full-time Salaries	\$106,087.00	\$40,606.01	\$65,480.99	
Part-time Salaries	\$0.00	\$900.00	-\$900.00	Salary Split between Part-time Parks
PERA Contributions	\$5,867.00	\$2,140.85	\$3,726.15	
FICA Contributions	\$6,577.00	\$2,573.66	\$4,003.34	
Medicare Contributions	\$1,538.00	\$601.91	\$936.09	
Health/Dental Insurance	\$24,607.00	\$5,288.42	\$19,318.58	
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	
Shop Materials	\$2,500.00	\$623.23	\$1,876.77	
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	\$270.61	\$22,229.39	
Landscaping Materials	\$2,500.00	\$325.79	\$2,174.21	
Sign Repair Materials	\$4,000.00	\$786.77	\$3,213.23	
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	\$22,639.00	-\$139.00	Street Sweeping \$14,482.00 Snow Plowing \$9738.00
Telephone	\$3,750.00	\$976.43	\$2,773.57	
Radio	\$200.00	\$0.00	\$200.00	
Travel Expense	\$500.00	\$5.00	\$495.00	
Insurance	\$11,265.00	\$13,603.00	-\$2,338.00	Annual Premiums Paid
Electric Utility	\$6,500.00	\$3,758.31	\$2,741.69	
Refuse	\$250.00	\$479.45	-\$229.45	Budget Error-Past Budgets Classified into contract services
Repairs/Maint Contractual Bldg	\$2,000.00	\$412.00	\$1,588.00	
Repairs/Maint Imp Not Bldgs	\$1,500.00	\$2,460.17	-\$960.17	Account Code error \$1049.06 belongs in water-Repairs of Water Main Break
Repairs/Maint Contractual Eqpt	\$4,500.00	\$3,624.80	\$875.20	
Rentals - Buildings	\$1,500.00	\$0.00	\$1,500.00	
Uniforms	\$900.00	\$761.35	\$138.65	
Miscellaneous	\$2,000.00	\$821.66	\$1,178.34	
Dues & Subscriptions	\$500.00	\$150.00	\$350.00	
Conferences & Training	\$500.00	\$100.00	\$400.00	
Clean-up Days	\$9,500.00	\$11,282.74	-\$1,782.74	Expense offset by gate receipts
Other Equipment	\$12,250.00	\$0.00	\$12,250.00	
Transfer Out	\$78,693.00	\$0.00	\$78,693.00	
<b>Sub-Total</b>	<b>\$382,057.00</b>	<b>\$127,966.88</b>	<b>\$254,090.12</b>	
<b>Street Lighting</b>	<b>\$16,800.00</b>	<b>\$6,689.37</b>	<b>\$10,110.63</b>	

Description	Budget	Per Range Amt	Variance	Comments
<b>Sanitation</b>				
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	
<b>Sub-Total</b>	<b>\$18,100.00</b>	<b>\$0.00</b>	<b>\$18,100.00</b>	
<b>Parks</b>				
Full-time Salaries	\$58,215.00	\$20,019.23	\$38,195.77	
Part-time Salaries	\$23,550.00	\$9,063.69	\$14,486.31	
PERA Contributions	\$3,219.00	\$1,296.06	\$1,922.94	
FICA Contributions	\$5,069.00	\$1,805.08	\$3,263.92	
Medicare Contributions	\$1,186.00	\$422.19	\$763.81	
Health/Dental Insurance	\$9,916.00	\$1,865.70	\$8,050.30	
Workers Compensation	\$2,819.00	\$0.00	\$2,819.00	
Office Supplies	\$250.00	\$0.00	\$250.00	
Fuel	\$2,200.00	\$209.03	\$1,990.97	
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	\$477.93	\$9,522.07	
Small Tools & Minor Equipment	\$1,000.00	\$45.49	\$954.51	
Telephone	\$1,500.00	\$505.51	\$994.49	
Travel Expense	\$0.00	\$30.00	-\$30.00	
Insurance	\$2,900.00	\$3,084.00	-\$184.00	Annual Premiums Paid
Electric Utility	\$6,050.00	\$2,938.15	\$3,111.85	
Refuse	\$2,400.00	\$919.80	\$1,480.20	
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	\$1,124.17	\$1,375.83	
Uniforms	\$400.00	\$52.37	\$347.63	
Miscellaneous	\$100.00	\$128.00	-\$28.00	
Dues & Subscriptions	\$100.00	\$50.00	\$50.00	
Conferences & Training	\$400.00	\$0.00	\$400.00	
Transfer Out	\$16,500.00	\$0.00	\$16,500.00	
<b>Sub-Total</b>	<b>\$164,774.00</b>	<b>\$45,898.22</b>	<b>\$118,875.78</b>	
<b>General Fund Total</b>	<b>\$2,377,150.00</b>	<b>\$860,913.78</b>	<b>\$1,516,236.22</b>	

Description	Budget	Per Range Amt	Variance	Comments
<b>Water Enterprise Operating</b>				
Full-time Salaries	\$61,939.00	\$30,008.20	\$31,930.80	
PERA Contributions	\$3,425.00	\$1,518.24	\$1,906.76	
FICA Contributions	\$3,840.00	\$1,863.93	\$1,976.07	
Medicare Contributions	\$898.00	\$435.90	\$462.10	
Health\Dental Insurance	\$9,171.00	\$3,037.10	\$6,133.90	
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 Meters & Supplies	\$16,000.00	\$1,099.70	\$14,900.30	
Small Tools & Minor Equipment	\$197.00	\$95.00	\$102.00	
Engineering Services	\$2,500.00	\$2,182.81	\$317.19	
Software Support	\$4,000.00	\$379.00	\$3,621.00	
Telephone	\$2,000.00	\$534.39	\$1,465.61	
Postage	\$650.00	\$0.00	\$650.00	
Travel Expense	\$600.00	\$327.00	\$273.00	
Insurance	\$2,380.00	\$2,985.00	-\$605.00	Annual Premiums Paid
Electric Utility	\$12,000.00	\$5,704.47	\$6,295.53	
Water Utility	\$35,000.00	\$21,335.67	\$13,664.33	
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	
<b>Sub-Total</b>	<b>\$168,140.00</b>	<b>\$73,721.14</b>	<b>\$94,418.86</b>	
<b>Sewer</b>				
Full-time Salaries	\$17,594.00	\$6,912.85	\$10,681.15	
PERA Contributions	\$973.00	\$348.60	\$624.40	
FICA Contributions	\$1,091.00	\$429.56	\$661.44	
Medicare Contributions	\$255.00	\$100.48	\$154.52	
Health\Dental Insurance	\$2,375.00	\$629.31	\$1,745.69	
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	\$3,618.19	-\$2,118.19	Lift station Repairs
Telephone	\$1,150.00	\$662.52	\$487.48	
Travel Expense	\$0.00	\$15.00	-\$15.00	
Electric Utility	\$1,225.00	\$801.11	\$423.89	
Repairs\Maint Imp Not Bldgs	\$1,000.00	\$2,511.29	-\$1,511.29	Lift station Repairs
Miscellaneous Expenses	\$0.00	\$300.00	-\$300.00	Emergency Pumping due to Lift Station failures
Conferences & Training	\$0.00	\$318.40	-\$318.40	
<b>Sub-Total</b>	<b>\$28,215.00</b>	<b>\$16,647.31</b>	<b>\$11,567.69</b>	

Description	Budget	Per Range Amt	Variance	Comments
<b>Surface Water</b>				
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	\$8,062.39	-\$3,562.39	Surface Water start-up expense
Erosion Control	\$2,100.00	\$0.00	\$2,100.00	
Software Support	\$1,000.00	\$4,050.00	-\$3,050.00	Surface Water start-up expense
Postage	\$1,576.00	\$515.00	\$1,061.00	
Contract Services	\$2,000.00	\$0.00	\$2,000.00	
Repairs/Maint Not Bidg	\$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	
<b>Sub-Total</b>	<b>\$80,278.00</b>	<b>\$12,975.65</b>	<b>\$67,302.35</b>	
<b>Total Operating Funds</b>	<b>\$276,633.00</b>	<b>\$103,344.10</b>	<b>\$173,288.90</b>	
<b>Grand Total</b>	<b>\$2,653,783.00</b>	<b>\$964,257.88</b>	<b>\$1,689,525.12</b>	

<p>Lake Elmo City Council 06-15-2004</p>	<p>Agenda Section: FINANCE</p>	<p><u>No.</u> 5B</p>
<p><b><u>Agenda Item: Reimbursement Resolution</u></b></p>		
<p><b><u>Background Information for June 15, 2004:</u></b></p> <p>In order for the City to reimburse the General Fund from a Bond issued, it is required to adopt a resolution authorizing the repayment of funds. Attached, please find a resolution granting reimbursement to the General Fund for a Capital expenditure from bonds issued by the City.</p>		
<p><b><u>Action Items:</u></b> Motion to approve Resolution # 050 granting the City to repay expenditures made out of the General Fund from Bond Proceeds.</p>	<p><b><u>Person responsible:</u></b> Tom Bouthilet</p>	
<p><b><u>Attachments:</u></b></p> <p>1. Resolution 050</p>		



CERTIFICATION OF MINUTES RELATING TO  
REIMBURSEMENT OF EXPENDITURES

Issuer: City of Lake Elmo, Minnesota

Governing Body: City Council

Kind, date, time and place of meeting: A regular meeting held on June 15, 2004, at 7 p.m., at the City offices. members present:

Members absent:

Documents Attached:

Minutes of said meeting (including):

RESOLUTION NO. 2004-050

RESOLUTION AUTHORIZING REIMBURSEMENT OF EXPENDITURES

I, the undersigned, being the duly qualified and acting recording officer of the public corporation issuing the bonds referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of said corporation in my legal custody, from which they have been transcribed; that said documents are a correct and complete transcript of the minutes of a meeting of the governing body of said corporation, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the governing body at said meeting, so far as they relate to said bonds; and that said meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such recording officer this 15th day of June, 2004.

\_\_\_\_\_  
Martin J. Rafferty, City Administrator

Councilmember \_\_\_\_\_ introduced the following resolution and moved its adoption, which motion was seconded by Councilmember \_\_\_\_\_:

## RESOLUTION AUTHORIZING REIMBURSEMENT OF EXPENDITURES

BE IT RESOLVED by the City Council (the "Council") of Lake Elmo, Minnesota (the "City"), as follows:

### 1. Recitals.

(a) The Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse an issuer for project expenditures made by the issuer prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the issuer adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months after the date the expenditure is paid or the date the project is placed in service or abandoned, but in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

(b) The City desires to comply with requirements of the Regulations with respect to the project hereinafter identified.

### 2. Official Intent Declaration.

(a) The City has determined that it will undertake a project (the "Project") comprising the acquisition, renovation and expansion of a facility (the "Facility") located at 3880 Laverne Avenue North,

in the City. The City will use the Facility for various purposes, including without limitation as a City Hall. The cost of the Project is presently estimated at \$3,800,000.00.

(b) Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds (as hereinafter defined), (ii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iii) de minimus expenditures (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Project have heretofore been paid by the City and no expenditures will be paid by the City until after the date of this Resolution.

(c) The City reasonably expects to issue Capital Improvement Plan Bonds in an estimated maximum aggregate principal amount of \$3,800,000.00 (the "Bonds") after the date of payment of all or a portion of the costs of the Project. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

3. Budgetary Matters. As of the date hereof, there are no funds of the City reserved, allocated on a long term-basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than pursuant to the issuance of the Bonds. This resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the City as they exist or are reasonably foreseeable on the date hereof.

4. Reimbursement Allocations. The Finance Director of the City shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make payment of the prior costs of the Project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Project and shall specifically identify the actual original expenditure being reimbursed.

Summary Building Report

May-2004			Year to Date		
	Permits Issued	Valuation		Permits Issued	Valuation
New Residential	3	\$2,175,468.00	New Residential	5	\$3,257,968.00
New Commercial	0	\$0.00	New Commercial	2	\$500,000.00
Other Residential	40	\$369,670.00	Other Residential	123	\$1,393,837.00
Other Commercial	1	\$4,000.00	Other Commercial	15	\$424,783.00
<b>Total</b>	<b>44</b>	<b>\$2,549,138.00</b>	<b>Total</b>	<b>145</b>	<b>\$5,576,588.00</b>

Total Building Fees Collected	\$31,292.80	Total Building Fees Collected	\$75,827.38
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Summary Plumbing Report

Summary Plumbing Report

Plumbing	14	\$156,700.00	Plumbing	40	\$311,501.00
Total Plumbing Fees Collected	\$805.00	Total Plumbing Fees Collected	\$2,872.25		

Summary HVAC Report

Summary HVAC Report

HVAC	9	\$60,285.00	HVAC	48	\$205,758.00
Total HVAC Fees Collected	\$554.00	Total HVAC Fees Collected	\$3,127.25		

Summary Grand Total Fees	\$32,651.80	Summary Grand Total Fees	\$81,826.88
Surcharge Fee Paid to State	\$1,250.64	Surcharge Fee Paid to State	\$2,765.12
SAC Fees Paid to Met Council	\$0.00	SAC Fees Paid to Met Council	\$0.00
WAC Fees Paid to Oakdale	\$0.00	WAC Fees Paid to Oakdale	\$0.00
Misc. Expenses	\$0.00	Misc. Expenses	\$0.00
Total Fees Retained	\$31,401.16	Total Fees Retained	\$79,061.76
Credit Fees to Bldg	\$30,776.16	Credit Fees to Bldg	\$78,436.76
Credit Fees to Water	\$400.00	Credit Fees to Water	\$400.00
Credit Fees to Sewer	\$225.00	Credit Fees to Sewer	\$225.00

## Building Permit Detail Summary

May 01, 2004 Through May 31, 2004

### Occupancy

#### Class Of Work: Demolition

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4069	demolition	5/18/2004	Commercial	11,000
<b>Totals for Class Of Work: Demolition</b>				<b>Sum of Valuation = 11,000</b>

#### Totals for Occupancy:

Number of Permits = 1

Sum of Valuation = 11,000

### Occupancy U-1

#### Class Of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4045	accessory structure	5/7/2004	Accessory Building	6,659
<b>Totals for Class Of Work: Add</b>				<b>Sum of Valuation = 6,659</b>

#### Class Of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4073	Basement finish (includes plm&htg)	5/19/2004	Single Family Dwelling	10,000
4046	Remodel	5/7/2004	Single Family Dwelling	20,500
<b>Totals for Class Of Work: Remodel</b>				<b>Sum of Valuation = 30,500</b>

**Class Of Work: Alter**

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4061	Other	5/17/2004	Commercial	4,000
<b>Totals for Class Of Work: Alter</b>				<b>Sum of Valuation = 4,000</b>

**Totals for Occupancy: U-1**

Number of Permits = 4

Sum of Valuation = 41,159

**Occupancy R-3**

**Class Of Work: Add**

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4047	addition & remodel	5/10/2004	Single Family Dwelling	40,000
4041	Deck	5/6/2004	Single Family Dwelling	2,200
4040	addition	5/6/2004	Single Family Dwelling	3,000
4090	Porch	5/28/2004	Single Family Dwelling	15,000
4042	accessory structure	5/6/2004	Single Family Dwelling	36,900
4072	swimming pool	5/19/2004	Single Family Dwelling	3,700
4067	Deck	5/18/2004	Single Family Dwelling	4,000
4075	accessory structure	5/28/2004	Accessory Building	15,000
4078	Deck	5/28/2004	Single Family Dwelling	6,056
4088	Deck	5/28/2004	Single Family Dwelling	5,000
4083	Fireplace	5/26/2004	Single Family Dwelling	2,300
4086	deck/ porch	5/26/2004	Single Family Dwelling	43,800
<b>Totals for Class Of Work: Add</b>				<b>Sum of Valuation = 176,956</b>

**Class Of Work: Remodel**

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4085	Siding & Window Replacement	5/26/2004	Single Family Dwelling	1,500
4044	window replacement	5/7/2004	Single Family Dwelling	7,853
4039	reeroof	5/6/2004	Single Family Dwelling	3,200
4089	Fireplace	5/28/2004	Single Family Dwelling	2,300
4082	Siding & Window Replacement	5/26/2004	Single Family Dwelling	1,500
4084	window replacement	5/26/2004	Single Family Dwelling	2,200
4035	reeroof	5/3/2004	Single Family Dwelling	11,500
4049	Basement finish (includes plng&htg)	5/12/2004	Single Family Dwelling	30,000
4051	Remodel	5/12/2004	Single Family Dwelling	25,000
4053	reeroof	5/12/2004	Single Family Dwelling	10,190

Totals for Class Of Work: Remodel Number of Permits = 10

Sum of Valuation = 95,243

**Class Of Work: New**

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4087	New House	5/27/2004	Single Family Dwelling	375,468
4060	New House	5/14/2004	Single Family Dwelling	700,000
4036		5/4/2004	Mobile Home	1,000
4037	deck/ porch	5/4/2004	deck/porch	2,000
4038	New House	5/5/2004	Single Family Dwelling	1,100,000
4076	Deck	5/26/2004	Single Family Dwelling	2,500

Totals for Class Of Work: New Number of Permits = 6

Sum of Valuation = 2,180,968

**Class Of Work: Repair**

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4059	Deck	5/13/2004	Single Family Dwelling	300
4071	reroof	5/18/2004	Single Family Dwelling	2,850
4077	reroof	5/26/2004	Single Family Dwelling	16,866
4062	reroof	5/17/2004	Single Family Dwelling	6,000
<b>Totals for Class Of Work: Repair</b>				<b>Sum of Valuation = 26,016</b>

**Class Of Work: Alter**

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4064	fence	5/18/2004	Single Family Dwelling	8,496
4063	window replacement	5/18/2004	Single Family Dwelling	1,500
<b>Totals for Class Of Work: Alter</b>				<b>Sum of Valuation = 9,996</b>

**Class Of Work: Demolition**

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4048	demolition	5/11/2004	Single Family Dwelling	0
4074	Excavation & Grading	5/24/2004	Single Family Dwelling	1,500
4079	demolition	5/26/2004	Single Family Dwelling	2,100
4080	demolition	5/26/2004	Single Family Dwelling	2,100
4081	demolition	5/26/2004	Single Family Dwelling	2,100
<b>Totals for Class Of Work: Demolition</b>				<b>Sum of Valuation = 7,800</b>

<b>Totals for Occupancy: R-3</b>	<b>Number of Permits = 39</b>	<b>Sum of Valuation = 2,496,979</b>
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<i>Grand Total for All Permits Issued:</i>	<i>Number of Permits</i> 44	<i>Total Valuation =</i> 2,549,138
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## Building Permit Detail Summary

Occupancy R-3

Class Of Work: New

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4087	New House	5/27/2004	Single Family Dwelling	375,468
4076	Deck	5/26/2004	Single Family Dwelling	2,500
4060	New House	5/14/2004	Single Family Dwelling	700,000
4038	New House	5/5/2004	Single Family Dwelling	1,100,000
4037	deck/ porch	5/4/2004	deck/porch	2,000
4036		5/4/2004	Mobile Home	1,000
Totals for Class Of Work: New				Sum of Valuation = 2,180,968
Totals for Occupancy: R-3				Number of Permits = 6
				Sum of Valuation = 2,180,968

Grand Total for All Permits Issued:

Number of Permits 6

Total Valuation = 2,180,968

*City of Lake Elmo  
Building Department*

## *Plumbing Permit Detail Summary*

May 01, 2004 Through May 31, 2004

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Valuation</i>
4038	new resd plmg & sewer/septic	5/5/2004	32,000
4046	alter resd plmg	5/7/2004	2,000
4047	alter resd plmg	5/10/2004	5,500
4052	alter resd plmg	5/12/2004	3,000
4054	lawn sprinkler	5/12/2004	500
4055	lawn sprinkler	5/12/2004	500
4056	alter septic	5/12/2004	11,400
4057	alter septic	5/13/2004	29,000
4058	alter septic	5/13/2004	8,500
4060	new resd plmg & sewer/septic	5/14/2004	32,000
4066	alter resd plmg	5/18/2004	400
4068	commercial plumbing alter	5/18/2004	1,500
4070	water heater install	5/18/2004	400
4087	Hookup city water and sewer and plumb new house	5/27/2004	30,000

*Number of Permits 14*

*Total Valuation = 156,700*

**City of Lake Elmo**  
**Building Department**

## ***HVAC Permit Detail Summary***

May 01, 2004 Through May 31, 2004

<b>Permit #</b>	<b>Description of Work</b>	<b>Date Issued</b>	<b>Valuation</b>
4036	Gasline	5/4/2004	1,000
4038	New HVAC Residential	5/5/2004	16,000
4043	alter resd hvac	5/7/2004	5,885
4047	alter resd hvac	5/10/2004	2,500
4050	alter resd hvac	5/12/2004	1,800
4052	alter resd hvac	5/12/2004	1,200
4060	HVAC-residential	5/14/2004	13,000
4065	HVAC-residential	5/18/2004	6,900
4087	HVAC-residential	5/27/2004	12,000

***Number of Permits 9***

***Total Valuation = 60,285***

City of Lake Elmo  
Building Department

Building Permit Fees

May 01, 2004 Through May 31, 2004

Date	Permit #	Permit Fee	Surcharge	Plan Review	Other	Investigation	SAC Fee	Sewer Fee	WAC Fee	Meter	Sales Tax
5/3/2004	4035	\$209.25	\$5.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/4/2004	4036	\$50.00	\$0.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/4/2004	4037	\$69.25	\$1.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/5/2004	4038	\$5,973.75	\$540.00	\$3,882.94	\$50.50	\$0.00	\$0.00	\$75.00	\$0.00	\$0.00	\$0.00
5/6/2004	4039	\$97.25	\$1.60	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/6/2004	4040	\$83.25	\$1.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/6/2004	4041	\$83.25	\$1.10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/6/2004	4042	\$512.95	\$18.45	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/7/2004	4044	\$153.25	\$3.93	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/7/2004	4045	\$139.25	\$3.33	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/7/2004	4046	\$335.25	\$10.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/10/2004	4047	\$543.25	\$20.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/11/2004	4048	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/12/2004	4049	\$442.25	\$15.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/12/2004	4051	\$391.25	\$12.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/12/2004	4053	\$195.25	\$5.10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/13/2004	4059	\$23.50	\$0.15	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/14/2004	4060	\$4,183.75	\$350.00	\$2,719.44	\$50.50	\$0.00	\$0.00	\$75.00	\$0.00	\$0.00	\$0.00
5/17/2004	4061	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/17/2004	4062	\$125.25	\$3.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/18/2004	4063	\$54.00	\$0.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/18/2004	4064	\$167.25	\$4.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Wednesday, June 09, 2004

City of Lake Elmo  
Building Department

**Building Permit Fees**

May 01, 2004 Through May 31, 2004

Date	Permit #	Permit Fee	Surcharge	Plan Review	Other	Investigation	SA Fee	Sewer Fee	WAC Fee	Meter	Sales Tax
5/18/2004	4067	\$97.25	\$2.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/18/2004	4069	\$0.00	\$0.00	\$0.00	\$80.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/18/2004	4071	\$83.25	\$1.42	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/19/2004	4072	\$97.25	\$1.85	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/19/2004	4073	\$181.25	\$5.00	\$0.00	\$0.00	\$181.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/24/2004	4074	\$50.00	\$0.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/26/2004	4075	\$251.25	\$7.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/26/2004	4076	\$83.25	\$1.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/26/2004	4077	\$279.25	\$8.43	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/26/2004	4079	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/26/2004	4080	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/26/2004	4081	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/26/2004	4082	\$54.00	\$0.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/26/2004	4083	\$83.25	\$1.15	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/26/2004	4084	\$83.25	\$1.10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/26/2004	4085	\$54.00	\$0.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/26/2004	4086	\$563.65	\$21.90	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/27/2004	4087	\$2,539.35	\$187.73	\$1,650.58	\$50.50	\$0.00	\$0.00	\$75.00	\$1,700.00	\$400.00	\$0.00
5/28/2004	4088	\$111.25	\$2.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/28/2004	4089	\$83.25	\$1.15	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5/28/2004	4090	\$251.25	\$7.50	\$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**

May 01, 2004 Through May 31, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>	<i>Plan Review</i>	<i>Other</i>	<i>Investigator</i>	<i>SAC Fee</i>	<i>Sewer Fee</i>	<i>WAC Fee</i>	<i>Meter</i>	<i>Sales Tax</i>
<b>Totals:</b>		\$18,798.45	\$1,250.64	\$8,252.96	\$484.50	\$181.25	\$0.00	\$225.00	\$1,700.00	\$400.00	\$0.00
<b>Grand Total of Building Related Fees Collected:</b>											<b>\$31,292.80</b>

*City of Lake Elmo  
Building Department*

***Plumbing Permit Fees***

May 01, 2004 Through May 31, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
5/5/2004	4038	\$100.00	\$0.50
5/7/2004	4046	\$50.00	\$0.50
5/10/2004	4047	\$50.00	\$0.50
5/12/2004	4052	\$50.00	\$0.50
5/12/2004	4054	\$100.00	\$0.50
5/12/2004	4055	\$0.00	\$0.00
5/12/2004	4056	\$0.00	\$0.00
5/13/2004	4057	\$0.00	\$0.00
5/13/2004	4058	\$0.00	\$0.00
5/14/2004	4060	\$100.00	\$0.50
5/18/2004	4066	\$50.00	\$0.50
5/18/2004	4068	\$150.00	\$0.50
5/18/2004	4070	\$50.00	\$0.50
5/27/2004	4087	\$100.00	\$0.50
<b>Totals:</b>		<b>\$800.00</b>	<b>\$5.00</b>

***Grand Total of Plumbing Fees Collected: \$805.00***



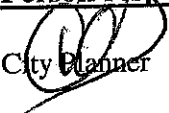
*City of Lake Elmo  
Building Department*

***HVAC Permit Fees***

May 01, 2004 Through May 31, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
5/4/2004	4036	\$0.00	\$0.00
5/5/2004	4038	\$100.00	\$0.50
5/7/2004	4043	\$50.00	\$0.50
5/10/2004	4047	\$50.00	\$0.50
5/12/2004	4050	\$50.00	\$0.50
5/12/2004	4052	\$50.00	\$0.50
5/14/2004	4060	\$100.00	\$0.50
5/18/2004	4065	\$50.00	\$0.50
5/27/2004	4087	\$100.00	\$0.50
<b>Totals:</b>		<b>\$550.00</b>	<b>\$4.00</b>

***Grand Total of HVAC Fees Collected: \$554.00***

<p>Lake Elmo City Council June 15, 2004</p>	<p>Agenda Section: City Engineer's Report</p>	<p><u>No.</u> 8A</p>
<p><b>Agenda Item:</b> Release of Security – Gorman's Restaurant</p>		
<p><b><u>Background Information for June 15, 2004:</u></b></p> <p>By his letter of May 26 Ed Gorman has requested release of the development and landscape security required by the Section 520 Site Plan approval for the restaurant remodeling and expansion. The City Engineer recommends release based on turf establishment; and, the Public Works Superintendent has advised that the landscaping has survived two growing seasons.</p>		
<p><b><u>Action items:</u></b> Motion to release the \$5,000 letter of landscape security by Liberty State Bank on the Gorman's Section 520 Site Plan, as recommended by the City Engineer and City Public Works Director.</p>	<p><b><u>Person responsible:</u></b>  City Planner</p>	
<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Gorman Request for Release</li> <li>2. City Engineer's Memo</li> </ol>	<p><b><u>Time Allocated:</u></b></p>	

5/26/04

City of Lake Oswego  
Chuck Williams

Dear Chuck,

Two grazing seasons have now passed since our landscaping at our restaurant was installed. Everything has come up this year so I am requesting a release / satisfaction of the letter of credit from the City.

Sincerely,

D. Garmon

Garmon's Restaurant

651 7702476

**MEMORANDUM**


**To:** Chuck Dillerud  
**Copies To:** \_\_\_\_\_  
\_\_\_\_\_  
**From:** Thomas D. Prew, P. E.  
**Date:** June 11, 2004

**Reference:** Gorman's Site Grading  
City of Lake Elmo  
\_\_\_\_\_  
**Comm. No.** 11979-041  
**Routing:** \_\_\_\_\_  
\_\_\_\_\_

All grading and turf establishment work is complete on this project. The pond outlet control structure is built and operating correctly.

I recommend release of any remaining escrow for this phase of the work.

Let me know if you have any questions.

<b>Lake Elmo City Council June 15, 2004</b>	<b>Agenda Section: Planning, Land Use &amp; Zoning</b>	<b><u>No.</u> 9A</b>
<b><u>Agenda Item:</u> Setback Variances – 8017 50<sup>th</sup> Street North (Isaacson)</b>		
<p><b><u>Background Information for June 15, 2004:</u></b></p> <p>This application for side and front setback variances to accommodate construction of a 2 car garage was tabled by the Council on June 1 with direction to staff to advise the Council regarding secondary septic drainfield locations on the site. The issue appears to be whether construction of the garage in the location proposed would “use up” a potential site for replacement drain field should the system installed in 1997 fail in the future – an issue with an earlier variance denial.</p> <p>I am advised by the Building Official that the proposed site of the new garage has been historically used as the driveway access/vehicle parking area for this and the previous residence on this lot. As such, it is highly improbable that the proposed garage location could qualify as a future drain field site due to the compacted soils that have resulted from years of vehicle use.</p> <p>I am also advised that the 1997 drain field extends across that portion of the front yard that was not used as driveway; and, that no secondary drain field site has been previously identified on the site. Finally, I am advised that about 165 feet of lot depth remains between the house and the Olson Lake OHW. That area would be a probable candidate for a secondary drain field while still maintaining a 75 foot setback to the Olson Lake OHW. Also, the 50<sup>th</sup> Street North street surface is nearly 100 feet from the front of the house. There remains additional room for drain field replacement adjacent to the existing 1997 drain field.</p>		
<p><b><u>Action items:</u></b> Removal of this application from the table, and continued consideration of Draft Resolution #2004-046.</p>	<p><b><u>Person responsible:</u></b>    City Planner</p>	
<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Draft Resolution # 2004-046</li> <li>2. June 1, 2004 Agenda Materials</li> </ol>	<p><b><u>Time Allocated:</u></b></p>	

<p>Lake Elmo City Council June 1, 2004</p>	<p>Agenda Section: Planning, Land Use &amp; Zoning</p>	<p><u>No.</u> 9A</p>
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**Agenda Item:** Zoning Setback Variances – 8017 – 50<sup>th</sup> Street North (Isaacson)

**Background Information for June 1, 2004:**

The Planning Commission has, at its May 10 and May 24 meetings considered an application by Isaacson for side and front setback variances to accommodate construction of an attached two stall garage. The Hearing was conducted on May 10, 2004, at which time the Commission tabled the application to allow the applicant to consider amending the scale of the request. On May 20 the applicant submitted an amended application that reduced the requested side setback variance from 8.5 feet to 4 feet; and, increased the requested front setback variance from 6 feet to 10 feet.

On May 24 the Commission reviewed the amended proposal and unanimously (9-0) adopted a motion to recommend approval of the variances requested by the May 20 drawings. By the adopted Findings, the Commission found that a physical hardship does exist for the applicant due to the unusual shape of the parcel; the amended request permits the reasonable use of the property; and there is no impact from the variances on surrounding properties.

**Action items:**

Motion to adopt Resolution # 2004 - <sup>046</sup>, approving a side yard set back variance of 4 feet and front yard set back variance of 10 feet for garage construction at 8017 50<sup>th</sup> Street North, per plans staff-dated May 20, 2004, based on the Findings and recommendation of the Planning Commission.

**Person responsible:**

  
City Planner

**Attachments:**

1. Resolution #2004 - <sup>046</sup>, approving variances.
2. Draft Planning Commission Minutes of May 24, 2004
3. Applicant's May 20, 2004 Graphics
4. Planning Commission Minutes of May 10, 2004
5. Planning Staff report of April 30, 2004
- 6.

**Time Allocated:**

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-046

A RESOLUTION APPROVING A VARIANCE FOR WILLIAM ISAACSON  
LOCATED AT 8017 50<sup>th</sup> STREET NORTH

WHEREAS, William Isaacson, 8017 50<sup>th</sup> Street North, requested a side yard setback variance and front yard set back variance to accommodate construction of an attached two stall garage.

WHEREAS, at its May 10, 2004 meeting, the Lake Elmo Planning Commission held a public hearing at which time the Commission tabled the application to allow William Isaacson to consider amending the scale of the request.

WHEREAS, at its May 24, 2004 meeting, the Lake Elmo Planning Commission recommended approval of the amended application that reduced the requested setback variance from 8.5 feet to 4 feet; and, increased the requested front setback variances from 6 feet to 10 feet, per plans staff dated May 20, 2004 based on the following findings:

1. Due to the unique shape of the land parcel and its partial frontage on an unused street right-of-way, reasonable use of the property by the applicant would include a garage structure of the size and at the setbacks proposed by the applicant's graphics dated May 20, 2004.
2. There are circumstances unique to the property, as noted by Finding No. 1, that form the basis for the variances requested.
3. Granting of the variance will not change the essential character of the neighborhood.

WHEREAS, at its June 1, 2004 meeting, the Lake Elmo City Council approved a side yard set back variance of 4 feet and front yard set back variance of 10 feet for garage construction for William Isaacson, 8017 50<sup>th</sup> Street North, per plans staff dated May 20, 2004,

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council approves a side yard set back variance of 4 feet and front yard set back variance of 10 feet to William Isaacson for garage construction at 8017 50<sup>th</sup> Street North, per plans staff dated May 20, 2004, based on the findings of the Planning Commission.

ADOPTED by the Lake Elmo City Council on the ~~1st day of June, 2004.~~

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

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of May 24, 2004**

Chairman Helwig called to order the Planning Commission Meeting at 7:00 p.m. COMMISSIONERS PRESENT: Deziel, Sedro, Berg, Ptacek, Meldahl, Sessing, Van Pelt, Johnson, Pelletier, Schneider; STAFF PRESENT: City Administrator Rafferty, City Planner Dillerud, and Recording Secretary Schaffel.

### **Pledge of Allegiance**

### **Agenda**

M/S/P, Meldahl /Berg, To accept the Agenda as presented. **VOTE: 9:0.**

### **Welcome to Charles Schneider, 2<sup>nd</sup> Alternate.**

Commissioner Van Pelt was made Full Voting Member and Liz Johnson was moved to First Alternate.

### **Minutes of May 10, 2004**

Commissioner Johnson, said on the 2<sup>nd</sup> page bottom, a motion was made and seconded but a motion to table took precedence, and there was no vote. On page 6 bottom, in the last sentence she suggested that, "Historic barns should get approval for historic colors." On page 7, third paragraph, the first sentence should end after, "Character."

Commissioner Sedro said that on page 7, she is indicated as seconding a motion for which she abstained from the vote. Commissioner Sessing said he was the seconder on that motion.

M/S/P, Johnson/Deziel, To accept the Minutes of May 10, 2004 as amended. **VOTE: 9:0.**

M/S/P, Ptacek/Sedro, To nominate Commissioner Sessing for Secretary. **VOTE: 8:0:1** (Abstain: Sessing).

### **Variance Public Hearing Continued: Isaacson**

The Planner reminded the commissioners that at the last meeting, the applicant was asked if he wanted to table his application. He explained that a new drawing submitted by the applicant did not get added to the packet. The drawing was distributed. The Planner said the 6 feet side yard minimum suggested by straw vote of the Commission on May 10, is reflected in the applicant's drawings staff dated May 20. The Planner presented a set of alternative positive Findings. He said the Applicant had also dropped off letters of support from his neighbors.

Commissioner Johnson noted that the front setback in the new plan is less than previously requested and less than required. The Planner said the front yard setback is not as important an issue in this case since the excess right-of-way of "paper" Park Street results in an effective front set back well in excess of Code standards. He repeated that he believed that Park Street would never be constructed since all residences with frontage on that right-of-way now access from 50th Street North.

The Planner reported that Commissioner Sedro had earlier asked about the ability for emergency vehicles to access the rear of the property. She continued her questioning by asking the width of emergency vehicles.

The Planner responded that no emergency vehicle is wider the 8.5 foot maximum allowable width on public streets without a special permit; and that most were significantly narrower than the 8.5 feet. He also said it is possible for emergency vehicles to access the rear of this lot on the west side, where a 10 foot set back has been maintained..

Commissioner Schneider said he drove past the site, and asked about the neighbor's driveway in relation to the property line.

Mr. Isaacson said the dirt driveway borders the property line.

M/S/P, Sessing/Johnson, To take the Isaacson Variance from the Table. **VOTE: 9:0.**

The Chairman introduced the letters from Douglas, Severin, Marin, and Braun, the Isaacson's neighbors.

Commissioner Deziel said he was pleased to see the redesign, and the garage is 30 feet from the built street.

M/S/P, Johnson/Deziel, To recommend approval for side and front yard variances to accommodate the garage construction per the graphics staff dated May 20, 2004, and based on the following Findings:

1. Due to the unique shape of the land parcel and its partial frontage on an unused street right-of-way reasonable use of the property by the applicant would include a garage structure of the size and at the setbacks proposed by the applicant's graphics dated May 20, 2004.
2. There are circumstances unique to the property – as noted by Finding #1 – that form the basis for the variances requested.
3. Granting of the variance will not change the essential character of the neighborhood.

**VOTE: 9:0.**

#### **Limited Business Use Addition**

The Planner introduced the proposed use of a salon in the Limited Business District by the prospective tenant at Prairie Ridge Office Park. He reported that a salon is not presently a conditional or permitted use in the LB district. He advised that the Planning Commission can initiate amendment of the Zoning Ordinance. He said the commission has done so in the past. The Planner reminded the commission that new uses always appear on the horizon. That could be reason to amend them into the Zoning Ordinance.

Commissioner Sedro said the salon use seems different from the other uses because more water is used in a salon. She said she is concerned about the septic system.

The Planner said the building square footage determines the septic generation, and the system is designed accordingly. He said that square footage limits the scale of the use automatically.

Commissioner Sedro said the potential tenant proposes 18 styling stations, generating more traffic than other uses on the list of allowed uses.

The Planner said the Commission can use the exact proposal as a basis to include or exclude this type of use. He said the Commission can set the conditions they want to include with any CUP eventually approved for this use. He said that Commission's decision will be based on the scale of the use, not use itself. If the Commission amends the code, the applicant could then come in with a full application responsive to the use description and conditions that appear in the Zoning Ordinance after amendment.

Commissioner Ptacek said when looking at other allowed uses in the Limited Business District, the trips by vehicle appeared to be about the same for any other listed business. He said the use should be allowed because a salon could generate just as much or as little traffic or septic use as the other allowed uses.

M/S/P, Johnson/Deziel, To direct staff to publish a hearing notice to amend the uses in the Limited Business District to include a salon as a Conditional Use.

Concern was expressed about hair in septic systems. Commissioner Johnson said most salons use catch traps in the drains.

Commissioner Ptacek asked about SAC Units generated by a salon use.

The Planner said that getting into SAC Units might be too fine-tuned for this stage of the process. He said there is a shared septic system in this LB development, and specific conditions may be placed on specific units within that development.

**VOTE: 9:0.**

Commissioner Berg asked about the letter from the potential applicant. Is she a potential renter and can renters get a CUP? The Planner said normally not, CUP's run with the land, and if an applicant were only a tenant that request would be viewed differently. The Planner said the building owner would be responsible for the entire operation.

### Draft Fence Ordinance

The Planner thanked the many commissioners who attended the Council's fence workshop. He reported that after three months of work on the draft fence ordinance, the Council wanted to be more directive as to what the ordinance standards would be. The Planner reviewed with the Commission the outcomes of the Council workshop. He added that issues of finished side orientation and fences in City easements would also need to be addressed by the ordinance amendments.

Commissioner Sedro pointed out that Item 3 of staff's May 20 Memo mentions cyclone fences, yet Item 6 does not include the cyclone fence when addressing allowable fence colors.

Commissioner Sedro said she didn't understand what Item 1 was trying to say.

The Planner explained that applied to fences in street or front yard setbacks. The allowable fence location is the 30 feet setback, whether or not an adjacent house is rear of that line. He said the same principle would apply on a corner lot.

Chairman Helwig questioned why vinyl fences could be any color but white.

Commissioner Sessing asked about woven wire fence. If it were an addition on to existing fence, would the original fence have to change to green or black?

Commissioner Van Pelt said that, in essence, there would be no backyard privacy fences by the Council's directions on fence standards.

The Planner said there was a discussion about the circumstances on extraordinarily small lots. He said the Council might go along with privacy fences in a townhouse configuration, and also other configurations if the fence was substantially within the property set back line, such as an architectural extension of the house.

Commissioner Meldahl said many cities allow an eight foot privacy fence around a patio.

The Planner said the problem with that is where is the patio ending?

Commissioner Sessing noted that the Council spoke of taller fences inside the building line screening boats and motor homes, but ran out of time to discuss that on May 10.

The Planner and Chairman said they did not hear it that way.

The Planner brought up security fencing for pools. He said a fence can be 75% open and still secure.

Commissioner Sedro asked if it is the job of the Planning Commission to pass on what it comes up with, or to do what the Council says.

Commissioner Deziel said maybe if the Commission brings some of these issues to the hearing we might hear some of the reasons for the Council's changes.

The Planner said the Council wants no privacy fences to six feet in height on property lines..

Commissioner Sedro said the Council dealt with style but not with functionality.

Chairman Helwig asked why does the Commission have to have the hearing when it does not agree with the Council? Shouldn't the Council have the hearing?

The Planner said it would be better for the Planning Commission to hold the hearing. He said he can structure the hearing notice generic enough so both drafts can be presented. The Planner said the Planning Commission is appointed to do the legwork for the Council, which may, at other times, include doing what Council asks them to do.

Commissioner Ptacek said he can live with most of the Council's ordinance direction, but not with the specified fence colors. He said he does not agree that the City should legislate colors. He recommended including the ordinance for public hearing without the colors of fences specified. Otherwise, he said he would prefer to send up to the Council the original fencing ordinance.

Commissioner Ptacek said the Commission can send a strong message tonight. He said the city does not gain by publishing a generic notice. He said he would rather debate it now, and send the result to public hearing.

Commissioner Sedro said she would like to hear public comments on both ordinances.

Commissioner Deziel said he would like to have the generic notice because the Commission only heard subjective opinions as to why the Council made the changes they did. He said privacy is important to some people. He said if the Commission and Council are making laws for other people to live by, the City should be more accommodating.

Commissioner Pelletier asked about publishing in the newsletter and web site. She said fencing is a large enough issue to try for better attendance.

Commissioner Van Pelt agreed that the hearing notice should be generic since there are very different opinions between the Council and the Commission as to appropriate fence standards.

M/S/P, Ptacek/Deziel, To direct staff to publish the generic fence ordinance notice, and bring all ideas forward for public discussion.

Commissioner Schneider suggested that the more restrictive the notice appears, the better the attendance will be.

**VOTE: 9:0.**

#### **CITY COUNCIL UPDATE**

The Planner reported that the City Council denied the septic variance for Gary Webster, and they approved entering a contract with SEH for a Trails System Plan which would then come before the Planning Commission as a Comprehensive Plan Amendment. The Planner said he has been working on the new Zoning Ordinance with Dick Thompson over the last several weeks.

The Planner said a Concept Plan application has been submitted for the church-owned site at Keats and 36 for 48 of their acres. He said there are also two other sizable applications expected in the next thirty days.

DRAFT

Chairman Helwig asked if an OP development is created on the church land, does it come back into taxable property?

The Planner said it does.

The Planner announced that the Supreme Court will hear the City's case against the Metropolitan Council in the first week of June but that he has no idea when a decision will be rendered.

**ADJOURN 8:09 P.M.**

Respectfully submitted,



Kimberly Schaffel  
Recording Secretary

DRAFT

5/2/04

LAKE ELMO

As the residents of 8001 50<sup>TH</sup> STREET, we're OK  
with Bill Isaacson's variance to build the  
garage approx 2ft from the east side property  
line.

Jim Douglas  
Jan Keefner

Rec'd  
5/8/04  
[Signature]

I agree with Will Isaacson  
request for variance for 2 foot set back  
for garage from east property line

R. K. Myran  
8033 50<sup>th</sup> St. N

Reid  
5/84/04  
OC

City of Lake Elmo

Mike Severin  
8012 50<sup>th</sup> St. N  
Lake Elmo

To Whom It May Concern:

This letter is in regards to the variance being requested by Will Isaacson for the construction of a garage.

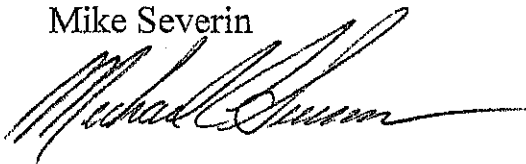
We have no objections to the planned construction. It is a new home that currently has no garage. I do not know what the original plans were regarding a garage for the home, but surely the city must have known that a new home built with city approval would eventually require a garage in keeping with every other house built in the city.

A man has to have a garage, and denying his request would be unamerican.

I would ask that the city approve his request for the variance, as a nice home like that without a garage just wouldn't be right.

Respectfully,

Mike Severin



*Rad*  
*5/84/04*



① DAVID L. BROWN  
7990 50TH ST. N  
LAKE ELMO, MN,  
55042

MAY 10 2004

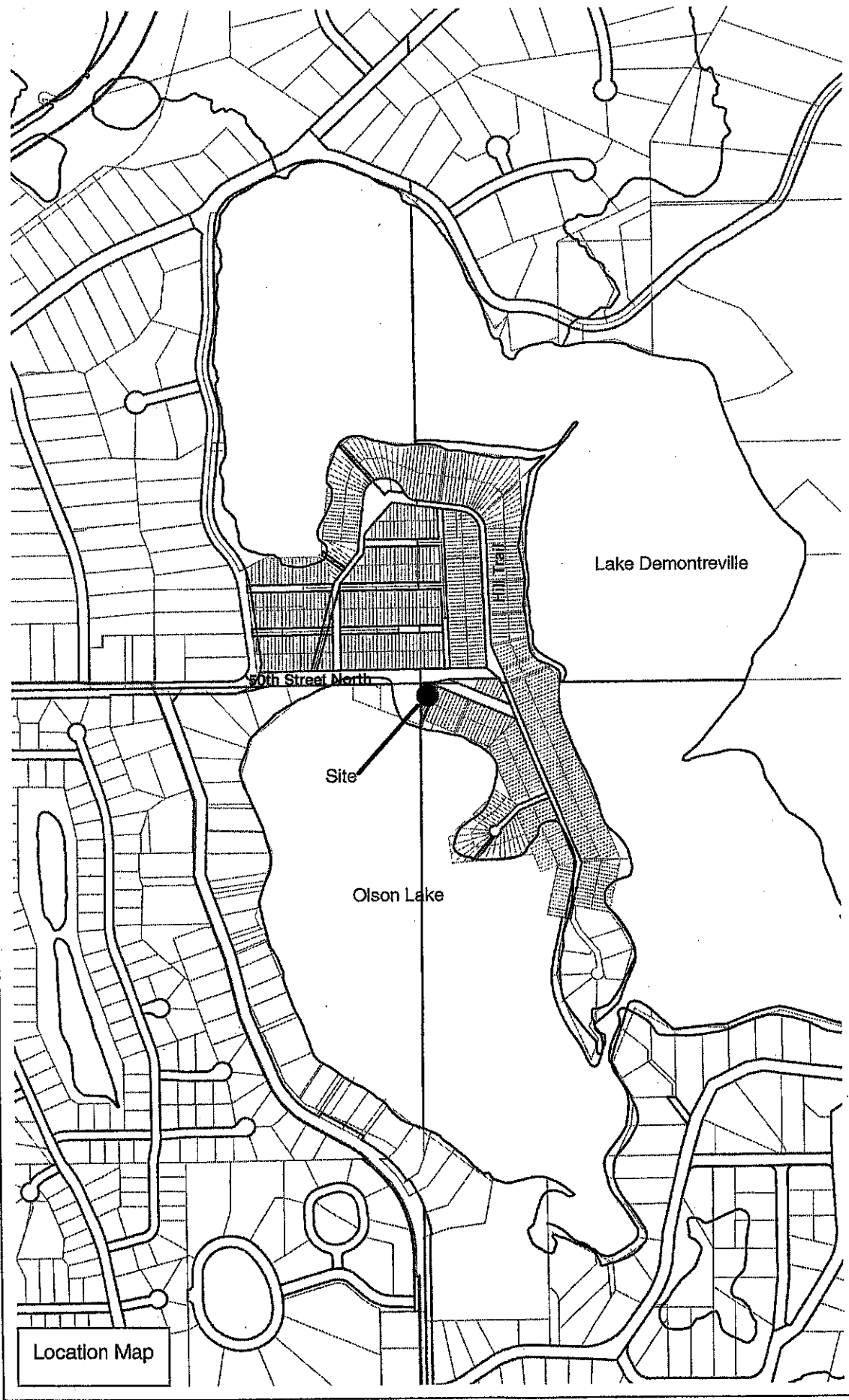
NEITHER MARY OR I HAVE A  
PROBLEM WITH BILLY GETTING A  
VARIANCE TO BUILD HIS GARAGE.

Done Bro

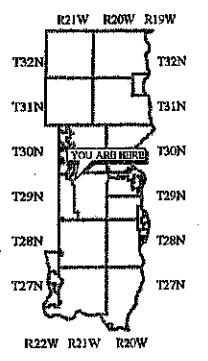
Mary Brown

Rec'd  
5/10/04

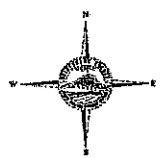
oe



Location Map



Vicinity Map



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

Source: Washington County Surveyor's Office, Phone (651) 436-6676

Parcel data based on AS400 information

**MEMO**  
(May 20, 2004)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Setback Variance for Garage – 8017 50<sup>th</sup> Street North

The Commission tabled this variance application on May 10 to allow the applicant an opportunity to consider modification of his proposal to reduce the degree of variance requested. On May 20 the applicant submitted revised application graphics depicting a garage structure 22 feet wide and 26 feet in length. This plan (May 20) would result in a 6 foot side yard setback (10 feet required, and 1.5 feet previously proposed); and, a 20 foot front setback (30 feet required, and 24.8 feet previously proposed).

As previously noted by staff, the front setback is not an issue of consequence for this site due to an unused street right-of-way adjacent to the northeast corner of the site. The Minutes of the May 10 meeting indicate that at least two Commissioners commented that they could support a 6 foot side yards setback.

Recognizing that there appeared to be a sense of some of the Commission that variances of some degree might be recommended to the City Council, I have drafted alternate Findings that could accompany such a recommendation, as follow:

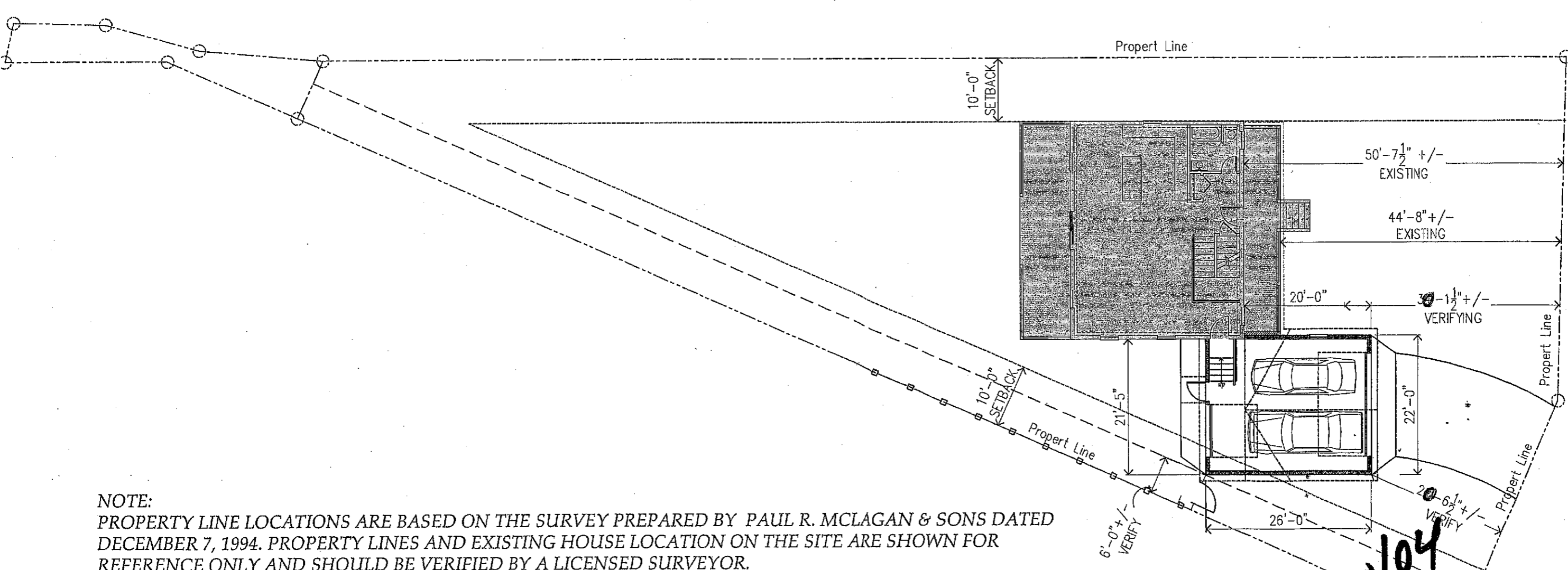
1. Due to the unique shape of the land parcel and its partial frontage on an unused street right-of-way reasonable use of the property by the applicant would include a garage structure of the size and at the setbacks proposed by the applicant's graphics dated May 20, 2004.
2. There are circumstances unique to the property – as noted by Finding #1 – that form the basis for the variances requested.
3. Granting of the variance will not change the essential character of the neighborhood.

I have attached the April 30, 2004 Planning Staff Report to provide the Commission the pertinent background information; the applicants original request; and the original Finding for Denial.

Phil Rader  
 5126 Washburn Avenue South  
 Minneapolis, Minnesota 55410  
 Phone: (612) 920-3958  
 Fax: (612) 920-3958  
 www.philtrader.com

Certification:  
 I Herby certify that this plan, and or report was prepared by me, or under my direct supervision and that I am a duly registered Architect under the laws of the State of Minnesota.

Signature: *Phil Rader*  
 Registration: 41319  
 Date: May 18, 2004  
 Commission: 03-020  
 Drawn By: PJR  
 Checked By:



NOTE:  
 PROPERTY LINE LOCATIONS ARE BASED ON THE SURVEY PREPARED BY PAUL R. MCLAGAN & SONS DATED DECEMBER 7, 1994. PROPERTY LINES AND EXISTING HOUSE LOCATION ON THE SITE ARE SHOWN FOR REFERENCE ONLY AND SHOULD BE VERIFIED BY A LICENSED SURVEYOR.



Garage Addition  
 William and Shareen Isaacson  
 8017 50th Street North  
 Lake Elmo, Minnesota

Sheet Title:  
 Site Plan

5/18/04  
*(Signature)*

RECEIVED  
 MAY 20 2004

Sheet Number:  
**A1**  
 ©2003 Phil Rader Architect, LTD

**Phil Rader**  
 5126 Washburn Avenue South  
 Minneapolis, Minnesota 55410  
 Phone: (612) 920-3955  
 Fax: (612) 920-3958  
 www.philtrader.com

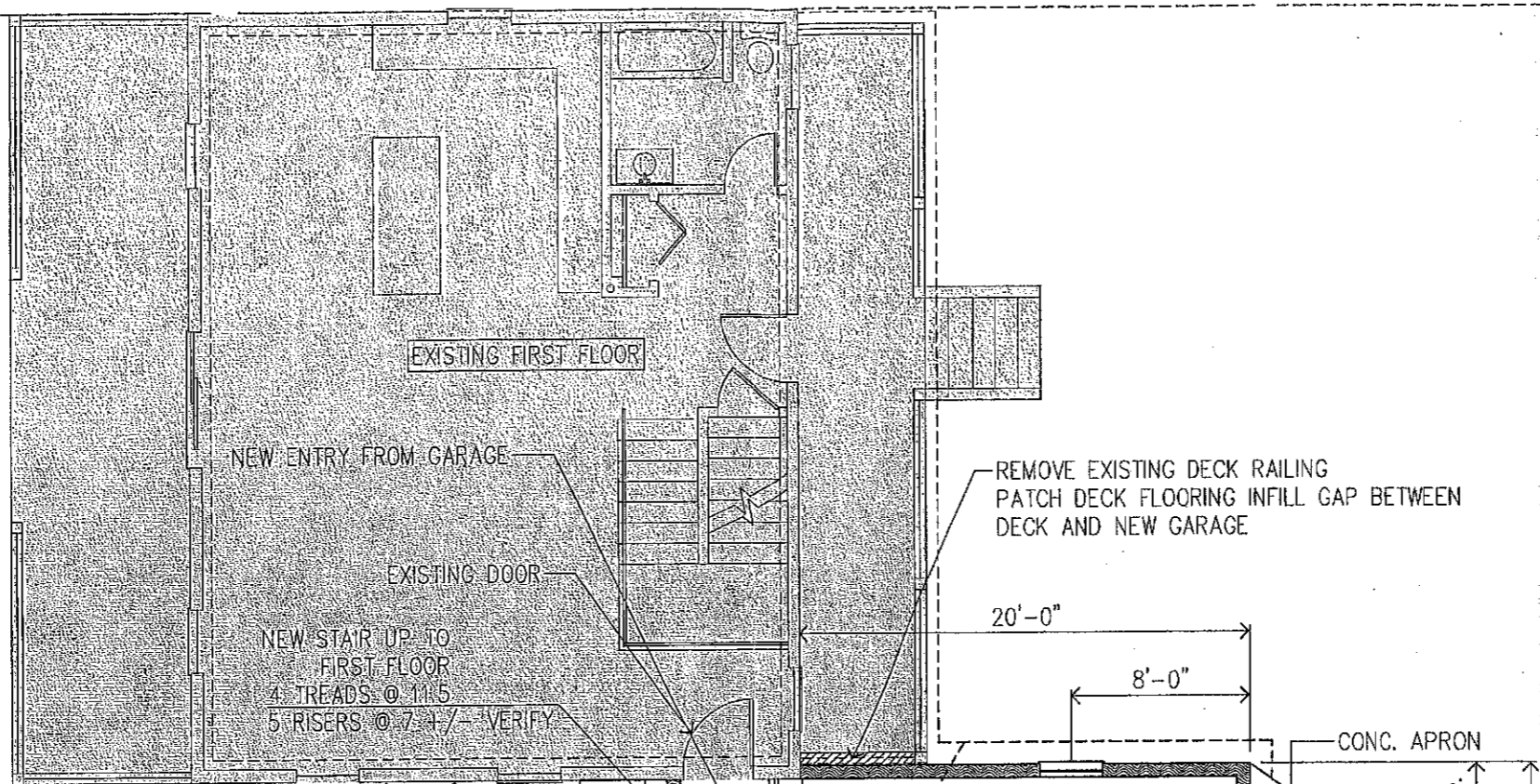
**Certification:**  
 I hereby certify that this plan, and or report was prepared by me, or under my direct supervision and that I am a duly registered Architect under the laws of the State of Minnesota.

*Phil Rader*  
 Registration: 41379  
 Date: May 18, 2004  
 Commission: 03-020  
 Drawn By: PJR  
 Checked By:

**Garage Addition**  
 William and Sharen Isaacson  
 8017 50th Street North  
 Lake Elmo, Minnesota

Sheet Title  
**FIRST FLOOR PLAN**

Sheet Number:  
**A2**



NEW FENCE TO BE FURNISHED AND INSTALLED BY OWNER  
 COMPLY WITH ALL LOCAL ZONING AND BUILDING CODES  
 VERIFY FENCE STYLE WITH OWNER

REMOVE EXISTING DECK RAILING  
 PATCH DECK FLOORING INFILL GAP BETWEEN DECK AND NEW GARAGE

NEW STAIR UP TO FIRST FLOOR  
 4 TREADS @ 11.5  
 5 RISERS @ 7.1 - VERIFY

REQUIRED SETBACK LINE

PROPOSED SETBACK LINE

CONC. STOOP  
 W/ CMU FDN & CONC. FTG.

3'-0" X 7'-0" HM DOOR + FRAME

NEW CONC. LANDING AND STEP

6'-0" X 8'-0" O/H DOOR

NEW GARAGE

8'-0" X 8'-0" O/H DOOR

SLOPE 1/8" / FT. MIN

REINF. CONC. SLAB ON GRADE

CONC. APRON

EQ.

16'-4" R.O. VERIFY W/ DOOR MFR.

EQ.

ASPHALT OR CRUSHED GRAVEL DRIVE

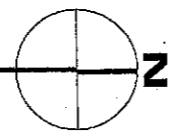
TYPICAL EXTERIOR WALL VINYL SIDING TO MATCH EXISTING, BUILDING WRAP, 2X6 STUDS AT 16" O.C., POLY VAPOR BARRIER, 5/8" GYP. BD.

LINE OF ROOF ABOVE SHOWN DASHED

PROPERTY LINE

**NOTE:**  
 PROPERTY LINE LOCATIONS ARE BASED ON THE SURVEY PREPARED BY PAUL R. MCLAGAN & SONS DATED DECEMBER 7, 1994. PROPERTY LINES AND EXISTING HOUSE LOCATION ON THE SITE ARE SHOWN FOR REFERENCE ONLY AND SHOULD BE VERIFIED BY A LICENSED SURVEYOR.

**1 FIRST FLOOR PLAN**  
 1/8" = 1'-0"



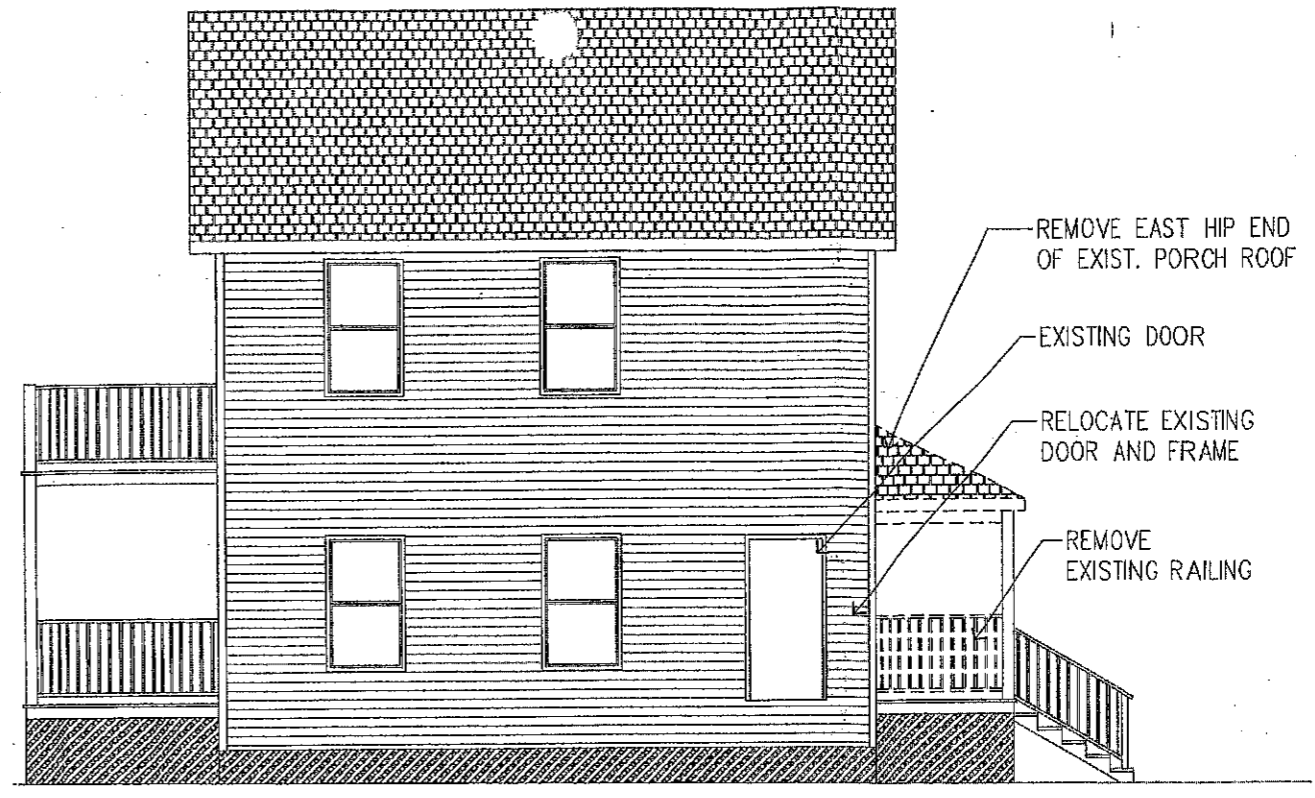
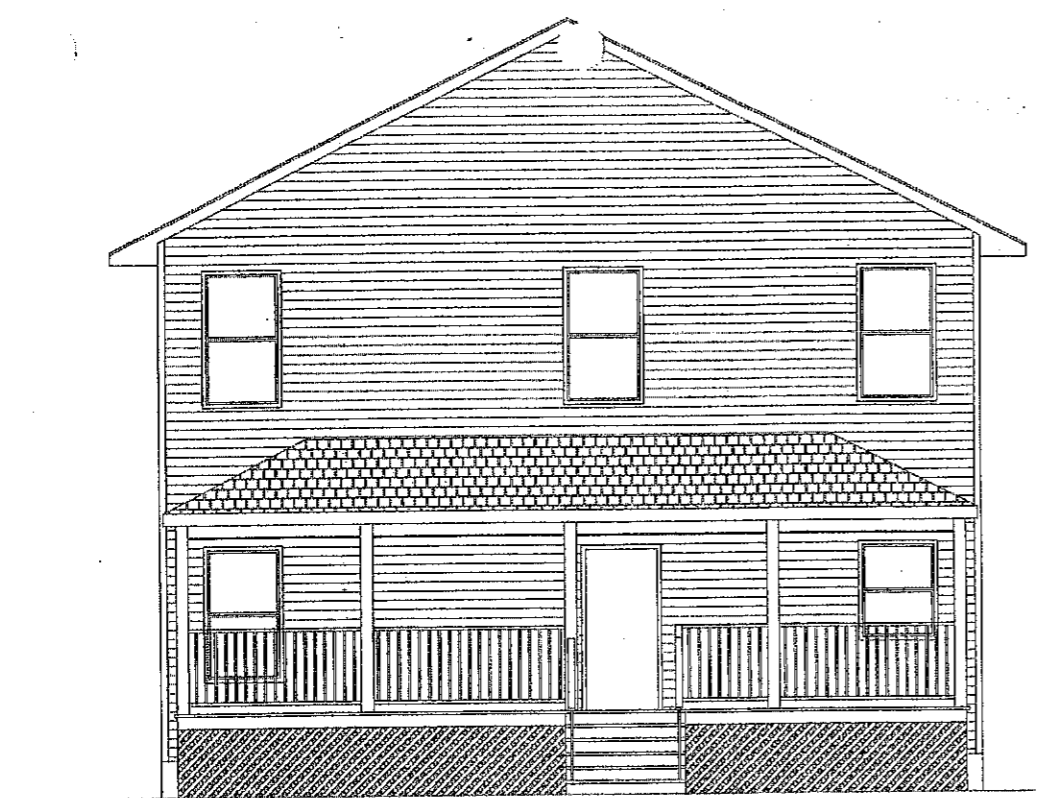
*5/18/04*  
*PJR*

RECEIVED  
 MAY 20 2004

**Phil Rader**  
 5126 Washburn Avenue South  
 Minneapolis, Minnesota 55410  
 Phone: (612) 920-3955  
 Fax: (612) 920-3958  
 www.philtrader.com

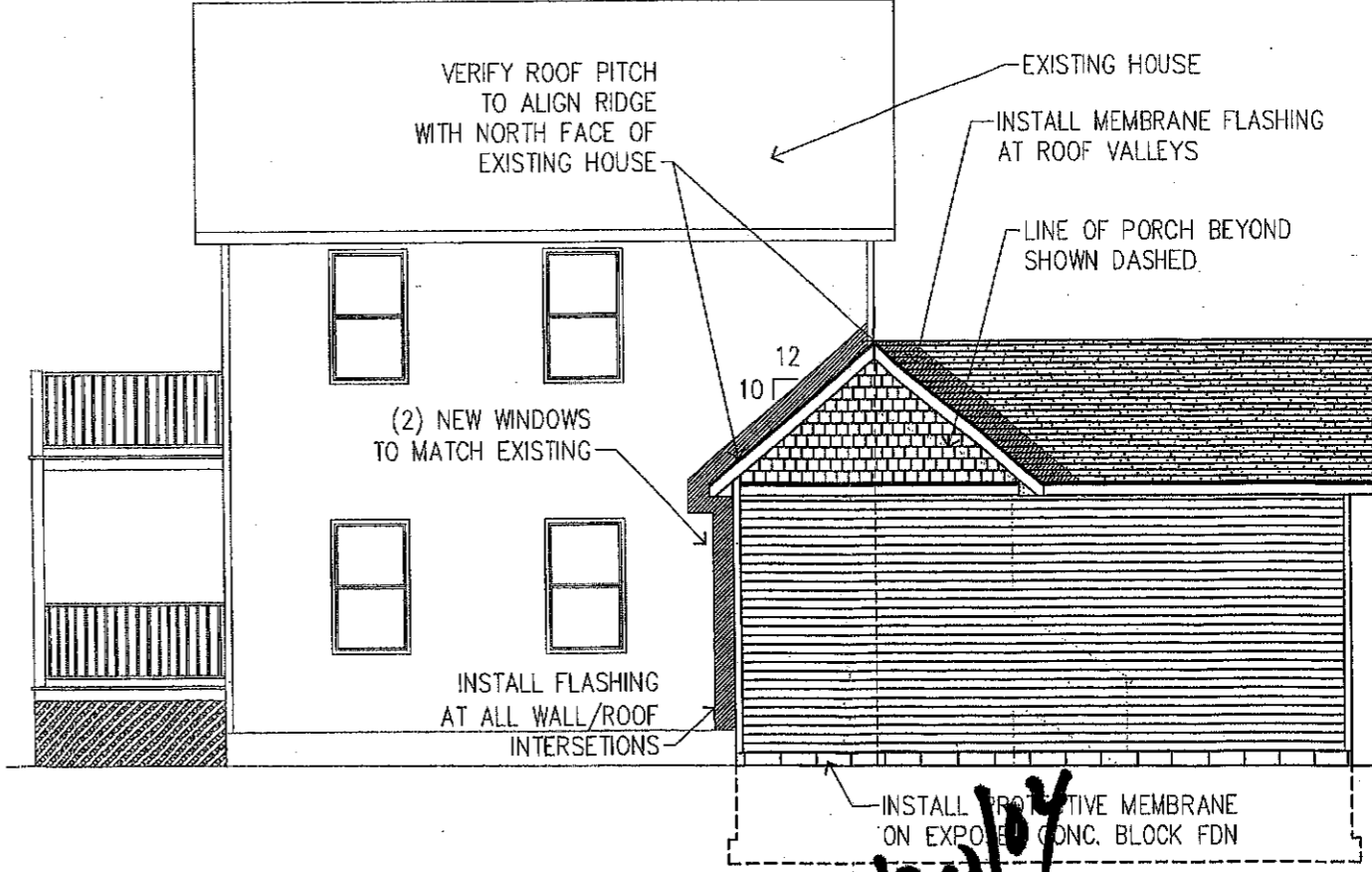
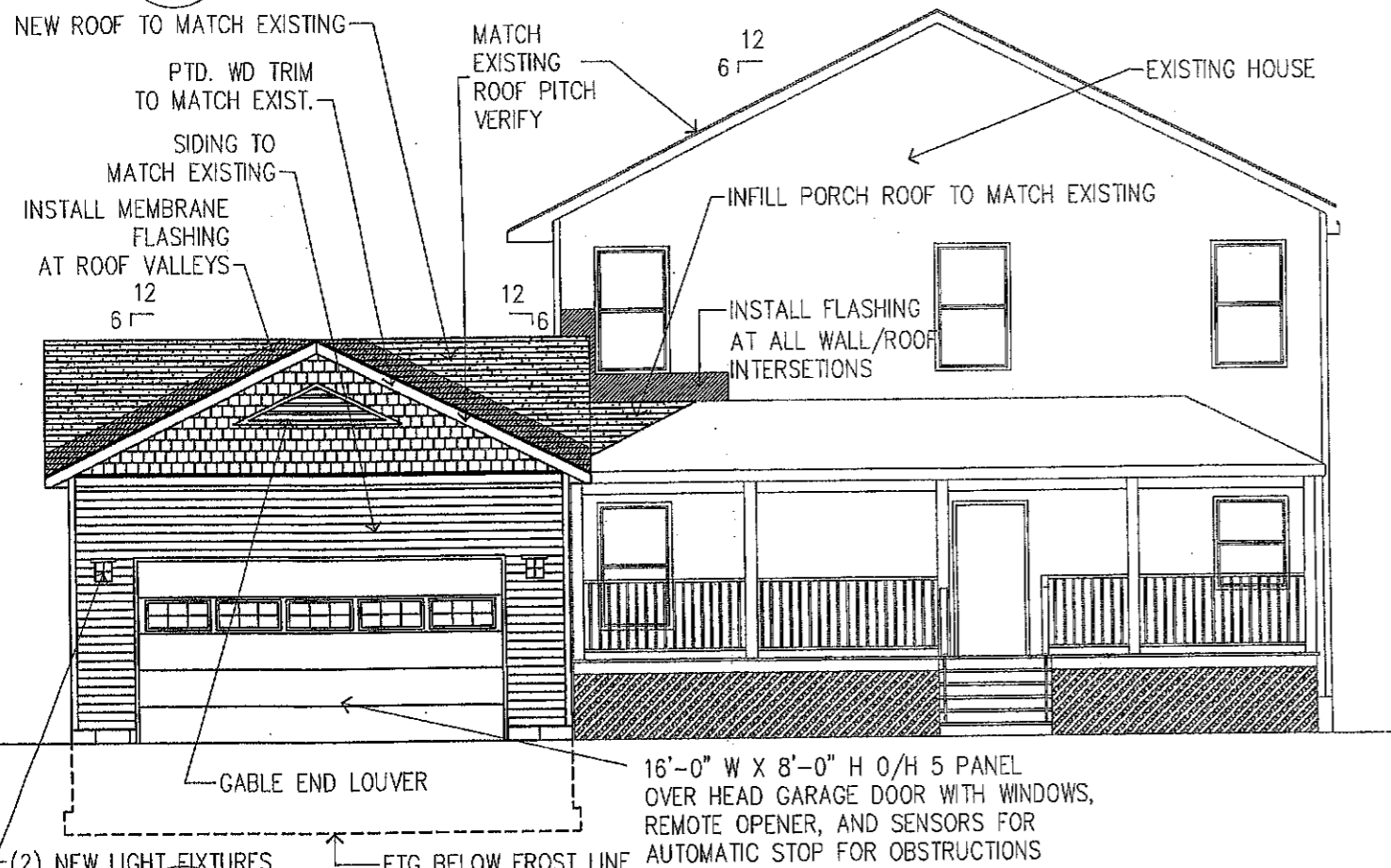
**Certification:**  
 I Herby certify that this plan, and or report was prepared by me, or under my direct supervision and that I am a duly registered Architect under the laws of the State of Minnesota.

Signature: *Phil Rader*  
 Registration: 41319  
 Date: May 18, 2004  
 Commission: 03-020  
 Drawn By: PJR  
 Checked By:



**1 EXISTING NORTH ELEVATION**  
 1/8" = 1'-0"

**2 EXISTING EAST ELEVATION**  
 1/8" = 1'-0"



**3 PROPOSED NORTH ELEVATION**  
 1/8" = 1'-0"

**4 PROPOSED EAST ELEVATION**  
 1/8" = 1'-0"

NOTE: VERIFY ALL DIMENSIONS IN FIELD PRIOR TO COMMENCING WORK.

**Garage Addition**  
 William and Shareen Isaacson  
 8017 50th Street North  
 Lake Elmo, Minnesota

Sheet Title:  
**EXISTING AND PROPOSED EXTERIOR ELEVATIONS**

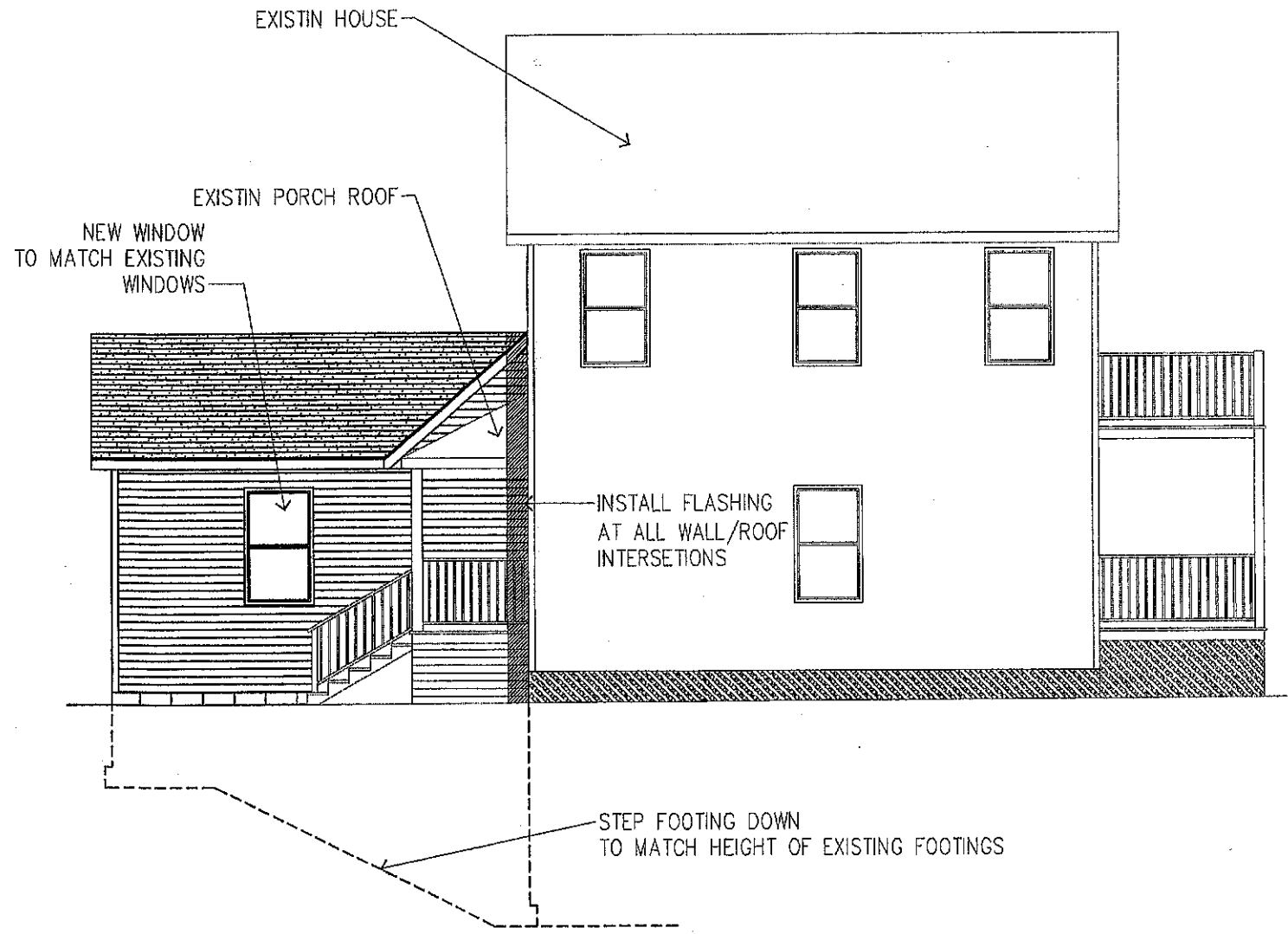
Sheet Number:  
**A3**

5/20/04  
 RECEIVED  
 MAY 20 2004

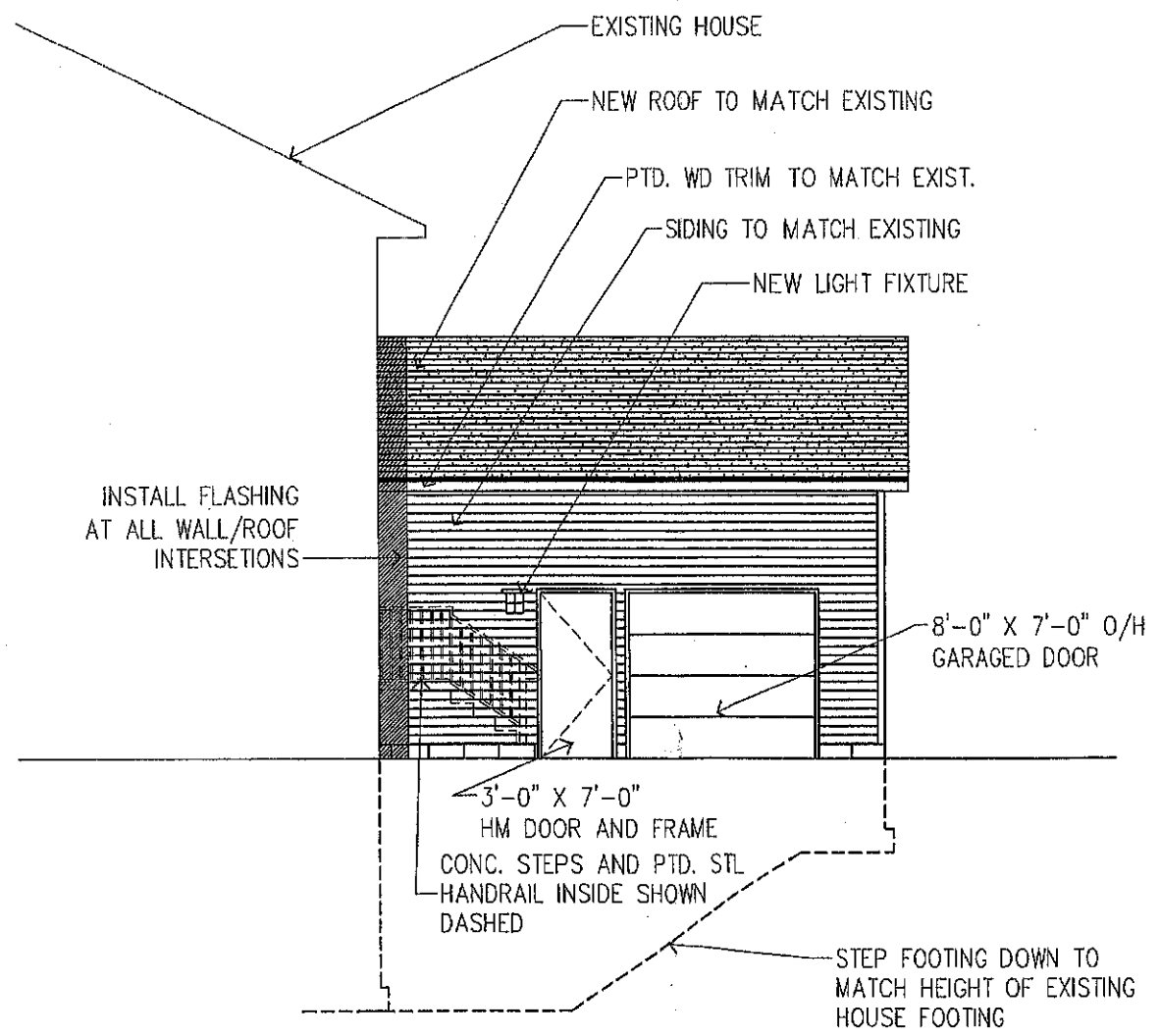
**Phil Rader**  
 5126 Washburn Avenue South  
 Minneapolis, Minnesota 55410  
 Phone: (612) 920-3955  
 Fax: (612) 920-3958  
 www.philtrader.com

Certification:  
 I Herby certify that this plan, and or report was prepared by me, or under my direct supervision and that I am a duly registered Architect under the laws of the State of Minnesota.

Signature: *Phil Rader*  
 Registration: 41379  
 Date: May 18, 2004  
 Commission: 03-020  
 Drawn By: PIR  
 Checked By:



**1** PROPOSED WEST ELEVATION  
 1/8" = 1'-0"



**2** PROPOSED SOUTH ELEVATION  
 1/8" = 1'-0"

Garage Addition  
 William and Shareen Isaacson  
 8017 50th Street North  
 Lake Elmo, Minnesota

PROPOSED EXTERIOR ELEVATIONS

5/20/04  
 RECEIVED  
 MAY 20 2004

Sheet Number:  
**A4**

NOTE: VERIFY ALL DIMENSIONS IN FIELD PRIOR TO COMMENCING WORK.

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of May 10, 2004**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:05 p.m.  
COMMISSIONERS PRESENT: Bunn, Pelletier, Deziel, Johnson, Sedro, Sessing, Ptacek, and Berg.  
STAFF PRESENT: Martin Rafferty, City Administrator; Chuck Dillerud, City Planner; and Kimberly Schaffel, Recording Secretary.

**Pledge of Allegiance**

**Agenda**

M/S/P, Johnson/Sessing, To accept the Agenda as presented. VOTE: 9:0.

**Minutes of April 26, 2004**

Commissioner Sedro asked for a change to page 5, where the vote on the motion was 5:3:1. Her objection was to Finding 2 because it was not definitive enough. She felt that the word, "Primarily" meant 51%, and that percentage was not high enough.

M/S/P, Sessing/Berg, To accept the Minutes of April 26, 2004 as amended. VOTE: 8:0:1 (Abstain: Ptacek).

**PUBLIC HEARING**

**Variance to Construct an Attached Garage – ISAACSON**

The Planner presented the circumstances related to the application for a variance from front and side setbacks, to construct an attached garage. The original home on this lot was torn down years ago, and this home was built. The current house plan had no garage included in the construction. An affidavit was signed by the applicant at that time that a variance might be necessary should they ever wish to construct a garage.

The Planner said the size of the garage is a reasonable use of the property. A two-car garage is reasonable. The plan is for a garage of 25'W X 26'D, which might be a bit larger than the base standard for a two-car garage. Part of the lot fronts onto Park Street which is platted but not built. The front yard setback is from that street which could probably be vacated.

**Findings:**

1. It has been previously demonstrated by the applicant that the property can be put to reasonable use without the granting of variances. Reasonable use must be defined in the context of contemporary housing standards and design. The proposed garage addition is in excess of the dimensions that are defined as reasonable.
2. While the property is unique in shape and dimensions, the property owner was fully aware of the size of garage possible within the prescribed setbacks at the time the house was constructed. The variances are required only because the applicant now desires a larger garage structure.
3. Granting of the variance will not change the essential character of the neighborhood.

The Planner said the choices are that the applicant could redraw the plan and amend his application or it could be denied as presented.

Commissioner Berg asked about the process for a street vacation. The Planner explained that the vacated road would be shared 50/50 with adjoining residents on either side of the road.



The Planner showed a site plan map that was created in 1998 relative to the original building permit for the house.

**William Isaacson**

Mr. Isaacson said his home as it was proposed to be constructed had the same footprint as the old home. Then the home had to be shifted over 3.5 feet to meet side yard setbacks. 24' X 24' is the size of a standard two-car garage. His neighbors' garages are very close to their property lines. With a proposed garage of 22 feet, only the southeast corner of the structure would encroach into the setback.

**THE CHAIR OPENED THE PUBLIC HEARING AT 7:23 P.M.**

Mrs. Isaacson said she has been requesting a garage for three years. They have equipment, toys, and three children. She would like it to be at least 22 feet wide, 24 feet would be better, and longer if possible.

**Gary Webster**

He said that if the applicants' proposed garage is in direct proportion to the others in the neighborhood, it should be approved.

**THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:25 P.M.**

Mr. Isaacson offered to reduce the size of the garage. After discussion, the Planning Commission and City Planner accepted the verbal adjustment to the plan.

Commissioner Deziel said this variance request is similar to the last one the Planning Commission heard which the Council redesigned. He said there is additional room on the lot to the front where the garage could be moved closer to the unbuilt street. He said he recommends a minimum of five feet from the side property line and reduce the distance to the property line in front. The platted street has massive width, even if it were built, it would not be used to that extent.

Mr. Isaacson said as planned it is seventy-four feet from the platted road.

Commissioner Sedro said she had no problem with the front setback, but it is not great on the side setback.

Commissioner Deziel noticed that a city park borders this property and that park might accommodate a common drainfield in the future. He said this is a small lot in a neighborhood of small lots, and he would not push for the vacation of the street.

The Planner explained to the applicant the 60-day state rule for applications of this type.

Commissioner Bunn said she would propose to change the setback variance to four feet from 1.5 with the same depth.

The Planner said the verbal setback differentiation probably could be passed but he would have to rewrite the Findings. He would do it if the commissioners wanted him to do it.

M/S, Deziel/Sessing, To recommend approval of the variance application if the side yard setback is not less than six feet. **TABLED (See page 3)**

Commissioner Bunn said that based upon the drawing, requiring five or six feet means the applicants will not have access to the house, and would require a structural change to the design. Given the neighbors' proximity to their property lines, she said she would allow four feet.

Commissioner Berg said he is supportive except for two unknowns, the old drawing, and the street vacation may not happen, so he would prefer tabling or denial.

The Planner said the commission can request six feet of setback at the southeast corner of the new garage based upon new drawings supplied by the applicant, and that the city may need that public land for a 201 system in the future.

Commissioner Bunn observed that this is an unusual lot and it is small in a neighborhood of small lots, She said if the applicant was willing to move the garage forward, she would approve four feet. Commissioners Deziel and Pelletier agreed.

Commissioner Johnson said she would approve four feet of setback.

Commissioner Sedro said she was not comfortable, and would like to see the new plan. She said there are other ways to get more square footage.

Commissioner Sessing said he would approve six feet because that is what the commissioners gave to the applicant of the last garage variance.

Commissioner Ptacek agreed with Commissioners Sedro and Sessing, and said he does not like to see houses right next to houses.

Chairman Helwig said he supports six feet.

Commissioner Berg would like the applicant to bring in a revised site plan.

Chairman Helwig explained to the applicant that the commission's consensus is to deny it as presented on paper. He said the City Council might help the applicant or redesign it, and asked if the applicant would sign the 60 day waiver and redraw it.

Mr. Isaacson said he would like to table it for new drawings, and to request the planner's assistance. He said maybe he can scoot the garage forward enough to get to a wider part of the lot.

M/S/P, Berg/Pelletier, To table the application for a variance at the request of the applicant, until new plans are received. **VOTE: 9:0.**

## **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.

**THE CHAIR CALLED FOR A FIVE MINUTE RECESS, AND RECONVENED AT 8:40 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 historic barns 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. 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/Sessing, 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, the Traffic Report Draft is complete and it presented problems because the concentration of living units will require the installation of traffic signals on Highway 5 at 39<sup>th</sup> Street, and Lake Elmo Avenue North  
Lake Elmo Planning Commission Meeting Minutes of May 10, 2004

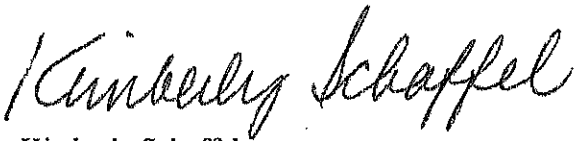
and South. He said he is not sure what Mn/DOT would approve. He said the Surface Water Report is not quite complete yet, and the problem of surface flow calculations would require a lake to store the water upstream. He said now the engineers are looking at filtering the stormwater, and sending it into Sunfish Lake. He said the lake rose significantly several years ago, now we are proposing pumping into it, and his prime concern is degradation of the water quality. He said the moratorium extension on development in the Old Village will expire on June 6.

The Planner said that the purchase of the Brookfield II Building has been delayed because the sellers' counter appraisal is different from ours. He said the Facilities Committee will review it and make a recommendation. He said staff will be viewing another option on Thursday.

The Planning Commission welcomed the new City Administrator Martin Rafferty.

Adjourned 9:11 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kimberly Schaffel".

Kimberly Schaffel  
Recording Secretary

**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** April 30, 2004 for the Meeting of May 10, 2004

**Applicant:** William Isaacson

**Location:** 8017 50<sup>th</sup> Street North

**Requested Action:** Side/Front Yard Setback Zoning Variances

**Land Use Plan Guiding:** SRD

**Existing Zoning:** R-1

**Site History and Existing Conditions:**

The site is a unusually shaped parcel of approximately 10,500 square feet, fronting (just barely) Olson Lake. City records reveal that an older structure (probably a lake cabin) was demolished on the site; and, the present home was constructed in 1998/1999 (not including a garage). After some adjustment, the 1998 site plan for this lot depicted a future garage that would meet the 10 foot side yard setback; and 30 foot front setback. That garage addition would have been 19 feet in width and 20+ feet in depth. The property owner executed an affidavit certifying his understanding of the setback requirements should he ever decide to build a garage – perhaps required by the Building Official in recognition of the garage size limitations that resulted after construction of the house.

**Discussion and Analysis:**

The applicant now proposes to construct an attached garage 25 feet 3 inches wide and 26 feet deep. A garage of those dimensions results in an east side setback of 1 foot 5 inches (10 feet required); and a front (street) setback of 24 feet 10 inches (30 feet required), resulting in the request for two variances.

The applicant has submitted written testimony responding to the Findings required for the approval of a zoning variance. As staff has in past, we concur that residences in Minnesota should have a garage. Also as in the past, the question here arises as to how much garage should be the base line for that “Minnesota Garage Entitlement”. Staff has generally suggested that a “2 car” garage is probably a reasonable base line, but that then has often lead to the question of what dimensions constitute a “2 car” garage. Considering the length and width of the average vehicle, it is difficult to argue that more than a 20 foot by 20 foot garage is required for vehicle storage purposes.

It appears that the applicant submits that, due special family circumstances, there is a need to store other items in the garage to free up basement space. While we certainly can empathize with those family circumstances – as we have with similar circumstances previously – we again remind the Commission that the variance goes with the property, not the applicant family. While the family’s circumstances may well change over time, the structure will remain as constructed today.



The 1998 acknowledgment by the applicant of the setback requirements that would be applied once the applicant did construct a garage adds an element to this variance application not found in previous applications. City records even reveal a sketch by the applicant depicting how a 19 foot by 20 foot garage could be added to the house with no variances. On that basis, how much of the physical hardship related to the land (the only hardship that counts in zoning) is self-imposed by increasing the garage size 62% over the 1998 representation?

Mitigating the front setback circumstances to some degree is an odd public street arrangement fronting this property. The northwest/southeast diagonal portion the street frontage of this parcel is to a street that does not exist. The Park Avenue diagonal street has never been constructed, not will it likely ever be. That results in 15+ feet of effective additional lot depth to 50<sup>th</sup> Street on the east side of this parcel where the garage would be located.

While staff is hesitant to design alternatives for any applicant, we can here suggest that extra non-vehicular storage in a garage can be a function of garage depth even more than garage width. Perhaps a design could be developed here that would result in little or no side yard variance, only minimal front yard setback variance - where the effective lot depth is greater than the legal dimensions of the lot would imply. Perhaps that unusual shape of the lot could support a variance of this degree and type.

#### **Findings and Recommendations:**

Based on the application as now proposed we suggest the following Findings:

1. It has been previously demonstrated by the applicant that the property can be put to reasonable use without the granting of variances. Reasonable use must be defined in the context of contemporary housing standards and design. The proposed garage addition is in excess of the dimensions that are defined as reasonable.
2. While the property is unique in shape and dimensions, the property owner was fully aware of the size of garage possible within the prescribed setbacks at the time the house was constructed. The variances are required only because the applicant now desires a larger garage structure.
3. Granting of the variance will not change the essential character of the neighborhood.

Based on these Findings staff recommends the variances, as proposed, be denied. We suggest, however, that the applicant could consider redesign of the garage to minimize the variance applied for. If the Commission concurs that some degree of variance is warranted, the applicant could be asked to provide a waiver of the 60 day review period, and the application could be tabled for redesign by the applicant.

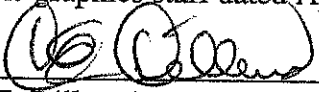
If, however, the Commission does not believe any degree of variance is supported by the facts – or, should the applicant not wish to consider a redesign – the application should be referred to the City Council as proposed, with a denial recommendation.

#### **Planning Commission Actions Requested:**

Two alternative Motions could be considered, as follow:

1. Motion to deny the application William Isaacson for side and front yard setback variances to accommodate garage construction at 8017 50<sup>th</sup> Street North based on the Findings of the Planning Staff Report of April 30, 2004.

2. Motion to table the application of William Isaacson for side and front yard setback variances to accommodate garage construction at 8017 50<sup>th</sup> Street North to allow the applicant to redesign the project, based on the applicant's waiver of the City's 60 day application review period.
3. Motion to recommend approval of the application of William Isaacson for side and front yard setback variances to accommodate garage construction at 8017 50<sup>th</sup> Street North per the graphics staff dated April 30, 2004, and based on the following Finding



---

Charles E. Dillerud, City Planner

**Attachments:**

1. Location Map
2. Applicant's Graphics and Narrative
3. Neighbor Letter
4. Applicant's 1998 affidavit
5. Applicant's 1998 Graphics

Phil Rader

5126 Washburn Avenue South  
Minneapolis, Minnesota 55410  
Phone: (612) 920-3955  
FAX: (612) 920-3958  
www.philrader.com

Certification:  
I Herby certify that this  
plan, and or report was  
prepared by me, or under  
my direct supervision an  
that I am a duly registered  
Architect under the laws  
of the State of Minnesota .

Signature: *[Handwritten Signature]*

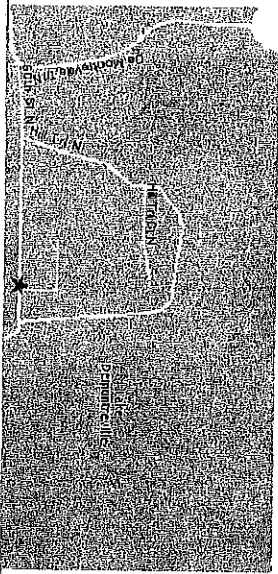
Registration: **41379**

Date: November 24, 2003

Commission: 09-020

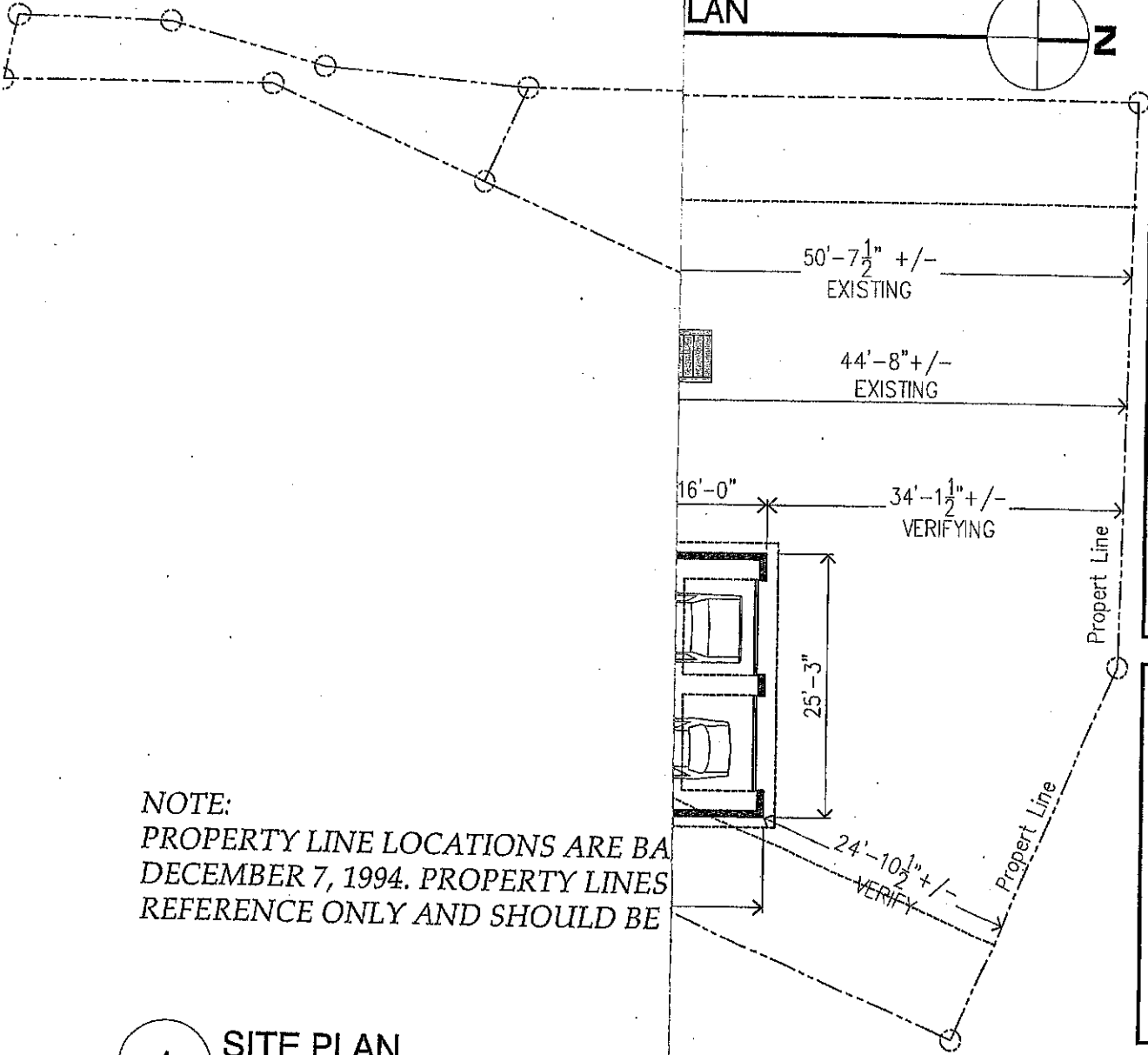
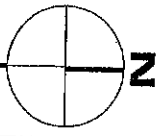
Drawn By: PJR

Checked By:



*4/30/04*  
*PRD*

LAN



*Garage Addition*  
William and Shareen Isaacson  
8017 50th Street North  
Lake Elmo, Minnesota

Sheet Title:  
**Site Plan**

NOTE:  
PROPERTY LINE LOCATIONS ARE BASED ON  
DECEMBER 7, 1994. PROPERTY LINES  
REFERENCE ONLY AND SHOULD BE

**1** SITE PLAN  
1/16" = 1'-0"

Sheet Number:  
**A1**

# L A K E P O U L E V

H LINE OF NE 1/4 SECTION 8, T.29N., R.21W.

NORTH LINE OF NW 1/4 SECTION 9, T.29N., R.21W.

$N89^{\circ}47'08''E$

REVISION

Home moved 3.7 Feet  
to the EAST

Home will be 10.7  
Ft from West  
property line

REVISION

EAST WALL of home will  
be set back 17 FT FROM  
EAST PROPERTY

WEST LINE OF GOVT LOT 1, SEC. 9, T.29N., R.21W.

$N01^{\circ}27'13''W$   
195.85

0.8

1.7

6.5

6.7

10 FT

HOUSE

GAR

19 FT

10 FT

31 FT

39.24

$S67^{\circ}30'42''E$

54.00

17.19

5.5

14.8

3.0

1.0

1.0

1.0

1.0

1.0

1.0

1.0

1.0

1.0

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1.0

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1.0

1.0

1.0

1.0

1.0

1.0

1.0

1.0

1.0

1.0

Home moved  
back to lake

$S22^{\circ}24'18''W$   
199.83

199.83

EASTERN LINE  
LOT 592

West line of the Plat of Lanes  
Demontreville Country Club

$N67^{\circ}34'02''W$   
9.87

GAP 4.9

1.0

936

Westerly line of vacated beach  
as shown on Washington County section map

MEANDER LINE

929.8

928.4

935

930

930.2

928.4

928.4

68d0'0"

928.4

928.4

928.4

928.4

928.4

928.4

928.4

928.4

928.4

928.4

928.4

SEE DETAIL

Shore Line of Olson  
Lake as located July 21, 1994



# City of Lake Elmo

777-5510

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

October 1, 1998

RE: 8017 50th St. North Lake Elmo

The approval of Permit Application 98-593, for a single family residence, in no way intends to circumvent the requirements of the City Code for variance procedures. When and if a residential garage is built upon said property it must meet the required setbacks of the City Ordinance. If it is not possible to meet the required setbacks when constructing a garage, I understand a Variance Application Form will need to be completed and presented to the City of Lake Elmo for their review and approval.

I fully understand the above and agree to the conditions.

Sullivan B. Gooden  
Signature

10/1/98  
Date

<p>Lake Elmo City Council June 15, 2004</p>	<p>Agenda Section: Planning, Land Use &amp; Zoning</p>	<p><u>No.</u> 9B</p>
<p><b>Agenda Item:</b> Street Vacation – Highlands Trail North</p>		
<p><b><u>Background Information for June 15, 2004:</u></b></p> <p>The property owners abutting unimproved Highlands Trail North, west of Hilltop Avenue North, have petitioned the City for vacation of the portion of Highlands Trail between their properties ( a total of approximately 27,000 square feet). This “paper” street could not now be logically extended due to the platting/street arrangement in adjoining Oakdale, and extensive wetlands to the west and south. Since the “paper” intersecting north/south street is also a gas line route, no vacation is proposed there. The City Engineer recommends that the vacation be approved, subject to the adjoining property owners (equal recipients of the vacated property between their existing lots) each providing the City with a 5 foot drainage, utility, and public trail easement along the former centerline of the vacated street ROW.</p> <p>State Statute requires the City Council conduct a Public Hearing regarding the petitioned street vacation. Staff recommends adoption of the attached resolution.</p>		
<p><b><u>Action items:</u></b></p> <p>Motion to adopt Resolution #2004-<sup>049</sup>, vacating a portion of Highlands Trail North subject to easements.</p>	<p><b><u>Person responsible:</u></b></p> <p>City Planner</p>	
<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Draft Resolution #2004 -<sup>049</sup>, Approving Vacation</li> <li>2. Location Map</li> <li>3. Plat Map</li> <li>4. City Engineer’s memo</li> </ol>	<p><b><u>Time Allocated:</u></b></p>	

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-049

A RESOLUTION RELATING TO THE VACATION OF PORTIONS  
OF HIGHLAND TRAIL NORTH

WHEREAS, the City received a request that certain platted unimproved portions of Highlands Trail North be vacated;

WHEREAS, the City conducted a public hearing pursuant to Minnesota Statutes 412.851 and received comments from interested parties; and

WHEREAS, the Lake Elmo City Council has determined that it is in the public's interest to vacate the following described platted, but unimproved portions of Highlands Trail North.

NOW, THEREFORE, BE IT RESOLVED, that the following street segments are hereby vacated:

1. (Legals to be provided by the City Engineer).

FURTHER, that the vacation be approved subject to adjoining property owners (equal recipients of the vacated property between their existing lots) each providing the City with a 5-foot drainage, utility, and public trail easement along the former centerline of the vacated street right-of-way.

AND BE IT FURTHER RESOLVED, that the City Clerk is directed to file a certified copy of this Resolution with the Washington County Recorder.

IN WITNESS WHEREOF, the City of Lake Elmo has executed this Resolution by authorized officers as indicated below on this 15<sup>th</sup> day of June, 2004.

Approved By:

CITY OF LAKE ELMO

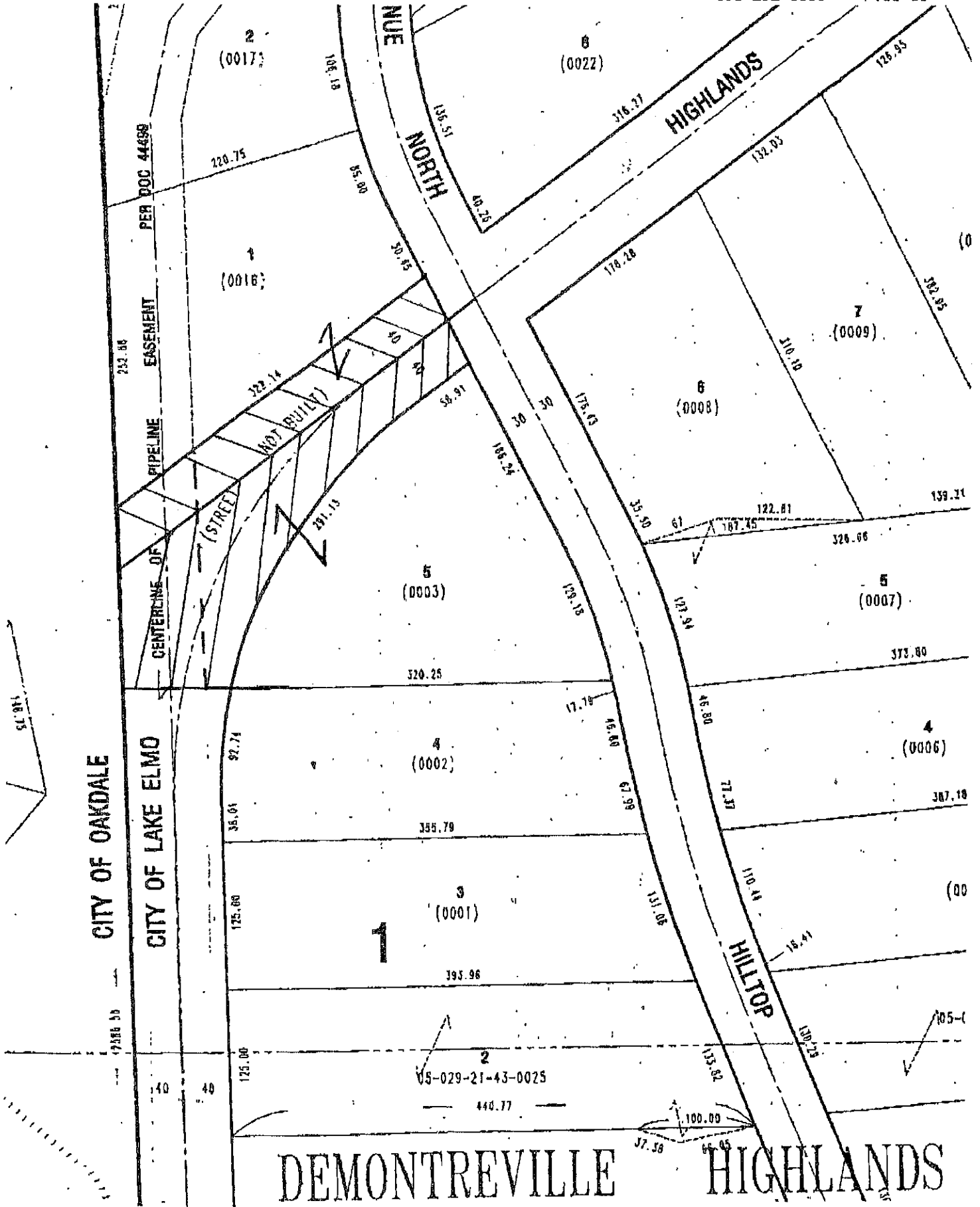
By: \_\_\_\_\_  
Lee Hunt  
Its: Mayor

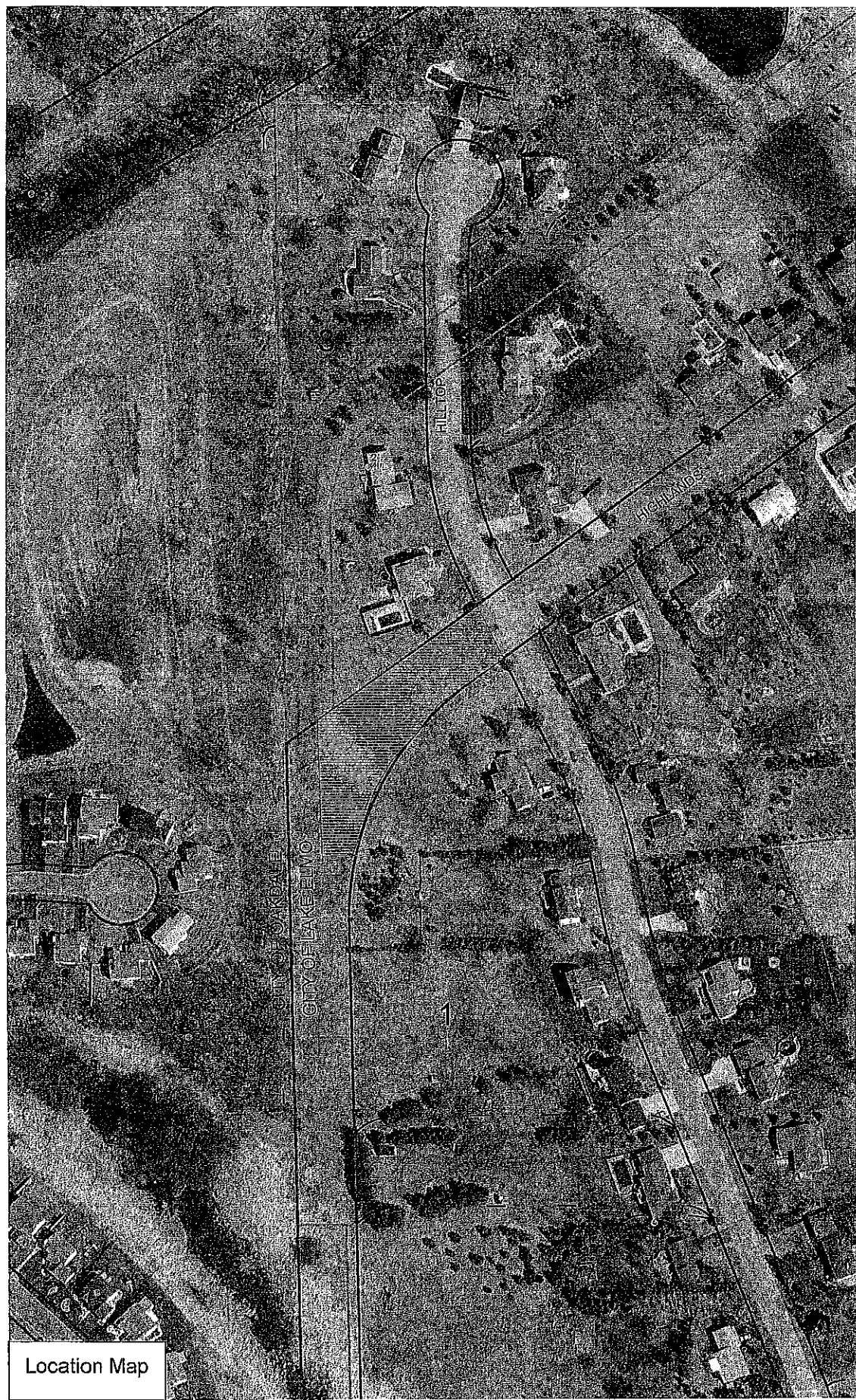
Attested By:

By: \_\_\_\_\_  
Martin J. Rafferty  
Its: City Administrator

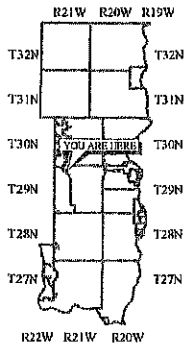
Vacation Highlands Trail



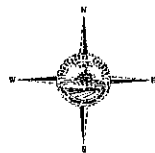




Location Map



Vicinity 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 (851) 430-8876

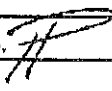
Parcel data based on A8400 information



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

(651) 292-4400  
(651) 292-0083 Fax  
www.tkda.com

**MEMORANDUM**

**To:** Chuck Dillerud  
**Copies To:** \_\_\_\_\_  
\_\_\_\_\_  
**From:** Thomas D. Prew, P. E.   
**Date:** June 11, 2004

**Reference:** Proposed Street Vacation  
Highlands Trail North  
City of Lake Elmo, Minnesota  
**Comm. No.** 11979-041  
**Routing:** \_\_\_\_\_

I have reviewed the request for a street vacation for Highlands Trail west of Hilltop Avenue, and offer the following comments:

It does not appear that this street right-of-way will be used by the City for either a street or a trail as it extends down a steep slope and into a wetland in Oakdale.

I would recommend that the vacated street be divided so that the boundary between Lot 1 Block 3 and Lot 5 Block 1 is parallel to the south line of Lot 1. This will avoid the problem of Lot 1 having a small wedge of property behind Lot 5. (See attached figure.)

I would recommend a 5-foot wide utility easement be retained on each side of the new property line.

This existing pipeline easement cannot be vacated by the city.

Let me know if you have any questions.

RECEIVED

MAY 13 2004

May 3, 2004

City of Lake Elmo  
3800 Laverne Avenue  
Lake Elmo, MN 55042

Dear City of Lake Elmo,

We live at 5420 Hilltop Avenue N. with our three children. We, along with our neighbors Mike and Liz Eggert, residing at 5350 Hilltop Avenue N., would like to apply for a vacation of the dedicated right-of-way that borders our two properties. We would like this property equally divided between us and the Eggerts. We have been informed that the value of this land will be assessed onto our property values and that property taxes will be assessed accordingly. I have enclosed some pictures to show the dedicated right-of-way mentioned above. Please let us know the next steps we need to take to move this process along. Thanks very much for your help.

Thank you,

*Lonnie Proechel Denise Proechel*

Lonnie and Denise Proechel

*Mike and Liz Eggert*

Mike and Liz Eggert

view from Highlands Trail N and Hilltop Avenue N




view from Highlands Trail N and Hilltop Avenue N towards 5420 Hilltop Avenue N



view from Highlands Trail N and Hilltop Avenue N towards 5350 Hilltop Avenue N



<p>Lake Elmo City Council June 15, 2004</p>	<p>Agenda Section: Planning, Land Use &amp; Zoning</p>	<p><u>No.</u> 9C</p>
<p><b>Agenda Item:</b> Rezoning – MFC Properties</p>		
<p><b><u>Background Information for June 15, 2004:</u></b></p> <p>Bruce Miller, MFC Properties, has inquired as to the disposition of the 2002 proposal (by the City) to rezone a 6.9 acre parcel owned by MFC at Keats/Hudson Blvd. to bring the zoning into compliance with the Land Use Plan (Limited Business). He has noted that both the real estate taxation and the Surface Water Utility fess on that site reflect commercial zoning, but that the actual rezoning of the site was never completed.</p> <p>On February 19, 2002 the City Council postponed action on this rezoning that had been recommended for approval by the Planning Commission. The postponement was to permit completion by the Planning Commission of amendments to the Permitted/Conditional use standards of the LB zone. The Planning Commission completed its work on LB allowable use amendments by late summer 2002, and the City Council adopted those amendments on September 16, 2002. The reconsideration of Mr. Miller's rezoning was never brought for Council action thereafter.</p> <p>We have attached the 2002 Agenda materials, including the Ordinance that was presented for adoption (with contemporary dating). Approval of the rezoning is as logical for Comprehensive Plan consistency today as it was in 2002.</p>		
<p><b><u>Action items:</u></b></p> <p style="text-align: center;">132</p> <p>Motion to adopt Ordinance #97 – Approving rezoning from RR (Rural Residential) to LB (Limited Business) for MFC Properties based on conformity with the Comprehensive Plan.</p>	<p><b><u>Person responsible:</u></b></p> <p style="text-align: center;"> City Planner</p>	
<p><b><u>Attachments:</u></b></p> <p style="text-align: center;">132</p> <ol style="list-style-type: none"> <li>1. Draft Ordinance #97 – Approving Rezoning for MFC Properties</li> <li>2. Agenda Materials from 2002</li> </ol>	<p><b><u>Time Allocated:</u></b></p>	

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

**ORDINANCE NO. 97-132**

**AN ORDINANCE AMENDING SECTION 300.07  
"ZONING DISTRICT MAP"  
OF THE LAKE ELMO MUNICIPAL CODE**

**Section 1. Amendment:** Section 300.07 Subd. 3 A 1. of the "Zoning District Map" of the Lake Elmo Municipal Code is amended to rezone property from RR to LB, based on conformity with the Comprehensive Plan, owned by MFC Properties 94, L.C., legally described as follows:

That part of the East Half of the Southeast Quarter of the Southeast Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, lying Westerly of that part thereof embraced within County Highway Right-of-Way Plat No. 48-19B and lying northerly of Minnesota Department of Transportation Right-of-Way Plat Numbered 82-43, according to the recorded plats thereof.

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

**ADOPTED** by the Lake Elmo City Council on the 15<sup>th</sup> day of June, 2004.

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

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator

Published in the Stillwater Gazette on the \_\_\_\_\_ day of June, 2004

The Council indicated they would like to see staff prioritize the projects and come back to the Council with options. Council member Dunn said the number of projects is overwhelming, and she was against bonding for the projects.

The Council suggested the Finance Dept. look at this 5-Yr. street CIP, have staff discussions, and then invite the Hill Trail residents in to discuss what is being proposed for this street. Administrator Kueffner pointed out there are some drainage problems that need to be taken care of.

M/S/P Dunn/DeLapp - to have staff review 5-Yr. CIP and prioritize street projects and come back to Council with recommendation. (Motion passed 4-0.)

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

### **A. Rezoning MFC Properties**

At its February 11<sup>th</sup> meeting, the Planning Commission recommended rezoning a 6.9 acre parcel located at the Northwest corner of Hudson Blvd. and Keats Avenue from RR (Rural Residential) to LB (Limited Business) based on consistency of the LB zoning with both the 1997 and the 2000 Land Use Plan. This rezoning request was initiated by the City.

M/S/P DeLapp/Dunn – to postpone action on the rezoning of a 6.9 acre parcel at the Northwest corner of Hudson Blvd. and Keats Avenue from RR to LB until the Planning Commission has reviewed the Limited Business zoning standards. (Motion passed 4-0).

### **B. Strategic Planning**

Mayor Hunt and Council member DeLapp discussed meeting to work on a scope document for strategic planning and bring this document back to the Council for review at the March 19<sup>th</sup> Council meeting. Hunt and DeLapp will meet on Monday, February 25, 5:30-6:30 p.m. at City Hall to work on this document.

### **C. OP/PUD Votes**

Council member DeLapp suggested a change in the code requiring 4 votes, instead of 3 votes, for PUD approval because it would provide greater integrity for the process. He asked the Planner to bring this to the Planning Commission for a recommendation.

M/S/P DeLapp/Armstrong – to ask the Planning Commission to review the requirement of a 4 vote supermajority for approval of an OP/PUD. (Motion passed 4-0).

## **10. CITY ATTORNEY'S REPORT: None**



Lake Elmo  
City Council  
February 19,  
2002

Agenda Section: Planning, Land Use and Zoning

No. 9A

**Agenda Item:** Rezoning – MFC Properties

**Background Information for February 19, 2002:**

At its meeting February 11, 2002 the Planning Commission conducted the required Public Hearing; and, unanimously adopted a recommendation to rezone a 6.9 acre parcel located at the Northwest corner of Hudson Blvd. and Keats Avenue from RR (Rural Residential) to LB (Limited Business) based on consistency of the LB zoning with both the 1997 and the 2000 Land Use Plan. No party, other than a representative of the property owner, appeared at the Public Hearing; and, no Hearing testimony was presented. This action is related to the recent approval of a Minor Subdivision which created the subject vacant parcel.

State Law requires land to be zoned consistent with an adopted Land Use Plan within 9 months of adoption of such plan.

**Action items:**

Motion to adopt Ordinance #98 - , approving rezoning of a 6.9 acre parcel at the Northwest corner of Hudson Blvd. and Keats Avenue from RR to LB, based on the consistency with the Land Use Plan and the recommendation of the Planning Commission.

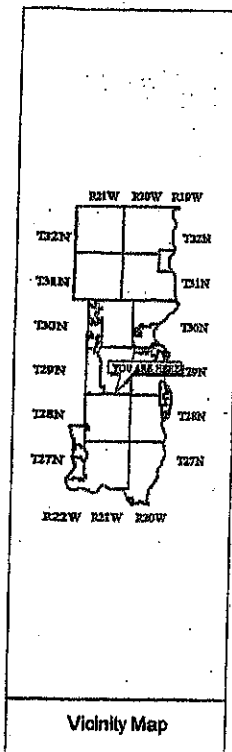
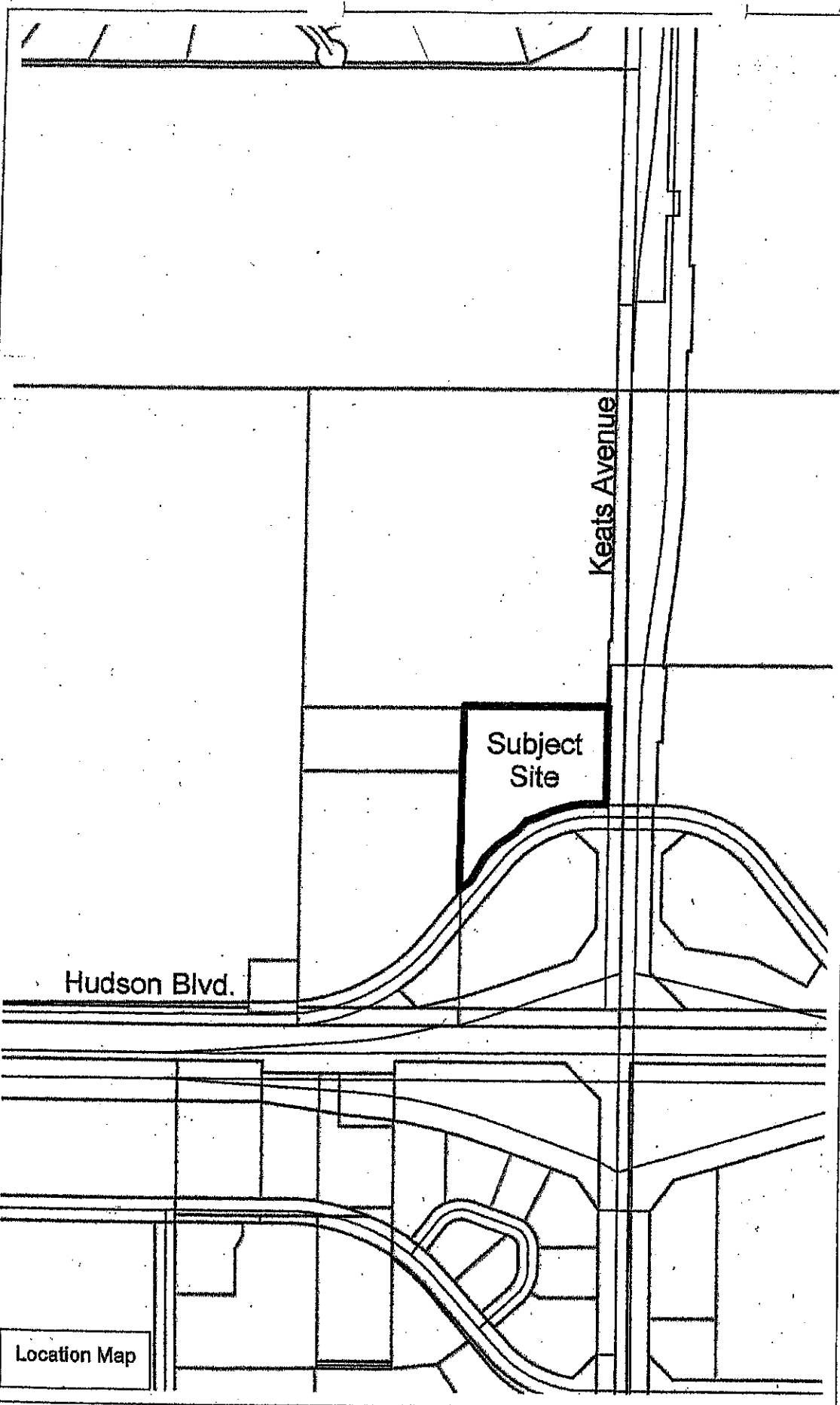
**Person responsible:**

  
City Planner

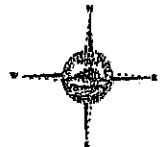
**Attachments:**

1. Draft Ordinance #98 --, Approving Rezoning
2. Location Map
3. Draft Planning Commission Minutes of February 11, 2002

**Time Allocated:**



Vicinity Map

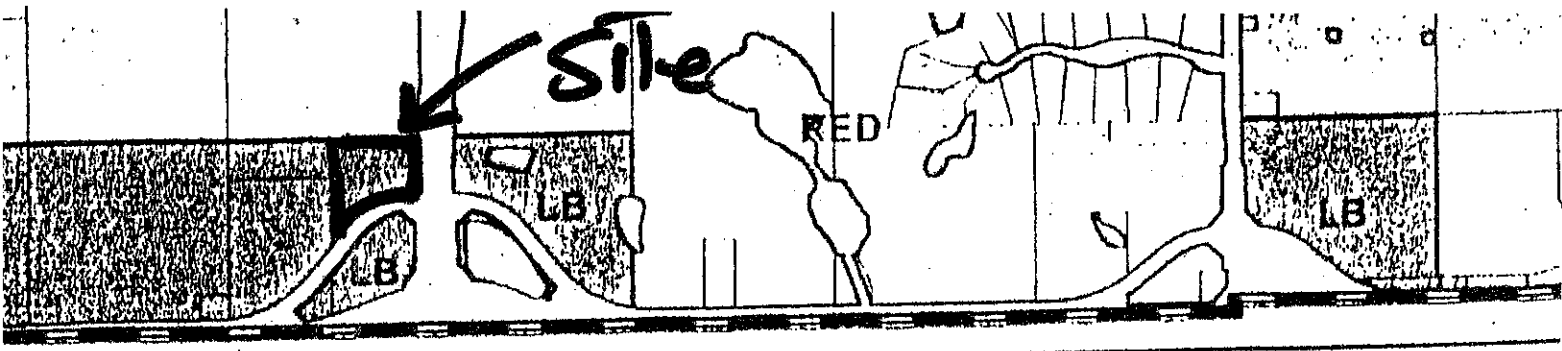


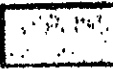




Location Map

This drawing is the result of a compilation and reproduction of field records as they appear in various of Washington County offices. The drawing should be used for reference purposes only. It is not intended to be used as evidence for any legal matter.

Surveyed by Washington County Surveyor's Office, Parcel Q# 15-04-0415

Parcel data based on Aerial Information current through December 31, 2001. Map printed February 6, 2003.



Agricultural Districts:	Acres:	Percent:
 RAD - Rural Agricultural	5173.16	33.58%
<b>Other Districts:</b>		
 P - Public/Quasi Public	3070.53	19.93%
 Water	1342.25	8.71%
 Right-of-Way	995.44	6.46%
 RR - Railway	63.19	0.41%
<b>TOTAL:</b>	<b>15406.77</b>	<b>100.00%</b>


1997 Land Use Plan

Planning Commission Notes: Monday, February 11, 2002

3. Public Hearing: Rezone MFC Properties, LP 6.9 Acres  
(RR to LB)

Chairman Armstrong opened and closed the comment portion of the Public Hearing at 7:36 p.m., NO COMMENTS.

M/S/P Deziel/Bunn to recommend the City Council approve Ordinance No. \_\_\_\_ Amending Section 300.07 "Zoning District Map" rezoning a 6.9 acre parcel of land from Rural Residential (RR) to Limited Business (LB), based on consistency with the Comprehensive Plan. (Motion Passed 9-0).

<b>Lake Elmo City Council June 15, 2004</b>	<b>Agenda Section: Planning, Land Use &amp; Zoning</b>	<b><u>No.</u> 9D</b>
<b><u>Agenda Item:</u> Fence Moratorium Amendment</b>		
<p><b><u>Background Information for June 15, 2004:</u></b></p> <p>The prospective purchaser of the residence at 975 Jewel Avenue North has requested an amendment to the Fence Moratorium that would permit the City to issue a permit for a fence at that location based on extenuating medical circumstances. The fence proposed is a 5 or 6 foot chain link, black in color. Based on that description, it appears that the fence would comply with the new fence standards that the Council has prescribed, and which will be considered by the Planning Commission at Hearing later in June.</p> <p>We have attached a draft Ordinance amending Ordinance No. 97-129 to specifically remove the property at 975 Jewel Avenue from the Fence Moratorium, but only with respect to a fence permit that would be issued to Ms. Addington as owner of the property; and, only for a fence as described in Ms. Addington's received by the City on June 4, 2004. No other fence permit applicant or fence design would be eligible for a fence permit at this or any other location.</p>		
<p><b><u>Action items:</u></b></p> <p>Motion to adopt Ordinance NO. 97-<sup>133</sup>, Amending Ordinance No. 97-129 regarding 975 Jewel Avenue North.</p>	<p><b><u>Person responsible:</u></b></p> <p>City Planner </p>	
<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Draft Ordinance No. 97-133</li> <li>2. Location Map</li> <li>3. Addington Letter</li> <li>4. Ordinance No. 97-129</li> </ol>	<p><b><u>Time Allocated:</u></b></p>	

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

**ORDINANCE NO. 97-133**

**AN ORDINANCE AMENDING ORDINANCE NO. 97-129 ADOPTING THE  
DEVELOPMENT MORATOIRUM  
RELATING TO THE CONSTRUCTION OF FENCES**

**1. Amendment:** Pursuant to Section 1360.07, Subd. F of the Lake Elmo Municipal Code is hereby amendment as follows: to wit

The Lake Elmo City Council by amendment to this Ordinance removes the residence at 975 Jewel Avenue North from the Development Moratorium relating to the construction of fences based on extenuating medical circumstances, and subject to the following conditions:

1. That a fence permit be authorized to be issued only to Chris Addington as the owner of 975 Jewel Avenue North.
2. That a fence permit be issued only for a chain link fence, black in color, not to exceed 6 feet in height, (as described in Ms. Addington's letter received by the City on June 4, 2004.)

**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 15<sup>th</sup> day of June, 2004.

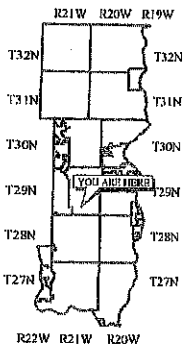
\_\_\_\_\_  
Lee Hunt, Mayor

ATTEST:

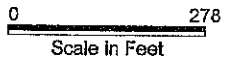
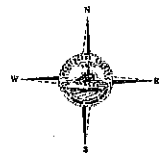
\_\_\_\_\_  
Martin J. Rafferty  
City Administrator



Location Map



Vicinity 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 (951) 430-6875  
Parcel data based on A8400 Information

RECEIVED  
JUN 04 2004

*Chris Addington R.N.*

2612 St. Anthony Blvd.  
St. Anthony Village, MN.  
55418-3156  
612-788-5331  
Fax 612-788-5675

*ChrisSugarPlum@aol.com*

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***Dear Mr. Mayor and City Council members,***

***I am very serious about purchasing a home in your exceptional community at 975 Jewel Ave. No. Currently I am a resident of St. Anthony Village, where I have owned my home for the past 20 years. I am a Registered Nurse who retired in 1998 after 28 years as an Operating Room Specialist and Head Nurse. I sustained a serious injury that has required 11 spine operations, foot surgery, a fractured leg and intra-ocular implants in both eyes. I am permanently and totally disabled by the Court and on Social Security disability. My most recent operation in January of 2004 confined me to a wheelchair for 3 months. Although I am presently doing well, the possibility of more spine surgery and eye surgery is a very likely possibility. The reason for a move from my present home is to have one floor living and wheelchair accessibility.***

***I also own 2 Siberian Huskies, ages 6 and 10, that are spayed and neutered. They were bred at a show kennel in Illinois and are my own personal therapy dogs. The Siberian Husky is a wonderful breed but should never***



*be allowed off leash and the Siberian Husky Club of America will not allow their ethical breeders to sell a dog to anyone without a minimum 5 foot fence in their yard. Invisible fencing is not an option for a breed that has a tendency to run and escape. I am an extremely responsible pet owner and will provide you with many letters of recommendation from current neighbors. My dogs are indoor pets but do, of course, need access to an outdoor area.*

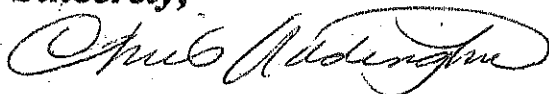
*Because of my disability, I cannot purchase any home that I could not immediately fence. My plan is for a black, 5 or 6 foot chain link, in a portion of the back yard only.*

*I will be attending your June 15th Council meeting and provide you with a sample of the fence material and respectfully request permission to install fencing immediately, if I am able to purchase the home at 975 Jewel Ave. No. I will also provide you with proof of disability, pictures of my dogs and a drawing plan for the fencing.*

*I would be coming into your community with outstanding personal and professional references and I believe I would be an asset to the City of Lake Elmo. My involvement in the St. Anthony Village community has been recognized by City officials and my home has been well maintained and respected by neighbors.*

*Thank you very much for your consideration and I am looking forward to introducing myself to you.*

*Sincerely,*



CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA

ORDINANCE NO. 97-129

AN ORDINANCE ADOPTING A DEVELOPMENT MORATORIUM  
RELATING TO THE CONSTRUCTION OF FENCES

The Lake Elmo City Council hereby ordains that Section 1360.07 and its subdivisions shall be added to the Lake Elmo Municipal Code to read as follows:

"Section 1360.07

- A. Recently the City has become aware that its current fence regulations have required an unusual amount of interpretation. The City has undertaken a study to determine whether new fence regulations should be adopted.
- B. The Lake Elmo City Council has requested its Planner and Planning Commission to review current fence regulations and propose revisions. New regulations have been drafted and are being reviewed.
- C. Pending the completion of the review process, the Lake Elmo City Council has determined that it would be in the public's interest to impose a development moratorium on the issuance of new fence permits.
- D. In order to achieve the above objective, a development moratorium is hereby imposed prohibiting the construction of all fences on property within the City of Lake Elmo, except for those fences required by the State Building Code for safety purposes.
- E. This moratorium shall be in effect for six (6) months from the date of publication of this Ordinance, unless terminated by prior action of the Lake Elmo City Council.
- F. The Lake Elmo City Council may, by amendment to this Ordinance, remove specific parcels from the moratorium if proposed fences will comply with anticipated new regulations, or repeal the moratorium in its entirety.

**ADOPTION DATE:** Passed by the Lake Elmo City Council on the 18<sup>th</sup> day of May, 2004.

Lake Elmo  
City Council  
June 15, 2004

Agenda Section: CITY ADMINISTRATOR'S REPORT

No. 11A.

**Agenda Item: Council Committee Reorganization**

**Background Information for June 15, 2004:**

At the last Council meeting a vote to restructure Council Committees was approved. Four items remain to be completed for the new committee structure to take place. These items include:

- Council members to suggest which committees they would prefer to be members.
- Council members to suggest which committees they would prefer to be Chairperson.
- A finalized slate of Committee Members and Chairpersons to be voted and approved.
- An agreement on the proposed date of each month establishing committee days and times (proposed for Tuesday and Wednesday the week before the last Council meeting of the month).

The following Council members have requested these committee assignments:

- Steve Delapp (1) Public Works (2) Public Health And Safety
- Sue Dunn (1) Public Works (2) Public Health And Safety
- Dean Johnston (1) Finance (2) Public Health and Safety
- Wyn John (1) Public Works (2) Public Health and Safety

Attached find the organizational chart for the creation of three specific Council Committees. As you will recall, the purpose of the creation of the committees is to develop ongoing scheduled council work sessions, in specific subject areas, where each of the established ad hoc committees created by council may report progress on mission and tasks, as well as, make recommendations that can be comprehensively reviewed by the established council committee. Currently defined ad hoc committee/commission structures are working entities of the defined home committee as shown on the organizational chart. Each of the three committees would request ad hoc committees/commissions assigned to accomplish certain tasks as related to Council Committee goals. Each of the three Council Committees would review, report, inform and recommend to Council for those items requiring action by the entire City Council. Each of the defined council committees would be composed of two Council Members, the Mayor and the City Administrator or staff designee.

The Planning Commission would continue to report their decisions, findings and recommendations directly to the Council as a whole.

City staff departments would also report to their designated home committee, as determined by the Administrator.

Meetings would be scheduled, at a minimum of, monthly on the preceding week of the last Council meeting scheduled in a month. Additional meetings could be added, as needed, as determined by the committee depending upon work flow.

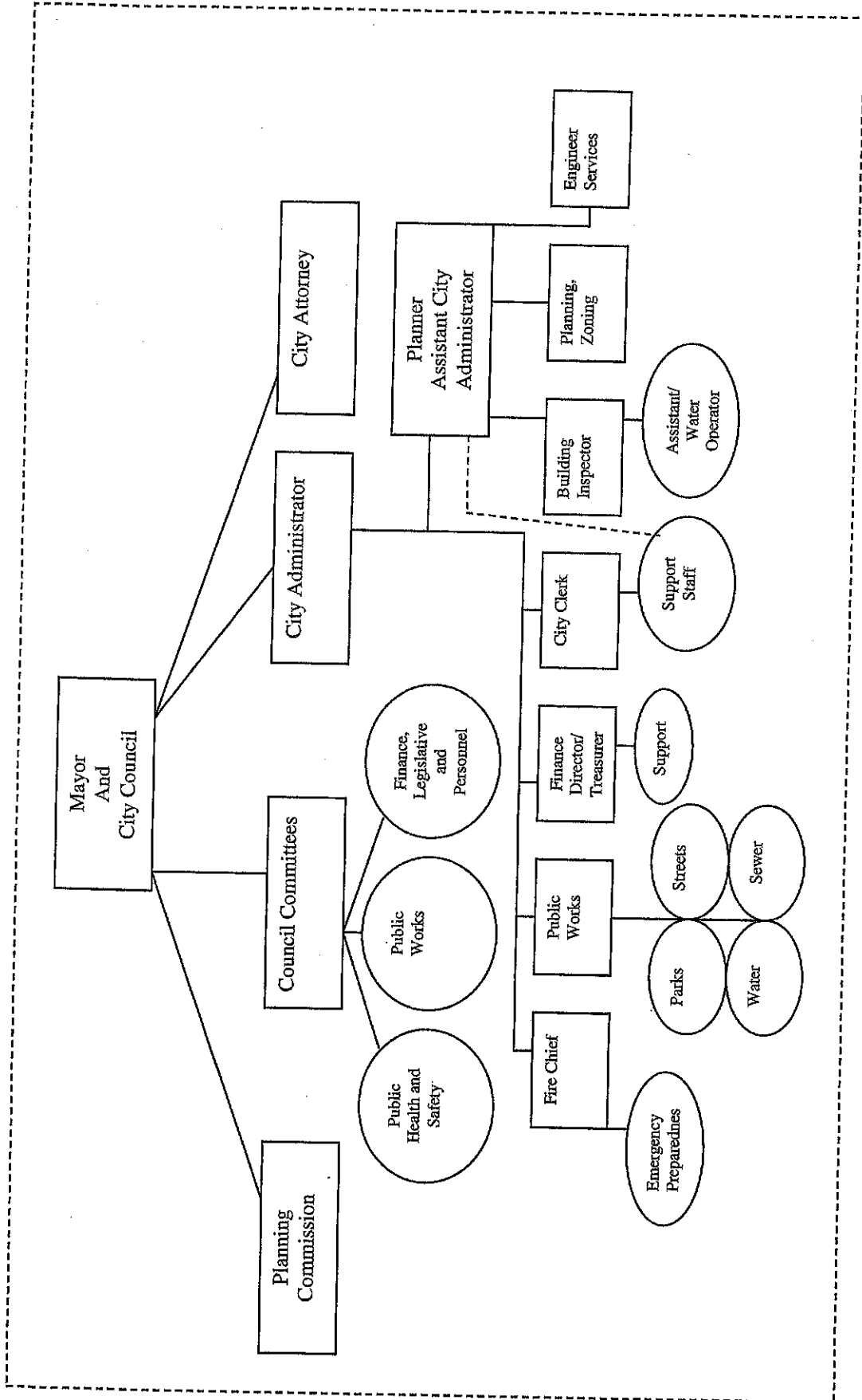
**Action Items:**

A resolution establishing Council Committee Members, Chairperson's and date and time.

**Person responsible:**

**Attachments:**

Council Committee Org Chart Approved



# July 2004

## COUNCIL CHAMBERS

July 2004							August 2004						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
4	5	6	7	8	9	10	1	2	3	4	5	6	7
11	12	13	14	15	16	17	8	9	10	11	12	13	14
18	19	20	21	22	23	24	15	16	17	18	19	20	21
25	26	27	28	29	30	31	22	23	24	25	26	27	28

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
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Independence Day (Observed)

7:00pm Council

7:00pm Valley Branch Watershed District

1:00pm Friends of the Library

7:00pm Planning Commission

7:00pm Public Works Committee

7:00pm Public Health, Safety  
7:45pm Finance, Legal, Legislat  
Personnel

7:00pm Parks Commission

7:00pm Council

7:00pm Valley Branch Watershed District

7:00pm Planning Commission

Lake Elmo  
City Council  
June 15, 2004

Agenda Section: CITY ADMINISTRATOR'S REPORT

No. 11B.

Agenda Item: Highway 5 and 31<sup>st</sup> Traffic Issue

Background Information for June 15, 2004:

At the last Council meeting, Roger Linnell, a resident alerted Council to a traffic safety issue on West Highway 5 at 31<sup>st</sup> where four lanes reduce to two lanes as you travel easterly. Some of the problems identified were speeding and passing on the shoulder on the two lane section. Council asked the Administrator to review and report on the issue at this Council meeting.

I visited the location, on several evenings during the rush hour period, and did see the traffic related issues described by the resident.

I contacted the Sheriff's office and was directed by the Chief Deputy Steve Pott to work with Commander Tuthill who is responsible for law enforcement deployment within and around Lake Elmo area. The Commander was very responsive and agreed to address the issue. He evaluated the situation and reported back to me of a planned cooperative strategy with MN State Patrol. Some of the strategies include the use of their speed sign trailer, increased directed patrol/enforcement in the area, the placement of larger signs (no passing on the shoulder) as well as to participate in some meetings with MN DOT planning department.

I also contacted several MN DOT officials to determine future planned improvements, as well as, to schedule a meeting to begin planning for future planned improvements. The meeting is scheduled for June 18<sup>th</sup> at city hall.

Action Items:

Council Update

Person responsible:

Martin Rafferty, City Administrator

Attachments: